LEGISLATIVE COUNCIL

Tuesday, November 27, 1973

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

ROYAL ASSENT

The PRESIDENT: I draw honourable members' attention to two proclamations in the *Government Gazette* dated November 22, 1973, notifying Her Majesty's assent to the Constitution Act Amendment Bill (Franchise) 1973, and the Constitution and Electoral Acts Amendment Bill (Council Elections), 1973, which fixes November 22, 1973, as the date on which both Acts shall come into operation.

QUESTIONS

MINISTRY

The Hon. R. C. DeGARIS: I seek leave to make an explanation prior to asking a question of the Chief Secretary, as Leader of the Government in the Council.

Leave granted.

The Hon. R. C. DeGARIS: Mr. President, the announcement you have just made raises several important points regarding the work of those honourable members who have been elected to serve in the Legislative Council. I stress two points to the Chief Secretary: first, the Government has announced that it intends to appoint an extra Minister because of the work load of the present Ministry. Now that the franchise for Legislative Council members is the same as that for House of Assembly members, I ask the Chief Secretary whether the Government will ensure that the extra Minister will be a member of the Council; and secondly, regarding privileges (although I will not point out all the privileges I have in mind), I point out one, namely, the telephone charges to members who will now be representing the whole of the State, and ask whether the privileges available to Council members will be the same as those that are extended to House of Assembly members.

The Hon. A. F. KNEEBONE: As these are policy matters that will have to be discussed in Cabinet, I will take the honourable member's request to Cabinet for a full discussion and bring down a reply.

SAUSAGES

The Hon. V. G. SPRINGETT: Has the Minister of Health a reply to my question of November 13 regarding the quality of sausages?

The Hon. D. H. L. BANFIELD: All foods are required by section 22 of the Food and Drugs Act to be of "the nature, substance, and quality demanded by the purchaser or which the vendor represents it to be or which it purports to be". Sausages designated as pork, beef, mutton, should be made from these respective kinds of meat, and persons misrepresenting them are liable to prosecution. Following serological examination of sausages in August, 1972, the meat trade was advised by the Metropolitan County Board of the need to correctly represent or label sausages, and discussions between representatives of the board, the Public Health Department and the meat trade took place regarding the kinds of meat to be present in various types of sausage.

The representatives of the meat trade undertook, following discussions at a Federal conference, to make representations to the Food and Drugs Advisory Committee for amendments to the food and drugs regulations considered by it to be appropriate. To date, no further approach has been made to the committee. The regulations are being enforced by local authorities, with the following results: During 1972 local authorities took 32 samples of sausages, of which 17 failed to meet the standard. Subsequently seven vendors were prosecuted, six were warned, and the results of four cases have not been advised to the Public Health Department. So far this year 35 samples of sausages have been taken, of which 23 failed to meet the standard. Subsequently eight vendors have been prosecuted, two warned, and in 13 instances the outcome is not yet resolved.

PASSENGER BUSES

The Hon. C. M. HILL: Has the Minister of Health received from the Minister of Transport a reply to my recent question regarding safety restrictions on passenger buses?

The Hon. D. H. L. BANFIELD: The Minister of Transport reports that the present legislation relating to the licensing and inspection of passenger buses is currently being reviewed. At this stage it is not possible to indicate whether any legislative or administrative changes can be expected. However, if at the conclusion of the current considerations alterations are deemed necessary, an appropriate announcement will be made.

SCHOOL GRANTS

The Hon. M. B. CAMERON: Has the Minister of Agriculture received from the Minister of Education a reply to my recent question regarding school grants?

The Hon. T. M. CASEY: Expenditure by the Australian Government on disadvantaged schools will not be confined to the metropolitan area, and there is no question of discrimination against country schools. The list of disadvantaged schools in the metropolitan area was the first prepared, but a similar list is being drawn up for country schools.

RESIDENTIAL DEVELOPMENT

The Hon. JESSIE COOPER: During the Appropriation Bill debate I asked the Chief Secretary a question concerning the $15 140 voted for residential development. Has he now a reply to that question?

The Hon. A. F. KNEEBONE: Residential development refers to the Menzel projects at East Terrace, in relation to which the Government has agreed to make a capital grant of $15 140 to Messrs. O. C. & S. W. O. Menzel. An agreement between Messrs. Menzel, the Adelaide City Council and the State Government provides that the Government and the council will share equally in providing a subsidy on the rate remissions enabling economic constructions at the sites 232-247 East Terrace, as follows: the amount of Government assistance to be a capital grant of an amount equal to the difference between the water and sewer rates payable on the present assessment and the rates payable on the estimated assessment, for a period of five years, the amount being calculated as follows:

	$
Rates on estimated assessed value of $25 000 at 14.25c in the dollar	3 562
Less rates on present assessment of $3 750	534
Annual difference	$3 028
Difference over five years	$15 140

PARINGA BRIDGE

The Hon. M. B. DAWKINS: Has the Minister of Health received a report from the Minister of Transport in reply to the question I asked on November 6 regarding the Paringa bridge?

The Hon. D. H. L. BANFIELD: The Minister of Transport reports that the accident at Paringa bridge occurred on November 4, 1973, when a loaded semi-trailer, out of control, struck the guard rail on the approach to the bridge, veered across to strike the kerbing opposite, and then swung back to break through the bridge railing and plunge into the river. This type of accident could occur on a new bridge. Widening of the present bridge is not practicable, and to construct a new bridge could be expected to cost about $1 500 000. Within the overall priority of needs for expenditure on roads and bridges, funds of this magnitude are not presently available for this particular work.

MONARTO

The Hon. M. B. CAMERON: I seek leave to make a statement prior to asking a question of the Chief Secretary, representing the Minister of Development and Mines.

Leave granted.

The Hon. M. B. CAMERON: A recent newspaper article, summing up a report by P. G. Pak Poy and Associates, the consultants on the Monarto project, stated that three problems existed in relation to the Monarto site: first, the electricity high-tension power line from Adelaide to the South-East, which passes through Murray Bridge; secondly, the Onkaparinga to Murray Bridge water main; and thirdly, the Monarto-Sedan railway. These facilities bisect the site in one way or another. Indeed, the main goes through the middle of the site and constitutes some problem. My questions are these: first, were these problems taken into account when the site for Monarto was chosen; secondly, what action does the Government intend to take in relation to each of these facilities, especially the water main which dominates the landscape? I understand the estimated cost of moving the main is $2 500 000.

The Hon. A. F. KNEEBONE: I will refer the honourable member's question to my colleague and bring down a reply as soon as it is available.

SOUTH-EASTERN DRAINAGE

The Hon. R. C. DeGARIS: Has the Minister of Lands a reply to my recent question regarding South-Eastern drainage?

The Hon. A. F. KNEEBONE: The question consisted of a number of parts and was directed to the Minister of Agriculture, representing the Minister of Works. However, some of the questions come within my portfolio and for that reason I am replying to those questions. A reply from the Minister of Works will be available at a later date. The questions were based on resolutions passed at a recent meeting of United Farmers and Graziers of South Australia Incorporated at Kalangadoo. As South-Eastern drainage comes within my portfolio as Minister of Irrigation I have prepared answers to the resolutions dealing with this subject:

1. The South-Eastern Drainage Appeal Board does not record whether its decisions are unanimous or by majority. Information in respect of land that is declared non-ratable upon appeal is to be shown on plans to be deposited in the Central Plan Office, Lands Department. These plans are for public examination. The South-Eastern Drainage Board will forward a copy to each successful appellant landholder showing the lands which the South-Eastern Drainage Appeal Board declares non-ratable. The South-Eastern Drainage Board in its notice describes the type of land that has been declared non-ratable.
2. There is no provision in the Act.
3. I have already approved payment of interest from 12 months after date of payment of those amounts of rates which become refundable following successful appeal to the South-Eastern Drainage Appeal Board.
4. It is not proposed to abolish rating in terms of the South-Eastern Drainage Act.
5. It is usual for representatives of organizations to be involved in either framing the form of legislation or in considering the draft Bill. The 1971 amendments to the South-Eastern Drainage Act were drafted after a number of conferences between landholder representatives in the South-Eastern drainage area and my officers.

MURRAY RIVER IRRIGATION

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply to the question I asked recently of the Minister of Works regarding Murray River irrigation?

The Hon. T. M. CASEY: My colleague, the Minister of Works, has provided me with the following additional information:

As stated previously the *ad hoc* committee formed will report on the application rate for water used for irrigation for each type of planting for the converting of licences from an acreage to a quantitative basis. This will not be the maximum quantity of water that a divertee can use but any amount in excess of this will be charged for on a sliding scale commensurate with the amount of the excess.

The penalties for use of excess water are set high to deter its use and if it is found that people are continually using excess water it may be necessary to review these rates. It is also pointed out that if any licensee diverts excess water in any area, the Minister, in addition to recovering the rates therefor, may if issuing a licence for the succeeding year reduce the licensee's water allocation for such succeeding year by the amount of excess diverted.

No minimum quantity to be diverted will be stipulated but obviously if a divertee consistently uses less than the allocation through non-irrigation development the Government must reserve the right to review the allocation with the object of either cutting down on the State overcommitment or reallocating to other divertees as the case may be.

The present estimate of water usage is that the State is overcommitted by 125 000 Ml on the irrigation component of its quota. A more accurate assessment of the overcommitment will not be possible until the metered supply system has been in operation for several years and then any decision will have to be made by the Government of the day bearing in mind the other water usages and the extra allocation due to Dartmouth dam.

All irrigators will have an individual meter where it is practical to install one but the question of whether they can use excess water during periods of high river flows will be considered by the committee and reported on to the Minister.

MINERAL EXPLORATION

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to a question I asked recently about mineral exploration?

The Hon. A. F. KNEEBONE: The annual report of the Mines Department shows that, although there was only a small decrease in the total expenditure on mineral exploration in this State in the last 12 months, there was a decline of 50 per cent in forward exploration work. Preliminary estimates suggest that exploration expenditures in the State in this year will be down 12½ per cent and that the number of exploration licensees will decline by 10 per cent. The honourable member will be aware that, only a short time ago, there was a boom in mining shares on the Stock Exchange. The decline in this activity was bound to have some effect on the availability of risk capital for mining exploration. It cannot, however, be denied that the industry has been slow to adjust to the new rules laid down by the Australian Government.

ROAD TRAFFIC ACT AMENDMENT BILL (WEIGHTS)

Adjourned debate on second reading.

(Continued from November 21. Page 1855.)

The Hon. R. A. GEDDES (Northern): This is a Committee Bill and, as the Council is well aware, several amendments are on file. However, it would be remiss of me if I did not at this stage comment on the excellent report of the Flint committee on commercial road transport, compiled for the benefit of the industry throughout the State and for members of Parliament. It was a large committee, comprising 14 members, and one can well imagine that the Chairman, Mr. A. G. Flint, would have needed the patience of Job to get satisfactory conclusions to the various problems and interests that that large committee investigated. New section 126 (2) provides:

> The braking system of a vehicle must comply with the requirements of the regulations both in relation to its design and construction and in relation to its performance and effectiveness.

Other honourable members have already said that this Bill is designed to improve road safety and the safety of the community generally. How do regulations laying down the requirements for braking systems in South Australian trucks mesh with regulations applying to trucks that come to South Australia from other States? Can the Minister say whether the regulations that will be introduced under this new subsection will be similar to the types of control with which truck operators in other States have to comply? If we in South Australia provide for efficient braking systems in our trucks but interstate trucks come here with less efficient braking systems, not only are the interstate operators not complying with the South Australian law but also we are not achieving what we want to achieve.

Many honourable members and many members of the community have raised questions about the membership of the advisory committee that will help the Registrar of Motor Vehicles in ascertaining the gross combination weight limit of vehicles. The industry recognizes that there should be an advisory committee to assist the Registrar, but some organizations believe that they should be represented on the committee so that they can watch their interests. For example, many people believe that the Road Transport Association, representing operators of heavy transports in South Australia, and primary industry should be represented on the committee. New section 147 (5), which is the nitty gritty of the matter, provides:

> On or after the first day of January, 1975, the aggregate weight on all axles of a motor vehicle and on the axles of any vehicle or vehicles drawn by that motor vehicle—
>
> (*a*) where the motor vehicle is registered in this State must not exceed by more than twenty per centum the gross combination weight limit applicable to that motor vehicle.

This provision brings into the net the small vehicles of primary producers and small trucks of hire-and-reward operators, and it lets out completely, because of the size of the vehicles, the large road hauliers with semi-trailers. We must recognize the need for perishable goods to be carried efficiently.

Clause 12, to which I have an amendment on file, deals with weighbridges. Honourable members have been told that certain weighbridge operators on occasions, where the weighbridge itself is large enough to take semi-trailer bogies have refused to allow the combination of bogies to be weighed and have insisted that each axle be weighed separately. Apparently, this operation creates anomalies in weighing the axle load because truck operators can, on occasions, be proved to be breaking the law regarding load limits.

My amendment, which I hope will be accepted, provides that, where a weighbridge is of sufficient size or length, joint bogies of semi-trailers shall be weighed together. This amendment will remove the anomaly previously mentioned so that weighbridge operators and truck drivers will have no excuse for being difficult. Of course, road transport operators would wish to see every weighbridge in this State at least 55ft. (16·8 m) long so that the entire vehicle can be on the weighbridge during the weighing operation. The average length of semi-trailers is about 47ft. (14·3 m).

I realize that the Highways Department cannot be expected to erect massive weighbridges immediately because of the excessive cost involved and also because many excellent weighbridges have been installed in the last few years, which should be sufficient for the immediate needs of the industry so long as there is a rational approach in the way weighbridge operators allow bogie units to be weighed. In conclusion, one must wonder where the motor industry is heading in future. I say this because of the serious energy crisis that has occurred in recent months in the Middle-East, a crisis indicative of many unknown problems. When one considers the range and volume of goods carried by motor trucks across this State's roads (both interstate and intrastate), one wonders whether those who were critical of the railway system will support that system with open arms. Those who wish greater relief from this type of legislation will find it is possible that they will not be able to make full use of their trucks in the future. This problem can only be dreamt about now. From reports we read, it seems that the crisis may well grow quickly and have serious consequences. With those few comments I support the second reading of the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

New clause 3a.

The Hon. C. M. HILL: I move to insert the following new clause:

> 3a. Section 11 of the principal Act is amended by inserting after paragraph (*c*) the following paragraph:
>
> (*d*) a person representative of the interests of primary industry nominated by the Minister of Agriculture.

Section 11 of the principal Act deals with the Road Traffic Board, which consists of three members—one, I understand, is a nominee of the Commissioner of Highways, the second member is the Commissioner of Police or a nominee of the Commissioner, and the third member is a representative of local government interests nominated by the Minister. The new clause would add a fourth member to the board. The Bill concentrates on three headings, namely, the speed of heavy vehicles, gross vehicle weights, and braking systems. The last mentioned matter is to be covered by regulations.

People in the primary sector have made representations and have pointed out that, whereas most of them as landowners have trucks, they are in a somewhat peculiar situation: they are not owners of commercial vehicles; they are not commercial vehicle operators; and they do not have an association, such as the South Australian Road Transport Association, to protect their interests.

Their principal business is that of working the land, and it is only as part of that work that they own and drive trucks. In many cases, their trucks are in the lower weight category, and honourable members know that that group of trucks is heavily hit by the legislation, compared

to heavier vehicles. These people would be much happier with their future, on the whole question of control, if they knew that someone on the board had intimate knowledge of their affairs from the point of view of a primary producer. The new clause does not stipulate in any narrowly defined manner who the nominee might be. It is left very broad, in that the new clause states that he should be a representative of the interests of primary industry.

The new clause does not suggest that one of the large primary producer organizations should make the nomination. I suggest that the Minister of Agriculture ought to be given that opportunity. I do not think that a charge could be laid that this is being narrowed down too much, and I trust that the Minister will agree that these people deserve some special treatment. Many of them have trailers on their farms. They are concerned because they fear in the future that the braking systems they may have to install might be expensive and not altogether necessary. If someone on the board had knowledge of their point of view they would feel much happier. The board's final deliberations would be much fairer than they might be if the board remained in its present form.

The Hon. D. H. L. BANFIELD (Minister of Health): The board has very wide powers affecting the whole spectrum of road traffic. Every sector of the industry is affected one way or another by the board's actions, and it would be unreasonable to favour any one sector with direct representation. The board administers dimension limits and axle load limits, and the Government is satisfied that it acts completely impartially. The Government is confident that, under this legislation, the board will discharge its duties in a similarly impartial manner. Therefore, I cannot accept the amendment.

The Hon. M. B. DAWKINS: I support the amendment. The Minister said that the board has wide powers in the administration of the Road Traffic Act. Therefore, I believe that it should be more widely representative than it is now. For a long time the board's activities were confined largely to the urban areas and did not impinge on rural areas to any great extent. This legislation will have wide application throughout the State, including rural areas. Therefore, I believe that the new clause could only improve the board's general representation and add to the board's knowledge, particularly with regard to this legislation. I hope the Minister will ask the Government to reconsider its position on what I believe is a very reasonable proposition.

The Hon. A. M. WHYTE: The primary industry, for which the new clause seeks a representative, is a large one. The board will no doubt be questioned, and a primary producer representative nominated by the Minister would be a negotiating point between the Government and primary industry. I support the amendment.

The Hon. M. B. CAMERON: I support the amendment. The board will make decisions which, if the Bill is passed in its present form, will affect primary industry drastically. The Minister had a primary industry representative on the advisory board that resulted in this legislation, and that surely indicates that some primary industry representation is needed on the board.

The Hon. D. H. L. BANFIELD: Much as I would like to accept the amendment, I cannot. If the Minister of Agriculture was to appoint a representative of the wine industry, there would be an outcry.

The Hon. M. B. Cameron: That's a primary industry.

The Hon. D. H. L. BANFIELD: Yes. Because of the difference of opinion of honourable members regarding the suitability of a winegrower as a candidate, I cannot accept the new clause.

The Committee divided on the new clause:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill (teller), F. J. Potter, and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield (teller), T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone, and Sir Arthur Rymill.

Pair—Aye—The Hon. V. G. Springett. No—The Hon. A. J. Shard.

Majority of 4 for the Ayes.

New clause thus inserted.

New clause 3b—"Procedure of Board."

The Hon. C. M. HILL: I move to insert the following new clause:

3b. Section 12 of the principal Act is amended by inserting in subsection (4) after the passage "two members of the Board" the passage "or, in the case of an equality of votes, concurred in by the chairman or acting chairman and one other member".

This new clause is consequential on the one that the Committee has just passed. It relates to voting numbers now that the membership of the board has been increased.

The Hon. D. H. L. BANFIELD: Although this is a consequential amendment, I cannot accept it.

New clause inserted.

Clauses 4 to 9 passed.

Clause 10—"Interpretation."

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

In new section 146 (3) to strike out "The" first occurring and insert "Subject to subsection (3*a*) of this section, the"; and to insert the following new subclause:

(3*a*) At least one member of the advisory committee must be a person representative of the interests of primary industry nominated by the Minister of Agriculture.

My amendments deal with the advisory committee that will be set up to advise the Registrar of Motor Vehicles on the gross vehicle weight limits of heavy vehicles affected by the Bill. There is an understanding that the manufacturers' specifications will be accepted by the Minister and that the normal tolerance, which the Bill sets at 20 per cent, will be agreed to on top of any figure established by the Registrar of Motor Vehicles. The Registrar will determine his own figure after being advised by the advisory committee.

For reasons similar to those I gave when moving my previous amendment regarding the number of members on the Road Traffic Board, those in the rural sector consider that they should have some representation on this committee. I therefore hope the Minister will realize that these people are not commercial truck operators but merely those who own a truck for general farm use. These people fear the future regarding this legislation—a fear that I think we can all understand. However, those fears would be allayed to a certain extent if these people knew that in the portals of power where these decisions are made there was someone whose voice could be heard and who had a close knowledge of their problems.

The Minister has not said whom he intends to put on the new board. Indeed, I do not think it is even stated how many persons shall comprise the committee. The Minister has left the situation wide open, for which I do not criticize him, as this is a wise precaution. My amendments merely attempt to ensure that at least one person on the board will have an intimate knowledge of

the problems associated with those on the land who own and use a truck.

The Hon. Sir ARTHUR RYMILL: I have no objection to these amendments, although I voted against the previous one. I seemed to be the odd man out on this side of the Chamber on the last occasion. I have had considerable association with the Road Traffic Committee; indeed, I moved the amendment that got a member of local government appointed to it. It is a highly specialized committee of experts, and I voted against the previous amendment because I considered that the committee was not the place for a primary producer. This, however, is an advisory committee, and primary producers are very much affected by it. Under subclause (3) the Minister may appoint an advisory committee consisting of such members as he thinks fit. I presume that means any number and any type of persons. The object of the amendments is to include the primary producer because he is especially affected. I support the amendments.

The Hon. D. H. L. BANFIELD: These amendments are not acceptable to the Government, for reasons I have already stated in relation to the Road Traffic Board. The Government intends that one member of the committee shall be representative of trucking interests generally, and it is not prepared to limit the representation to one specific sector.

The Committee divided on the amendments:

Ayes (12)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill (teller), F. J. Potter, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield (teller), T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone, and A. J. Shard.

Majority of 6 for the Ayes.

Amendments thus carried.

The Hon. M. B. DAWKINS: The Hon. Mr. Whyte and I have had some consultations, and I believe the amendments I have on file are improved by the amendment which the Hon. Mr. Whyte has on file and which he will be moving shortly. Later, I will take over an amendment he previously intended to move.

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

In new section 147 to insert the following new subsection:

(5a) Where—

(*a*) a vehicle is owned by a person who is engaged in the business of primary production;

(*b*) the vehicle is being used for the carriage of grain or fruit from the land of that person to a point at which the grain or fruit is to be stored or processed, or from which the grain or fruit is to be carried by some other form of transportation; and

(*c*) the distance to be traversed by the vehicle in the carriage of the grain or fruit does not exceed one hundred kilometres;

then the vehicle shall be exempt from the provisions of subsections (4) and (5) while proceeding upon any such journey.

The purpose of my amendment is in line with the comment I made during the second reading debate, when I pointed out the necessity for quick receival of perishable goods in primary industry. All members realize that harvesting of grain, fruit, or vegetables must be done at a time when they are just ready to be harvested. It is just as essential that they be received into the correct type of storage, and quickly.

My amendment will assist this quick turn-around of vehicles and speedy receivals of these perishable commodities. True, there is an exemption clause in the Bill which, to some extent, covers the position but, because it seems that practically every primary producer will be asking for a permit and delays and unnecessary red tape will possibly be involved (as, for instance, in the case of the kangaroos stranded on islands in the middle of the Murray River), I move my amendment.

The Hon. D. H. L. BANFIELD: It is not acceptable that a vehicle carrying a load of grain or fruit is, by virtue of the nature of the load, any safer than a similar vehicle carrying any other load. There is an exemption clause in the Bill, and it is the Government's intention that this be used for granting exemptions in appropriate circumstances. These circumstances would include the gradients on the route to be traversed, the traffic density, and whether the load is to be discharged at the nearest practical point. To maintain reasonable safety standards while vehicles are loaded to an extent greater than 20 per cent over gross vehicle weight and gross combination weight limits, factors of this type must be taken into consideration. Therefore, the amendment is not acceptable to the Government. Whereas we appreciate that on good straight roads there should not be much fear of accidents happening, in other circumstances, on bad roads and with dense traffic, accidents are more likely to happen. The Government, when looking at all the applications for exemptions, will take these matters into consideration; also, it will do it expeditiously and with not too much red tape.

The Hon. M. B. DAWKINS: This amendment is better than the one that I had intended to move. There is a case for this type of vehicle being exempted, and it is much better for it to be done by legislation than, as in other States, by the police saying, "Very well; we will not prosecute you for the next three months." That is a back-door way of achieving what is required here. I prefer to see the legislation as the Hon. Mr. Whyte has it in this amendment. The exemption, of course, refers to those clauses that provide that the weight must not exceed by more than 20 per cent the gross vehicle weight limit applicable to that vehicle. Subsections (4) and (5) set those limits, and the Hon. Mr. Whyte is seeking that the vehicles he has specified shall be exempt from the provisions of those clauses while doing the journeys he mentioned. I support the amendment.

The Hon. G. J. GILFILLAN: Bulk grain is a very safe load to carry because it is compact and, therefore, different from other types of load carried on commercial vehicles. A load of 10 tons (10·16 t) of wheat is probably a much safer load than is 6 tons (6·1 t) of baled hay. Those honourable members of this Council who have had practical experience of driving commercial vehicles know full well that a high load of hay or wool is difficult to control when there is a variation of road camber or there is a strong cross-wind. There is an excellent safety record for loads of grain being carried by commercial vehicles over different types of terrain, and we must rely on the common sense of the driver, for, no matter what the speed limit may be, it can be too high in some circumstances, even under the provisions of this legislation. Vehicles complying with all the provisions of this measure can still be dangerous. I do not expect the amendment to raise any real problem, and it will probably save some Government department a fair amount of work in having to investigate applications and write out certificates for exemption. I support the amendment.

The Hon. R. C. DeGARIS: The point made by the Hon. Mr. Dawkins is valid. An amnesty period has been given, particularly during harvest time, when the Act is not in force, but that is an unfortunate way to overcome an

anomaly. Wheat presents a difficult problem in this regard. I do not know whether or not this is a valid complaint, but it has been drawn to my attention that in the River area, from Renmark to Murray Bridge, trailers are pulled each loaded with about 1·5 tons (1·52 t) of oranges; that is normal procedure. It would be heavy-handed to require those people to ask for an exemption from the board. Has that problem been drawn to the attention of the Government and is it intended that all the people involved in harvests in the River area should be required to seek an exemption for their vehicles?

The Hon. D. H. L. BANFIELD: Yes; this was drawn to the attention of the Government, which thought it would be no hardship to require applications for exemptions to be made. All the relevant circumstances would be considered. It is not expected that an amnesty period will be given in this case. Indeed, it will not be necessary if the grower seeks exemption and it is granted. I assure the Hon. Mr. Gilfillan that in the interests of safety the Government will be happy to consider what he said.

The Committee divided on the amendment:

Ayes (11)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, V. G. Springett, and A. M. Whyte (teller).

Noes (7)—The Hons. D. H. L. Banfield (teller), T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone, Sir Arthur Rymill, and A. J. Shard.

Majority of 4 for the Ayes.

Amendment thus carried.

The Hon. M. B. DAWKINS: I move:

In new section 147 (6) after "writing" to insert "or by notice published in the *Gazette*"; after "class" to insert "or vehicles carrying any class of load"; and after "instrument" second occurring to insert "or notice".

There could be hundreds of applications for exemption under new section 147 (6). As a result of the applications being caught up in the administrative pipeline, the reason for the application could have passed by the time a decision was made. The inclusion in the provision of the words "or by notice published in the *Gazette*" will give the board an opportunity to make a general exemption in connection with a class of commodity. My amendments will enable the board, if it thinks fit, to make a general exemption for certain classes of goods for a specific period and, perhaps, in a specific area.

The Hon. R. A. GEDDES: Instead of replying specifically to a farmer who has applied in writing to the board for an exemption, the board may opt out by publishing a notice in the *Gazette*. Unfortunately, not all primary producers receive the *Gazette*, and the daily press does not always pick out of the *Gazette* what primary industry needs to know.

The Hon. M. B. DAWKINS: The board may decide that it should grant a general exemption, which would be published in the *Gazette*. I do not agree with the view of the Hon. Mr. Geddes that primary industry would not get to know about a notice in the *Gazette*. I cannot believe that the United Farmers and Graziers would fail to observe such a notice in the *Gazette* and publish it in the rural press. Another little empire could be created in connection with the hundreds of separate applications that the board might have to deal with. I am sure that, if the board published a general exemption, it would be publicized quickly and effectively.

The Hon. D. H. L. BANFIELD: I believe that the amendments would lead to great confusion. The board might decide to publish a notice in the *Gazette* one year and then find that its decision was far too wide. Consequently, it might not publish the same notice in the *Gazette* in the following year. However, primary producers, having seen the notice in the *Gazette* in one year, might conclude that it would again be in the *Gazette* in the following year. So, they might be late in submitting applications for exemption. In that case they could be left without any exemption, (*a*) because the board might have believed it went too far the previous year and was not prepared to insert notices in the *Gazette* next year, and (*b*) because the producers believed that it had to occur at some time. I believe this will cause more confusion among producers, and for that reason the amendment is unacceptable.

The Committee divided on the amendments:

Ayes (11)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins (teller), R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (7)—The Hons. D. H. L. Banfield (teller), M. B. Cameron, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone, and A. J. Shard.

Majority of 4 for the Ayes.

Amendments thus carried; clause as amended passed.

Clause 11 passed.

Clause 12—"Measurement of weight."

The Hon. R. A. GEDDES: I move:

In new subsection (2) of section 155 to strike out "it shall not be necessary" and insert "it shall, subject to subsection (2a) of this section, be unnecessary"; and to insert the following new subsection:

(2a) where the person in charge of a weighbridge or weighing instrument proposes to take separate measurements of weight in relation to the axles of a vehicle and the driver, or person in charge, of the vehicle makes a reasonable and practicable request that a separate measurement of weight be taken in relation to a certain group of axles, the person in charge of the weighbridge or weighing instrument shall comply with that request.

As I said in my speech on the second reading, some complaints have been levelled at weighbridge operators because the whole of a semi-trailer has not always been weighed at the same time, even though the weighbridge is capable of accommodating it. I understand that the weight of a semi-trailer can vary by as much as 10 tons (10·16 t) between the front and rear bogies. It can even happen with a load of steel, a load that does not move and cannot be moved. It seems that the weight difference is a peculiarity of the angle of the bogie in relation to its pressure on the weighbridge. This anomaly apparently causes concern to the industry. It has been requested that, where weighbridges are large enough and where the combination of bogies can fit, they shall be weighed where the request from the driver, or person in charge, is reasonable and practicable. Surely, that gives the weighbridge operator an opportunity to consider the merits of the case relating to his own weighbridge.

The Hon. D. H. L. BANFIELD: I am prepared to accept the amendments.

Amendments carried; clause as amended passed.

Clause 13 passed.

Clause 14—"Evidence."

The Hon. R. A. GEDDES moved:

In paragraph (*d*) to strike out "paragraph" second occurring and insert "paragraphs"; and to insert the following new paragraph:

(*ac*) a statement produced by the prosecution and purporting to be signed by a person in charge of a weighbridge or weighing instrument and stating that he has complied with all requirements of this Act in relation to the taking of

certain specified measurements of weight shall be proof of the fact so stated in the absence of proof to the contrary;

The Hon. D. H. L. BANFIELD: As this is consequential on the previous amendment I accept it.

Amendments carried; clause as amended passed.

Clause 15 and title passed.

Bill read a third time and passed.

BUILDERS LICENSING 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.

It implements an undertaking given by the Government prior to the last elections. The Builders Licensing Act provides at present for the registration as general builders of three main categories of person, namely, those who have professional qualifications in architecture, engineering or building and who have had not less than three years practical experience in general building work; those who possess prescribed qualifications; and those who do not hold formal qualifications but have had very extensive experience in general building work.

There is, however, a further category for which the Act does not at the present time adequately cater: men who have qualified as tradesmen and have worked hard and well in their trades, who are continually broadening their experience of building work generally but do not have at present the formal qualifications or the necessary experience to qualify as general builders and work without supervision. The Government believes that there should be some means by which these people may obtain the necessary experience to work as general builders.

Of course, there must be adequate safeguards both to the public and to the building industry. The work done must be subject to stringent inspections so that a high quality of workmanship will be maintained. The holder of a provisional licence must not be permitted to compete on a completely equal footing with general builders or, unless he happens to hold a restricted licence as well, with qualified tradesmen in their respective fields. The Bill therefore limits the holder of a provisional licence to the performance of speculative building work, that is to say, work that is commenced on his own initiative and is not offered for sale or lease until it is completed and final certificates as to the quality of workmanship have been given.

I now deal with the provisions of the Bill. Clauses 1 and 2 are formal. Clause 3 amends the definition section of the principal Act. A new definition of a provisional general builder's licence is inserted. Speculative building work is defined in a manner that is designed to confine the provisional licensee to working on projects that he himself initiates. Clause 4 provides for the holder of a provisional licence to obtain a general builder's licence after a period of three years or more in which he has carried out a substantial amount of speculative building. Clause 5 deals with the grant of a provisional licence. It will be granted subject to conditions requiring inspection of the work carried out and to other conditions stipulated by the board.

Clause 6 provides for the revocation of a provisional licence where the licensee fails to comply with its conditions. Clause 7 establishes certain offences in relation to a provisional licence. All work undertaken must be carried out under the personal supervision and control of the licensee. The provisional licensee cannot offer buildings for sale or lease until after a final certificate of inspection has been given. It is an offence for an inspector to give a false or misleading certificate. Clause 8 protects the board and officers of the board from liability that could result from inspections under the principal Act.

The Hon. C. M. HILL (Central No. 2): Having had the opportunity to examine this Bill in the last few days, I support the second reading. As the Chief Secretary has just said, the Government has seen fit to introduce a further classification of builder's licence, which enables a tradesman, who wants to better himself and move up the ladder in the building industry, ultimately to hold a general builder's licence.

The machinery by which he is given this opportunity is that he can, in accordance with this Bill, be given a provisional builder's licence. The work must be only that which is specified as speculative building work, and he must carry out that work under the board's close supervision. Also, he is not able to sell or lease the building, the construction of which he supervised, unless his work has been checked by a representative of the board and he has been given a certificate of clearance in relation to the building.

This is a sound method by which a tradesman can move into the area of general building, and sufficient checks are written into the legislation to ensure a high standard of construction. This is extremely important because, as we all know, people will end up living in the houses that these tradesmen erect. It is, therefore, only proper that the standards of construction should be high. So that this opportunity can be given to tradesmen to better themselves, and because of the various restrictions that the Government has written into the Bill, I support the whole proposal and the second reading.

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

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL (GENERAL)

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

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

That this Bill be now read a second time.

The purpose of this Bill is to make amendments to the Electricity Trust of South Australia Act (referred to as the principal Act) and the old private Acts under which the Electricity Trust of South Australia operates. The amendments deal with superannuation, the acquisition of land, and safety clearances in relation to the trust's installations. It will be convenient to deal with the Bill clause by clause.

Clause 1 is formal. Clause 2 repeals section 18 of the principal Act dealing with pensions and similar matters and enacts a new section 18. Apart from life assurance schemes continued by the trust following the taking over by the trust of the Adelaide Electric Supply Company Limited's undertaking, the trust conducts a pensions scheme and subsidized savings scheme (together with a special saving account scheme) for staff and a wages gratuities scheme for wages employees. In certain circumstances the trust also from time to time pays gratuities to wages employees. Moneys of the various schemes are placed on deposit with the trust at interest. The principal purpose of the new section is to provide a State Government guarantee of the deposits and interest.

Under section 19 of the principal Act, the trust is authorized to borrow money with the consent of the

Treasurer and to issue debentures, and under section 20 a debenture issued by the trust is guaranteed by the State Government. These provisions are not readily applicable to deposits held by the trust under superannuation schemes and the purpose of subsections (3) and (4) of new section 18 is to provide specifically that the State Government guarantee applies to such deposits. The Government believes that sums deposited with the trust under the trust's superannuation schemes should have the same security of a State Government guarantee as money borrowed by the trust from the public. At the same time, the opportunity has been taken to reframe section 18 in broader terms so that it clearly embraces all aspects of the various schemes run by the trust for the benefit of employees and their dependants. New section 18 is deemed to apply as from the commencement of the principal Act. This will take authority for all that has been done in the past clearly back to the commencement of the trust's operation, and in particular will attach the State Government guarantee to moneys currently held by the trust under the various schemes.

Clauses 3 and 4 amend the principal Act to give the trust a general power of compulsory acquisition such as that enjoyed by other instrumentalities of government and clause 7 deletes from the Adelaide Electric Supply Company's Act, 1922 (which applies to the trust) limited powers of compulsory acquisition. When the trust was established it inherited under the principal Act the legislation applying to the Adelaide Electric Supply Company Limited, namely, the Acts known as the Adelaide Electric Supply Company's Act, 1897 to 1931, which consists of two private Acts, the South Australian Electric Light and Motive Power Company's Act, 1897, and the Adelaide Electric Supply Company's Act, 1922, and a public Act, the Adelaide Electric Supply Company's Act, 1931, subject to exceptions which are not material for present purposes. The second of the private Acts, the 1922 Act, confers upon the trust a limited power to acquire compulsorily easements and similar rights (which it will be convenient to refer to here as easements) subject to various restrictions. An easement cannot be acquired, where its value exceeds $200, without the consent of the Governor, and an easement cannot be acquired over a garden, orchard or plantation attached to a dwellinghouse or a park planted walk or ground ornamentally planted or the site of any dwellinghouse.

The trust's only other power of compulsory acquisition of land is a power to acquire land for substation purposes. This power was conferred upon the trust in 1966 when, in addition, the restrictions of the 1922 Act were slightly relaxed by the removal of a restriction that the trust could not acquire an easement over the site of any building to the value of more than $200. Thus, the position at present is that the trust cannot compulsorily acquire land except for substation purposes and its power to acquire easements compulsorily is severely restricted. For many years, the trust did not have to use such limited powers of compulsory acquisition as it had at all. The trust took pride (and still does) in fostering a good relationship with landowners over whose land its instrumentalities pass. Trust policy has always been, and will continue to be, to carry out voluntary negotiations with landowners for any grants of easement and for the purchase of any land required by it. However, the position has changed.

With the enormous expansion of built-up areas in the environs of Adelaide and the greatly increased demand for electric power essential to the functioning of a modern community, the trust has found that it has not been able to obtain all of its requirements by voluntary negotiation. Accordingly, it has had to resort to its power of compulsory acquisition and, indeed, now the Land Acquisition Act requires it to open negotiations with a notice of intention to acquire under that Act. The limited powers appropriate for a private undertaking are not appropriate to the trust, and it is considered that the trust should have the same general power of compulsory acquisition enjoyed by departments such as the Highways Department and the Engineering and Water Supply Department subject, however, to the adequate protection given to landowners by the Land Acquisition Act.

The requirements of the Adelaide Electric Supply Company's Act in any event fit awkwardly into the machinery of the Land Acquisition Act. Complex problems of timing and unnecessary formal steps are involved and tend to confuse and annoy the landowner rather than clarify the transaction. The Land Acquisition Act provides a complete code for the acquisition of land. For the trust to be required to comply as well with procedures laid down by a private Act is cumbersome and unnecessarily expensive. Clause 4 (*b*) of the Bill accordingly inserts in the principal Act an appropriate general provision authorizing the acquisition of land. Clause 4 (*a*) strikes out the present limited power to acquire land for substation purposes contained in section 40 of the principal Act, while clause 7 strikes out altogether the power of acquisition contained in the Adelaide Electric Supply Company's Act, 1922, together with the restrictive provisions relating thereto and clause 3 deletes from the principal Act the provision enacted in 1966 relaxing the requirements of the provisions of the Adelaide Electric Supply Company's Act, 1922, now proposed to be struck out altogether.

Clauses 5 and 6 deal with clearances to trust mains. At present, clearances from the trust's installations are regulated by sections 6 and 29 of the South Australian Electric Light and Motive Power Company's Act, 1897, an Act which in any event applies only within limited areas of the State. The provisions are archaic and it is now proposed that these provisions should be replaced by a regulation-making power. Clause 5 amends section 44 of the principal Act accordingly and also authorizes the making of regulations restricting persons from placing in streets or roads structures in dangerous proximity to the trust's installations.

Clause 6, as well as repealing section 6 of the South Australian Electric Light and Motive Power Company's Act, 1897, repeals section 29 of that Act. Section 29 deals with alterations in a "Government telegraph line" and interference with such lines. The subject matter of section 29 is now covered by the Postmaster-General's requirements, and the section is for practical purposes meaningless. The Bill will give formal security to members of the trust's superannuation schemes as well as clarifying the trust's powers in regard to superannuation: it will give the trust up-to-date machinery for acquisition of land which will avoid cumbersome procedures and fit better within the framework of the Land Acquisition Act and it will enable practical clearance standards for trust mains to be laid down.

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

WEST BEACH RECREATION RESERVE 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.

It effects a considerable change in the organization and structure of the West Beach Recreation Reserve Trust established under the principal Act, the West Beach Recreation Reserve Act, 1954. Honourable members will no doubt recall that this trust is at present comprised of three persons appointed by the Glenelg council and three appointed by the West Torrens council. The members so appointed then appoint a Chairman. Basically, the principal alteration proposed is that the present Chairman and members will go out of office and that after the commencement of the Act presaged by this Bill the trust will consist of seven members, all appointed by the Minister, but four appointed only after consultation between the Minister and the relevant councils. Up to this time, the constituent councils have been obliged to fund the operations of the trust when these operations cannot be financed from revenue. It is proposed that in future the trust shall have access to funds borrowed at the "semi-government rate of interest". This will be achieved by means of a Treasury guarantee for the repayment of borrowings.

Clauses 1 and 2 are formal. Clauses 3 and 4 provide for a change of name of the trust from the West Beach Recreation Reserve Trust to the West Beach Trust. In addition, by proposed new subsection (3) of section 3, general Ministerial control over the operations of the trust is established. Clause 5 amends section 4 of the principal Act and provides for the change in the membership of the trust adverted to above. Here, I draw honourable members' attention to the fact that at best two of the members must be officers of the relevant councils and a further two members require consultation with the relevant councils before their appointment. Clause 6 repeals section 5 of the principal Act, this being the section that provided for the appointment of the Chairman of the trust by the members. Since the Chairman is now proposed to be appointed by the Minister, this section is no longer necessary.

Clauses 7 and 8 are formal or consequential. Clause 9 provides for "staggered" terms of office of some of the newly appointed members so as to ensure some degree of continuity of membership. Clause 10 is formal and consequential on other amendments. Clause 11 provides for the remuneration and allowances of the Chairman and members of the trust to be paid out of the funds of the trust at rates to be fixed by the Governor. Clause 12 provides for audit of the trust's accounts by the Auditor-General. Clause 13, at subsections (4) and (5) of proposed section 20, provides for a Government guarantee for the repayment of borrowings by the trust. Clause 14 is consequential on clause 13. Clause 15 repeals and re-enacts section 27 of the principal Act, which provides exemptions from the charges and taxes mentioned in the proposed new section 27. Clause 16 amends section 32 of the principal Act and recognizes the existence of the Coast Protection Act in its possible application to the foreshore that is under the care and control of the trust.

Clause 17 amends section 34 of the principal Act by clarifying the trust's powers in relation to the physical development of the reserve. Clause 18 amends section 35 of the principal Act by striking out subsection (3), which seemed to place an unnecessary limitation on the charges that can be made in connection with the reserve. Clause 19 amends section 36 of the principal Act and provides that the former by-laws of the trust shall, in effect, continue in operation as regulations under this Act. Clause 20 repeals section 37 of the principal Act, which provided for the machinery for the entry of the Corporation of the Town of Henley and Grange into the membership of the trust. The means provided for in this section are, all things considered, not really to be recommended for achieving their purported purpose. Any reorganization of the trust in the circumstances envisaged would be better accomplished by formal amendment of the principal Act. Clause 21 provides a regulation-making power, and this form of subordinate legislation seems more appropriate having regard to the new composition of the trust.

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

MOTOR FUEL DISTRIBUTION BILL

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

Consideration in Committee.

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

That the Legislative Council do not insist on its amendments.

All these amendments deal with the ability of the inspector to carry out his duties. They will make it difficult to obtain evidence that people are not complying with the provisions of the legislation. It would be difficult for an inspector to prove anything against anyone unless he had the power to enter unlicensed places or permitted areas to see whether the law was being adhered to. Also, these amendments make it almost possible for an inspector to carry out his duties by asking relevant questions, and render that part of the Bill almost impracticable.

The Hon. Sir ARTHUR RYMILL: I am in the process of having a further amendment drawn that I think the Government may be able to accept but, unfortunately, it is not yet ready. Therefore, I ask the Chief Secretary to report progress so that I may move my amendment later.

The Hon. R. C. DeGARIS (Leader of the Opposition): The reason for the House of Assembly's disagreement to the amendments is that it is claimed that they make investigation under and enforcement of the legislation impracticable. However, this is a licensing Bill. Can the Chief Secretary say how the Licensing Act, in relation to licensed premises where alcoholic liquor may be consumed, operates with no such power as regards inspectors?

The Hon. A. F. KNEEBONE: That could be a failing in the Act. I am assured that the provisions that the Government wants in this Bill are really necessary. I ask that progress be reported.

Progress reported; Committee to sit again.

Later:

The Hon. Sir ARTHUR RYMILL: I move:

That the motion be amended by adding at the end thereof the passage:

But make the following alternative amendments in lieu thereof:

In clause 25 (1) (*b*), after "any person" to insert "apparently in charge of the premises".

By inserting the following new subclause:

(3a) A person shall not be obliged to answer any question put to him by an inspector unless he has first been informed by the inspector that he is obliged to answer questions put to him pursuant to this Act and has further been so informed that he is not obliged to answer any such question if the answer to that question would tend to incriminate him.

Earlier, I expressed dissatisfaction with clause 25, to which the amendments relate. However, I believe that I have insufficient support to pursue the line I had adopted. I ask the Committee to vote in favour of the amended motion.

The Hon. M. B. DAWKINS: As the mover of one of the amendments to which the House of Assembly has disagreed, I concur in the Hon. Sir Arthur Rymill's comments. Consequently, I do not ask the Committee to insist on the amendment I moved.

The Hon. Sir ARTHUR RYMILL: When the matter was previously before the Committee, I expressed the opinion that it seemed unfair compulsorily to question anyone found on premises other than the person or persons in charge of those premises and I said that, if a man was at a petrol station in a car, he should not be subjected to this questioning. Instead of cutting out the compulsory questioning altogether, I have moved to exclude from the questioning people who are not apparently in charge of the premises. I have taken new subclause (3a) from a similar provision in the Prices Act, and I think that provision is appropriate to this Bill. In earlier debate I said that it seemed unfair that a member of the public should be questioned under pain of penalty when he could not possibly know what it was all about. The Prices Act has what I regard as a singularly appropriate provision that makes an inspector tell anyone whom he is about to question what his obligations are, and I cannot see any objection to such a provision. I consider that, if we are to continue (as apparently we are) to have a provision whereby a person must answer questions under pain of penalty unless they tend to incriminate him, he ought to be informed of his rights and obligations.

The Hon. F. J. POTTER: Does the Hon. Sir Arthur Rymill contemplate that his first amendment, which limits the questioning to any person apparently in charge of the premises, would run right through the whole provision?

The Hon. Sir Arthur Rymill: That is the intention.

The Hon. F. J. POTTER: That seems to me to be a problem. I thought the proposed new subclause (3a) contemplated that some person other than the person in charge could also be interrogated.

The Hon. Sir ARTHUR RYMILL: That is not my intention. The intention of proposed new subclause (3a) is to relate it to any person who is questioned under this provision. The Hon. Mr. Potter would know that an inspector could question anyone. My amendment confines the penalty part to the person apparently in charge of the premises. If a police officer has no power to question anyone under pain of penalty, he could question anyone but the person would not have to answer.

The Hon. Mr. DeGaris has said that, under the clause as it is drawn, a 7-year-old child of the person who owned or leased the premises could be questioned and would have to pot on his or her father. The same would apply to the wife, and I do not know what would happen to the matrimonial relations when, to use the vernacular, she dobbed him in. As the Hon. Mr. Dawkins's amendment has been disagreed to, the full definition of "premises" applies and means virtually any premises.

The Hon. A. F. KNEEBONE: My thoughts run along the same lines as the Hon. Mr. Potter's. The first amendment means that only the person apparently in charge at a service station can be questioned and none of the employees would need to answer questions. I appreciate the honourable member's concern for members of the family, but what about the employee who, perhaps without the approval of the person apparently in charge, is breaking the law? If the honourable member proceeds with the first amendment, it will be for the other place to decide whether it is a good compromise. I will accept the second amendment.

The Hon. R. C. DeGARIS: We are dealing with a Bill for licensing fuel outlets. It is totally different from Bills involving the safety of people. I do not know of any other licensing Bill that contains this type of power for an inspector. A penalty is provided where a person does not answer a question. A person who is an employee or child of the proprietor must answer the question: he has no way out. Any answer he gives will not incriminate him, but it may incriminate someone else. Irrespective of the age of the person, he is compelled to answer, and there is a penalty if he does not answer.

The Hon. G. J. GILFILLAN: In the circumstances, the definition of "premises" covers not only the place where the business is being conducted but also the person's home. As a result, a man's wife or children could be subjected to questioning, and that is completely undesirable. If it is found that the provision does not work, further powers can be sought.

The Hon. J. C. BURDETT: It is difficult to decide what powers an inspector needs, without his powers unduly impinging on the rights of individuals. Yesterday I voted against the original amendment of the Hon. Sir Arthur Rymill but, because this is a reasonable compromise, I intend to support it.

The Hon. M. B. DAWKINS: I said earlier that I did not ask the Committee to insist on my amendment, but I believe that there must be a reasonable compromise.

The Hon. A. F. KNEEBONE: The Hon. Sir Arthur Rymill is making it very difficult for me. In the circumstances, I must oppose the first amendment, but I am not greatly opposed to the other amendment.

The Hon. Sir ARTHUR RYMILL: If I understand the Chief Secretary correctly, he is willing to accept new subclause (3a) if I withdraw the other amendment. I will make it easier for him by asking leave to do so.

Leave granted; first amendment withdrawn.

Second amendment carried; motion as amended carried.

COMMUNITY WELFARE ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is designed to implement the Commonwealth Government's decision to take over from the States the whole area of Aboriginal affairs and welfare other than the establishment and management of Aboriginal reserves, which will remain a State function. An undertaking has been given to the Commonwealth to pass the legislation necessary for this purpose with as little delay as possible. Commencement of the Bill will naturally be delayed so as to coincide with the commencement of the Commonwealth legislation on the matter.

Clause 1 is formal. Clause 2 provides for the commencement of the Act. Clauses 3 and 4 amend the relevant headings of the principal Act so as to speak only of Aboriginal reserves. Clause 5 repeals section 83 of the principal Act which sets out the powers and functions of the Minister in relation to Aboriginal affairs and welfare. Clause 6 repeals section 86 of the prinicpal Act which provides the Minister with power to acquire land for Aboriginals.

Clause 7 repeals section 90 of the principal Act which deals with the legal representation of an Aboriginal before the court on an indictable offence. Clause 8 repeals section 91 of the principal Act which gives the Minister power to act as an agent for an Aboriginal. Clause 9 repeals that paragraph of the regulation-making power contained in

section 251 of the principal Act that deals with the establishment of certain Aboriginal organizations.

The Hon. R. C. DeGARIS (Leader of the Opposition): The following sentence at the beginning of the Chief Secretary's explanation is rather tragic:

It is designed to implement the Commonwealth Government's decision to take over from the States the whole area of Aboriginal affairs and welfare, other than the establishment and management of Aboriginal reserves, which will remain a State function.

Following a referendum some years ago, when the Commonwealth Government was given powers relating to Aborigines, that Government has exercised an increasing influence in the field of Aboriginal affairs. What concerns me is that many people believe that the Commonwealth Government, simply because it controls the purse strings, is possessed of all wisdom in all matters; anyone who has been a State Minister and has worked with the Commonwealth knows that that is a fallacy. At present Australia is going through a phase where some people assume that the answer to all problems, whether related to Aboriginal affairs or otherwise, is to rely on the power of the purse in Canberra. In all federations these turns of the wheel occur—between the pressure to centralize and the pressure to decentralize. The American federation has been through the phase of centralization of authority, and the wheel in America is at present turning very much the other way, as it inevitably will turn in Australia. The following article, headed "Canberra to run Aboriginal affairs", by Brett Bayly, appeared in last Thursday's *Advertiser*:

The Federal Government has taken over responsibility for Aboriginal affairs in South Australia.

I draw attention to the tense of that sentence. The article continues:

This was announced yesterday in a joint statement by the Minister for Aboriginal Affairs (Senator Cavanagh) and the South Australian Minister of Community Welfare (Mr. King). The Federal take-over will take effect from December 1 this year. South Australia is the first State to respond to the Federal Government's standing offer to accept all responsibility for Aboriginal welfare. The two Ministers said that for the time being the South Australian Department of Community Welfare would continue to hold responsibility for managing Aboriginal reserves in conjunction with Aboriginal councils.

I draw attention to the words "for the time being": the two Ministers agreed that it would be only for the time being that the South Australian department would continue to hold responsibility for managing Aboriginal reserves in conjunction with Aboriginal councils. The article continues:

The joint statement said South Australia would be able to apply to the Commonwealth for grants to cover the cost of special programmes for Aboriginal employment and advancement on reserves. Programmes of health, education, housing, community activities and regional projects would continue to be financed by the Federal Government.

I look on this change sadly, because it will achieve nothing for the Aboriginal people of South Australia—nothing, anyway, that could not be achieved in other ways. It has been found in America that problems are not solved by handing powers to a centralized bureaucracy. The reaction in America toward federalism is a matter of spirit—a realization that in the long run the only enduring progress is made locally, where the people concerned live. A centralized bureaucracy can cajole, threaten, legislate and point to new directions, but effective implementation can come only through local political acceptance. The political wheel of the American federation is turning away from a centralization of power towards an old philosophy that is appearing as a brand new philosophy along the lines that "society is better where human fallibility is spread among several power centres rather than concentrating that fallibility at one central point of national power". In America a popular disenchantment exists regarding all grand-scale national solutions. Mere programme indigestion, in itself, is a factor that is assisting to turn the wheel away from the centralized bureaucratic system.

In Australia we are still climbing the hill hoping that the assumption of powers by Canberra (and this is only one of the spokes in the wheel), when achieved, will bring new solutions. However, as the process continues there will be growing disenchantment with such moves and eventually the wheel will turn to the more practical reality that problems are solved only at the local level and that power, to be effective, must be decentralized. The only thing that will happen in this transfer of responsibility is an increase in costs to the taxpayer and a growing realization that centralizing authority in Canberra will have little effect in providing solutions for the problems facing Australia, whether the problems relate to local government or to the Aboriginal people.

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

STATUTES AMENDMENT (SOUTH AUSTRALIAN HOUSING TRUST AND HOUSING IMPROVEMENT BILL

Adjourned debate on second reading.

(Continued from November 22. Page 1907.)

The Hon. C. M. HILL (Central No. 2): This Bill tidies up many of the anomalies and inconsistencies that have arisen in the administration of the two related Acts (the South Australian Housing Trust Act and the Housing Improvement Act), and overcomes problems that have arisen in practice. I fully support it. The Bill permits the South Australian Housing Trust to invest its funds (when those funds are not directly concerned in housing development) in other forms of investment, with the consent of the Treasurer: a check that I support. The Bill also provides that the interest or other returns from such outside investment must be paid back into the newly-constituted South Australian Housing Trust Fund.

Section 26 of the original South Australian Housing Trust Act, which in some respects restricted the length of leases of trust houses, is amended by this Bill. Previously, the trust was bound to lease houses for no more than five years, with a right of renewal not exceeding a further five years, whereas now it is intended to delete this provision, thereby giving the trust the right to lease houses for any term.

I am a little concerned about this change, because I see the basic objective of the trust as not providing leases for terms of 15 or 20 years but of maintaining leases for shorter periods. I wholeheartedly supported that provision previously, when the maximum was for five years with a maximum right of renewal for a further five years, but I see no purpose in the trust's entering into new long-term proposals.

After all, the trust is basically to provide housing for people in the lower income bracket. If the trust assumes that those people will remain in the lower income bracket, I believe that is socially bad. We should all try to encourage the community generally to aspire to the higher income bracket.

Of course, with general advancement in the social scale many people will endeavour to obtain better housing than that with which they were first provided. In that general

style of ambition it is a pity if people are bound by long-term agreements which, it is worth noting, are binding on the tenant as well as on the trust.

While I do not support this aspect with any enthusiasm, I have no overall objection to the Bill's general and formal provisions I support the second reading.

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

EGG INDUSTRY STABILIZATION BILL

Adjourned debate on second reading.

(Continued from November 21. Page 1860.)

The Hon. C. M. HILL (Central No. 2). I rise simply to record a strong criticism about one phase of the Bill that has been brought to my notice by a constituent of mine. I have listened with interest to the speeches that have been made in this debate. The point I will raise has, to a certain degree, been answered, but it is my duty to record the opposition that has been put to me. The matter deals with the general offence that might give rise to the cancellation of a licence.

The party involved has put the case to me that an egg producer is one who usually has a considerable amount of capital tied up in his business operation and finds it impossible to change to some other form of primary production without a considerable financial loss. No doubt the Minister would agree with me on that point. It has been put to me, for example, that, in some areas, if a farmer for one reason or another loses his wheat quota he may be able to change to barleygrowing without much financial loss.

The Hon. M. B. Cameron: And barleygrowing does not involve considerable capital expenditure.

The Hon. C. M. HILL: No (and that is the point I am trying to emphasize), whereas a person who has perhaps outlayed up to $200 000 for improvements to his poultry farm would be in a serious predicament if he found that his licence was cancelled and if the offence might not have been as serious as to warrant such an extremely severe penalty. This matter is covered by clause 18, and the appeal provisions are contained in clause 35. It would appear to me that a person placed in such a situation could appeal to the review tribunal in accordance with those provisions.

However, the Minister would probably agree with me that this is a considerable worry to those who have studied the Bill and to the major producers in this industry. My constituent queried seriously the situation whereby only 100 licensees could be the cause of such a situation arising. However, the Minister has an amendment on file that may well allay my constituent's concern in that regard.

I appreciate the problem that has been brought forward. Honourable members who have already spoken, although expressing their concern, believe that such a serious situation is most unlikely to arise. I wonder whether the Minister, in replying, could indicate his view of this problem, whether he views sympathetically the concern I have relayed, and whether he believes that such a serious tragedy could arise in a man's commercial life. Apart from the concern I have expressed, I support the Bill.

The Hon. M. B CAMERON (Southern): I support the Bill with some reluctance and express the view that, in general, industries should exist, wherever possible, free of production controls. I believe that we should step warily into any form of production control, because time and again we have seen that industries have moved into this field and have found that shortages have developed once the supply and demand aspect has been met. If we do not pass this legislation, we as a State would be sitting in isolation and could easily become the dumping ground for over-production from other States However, I hope that we will have an open-minded attitude towards the legislation and, if it is necessary, amend it in the future if we find that the controls are too rigid or restrictive or that it is necessary to increase production.

I have an amendment on file which, I believe, is necessary to ensure that the annual fees do not rise to great heights. The Commonwealth Egg Marketing Authority legislation contains a maximum fee. One criticism with regard to the legislation is that only 100 producers need to sign a petition in order to have the legislation repealed. However, the Minister has an amendment on file that provides that the 100 producer provision be replaced by 25 per cent of the producers. The amendment is worth while, because no-one knows whether the number of egg producers will remain constant; it could well be that, with the industry moving towards amalgamation, we could end up with fewer than 100 producers. It would be difficult to hold a poll of 100 growers if the number had fallen greatly. I am pleased the Minister has made a move in this direction.

I support the concern expressed by the Hon. Mr. Hill in relation to cancellation of licences. It is a drastic move and a grower could be involved in heavy capital expenditure. For him to be subject to this penalty as well as that already provided seems severe. I understand some drastic decrease has occurred in the number of chicken hatchings for egg production. The situation prevailing recently will not continue because of the national falling off due to lack of profitability in the industry. It is possible that the drastic rise in production was the result of people knowing this legislation was to be introduced and were endeavouring to get a high quota before its introduction. It is possible that the problems were created by the cure forecast. However, that is in the past and nothing can be done about it. I will support the Bill, although with some reluctance, and I will be watching closely to see how it will work.

The Hon. T. M. CASEY (Minister of Agriculture): I thank honourable members who have spoken to this Bill for the support they have given it. The honourable member who has just resumed his seat is having a bob each way; he is reluctant to accept it, but nevertheless he can see that controls are necessary. He either accepts it on these grounds or not at all. I should like to have recorded in *Hansard* my appreciation of the assistance given me by Mr. Biddle, from Red Comb Co-operative Society Limited, Mr. John Simpson, Mr. Jock Macalister, and Mr. Ray Fuge. These gentlemen went to a great deal of trouble in consultations with me about the drafting of this legislation, which was not an easy matter.

A Bill of this nature, to control production in any form of primary industry, runs into many problems. The industry has perused the Bill from end to end, and is basically in agreement with it. Of course, small pockets of disagreement will occur where people are adversely affected in relation to their immediate problems. However those people are a small minority and I have faith in the people responsible for the drafting of this legislation. They have gone to a great deal of trouble, and I hope most sincerely that we have learnt from the mistakes made in other States, especially in Western Australia, where controlled production has been in force for nearly three years, and New South Wales, where a

Bill has been passed and where the authorities are waiting for other States to bring in legislation. Some of the initial provisions there have to be amended, and I am sure they will find this Bill will work very well indeed for producers in this State.

For the benefit of the Hon. Mr. Cameron and in reply to his comments about the number of growers likely to remain in the industry, at present an upper limit of 50 000 birds prevails in South Australia. That is in the legislation. Our quota is about 1 180 000 birds, so it would be difficult to get below about 236 growers. Even with the increase in quotas that must necessarily take place with the additional consumption of eggs and the natural increase in population, in a few years the number could be more than 1 180 000 birds, with more people bringing in additional birds, and the number of growers could not fall below 236 because of the upper limit of 50 000 written into the legislation.

Bill read a second time.

In Committee.

Clauses 1 to 14 passed.

Clause 15—"Licences."

The Hon. M. B. DAWKINS: I have no amendment to move, but subclause (7) provides that the licensing committee shall not deal with an application for a licence under the section received after the day fixed pursuant to subsection (6). Can the Minister say whether there is any possibility of the relaxation of this provision because of the postal delays to which we have become accustomed recently? Would he consider the insertion of the words "in normal circumstances" after the word "not", giving the committee power to receive something after the stipulated day if there should be some unfortunate circumstances such as I have mentioned?

The Hon. T. M. CASEY (Minister of Agriculture): I do not know whether that is necessary. All States will accept July 1 of next year as the day on which this legislation will come into operation, so there will be ample time. This Act probably will not be proclaimed until after Christmas, and that still leaves five months in which people can become aware they must apply for a licence. I do not think it is necessary for those words to be inserted.

The Hon. M. B. Dawkins: Very well.

Clause passed.

Clause 16 passed.

Clause 17—"Annual licence fee."

The Hon. M. B. CAMERON: I move:

In subclause (1) after "annual fee" to insert ", calculated at a rate not exceeding five cents per hen that may be kept pursuant to that licence,"

This amendment is purely to place an upper limit on the amount to be paid for each hen as a fee under this legislation. I understand the Minister intimated earlier that the fee would be one cent for each hen. However, there is a necessity for an upper limit so that growers will know the extent of their obligation.

The Hon. T. M. CASEY: I cannot accept this amendment, because it is unnecessary. I have already indicated that the fee to be charged will be according to regulations, which will come before both Houses of Parliament for scrutiny. There is a distinct possibility of our being asked why we cannot introduce immediately a 4c or 5c levy. It is not the committee's intention to do that.

The Hon. M. B. DAWKINS: I cannot support this amendment. Only a few moments ago the honourable member said that the maximum could become the minimum, or words to that effect. The suggestion is 5c. We have had an indication that a 1c levy will be implemented. Some people may get the notion sooner than they otherwise would that 5c is a good idea. Even if it is intended to raise it to 2c, it must be done by regulation. Therefore, this amendment is not necessary, and I oppose it.

Amendment negatived; clause passed.

Clause 18 passed.

Clause 19—"Base quota for a group 1 poultry farmer."

The Hon. J. C. BURDETT: As far as I can see, there is one circumstance that may unfairly disadvantage a group 1 producer under this clause; that is a situation where an existing group 1 producer buys another business during the relevant period. I know of one such case, and so does the Minister, where there was a considerable delay between entering into the contract and actual settlement. During that period the vendor allowed the business to run down considerably so that, when the purchaser paid his price based on the number of hens there had been at the time of entering into the contract, there were far fewer hens when he actually acquired the business. The number of birds was low and was not equivalent to the potential of the business he had purchased. I appreciate the difficulties of amending the Bill to provide for this contingency. Will the Minister consider this case from an administrative point of view?

The Hon. T. M. CASEY: Yes; I appreciate the point. If a poultry farmer enters into a contract to buy a farm containing a certain number of birds and, when he comes to pay over his money, there are not that number of birds on the farm, he will not be paying for the poultry farm he envisaged buying in the first place before it ran down. However, that is an isolated case, the only one I know of, and it is difficult to assess, even at this stage, whether or not it was a "spec" transaction. However, I am prepared to let the committee look at it; that matter is being taken into account. Under this Bill poultry farms can be sold legitimately so that, if a person wants to build up his holding, all he has to do is to go around and find another poultry farm.

Clause passed.

Clauses 20 to 27 passed.

Clause 28—"Permits."

The Hon. M. B. DAWKINS: I move:

In subclause (6) to strike out "five" and insert "three".

I have had it put to me that this penalty is excessive.

The Hon. T. M. CASEY: I call the Committee's attention to the fact that this is a maximum penalty. In this day and age, the contravention of Acts is reaching the stage where we are trying to do the best we can for the industry generally and, if we provide for a stiff penalty, we know it will be for the court to decide, anyway. A lower maximum penalty will induce some people in the industry to try to circumvent the legislation in some way or other merely for their own ends. I am not a lawyer or judge, nor do I know exactly how the court views the penalties before it, but we have heard in this Chamber many times cases of penalties being deemed to be too small. This industry is a fairly small one, and it needs only one or two smart boys getting around the Act in some way to make things detrimental to their fellow producers. The maximum penalty of $500 should remain. After all, the court decides what the fine shall be in each case.

The Hon. M. B. DAWKINS: I am merely reflecting the views put to me by the producers. Other views have been put to me over the last fortnight which, on examination, I found were already catered for by other provisions. I accept that $500 is a maximum. However, I believe that a more reasonable maximum would be $300.

Amendment negatived; clause passed.

Clauses 29 to 49 passed.

Clause 50—"Polls on continuation of this Act"

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

In subclause (1) to strike out "one hundred licensees" and insert "one-quarter of the number of persons who are, pursuant to the Marketing of Eggs Act, 1941-1972, entitled to have their name included on the roll of electors for a district".

In another clause we spelt out that the people eligible were those eligible pursuant to the Marketing of Eggs Act. It is likely that the number of poultry farmers will decrease rather than increase. So, we may reach the stage where there are only 236 people left in the industry. Consequently, rather than stipulate that a petition needs to be signed by 100 licensees (about one-quarter of the people who are at present eligible to vote), by the amendment we are providing that a petition needs to be signed by one-quarter of the number of persons who may vote.

The Hon. M. B. DAWKINS: I support the amendment, but I believe that the Minister's comments are more applicable to another provision. Only 361 people qualify under clause 49, but the figure is 1 909 under clause 50. One of the reasons why a petition needs to be signed by one-quarter of the number of eligible persons is that a group of people should not be able to dictate to the whole industry. If there are 1 600 eligible people in three years time, it would be much more suitable for 400 people to call for a poll than it would be for 100 people to call for a poll.

Amendment carried; clause as amended passed.

Clause 51, schedules and title passed.

Bill read a third time and passed.

Later:

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

CLASSIFICATION OF PUBLICATIONS BILL

Adjourned debate on second reading.

(Continued from November 21. Page 1863.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill adopts a new procedure in connection with censorship; a board is to be appointed that will attach classifications to publications. I do not wish to deal with the Bill at length, because, as it is a new approach, it is difficult to assess its impact on the community. Because the public is not aware of the full ramifications of the legislation, I suggest to the Government that the Bill should be held over and considered next year. We have before us much legislation, to which honourable members will have to give much time and attention. The issue in this Bill is complex, many matters in it needing careful examination. At this stage I do not wish to vote against the Bill but, if it is not held over until after Christmas to allow honourable members the opportunity to make full inquiries about it, I shall be forced to vote against the second reading. That is not a procedure that I would like to adopt but, if the Bill is not held over until after Christmas, I will adopt that course.

The Hon. J. C. BURDETT (Southern): I support what the Hon. Mr. DeGaris has said: the best way of dealing with this Bill is to allow it to be held over until after Christmas. If the Bill goes to a vote now, I will vote against it. In his explanation the Chief Secretary said:

There are some who see the relaxation of censorship as symptomatic of a general decline in morality. In fact, this is a mistaken view.

I beg to differ. For some time many people have believed that there has been a decline in morality. This seems to me so obvious that hardly anything more needs to be said about it. In the last few years there has been a definite relaxation in censorship. Many books and films which, five years ago, would not have passed the censor have now passed and are readily available. It seems to be flying in the face of reason to say no relationship exists between the general decline in morality (to use the words of the Minister) and the relaxation of censorship. I suggest it is patently clear that at the very least the relaxation of censorship is symptomatic of the general decline in morality. It also seems to me that the true position may be that the relaxation of censorship has contributed to the decline in morality.

Clause 19, which is probably the most contentious clause in the Bill, provides that, notwithstanding any law relating to obscenity or indecency, it shall not be an offence to print or produce a publication provided that it has been classified. This provision is curious, because it gives a sort of licence to break the law. Section 33 of the Police Offences Act defines "indecent matter", and makes it illegal in specified circumstances to print, publish, deliver or sell such indecent matter. One of the tests given in that Act is that matter shall be held to be indecent, immoral or obscene when it is likely in some manner to deprave or corrupt anyone. Clause 19 does not change the law, but seems to give a licence to break it.

If anyone has an objection to section 33 of the Police Offences Act, surely the proper and honest way to implement this provision would be to amend the section and liberalize it. It seems strange to leave the situation that section 33 of the Police Offences Act applies to all matter other than classified literature. I believe that the proper course for this Bill is to stand it over. I also believe that it is not right to force this kind of salacious literature under the counter. It has been said that conditions will be imposed (the Bill contains this power), that some salacious literature will be classified, and that part of the condition of the classification will be that it must not be displayed on a shelf but must be placed under the counter and produced only when someone asks for it—and then only under certain conditions.

I am dubious about whether it is wise to put anything under the counter, because that always seems to attract and encourage the public to ask for it and look at it. I have received more approaches from the public (by letter, telegram, telephone and personal) regarding this Bill and the Film Classification Act Amendment Bill than about any other Billl since I have become a member of this Chamber. I have heard other honourable members say that they, too, have received many approaches on this Bill during the session. However, I am by no means convinced (and I am sure it is not the case) that these approaches are coming from a small group of prudes or any group of that kind. I have been most impressed that, while some of the letters have been written by groups, most of the approaches have been made by individuals and have been couched in different terms. Many of the representations I receive on occasions are couched in the same terms, or I will notice the same phrase occurring again and again. However, this is not so in this case.

The Hon. M. B. Cameron: The public is learning.

The Hon. J. C. BURDETT: Not in this case, because the approaches have come from all over the State. In fact, I have had well over 300 letters, telegrams and visits in a period of a few days. I believe 311 was the last figure I counted.

The Hon. M. B. Cameron: They seem very well organized.

The Hon. J. C. BURDETT: These approaches have not been organized at all. In addition, last Thursday I presented five petitions containing 192 signatures. I am certain these approaches have not been organized. It seems rather sinister to me that little or nothing appeared in the press about this Bill. This is strange, because this measure is important social legislation. As the press seemed to overlook this Bill, it was not possible for people to organize opposition.

The Hon. D. H. L. Banfield: Do you think the press should be told what they should and should not print?

The Hon. J. C. BURDETT: I am not saying that all. What I am saying is that this is important social legislation, and one would have thought it would be of interest to the press. It is strange that it has not been reported.

The Hon. D. H. L. Banfield: Have you ever tried getting the press to print something?

The Hon. J. C. BURDETT: I am not concerned about that. I am merely answering a suggestion made by the Hon. Mr. Cameron that the people who made representations to me or to other honourable members had been put up to it or had put their heads together. I am saying they could not have had time to do that. Almost every letter I have received has stated that this measure has been rushed through without having received press coverage and that most people do not know what is happening about it. From experience in my professional practice I believe I know what is sincere and what is not. I have been impressed that these representations have been diverse and on various grounds. In fact, they have been sincere and consistent, and people have spoken most strongly about this measure. Therefore, if the Bill is put to a vote I will vote against it, because I agree with the Hon. R. C. DeGaris that the Bill has many ramifications that even those in the trade do not know much about and have not had a chance to look at. The best course for this Bill would be to stand it over.

The Hon. JESSIE COOPER (Central No. 2): I do not care whether this Bill stands over or not, because I oppose it. Most of it is cumbersome and ineffective; parts of it are wickedly dangerous; and other parts of it are based completely on erroneous premises of principle. It is a Bill that will only act to help the purveyor of questionable publications, and a Bill which, on the other hand, will suppress and hamstring those who wish to work today for the maintenance of the moral and ethical standards that have been evolved by our civilization. There is, for example, no provision for the banning of an obnoxious and degrading publication. There seems to be only a blanket protection over the distributors of what is, to the great majority of South Australians, undesirable and salacious material.

I can find no clause in which any power is given to the board to prohibit publication. Clause 12 (1) provides that the board shall have regard to standards of morality, decency and propriety that are generally accepted by reasonable adult persons. How does one define "reasonable"? I am sure that people who do not agree with the Bill will be classed as unreasonable. Subclause (2) provides:

> In performing its functions under this Act the board shall give effect to the principles—
>
> (*a*) that adult persons are entitled to read and view what they wish in private or public;

What about that for permissiveness! A person seated on a bus could, under this provision, openly flaunt indecent material and be within the law. Subclause (2) (*b*) provides:

> that members of the community are entitled to protection (extending both to themselves and those in their care) from exposure to unsolicited material that they find offensive.

Paragraph (*b*) is completely contradictory to paragraph (*a*). Subclause (2) continues:

> and in a case where the application of those principles would lead to conflicting conclusions, shall exercise its powers in a manner that will, in the application of the board, achieve a reasonable balance in the application of those principles.

I do not know what that means. As far as I can ascertain, it is sheer jargon. I will not vote for this clause unless the words "or public" are deleted. Clause 19, referred to by the Hon. Mr. Burdett, is the most dangerous clause and full of evil intent. It denies the ordinary citizen the rights of objection and of protection provided by other laws. The simple assumption that because a publication has been viewed by the board and that at some time it has been classified as suitable for unrestricted distribution is surely not sufficient guarantee of propriety on the part of the publishers.

One visualizes that there could be innumerable cases of flagrant abuse. This provision seems to have been devised solely to protect the evil-doer from the wrath of the public and the courts. I, like all other honourable members, have received pleas from innumerable people to object to this legislation. I, too, have never known an occasion when so many people from different walks of life, of such varying standards of religious belief, and of such different degrees of social education have united to form such a strong body of protest.

When legislation for the classification of R films was first introduced in 1971, we heard on all sides that this would be the solution to all problems and that people would be able to go to the films of their choice. Those reasonable adult persons, dreamed about in this Bill, could go along to the occasional R film. What has been the actual result? I ask honourable members to study the film advertisement page in today's *Advertiser*. Of the seven city theatres, four are showing R films. In the suburbs, of the five leading theatres three are showing R films; two of these are exhibiting double feature R films. In fact, it is now usual that the majority of films being shown at any one time are R films. If one makes a calculation on today's advertisements, 57 per cent of the films in the city and 60 per cent of the films in the suburbs are R films. Apply that situation to publications—the R classification applied to the written word is merely a way of opening the floodgates. I see no good emanating from the Bill (merely the reverse), and that is why I oppose it.

The Hon. F. J. POTTER (Central No. 2): I agree with the Hon. Mr. Burdett that the Bill is an important piece of social legislation which has been introduced in the last days of this part of the session and which has already aroused much public response. I believe that it should be stood over until we return next year, so as to give the public at large and the people involved in the trade of publishing and distributing books the opportunity to study the legislation, because I have been told that they do not know what are the contents or the implications of the Bill.

The Bill is not only an important social measure but also an entirely new venture by any State Parliament into the field of the classification of books. Clause 19 is an attempt in a back-door fashion to avoid the necessity

of the Minister's exercising his mind on whether he should apply the existing law, namely, the Police Offences Act. Perhaps the provisions of that Act are somewhat outmoded in this day and age, but that is an entirely different question, to which the Government will have to direct its attention in the future. The Minister, by his policy, has chosen not to apply that Act or be mixed up with the question of whether or not there is a breach of the law. Consequently, he has tried by this measure to set up a back-door method so as to escape his responsibilities.

The Bill is not really connected with the probem of R films. That is an entirely different problem, because involved in that problem was the process of classification and censorship of films by the Commonwealth film censor, which classification can be reviewed by the State Minister. The matter of R films will be debated further when we debate the Film Classification Act Amendment Bill. The Bill before us is purely for setting up a board. The Bill does not spell out who will be on the board. We do not know what their capacity will be, but their job will be nothing more, it seems to me, than administrative acts of classification. The board will sort all publications into pigeon-holes and say, "Some are R, and some are not R."

There is no provision in the Bill for censorship, because it is only when one gets to an act of denying to a publication a classification that censorship is involved. Once a publication is classified, the provisions regarding the selling or distribution of it shall apply. Apart from that, my examination of the Bill indicates that it contains many loopholes and difficulties. It seems to me that the Bill must have been drafted hurriedly, despite the fact that it was referred to, I think, in the Government's policy speech. Certainly, it seems to leave a great many loopholes which I need not mention at the moment. I can think of a number of problems and difficulties that would be associated with it. We can only decide whether or not we want this kind of legislation after careful examination from members of the public, the press, and the trade as a whole. Unless the Government will agree to this legislation being stood over until February, I will vote against it.

The Hon. C. M. HILL (Central No. 2): I support a great deal of what has been said in this debate. Particularly do I support the idea of holding over this measure so that members of Parliament and people in the public arena who are alarmed and who want more time to look at this matter can be given that opportunity. In my view, there is no point in rushing this legislation through at this stage.

Some improvement in this whole area is necessary and should be considered, and change should be introduced. I make this point because I believe that the ease with which young people in their formative years can obtain literature from such places as delicatessens, particularly in the Adelaide suburbs, is deplorable. Some tightening up is necessary. We do not know what would be the results of the proposals in this Bill, but the present situation should be improved. When measures are introduced in Parliament for improvement they must be deeply considered before they are passed. The first point I make in this debate is that the present situation is unsatisfactory and some change ultimately should be effected.

I support those speakers who have said that this Bill is in fact not censorship at all, but simply a form of classification. The Bill provides no prohibition for some publications; in other words, the very worst publications, hard pornography, could be published and submitted to this board and, under the provisions of the Bill, such publications could not be prohibited. No doubt they would be given an R certificate, but that does not mean they would not be circulated. Any Government that brings in a measure purporting to improve the situation of pornography and the general decline in morality and provides in that legislation no clause whatsoever to prohibit hard pornography cannot be sincere in its so-called intention to seek improvement in this area.

I support the contentions put forward that people do not know who the members of the proposed board will be. People cannot judge the results of the deliberations of the board, and I think the people of this State want the right of final appeal to the Minister in charge of censorship if they wish to lodge appeals against decisions of the board. People want to go to the Minister of the day in charge of censorship on such matters and make their appeal to him. He must stand by his decisions and judgments.

If the people agree with his decisions, that is quite satisfactory from his point of view; if they disagree, and if they disagree in large numbers, naturally the ultimate result will occur. I do not believe it right that the Minister in charge of censorship should be able to dodge his great responsibility to face up to appeals from people in such matters as this. The public at large believes that this matter is being rushed through Parliament, and takes strong exception to that. It looks to this Council to exercise some check and to see that this legislation is not being rushed through.

I compliment the Hon. Mrs. Cooper on bringing to our notice that part of clause 12 which says that, in performing its functions under the legislation, the board shall give effect to the principle that adult persons are entitled to read and to view what they wish in private or public. That a Government should put forward legislation in this matter with the words "or public" included indicates to me that it has a complete lack of knowledge of the need to keep such publications in the private area.

As the Hon. Mrs. Cooper said, people could be viewing some of these magazines in a bus or on the seats in the parks, or along some of the streets of the city (North Terrace, for example), in public, and yet the Government lays that down as one of the principles to be used in the guidelines in making such classifications.

The Hon. R. A. Geddes: But they can do that now, can't they?

The Hon. M. B. Cameron: Of course they can.

The Hon. C. M. HILL: What the public can do now is to seek improvement. When we come to guidelines for a classification board, surely we should not have this reference to adults being entitled to read and view this kind of thing in public. It should be a reading or a viewing in private, not in public.

The Hon. A. F. Kneebone: What would you call "in private"?

The Hon. C. M. HILL: In their own private homes, among adults.

The Hon. A. F. Kneebone: It would not be in private if it was among adults. They would have to go away and read it somewhere.

The Hon. C. M. HILL: That would be fair enough; in one's own private home would be deemed to be "in private". I do not think the Minister would agree that reading or viewing in a public bus or on a seat in the park could be construed as being in private. Again, I compliment the Hon. Mrs. Cooper on raising that point about the important wording in clause 12.

My main purpose in speaking in this debate was to support the contention that by far the best procedure to be adopted would be for the Bill to be held over so that

everyone concerned could make a close study of it. If that were done, ultimately a change could be introduced which would be a definite improvement. In my view, if this Bill is passed it will not be an improvement, and for that reason I shall vote against it if it is put to the vote at the second reading stage.

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

[*Sitting suspended from* 5.45 *to* 7.45 *p.m.*]

FIRE BRIGADES ACT AMENDMENT BILL (BOARD)

Adjourned debate on second reading.

(Continued from November 22. Page 1908.)

The Hon. R. C. DeGARIS (Leader of the Opposition): According to the Chief Secretary's second reading explanation, the Bill expresses in statutory form a policy of worker participation in respect of the Fire Brigades Board. The Bill enlarges the membership of that board from a chairman and four members to a chairman and five members. Clause 4 amends section 10 of the principal Act and provides for the nomination by the Minister of the additional member. Clause 5 details the method by which the extra member (the employees' representative) on the board shall be elected, but the Chief Officer, the Deputy Chief Officer, or the Secretary of the board shall not be eligible for election as the employees' representative.

The concept of greater participation by employees in the management of any organization, corporation or body is commendable, but one must express some serious doubts about its application to this Bill. Many arguments could be developed at length on this but at this rather late stage of this part of the session, which we hope will conclude some time on Thursday or Friday, I will try to illustrate my point as quickly and as briefly as I can. I have been trying to rack my brains to think of an analogy to put before the Council. Perhaps the correct analogy would be that the other ranks in the Army could have an election to elect a member to serve on the Army Board, or Air Force non-commissioned ranks could have an election to elect someone to the Air Force Board.

The Hon. A. F. Kneebone: A very popular move.

The Hon. R. C. DeGARIS: Maybe, but I do not think that is the right thing to do in a force where discipline is required. Discipline is required of a person who serves on a policy-making board in a service where such a person elected from the other ranks may occupy a position above that of his commanding officer. That analogy applies somewhat to this Bill, which places the Chief Officer or the Deputy Chief Officer in the extraordinary position where he finds himself subject to a person over whom he has managerial control as regards the management of the Fire Brigade.

I believe in worker participation. There should be worker participation in the running of any organization but it should be at a management level. The person serving on the board should be the chief officer, representing employees on that board. But to take a person directly from those other than the Chief Officer or the Deputy Chief Officer and to put him on the board is a dangerous precedent to set. Consideration should be given to the establishment of a committee chaired by the Chief Officer of the Fire Brigade, to which people are elected from the employees of the Fire Brigade, to discuss matters concerning the management of the Fire Brigade, the Chief Officer being the employees' representative on the board itself. When I was Chief Secretary I had some experience of this and I think the position is that even the Chief Officer does not attend board meetings unless specifically requested to attend by the board; and then only to receive instructions from the board and carry out the policy of management established by the board. This matter deserves some consideration. The correct procedure is to establish a management committee, with the Chief Officer as the employees' representative on the board.

There is also the question of an increase in costs. At one stage I considered that perhaps the right approach was to say, "All right, let us have an employees' representative on the board, but the Chief Officer must also be on the board." Then we must examine another anomaly—increased cost. Each board member receives a salary of $950. That means that the board will be sitting in the normal working time of the Fire Brigade, and there is an anomaly there.

The Hon. A. J. Shard: Not necessarily, with shift work. Board meetings could be in the fireman's off-duty time.

The Hon. R. C. DeGARIS: Yes, but the insurers, who pay almost two-thirds of the board's expenses for the upkeep of the brigade, would be concerned about anything tending to increase costs; they would be concerned that, notwithstanding their two-thirds contribution to the cost of providing the brigade, it is proposed that their representation on the board be reduced by one-third of the total representation. I have said I commend the idea of worker participation, but this Bill indicates that serious consideration must be given to the aspect I have raised.

The operations of the Fire Brigade in South Australia deserve some comment. The board has done a very good job. There is no question that some changes have to be made in connection with administration, but the way in which the membership of the board is to be enlarged deserves very close examination.

The Hon. G. J. Gilfillan: Particularly as it specifically excludes other people.

The Hon. R. C. DeGARIS: Exactly. With those comments, I am willing to support the second reading. I shall listen carefully to the Chief Secretary's reply, because this Bill needs to be carefully considered by the Council.

The Hon. A. F. KNEEBONE (Chief Secretary): I am pleased that the Hon. Mr. DeGaris supports worker participation. The following is a statement by Mr. Malcolm Fraser, labour relations spokesman for the Liberal Party, on worker participation:

> I would support responsible unionists being placed on the board of Government corporations. I would be wanting to seek ways and means which would encourage private employers to give people who work in an industry a greater sense of participation in that industry; a sense of belonging; of being involved.
>
> That cannot occur if workers are regarded as just another input in the production process. Work and work alone is not enough; reasonable conditions, a good life and participation are all necessary. These are the down to earth rights of every Australian . . . It is necessary to 'stress the need for those who work in an industry to have a sense of participation, involvement and responsibility'.
>
> Harmonious industrial relations are vital to the economic life of the country and the Liberal Party sees the opportunity to achieve them through the planned introduction of worker participation.

I support every word that Mr. Fraser said. What we are doing is introducing our policy, which the Commonwealth Liberal Party spokesman is supporting. The Hon. Mr. DeGaris said that the Chief Fire Officer should be the representative of the workers on the board. He likened what the Government proposes to putting a member of the ranks on the Army Board, and he said that that would not

be good. However, I believe that putting the Chief Fire Officer on the board as the representative of the workers would be like putting a manager on a board of directors as the workers' representative; evidently that is the Leader's interpretation of worker participation.

The Hon. R. C. DeGaris: I made my point clearly.

The Hon. A. F. KNEEBONE: Worker participation should come from the ranks. It would not be acceptable to the workers if their representative was a person in authority. Worker participation must involve real participation by the workers.

The Hon. R. C. DeGaris: What about discipline?

The Hon. A. F. KNEEBONE: I have been informed that that matter is all right. I repeat that worker participation must be just that: it must not be a matter of the manager representing the workers.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Constitution of board."

The Hon. C. M. HILL: This clause increases the number of members of the Fire Brigades Board by one, and that member is to be an employee from the brigades under the control of the board. I agree with the general principle of worker participation, but I do not agree that worker participation means that an employee should take his place on the board; I have heard many people, including the Premier, agree with that general thesis. Worker participation at managerial level is the approach that should be taken. The report of the Committee on Worker Participation in Management (Private Sector), Adelaide, April, 1973, paragraph 6·9, page 43, made the following recommendation:

> that it would be better to encourage the introduction of such schemes on a voluntary basis for an initial period for all companies employing 50 or more people. The question of legislation should be considered only after the educational campaign has been allowed to develop.

Also, in the report on Worker Participation in Management (Public Sector), Adelaide, April, 1973, paragraph 7·10 recommends the following:

> Within Australia, litigation in a New South Wales Supreme Court case in 1967 (*Bennets* v. *the Board of Fire Commissioners of N.S.W.*) drew comments from the presiding judge, Mr. Justice Street, on the difficulties inherent in serving in the dual capacity of employee representative, and in the overriding and predominant duty to serve the interests of the board.

It appears, therefore, that in New South Wales the very situation that this Bill is trying to introduce has caused considerable concern and adverse comment from the presiding judge in a court case. Paragraph 7·12 states:

> The committee recommends that, in the light of current thinking and experience, appointments to public boards, trusts and corporations should not include representation (by nomination or election) of employees. The committee does, however, support the appointment of persons who have experience and understanding in employee problems and affairs.

Those references, from a committee set up by the present South Australian Government to investigate this problem, highlight that the most effective contribution that an employee of the fire brigade can make is not as a member of the board but as a member of some other managerial group. It is at that level that the appointees' conflict of interest will not cause embarrassment. Having an employee on the board without having the fire chief on it raises serious questions.

The alternative is to allow an employee to remain on the board and also to elect the fire chief to the board. At least then there would be some communication between the fire chief and the elected employee, as no doubt they would contribute to the affairs of the board.

I realize that in the area of worker participation opinions vary. I also realize that some people believe that workers should be on statutory boards. I respect that view. However, I then consider the reports from which I have quoted, reports that highlight problems that have already appeared in New South Wales regarding its Board of Fire Commissioners. I therefore seriously question whether or not we are passing the best possible legislation in this matter. I have prepared an amendment to this clause, and because of what has transpired I ask the Chief Secretary to report progress to allow me to circulate my amendment so the matter can be fully considered.

The Hon. A. F. KNEEBONE (Chief Secretary): In New South Wales the Board of Fire Commissioners is comprised of the president (a full-time administrator appointed by the Government), a deputy president and five commissioners. The insurance companies appoint two members, the Volunteer Fire Brigades appoint one (a fireman), and the councils and municipalities also appoint one There are therefore two employee representatives on the board. In Victoria, the Metropolitan Fire Brigades Board comprises a president (a full-time administrator appointed by the Government), three representatives of insurance companies, one representative of the Melbourne City Council, two representatives of the municipalities, and one representative of employees of the board. The Country Fire Authority of Victoria has a chairman and 10 members. The Government appoints two; two are elected by the insurance companies; two by the municipalities; two by the rural fire brigades; and two by the urban fire brigades, usually but not necessarily firefighters.

The honourable member said that a judge in New South Wales believed there was a conflict of authority in someone who was an employee making decisions. However, that is part of the scheme. How can one say that it is wrong that employees should be members of this board, when in other states it works effectively? The honourable member says employees can be part of management but that they should not take part in any of the decisions made. The Leader said that it was all right for the chief fire officer to be appointed the representative of the employees to sit on the board, but he admitted that the chief fire officer goes to the board only to get instructions. He does not participate in any decision making. He simply receives instructions and passes them on. That is not a situation I interpret as involving worker participation. The board of the Fire Brigade is its management, and everyone takes instructions from the board.

The Hon. C. M Hill: But the fire chief hires and fires.

The Hon. R. C. DeGaris: He is the manager.

The Hon. A. F. KNEEBONE: Yes, but he is told what to do.

The Hon. C. M. Hill: He carries out the policy of the board.

The Hon. R. C. DeGaris: Yes, he is the manager.

The Hon. A. F. KNEEBONE: Worker participation involves people taking part in decision making. It is all very well to say, "We will get over our industrial problems. We are getting too much militancy in the trade union movement, so we will agree to worker participation." That must mean participation in the making of decisions. It is useless to say, "You can pass on the recommendations to the manager and he will take them to the board." That is not worker participation. To meet the request of the Hon. Mr. Hill, I ask that progress be reported.

Progress reported; Committee to sit again.

Later:

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

In new section 9 (1) to insert the following new paragraph:

(aa) The Chief Officer of Fire Brigades, who shall be a member *ex officio*.

The purpose of the amendment is to appoint a further member to the board, and that member is to be the Chief Officer of Fire Brigades. The Chief Secretary built his whole case favouring worker participation on the argument that worker participation meant that the worker involved must take part in decision making. The term "decision making" was the one he stressed. I repeat that I am not opposed to the principle of worker participation.

The Hon. T. M. Casey: You should not be opposed to it, because it is Liberal Party policy.

The Hon. C. M. HILL: However, I do not want to use the term as a play on words: I support worker participation on the basis that it will be effective in the interests of all parties. Decisions are made at all levels—at the shop steward level, at the foreman level, and up to the management level. So, what does the Chief Secretary really mean when he says worker participation means that the worker must take part in decision making? Management carries out the policy of the board.

The Hon. M. B. Cameron: What happened in connection with the abattoirs board?

The Hon. C. M. HILL: At present I am not concerned about that matter. The abattoirs board is appointed by the Minister, and whether he appoints an employee to the board is his prerogative. I repeat that the Government report stated that there are difficulties inherent in serving the dual capacity of employee representative and the overriding and predominant duty to serve the interests of the board. That is the conflict of interest into which this Government is projecting an employee who takes a seat on the Fire Brigade Board: it is irreconcilable.

The Hon. A. F. Kneebone: What about the Chief Officer's position; isn't there a conflict of interest there, too?

The Hon. C. M. HILL: During the term of the present Chairman (who I am sure has the confidence of Ministers opposite) the Chief Fire Officer has been brought into board discussions.

The Hon. A. F. Kneebone: Not as a member of the board though!

The Hon. C. M. HILL: He is brought into the board room and is involved in general deliberations.

The Hon. A. F. Kneebone: In decision making.

The Hon. C. M. HILL: No, in the deliberations of the board. It is grossly unfair to an employee to be on the board, and it will not achieve anything other than propaganda for the Government.

The Hon. T. M. Casey: How do you know that?

The Hon. C. M. HILL: Because I just quoted an expert opinion on the subject. Also, the Premier said with complete frankness, when guest speaker at an Institute of Management dinner a few months ago and talking about worker participation, that it does not mean that employees will come and sit on boards.

The Hon. A. F. Kneebone: I didn't hear him say that.

The Hon. C. M. HILL: It is just another opinion, but an opinion that I hope honourable members opposite will respect. The conflict of interest that will confront an employee will concern him greatly when he leaves the board room and passes the Fire Chief's door on his way to the ground floor to polish the fire engine. One can see his embarrassment, and we should therefore try to overcome the problem of his involvement with his immediate superior, the Chief Fire Officer. If the Government wishes to proceed with this method of introducing worker participation it should at least have two people concerned, namely, the Chief Officer (who I am told already is brought into board meetings) and an elected employee.

That employee would make a contribution from the general wages and salaried staff and, if it is wished, give a general cross-section of opinion in his contribution from all ranks who serve the board. Surely then the views of the elected employee and the Chief Officer would be the best way to obtain a down-to-earth, sensible, balanced and worthwhile contribution in the affairs of the board at that level. My amendment does not prevent the appointment of a board member elected by the firefighters under the control of the brigade, but adds a further employee to the board, the Chief Officer.

The Hon. M. B. CAMERON: It seems to me that this is a reasonable amendment. The argument put forward by the Hon. Mr. Hill outlines the embarrassment of the Chief Officer. Undoubtedly, it would be not only a great embarrassment for the employee but also for the Chief Officer if one of the people from the shop floor was on the board and had a greater ability in making decisions on the Fire Brigade Board than the Chief Officer himself. I support the amendment.

The Hon. A. F. KNEEBONE: I am overwhelmed, because at one stage most members in this Chamber did not believe in worker participation as I do. However, we are now embarrassed by riches, because it is suggested that there be two worker representatives.

The Hon. M. B. Cameron: I do not oppose worker participation.

The Hon. A. F. KNEEBONE: But you did not move the amendment. The Leader said that it was beyond the bounds of possibility and that it should not be done.

The Hon. R. C. DeGaris: I do not believe that is quite right.

The Hon. A. F. KNEEBONE: The Leader said that it was going to increase expenses.

The Hon. A. J. Shard: Not if the representative is *ex officio* on the board.

The Hon. A. F. KNEEBONE: But this amendment does not say that. However, I am not strongly opposed to the amendment. I had not thought about bringing the Chief Officer in as a representative. Now, further consequential amendments will be required to the Bill.

Amendment carried; clause as amended passed.

Clause 4 passed.

Clause 5—"Election of employees' representative."

The Hon. G. J. GILFILLAN: The Chief Secretary was correct when he stated that consequential amendments would have to be made. In the definition of "employee" some officers have been excluded. Why should these officers be excluded from being eligible for appointment? These people are also employees of the board and they are being specifically excluded from being elected by their fellow employees.

The Hon. C. M. HILL: The matter mentioned in new section 10a (1) by the Hon. Mr. Gilfillan does not in any way conflict with my amendment. The group concerned in clause 5 is the group that makes itself available for election as the representative of the employees. That does not conflict in any way with my amendment.

The Hon. A. F. KNEEBONE: I do not think it makes a great deal of difference.

The Hon. R. C. DeGARIS: The point made by the Hon. Mr. Gilfillan, as I understand it, is that from the point of view of employee representation the only one

who cannot get on the board now is the Deputy Chief Officer. Why pick on this poor fellow? That appears to be absolute discrimination. This is saying that he can never make it unless he takes over the job of the Chief Officer. That should be looked into.

The Hon. A. F. KNEEBONE: The Chief Officer, the Deputy Chief Officer, and the Secretary of the board do not attend meetings of the employees. For that reason they were eliminated from those who would vote in the appointment of worker representatives. The previous amendment does not make any difference to this clause.

The Hon. G. J. Gilfillan: The others just cannot submit their names.

The Hon. A. F. KNEEBONE: That is so.

Clause passed.

New clause 5a—"Tenure of office."

The Hon. C. M. HILL moved to insert the following new clause:

5a. Section 12 of the principal Act is amended by inserting after the passage "the chairman" the passage "or the Chief Officer of Fire Brigades".

New clause inserted.

Remaining clauses (6 and 7) 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.

SUPERANNUATION ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from November 22. Page 1907.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I view this Bill with rather mixed feelings. As I understand it (and I hope the Chief Secretary will correct me if I am wrong), it appears to be a sort of pipe-opener to the recommendations that will be made to the Government, with the possibility of the Government's accepting those recommendations and changes proposed to the principal Act. I do not know how long it will be before agreement is reached in this matter, but I think that the present disagreement is in relation to some fairly important principles regarding superannuation.

The Bill does several things. I believe it is a pipe-opener to rather important changes that will be made to the whole concept of superannuation in the Public Service, but I should like to comment on clause 3, which the Chief Secretary said in the second reading explanation was an exception to the other clauses, merely providing that the expenses allowance payable to the Agent-General under the Agent-General Act was, for superannuation purposes, to be regarded as part of that officer's salary. I do not know the salary of the Agent-General, nor do I know the extent of his expenses allowance, but I should think the allowance was provided tax free and that it was to cover out-of-pocket expenses incurred in his occupation; yet, as the clause reads, it is to be looked on as part of the salary. Does that mean that, if the salary of the Agent-General is $20 000 and the expenses payable to him total $7 000, his salary, for superannuation purposes, is looked on as being $27 000?

This would be a most interesting position if it were related to other jobs, particularly that of being a member of Parliament, and if allowable expenses were taken as being the actual salary for superannuation purposes. Some further explanation of clause 3 is required. The other matters (at the moment anyway, on the very quick examination I have given the Bill) appear reasonable. The Bill provides also for retirement at the age of 60 years for both males and females, with the option of continuing in employment until the age of 65 years. I think the existing provision is that, for superannuation purposes, the retirement age is 60 years for females and 65 years for males. This Bill lays the ground for an amendment to come before us in this or the next session of Parliament, making massive changes to the whole structure of the Superannuation Act as it relates to the Public Service in South Australia. With those few comments, I support the second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): The Leader has drawn attention to clause 3, which relates to the salary of the Agent-General. As I understand the position, something was done recently to cover the position regarding the increased cost of living in England. Some extra amount for expenses was allowed to him to cover that situation, and for superannuation purposes it was to be regarded as part of his salary. That is all the information I can give the Leader at the moment. I shall try to get a more detailed reply and let him have it later, rather than delay the passage of the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Definitions."

The Hon. C. M. HILL: I seek an assurance that the principle involved in this clause will never be used as a precedent for any other officer in the Public Service. I am astonished that expenses to be paid to an officer in the Public Service are to be included in his aggregate income for the purpose of calculating superannuation. The whole approach to the remuneration of the Agent-General should be reviewed. He deserves an adequate salary and an adequate expense allowance, as his office involves much entertaining, but the expense allowance should not be taken into account in assessing superannuation benefits. We need a detailed explanation on that point. It is surprising how precedents can be established in matters of this kind, and we do not want the situation arising where arguments can be made out for other officers (perhaps, a promotional officer in the Premier's Department who may have to entertain visiting dignitaries, industrialists, and prospective investors in this State) being treated similarly for superannuation purposes. I should like an unqualified assurance that this is the only case within the Public Service where this approach will be accepted by the Government.

The Hon. A. F. KNEEBONE (Chief Secretary): The Agent-General is a special case. He earns a modest salary and has a fairly large expense allowance. The person about to take up the position of Agent-General will, unless something is done about it, be eligible for less superannuation than he would if he stayed in South Australia. The clause is to cover that situation.

The Hon. R. C. DeGARIS: I assume that British income tax is levied, and that tax would be at a much higher rate than obtains in Australia, although Australia is catching up with Britain in that respect. I should like to know what the salary is and also what the expense allowance is. That officer could be on higher superannuation than anyone in the Public Service in a similar position. A similar case could be made for other officers serving in his office in Britain.

The Hon. A. J. Shard: You can make out a case for them with no trouble; they are very poorly paid.

The Hon. R. C. DeGARIS: Yes. If it applies to the Agent-General himself, it can equally well apply to other officers of his office who find themselves in an equally difficult position through serving in Britain. This matter

needs examining. If the Chief Secretary would get it for me, I would be willing to accept his undertaking and to see this Bill passed in its present form. What really concerns me is whether this Bill takes the Agent-General beyond what is reasonable in superannuation. Secondly, what is the position as regards other employees in the Agent-General's office?

The Hon. A. F. KNEEBONE: I will get that information for the Leader.

Clause passed.

Clauses 4 and 5 passed.

Clause 6—"Age of early retirement."

The Hon. R. C. DeGARIS: This clause removes the right of females to commence receiving a superannuation pension at the age of 55 years. Can females who have elected to retire at the age of 55 years still do so? If they cannot, will they have to wait until they are 60 years of age before they can receive a superannuation pension?

The Hon. A. F. KNEEBONE: I do not know about those employees, but I think that that would be so. If they have given advance notice that they wish to retire at the age of 55 years, they have been contributing at a greater rate than have employees who have elected to retire at the age of 60 years. I think that that would be quite all right.

Clause passed.

Title passed.

Bill read a third time and passed.

FILM CLASSIFICATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 21. Page 1862.)

The Hon. J. C. BURDETT (Southern): Part of this Bill is good and part is bad, as has been said by other speakers. I entirely agree with clause 2, which gives exhibitors of restricted films the powers they need to comply with the conditions imposed on them; some film exhibitors have spoken to us of their difficulties in the present state of the law. Also, that portion of clause 3 which provides some control in the case of restricted films shown in drive-in theatres that can be viewed from outside the theatre is entirely good. I agree with what has been said about that. However, that portion of clause 3 which provides in effect that such action as was taken, for instance, in the case of *Oh! Calcutta!* cannot be taken in future in any circumstances is wholly obnoxious. I will refer to the clause which inserts a new section 11a and reads as follows:

(1) Subject to subsection (2) of this section, where a classification has been assigned to a film in pursuance of a corresponding law, or by the Minister, then, notwithstanding any law relating to obscenity or indecency, it shall not be an offence to distribute or exhibit the film in this State.

We must be realistic in our approach to this and advert to existing circumstances. In effect, the clause means that, if the Commonwealth censor or the board of censors has attributed a classification, or if the Minister does, then it is not an offence, any law to the contrary notwithstanding, to exhibit the film in this State.

The whole trouble is that the Commonwealth censor is not doing his job, that films are classified which should never be classified (films such as *Last Tango in Paris*), and in practice this clause amounts to a surrender to the Commonwealth of the State powers; we know that the State Minister does not classify, does not exercise his power, and does not do anything about it. In practice, since this Bill amounts to a surrender to the Commonwealth of State powers, it is politically bad. The question of classification should be a local matter.

Adverting again, as I did in regard to the literature Bill, to section 33 of the Police Offences Act, the tendency to deprave or corrupt, surely this must be a local matter. A film which would have a tendency to deprave or corrupt in one community might not do so in another. So, essentially this must be exercised at least at State level. Moreover, I am unable to discover that the public has any access to the Commonwealth censor or to the Board of Censors; this is a retrograde and regressive step. The tendency today is said to be towards open government (which is the bold boast of the Commonwealth Labor Party) and towards involving the public in the functions of Government.

The Bill, in the existing circumstances, leaves the public out on a limb. The public has had to go to the court, as in the *Oh! Calcutta!* case. The basis for going to the court was that a breach of section 33 of the Police Offences Act had been apprehended. This Bill takes away the right of the public to deal in any effective way with any objections it has to the classification of films. The public no longer has any right of redress. I refer again to the number of representations that have been made to me (311 at the last count, but more have been made since then) concerning the Film Classification Act Amendment Bill and the present Bill. Some of the representations were made by telephone, some in person, and others by letter and telegram. Regarding the representations made in person and by telephone, I have made certain inquiries and have found that the people who made the representations against the Bills have come from all major religious denominations and from none, and from the two major political Parties and from none. I am unable to say that any came from the Liberal Movement, but certainly they came from the two major political Parties and from people who expressed no political allegiance.

The Hon. M. B. Cameron: They've heard about you.

The Hon. J. C. BURDETT: I do not know about that. One thing that encouraged me was that people from both political Parties probably inplicitly and not explicitly acknowledged that the Council was their last resort when they found that legislation of which they did not approve was being rushed through, and they wanted to complain somewhere. They realized that the Council was the place to go.

The Hon. A. F. Kneebone: They said it was the last resort!

The Hon. J. C. BURDETT: Yes, and I was encouraged to find that people on both sides of the political fence realized, particularly in cases where legislation such as this was being rushed through, that the Council was the place to go.

The Hon. M. B. Cameron: They'd better hurry while you're still here.

The Hon. J. C. BURDETT: I think I will be here for some time. Turning to the moral aspects of the Bill, I suggest that it has gone beyond the stage of saying, "If you do not like it, you do not have to look at it." The flood of obscene films and literature thrust on the public has reached the stage where it can realistically be called moral pollution. We have found from oversea experience (there has been ample proof of this, and it has been published in the press and in literature of various kinds) that there always seems to be a progression from the explicit depiction of the sexual act to all forms of deviation, to bestiality, and, it seems now, finally to blasphemy. Some of these films go so far beyond the accepted principles of morality, decency and propriety that it is

difficult to appreciate or conceive the extent of the departure beyond these standards.

Therefore, the Bill is morally bad. When I spoke to the Bill dealing with literature, I said that a clause in that Bill was a strange example of licence to break the law. Section 33 of the Police Offences Act applies to everyone else, but it does not apply to people who exhibit classified films or sell classified literature. So, it is a strange example of a licence for certain people to break the law. For the reasons I have given, I suggest that the Bill is politically, legally and morally bad. Without using unparliamentary language, that is about the worst I can say about any Bill.

I mentioned also, with regard to the moral aspects when speaking to another Bill, that there seemed to be evidence that the pendulum in moral matters was swinging back. Whereas we have had the situation of more and more permissiveness, the public is waking up to it, and the return which we have often had previously in history and which we will have again to an ordinary decent set of moral standards will occur, has been occurring, and is occurring now.

I turn now to the suggestion made by the Hon. Mr. Hill (with which I agree) that the best thing to do is pass the parts of the Bill that are good. Regarding the bad parts of the Bill, we should put the responsibility where it ought to be, namely, on the Minister in charge of the Bill. I realize that censorship, classification, call it what you will, is a function of the Executive and, provided that it is carried out, no-one has anything to complain about. I support the suggestion made by the Hon. Mr. Hill that, if the Bill be recast in such a form that, before its objectionable clause applies, the Minister must certify that he has viewed the film and has agreed or disagreed with the classification, if any, already given to it and has applied certain principles, that would make the Minister exercise the functions he ought to exercise, and these are proper Ministerial functions.

In addition to approaches by members of the public, we have had approaches from the film industry, which has said one thing with which I agree. The industry has complained about the present situation where perhaps on a Thursday it might be served with a writ claiming an interim injunction, at a time when the industry was to show the film the following Friday. The industry would have incurred expense and would have had an empty theatre for the period during which the film was to run. I sympathize with the industry in such a situation. However, the industry ought to run some risk, because it shows R films. The Hon. Mr. Hill's suggestion covers this situation, as any interested person, either from the industry or the public, could approach the Minister to ask him to make up his mind and classify or not classify and certify that he has viewed the film and that he has applied certain principles. If the Minister does not do that, the present situation will apply, and people may go to the court, as they could before. That seems to be giving the Minister his proper responsibility and making sure that he carries it out, because, if he does not, he would get pressure not only from the public but from the film industry, which would want to know where it was going.

One other bad aspect of the position as it applies now and as it would apply even more so under the Bill in its present form is that, the more we have of these erotic films, of course the more people will go to see them at every opportunity; the unfortunate aspect is that it has caused the supply of good family films of quality to dry up. It has taken away the alternative. For these reasons, I support the second reading and will support the moves foreshadowed by the Hon. Mr. Hill.

The Hon. F. J. POTTER (Central No. 2): This Bill seems to me to be like the curate's egg—good and bad in parts. Because of that, we should seriously consider (and I will so move when we get to the Committee stage) that the Bill be divided into two. It has some good provisions about tightening up sections of the Act that deal with not permitting children under 18 years of age to see R films and providing for the fencing of drive-in theatres. From the many representations made to me, I think these provisions are required urgently. We should give them a speedy passage.

However, the second part of the Bill, which introduces an entirely new concept into this legislation, provides that the laws of obscenity and indecency in this State are not to apply once an R certificate for a film has been given. That raises an important problem. It has already been adverted to by other speakers, so I will not spend much time on it, but the problem arises that, if a film has been classified by the Commonwealth board as an R film and it is objected to by citizens of this State, if we pass this provision those citizens will have no redress in challenging that classification. That is wrong. That is not to say that I accept the idea that the citizens of this State should have the right necessarily to take their complaints to a court of law; I do not think that, in many ways, a court of law is the right tribunal to classify films, because that is essentially an administrative act. However, in the case of the Commonwealth, it also involves censorship of some kind because the Commonwealth is not bound to classify films at all, and no film that is not classified can be shown in the Commonwealth. Secondly, it can impose a classification for a film after it has made certain censorship cuts.

The Hon. T. M. Casey: You mean there should be a censor of censors?

The Hon. F. J. POTTER: No. I am saying that, if we must rely solely in this State on the classification imposed by the Commonwealth, we are delivering ourselves completely into its hands. This problem has run the whole gamut in the United States of America, where the Supreme Court once held that there was no right of censorship and there should not be a right of censorship but recently it has gone right back on that and said that the right of an individual State to impose its own laws of censorship should be recognized. With all the difficulties that that involves, it seems to me that the South Australian Minister should be the person to whom the citizens, if they object to a film classification, should appeal. What makes me say that more forcibly is that the Act provides for it. I took the trouble to look up the speech of the Minister when he introduced the Film Classification Bill in 1971. I quote from page 2225 of *Hansard* (October 14, 1971), where the Minister said:

> The Bill operates by providing that a film shall not be publicly exhibited in this State unless it bears a classification assigned in pursuance of a corresponding law, or by the Minister. A corresponding law is defined as the law of any other State or Territory of the Commonwealth declared by regulation to be a corresponding law for the purposes of this Bill. An agreement was made between the Commonwealth and some States whereby the States would confer their powers of censorship on the Commonwealth film censor. The Government of this State was not prepared to abrogate its responsibilities in this manner and is hence not a party to the agreement. However, it is thought that generally, in the interests of uniformity, the classifications adopted for the purposes of corresponding State law should be adopted in this State. That is accordingly the effect of the legislation,

although it is conceivable that in exceptional circumstances the declaration could be revoked and the Minister could assign his own classification.

What has happened? He has in no way carried out what he said he would want to do—to have his own right of applying his own classification. He has in all cases not questioned the classification of a film imposed by the Commonwealth. This Bill makes that situation permanent: he would never have the right to query the legislation. He wants to abrogate it completely, and also he wants not to allow any citizen of South Australia the right to appeal to anyone about a film classification. That is wrong and not in line with what the Minister said he wanted to do in the first place.

As the Hon. Mr. Hill has said, I believe it is the responsibility of the Minister in this State to act as a final court of appeal for citizens of this State. It is not really a matter to take to a court and ask it to engage in the process of censorship. The courts are not designed for that purpose. It is not right to allow any citizen of the State, just because he happens to disagree with or have some idea about a film or objects to its classification, to go to the court. He should go to the responsible Minister, who should face up to his responsibilities, look at the film, decide for himself whether or not it has been classified correctly, and then either amend the classification or refuse to classify the film. That is the responsible Minister's job and that is what I should like to see him face up to. If he will not do that, it should be left to the ordinary citizen to have the right to go to the court. If the Minister is willing to do his job, he must take the brickbats as well as the kudos; that is the proper way to approach this matter.

I intend to move that the Bill be divided into two, and I foreshadow an amendment to the principal clause dealing with the classification of films. Further, I will support an amendment foreshadowed by the Hon. Mr. Hill. This is not an easy matter. The Hon. Mr. Burdett and I have been overwhelmed with requests, but I believe that most of the people who contacted me did not fully understand all the difficulties involved. I believe that the responsibility should be placed on someone: we should not adopt willy-nilly the classification of the Commonwealth board without any question of an appeal to anyone. The proper person is the Minister, who should face up to his responsibilities, which he said he wanted to assume.

The Hon. T. M. Casey: How many other States have this?

The Hon. F. J. POTTER: No other State has proposed this legislation. Some other States have adopted the Commonwealth Censorship Board's classifications. They have done that as a matter of pure administration.

The Hon. T. M. Casey: Which States?

The Hon. F. J. POTTER: Probably most of them. The final responsibility in connection with the citizens of South Australia should lie with the South Australian Minister. He should make his own classification in matters where doubts have been raised by responsible citizens. I support the second reading to enable the Bill to be dealt with in the manner I have foreshadowed.

Bill read a second time.

The Hon. F. J. POTTER moved:

That it be an instruction to the Committee of the Whole on the Bill that it have power to divide the Bill into two Bills, one Bill comprising all clauses other than that portion of clause 3 dealing with proposed new section 11a and the other comprising proposed new section 11a dealing with the exhibition of certain classified film notwithstanding the law of obscenity, etc.

The Council divided on the motion:

Ayes (11)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter (teller), Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (7)—The Hons. D. H. L. Banfield, M. B. Cameron, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Majority of 4 for the Ayes.

Motion thus carried.

In Committee.

The Hon. F. J. POTTER moved:

That according to instruction, the Bill be divided into two Bills, the first to be referred to as the Film Classification Act Amendment Bill (No. 1) to include clauses 1 and 2 and portion of clause 3 relating to proposed new section 11b prohibiting the exhibition of restricted films in certain cases, and the second to be referred to as the Film Classification Act Amendment Bill (No. 2) to include portion of clause 3 relating to proposed new section 11a permitting the exhibition of certain classified film notwithstanding the law of obscenity, etc.

Motion carried.

In Committee.

Clause 1—"Short titles."

The Hon. F. J. POTTER: Following the intruction to the Committee it will be necessary to insert "No. 1" after the "Film Classification Act Amendment Act". I move accordingly.

Amendment carried; clause as amended passed.

Clause 2 passed.

Clause 3—"Enactment of ss. 11a and 11b of principal Act."

The Hon. F. J. POTTER moved:

That consideration of new section 11a comprising all words in lines 27 to 33 be postponed until after the consideration of Bill No. 1 has been concluded and reported.

Motion carried.

The Hon. F. J. POTTER: I point out that it will be necessary in this clause to alter the plural to the singular. I believe this is a clerical alteration that should be made in the preamble to clause 3.

The CHAIRMAN: That correction will be made. It has been carried that clause 3, with the exception of lines 27 to 33 previously postponed, stand as printed.

Title passed.

The Hon. F. J. POTTER moved:

That Bill No. 1 be reported without amendment, that progress be reported on Bill No. 2, and that the Committee have leave to sit again.

Motion carried.

The PRESIDENT: The Committee has considered the Bill, divided it into two Bills pursuant to instruction and has directed me to report the No. 1 Bill without amendment and report progress on the No. 2 Bill, and asked leave to sit again.

Committee's report adopted.

Bill No. 1 read a third time and passed.

FILM CLASSIFICATION ACT AMENDMENT BILL (No. 2)

The Hon. F. J. POTTER moved:

That it be an instruction to the Committee of the Whole on the Bill that it have power to consider an amendment to insert the words of enactment.

Motion carried.

In Committee.

The Hon. F. J. POTTER moved:

That further consideration of the postponed portion of clause 3 be further postponed until after consideration of new clauses No. 1 and No. 2.

Motion carried.

New clause 1.

The Hon. F. J. POTTER moved to insert the following new clause 1:

(1) This Act may be cited as the "Film Classification Act Amendment Act (No. 2), 1973".

(2) The Film Classification Act, 1971, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Film Classification Act, 1971-1973".

New clause inserted.

New clause 2—"Film not to be exhibited unless classified."

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

2. Section 4 of the principal Act is repealed and the following section is enacted and inserted in its place:

4. (1) A film shall not be exhibited in a theatre unless one of the following classifications has been assigned to the film in pursuance of a corresponding law or by the Minister:

(*a*) for general exhibition;
(*b*) not recommended for children;
(*c*) for mature audiences;
(*d*) for restricted exhibition;
or
(*e*) such other classification as may be prescribed.

(2) If a film is exhibited in contravention of subsection (1) of this section, the exhibitor shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(3) The Minister may, by instrument published in the *Gazette*, declare that a classification assigned to a film in pursuance of a corresponding law shall be ineffective in this State and if such a declaration is made—

(*a*) the film shall bear a classification assigned to it by the Minister in lieu of the classification assigned in pursuance of the corresponding law;
or
(*b*) if the Minister refrains from assigning a classification to the film, it shall be deemed not to have been classified in accordance with this section.

(4) This section does not impose any obligation upon the Minister to assign a classification to a film.

(5) In exercising his powers and discretions under this section, the Minister shall have regard to standards of morality, decency and propriety that are generally accepted by reasonable adult persons in this State.

This is a redrafting of section 4 of the principal Act, which is necessary to provide a much clearer section setting out the powers of the Minister. An examination of that section discloses that a film shall not be exhibited in a theatre unless a classification has been assigned to the film in accordance with subsection (2) of section 4. Subsection (2) then proceeds to declare that the film must be assigned one of the following classifications by the Commonwealth censor or by the Minister. The classifications are set out and they are repeated in my redrafting of the section. However, the section does not make clear that the Minister has power to refuse a classification to any film, which is clearly intended but seems to have been omitted in the original drafting. Nothing is provided in the section to set out the terms and conditions on which the Minister should exercise his powers and discretion.

To the end of the new subsection (2), the section is substantially the same as the existing section in the Act. In many ways the amendment is necessarily preliminary to that circulated by the Hon. Mr. Hill, and there is some tie-up between the two. The new clause enables the Minister in this State, according to the powers he has reserved unto himself up to this point, to make his own classification of a film or refuse to make a classification of that film, and in exercising such a decision to have regard to the standards of morality, decency, and propriety generally accepted by reasonable adult persons in this State.

Quite clearly this is tied up with the suggested amendment circulated by the Hon. Mr. Hill, because in that amendment if the Minister, in a doubtful case or a case in which representations have been made to him, reviews the classification of a film and adopts the Commonwealth classification, the film can be shown and no further appeal is allowed to the courts of law, or, if he refuses to classify it, the film will not be shown at all. This puts the function of censorship at appeal, because there is some initial censorship and classification at the Commonwealth level; I do not want to interfere with that at all. I supported the Bill originally when it provided for classification, and I can see cogent reasons why we should not have film classification at Commonwealth level in the first instance. A high proportion of films enters this country through importation, through Customs, and then goes to the Film Classification Board. It is clearly at that stage the proper Commonwealth function for the film to be admitted and classified (or not classified, as the case may be), or classified with some cuts made. When responsible citizens in this State want to take the matter further, this amendment, coupled with that suggested by the Hon. Mr. Hill, will enable them to take their case to the Minister. That is the prime purpose of the whole amendment.

The Hon. A. F. KNEEBONE (Chief Secretary): Because I have not had an opportunity to discuss this with my advisers, I seek leave to have progress reported, and the Committee to have leave to sit again.

Progress reported; Committee to sit again.

MARINE ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

Its principal object is to increase the pecuniary penalties that attach to the majority of the offences under the Act. The amounts of these penalties are still those that were fixed in 1881 in the Marine Board and Navigation Act of that year. As in the case of the Harbors Act penalties, it is not an unreasonable request to increase amounts that have stayed at the same level for nearly a century.

The Bill also proposes several substantive amendments to the Act. First, it is desirable to remove the present requirement that a person must be a British subject if he is to be allowed to sit for the examinations for certificates of competency as a master, mate, or engineer on coast-trade or river ships. This is a more stringent requirement than under the Commonwealth Navigation Act for similar classes of shipping and has caused the Department of Marine and Harbors considerable embarrassment. It has, of course, been a source of hardship for some aliens who are well qualified to take the examinations soon after their arrival in this State.

Secondly, a penalty clause is to be added to the Act to cover the situation where a ship that is required to have a certificate of survey operates without such a certificate being currently in force. As the Act now stands, there is no sanction for such an offence and, therefore, offenders go unpunished. As certificates of survey are designed to ensure the safety of ships, the operation without a current certificate could possibly endanger the lives of crews and passengers. Thirdly, it is proposed to extend the shipwreck and salvage provisions of the principal Act to cover fishing

vessels as well as coast-trade and river ships. This amendment is necessary as from time to time there are, naturally enough, casualties involving fishing vessels in South Australian waters.

Clause 1 is formal. Clause 2 provides for the commencement of the Act. Clause 3 is a consequential amendment and merely places the existing definition of "fishing vessel" in the interpretation section of the Act instead of in the body of the Act. Clauses 4, 5 and 6 increase penalties. Clause 7 strikes out that provision which requires a person to be a British subject if he is to qualify for the examinations of master, mate, or engineer. Clauses 8 to 22 inclusive increase penalties. Clause 23 is an amendment consequential upon the removal of the definition of "fishing vessel" to the interpretation section of the Act. Clause 24 provides a penalty of $2 000 each to be paid by the owner and master of a ship required to be surveyed annually that traverses any South Australian waters whilst there is no certificate of survey currently in force in respect of that ship. Clauses 25 to 45 inclusive increase penalties. Clause 46 extends the shipwreck and salvage provisions of the principal Act to fishing vessels. Clauses 47 and 48 increase penalties.

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

ADELAIDE FESTIVAL CENTRE TRUST 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.

Its purpose is formally to vest in the Adelaide Festival Centre Trust established under the principal Act, the Adelaide Festival Centre Trust Act, the property comprised in the Adelaide Festival Theatre. Honourable members will no doubt recall that the festival theatre was constructed by the Adelaide City Council under the authority of an Act that became known as the Adelaide Festival Theatre Act, 1964-1970. However, since the building was completed, its management has been in the hands of the Adelaide Festival Centre Trust pursuant to arrangements made between the trust and the council and authorized by section 23 of the principal Act.

It was always envisaged that these arrangements would be of a temporary nature and would last only until provision could be made for the formal handing over of the theatre by the council to the trust. This measure then sets out the legal framework within which the passing of the property may take place and it will be followed by a Bill to amend the Adelaide Festival Theatre Act to discharge, as it were, the council from its obligations in relation to the theatre.

Clauses 1 to 3 are formal. Clause 4 amends section 4 of the principal Act by providing certain further definitions rendered necessary by the enactment of the operative provisions of this Bill. Clause 5 amends section 23 of the principal Act, adverted to earlier as the provision under which the trust managed the festival theatre as agent for the council. This provision will, of course, no longer be necessary on and after the day on which the theatre is formally vested in the trust. Clause 6 amends section 27 of the principal Act and recognizes the fact that moneys from the Australian Government will become available to the trust. Clause 7 is the most important provision in the Bill and enacts a new Part IIIA in the principal Act. It may be useful if the new sections proposed to be enacted in the principal Act by this clause are dealt with *seriatim*.

New section 28a provides for the fixing of a vesting day, that is, the day on which the festival theatre will vest in the trust. New section 28b provides for the making of arrangements between the trust and the council as to their respective rights and obligations after the vesting day. These arrangements will be subject to the approval of the Treasurer since, pursuant to the Adelaide Festival Theatre Act, the Government has, at this stage, a substantial and continuing financial interest in the matter. New section 28c is formal and self-explanatory.

Clause 8 enacts a new section 29a in the principal Act and vests in the trust a further small piece of Elder Park. This vesting has been rendered desirable by the intrusion of a portion of the proposed amphitheatre into the park. A plan of the area involved is shown in the proposed second schedule to be inserted in the principal Act. This clause also, by enacting a new section 29b in the principal Act, vests section 654 in the Festival Centre Trust. This is the land on which the festival theatre stands. Clause 9 is formal and consequential on clause 8. It merely provides for the issue of appropriate documents of title. Clause 10 is important, in that it provides that the entire Adelaide Festival Centre shall for rating purposes have an assessed annual value of $50 000. Previously, the festival theatre was excluded from this particular concession. Clauses 11 and 12 together insert a schedule in the principal Act showing the additional area to be acquired and referred to in relation to new section 29a.

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

ADELAIDE FESTIVAL THEATRE 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.

This Bill, which is to some extent complementary to the Adelaide Festival Centre Trust Act Amendment Act, 1973, assists in providing the basis on which the transfer of the ownership of the festival theatre from the Adelaide City Council to the Adelaide Festival Centre Trust can take place.

Clauses 1 and 2 are formal. Clause 3 amends section 3 of the principal Act and inserts a definition of "vesting day", being the day fixed for the vesting of the festival theatre in the trust. Clause 4 amends section 3 of the principal Act by limiting the expenditure of moneys on the construction of the festival hall by the council to matters where costs were incurred before the vesting day. Clause 5 amends section 4 of the principal Act by making it clear that the ownership of the festival hall vests in the Adelaide City Council only until the vesting day. Clause 6 makes a number of substantial amendments to section 7 of the principal Act, this being the section that sets out the respective financial obligations of the Adelaide City Council and the Treasurer. The principal amendments are to increase the total liability of the Treasurer, in relation to the project, to $4 900 000 and to provide for certain expenditure by the Treasurer over this amount to reimburse the council for its expenditures on approved alterations and additions to the theatre. In sum, these amendments reflect the *de facto* assumption of liability of the Government for the completion of this project.

Clause 7 inserts a new section 7a in the principal Act which limits the liability of the Treasurer to make payments to the council in respect of the construction of the festival theatre to the liability which was incurred before the vesting day. In addition, certain other pre-existing liabilities of the council *vis-a-vis* the Treasurer are still preserved. Specifically these liabilities relate to earlier financial arrangements under the principal Act set out in section 5 and certain liabilities in relation to the eventual disposition of the property known as "Carclew".

The future liabilities of the council in relation to the festival theatre will be the subject of the arrangements referred to in section 28b of the Adelaide Festival Centre Trust Act, 1971-1973. Generally these liabilities will be assumed by the Adelaide Festival Centre Trust. This clause also inserts a new section 7b in the principal Act which is intended to authorize the Treasurer to discharge certain liabilities incurred by the Government in relation to the builder in respect of certain obligations to pay overtime by the builder. These obligations were entered into at the request of the Government.

Clause 8 repeals section 8 of the principal Act which provided for a subsidy of $40 000 a year to be paid by the Treasurer to the council to offset losses in the operation of the festival theatre. Since the council will no longer be operating the festival theatre, this clause is no longer necessary. Clause 9 amends section 17 of the principal Act and makes certain arrangements in relation to the winding up of the Adelaide Festival Appeal Fund. It is suggested that this clause is generally self-explanatory.

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

HARBORS ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

Its principal object is to increase the pecuniary penalties for the majority of the offences under the Act. The need for the proposed increase is patently obvious when one realizes that the penalties are still those amounts that were fixed under either the Marine Board and Navigation Act of 1881 or the Harbors Act of 1913. The amounts proposed in this Bill are consistent with present-day monetary values and take into account the development of the shipping industry during this century.

The Bill also contains several substantive amendments. First, it is proposed to repeal section 103 of the principal Act, being the section that provides for the exemption from paying a pilotage fee where the master of an outward-bound ship orders a pilot and then finds that the ship is not ready to leave on the day and notifies the pilot accordingly. The increasing frequency with which masters of ships are making use of this provision is causing the nautical staff of the Marine and Harbors Department much inconvenience and waste of time. The repeal of this section will leave it open for the making of regulations under section 144 of the Act, fixing a fee to be paid to the pilot in such circumstances; this fee will deter the unnecessary ordering of a pilot but will not be an amount that will cause any hardship in genuine cases.

Secondly, it is proposed in this Bill to widen the powers given to the Minister in relation to the issuing of pilotage permits to masters of certain vessels that make frequent voyages in and out of a port for such purposes as dredging operations, exploratory excursions or servicing of oil rigs. The department has suffered considerable embarrassment when a particular operation for which a pilotage permit obviously ought to be issued does not in fact come within the rather narrow qualifications specified in section 116a of the principal Act. It is therefore proposed to give the Minister power to issue such a permit in such circumstances as he thinks fit.

Clause 1 is formal. Clause 2 provides for the commencement of the Bill. Clauses 3 and 4 are statute law revision amendments. Clauses 5 to 10 inclusive contain increases to penalties and are self-explanatory. Clause 11 repeals section 103 of the principal Act for the reasons to which I have already referred. Clauses 12 to 15 inclusive increase penalties.

Clause 16 amends section 116a of the principal Act by widening the power given to the Minister with regard to the issuing of pilotage permits. Clauses 17, 18 and 19 increase penalties. Clause 20 contains a statute law revision amendment. Clauses 21 to 36 inclusive increase penalties. Clauses 37, 38 and 39 contain statute law revision amendments.

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

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 22. Page 1923.)

The Hon. V. G. SPRINGETT (Southern): In his second reading explanation the Minister said that the Bill made several amendments to the principal Act on a number of unconnected subjects. The most important amendment is the inclusion of a provision imposing a duty on a medical practitioner, optician or physiotherapist to inform the Registrar of Motor Vehicles when one of his patients is found to be suffering from some bodily or mental disease that would seriously impair his ability to drive a motor vehicle. From time immemorial the doctor-patient relationship has been regarded as something almost akin to the priest-parishioner relationship. What a doctor is told by his patient or what the doctor finds out during his examination of the patient is available to no-one except those courts of law where the presiding judge orders a doctor to reveal what he knows about a case. Such revelations, even in a court, have always left a feeling of unease in the mind of the doctor concerned, and the revelations have always been reluctantly made. The question posed by this Bill is this: to whom is the doctor to become responsible—to the patient (as in the past) or to the Motor Vehicles Department in the future? He cannot be responsible to both.

I do not like the statement in the Minister's second reading explanation and in the Bill that a duty is imposed on a medical practitioner, optician or physiotherapist to inform the Registrar. Does this Bill ask a medical practitioner, an optician or a physiotherapist to be answerable to the Government in the future, or is he still to remain answerable privately to his patients? Where does this stop? I fully agree that a person should be physically fit and mentally able when he is driving a car. Any vehicle in the hands of a person not physically fit and not mentally able is a menace, but does this Bill really achieve what it sets out to achieve? First, is there to be a schedule of conditions that shall be notified? Secondly, if, in his opinion, a doctor finds a person unfit to drive and reports that fact to the Motor Vehicles Department, what appeal has the patient got? Had he gone to another doctor he might never have been sent to the department, because that second doctor might have disagreed with the conclusions of the first doctor. Should

there not be an established court of appeal with a form of referee?

Unless it is made obligatory for every driver to produce a certificate of fitness to drive, much the same as that for aged people, the doctor is in an invidious position. Obviously, a doctor is going to lean towards safety, particularly since he has to decide what is a serious condition and what is not without having a clear criterion other than his clinical acumen. I ask honourable members to consider the problems of the diabetic, who may be well controlled by insulin. However, that control is not 100 per cent effective all the time, for various reasons. The onset of a heart attack must also be considered. How widely is the net to be spread in order to catch these people?

Unless every driver is to be medically checked, the patient may never know whether he has had a heart attack and has thereby caused an accident, and neither may the doctor. If a patient has a heart attack while driving (and there is no doubt this can and does happen) is the doctor to be held responsible? Thousands of post-cardiac patients have not had a return of their illness, or had a second or later attack (although there are many who have). Are they to be considered potentially unfit to drive? The epileptic is another person with a problem, because it is generally assumed and accepted that once an epileptic has a couple of years freedom from attack he is considered relatively free from the illness, but how can we say that such an attack will not recur later? We cannot. So, under this Bill, that group will be suspect for the rest of their lives.

If I tell a patient that his condition renders him unfit to hold a driver's licence, and his reply is to withdraw himself from my care, what do I do under this Bill? Do I report his case to the Motor Vehicles Department? I am no longer his doctor, but the Bill says I have a duty when one of my patients is suffering from certain conditions to inform the Registrar. Am I expected to do this when he is not my patient and I am no longer his medical adviser?

If the patient goes to another doctor and is told he can drive and is fit to drive, what then? Where do we all stand, and what is one doctor's opinion worth relative to another when it is simply a matter of opinion? I am all for reducing the toll on the roads, but I consider a better result would be achieved by doctors urging their patients not to drive and, at the same time, making it clear to the patients that if they do drive they are risking their own lives and, indeed, other people's lives. How many unfit drivers are on the road? Since the doctor is a medical adviser to his patient, does his responsibility end once the patient ceases to seek and take his advice?

The further one goes into this problem the more complicated it becomes. I repeat that I wish to help reduce the appalling tragedy of the road toll. I do not dispute that it exists, but it is not just a matter of saying that certain conditions render a man unfit on medical grounds to drive. That by itself will create as many problems as it will solve. If I had a patient who normally drank heavily, and that patient came to see me about a completely unrelated matter and was sober, am I supposed to turn him in by reporting his drinking habits? Most of us would agree that alcohol plays a relevant part in many accidents, but this act on the part of the doctor would destroy the doctor-patient relationship and turn the medical practice into a one man court of judgment, if not of justice.

This measure would create the grave danger of making the doctor a watchdog for the State. Bearing in mind that we are in the last week of this part of the session, I believe this Bill could well be left to stand over until we reassemble in the new year, when we will have more time to debate and investigate the matter further. I have said nothing about opticians and physiotherapists. The latter group includes both qualified and unqualified persons. Physiotherapy board members work in conjunction with medical practitioners, and, if there was a dichotomy of opinion between the doctor and the physiotherapist, who would adjudicate and whose expression of opinion would be accepted?

When one considers opticians, again there is often a difference of opinion. Yesterday, I spoke to two physiotherapists independently of each other, and asked them what they would do in these circumstances. Each said he would not take the responsibility but would send the patient to a doctor. Clause 6 deals with the right of bringing a car, which is registered in one State, from another State or territory and driving it in this State for a limited time, provided the car is properly licensed, registered and insured. Clauses 9, 10, 11, 13, 14, 18, 20, and 25 all make metric amendments. Clauses 9 and 10 appear to be from a page of a trigonometry book. Other honourable members will mention other aspects of this Bill. Clause 30 provides for the appointment of civilian examiners to test applicants for licences, a practice which will relieve the police of a considerable burden and which is in keeping with practices in many oversea countries.

Clause 32 amends section 84 of the principal Act by providing that the testing of aged drivers shall be spread throughout the year and not concentrated during a short time. If and when a team of civilian testers has been established, will it take over testing all drivers, including elderly drivers who have regular routine checks, medically and optically? I will not go further in speaking to this Bill because I know the Hon. Mr. Hill intends to raise further matters on it. However, I have an amendment on file that I will move in the Committee stage. I am in full sympathy with and accept the need for measures to be taken to reduce the accident rate on the road. Some of the provisions in the Bill do not meet with the approval of many of my professional colleagues, but I think that my amendment will improve it. I support the Bill.

The Hon. C. M. HILL (Central No. 2): I have listened with interest to the Hon. Mr. Springett's review of the Bill, and my deliberations on those parts of the Bill dealing with the medical profession will be influenced by the view he takes. I have read in detail the balance of the Bill comprising about 15 proposed changes to the parent Act.

This Act is usually amended during each session of Parliament, and one can easily understand the need for the continuous change, because we are living in times of change with regard to motor vehicles and the requirements regarding drivers and motor vehicles generally. So, it is only to be expected that there must be a continual updating of the legislation if the most satisfactory laws are to apply to motorists.

Of the various alterations the Bill proposes, those dealing with the assessment of the new power-weight of vehicles that do not have a piston engine, those dealing with an increase in fees, those dealing with the appointment of examiners to conduct practical driving tests, and those dealing with the appointment of a nominal defendant are the provisions that require the closest examination.

It greatly concerns me that the Government has seen fit to increase fees once again for the motorist. The fee payable on transfer of registration is to be increased from $1 to $4, an increase of 300 per cent, which is somewhat in keeping with the way in which the present Government not only during the term of this Parliament but also during the term of the previous Parliament has treated the motorist.

I find that, apart from the huge increase in stamp duty for transfers of motor vehicles that have been applied during this period, in November, 1970, class A and B licence fees were increased by 50 per cent, from $2 to $3. At that time I estimated the aggregate income to the Government by that measure would have been about $525 000.

In March, 1971, there was an increase in registration fees that averaged 20 per cent; indeed, fees for some vehicles, such as motor cycles and trailers, were increased by 33⅓ per cent. That increase in registration fees produced additional revenue of over $2 600 000 to the Government.

The Hon. D. H. L. Banfield: What was spent on the highways?

The Hon. C. M. HILL: I hope the amount being spent on the highways has increased all the time, because the Commonwealth Government's contribution is ever increasing during the five-year span of the agreement. During the two years of the term of the previous Government, registration fees and licence fees were not increased. I make a plea to the Government to consider the motorists and not use them as a revenue-producing group within the community (as it has done), and to show every concern for the increasing costs they face in this State.

In several places in the Bill the power to draw up the necessary forms for use by the department is changed from the usual regulatory method and given direct to the Minister. That point should not go unnoticed by honourable members, who are always (and properly) keen to have a second look at all matters wherever possible. Therefore, honourable members always favour regulations compared to the system of giving power to the Minister, without any further check, to prepare forms or involve himself in any matter.

The Hon. T. M. Casey: Does that apply to film classification, too? Do you go along with the Minister there?

The Hon. C. M. HILL: I particularly want to go along with him in regard to film classification, because this is what people outside are demanding. They wonder where the Minister is (whether he is hiding under a stone) when it comes to censorship.

The PRESIDENT: Order! We are dealing with a motor vehicles Bill, not with films.

The Hon. C. M. HILL: I cannot complete my review of this measure without pointing out to honourable members that in several places powers which were exercised by regulation are being granted to the Minister; that point should be carefully noted. I have studied the Bill closely and do not think that great harm can come from this proposal, because, after all, the preparation of forms is something the Minister can handle properly. This is not a really important change as far as the principle is concerned.

The Bill also sets up plans for the ultimate examination by separating examiners, other than the Police Force, for licences. I note that the Minister has an amendment on file which deals with spreading age driving tests throughout the year. In the general change surrounding the Motor Vehicles Department and its central autonomy, which I think must change to a more decentralized pattern, the general approach to examiners working for the Registrar should be carried out gradually. The machinery laid down in the Bill sets the pattern for the change.

With regard to the important matter dealing with the medical profession, I shall listen with further interest to the Hon. Mr. Springett when he moves his amendment and to any additional contribution he makes in that regard. I do not object to the various other matters in the Bill, and, therefore, I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 31 passed.

Clause 32—"Duration of licence."

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

After subsection (*a*) to strike out "and"; in subclause (*b*) in new subsection (1a) to strike out "a person applies for the renewal of a licence that" and insert "a licence"; to strike out "applicant" and insert "holder of the licence"; in paragraph (*a*) to strike out "applicant's birth" first occurring and insert "birth of the holder of the licence"; to strike out "applicant's birth" second occurring and insert "his birth"; in paragraph (*b*) after "case" to insert ", upon application for renewal of the licence," and to insert the following new paragraph:

and

(*c*) by striking out from paragraph (*b*) of subsection (3) the passage "more than one month".

The purpose of these amendments is to simplify administration of the provision for spreading aged-driver tests throughout the year. The amendments enable the Registrar to extend the time for the expiration of a licence automatically, without application by the licensee, where his birthday falls between July 1 and September 30. This will avoid a lot of unnecessary administrative work involved in processing applications that would otherwise be made to the Registrar in the period immediately preceding June 30, 1974.

Amendments carried; clause as amended passed.

Clauses 33 to 38 passed.

Clause 39—"Claims against nominal defendant where vehicle not identified."

The Hon. D. H. L. BANFIELD: I move:

To insert the following new paragraph:

(aa) by striking out from paragraph (*b*) of subsection (1) of the passage "the driver and";

after paragraph (*a*) to strike out "and"; and to insert the following new paragraph:

and

(*c*) by striking out from subsection (3) the passage "or the driver is not readily ascertainable give to the Minister" and inserting in lieu thereof the passage "is not readily ascertainable give to the nominal defendant".

These amendments are consequential upon recommendations made by the Law Society of South Australia. They enable an action to be brought against the nominal defendant where the identity of the vehicle which caused the injury cannot be ascertained. At present the Act allows an action to be brought where the identity of the vehicle and the driver cannot be ascertained. There are a few rare cases where the identity of the driver can be ascertained but the identity of the vehicle cannot. The amendments deal with this situation.

Amendments carried; clause as amended passed.

Clause 40—"Claim against defendant where vehicle uninsured."

The Hon. D. H. L. BANFIELD: I move:

After subclause (*b*) to strike out "and"; and in new subsection (3) to insert the following new paragraph:

and

(*d*) by striking out from subsection (7) the passage "a nominal defendant" and inserting in lieu thereof the passage "the nominal defendant".

These are purely drafting amendments.

Amendments carried; clause as amended passed.

Clause 41 passed.

New clause 41a—"Nominal defendant to act where approved insurer is in liquidation or has made compromise with his creditors."

The Hon. D. H. L. BANFIELD: I move to insert the following new clause:

41a. Section 118a of the principal Act is amended—

(*a*) by striking out from subsection (1) the passage "the Minister shall, by notice published in the *Government Gazette,* appoint a person to be the nominal defendant in relation to that insurer for the purposes of this section" and inserting in lieu thereof the passage "this section shall apply to that insurer in accordance with the declaration";

(*b*) by striking out from subsection (3) the passage "a nominal defendant has been appointed under this section in relation to an insurer" and inserting in lieu thereof the passage "this section applies to an insurer";

(*c*) by striking out from subsection (4) the passage "Where a nominal defendant has been appointed under this section in relation to an insurer, the" and inserting in lieu thereof the word "The";

and

(*d*) by striking out from subsection (5) the passage "appointed in relation to an insurer".

These amendments apply the provisions relating to the permanent appointment of the nominal defendant to the situation in which the nominal defendant undertakes liability for an approved insurer that is in liquidation and cannot meet its liabilities to injured persons.

New clause inserted.

New clause 41b—"Scheme for payment of liabilities of the nominal defendant."

The Hon. D. H. L. BANFIELD moved to insert the following new clause:

41b. Section 119 of the principal Act is amended—

(*a*) by striking out from paragraph (*b*) of subsection (1) the passage "nominal defendants" and inserting in lieu thereof the passage "the nominal defendant";

(*b*) by striking out from paragraph (*bi*) of subsection (1) the passage "nominal defendants are" and inserting in lieu thereof the passage "the nominal defendant is";

and

(*c*) by striking out from paragraph (*c*) of subsection (1) of the passage "such defendants" and inserting in lieu thereof the passage "the nominal defendant".

New clause inserted.

New clause 41c—"Satisfaction of judgment against nominal defendant where no scheme is in force."

The Hon. D. H. L. BANFIELD moved to insert the following new clause:

41c. Section 120 of the principal Act is amended by striking out from subsection (1) the passage "a nominal defendant" wherever it occurs and inserting in lieu thereof, in each case, the passage "the nominal defendant".

New clause inserted.

Clauses 42 and 43 passed.

Clause 44—"Duty of medical practitioners."

The Hon. V. G. SPRINGETT: I move:

In new section 148 (1) to strike out all the words after "inform" and insert:

that person by notice in writing in the prescribed form—

(*a*) that he believes him to be suffering from an illness, disability or deficiency that renders him unfit to drive a motor vehicle;

and

(*b*) that he is required to comply with the provisions of this section.

(2) Where a person has received a notice under subsection (1) of this section—

(*a*) he shall within one month after receipt of the notice forward the notice to the Registrar;

and

(*b*) he may inform the Registrar of any relevant medical opinion in relation to the illness, disability or deficiency from which he is alleged to be suffering that tends to establish that he is not suffering from any such illness, disability or deficiency or that he is fit to drive a motor vehicle notwithstanding that illness, disability or deficiency.

(3) Where a person fails to comply with paragraph (*a*) of subsection (2) of this section, he shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

(4) A medical practitioner, registered optician, or registered physiotherapist incurs no civil or criminal liability by reason of compliance, or non-compliance, with his duty under this section.

Paragraph (*a*) of subclause (1) provides that the patient is given the certificate, and that the doctor does not send the certificate with medical details to the motor vehicle authorities. This is a common way in which most doctors today deal with workman's compensation certificates. The patient may inform the Registrar that he disputes the justification for claiming that he is ill. He can claim for the position to be reviewed in the light of his not having a disabling condition preventing him from driving a motor car.

The Hon. D. H. L. BANFIELD: This is one of the main clauses of the Bill; in fact, I suppose it is the main clause. The amendment takes away the only thing we are asked to do. The Hon. Mr. Springett suggests that the doctor should inform the patient that, in the doctor's opinion, the patient is not fit to be a driver. So the patient must go and inform the Registrar. Who is to know, other than the doctor himself, that the patient has received this notice? Surely it is not suggested that the patient will go to the Registrar merely because the doctor suggested he should. So he can continue driving around with a disability, being a danger to other people on the road, and the doctor sits back knowing in his own mind that there is a potential killer on the road, but he will take no further action simply because he has warned that man that he is not capable of driving.

The purpose of this legislation is to apprehend that man and tell him not only that he is not capable of driving but also that in the opinion of the Registrar his licence should be taken away. There is no other way unless the doctor informs the Registrar. The patient will not do it. This amendment is not acceptable to the Government, whose proposal provides for a patient to receive notice of any information supplied to the Registrar by a medical practitioner, and the patient can obtain a second opinion if he disagrees with the opinion of the doctor who informs the Registrar of his condition.

This amendment places the onus on the patient for telling the Registrar of his disability. The Government thinks a medical practitioner should not be able to escape his duty to the public in this matter. The patient could be mentally unfit to comply with such a duty. New subsection (4) is covered by clause 44 (3), which provides:

A person incurs no civil or criminal liability in carrying out his duty under subsection (1) of this section.

Someone other than the driver should notify the Registrar.

The Hon. C. M. HILL: As I understand the amendment, whereas in the Bill the legal responsibility is on the doctor to report to the Registrar the circumstances of a patient, this amendment now puts the onus, in effect, on the patient and removes the responsibility from the doctor. I think there is much merit in that.

The Hon. D. H. L. Banfield: But how am I to know whether a killer is coming at me on the road so that I can get out of his way?

The Hon. C. M. HILL: The amendment provides:

he shall within one month after receipt of the notice forward the notice to the Registrar,

and may give further information. So clearly the onus is on the individual.

The Hon. T. M. Casey: But what if he does not do it?

The Hon. C. M. HILL: Then he is committing an offence.

The Hon. D. H. L. Banfield: But how does anyone know whether he has anything wrong with him?

The Hon. C. M. HILL: No-one knows but the doctor and the person concerned, but individuals do not go around wittingly committing offences. It may happen that the doctor may not report the circumstances of one of his patients. People do sometimes, either wittingly or unwittingly, break the law, but there is much merit in the approach of putting the onus for reporting the condition of the driver of a motor vehicle on the driver himself. For that reason, I support the amendment.

The Hon. T. M. CASEY (Minister of Agriculture): Several years ago I was confronted by three elderly people in the North of this State, their ages ranging from 82 to 89 years. They had to appear before the appeal body at a country town because they were committing offences that a normal person would not commit, because they were getting old and were forgetting what to do. They were tested by the police sergeant in that country town, and he told them they could not renew their licences. They said to me, "We think the sergeant is most unfair; we want an independent body to test us. We have been driving our cars for years." It is pathetic to be confronted by elderly people and to have to say to them, "You are getting old and are a hazard to other people on the road." If these people were told by a medical practitioner to go to the Registrar and say, "We are too old" or "We have some slight disabilities", they would not go.

The Hon. C. M. Hill: But this does not concern old age only.

The Hon. T. M. CASEY: It is pathetic to have to tell someone that he is getting old and cannot drive because he is a hazard to others on the road. No doubt, this would apply to other people with similar disabilities. If we tell a person that he has a physical disability, and he has a driver's licence, has been driving for some time, and considers he is capable of exercising complete control over his vehicle, whereas in fact he cannot, and we tell him to go to the Registrar and admit his disability, he will not do so.

The Hon. C. M. Hill: But such people have been refused on many occasions because of their age.

The Hon. T M. CASEY: That makes no difference. It is difficult to tell a person who has been driving for years that he cannot drive again because of his age. This amendment will lead to a similar problem. It is trying to soften the blow for the doctor. He does not have to inform the Registrar if he has a doubt but, if he has examined a person and if in his opinion that person is deficient in some way and may be a hazard on the road, it is his duty as a doctor to tell the Registrar, just as a doctor will say to a patient, "You will have to have an operation to clear up your disability." The doctor has a let-out if he is not sure.

The Hon. J. C. BURDETT: I support the amendment. It is a grave infringement on professional privilege to require a doctor to inform on his patient. Next we will find that a lawyer will be required to inform the Government if he believes his client is a criminal.

The Hon. G. J. GILFILLAN: In the application form for the annual renewal of a licence a person is required to state whether he has a disability that would affect his driving ability. If he has such a disability, the applicant must obtain a certificate from a medical practitioner stating that the applicant is fit to drive a motor vehicle. I do not believe that provisions that are too stringent will achieve their object; such provisions could cause people to become a menace on the road because they might seek to conceal disabilities.

The Hon. JESSIE COOPER: I support the amendment. If either of the Ministers who have spoken thinks that the person with a physical disability is the person most likely to cause an accident, that Minister must be extremely naive. The person with a psychological disability is the one who is the real menace.

The Hon. F. J. POTTER: There are still difficulties involved in this matter, including the difficulty of policing the requirement that the person should forward the notice to the Registrar. If the requirement is to work properly, it is essential that the notice prescribed contain a clause pointing out to the patient that he is under a statutory obligation to forward the notice. Is it proper for a clause like that to be put in by way of regulation, when appropriate power is not contained in the actual provision in the Bill?

The Hon. R. C. DeGaris: You would also have to have some form of question on the annual licence renewal form.

The Hon. F J. POTTER: We would not want to wait until the man's licence came up for renewal. The man should be told by means of bold type on the notice. Do we need power to include a stipulation in the required notice? New section 148 (4) takes away any liability of a medical practitioner by reason of his complying or not complying with his duty under the provision. Can he be liable, anyway, for non-compliance?

The Hon. D. H. L. BANFIELD: There is no possibility of the object being achieved if we accept the amendment, because a man might carry a letter from his doctor in his pocket for four or five years, and no-one else would know that it was there. If the doctor notifies the Registrar of a person's physical or mental illness, the Registrar can track down the person. So, there is more chance of achieving our object if the provision is left as it was when the Bill was introduced. The Hon. Mr. Springett said that secrets involved in a doctor-patient relationship should not be divulged, but I point out that a doctor already has to divulge some such secrets. So, this provision does not break new ground.

In reply to the Hon. Mrs. Cooper, I point out that a doctor is under a duty to inform the Registrar if he believes that a person is suffering from a physical or mental illness such that, if he drove a motor vehicle, he would be likely to endanger the public. The public must have some protection, but they will not get it from a voluntary submission by a patient.

The Hon. V. G. SPRINGETT: People recognize their relationship with their doctor as personal and private,

and a patient would be unhappy if his condition had to be reported to an authority, although I agree that infectious diseases are notifiable at present. People will co-operate, but they will not be driven.

The Committee divided on the amendment:

Ayes (12)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett (teller), and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield (teller), T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone, and A. J. Shard.

Majority of 6 for the Ayes.

Amendment thus carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

LAND SETTLEMENT ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This short Bill amends section 2a of the Land Settlement Act, 1944, as amended and, in effect, extends the life of the Parliamentary Committee on Land Settlement from December 31, 1973, to December 31, 1977. In the Government's view there is still a need to preserve this committee, as it still has duties in connection with the compulsory acquisition of land within part of the Western Division of the South-East. It also has certain functions in relation to applications for assistance under the Rural Advances Guarantee Act. The extension of the life of the committee is provided for by the amendment to the principal Act proposed by clause 2.

The Hon. M. B. DAWKINS (Midland): I support the Bill, which seeks to extend the life of the Parliamentary Land Settlement Committee from December, 1973, to December, 1977. As the Minister has said, there is a need to preserve this committee because it has certain duties and, depending on the climate in primary industry, there is a variation from time to time as to further land settlement that can be implemented in this State and consequently the amount of work for the committee. In the past two or three years the climate was not suitable for further settlement of land. In this State we have available a smaller quantity of land to be settled compared to the area in Western Australia. With the changed situation over the past 12 months in primary industry, it is possible that further areas of land could be taken up, and with the application of trace elements and heavy dressings of fertilizer no doubt they could be brought into production. In these circumstances I think there will be more use for the committee in future.

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

PORT FLINDERS VESTING 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 is intended to correct a difficulty that has arisen in establishing on the ground the physical location of certain allotments at Port Flinders a few miles north of Port Pirie in the State. The history of the matter is set out in the very lengthy preamble to the Bill which recites the difficulties that have arisen because the allotments as delineated on the deposited plan did not, in some respects, accord to the physical characteristics of the area. All the landholders, the relevant district council, and the appropriate authorities have agreed on a suitable solution to the problem, which is in substance to resubdivide the whole area afresh and allocate the allotments as shown on the revised plan in the manner agreed upon by the parties. This Bill then provides the machinery for attaining this end.

Clauses 1 and 2 are formal. Clause 3 sets out the definitions necessary for the purposes of the measure. Clause 4 vests all the land comprised in Port Flinders in the Minister of Lands freed from all charges, etc. Clause 5 empowers the Registrar-General of Titles at the request of the Minister to issue certificates of title to the persons named in the schedule to the Bill in respect of the parcels of land set out opposite their names. This allocation is the allocation agreed upon and set out in the agreement, a copy of which will be available to honourable members. Clause 6 touches upon an obligation, imposed on the Minister by clause 3 of the agreement, to ensure that the roads and reserve in the area come under the care of the appropriate authorities.

Clause 7 exempts from stamp duty documents executed for the purposes of giving effect to the Act presaged by this Bill. Clause 8 exempts the Minister from any liability he may incur while he is temporarily the owner of any of the land. Clause 9 is a formal provision to relieve the Registrar-General of the necessity of considering any previous applications made in connection with this matter. The schedule sets out the specific alterations of the allotments.

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

RED CLIFF LAND VESTING 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 is the first of two measures that will, in due course, be submitted to this Council with the object of facilitating the construction, in this State, of a large petro-chemical complex in the vicinity of Red Cliff Point and Yatala Harbor, south of Port Augusta. If the time schedule for the establishment of the complex is to be adhered to, it is most important that this Bill be enacted into law before Parliament rises at the end of this month. It is hoped that the second measure (which will be a Bill to ratify an indenture setting out the basis on which the consortium which will have the carriage of the project will carry out the project) will be presented to this Council when it resumes early next year.

The object of this measure is to acquire certain land in the area and vest that land in the State Planning Authority so that, in due course, it can be made available to the consortium. Because of the limitations of time it is not possible to merely provide for the acquisition of land by agreement or compulsory purchase and let the Land Acquisition Act take its course. Proceedings under that Act are necessarily somewhat protracted and hence, to some extent, the purpose of this Bill is to shorten the time necessary to effect an appropriate acquisition. I hasten to point out that this Bill in no way prejudices the rights of those from whom the land would be acquired.

Clauses 1, 2 and 3 are formal. Clause 4 sets out the definitions necessary for the purpose of the measure and

I would draw honourable members' attention to the definition of "the land", which sets out the description of the land to be acquired under the measure. A plan of the land will be available for perusal by honourable members. I would also draw the attention of honourable members to subclause (2) of this clause which authorizes the Governor to specify the names of the corporations constituting the consortium, which is provisionally known as the Petro-Chemical Consortium of South Australia. Honourable members are no doubt aware that the Imperial Chemical Industries, Alcoa and Mitsubishi organizations will make up this consortium. Clause 5 formally vests the land in the State Planning Authority. Clause 6 entitles the authority to enter into possession of the land within approximately four months from the commencement of the Act presaged. Legally, but not practically, this provision does modify the application of section 24 of the Land Acquisition Act. This provision is, however, essential to ensure that work on the project can proceed on schedule. I can assure honourable members that the authority will exercise its powers in this area in a manner that will cause minimum inconvenience to the former owners of the land. Clause 7 provides a right to compensation to the former owners of the land, and clause 8 ensures that the offer of compensation will come forward as speedily as possible.

Clauses 9 and 10 apply the specified provisions of the Land Acquisition Act to the acquisition by the authority of the land; the provisions applied relate to the determining of the amount of compensation, appeals against amounts awarded and a final determination of those appeals by the Supreme Court. To make quite certain that no unforeseen difficulty will prejudice the rights to compensation of persons affected by the acquisition, a quite wide modification power is included in proposed subclause (2) of this clause. I am sure that, in circumstances such as this, the use, if necessary, of this modification power will be approved of by all honourable members. Clause 11 closes certain internal roads in the area and vests the land that formerly comprised them in the authority in order that it can be dealt with in the same manner as the rest of the land. Clause 12 is formal. Clause 13 provides for the authority to pass all or part of the land to the consortium when directed to do so by the Minister. This transfer will, of course, await ratification of the indenture comprising the agreement between the Government and the consortium on how the work is to be carried out. Clause 14 is an appropriation provision.

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

LAND AND BUSINESS AGENTS BILL

(Second reading debate adjourned on November 21. Page 1851.)

Bill read a second time.

In Committee.

Clauses 1 to 40 passed.

Clause 41—"Advertisement."

The Hon. F. J. POTTER: I move:

In subclause (1), after paragraph (*c*), to insert:

and

(*d*) if the agent has been appointed by his principal to act as sole agent in the transaction the fact that he has been so appointed.

The Bill provides that a licensed agent shall not publish or cause to be published any advertisement relating to or in connection with the actual disposition of any land or business that does not state that fact, together with the provisions contained in paragraphs (*a*), (*b*) and (*c*). One of the principal causes of disputes between land agents and clients arises from the fact that every land agent wants to get a sole agency. When he gets a sole agency he often does not advertise the fact and, as a result, other agents speak to the client, and obtain verbal or written permission from him to try to sell the property. After the sale has been effected or negotiations have been started, the fact of the sole agency suddenly comes to light and, if another agent has sold the house, he does not get commission on the sale; it must be paid to the sole agency. This causes no end of disputes.

The new paragraph will require the fact of a sole agency to be advertised on a board and, in any advertisement in the press or generally in any advertisement with regard to the job undertaken by the agent. In discussing this matter with the Attorney-General outside the House, I understood that he was sympathetic with what is required to be done. I think he suggested that there was another way by which this might be done, namely, by regulation. I regard this as a most important matter that will do much to overcome disputes that arise regarding who is entitled to the commission. However, I will consider withdrawing my amendment if the Minister assures me that this matter will be covered in some alternative way.

The Hon. A. F. KNEEBONE (Chief Secretary): I have discussed this matter with my colleague, who said it could better be handled by regulation, and I assure the honourable member that this is how it will be done.

The Hon. F. J. POTTER: In the light of the Minister's assurance, I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause passed.

Clauses 42 to 44 passed.

Clause 45—"Agent not to act without written authority."

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

(1*a*) Where a person, by instrument in writing authorizes an agent to act on his behalf, the agent shall furnish that person with a copy of that instrument. Penalty: Two hundred dollars.

It is important that the client should receive a copy of the actual instructions under which the agent acts. To some extent, the new subclause will go some way towards solving the problem about which I spoke earlier, in that the client himself will have a copy of the agent's authority in his possession. At least, he will have something to produce to any interested party, including another agent who might try to persuade him to sell the property, to show exactly what his commitment is to the original agent.

The Hon. A. F. KNEEBONE: I do not oppose the amendment.

Amendment carried; clause as amended passed.

Clauses 46 to 60 passed.

Clause 61—"Preparation of instruments."

The Hon. R. C. DeGARIS (Leader of the Opposition): I move:

In subclause (3) (*c*) (i) to strike out "is a director of, or shareholder in, the corporation, or"; and after "corporation" second occurring to insert the following new subparagraph:

(ia) the agent is a director of, or a shareholder in, the corporation and the corporation is not a public company, as defined in the Companies Act, 1962-1973;

When I spoke in the second reading debate, I said that clause 61 probably would cause most debate here and that, if amendments were to be moved, most would be moved in relation to this clause. As the Bill stands, any agent who has any shareholding in a company that employs a land broker is caught in the dragnet. The clause has been

inserted to close a loophole but, when a land agent may have a handful of shares in, say, Elder Smith-Goldsbrough Mort, it is hardly warranted to have the provision as it stands. The amendment overcomes the problem that the Government has seen but does not go so far as to be overbearing regarding the right of an individual to hold shares in a company.

The Hon. A. F. KNEEBONE: I do not oppose the amendment.

Amendment carried.

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

In subclause (4) (*a*) to strike out "September, 1972" and insert "May, 1973"; and in subclause (4) (*b*) to strike out "September, 1972" and insert "May, 1973".

I think that, on compassionate grounds, the date should be altered. A person who finished his course in November or December, 1972, and took some time to find a job would be excluded from consideration in a compassionate way. Whilst I will always oppose retrospectivity, except in unusual circumstances, I consider that going back to May, 1973, takes a more compassionate approach.

The Hon. A. F. KNEEBONE: I do not oppose the amendments.

Amendments carried.

The Hon. R. C. DeGARIS: I move after subclause (4) to insert the following new subclauses:

(4a) The Board may, with the approval of the Minister, grant an exemption for such period or periods and subject to such conditions as the Board thinks fit, from the provisions of subsection (2) of this section in relation to a legal practitioner or licensed land broker—

(*a*) where—
 (i) he stands in a prescribed relationship to an agent solely by virtue of the fact that he is an employee of a corporation that is an agent; and
 (ii) on the first day of May, 1973, he stood in a prescribed relationship to an agent who presently holds a controlling interest in the corporation by which he is employed;

or

(*b*) where—
 (i) he was licensed as a land broker, or admitted and enrolled as a practitioner of the Supreme Court of South Australia, or was qualified to be so licensed, or admitted and enrolled, on the first day of May, 1973; and
 (ii) the Board is satisfied that it is desirable to grant the exemption in order that the local community in any part of the State may exercise, without undue inconvenience, an adequate choice between persons qualified and entitled to prepare instruments on their behalf.

(4b) The Board may revoke any exemption granted under subsection (4a) of this section.

These amendments allow the board, with the Minister's approval, to grant exemption from the provisions in relation to a legal practitioner or licensed land broker. As has been pointed out, particular circumstances arise in this State where the board should have the right, with the Minister's approval, to exempt from the operation of the provisions. During the second reading debate I mentioned a person who had had continuous employment with a firm that had changed its name over the past few months. I also mentioned the case of a land broker operating in a town where there was no legal practitioner and the land broker was part of the community and respected there. Usually a land broker in a small community has high standing and is an important person.

The Hon. M. B. CAMERON: I support these amendments and will not proceed with my amendment, which is covered.

The Hon. A. F. KNEEBONE: I do not oppose the amendments.

Amendments carried; clause as amended passed.

Clauses 62 to 87 passed.

Clause 88—"Cooling off period."

The Hon. J. C. BURDETT: I move:

In subclause (1) after "subsection" to insert "and the purchaser shall thereupon be entitled to the return of any moneys paid by him under the contract".

Under the Bill as it now stands an unscrupulous purchaser could sign six contracts and subsequently make up his mind. Then, he could revoke five of the contracts. The principle of this and another amendment is that a small deposit should be paid so that there is a deterrent against such a practice.

The Hon. A. F. KNEEBONE: I do not oppose the amendment.

Amendment carried.

The Hon. J. C. BURDETT moved:

In subclause (3) after "moneys" first occurring to insert " , exceeding twenty-five dollars,".

Amendment carried; clause as amended passed.

Clause 89 passed.

Clause 90—"Information to be supplied to purchaser before execution of contract."

The Hon. F. J. POTTER: I move:

In subclause (9) after "business" second occurring to insert "but does not include any interest in, or affecting, land that exists by virtue of an instrument registrable under the Real Property Act, 1896-1972".

Under this clause the vendor must annex to a document constituting a contract for the sale of land a statement signed by the vendor containing particulars of all mortgages, charges and prescribed encumbrances affecting the land or business subject to the sale; the statement must also contain particulars of all mortgages, charges and prescribed encumbrances that are not to be discharged or satisfied on or before the date of settlement. Subclause (9) defines "encumbrance" as follows:

"encumbrance" in relation to any land or business, includes—
 (*a*) any easement, right of way, restrictive covenant, writ, warrant, caveat, lien, notice, order, requirement, declaration, claim or demand . . .
affecting, presently or prospectively, the title to, or the possession or enjoyment of, the land or business.

My amendment excludes any interest in land that exists by virtue of an instrument registrable under the Real Property Act. Of course, the purchaser is not bound, anyway, by non-registrable instruments.

The Hon. A. F. KNEEBONE: I do not oppose the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (91 to 107) and title passed.

Bill read a third time and passed.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 21. Page 1846.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill. With other honourable members, I support the principle of proper workmen's compensation law. I emphasize that what we should be looking at is the proper terms and conditions of workmen's compensation law. I repeat what I said on the last occasion that workmen's compensation was dealt with here: in deciding

whether the law is proper, we ought to consider whether it is fair, and it should be fair to all parties concerned—the employer, the employee, and the people who have to foot the bill, the insurers.

I was interested to look back on what I said on that previous occasion; at that time I forecast that the legislation then under discussion would result in a 60 per cent increase in insurance premiums. On checking up on the matter this afternoon, I found that my prognostication was not far wrong: in fact, since the 1971 legislation has been in force, premiums have increased by about 50 per cent. Now, only two years later, we have this present measure before us, which seeks to extend the provisions of the 1971 legislation even further. If I hazarded a guess on this occasion, assuming that all the provisions in the Bill are carried without amendment, I would say that there would be an increase of at least 100 per cent in workmen's compensation insurance premiums in this State.

The Hon. D. H. L. Banfield: Up 100 per cent?

The Hon. F. J. POTTER: An increase of 100 per cent more than we are currently paying. We will have to see what the final Bill will be to see whether my estimates will be proved to be correct. This Bill makes considerable changes to important provisions of the existing law. Indeed, I point out something that members probably know: that already, as a result of the 1971 Act, we have the most advanced workmen's compensation legislation in the Commonwealth; indeed, it is far ahead of any other Act currently applying, and the amendments now proposed will take it so much further ahead that I can say that it will be eclipsed only by the forthcoming Woodward report. This Bill is in many ways an attempt to pre-empt that report and get in ahead of time.

This Bill is largely a Committee Bill, because it deals with several isolated matters, all of which are of great importance and all of which will be considered carefully in the Committee stage. Of the amendments I will be moving, two are especially important, and will require careful consideration. I refer first to the change in the definition of "injury", covered by clause 4 of the Bill. This clause seeks to alter the definition of "injury" to make it include a disease and "the aggravation, acceleration, exacerbation, deterioration or recurrence of any pre-existing injury or disease". That contrasts markedly with the definition currently existing where "injury" includes a disease (I am not denying that) but the disease must be contracted "by the workman in the course of his employment whether at or away from his place of employment and to which the employment was a contributing factor". The new definition seeks to omit important words.

The effect of this is that we are getting away altogether from the concept of a workmen's compensation Bill and we are seeking by alteration of this definition, to cover people for sickness. We are trying not to construct a proper workmen's compensation law but an overall insurance, applying 24 hours a day, against illness. Further, we are raising tremendous problems for the courts in respect of contested cases; indeed, as anyone who has had anything to do with the jurisdiction in the Industrial Court can say, the greatest percentage of contested cases in that court involves back injuries and neuroses of one kind or another. Therefore, we are opening this area out further to people who may possibly be malingerers. True, I do not suggest that everyone who receives workmen's compensation is a malingerer. We all know that many people are injured and their injuries are clear-cut: they receive the compensation to which they are entitled under the Act, and there is never any difficulty about it.

Further, we know there are some people with obscure injuries, and they, too, are not malingerers. However, there are some people who will take advantage of the benefits available under the Act. I suggest that, with the greatly increased benefits that will apply as a result of this amending Bill, we will have an increase in the number of people seeking to be off work on full pay, because this is what the Bill provides. We must be careful that the number of malingerers and the people who should not be receiving the compensation provided by this Bill does not markedly increase.

This is not the proper principle to apply in a Workmen's Compensation Act, that is, to provide full insurance cover. Sometimes I believe we are getting to a stage in such legislation that we may have to have a fresh look at the total concept so that, if such cover is required, providing full 24-hour cover for a workman in all circumstances and covering all diseases and everything else that is likely to happen to him, we should have some sort of social security legislation which will provide for an insurance cover of all workmen for 24 hours a day. Then the problem will be taken out of the hands of the employer, and proper insurance cover, perhaps subsidized by the Government and the employer, will be created.

We should ask ourselves whether this is what we want and, if it is, we should be trying to work out proper social security legislation against illness and accidents. I believe that the existing definition of the word "injury" and the circumstances in which it includes a disease are adequate provisions. They have been interpreted by the courts over several years, and I see no justification whatever in now seeking to alter them.

When we get into the Committee stage I will be looking at this matter and deciding whether or not to move an amendment. Certainly, I intend to bring the definition back to that definition currently applying in the Act. That definition has worked well in the past. I do not know of any circumstances in which injustice has been done, because of the wording of the provision, to any workman who had a genuine claim.

The next point that must be looked at is that the Bill includes a new category of person who will be entitled to compensation, namely a person who is a contractor and who personally performs prescribed work. It is contemplated that this class of work will be prescribed by regulation, the people concerned being those who supply labour only. There was some contest over this matter in 1971, although the form of the provision then was markedly different from the provision in this Bill. I am inclined to support this new provision, particularly as it is limited in its application. I draw the attention of honourable members to the fact that the provision has been carefully drawn to include only a limited class of person who has a justifiable claim to be included for workmen's compensation.

Clause 5 inserts new section 9a to provide that, where death or incapacity does not result from an injury in terms of the legislation, compensation is still payable where there is a real practical connection between the death or incapacity and the injury. I believe that this provision goes altogether too far. The protection for people who do have an injury away from work that can be related back to a prior injury for which compensation is payable gives a clear right to such people to link their new disability with the pre-existing disability.

As far as I can see, there has never been any difficulty about that. Under the Bill, a workman will be entitled to compensation because a greater susceptibility produced by a strained back, for instance, at work will be sufficient to

provide a real practical connection with a strain he may have sustained to his back while at home. This opens up an entirely new field for judicial interpretation. The phrase "results from" has received from the courts over many years a wide and liberal interpretation. I do not see why we should try now to saddle the courts with another new phrase to worry about, this phrase "requiring a real practical connection with the injury". Section 9 of the Act refers to a personal injury arising out of the course of employment, and I think there is no question but that that is the proper test that should be applied throughout the legislation. If the death or incapacity of a workman does not result from a work injury, why should that death or incapacity attract compensation? If it were honest about the matter, I think the Government would face up to that challenge. I oppose clause 5 and ask that it be deleted from the Bill.

Various matters in the Bill are not likely to cause any grave difficulty to honourable members in the Committee stage. I refer to the penalty amount for late payment under a registered agreement, as provided in clause 10. I think that clause is all right, provided that some small amendment is made to allow for cases where delay or neglect is not wilful or is excusable, or for cases in which an employer can show that there is a real reason why payment of the amount was overlooked or not made in the specified time.

With regard to clause 12, I think we should allow the courts some discretion to award costs in special circumstances against a workman. Often these matters are taken unnecessarily on appeal after appeal, when the matter at issue has already been finally decided. Often it is not the workman who wishes this to be done: it is the union advocate who pushes the matter to this extent. Some amendment to that clause would be desirable indeed.

The most important matter in the Bill is the provision requiring the payment of average weekly earnings to workmen who go on workmen's compensation. I know that this position exists and has always existed in the Act, but in the past a statutory limit has provided for 85 per cent of average weekly earnings or $65, whichever is the lesser amount, to be paid for weekly compensation. The Bill removes those limits so that in future workers on compensation will receive their whole average weekly earnings. I know that in his policy speech delivered before the 1973 election the Premier promised that legislation would be introduced providing for workmen to receive their normal pay whilst on compensation. I do not know exactly what the Premier meant when he referred to normal pay. I know that in the various industrial Statutes the concept of normal pay does not include overtime payments, even though it may include other payments, such as shift premiums, over-award payments, and so on. For industrial purposes, however, I know of no provision that will allow the payment of overtime amounts when a person is on compensation, or indeed when he is on leave. The long service leave provisions passed by this Chamber in 1971 provide that a person on long service leave does not receive payment for overtime. Indeed, I cannot find a similar provision elsewhere. I draw the attention of honourable members to the judgment of the Full Bench of the Commonwealth Conciliation and Arbitration Commission in the annual leave case that was delivered on June 6, 1972. The items that the bench thought should, in the general run of cases, be included in payment for annual leave were, first, the over-award payment for ordinary hours of work. The judgment then states:

> We think that to include over-award payments in private industry would, apart from its inherent industrial justice, give effect to the view which we stated in our December decision that employees in the public and private sectors should as far as possible be treated alike.

Also to be included are shift work premiums according to roster or projected roster; industry allowances; climatic, regional allowances; leading hand allowances; first aid allowances; tool allowances; qualification allowances; and service grants. The judgment continues:

> The matters which we think should in the general run of cases be excluded from payment for annual leave are as follows: overtime payments; camping allowances; travelling allowances; disability rates such as confined spaces and dirty work; car allowances; and meal allowances.

I submit that that kind of formula should apply to people receiving workmen's compensation. There must be an incentive to the worker to return to work after his disability has ceased, but, if persons are able to continue to draw workmen's compensation while they are receiving full pay, including overtime payments, the whole concept of workmen's compensation is being extended beyond what it should reasonably be expected to cover. I know that the problem of what should be included or excluded in the average weekly wage is not an easy one: it is extremely difficult from a drafting point of view. In some cases, some firms have agreed to make up the average pay where the workman suffers from a disability through injury or sickness, but in no case that I know of does that pay include overtime. I think it is wrong to include overtime.

Also, we must consider in all duty in this Chamber, the enormous increase in cost to industry that will occur as a result of such an inclusion. Honourable members may say that it is a question of how much extra firms will have to pay in insurance premiums, but some large firms in this State will be involved in enormous increases of premiums and, if these firms are forced to pay them, I predict that premiums will increase by at least 100 per cent. We will have the serious position in South Australia that industry will not provide future investment, and this could create a dangerous situation for this State. It is ridiculous for this Government to think of legislating so as to add such a burden to industry's costs that will not only deter future investment but also inevitably mean an increase in the price of goods produced.

This is a Committee Bill, and not much good will be served at this late hour if I speak about the various matters that I wish to refer to in Committee. This is a most important measure: it will have a big impact on the economic welfare of this State, and we must make sure that it is fair to all parties concerned. If it is not, we should amend it to make it fair in every respect, and always have at the back of our minds the possibility that we may be legislating so far ahead of the rest of the Commonwealth that we will legislate ourselves out of future industrial and economic expansion. I support the second reading because the Bill has many good provisions, but I will move a series of amendments in Committee.

The Hon. R. A. GEDDES (Northern): It seems to me that the Government has failed to realize that the interests of employees and employers are parallel rather than divergent. A business with excessive overhead costs is no use to its owners, its employees, the community, or the Government. For the security of their livelihood employees at all levels have a real continuing interest in the profitable operation of the enterprise for which they work. It is a shame that the Government fails to realize that concept, and it seems to me that, from the amendments to this legislation that have been introduced since the Government has been in office, the Government

is determined to make insurance companies provide a form of social service for employees so that it may avoid having to bear these added responsibilities.

It was interesting to note that the Hon. Mr. Potter referred to this matter in his speech. The Government complains about inflation. The cost spiral that its counterpart in Canberra has fostered and festered, the price control that the Government states is such a wonderful thing in South Australia, and the coming price control referendum for which the Government says we must vote "Yes" because it is designed allegedly to control inflation: all these factors create a rather peculiar situation, particularly when one considers that this Bill will create a further cost factor in the inflationary spiral that industry must face. If industry has to face increased costs, as suggested by the Hon. Mr. Potter, premiums could rise by more than 100 per cent. If this occurs the cost factor must come back to the counter and to the market place in which the employee and the housewife have to buy their goods.

So the circle of inflation continues and is encouraged by the Government's being so generous in this Bill. Two parts of the Bill may create problems, particularly clause 4 in which the new definition of injury has been introduced. I am speaking of the problems of rural industries, especially the shearing industry and the difficulties that might be encountered by a shearer in relation to the definitions of "disease" and "injury". At the beginning of the season a shearer could get a wool sore on his body. As the season continued it could get progressively a little worse, but he would be changing sheds continuously and the difficulty would be to pin down which shed was responsible when eventually he had to receive medical treatment. I should like the Minister to comment on this. The shearing industry is of great importance but, in order to live and to keep their employment, shearers move from one shed to another, from week to week, certainly from month to month. I should like a further explanation of these definitions.

Clause 4 (i) deals with contracts and contractors and provides in new subsection (1a) of section 8 that, where a principal enters into a contract for a contractor to perform personally any prescribed class of work, the contractor shall be deemed to be a workman. Here again the shearing industry has contractors who provide the men to shear, and the hand-pieces for them to shear with, and often the contractor himself, in the case of a man being sick, will shear for half a day or perhaps trim the combs and cutters for the men. He might do odd jobs around the shed to keep his work force going for the full eight hours. Will the primary producer be responsible for covering the contractor under the terms of this Bill?

Clause 5 provides for death or incapacity to be compensable where there is a real practical connection with an injury. It provides that, where death or incapacity does not result from an injury under the terms of the Act, compensation is still payable where there is a real practical connection between the death or incapacity and the injury. A classic example is the case where a workman involved in agricultural work recovers from a back strain to the point of being able to resume full activity, his only residual disability being a greater susceptibility to back strain on exertion. However, if he strains his back again while gardening at home, and if his doctor considers that, but for the strain originally suffered at work, he would not have suffered the subsequent strain, compensation is payable. Although the subsequent strain could have happened several years after the original strain, it is considered that he would be entitled to compensation from the employer, even though he may have changed jobs several times in the interim. This point was brought up in discussion last week with representatives of the United Trades and Labor Council.

Where does the onus lie in the circumstances? Because of the vagueness of the legislation, one could well imagine that the insurance companies whose responsibility it is to give this cover as provided by the Act could give it only by increasing premiums to such an extent as to cover all unknown factors, all the excesses that may occur. Industry, be it primary or secondary, would have to meet this cost. I hope the Government will seriously consider this matter. It is correct that there should be some form of workmen's compensation, but is it correct that we should be the fairy godmother to the employee at a time in our national growth when financial problems are such that costs are escalating right down the line to the counter where the housewife must pay more from her purse? I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Progress reported; Committee to sit again.

LOTTERY AND GAMING ACT AMENDMENT BILL (T.A.B.)

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.

In November, 1972, the South Australian Jockey Club, on behalf of horse-racing clubs, approached the Government seeking increased returns from the statutory deductions made in respect of totalizator and bookmakers' turnover. The approach was made on the basis that additional revenue was essential for clubs not only to be able to contain, within reasonable limits, the drift of horses to the Eastern States, but also to preserve the existing level of racing operating in the State at that time. On information then available to the Government, it was apparent that the request from the South Australian Jockey Club was only a partial answer to the problem and that better returns from the operation of the South Australian Totalizator Agency Board were also an essential element. At that time the Government had evidence before it to indicate that the board's investment in the development of an on-course computer totalizator operation, together with matters of high depreciation on capital expenditure on items subject to a rebate under section 31r of the Lottery and Gaming Act, were militating against proper returns to the clubs conducting horse-racing, trotting and dog-racing.

Accordingly, a committee was appointed to inquire into all aspects of racing. This committee's interim report, together with information available from the board as presently constituted, have confirmed the Government's impressions. The purpose of this Bill is to provide assistance to resolve an unsatisfactory position that has developed in the board. To illustrate this position I set out in some detail the board's involmement in Dataline Holdings Proprietary Limited, an involvement which is now fairly well known and which has resulted in the board's present unhealthy financial position.

In July, 1971, the board became involved in a contract with Dataline Systems Proprietary Limited for the manufacture of computer equipment for on-course totalizator operations, an operation that appears outside the original concept of the functions of the board to foster and develop

off-course totalizator operations. Surprisingly, the board pursued this course in circumstances where it had no binding arrangements to sell the results to any operating club in South Australia.

In the same month the board then became a shareholder in Dataline Holdings Pty. Ltd., at a cost of $150 000. This company acquired the share capital of Dataline Systems Pty. Ltd. and the board's then shareholding was 46 per cent of the total share capital. In August, 1972, the board was able, for an additional expenditure of only $27 000, to acquire the remainder of the share capital of this company; this being a measure of the decline in value of its original shareholding. Later the board sold, for $7 200, shares representing 18 per cent of the share capital in the company to two key technical personnel whom the company wished to retain. The board then became involved in connection with the scheme in a series of advances, guarantees on bank overdrafts, equipment, programming and development that have now committed it to an expenditure of more than $1 500 000. Indications are that expenditure to bring Databet to a successful operating position will exceed $2 100 000 if it can be brought to such a position.

It is clear that, whatever the future of the system is, the board has an asset which, in any event, is greatly over-capitalized. At the moment the precise degree of this over-capitalization cannot be ascertained, and will not be known until the future of the development is clear. It would be idle to pretend that the Government is satisfied with this situation, and appropriate steps have already been taken to prevent any recurrence.

However, the Government conceives that it has, to put it no higher, a moral obligation in terms of the legislation setting up the board to render such assistance as is proper in the circumstances. Accordingly, this Bill, first, proposes that, in future, borrowings by the board will have to be approved of by the Treasurer, and on that approval repayment will be guaranteed by the State. The immediate effect of this guarantee will be that the board will have access to funds at a somewhat lower rate of interest than would otherwise be the case. In fact, the rate applicable will be the rate at which "semi-government authorities" can borrow. Secondly, it will extend the rebate of stamp duty, provided by section 31r of the principal Act, for some additional period until at least some of the capital losses incurred by the board, in relation to its involvement with Databet, are recouped. Honourable members are no doubt aware that this rebate was originally intended to permit the board to recover its establishment and capital expenses and, in the terms of the legislation as it stands at present, this rebate would have terminated during this month.

I would point out to honourable members that the terms of those amendments proposed have been referred to and approved by the committee of inquiry. Clauses 1 and 2 are formal. Clauses 3 and 4 each make an appropriate amendment to the heading to Part IIIA of the principal Act to reflect more accurately the contents of that Part. Clause 5, which amends section 31h of the principal Act, provides for approval of future borrowings by the board, together with a guarantee of repayment for borrowings so approved.

Clause 6 extends the rebate of stamp duty for the purposes adverted to earlier. At this moment it is not possible to determine the amount of "special expenses" to which the rebate will relate. It is known that expenditure on Databet is to date about $1 500 000, and it is not yet clear just how much of this should be taken into account in fixing the total amount of the rebate. This amount will be determined only when the capital value of the asset is determined. Accordingly, some degree of flexibility is provided in determining the amount of total rebate, but it will be made clear to the board that the amount finally determined will be the minimum amount that is possible consistent with the discharge of the responsibilities of the Government adverted to above.

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

FLINDERS UNIVERSITY OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 21. Page 1857.)

The Hon. V. G. SPRINGETT (Southern): This young and vigorous university had its first intake of 417 students in 1966. In 1972 the number of students had increased to 2 545 and in 1973 approximately 2 800 students studied in six schools staffed by approximately 250 people. These six schools include the medical faculty, the construction of which is now well under way. It will take its first students next year; by 1980 they will be doing their residencies, and by 1981 this first intake of medical students will have completed their studies and will take their place in the community at large.

This Bill provides for the membership of the university council to be increased from 27 to 31, this increase allowing for additional student representation, one post-graduate and three under-graduate representatives. From the early days of the university until recently the Minister of Education had an automatic seat on the council *ex officio*. With the passing of time and the university's steady growth, it was considered unnecessary for the Minister of Education to have this seat on the council. This vacancy has been filled by a member of the general staff.

The actual representation of students has been useful, and students have been free to attend council meetings. Much disquiet was expressed about a year ago when students and other people attended council meetings to observe council debates. Initially, accommodation was completely taken up. The appointment of Pro-Chancellors and Pro-Vice-Chancellors has become increasingly necessary, because of the increased work load created by the growth of the university. Currently the university is well served by His Honour Mr. Justice Bright as Chancellor, and by Professor R. Russell as Vice-Chancellor. Of course, other officers of the university are equally as valuable, and their services to the university make heavy inroads on their time, although they have their normal university work and other work to attend to.

Clause 3 of the Bill redefines "academic staff" by striking out the definition in section 2 of the principal Act and inserting a more extensive definition, once more in keeping with the growing services and status of the university; indeed, as the university has grown, so the range and number of the staff has increased. Under-graduates and post-graduate students are clearly defined, as are ancillary staff. Clause 4 eliminates the previous practice applying of the exclusion of the President of the Students Representative Council from university council meetings while certain items were discussed. Although the President of the S.R.C. has always been a member of the council, certain limitations were placed on him, and the Bill removes such limitations so that he may remain at meetings for their entire duration.

Clauses 5 and 6 make consequential amendments in respect of tenure of office and replacement of members of

the university council, and clauses 7 and 8 deal with similar matters. Clause 11 deals with a problem that has provided a headache to the university in respect of the environment, that is, parking within university grounds, and this problem has still not been solved. The university is well situated and has wonderful views, but the distance of the university from transport is aggravated by the nature of the site, necessitating a large proportion of the students to use motor cars, and requiring consequential parking areas for those vehicles. True, a bus service does run from Marion Shopping Centre to the university, and it has had satisfactory patronage; indeed, this service is to be extended. However, university by-laws concerning parking within university grounds were not accepted, were disregarded and were complained against.

As a result, students have not been willing to accept parking areas for their cars if such areas were at any disadvantage in comparison with the areas provided for staff and visitors to the university. I was interested to hear at a recent council meeting letters read by staff members who were beginning to say something that has not been said before: that perhaps students should not have as many rights as their teachers and other staff. As a certain professor and two psychologists voted along these lines, perhaps things are changing. It seems that the problem may soon be solved, because four students, four members of the staff and a neutral Chairman will be appointed. Therefore, the problem of parking that has existed for some years may be solved soon. This is South Australia's second university, and there is no reason why people should not be proud of it. I hope that those who benefit by attending the university appreciate the facilities. I support the Bill.

The Hon. JESSIE COOPER (Central No. 2): I would like to support most of the remarks of the previous speaker. Who better than the representative of this Chamber appointed to the council of Flinders University to give his views on the various matters in the Bill and to help us in our decisions? The Hon. Dr. Springett has been a valued member of the council of this university since 1970 and deserves our thanks. I was similarly appointed to the first council of Flinders University in 1966 and served for four years, so I know definitely how much work and time is involved, far more time than is taken up by certain Parliamentary committees. There are many matters that prove difficult for the members of the council of the Flinders University, or indeed of all modern universities. Honourable members will appreciate that by the time any matter reaches the council it has usually been through many other avenues.

Clause 4 (*a*) to (*k*) deal with the composition of the council. In this connection, I consider this is a further move to place control of the university wholly in the hands of the academic, technical, and ancillary staff and students. Although it is proper and indeed always has been the practice at all the old universities that the academic and study recommendations of the senior educational staff should be accepted, the overall duty of a university council goes far beyond this point. Duties of the university council include (*a*) the maintenance of a wide university organization, appropriate to the State or country in which it is situated; (*b*) the responsibility for ensuring that the various technical, learned and professional bodies of the State are properly supplied with practitioners; (*c*) to ensure that the life of the State and the people of the State receive due consideration and have their artistic, scientific and technical needs nurtured.

It will be seen from this that the control of the universities is a matter to be placed in the hands of a wide cross-section of the Government representatives and the people of the State and not a matter to be left solely in the hands of its current inhabitants, be they administrators, academics, students, technicians, cleaners or gardeners, people who, despite their intentions, may well (and frequently do) distort the operations of the university for their own advantage and ambition. I do not agree with this present practice in South Australia of putting the total control of our universities in the hands of the employees and students of such establishments.

The Hon. Mr. Springett referred to the election of eight people on the council by the convocation of the university. This has been reduced to four and the changes have come about, with one member of the ancillary staff being elected, one post-graduate and so on. I want to say something about post-graduate students. In many universities today it is found (and I know this is so from my own experience from serving on several university committees) that the hard core of anti-democratic action originates from a small minority of post-graduate students. These are people who have obtained one degree and seem to spend their time as post-graduate students in stirring up trouble, usually not in their original university. They owe no loyalties. To my mind and from my experience these changes will not make the work of the council any easier; in fact, rather the reverse will apply. However, I accept the Hon. Mr. Springett's assurances.

There is another matter that I wish to refer to and that is the destruction and disfiguration of university property. It was a matter of satisfaction for several years after Flinders University was founded that the students were taking pride in their beautiful university, one of the most picturesque of the modern universities in Australia. Of all the new universities I have seen, I think only the University of Malaysia can compare with it in situation and design. When I was in France last year, I visited the University of Aix-en-Provence several times and was staggered by the filth and general grubbiness of buildings which had been up for only a few years. Magnificent lecture rooms, language laboratories and sophisticated technical equipment in various faculties were far ahead of those in most of our universities, but everywhere outside the actual working rooms, in every corridor, every recess, and every student recreation area the walls were covered with graffiti, which lost nothing in obscenity by being in that most elegant of languages: French.

Within the last few days, I have been told by a member of the original council of Flinders University (a man connected with universities for the whole of his life) that he was horrified by the graffiti now scrawled on the walls of Flinders University. Perhaps the new council may look into this matter. Certainly we could expect some reaction from the person appointed to the council under clause 4 (*g*), if he should perchance be one of the maintenance staff. However, I expect his view would be overridden by those appointed under paragraphs (*i*) or (*j*). Still, hope springs eternal. The other matters in the Bill have been covered by the Hon. Mr. Springett, and I support what he said.

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

ADJOURNMENT

At 1.27 a.m. the Council adjourned until Wednesday, November 28, at 2.15 p.m.