LEGISLATIVE COUNCIL

Wednesday, November 20, 1974

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

QUESTIONS

STUDENT DRIVING

The Hon. C. M. HILL: I seek leave to make a short statement prior to addressing a question to the Minister representing the Minister of Education.

Leave granted.

The Hon. C. M. HILL: I am concerned about education in driving and in road safety within the Education Department. Twelve months ago I asked a question of the Minister after the Road Safety Council had stated in one of its reports that road safety education in schools was either lagging or not proceeding according to plan. At that time, on November 22 of last year, the Minister told me this in reply:

The Minister of Transport reports that he and the Minister of Education have conferred on this matter. The student driver education scheme is undertaken jointly by the Road Safety Council and the Education Department. Within the Education Department there is a Driver Education Advisory Committee, of which the Chairman of the Road Safety Council is a member. This committee is currently investigating ways and means of extending the student driver scheme and it is expected that an early decision will be made on the matter.

In the latest publication by the Road Safety Council (its report for the quarter ended September 30, 1974) the matter of the Student Driver Education Committee is raised again. The report indicates that some marked success is being achieved. It mentions that five high schools and two colleges are now conducting courses, and six more high schools are ready when their teaching staff qualify as driving instructors. It also mentions that six courses, each of 21 students, were held during the August-September school vacation, and that no less than 38 professional teachers had enrolled for the free course of instruction conducted by the Road Safety Council. These figures, compared with the total number of high schools, the total number of high school teachers and the total number of high school students, are very small indeed.

There has been recent publicity along the lines that more education should be given within schools to children of 16, 17 and 18 years of age. My questions, therefore, are these. Has the Education Department a programme in which it is planned that driving instruction and road safety can be taught to all secondary school students? If it has not, will the Minister of Transport and the Minister of Education take steps to implement such instruction within the high schools curricula?

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

MEMBERS' DRESS

The Hon. M. B. CAMERON: My question is addressed to you, Mr. President. Last year, some latitude was given to members regarding their dress. As I see that the present situation is unchanged, namely, that the air-conditioning is not working in this Chamber, I ask whether you intend to extend the same privilege to members this session and allow them to remove their coats.

The PRESIDENT: I will consider the matter when the thermometer rises sufficiently and when I think the honourable member looks the worse for wear.

PRIVACY COMMISSION BILL

The Hon. R. C. DeGARIS (Leader of the Opposition) obtained leave and introduced a Bill for an Act to establish the South Australian Privacy Commission, to prescribe its functions and for purposes incidental thereto. Read a first time.

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

That this Bill be now read a second time.

In introducing the Government's Privacy Bill to the Council, the Chief Secretary began his explanation as follows:

For some time now, law reform commissions, commissions of inquiry and legislatures in various parts of the world have concerned themselves with the question of the preservation of personal privacy. The demand that more systematic attention should be paid to this problem has been growing since the end of the Second World War.

With that opening paragraph no honourable member has disagreed. The only arguments on privacy that have been advanced in the Council during the last two weeks have revolved around the legislative approach to the question. In all the reading I have been able to do on the method of approach to legislation, I am convinced that the creation of new tort action should be avoided if possible. On all the material I have read, I think not only am I convinced but also the numbers seem to be on that side.

This Bill establishes the South Australian Privacy Commission, to be responsible for investigating and reporting to Parliament on the necessity or desirability to extend existing laws, or create new laws to protect the right of the citizen to his privacy. In the Morison report, the recommended functions of such a continuing body are listed as follows:

(*a*) Promoting and conducting research into the effects of developments at home and abroad on the privacy of the individual, the identification of specific threats to privacy, and the development of general legislative philosophy and policy.

(*b*) Undertaking educational activities to reduce the gap between fact and fantasy in the public mind, acting as a clearing house for the large body of literature and other material which is constantly becoming available everywhere, and making public pronouncements both for the purpose of calling attention to general abuses and abuses in individual cases and for the purpose of allaying suspicion and providing reassurance where this is justified.

(*c*) Carrying out inquiries for law reform purposes both on its own initiative and where directed to do so by the Minister and making recommendations for reform, having regard in particular to the co-ordination of reform in special subject areas with general privacy policy to the desirability of uniform legislation between the States and the Commonwealth, and the desirability of settling legislation affecting computer operators as soon as possible because of the disruptive effect of changing legislative and administrative requirements on systems once in operation.

(*d*) Encouraging and assisting the development of voluntary codes of conduct in areas of business, industry and elsewhere where privacy is likely to be affected, both for their own sake and to provide a foundation for subsequent legislation where found necessary.

(*e*) Investigating individual complaints of infringement of privacy, negotiating for their correction, and making public pronouncements where necessary, generally over the area of the body's operation as, for example, in relation to the granting of credit, to the keeping of data collections, and the activities of the public media.

(*f*) Working in the field of governmental activity in liaison with the Ombudsman for the prevention of undesirable disclosures by or between departments and authorities, the security of files and the prevention of intrusions on privacy generally.

Although this Bill does not take the functions of the commission as far as the recommendations of the Morison report, nevertheless it is a beginning. Honourable members will have before them a Bill that lays the foundation of an approach to this problem which, I believe, can be fully supported by all honourable members. It well may be that the Ministers, or other honourable members, may wish to amend the Bill to extend its provisions or to extend the functions of the commission.

Clauses 1 and 2 are formal. Clause 3 is the interpretation clause. Clause 4 establishes the Privacy Commission. Clause 5 deals with the composition of the commission, which shall consist of five members, four to be appointed by the Governor and one appointed by the Governor on the nomination of the Australian Journalists Association (South Australian District). Two of the nominees to the commission shall be qualified legal practitioners.

Clause 6 deals with the terms and conditions upon which members hold office. Clause 7 deals with salary, allowances and expenses. Clause 8 provides the numbers required for a quorum. Clause 9 details the functions of the commission. Clause 10 provides for appointment of officers of the commission. Clause 11 provides that the commission shall report to Parliament, and clause 12 invests the commission with the powers of a Royal Commission.

The Hon. A. F. KNEEBONE (Chief Secretary): I rise on a point of order regarding this Bill. I have understood, ever since I have been a member of the Council, that the introduction of Bills providing for the expenditure of money by the Government is the province not of the Council but of another place. Indeed, rather than introduce in the Council many Bills that I have had prepared (because I understood that this type of Bill could not be introduced here), I have had them introduced by another Minister in another place, thinking that that was the proper procedure. This Bill provides for the expenditure of money by the Government in relation to the salaries and expenses of the proposed commission that is to be set up. I therefore ask for a ruling on this matter.

The PRESIDENT: I have had an opportunity to consider the Bill only since the Leader moved that it be read a second time. At first glance, as I interpret the Leader's second reading explanation, the Bill does not involve the voting of money; it refers to such allowances and expenses as may be determined by the Governor. I think it is a discretionary clause, but I have not had much opportunity to look at it.

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

That this debate be now adjourned.

Perhaps, Mr. President, you can further consider your ruling before the debate is resumed.

Motion carried.

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 13. Page 1922.)

The Hon. A. M. WHYTE (Northern): I support the second reading of this short Bill, which repeals section 7 of the principal Act. I do not believe that any activity should be excluded from the prevention of cruelty. It appears that section 7 has provided some freedom to the sport of live hare coursing. Bringing this sport within the ambit of the legislation should not have such a detrimental effect on coursing as is feared by the coursing people. I have listened to their arguments, and it appears that they are not frightened as much of being brought within the ambit of the legislation as they are of some people in the Royal Society for the Prevention of Cruelty to Animals taking advantage of this situation to prosecute and generally hamper the sport. It would be a pity if the coursing people were unjustifiably prosecuted, because it is my impression that people conducting live hare coursing have no intention of committing gross acts of cruelty.

The Bill says nothing about live hare coursing; that is my interpretation. I believe that the Hon. Mr. Potter, who has had a flat patch regarding interpretations, would agree with me. Many acts of cruelty that appal me are not committed by any sporting body. One only has to watch cattle being subjected to great jets of water prior to slaughter at the abattoir to have some remorse. Some of these acts are necessary, and I suppose they are done as humanely as possible. The creator of all these animals gave consideration to some animals having sharp teeth and some animals having long legs to get out of the road of the animals with sharp teeth. Some animals were given the power to dodge and also the power to assess those that can bite and those that can run. We as humans have special perception, otherwise Bart Cummings would probably have a couple of Jersey cows in training for the Port Cup! The point is that the hare was designed to run and dodge. The people who conduct the sport do their best to protect the hare, and there would be few instances in my experience of a greyhound dog having caught a hare, mauling it for any great length of time.

The amendments to the Bill foreshadowed by the Hon. Mr. Burdett fit into my idea of what should be done with it. His amendments will create a situation that will allow coursing to continue in the present manner, apart from plumpton coursing, which appears to have many unnecessary anomalies. I agree with some of the critics who have spoken against this Bill that plumpton coursing is not truly a well-conducted sport. I can see no reason why open coursing should not continue. Perhaps, if those concerned had not raised the issue, the R.S.P.C.A. may not have hounded them to any extent. Some people get carried away with good intentions, and it would not be fair to suggest that they are cranks simply because they take some matters too far. With the amendments suggested by the Hon. Mr. Burdett, I think the coursing fraternity and the public generally should be satisfied with the attempts of this Council to allow coursing to continue in a regulated fashion. I support the second reading.

The Hon. V. G. SPRINGETT (Southern): I rise to speak to this Bill for a few moments, and I should like to bring one or two points to the notice of honourable members. As we all know, there are two types of coursing, one in open country and one in an enclosure. Both involve similar principles, two hounds being released and given a chance to catch a previously released hare. By the same token, it is said that the hare must be given a chance to escape the almost certain death that awaits it should it be caught. The hare is a relatively small creature, timid and easily frightened. The hound by nature is much more aggressive, as evidenced by its willingness to fight for possession of the prey should both hounds reach the victim at about the same moment. The size of the hare is much less than that of the hounds. It is something like comparing human beings with a fleet-footed aggressor the size of an Indian elephant.

Once the chase is on, the hare's only hope of life and safety depends on its speed and upon its being given a fair chance as estimated by the slipper. A hound may be

muzzled, so that, even if it catches up with the hare, it cannot use its teeth. However, the sheer weight of the dog, together with the use of its paws and legs, must more than shock the hare. I imagine that death from heart failure would be more than likely in such a case. The terror a hare must face seems to be ignored by the followers of this sport.

Other sports through the ages have basically had a blood lust in them, but most of those have matched species of equal size and ability. For example, I refer to bear baiting and cock fighting, the birds having spikes fitted to their legs so that they can more damagingly oppose each other. In discussing the subject of coursing, I have attended several meetings, and reference has often been made to fox hunting and stag hunting and, less often, bull fighting. I have witnessed both fox hunting and bull fighting, but the mere fact that other parallel blood sports exist does not mean that nothing should be done about this sport. It would be equally illogical to say that, if coursing should be allowed, legislation should be passed to reintroduce other illegal blood sports, because they have their own followers.

By going far enough back into history we recollect that sporting entrepreneurs used to arrange for human beings to be given a chance to escape the embraces and attentions of lions in the arena. All these sports are relevant to their day and age, and I believe it is time that we offered to these less harmful creatures the protection they cannot provide for themselves. Foxes kill chickens, dingoes harm flocks, and kangaroos can be a menace. All these animals are predators of creatures less able than themselves. The only opponent the hare faces in coursing is the hound, assisted by man.

Therefore, I support the Bill. I do not support the amendment, if for no other reason than that, with my human mentality, I cannot ascertain what is a reasonable chance for a hare. It certainly falls short of a 50/50 chance to escape from death at the paws, teeth or legs of a gigantic hound, who by his very nature is out for blood. I support the Bill.

The Hon. A. J. SHARD (Central No. 1): I rise to speak on this Bill, as it is one on which I do not wish to give a silent vote. I am opposed to it. My philosophy and outlook on life is that people should be able to do what they want to do in whatever their walk of life, provided they do not unjustly interfere with other people. I believe that live hare coursing comes into this category of activity. There is not a vast following of this sport, and I do not believe the followers interfere with the views of other people; indeed, with great respect to the Royal Society for the Prevention of Cruelty to Animals, I know that that organisation has many followers, but it does not have the large proportion of followers in the community that we may be led to believe.

My thoughts on this matter run nearly parallel to those expressed by the Hon. Mr. Burdett, although I do not intend to repeat what he said. The Hon. Mr. Burdett has referred to the fact that the R.S.P.C.A. has taken action in respect of live hare coursing on the grounds of cruelty, but is not any animal that is hunted, killed or caught for human consumption being cruelly treated? I do not think the Hon. Mr. Burdett referred to the trapping of rabbits. I believe that the trapping of rabbits for human consumption is more cruel than the sport of coursing, where only a few hares are caught and killed.

The Hon. T. M. Casey: It's more cruel.

The Hon. A. J. SHARD: I want to be as kind as I can. It is a matter of outlook. I want to say, too, that I agree entirely with the Hon. Mr. Burdett's point of view that, if one section of the community tries to abolish this sport, where do we finish? Possibly the next would be nearer home: I love to see horses jumping over hurdles and steeplechasing, and occasionally I look at the hunt. I enjoy looking at the animals jumping over hurdles. Will that be the next step or will it be something else? I do not think this is a genuine attempt; there is no need for these amendments to the Act, which should be left entirely as it is. As a realist, I say that I am against the Bill but, if the second reading is carried, I will support the Hon. Mr. Burdett's amendments, believing always that half a loaf is better than none. I hope that, if the second reading stage is passed, the Hon. Mr. Burdett's amendments will be carried.

The Hon. M. B. CAMERON (Southern): I, too, shall support the Hon. Mr. Burdett's amendments, but not without much thought, because originally I intended to support the Bill. However, on thinking it through, I realise that, if we start with one thing, as the Hon. Mr. Burdett said, where shall we finish? We seem to differentiate between sport and necessity. If I am to support the Bill, the first thing I will do when I get home is to stop my sheep dog chasing rabbits, and that will be an almost impossible task because I am not one of the best disciplinarians in the world in that field. It would be hypocritical of me to support this Bill and then support the chasing of foxes out of the countryside. It is, of course, necessary to rid the face of Australia of some animals, even though they have some feelings, so that would have to be the next logical step. I realise that coursing is a sport enjoyed by people. I do not agree with these animals being killed in the process of that sport. However, I believe that with the dogs being fitted with muzzles the likelihood of the hares being killed will be slight. For that reason, I do not support the Bill at its second reading stage but I will support the amendments if the Bill gets into Committee.

The Hon. T. M. CASEY (Minister of Agriculture): Like the Hon. Mr. Shard, I think that honourable members should give their reasons if they intend voting on the Bill. That is why I am on my feet now. What I intend to say has already been said, but I should like to put it on record that, as the Hon. Mr. Cameron has said, we have this problem of chasing animals with dogs. If I return to my property and see my dogs chasing a rabbit, I shall have to do something about it because it is exactly the same type of thing. Rabbits have been described as vermin and must be eradicated in any way possible. The Hon. Mr. Shard has said that it is more cruel to get rid of a rabbit by trapping it than it is to chase hares with greyhounds. I agree with that because sometimes rabbits are caught in traps for more than 24 hours, and that is a cruel way in which to treat an animal. Nevertheless, as the rabbit has been defined as vermin, it must be got rid of in the quickest way possible.

Hares were imported into Australia from England many years ago, as the fox and the rabbit were. I wonder how many honourable members who have witnessed hunting and coursing events are present today in this Chamber. The first time I witnessed a coursing event of this nature was when I was a small boy at Whyte Yarcowie.

The Hon. R. A. Geddes: That is what made you so cruel!

The Hon. T. M. CASEY: Not at all. I was intrigued by the manner in which coursing operations were carried out. I had not seen a coursing event previously. I was nine years old. I was hungry and finished up the day

by eating a cauliflower, which was the only thing available for eating at that time. I did not get home until 10 o'clock at night. That has stuck vividly in my mind, plus the fact that not one hare was caught all day. Also, what of the hare itself? Has anyone tried to rear a hare in captivity? Honourable members should be aware of the fact that it is almost impossibe to raise a hare in captivity—I mean in a cage, not in a big enclosure, where it can easily be done.

The Hon. C. R. Story: In fact, it would be a hare-raising affair!

The Hon. T. M. CASEY: Not in the way in which the honourable member meant it to be. Nevertheless, the point is well taken. If we try to raise a hare in a cage and we handle it from time to time, it will die because it is so timid. I am inclined to agree with the Hon. Mr. Springett here that, when a hare is menaced by two greyhounds bearing down on it, it is possible that, if a dog knocks the hare over instead of grabbing it in one grab, the hare will die from heart failure. Once the dog grabs the hare, it dies very quickly; there is no real suffering by the animal, because it is so timid. Another point is the fact that the hare, even though it is small in stature compared with the greyhound, is endowed with tremendous qualities—speed and an ability to turn quickly. If honourable members have actually seen plumpton coursing or open coursing, they will realise that that is so, that a hare can leave two dogs for dead by the way in which it can turn so quickly. I would say that the percentage of hares killed in coursing was very small. I do not think there is any cruelty to that dumb animal by the way in which this Bill is drafted. I think we are reaching the stage where we have singled out the coursing of hares as one solitary matter and, as the Hon. Mr. Shard pointed out, just exactly where are we going?

We could finish up by banning horses jumping over hurdles; we could even ban jockeys using whips in a tight finish on a racecourse. I could probably enumerate many other examples. However, in this instance, I do not think it is fair and reasonable to expect people to go along with this Bill. I shall vote against its second reading and, if that is carried, I will support the amendments of the Hon. Mr. Burdett. I think the Act is quite good as it is at present. I should just like to give some other illustrations. We have already protected the wedge-tail eagle in Australia because it is a native of this country. How many honourable members have seen a wedge-tail eagle attacking lambs or hares? They do exactly the same thing. It is one way that nature has of balancing out all these things that go on year in and year out.

The Hon. A. M. Whyte: How many hares are killed by wedge-tail eagles compared with coursing?

The Hon. T. M. CASEY: The numbers killed by coursing are negligible compared with the numbers killed in the natural way by the wedge-tail eagles, because that is their natural prey, anyway. It seems to me that we might as well shoot all wedge-tail eagles. I have actually seen them swoop down and pick up a fairly large lamb off the ground. For the reasons I have given, I oppose the Bill. If we are to act sensibly, we should be looking at the matter in its entirety rather than at just one aspect of it.

The Hon. M. B. DAWKINS (Midland): I intend to support the second reading of the Bill with the object, if it is carried, of supporting amendments to be moved by the Hon. Mr. Burdett. I believe that the qualifications the honourable member has included in his amendments will ensure that an absolute minimum of cruelty, if one wishes to call it that, occurs. I agree to a certain extent with some honourable gentlemen with whom I am not often in the habit of agreeing. I agree, for instance, with the Hon. Mr. Shard and the Minister of Agriculture, and even the Hon. Mr. Cameron, when they ask "Where are we going from here?" The Minister of Agriculture referred to the wedge-tail eagle and the Hon. Mr. Cameron to foxes. If we are to look after hares and rabbits, are we also going to have to look after foxes? If one had seen how foxes treat lambs, one would not have any sympathy for foxes and would think that, the quicker we got rid of them, the better it would be.

The Hon. Jessie Cooper: They aren't coursing foxes.

The Hon. M. B. DAWKINS: That is so. However, if the Royal Society for the Prevention of Cruelty to Animals wants to deal with coursing, it will possibly want to deal with the other things that have been referred to this afternoon. I support the second reading in order to support the Hon. Mr. Burdett's foreshadowed amendments, which I believe cater adequately for this situation.

The Hon. C. R. STORY (Midland): I oppose the Bill, for many of the reasons for which other honourable members have supported it. We have heard much about things that are completely irrelevant to this Bill, because the Bill does nothing regarding dogs chasing rabbits in open fields. Nor does it have anything to do with wedge-tail eagles swooping down and eating lambs. That is not the purpose of the Bill at all.

The Hon. M. B. Cameron: But they are similar.

The Hon. C. R. STORY: Not at all. This Bill relates to an organised alleged sport, a category into which one could put many things. It seems peculiar to me that one of these organised sports should be singled out for special treatment by the mover of this Bill. Why, for instance, is something not being done about horse-racing? No-one could say that spurs and whips are used on race horses in order to give enjoyment to race horses. However, as far as I know, nothing is done by the R.S.P.C.A. in this respect, except to have inspectors present at race meetings so that they can sheet home a prosecution if cruelty occurs. The same can apply to coursing. If the R.S.P.C.A. can prove that cruelty has occurred, those involved will be in trouble.

I know that in the sport of duck shooting some cruel things occur. People put up young ducks at one end of a lagoon, drive them down, and have beaters at the other end to drive them back again. No check is made to see how many ducks are wounded and left on the ground to flap themselves to death over a period of many hours. I know of no action by legislation that has been taken to stop this practice. I refer also to fishing. I have seen as much cruelty perpetrated on fish by alleged sportsmen (and it is a sport) as I have on any other animal. The fish are caught, thrown in a boat and left in the sun to die or, having been caught, are thrown on to a jetty and left there for hours to die. People gaff fish and slit their gullets with knives to recover their hooks. Where is all the emotion regarding all these practices?

This Bill is aimed specifically at coursing. Having looked at the amendment to be moved by the Hon. Mr. Burdett, I see that it contains some good provisions. However, it also contains what I consider to be some wrong provisions. I do not believe, for instance, that it is good to muzzle a dog. If one watches the actions of a dog when it is hunting its prey, one will see that it makes a good, clean, quick kill. After the dog has caught its quarry, it kills it within a matter of seconds: a dog never leaves its

quarry flapping about on the ground. Some people get emotional about and attached to their delightful pussy cats, such as Siamese cats, which are treated like a member of the family. However, there is no more cruel animal in the world than a cat, as it will kill for fun and, as honourable members know, play with a mouse for as long as the mouse can still move about. It will allow a bird to flap itself nearly to death before it will start to chew on it from the reverse end and gradually eat towards the nerve centre of the head. However, people do not seem to worry about these things.

I am not disagreeing with those honourable members who want to do something to reduce cruelty. However, I point out that so many other fields are involved. Why the coursing people have been singled out for this kind of treatment, I am not sure. I have illustrated that there are other sports which are equally cruel but which do not seem to attract as much attention. As I have said, I do not believe muzzling is necessary. If a dog is allowed to go to its quarry and kill it, it is much better than nosing it to death or, as the Hon. Mr. Springett has said, trying to pummel it, probably breaking a few ribs and leaving the animal still alive. However, it is a dog's natural instinct to kill. Section 7 of the Act provides:

Nothing contained in this Act shall apply to, or make unlawful the hunting or coursing of hares which have not been liberated in a mutilated or injured state in order to facilitate their capture or destruction.

We are being asked to strike out that section.

The Hon. T. M. Casey: That section allows a person to shoot hares, and leave them dying, doesn't it?

The Hon. C. R. STORY: I do not think it allows that. Under the principal Act a person is not exonerated from all cruel acts. Section 7 provides that nothing in the principal Act shall make unlawful the hunting or coursing of hares that have not been liberated in an injured state to facilitate their capture or destruction. It does not say anything about the other point. The great worry of people is not so much what happens in coursing itself: what has been built up in people's minds (and there is some evidence for it) is the way in which some people train their dogs to get them blooded. Whatever happens in connection with striking out section 7 from the principal Act will not alter in the slightest what happens in connection with blooding. It is a completely different thing. Blooding does not take place on a coursing ground: it takes place elsewhere. Removing section 7 will not help in the situation where people remove the claws of animals to allow dogs to become blooded. The R.S.P.C.A. is a very good organisation. If it does not have sufficient powers to deal with every situation where it suspects that cruelty is taking place, it should be given those powers. However, I believe that it has sufficient powers at present. One activity is being singled out despite the fact that many of the previous objections to it have been overcome over the years by the coursing people themselves. Nowadays, coursing enthusiasts are not allowed to let the dogs have great advantages over the hares. I am not opposed to the work that the R.S.P.C.A. is doing, but problems arise when one sport is singled out while nothing is done about other matters.

The Hon. Sir ARTHUR RYMILL (Central No. 2): The Hon. Mr. Shard has brought me to my feet with his only too short speech which was, as always, very much to the point. He used a particularly delightful and appropriate metaphor (or was it a simile?) when he said that half a loaf was better than none. This was pointed up, of course, by the recent bakers' strike, during which we were very grateful to get half a loaf. Cruelty to hares has been mentioned frequently by honourable members. It often happens in this Council, where we split them almost every day! Man is a carnivorous animal and, therefore, as the Hon. Mr. Shard has asked, where do we draw the line? We have to have meat and fowl to eat. These products are essential, although some people survive on a vegetarian diet. Where we strike the difficulty is that man is a carnivorous animal and, in killing animals to eat, how do we decide what is acceptable and good and what is cruel? I have been an animal lover all my life, very much so. I now breed fat lambs, and I can assure honourable members that when I have sent them to the market it has been a tremendous wrench.

The Hon. M. B. Cameron: But you still do it.

The Hon. Sir ARTHUR RYMILL: I console myself with the thought that, if I was not doing it, someone else would do it. Man must have the wherewithal to live.

The Hon. M. B. Cameron: There's money in it, too!

The Hon. Sir ARTHUR RYMILL: Unfortunately, my operations have not resulted in my making money: I generally find myself on the wrong side of the ledger. Yesterday my manager had 61 lambs ready for market, and a certain person forgot to telephone the carrier to ask him to pick them up. The person was full of apologies, but I felt rather happy that they had been reprieved, even if only for a week or so. I told him so.

The Hon. R. A. Geddes: Would you be hoping that the market improved in the meantime?

The Hon. Sir ARTHUR RYMILL: There are cynics in this Council who are always harping on money! I am only human, even if I am carnivorous. Perhaps I should reply, "Yes, as long as the barley grass does not become more active in the meantime." Joking apart, I want to get back to the main point of the Bill. The main point in the Hon. Mr. Shard's speech was: where do we draw the line and where do we stop? The honourable member gave an illustration, as did other speakers. Animals, unfortunately, have to be killed. They can be killed scientifically at the abattoir, or they can be killed in the hunting field; I use that term in the American sense. Indeed, there are some ingredients of life that have to be killed in the hunting field; for example, wild duck and some other birds. I think the whole thing is cruel. So, how do we define cruelty when we know it has to be done in some form or another?

I would totally oppose (and the Hon. Mr. Burdett's amendment comprehends this point) plumpton-type coursing, where a hare is run again and again until, I imagine, it must eventually be caught. However, if we look at the Adelaide Airport we will see hundreds of hares whose ancestors were escapees from plumpton type coursing. So, one has to make a sensible decision on what is acceptable and what is not. I have said that I would be against plumpton type coursing, but I do not think that that type of coursing is in vogue any longer; or, if it is, it is conducted in a very modified way, and possibly this Bill sets out to stop it finally. On the other hand, I have always noticed that animals seem to accept much more readily a situation where they can have a run for their lives rather than being bumped on the head. I find the situation difficult, but reality has to come into it. I intend to support the second reading of the Bill and also the amendment foreshadowed by the Hon. Mr. Burdett.

The Hon. G. J. GILFILLAN (Northern): Unlike honourable members who have said that they have not witnessed coursing, I have witnessed it, although I am not a follower of the sport. I was brought up in a district

where there were keen coursing people and where open coursing took place. I have attended those meetings. I have been conscious that, where live hare coursing takes place, more hares will be found in those districts than in other places, because the residents go to a great deal of trouble to preserve the hares. In fact, in the district where I lived it was almost a crime to run over a hare on the road. Many hares are killed on the roads, as anyone knows from driving in the country. Literally hundreds of hares are killed every day on the roads, especially in the evening.

I agree with the Hon. Sir Arthur Rymill that common sense should surely prevail. It is easy to become sentimental. I cannot agree entirely with the Hon. Mr. Springett, although I find myself thinking in very much the same way as he does on most subjects. I have seen coursing and I cannot imagine a dog clawing a hare. It is almost inconceivable, as a dog's claws are unlike those of a cat, being used mainly, I presume, to grip the soil and to scratch. A dog attacks with its teeth. I have never known a dog to kick or trample on anything. Muzzling is being practised now and it should overcome the objections. A hare is not fragile, but it is certainly a timid animal. Dogs are muzzled in track racing, presumably to prevent fighting between themselves. They are muzzled when being exercised, so I do not imagine it would be a great hardship for a dog to wear a muzzle to which it was quite accustomed. I do not think the hare is so fragile that it would be damaged in any way by any sort of blow. The hare, by its very nature (as the Hon. Mr. Casey said) is a timid animal, but it is accustomed to running and dodging for its life, probably every day from the time it is small. It is chased by dogs, by sheepdogs, by cats, and by foxes. The hare is accustomed to preserving its life by running from predators. If this Bill passes the second reading stage, the amendments foreshadowed by the Hon. Mr. Burdett are eminently sensible and should satisfy all reasonable people.

The Hon. B. A. CHATTERTON (Midland): I thank honourable members for their contributions to this debate. The common theme of those contributions from people who have in some way opposed the Bill was this: where should we stop? Where should we draw the line? Why is coursing being chosen? I think those are the wrong questions to ask. In fact, the boot is on the other foot: why was live hare coursing originally given this special attention?

The Hon. R. C. DeGaris: If I introduced an amendment to the Bill to ban fishing, would you vote for it?

The Hon. B. A. CHATTERTON: No. This is where I think some members have actually misquoted the Hon. John Burdett. He did not say this. He pointed out that other cruel practices go on, but he did not say the words other people have put into his mouth. He saw quite clearly the simplicity of the Bill, which only repeals that section of the Act that gives special exemption to live hare coursing. The Bill is simple and straightforward. It does not in any way ban live hare coursing. That is not the intention of the Bill, nor is it in the Bill. Its only intention is that live hare coursing will have to comply with the provisions of the principal Act in the same way as every other sport.

The Hon. R. C. DeGaris: Are fish excluded now from the provisions of the Bill?

The Hon. A. J. Shard: Of course they are not.

The Hon. B. A. CHATTERTON: No. Live hare coursing has had this special provision and has been excluded from the provisions of the principal Act. The Bill has been introduced to repeal this provision so that live hare coursing will have to satisfy the provisions of the principal Act in the same way as other sports do. That is why it is quite simple to say where the line should be drawn. All should be on an equal basis, no special provision being applied to one sport. That is why I support the Bill, and I do not think the amendment is necessary, because it is again putting in a provision to give live hare coursing special conditions not enjoyed by other sports. I do not think that is necessary; the principal Act should cover all equally.

Bill read a second time.

The Hon. J. C. BURDETT (Southern) moved:

That it be an instruction to the Committee of the Whole on the Bill that it have power to consider amendments to section 5 of the principal Act relating to the ill treatment of animals.

Motion carried.

In Committee.

Clause 1 passed.

New clause 1a—"Ill treating animals."

The Hon. J. C. BURDETT: I move to insert the following new clause:

1a. Section 5 of the principal Act is amended by inserting after subsection (1) the following subsection:

(1a) A person who hunts or courses hares shall not, in respect of that hunting or coursing, be guilty of an offence under this section where—

(*a*) the hares have not been released with a view to their being immediately hunted or coursed;

(*b*) the hares have not been mutilated or injured for the purpose of facilitating their capture or destruction;

(*c*) the dogs are muzzled;

and

(*d*) reasonable steps have been taken to ensure that the hares are not killed, wounded or mutilated.

I have already outlined my amendment in the second reading debate, and most members who have spoken on the Bill have committed themselves one way or the other. New subsection (1a) (*a*) does not necessarily prevent plumpton coursing; but it brings it completely within the ambit of the Act. New subsection (1a) (*b*) was part of the old section 7, which is to be released and which is necessary. New subsection (1a) (*c*) was referred to by the Hon. Mr. Story, who opposed this provision. I believe there are two views in respect to the muzzling of dogs, but the National Coursing Association now provides in its rules that dogs shall be muzzled. This provision conforms to the present practice, and I am sure it reduces the number of hares that are killed.

As I have said in the second reading explanation (and I agree here with the Hon. Mr. Chatterton), it is a pity that section 7 was in the Act, because it completely exempted live coursing from the ambit of the Act. We have to accept realities, however, and, if the Bill were passed in its present form, all that would happen would be that live coursing would take its place with other practices within the ambit of the Act. In fact, the R.S.P.C.A., which promoted this Bill, referred to it as being a Bill to ban live hare coursing. The letter of October 30 to which I referred in that debate states:

I ask your help to ban this cruel practice.

We have to take the society at its word. If the Bills is passed in its present form, prosecutions will be launched, whether successful or otherwise, against the persons who conduct live hare coursing, to try to hound the sport out of existence. New subsection (1a) (*d*) gives the R.S.P.C.A. and similar bodies some jurisdiction over the

practice of live hare coursing, so that people who conduct live hare coursing can be prosecuted if it is established that reasonable steps have not been taken to ensure that hares are not killed, wounded, or mutilated.

The Hon. B. A. CHATTERTON: I oppose the amendment. I believe the principle of the Bill is to put live hare coursing on an equal footing with any other sport. Although this amendment improves the situation, it is still a compromise situation because live hare coursing is excluded, with some provisions being applied to it. I still support the principle that it should be on an equal footing with other sports, and there is no reason for a special provision to exempt it in any way.

The Council divided on the new clause:

Ayes (12)—The Hons. J. C. Burdett (teller), M. B. Cameron, T. M. Casey, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, Sir Arthur Rymill, A. J. Shard, C. R. Story, and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield, B. A. Chatterton (teller), C. W. Creedon, C. M. Hill, F. J. Potter, and V. G. Springett.

Majority of 6 for the Ayes.

New clause thus inserted.

Clause 2 and title passed.

Bill read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL

Second reading.

The Hon. M. B. CAMERON (Southern): I move:

That this Bill be now read a second time.

This short Bill is substantially, although not word for word, in line with the policy of the Liberal Movement. It provides that in future it will not be necessary or an obligation for Ministers of the Crown to be members of the Legislative Council. The present section 65 (2) of the Constitution Act is in these terms:

The Ministers of the Crown shall respectively bear such titles and fill such Ministerial offices as the Governor from time to time appoints and not more than eight of the Ministers shall at one time be members of the House of Assembly.

That means that, if we are to have a full complement of 11 Ministers, which is now provided by section 65 (1) of the Act, three of them at least must come from the Legislative Council. More than three can come from the Legislative Council but three must, because no more than eight can come from the House of Assembly.

There has been some talk of this Bill having roots in the political history of this State and honourable members who were Ministers in the 1968-70 Hall Government will know that there was a threat by Ministers in this Council to bring down the Hall Government by withdrawing Ministers from the Legislative Council.

The Hon. R. C. DeGaris: Rubbish! Can you substantiate that?

The Hon. M. B. CAMERON: Fortunately, the Constitution had allowed for this eventuality and the threat could not be implemented. However, that action was not the basis for this Bill and I wish to make that point quite clear. It has been my strong and often expressed belief that, if Upper Houses are to operate as true Houses of Review, then ambition and strong Government influence, which is inevitably introduced by the presence of Ministers or the opportunity of Ministerial appointment, should not exist. This Bill does not create a situation of no Ministers but leaves it to the Government of the day and so does not go as far as we would like. However, we accept that there are varying attitudes to this concept.

Before agreeing to the removal of Ministerial appointments altogether, I would seek guarantees of a great strengthening of the Select Committee system and guaranteed support for such a system. I know the present Government supports the abolition of this Chamber although I do not believe all members of the Government support this view. I support the bicameral system of Parliament and believe this move will strengthen this Council.

I would like to see a system of Ministers being present at Question Time in this Chamber, and I was interested to see the Attorney-General now agrees that such a system could work. I and some other honourable members feel frustrated by the constant referral of questions to the appropriate Ministers in another place. That is one significant difference between this Chamber and the Senate, where at least the Ministers representing others do some homework and have some idea of the portfolios they represent by proxy. We can overcome this lack of expertise and homework by having the Ministers present for Question Time. The introduction of Bills can be done by a Government representative supported by experts. Again, in the Senate, public servants associated with the Bills are present during the passage of Bills, and questioning and understanding of Bills can be much fuller and questioning can be more comprehensive and answers obtained as the Bill proceeds.

Party politics appear to be playing an ever-increasing role in the Chamber and, as the numbers of the Liberal and Country League decline, I have detected an ever-increasing tendency to shift away from the old war cry of an independent House of Review to a follow the Party line attitude. I guess, as the new system of election of Legislative Councillors proceeds and the disparity of numbers further decreases, this tendency will increase. I believe that this Bill may tend at least to slow this tendency on this side, but I give no hope for the Australian Labor Party members, as it is well known that they have no choice. I would like to tell the Australian Labor Party members that they can have a free vote on this issue, but unfortunately I do not have the power to do that. I have no doubt they will follow Party lines. I urge honourable members to support this Bill and in that way begin the strengthening of this Council ready for the time when the numbers will be close and the independence of the attitude of honourable members will be essential to create the proper climate for an independent House of Review.

The Hon. R. C. DeGARIS (Leader of the Opposition): This is a sad Bill; I hope its fate is similar. Its origin is not obscure, yet its provisions, as far as the change to the Constitution is concerned, will make it imprecise and indefinite. The Hon. Mr. Cameron referred to some question of bringing down the Hall Government by the resignation of Ministers. That is untrue. I have read the material put out by the Hon. Mr. Cameron and other members of the Liberal Movement, where this claim is made. Like many other claims in the published material, it is quite untrue.

Having said that, let me look at the question of the Ministry in the other States of Australia. I will not go beyond Australia, although I could. First, in New South Wales, where there is a nominated and not an elected Upper House, there are 16 Ministers in the Lower House and two in the Upper House. In Victoria there are 12 Ministers in the Assembly and four in the Council. In

Queensland there are 14 Ministers in the one House, because there is no second Chamber in Queensland. South Australia has eight Ministers in the Lower House and three in the Upper House. Western Australia has nine Ministers in the Lower House and three in the Upper House. In Tasmania at present there are nine Ministers in the Lower House and none in the Upper House, but there is no provision about where Ministers should come from under the Tasmanian Constitution. It is interesting to note that Tasmania relies upon letters patent in this regard and not on its Constitution, but there is no barrier to Ministers being in the Upper House in Tasmania. The fact that there are no Ministers in the Upper House is a matter of expediency rather than anything else.

The Bill provides that there shall be not more than 11 Ministers of the Crown. There is no constitutional direction as to which House those 11 Ministers shall be drawn from: there could be 11 from the House of Assembly or there could be 11 from the Legislative Council. The present Constitution of this State appears to me to be sensible in providing that not more than eight Ministers should be drawn from the House of Assembly. It does not demand the necessity of requiring Ministers from the Legislative Council. The only requirement in the present Act is that there shall be Ministers from the House of Assembly, which appears to me to be a reasonable approach. Also, it appears to me to be the historic fact that, since responsible Government came to South Australia in 1856, Governments of whatever political colour they may have been have deemed it both expedient and desirable to appoint Ministers in the Legislative Council. That is sufficient evidence probably to require constitutionally that Ministers should be drawn from both Houses. So, if there was any change, one would have thought that any change to be made should be made along the lines of requiring Ministers from the Upper House. I think the provision should stay as it stands at present.

In Parliaments that have followed the Westminster tradition, Ministers of the Crown are appointed from Upper Houses, where those Ministers are available. I refer, too, to the Commonwealth Parliament, where there are 21 Ministers in the House of Representatives and six in the Senate. The experience of nearly 120 years operation of a bicameral system in this State should not be lightly thrown aside. Really, what this Bill does is to create a position where all Ministers could come from the House of Assembly or all Ministers could come from the Legislative Council. I do not think it is a practical proposition to examine it from the point of view of all Ministers coming from the Legislative Council. Nevertheless, I think it is constitutionally unnecessary and undesirable to have a situation in which there is absolutely no assurance in the Constitution that there will be any Ministers from the House of Assembly.

The Premier, in a press report, also supported the view that it would be impracticable to try to operate this Council without Ministers, which is the view expressed by nearly every other practical Parliamentarian in Australia and in other democratic countries that have followed the Westminster system. One may therefore conclude that those who favour the exclusion of Ministers from Upper Houses are those who do not wish to see the bicameral system operating at its best efficiency. I should like anyone who has had practical experience to examine the question of trying to operate this Council without having direct Cabinet representation in it. Understandably, those who have most vociferously supported the Bill are those who most strongly desire the abolition of this Council. In my opinion, if the Parliament seeks to amend this section of the Constitution Act, it should amend it to avoid any imprecision and not to create greater confusion, as the Bill would most definitely do. For those reasons, I oppose the Bill.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

PRISONS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

PUBLIC CHARITIES FUNDS ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendment.

ROAD TRAFFIC ACT AMENDMENT BILL (RADAR)

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.

Its main object is to broaden those provisions of the principal Act that relate to the use of traffic speed analysers (more commonly known as "radar"). For some time now, the Police Department has suspended the use of certain apparatus called amphometers, because an opinion was put forward that they may not come within the strict meaning of the term "electronic traffic speed analysers" that is used in the Act as it now stands. It is therefore desirable to remove all references to the word "electronic" from the Act so that amphometers may once again safely be used by the Police Department in its vital work of enforcing speed limits. It is also necessary to give the Governor power to approve the kinds of apparatus that may be used as traffic speed analysers, in the same manner as the Governor now approves apparatus that may be used as breathalysers.

This Bill is urgently needed, as the Christmas holidays, with their usual threat of high death tolls on the roads, are fast approaching. Everything that can be done to help the police to keep speeds down to safe limits, ought to be done. Clause 1 is formal. Clause 2 provides a definition of traffic speed analysers. Clause 3 provides the Governor with the power to approve, and vary or revoke the approval, of different kinds of apparatus as traffic speed analysers.

Clause 4 amends section 147 of the principal Act by deferring until July, 1976, the operative provisions relating to the weight limits of vehicles as set out in subsections (4) and (5) of that section. The need for this deferral arises from the need to have further time available for assessment of weights and the desirability of ensuring that more time is available to consider exemption and develop a coherent policy therein. Clause 5 removes all references to the word "electronic" from the evidentiary provisions of the Act.

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

FILM CLASSIFICATION 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 makes two changes to the principal Act. When amendments were introduced to the Film Classification Act

last year, a provision was inserted empowering the exhibitor of an R classification film or an employee of the exhibitor to require a person seeking admission to the theatre to state his correct age or to furnish satisfactory evidence of his age. The Commissioner of Police has suggested that this power should be extended to a member of the Police Force. The Bill amends the principal Act accordingly.

A further provision is contained in the Bill under which an exhibitor, an employee of an exhibitor, or a member of the Police Force who suspects on reasonable grounds that a person who has obtained admission to a theatre in which an R classification film is being, or is about to be, exhibited may require that person to leave the theatre forthwith and, where he fails to comply with that requirement, may use reasonable force to remove that person from the theatre. The Government considers that this power is desirable because an exhibitor may be subjected to criminal liability because a child has managed to gain admission to the theatre, and should therefore be in a position to take action to correct the circumstances on which that liability may be based. Clause 1 is formal. Clause 2 makes the amendments to section 6 of the principal Act that I have outlined above.

The Hon. J. C. BURDETT secured the adjournment of the debate.

PUBLIC FINANCE 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 amends the Public Finance Act, is essentially a Treasury machinery matter. For some time it has been considered that the expenditure of moneys from the Revenue or Loan Accounts which will, at some time in the future, be reimbursed by the Commonwealth Government somewhat distorts the position of these accounts, in that a true picture of their day to day state is not apparent. Accordingly, it is intended that upon such expenditure being incurred recourse will be had at regular intervals to the special account proposed by this Bill, and ultimately that account will be the recipient of Commonwealth funds when they are received. The Bill has only one operative clause, clause 2, which sets out the legislative framework within which the proposed new arrangement is to be established.

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

INDUSTRIES DEVELOPMENT 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 short Bill amends the Industries Development Act, 1941, as amended, and is brought down following a recommendation of the Industries Assistance Corporation established under section 16a of that Act. Clause 1 is formal. Clause 2 amends section 14 of the principal Act and is intended to put it beyond doubt that the Industries Development Committee, before it may recommend a guarantee, must be of the opinion that the giving of the guarantee will be in the public interest. Although express reference to the criterion of an increase or the maintenance of employment in the State is thereby being deleted, that may properly be regarded as one element of the public interest.

Clause 3, by amending section 16f of the principal Act, lifts the ceiling on the maximum amount that may be borrowed at any one time by the corporation from $3 000 000 to $5 000 000. Cash flow figures provided by the corporation suggest that, on present expectations, the corporation's total borrowings could exceed $3 000 000 by mid 1975-76 and it is clear that, if the corporation is to continue to function, its present maximum borrowing figure must be increased. In all the circumstances, the proposed new level of $5 000 000 seems reasonable.

At this point, I would indicate to honourable members that, in accordance with the terms of the guarantee set out in this section, the terms and conditions of borrowings against the new maximum require the approval of the Treasurer. Clause 4 makes two disparate amendments to section 16g of the principal Act. The first, set out in paragraph (*a*) of this clause, increases the maximum amount of the gross value of assistance that may be provided by the corporation to any one person in the aggregate from $200 000 to $300 000. To some extent this increase recognises the fact that in "real terms" the maximum level of assistance that could be provided by the corporation on its inception in 1971 has fallen. In all the circumstances, the Government agrees that the increase is justified.

The second amendment encompassed by paragraph (*b*) of this clause lifts the limit of applications to the corporation that may be determined by it without reference to the Industries Development Committee from $75 000 to $100 000. Both the Government and the committee consider that an increase to this level is justified.

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

HOUSING AGREEMENT 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.

Honourable Members may be aware that on October 17, 1973, there was executed on behalf of this State an agreement with the Commonwealth Government substantially in the form of the agreement set out in the schedule to the Housing Agreement Act, 1973 (1973 volume of the State's Statutes at page 67). Following the meeting of Housing Ministers of the States and Commonwealth held on October 11, 1974, certain variations to that agreement were agreed to. These variations will require the execution of a supplemental agreement substantially in the form set out in the schedule to this Bill. Since the amendments are textual ones, their effect can be easily seen by reading them to the 1973 agreement.

Essentially they provide as follows. In the 1973 agreement the ability of a State to allot more than 30 per cent of Housing Agreement funds to the Home Builders Account was contingent upon its having made such an allocation in the two years immediately preceding July 1, 1973. This was a special provision to meet the situation in South Australia which, alone, had consistently allotted more than 30 per cent of total housing funds to the Home Builders Account. At the meeting it was indicated that the Australian Government Minister wished to channel

more funds into the Home Builders Account wherever possible. The draft paragraph (*b*) of subclause (3) of clause 9 gives effect to this desire. Clause 10 of the 1973 agreement provided that the Commonwealth Minister would determine the amounts to be advanced to States in respect of a financial year. This proposed new subclause (3) enables the Minister to determine an additional amount or additional amounts in respect of a financial year. Subclause (1) of clause 24 originally set the eligibility of an applicant for a loan by having regard to average gross weekly income (inclusive of overtime). The criterion is altered in the supplementary agreement to exclude overtime.

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

TARCOOLA TO ALICE SPRINGS RAILWAY AGREEMENT 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 seeks the ratification by Parliament of an agreement made between the South Australian Government and the Australian Government on April 10, 1974, for the construction of a standard gauge railway from Tarcoola to Alice Springs. It is the first of two railway Bills that will be introduced into the Parliament this session to seek Parliamentary sanction. The second Bill will seek approval for the construction of a standard gauge rail from Adelaide to Crystal Brook. Both Bills have been ratified by the Commonwealth Parliament.

Honourable members will be aware of the absolute necessity for the construction of a new standard gauge rail between Tarcoola and Alice Springs to proceed. The heaviest floods recorded in the Eyre Basin are now just receding. At their peak, which lasted three months, the floods almost totally suspended rail services between Adelaide and Alice Springs. Naturally, the isolation of people in Alice Springs by the cutting of the rail link brought about great inconvenience. This particular disruption to the rail service was not the first. In 1966, flood damage created a similar situation.

In 1966, floods and high maintenance costs for the existing narrow gauge track prompted the Commonwealth Railways Commissioner to examine the possibility of constructing a new line on an entirely new route—a route that would not be subject to heavy flooding, causing damage to the rail line. After the one-year study, the Commissioner reported. He put forward three proposals but strongly favoured the route proposed in this Bill.

After considerable examination of the merits of the Railways Commissioner's proposal, the Australian Government, in 1970, approved in principle the construction of the line. Negotiations then began with the South Australian Government. The State Government naturally wanted to ensure that the interests of South Australia were protected when it entered into an agreement with the Commonwealth.

Through negotiation with the Commonwealth, we have been given an assurance that the existing Port Augusta to Marree railway will not be closed, so long as the Port Augusta powerhouse is dependent on coal from Leigh Creek. We have also been assured that the freight rates on this line will be compatible with rates charged on other sections of the Commonwealth Railways system. These two matters were the last of many considered of importance by this Government and did result in protracted negotiations. However, I can inform the Council that during the negotiations the Australian Minister for Transport (Mr. Charles Jones) was very helpful, and the success of the negotiations is in no small way the result of his understanding the problems of transport.

The route of the railway is described in the schedule to the agreement. The new route is 830 kilometres in length, and, as has been mentioned, has been carefully surveyed to avoid areas prone to flooding. The constructing authority for the rail line will be the Commonwealth Railways. In the Bill, provision has been made for the expenditure of $145 000 000. This includes provision for costs of minor design changes and inflation. The full $145 000 000 will be funded by the Australian Government. The Commonwealth Railways estimates that the construction of the line will take about five years, and actual construction is planned to begin early next year.

Honourable members will be aware of plans for the construction of the Stuart Highway on a new alignment that will closely follow the route of the Alice Springs to Tarcoola railway. Because the highway and the rail line will cross at a number of locations, the Commissioner of Highways and the Commonwealth Railways Commissioner will need to consult whenever necessary. Through the co-operation of both parties it is hoped the best possible crossing protection will be provided.

The construction of this rail line is of great significance to South Australia. Besides providing a high capacity freight-passenger line to the heart of Australia, further benefits will come with the construction of the standard gauge link from Adelaide to Crystal Brook. It is proposed that this line will be constructed about the same time as the Tarcoola to Alice Springs line. The advantages to South Australia that will be generated by the construction of these two lines are obvious. Delays in changing freight at Port Pirie and Marree because of different gauges will be eliminated, resulting in faster services. South Australian industry will have easy access to markets and other industries in the Eastern States and the west by being connected to the standard gauge network, and, for rail travellers, trips to Western and eastern Australia will also be far more convenient.

I am sure this project will meet with the full approval and support of all members. Clause 1 of the Bill is formal. Clause 2 sets out the definitions necessary for the purposes of the Bill. Clause 3, first, approves the agreement and, secondly, authorises the State to do such things as are necessary to carry the agreement into operation. Clause 4 is a normal consent by the State for the Government of Australia to carry out the work. The schedule sets out the agreement. It is, I suggest, reasonably self-explanatory.

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

BUILDERS LICENSING ACT AMENDMENT BILL

A message was received from the House of Assembly agreeing to a conference, to be held in the House of Assembly Liberal Party Room at 10 a.m. on Thursday, November 21.

The Hon. A. F. KNEEBONE (Chief Secretary) moved:

That a message be sent to the House of Assembly agreeing to the time and place appointed by the House of Assembly for the holding of the conference.

Motion carried.

The Hon. A. F. KNEEBONE (Chief Secretary) moved:

That Standing Orders be so far suspended as to enable the conference on the Bill to be held during the adjournment of the Council and that the managers report the result thereof forthwith at the next sitting of the Council.

Motion carried.

LISTENING DEVICES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This short Bill makes provision for forfeiture to the Crown of any listening device or record of information or material in connection with which an offence against the principal Act was committed. This course has been taken as it is undesirable that such equipment be returned to the offender for further use. Clause 1 of the Bill is formal. Clause 2 provides for the enactment of a new section 11 in the principal Act providing that a court before which a person is convicted of an offence against the principal Act may order such forfeiture and that the Minister may direct the destruction or disposal of any thing so forfeited.

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

ROAD TRAFFIC ACT AMENDMENT BILL (RULES)

Adjourned debate on second reading.

(Continued from November 19. Page 2011.)

The Hon. C. R. STORY (Midland): I support the Bill, and wish to look briefly at its provisions. The main part of the measure is a concept new to South Australia. I refer to the new arrangements for motorists who approach a "stop" sign or a "give way" sign. In the past it has been necessary for a motorist to pull up at a "stop" sign and to stop the vehicle completely. If a line is marked on the road he must stop as near as is practicable to that line, but if there is no line he must stop short of the "stop" sign. In the case of a "give way" sign, he must slow his vehicle and ensure that no traffic is approaching before he either crosses the intersection or turns to the right or the left. Clause 3 amends section 63 of the principal Act, and provides a new concept, as follows:

(1) Subject to this Act, the driver of a vehicle that is approaching or entering an intersection or junction from a carriageway shall give way to other vehicles in the following manner:—

(*a*) where the vehicle is approaching a stop sign or a give way sign from the direction in which the sign is facing—to any vehicle that is approaching or is in the intersection or junction;

This means that, in future, a driver will have to give way to traffic on both the left and the right. This is a new concept.

The Hon. Sir Arthur Rymill: It goes back to what applied before.

The Hon. C. R. STORY: True, as the honourable member has rightly pointed out, it is the old concept, but it is a new concept in the existing Road Traffic Act. The previous position was as Sir Arthur Rymill has said. There are a couple of schools of thought on this subject, and the situation could become difficult for a driver approaching a wide road, having to stop at a "stop" sign or a "give way" sign and wait for traffic on the right and the left. On a busy intersection, this will be difficult, and it will be frustrating for drivers on two-lane or three-lane roads who have to stop every few hundred metres at an intersection merely to enable traffic to pass through. Provision is also made in the Bill to enable people to turn left at intersections, by-passing a "stop" sign or a "give way" sign if they are entering into a lane of traffic, provided that they take reasonable care to ensure that no other vehicle or pedestrian is put at risk.

In fact, it is an old concept in the Road Traffic Act, whereby in moving away from a "stop" sign or a "give way" sign a driver must ensure that he does not strike any other object coming from the right, and now that will apply to objects on the left. Drivers will not be allowed to cause any other person or vehicle to deviate from the normal path. The onus will now be entirely on persons at a "stop" sign, a "give way" sign or a roundabout to ensure that they do not cause an accident. New subsection (1) (*a*) makes it incumbent on the motorist who enters an intersection or junction to give way to traffic on both the right and the left at the appropriate sign. New subsection (1) (*b*) provides:

Where the intersection or junction is a roundabout—to any vehicle on his right that is on the carriageway of the roundabout;

In other words, he continues to give way to the right at the roundabout. New subsection (1) (*c*) provides:

In any other case—to any vehicle on his right;

If there is no "stop" sign or "give way" sign, a driver must give way to the person on his right when moving off from an intersection. That is the main provision of the amendment.

Clause 4 repeals section 64 of the principal Act, and clause 5 amends section 72. Both these sections are made either totally or partly redundant by the new wording of section 63. Clause 6 repeals section 72a, and clause 7 amends section 78 by inserting new words concerning turns at "stop" signs or "give way" signs or, in the case of traffic lights, where a gusset by-pass road is provided. Section 92 of the principal Act is amended by striking out from paragraph (*a*) the passage "before any part of it passes the stop sign" and inserting the following passage:

(*i*) if there is a stop line—before any part of it reaches the stop line but as near as practicable to the stop line;

or

(ii) if there is no stop line—before any part of it passes the stop sign;

That is perfectly proper, because there will not always be a "stop" line wherever there is a "stop" sign. It may not be practicable to have such lines. Certainly it is not practicable to try to mark a white line on a macadam road, yet it may be necessary to provide a "stop" sign, and in such a case a person is obliged to stop before he passes the "stop" sign. There is nothing more that needs explaining in the Bill. Its concept has been accepted throughout Australia in respect of giving way to traffic from the right and the left in certain circumstances. The only thing about which I am slightly concerned is that Queensland has not yet come into line with the other States, which have either passed or are in the process of passing the legislation. This system will become Australia-wide, and in these circumstances it is wise to conform. However, I do not always believe in conformity for the sake of conformity.

The Hon. T. M. Casey: How can there be a national outlook if Queensland is not included?

The Hon. C. R. STORY: One can get a national outlook if there is goodwill on the part of all the States to do something. It may be difficult for all the States to pass legislation at precisely the same time, but in respect of Queensland I believe that, as soon as the Country Party and Liberal Party coalition is returned to office, it will get on with the business of passing such legislation.

The Hon. T. M. Casey: I believe a friend of yours is now to be the Premier of New South Wales.

The Hon. C. R. STORY: The Minister of Agriculture raised an interesting and good point. True, a friend of mine is the new Premier-elect of New South Wales. Both

the Hon. Mr. Geddes and I served with Tom Lewis in the Second World War, and we are proud we did. If he is as good a Premier as he was a soldier, it will be a good thing.

The Hon. T. M. Casey: He is another good South Australian.

The Hon. C. R. STORY: Yes. I have covered all the points I wish to cover on this Bill. It is important; I favour it, and it is an improvement. As I say, there is some problem, obviously, with wide roads but the provision of more traffic lights than we are getting in the more populous areas of Adelaide and the larger towns will, to a great degree, overcome that problem.

The Hon. C. M. HILL (Central No. 2): It is pleasing to me to see action taken by the Government to introduce a traffic code that is part of a priority road system. It was not long ago in this Council that I argued this change and supported the new approach to our road system. Indeed, on September 24 I referred to the gravity of the road toll and commented on the announcements in the press regarding what it called the road carnage. I also commented on the statement that 400 deaths could possibly occur on our roads this year.

That must have prompted all of us to think of ways and means of implementing some kind of improvement so as to be positive in our approach to road safety. I said that the most positive way in which the Government could act would be to implement changes, as it has done in this Bill. I then referred (and I think it is proper that I do so again, because of the importance of the matter) to the September issue of the Australian Road Federation's *Road News*, the editorial of which dealt with statistics that proved how much safer controlled intersections are.

Intersections are controlled if there are "stop" signs at two of the roads in a four-road system. Under this Bill, a change has been implemented and people who approach those "stop" signs will in future have to give way to traffic on their right and on their left.

The Hon. Sir Arthur Rymill: What if you have four "stop" signs, as there are at some intersections? That means that no-one can cross?

The Hon. C. M. HILL: If there were four "stop" signs at an intersection, it would not assist a priority road system. I doubt very much indeed whether, when this change is implemented, we will see many intersections on the whole four corners of which "stop" signs are installed. Indeed, this has occurred only at intersections where grave accident statistics have been taken. This happens almost as a last measure.

The Hon. Sir Arthur Rymill: The Young Street intersection at Parkside is one such intersection.

The Hon. C. M. HILL: That is so; there have been many serious accidents there. There has also been much experimentation there, for which the Road Traffic Board and the Unley council should be complimented. They have tried to ascertain the best possible ways and means of checking accidents at that intersection. In that area it does not mean that main roads have been involved. Unfortunately, this is one of those dense suburban areas where peculiar circumstances seem to have applied and, unfortunately, some bad accidents have occurred.

The Hon. Jessie Cooper: Where there is bad visibility.

The Hon. C. M. HILL: That is so.

The Hon. M. B. Cameron: Some country intersections have "give way" signs.

The Hon. C. M. HILL: That is so, and one will have to give way to vehicles on one's right and one's left at those intersections. The previous change to some "give way" signs allows a driver, as he approaches a "stop" sign, not to stop but to move slowly across the intersection. If there was a "stop" sign at an intersection and no traffic whatsoever in the vicinity, a driver would not be forced actually to stop. However, we have uniformity in relation to both those traffic aids, the "stop" sign and the "give way" sign, as well as the radical change of one's having to give way to one's left as well as to one's right.

I now quote the Australian statistics that were mentioned in the report to which I have already referred. Of the 70 151 accidents that occurred in Australia in 1973, 4 501 occurred at controlled intersections and 27 742 at uncontrolled intersections; of the 3 679 persons killed on Australian roads last year, 94 were killed at controlled intersections and 810 at uncontrolled intersections. Of the 95 204 persons injured, 6 212 were injured at controlled intersections and 38 261 at uncontrolled intersections. The report continued as follows:

> The above indicates quite clearly that lack of control of road traffic at intersections is the cause of a horrifying number of movements and collisions causing injury and death . . .
>
> In this connection, there appears no valid reason for any Government to delay the introduction of an easily understood system of intersection priority roads which will ensure that death-dealing intersection conflicts are minimised. The National Council of the Australian Road Federation has sought the advice of Australian and oversea organisations on the value of such intersection priority roads and is convinced that their use Australia-wide is well overdue.
>
> The National Council has, therefore, decided that the Australian Road Federation should promote, through its regional organisations, the implementation of an Australia-wide system of intersection priority roads. We expect the regions to work to and with the relevant State road authorities and all road safety minded bodies to have a uniform system operating Australia-wide at the earliest possible time.

I refer also to the Committee of Inquiry into Road Safety, which was set up in this State in 1970 and which has brought down its report. It recommended that there should be an immediate investigation and, indeed, a pilot scheme into this change, as it believed that such a change was warranted. The members of that committee were most dedicated to their work. Since the report was issued in 1971, their recommendations have proved to be a splendid pattern for those interested in road safety to follow.

In September, 1972, at the Commonwealth level, a report called "The Report on the Road Accident Situation in Australia" was made by a committee to the Commonwealth Minister for Transport. One can therefore see that these recommendations have been brought forward after most intensive investigations over the last few years. Under the heading "Intersection Rules", this report states:

> Accidents at intersections are a major problem in Australia. They could be reduced by the increased use of control devices to assign priority at intersections. It is recommended that:
>
> Increasing use should be made of traffic control devices which assign priorities at intersections.
>
> Priority routes should be introduced together with continuing studies of their effectiveness under various conditions.
>
> The meanings invested in road signs, especially the "stop" sign, should be made uniform throughout Australia. The "stop" sign should mean "stop and give way" as provided in Western Australia and Tasmania and recommended by the 1968 U.N. Convention on Road Signs and Signals.
>
> The give-way-to-the-right rule should be retained at all uncontrolled intersections.

Here again, this Bill follows that recommendation.

The Hon. R. A. Geddes: A motorist will be required to give way to the right at an uncontrolled intersection, but there is no priority at an intersection controlled by traffic lights. Couldn't this create confusion?

The Hon. C. M. HILL: No. The rule requiring a motorist to give way to the left and the right applies only where there is a "stop" sign or a "give way" sign.

The Hon. R. A. Geddes: How do motorists on main roads know that the signs are there?

The Hon. C. M. HILL: Not only is it possible to see the "stop" sign at most intersections but also there is a continuity line parallel to the kerb where there is a "stop" sign or a "give way" sign. Many more "stop" signs will be erected where minor roads enter main roads and, in practice, it will not be very long before a motorist knows that, once he gets on to a main arterial road, he will have priority. In New South Wales, signs depicting a rocket were erected, but there is now a tendency for them to be removed, because they are no longer necessary.

The Hon. M. B. Dawkins: Those signs were the first step in introducing priority roads.

The Hon. C. M. HILL: Yes. I have discussed this matter with traffic authorities and motorists in New South Wales. All of the people to whom I spoke welcomed the change. The system was introduced in New South Wales at the beginning of August. In my speech on September 24 I dealt with the advantages of the change. Whilst it was too soon, from the viewpoint of road safety, to look at the New South Wales statistics, I referred to a report of September, 1972, to the Commonwealth Minister for Shipping and Transport. That report dealt with the situation in Tasmania after the change was made. The following is an extract from the report:

In Tasmania, "give way" signs along a priority route were supplemented by broken lines across a minor leg street. An accident study found a substantial reduction in accidents as a result.

I mentioned, too, the remarks of Sir Keith Angas, the President of the Royal Automobile Association, a gentleman for whom I have a very high regard. When he was elected to office in 1973, a press report stated:

The new President of the Royal Automobile Association of South Australia (Sir Keith Angas) is an opponent of the give-way-to-the-right rule. "I think it is a very confusing rule," Sir Keith said. "I much prefer the old English system." (In England all roads intersecting a main road are controlled by traffic lights, or compulsory "stop" or "give way" signs).

So, the R.A.A. supported the change. In my speech on the motion for adjournment on September 24 I then dealt with the attitude of the St. Peters Residents Association. The President of that association, Mr. W. O. Gibberd, wholeheartedly supported the change and said that it would be a tremendous advantage to local residents' associations. The aspect of local community groups is very important.

A few years ago this aspect might not have been so important, because local residents' associations were not as active then. However, in many suburbs such organisations are now very active, and I have a high regard for them. They are directly involved in community problems and in some ways they are more effective than is local government itself. They are probing in their investigations and alive to the need for local communities to become self-sufficient and self-protective with regard to conservation of the environment. They are more critical of the influences affecting the quality of life than are many representatives on local councils.

The Bill will cause motorists to enter main priority roads at controlled intersections to a greater extent than they do at present. They will not be able to enter main roads easily at busy times from minor roads. As a result, motorists who at present drive through suburban areas (not areas in which they live) to go to work will cease to do so and, instead, will travel to the nearest intersection controlled by traffic lights and then travel on a main road. This will reduce vehicular traffic in community areas and make roads safer in those areas. This is what the residents' associations want, and I support them in their demand. Their suburban roads are not meant for through traffic: they are meant for local traffic. Through traffic should travel on priority roads, and this Bill will bring about the change in driving patterns.

This Bill was dealt with very well by the Hon. Mr. Story. Under the Bill, when motorists approach "stop" or "give way" signs, wherever they may be, the motorists must give way to the left and to the right. The situation of lanes that enable a motorist to turn left with care is dealt with; if the continuity line passes across that line, the motorist must halt at the line and give way to traffic on his left and on his right. Clause 6 simplifies the difficulties that have occurred in regard to roundabouts. Motorists will have to give way to all traffic once that traffic is actually on the roundabout. The last clause introduces some uniformity regarding stopping at "stop" signs occurring on ramps or jetties leading to ferries.

I am pleased to see that the Government has brought in this measure, although I am sorry it was not brought in earlier this year. I cannot understand why that was not done, but I do not wish to bring politics into the matter of road safety, which should be beyond the realm of Party politics. We must do everything we can to achieve more safety on the roads and one of the principal effects of this change, in my view, will be to achieve that purpose. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Giving way at intersections and junctions."

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

In new subsection (1) to strike out "Subject to this Act, the" and insert "The"; and in new paragraph (*c*) after "right" to insert "(other than a vehicle whose driver is himself required by this Act to give way)".

The object of these amendments is to clarify the situation regarding conflict between the various obligations to give way under sections 63 and 72 of the principal Act. Section 63 deals with giving way at intersections and junctions, and section 72 deals with giving way where the vehicle makes a right turn across oncoming traffic. The two sections must stand side by side as joint obligations; hence the deletion from section 63 of the words "Subject to this Act". The second amendment preserves the present position obtaining at an intersection not protected by any "stop" sign. Turning traffic must give way to oncoming traffic.

Amendments carried; clause as amended passed.

Remaining clauses (4 to 8) and title passed.

Bill read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL (POINTS DEMERIT)

Adjourned debate on second reading.

(Continued from November 19. Page 2012.)

The Hon. C. R. STORY (Midland): This is a simple Bill. Clause 3 provides:

The third schedule to the principal Act is amended—
(*a*) by striking out the item—
Section 72a—Failing to give way at roundabout 4;
and
(*b*) by striking out the item—
Section 64—Failing to comply with "give way" sign . . . . . 3.

Honourable members will recall that the Hon. Mr. Hill, when he was Minister, had a points demerit scheme ready, in 1970, to be introduced. The incoming Government scrapped that concept and went gaily ahead with its own one, which, in the light of what happened, is probably very much harsher on people who are constantly exposed, as transport and taxi-cab drivers are, to the danger of incurring points under the scheme. It is harder on them than the original concept was.

The Hon. D. H. L. Banfield: But they should obey the law, shouldn't they?

The Hon. C. R. STORY: It is not a matter of obeying the law. A person may be a conscientious, law-abiding citizen but, through a slight misjudgment of a centimetre or so, he may touch another motor vehicle on his right when he is coming away from a "stop" sign or a "give way" sign. If convicted by the court, he incurs four demerit points and, what is more, he probably loses his licence for a period and is fined. If he goes through a "stop" sign twice, he automatically loses his licence for a period of up to six months.

The Hon. D. H. L. Banfield: But if he killed twice he would be up for manslaughter.

The Hon. C. R. STORY: He may kill someone but may not necessarily incur any demerit points.

The Hon. D. H. L. Banfield: But he may.

The Hon. C. R. STORY: Pigs may fly.

The Hon. D. H. L. Banfield: But a dead person wouldn't.

The Hon. C. R. STORY: It is incongruous that a person should incur four demerit points for failing to give way at a roundabout to a person coming from his right but incur only three demerit points if he fails to give way at a "give way" sign. So the object of this Bill is to bring both these offences to the same level, upwards, so that in future four demerit points will be incurred for breaches of the "give way" provision. Because the Road Traffic Act has been amended and sections 72a and 64 have both been repealed, both these offences will now come under section 63 of the Road Traffic Act. I support the Bill.

The Hon. C. M. HILL (Central No. 2): This is only a short Bill consequential on the Road Traffic Act Amendment Bill. It simply makes uniform the number of demerit points an offender will incur for failing to give way at a "stop" sign or at a "give way" sign. The Road Traffic Bill brought these two traffic aids into a uniform approach; previously, the number of demerit points for failing to stop at a "stop" sign was four, and for failing to give way at a "give way" sign it was three. The Government intends that each offence shall carry four points. I support the Bill.

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

MARGARINE ACT AMENDMENT BILL

Consideration in Committee of the House of Assembly's message intimating that it had disagreed to the following alternative amendment inserted by the Legislative Council:

Clause 2, Page 1, line 9, after "This Act" insert ", other than section 5 thereof,". After line 9—Insert—
"(2) Section 5 of this Act shall come into operation on the first day of July, 1976."

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

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

The reason the House of Assembly has given for disagreeing to this alternative amendment is that it provides for an unnecessarily long period to elapse before the legislation comes into operation. It is interesting to note exactly where we are going in this matter, because one reason given for the amendment moved in this Chamber was that the industry and everyone else had to be given time for the quota to be phased out. That was the main reason for the amendment. Just how long do we have to put up with this phasing out? It is rather incongruous at this stage to be talking of 1976, because that is the date Senator Wriedt announced that the Commonwealth would agree to a lifting of quotas. However, whatever the Commonwealth does has nothing to do with the States, for each State is a sovereign State and pleases itself. However, it is interesting to note that much correspondence has been inserted in *Hansard*. The Hon. Mr. Story has said several times that he wrote a letter to Mr. Reschke complaining about the article he had read in the *Sunday Mail*. It seems to me that, for some reason or other, no publicity was given to the abolition of quotas in the press. This is about the first time that I can remember when no publicity has been given to a major Government decision. This is undoubtedly a major decision, much publicity having been given to this matter over the years. Suddenly, however, we are now confronted with silence from the press. I often wonder whether it has been deliberately suppressed by someone. I could not possibly get to the press at any stage; the press would not have a bar of it.

It is interesting to note that the Hon. Mr. Story has gone to much trouble to tell people what has happened in this debate. We recently had a visit by people from other States, including Mr. Ben Dawson, the promotions man for the Australian margarine companies, which comprise Provincial Traders, Marrickville Holdings, and Unilever. The one Australian company, Vegetable Oils, is not part of that consortium. Mr. Dawson does not therefore represent Vegetable Oils or, as it is sometimes called, Allied Mills. It seems an unusual step for the Hon. Mr. Story to write to Mr. Dawson explaining the situation and what he thinks should be done about it. I should now like to refer to a letter that the Hon. Mr. Story wrote to Mr. Dawson, a copy of which has come into my possession. This letter, dated March 14, should be incorporated in *Hansard* so that we can all see what the true situation is. The letter states:

Dear Mr. Dawson, I am writing to inform you of the present position in regard to amendments to the Margarine Act Amendment Bill. As you know, the Bill has been discussed by the South Australian Legislative Council over the last two weeks, and has now been returned to the House of Assembly with an amendment to the proposed date of commencement of the amended Act. The Government's proposal (which has been amended) was to make the effective day May 1, 1975, and the amendment of the Legislative Council is July 1, 1976.

Simply, the effect is (provided the Government accepts the amendment) that table margarine quotas will cease to exist in South Australia on July 1, 1975.

I think that is a misprint: it should have been "1976". The letter continues:

You will note that the future of the legislation is very much in the hands of the Minister of Agriculture at this stage, as to whether or not the House of Assembly accepts our amendment, as the Government has the numbers there.

The Hon. D. H. L. Banfield: That is why we are the Government, isn't it?

The Hon. T. M. CASEY: I should think so. It seems crazy to say that the amendment has been refused by the House of Assembly because the Government has the numbers there. Naturally, the Government is the Government because it has the numbers. This is a Government decision and, indeed, this is the Government's policy. The letter continues:

If agreement is not reached, it will necessitate a conference of the House; the result is, of course, anyone's guess. I hope the Minister will use his influence with his Party. The Dairy Produce Act Amendment Bill and the Dairy Industry Act Amendment Bill have both been passed, and the marketing of dairy spread will be legal as from the date of the Governor's assent (only a matter of days). The reasons I have given to the House of Assembly for not agreeing to their amendment in regard to the date of the coming into operation of the amended Margarine Act (July 1, 1976) will guarantee the margarine manufacturers, the seed producers and processors, the dairy industry and the consuming public that all quotas on the production of table margarine will cease to operate as from that day.

Why they cannot get the message that it is to be May 1, 1975, I cannot understand. The letter continues:

The Legislative Council amendment will facilitate:

(1) The orderly phasing out of the quota system on the production of table margarine, and the gradual increase of production from early in 1975, to bring South Australia's average production per capita up to the average of the other States as a first step. The Opposition will facilitate the speedy passage of an amendment to increase the present tonnage of 711 tonnes (approximately).

I understand that a standing committee meeting was recently held in Canberra, at which Queensland requested that quotas be increased by 30 per cent, with a proviso that Tasmania should receive a 100 per cent increase. As there is only one manufacturer in Tasmania, that company will get a 100 per cent increase in its quota.

The Hon. C. R. Story: What allocation did South Australia get from the standing committee?

The Hon. T. M. CASEY: The honourable member knows full well that the submissions made to the standing committee are not necessarily the same as the recommendations made to the Agricultural Council; nor does it mean that the Agricultural Council will agree to the submission. However, it was recommended that the allocation to all States should be increased by 30 per cent, and that Tasmania's allocation should be doubled.

The Hon. C. R. Story: What did South Australia ask for?

The Hon. T. M. CASEY: South Australia did not ask for anything.

The Hon. C. R. Story: It's running true to form.

The Hon. T. M. CASEY: The honourable member is trying to beat the gun. He knows full well that the margarine legislation was before the House and, when the Acting Director of Agriculture asked me what line he should take, I said that no line could be taken at that stage because legislation to abolish quotas was before Parliament. The letter continues:

(2) It will give the Government time to prepare adequate legislation to provide for such things as are necessary to cover all facets of the production, ingredients, packaging, labelling, distribution, advertising, inspection and licensing of manufacturers of margarine.

I often wonder how we have got along for the last 34 years.

The Hon. J. C. Burdett: Pretty well.

The Hon. T. M. CASEY: I should think so. Suddenly, however, we have to do something different. Although it has worked well until now, we must suddenly do all these things.

The Hon. J. C. Burdett: But we have had quotas for 34 years.

The Hon. T. M. CASEY: That is so. Why, therefore, it will not work well if quotas are lifted I do not know. The letter continues:

(3) It is essential that the legislation sets out clearly a definition of poly-unsaturated margarine—

I do not disagree with that, and, indeed, I have never done so. I tried to achieve this at Agricultural Council a couple of years ago but the other Ministers would not have a bar of it.

The Hon. R. C. DeGaris: You could do it here.

The Hon. T. M. CASEY: I intend to.

The Hon. R. C. DeGaris: Why didn't you do it then?

The Hon. T. M. CASEY: It was not necessary at the time. The Leader was not there to know the full ramifications of it. The letter continues:

(3) It is essential that the legislation sets out clearly a definition of poly-unsaturated margarine, and any other matters which may be sought by producers or manufacturers in regard to the percentage of Australian produced oils and fats in the production of margarine in this State.

I will use all my endeavours to assist the Government in any way it desires to expedite the drafting and consideration of the proposed legislation and, provided the broad principles outlined in previous paragraphs are adhered to, I see no reason why South Australia cannot provide legislation during 1975 which will be a model for the other States when they decide to remove quotas.

What is the Government of this State? Is the Hon. Mr. Story the Premier? Is this a House of Review, or is it the Government? It makes me wonder exactly where we are going.

The Hon. R. C. DeGaris: You are not the only one.

The Hon. T. M. CASEY: The Leader has refused legislation on many occasions in this Council. One of the biggest problems confronting any Government occurs when a hostile Upper House on the one hand claims that it is a House of Review while on the other hand, when it suits it to do so, it claims that it is a Party House. The Government's policy is to abolish margarine quotas; it has brought down a proposition, but it is confronted with a hostile Upper House which says, "Unless you do things in the way we say, we will not agree." That attitude by this Council is absolutely wrong. The letter continues:

If my suggestions are agreed to, it will be up to the industries referred to to seek the co-operation of the South Australian Government in making the orderly marketing of margarine possible.

I thought that the marketing of margarine was already orderly. I cannot see anything wrong with it. Can any honourable member inform me in what respect the marketing of margarine is not orderly? The letter concludes:

Yours sincerely, Hon. C. R. Story, M.L.C., Midland.

I suppose the following is a P.S.:

It was nice to meet you in Adelaide.

We must realise that, if the Government wants certain things in its legislative programme, it should not be forestalled in this way.

The Hon. R. C. DeGaris: On what constitutional grounds?

The Hon. T. M. CASEY: In the first place, this is not a money Bill.

The Hon. J. C. Burdett: So, we can toss it out.

The Hon. T. M. CASEY: Honourable members have tossed out a money Bill before. This Bill will not affect anyone at all except the people.

The Hon. R. C. DeGaris: Rubbish!

The Hon. T. M. CASEY: What I have said is true. It has been said in this Chamber that people should be able to buy whatever they wish to buy. The people of this country have been denied the right to purchase something that they desire to purchase. A couple of years ago, when people could not get enough poly-unsaturated table margarine, there was no intention of increasing the table margarine quota. At that stage the Australian Medical Association demanded that the people be given the opportunity to purchase a product that was beneficial to them. I have said that I do not necessarily agree with the association's deliberations, because I am not a medical man. However, if a doctor told me that I should eat poly-unsaturated margarine, I would probably eat it in the interests of my own health. Many people were told to eat poly-unsaturated margarine; that is why the Australian Medical Association brought pressure to bear on the Ministers. The association did not bring pressure to bear on me personally, because I had wanted to lift quotas a long time before the association brought pressure to bear. The Ministers then started to think about lifting quotas. At the most recent meeting of the Agricultural Council I wanted to lift quotas by 50 per cent, but the Ministers would not even discuss it. Now, as a result of a proposal originating in Queensland, the Ministers want to lift quotas by 30 per cent, with a 100 per cent increase in Tasmania. We are just going around in circles.

The Government is justified in asking for the abolition of quotas on May 1 next year, and I see no reason why this Council should not agree to the Bill. Honourable members cannot say that the legislation will not work, because it has worked well in the past. If the legislation does not cover some aspects, it can be amended accordingly. The legislation may need to be tidied up to a certain extent, but that should not prevent the removal of quotas at this stage. To insist that labelling and other provisions should be written into the legislation is just not on. It is a matter for the Health Department and, as Minister, I would see that it remained there. I am certain that Ministers in other States would do likewise. I believe that there is much more in the Queensland Act than there is in the legislation of any other State, but I believe that Queensland, too, refers appropriate matters to the Health Department. I therefore ask honourable members not to insist on the amendment.

The Hon. C. R. STORY: I am reluctant to oppose the motion, but I think honourable members should insist on the amendment. I am pleased that the Minister has seen fit to quote the letter that I wrote to Mr. Ben Dawson, who, to give him his proper title, is the Executive Director of the Australian Margarine Manufacturers Association Limited. As the Minister said, Mr. Dawson is employed by Unilever, Marrickville, and Provincial Traders. Provincial Traders has dissociated itself from any submission made by the Australian Margarine Manufacturers Association in their direct approach to the Premier of this State.

The Hon. T. M. Casey: And also to me.

The Hon. C. R. STORY: Yes. It was very difficult for Provincial Traders to get an interview with the Premier. However, after that company was refused an interview, strings were pulled in Canberra through Mr. Combe, the Secretary of the Australian Labor Party. The Premier then agreed to see Mr. Heanie of that company. I do not know why people cannot come to this open-door Government in the normal way to see the Premier about legitimate business. It seems peculiar that one has to go to Canberra to make representations. However, Mr. Heanie finally got his point over to the Premier and, I presume, to the Minister. I am interested to see that the Minister has received a copy of my letter, because Mr. Dawson had an interview lasting 1¼ hours with me and the Leader of the Opposition. He saw the Minister later on the same day. Mr. Dawson was in the Minister's corner when he came to see me. He and Unilever had given the Minister to understand that they were happy about the situation. After pointing out a few things to Mr. Dawson he shifted his ground somewhat. He then agreed, I believe, with some other people, to see the Minister at Parliament House at 3 p.m. on that same day. I do not know what was discussed; obviously what the Minister said did not please Mr. Dawson, because he approached me again later. I should like to say what happened. In addition to the letter to Mr. Dawson, one was sent to Mr. Ron Cope, Chairman of the Australian Seed Producers Association, one to Mr. John Heanie, representing Provincial Traders in Queensland, one went to Vegetable Oils, in Sydney, and one to Mr. Grant Andrews, of the United Farmers and Graziers of South Australia Incorported, all people who had seen the Minister on that day.

The Hon. T. M. Casey: All except Vegetable Oils. I did not see anyone representing that organisation.

The Hon. C. R. STORY: I do not know about that. I had been interviewed by each of those people at various times. Mr. Dawson rang the Leader on the Friday and I spoke to him on the following Monday, and I was given to understand that he had received my letter. I thought it proper that I should have written to put the true position to him as I was denied the right of a forum through the *Sunday Mail*. The article in that newspaper was not a balanced article; only one side got in. I have complained about that previously. My only redress was to write a letter.

The Hon. T. M. Casey: Did you read yesterday's *Financial Review*?

The Hon. C. R. STORY: Yes. The Minister said he had no further forum. The *Financial Review* published it, the *Australian* published it, and I believe one other paper in another State reported it.

The Hon. T. M. Casey: I think it came over the air, too.

The Hon. C. R. STORY: It was on the air on several occasions, but I do not thank anyone for that. That was something given from the Minister's office to the Australian Broadcasting Commission.

The Hon. T. M. Casey: You're wrong!

The Hon. C. R. STORY: It was given out by someone who had the Minister's interests at heart. Once again, the statement on two occasions through the A.B.C. was completely unbalanced and biased. The Minister has not been badly treated by the press. I am surprised that he is complaining, because I thought he had a fair go. I make no apologies for informing those people of the true position in South Australia and in Parliament. The Minister this afternoon has made many allegations, and some things need a reply. First, an offer was made in 1972 for the South Australian quota to be increased by the same amount, in proportion, as the quotas of other States. South Australia doubled its quota.

The Hon. T. M. Casey: It was increased from 512 tons to 700 tons.

The Hon. C. R. STORY: The Minister should look again at his figures. He could have had a greater allocation. He did not take anything like the increase taken by the other States.

The Hon. T. M. Casey: The honourable member does not understand what went on at Agricultural Council. Each manufacturer could take a certain percentage increase, and each manufacturer accepted that increase. Because we had only one manufacturer in South Australia we adhered to the decision of Agricultural Council to increase by a certain percentage in the same way as everyone else.

The Hon. C. R. STORY: The allocation is made to the States, and how it is carved up is entirely in the hands of the Minister.

The Hon. T. M. Casey: It was a 38 per cent increase.

The Hon. C. R. STORY: The Minister is incorrect in saying that it was because we had only one manufacturer. He decided that he would not license anyone else. He had applications for licences. If he had licensed other people he could have taken the quota.

The Hon. T. M. Casey: I am willing to table what went on at Agricultural Council if the honourable member wishes. An increase of 38 per cent was specifically mentioned.

The Hon. C. R. STORY: No.

The Hon. T. M. Casey: The honourable member was not there. I will table what went on. The honourable member is making this up.

The Hon. C. R. STORY: The Minister can talk until he is blue in the face. He has not used all the quota he could have used; there were ways and means by which it could have been used. He could have issued further licences; he could have shifted the quota allocated and given it to Unilever.

The Hon. T. M. Casey: You don't know what you are talking about. I will table the minutes to disprove what you have said.

The CHAIRMAN: Order!

The Hon. C. R. STORY: No matter what the Minister will table, we have a quota in South Australia that is about 1·56 lb. a head of population. Other States have up to 4 lb. or 5 lb. a head. It is in the hands of the Minister. He has never introduced a Bill to increase the quota. I do not think he has been refused in any way.

The Hon. T. M. Casey: Did you mention this when the Bill was before Parliament for a 38 per cent increase?

The Hon. C. R. STORY: I do not remember.

The Hon. T. M. Casey: Of course not. You were told it was a decision of Agricultural Council and you went along with it. Suddenly, you are starting all of this.

The Hon. C. R. STORY: The Minister has been asked to issue further licences and he has not done so, although written applications have been made to him.

The Hon. T. M. Casey: By whom?

The Hon. C. R. STORY: I understand that on two occasions written applications have been made by Adelaide Margarine. If the Minister were to check his files he might like to table that correspondence, too. I am sure he could table a great deal of correspondence. When I attended Agricultural Council meetings a strict rule prevailed. It was brought in because a Labor Minister (Hon. Mr. Bywaters) was used by a Canberra journalist who printed a broadsheet on agricultural matters. An article appeared in this paper on things said in Agricultural Council. Those things were not complimentary to the Minister, because they dealt with eggs, poultry and quotas. When I was a member, it was a strict rule that minutes and discussions at Agricultural Council meetings were not scattered around the country. Ministers were entitled to attend the Agricultural Council and state their view in an uninhibited way, without people being able to make political capital or news capital from what had been said. I am surprised that the Minister suggests tabling the minutes of Agricultural Council. I did not take so much as one page or a photostat copy of the minutes of the council, and the Minister will find every document that I ever dealt with in his office from the time when I was Minister, probably still gathering dust.

The Hon. T. M. Casey: Perhaps the honourable member does not know, but the Commonwealth Minister tables in the Australian Parliament the minutes of the Agricultural Council, and it is up to the individual States to decide whether they want to do the same or not. If the honourable member will not believe me, in order to clear up the matter, I am willing to table the minutes.

The Hon. C. R. STORY: I do not give a darn if the Minister tables the minutes. It would be better from his point of view not to, because he would not like all the discussions he had at the meeting made available for the public to see.

The Hon. T. M. Casey: I want you to know that I am telling you the truth in respect of what transpired. The only way this can be done is to table the minutes.

The Hon. C. R. STORY: If the minutes are tabled, they then must be read. The fact is that I have nothing to apologise for in respect of the letter. I gave people the facts, and the Minister has not disputed what I have said in the letter. At least that is a turn-up for the books. This is the first point that is factual and the situation remains that the Minister makes a great fetish about the provisions I want written into the Bill. True, I want them written into the Bill, but the reason is to give the people of South Australia a clear guide about what will happen at the end of the quota period. More people are involved in this matter than the Minister recognises. The dairying industry is getting into a worse position all the time, not only in this State but throughout Australia. Much public money has been invested in the industry in several forms. There are co-operatives involved in the industry and, while this matter is before the Council and as the Opposition has agreed to the removal of quotas, it would not be a bad idea for the Minister to agree to the suggestion of the United Farmers and Graziers that a proper inquiry be set up to inquire into all the facets of the industry, and the Minister can include a reference to fats and spreads. If the Minister did that, he would be able to write a satisfactory and presentable sort of Bill.

The Hon. T. M. Casey: I had to get the submission first.

The Hon. C. R. STORY: I was told by the United Farmers and Graziers, and it appeared in *Hansard* in reply to a question I recently asked, that the Minister received the submission in May this year.

The Hon. T. M. Casey: That was to examine a possible statutory milk authority.

The Hon. C. R. STORY: The Minister told me that the Chairman of the Milk Board would become Chairman of a group established to discuss these matters, because of the variation within the industry.

The Hon. T. M. Casey: You should read the reply to the question.

The Hon. C. R. STORY: This matter should not be discussed here, but the Minister has dragged in such extraneous matters that I must get the correct situation included in *Hansard*, otherwise people will believe that the Minister is the only oracle in the world. I hope there is no confusion by the readers of *Hansard* in respect of who is the author of the letter. I would not like it to be attributed to the Minister. The position is that the Minister sought to raise the South Australian quota. If it were increased to the average national level it would be increased to about 2 137 tonnes. What is the Minister growling about? He seeks immediate change. There is no legislation—

The Hon. T. M. Casey: It will apply from May 1, 1975.

The Hon. C. R. STORY: We have not got any legislation at all. The Minister repeatedly has said that we have managed satisfactorily since 1940, and we have had no trouble. Of course we have had no trouble, because we have had only one manufacturer (at one time we had two manufacturers) of table margarine, who produced in accordance with the quota. If that licence stepped out of line there was a waddy that the Minister could wield, and this has been done frequently during the history of margarine quotas in South Australia. The Minister knows that the waddy has been taken out and used, and he knows how manufacturers have been kept in line. They have been kept in line through the use of the quota system. Now that quotas may be removed, the only power we will have over manufacturers will be if they contravene health regulations in respect of ingredients or manufacture of the product. There is to be no control over the type of margarine. No mention of "poly-unsaturated" is made in our legislation, and I say that we should have it. Several matters need much attention and consideration.

Every section of the associated industries (dairying, margarine manufacturing, oil-seed and any others) should have a say in the framing of the new legislation. If the Minister has not time to do this, I am sure other people would be more than willing to obtain this information for him and write him a decent Bill. However, to proceed gaily and say that he will remove margarine quotas, and then tell the people of the State that quotas are removed, is a procedure I cannot agree with.

The Hon. T. M. Casey: They were happy to hear it.

The Hon. C. R. STORY: As the Minister stated, he received only good publicity.

The Hon. T. M. Casey: True, in local papers, but not in the interstate press.

The Hon. C. R. STORY: The Minister's reply to the question to which I earlier referred is on page 1844 of *Hansard*, and is as follows:

I received a letter from the United Farmers and Graziers section of the dairying industry asking that I have a look at the situation regarding the equalisation of whole milk throughout South Australia. The honourable member is well aware, of course, that the dairying industry in this State does not speak with one voice. Indeed, I have been trying on its behalf for some time now to have it speak with one voice rather than with several voices, and I decided to have a meeting of members of the industry, including the several factions within it, under the chairmanship of the Chairman of the Metropolitan Milk Board. I hope that this meeting will take place early in the new year and, seeing that the industry in this State is not represented by the one voice as it should be, I believe that this is the first step we can take, and I hope that something positive will result from the meeting.

I do not think there is anything wrong with what I said.

The Hon. T. M. Casey: Is there anything wrong with what I said?

The Hon. C. R. STORY: What I said is that the Minister has not done what the United Farmers and Graziers are asking him to do.

The Hon. T. M. Casey: Would you like me to show you a copy of their submissions?

The Hon. C. R. STORY: I have a copy. There is nothing that the Minister has got that I have not got, and *vice versa*. The Minister understands, as I do, that we both have experience of these things. We understand them perfectly. I wonder why people are paid up to $25 000 a year as executives when two people like the Minister and I could handle their show for them at a quarter of the cost, and much more efficiently.

The Hon. D. H. L. Banfield: You can't even agree amongst yourselves.

The Hon. C. R. STORY: I have copies of all letters written to the Minister. I get many telephone calls to the effect, "Don't tell Tom Casey this but this is what he said." I know the same has been said to the Minister—"Don't tell Ross Story." We are not babes in the wood in this game.

The Hon. D. H. L. Banfield: On margarine?

The Hon. C. R. STORY: No, on this sort of thing. I am not worried about what Mr. Dawson has said about this matter; but I would have appreciated a copy of the letter he sent to the Minister which accompanied a copy of mine. I disagree with the motion.

The Committee divided on the motion:

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

Noes (10)—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, C. R. Story (teller), and A. M. Whyte.

Majority of 2 for the Noes.

Motion thus negatived.

A message was sent to the House of Assembly requesting a conference, at which the Legislative Council would be represented by the Hons. T. M. Casey, B. A. Chatterton, R. C. DeGaris, R. A. Geddes, and C. R. Story.

Later:

A message was received from the House of Assembly agreeing to a conference to be held in the Legislative Council conference room at 5.30 p.m. on Thursday, November 21.

The Hon. A. F. KNEEBONE (Chief Secretary) moved:

That a message be sent to the House of Assembly agreeing to the time and place appointed by the House of Assembly for the holding of the conference.

Motion carried.

SOUTH AUSTRALIAN MUSEUM BILL

In Committee.

(Continued from November 14. Page 1985.)

Clause 13—"Functions of the board."

The Hon. JESSIE COOPER moved:

In subclause (1), after paragraph (*b*), to insert the following new paragraph:

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

The Hon. T. M. CASEY (Minister of Agriculture): The new paragraph, which the Hon. Jessie Cooper has moved to insert, will restrict the way in which the South Australian Museum Board may manage funds vested in or placed under its control. This is legally unnecessary but can be accepted to ensure control of the way in which the board expends its funds.

The Hon. JESSIE COOPER: Although the Minister's explanation is satisfactory, the board will not necessarily be restricted. Another provision gives the board power to govern all bequests and gifts made to the museum. I am pleased that the Government has seen fit to accept this amendment and that it is being consistent in that it accepted the amendment last year.

Amendment carried.

The Hon. JESSIE COOPER moved:

In subclause (1) (*c*), after "in", to insert "relation to".

The Hon. T. M. CASEY: The amendments proposed by the Hon. Mr. Geddes conflict with the amendment that the Hon. Mrs. Cooper has just moved. That amendment is acceptable to the Government, although the amendments to be moved by the Hon. Mr. Geddes are unacceptable and should therefore be rejected.

The Hon. JESSIE COOPER: I do not agree that the Hon. Mr. Geddes's amendment conflicts with mine. Before the Minister spoke, I was going to say that I had been swayed by the Hon. Mr. Geddes's eloquence last week and that I would withdraw my amendment in favour of his. His amendment goes further along the same road I was suggesting and leaves it in wide terms indeed. I can see nothing wrong with his proposed amendment.

The Hon. R. A. GEDDES: It seems ludicrous to me that, if the museum stores information regarding our history and disseminates learning to the people of this State and, indeed, to people from anywhere in the world, it should be restricted to gathering all the types of information referred to in the Bill solely from sources within this State. Surely the board should be free to collect information from anywhere.

The Hon. F. J. Potter: It can do it under paragraph (*d*).

The Hon. Jessie Cooper: Yes, all of paragraph (*g*) is redundant.

The Hon. R. A. GEDDES: It could do it under paragraph (*g*), but why should we have it in paragraphs (*c*) and (*f*)? This seems to be inconsistent. We are in an invidious position, the Government having said that it accepts the Hon. Mrs. Cooper's amendment but that it will reject mine. Although I do not wish to hinder the Hon. Mrs. Cooper's intentions, I believe that the board should have power to obtain and care for information and exhibits obtained anywhere in the world, and not those relating solely to South Australia.

The Hon. T. M. CASEY: The points that the Hon. Mr. Geddes intends to cover are in fact covered by clause 13 (1) (*d*), which gives the board the same powers in relation to collections as are possessed by the South Australian Art Gallery. The words "in relation to this State" refer only to the research and information-giving functions of the board and do not, in the amended form proposed by the Hon. Mrs. Cooper, unnecessarily or excessively restrict the board or the museum staff in the work they wish to undertake. Therefore, the Hon. Mrs. Cooper's amendment is more suitable than is the Hon. Mr. Geddes's amendment.

The Hon. R. A. GEDDES: Does this mean that under clause 13 (1) (*c*) the board will be able to conduct and promote research into matters outside the State? In other words, if a new railway line to Alice Springs was being constructed and some important dinosaur bones were discovered, would it mean that the museum would not be able to use those bones because they came from the Northern Territory?

The Hon. T. M. Casey: I think the board would have to approach the Northern Territory Administration.

The Hon. R. A. GEDDES: It is not a matter of "thinking". I believe it means that could not happen. This seems to be a restrictive and unnecessary provision. Also, will it make any difference if the words "in the State" are excluded?

The Hon. T. M. CASEY: What about clause 13 (1) (*g*)? The board could approach the Northern Territory Administration, and ask whether it could go into that area.

The Hon. R. A. GEDDES: I do not think it could.

The Hon. T. M. CASEY: If the Minister got permission from authorities in another State, he could direct the board to do that.

The Hon. R. A. GEDDES: But an amendment has been foreshadowed to strike out "the Minister" in paragraph (*g*). Surely, if the clause provides that the board may carry out research and disseminate information, the board is not restricted.

The Hon. R. C. DeGARIS: The honourable member is correct in what he says. No function should be assigned to the board by the Minister if that function was not within the ambit of the legislation.

The Hon. F. J. POTTER: There seems to be an inconsistency between paragraphs (*c*) and (*d*). In most cases the board will not dissipate its funds in carrying out research outside the State, but it may find it necessary to carry out biological research outside the State that may be of value within the State. I therefore support the amendment.

Amendment carried.

The Hon. R. A. GEDDES moved:

In paragraph (*c*) to strike out "in this State"; and in paragraph (*f*) to strike out "in relation to this State".

Amendments carried.

The Hon. JESSIE COOPER: I move:

In paragraph (*g*) to strike out "the Minister" and insert "regulation".

Paragraph (*g*) is a collective description of the functions of the board, and it is therefore redundant. The Hon. Sir Arthur Rymill said that it would be just as good to have only paragraph (*g*) and to strike out paragraphs (*a*) to (*f*). On the last night of the previous session this matter was the cause of disagreement between the Government and me. The Leader of the Opposition moved a compromise amendment that was acceptable to the Government and to me. His amendment was the same as the amendment now before the Committee. It would allow the board to retain its autonomy and remain as it has been over the years. For the sake of the future of the museum and of the board, the amendment should be carried.

The Hon. T. M. CASEY: I was hoping that the honourable member would not move this amendment.

The Hon. Jessie Cooper: It was not my amendment in the first place.

The Hon. T. M. CASEY: But it is now. I must oppose the amendment. "To assign" does not mean "to instruct". This phrase was carefully worded to ensure that the Museum Board might operate with all possible flexibility, so that the present situation in relation to the museum and its governing Act does not arise in future. Under the provisions of the present Museum Act in a technical and formally legal sense, the Museum Board has been acting rightly in relation to the general and desirable functions of a museum but is clearly not acting within the powers given to it by the Museum Act, 1939. The Bill presently before honourable members will overcome those legal impediments and will ensure that the Museum Board has all the rights and authority to continue with the work which it has undertaken in the past and is continuing to undertake at present. For those reasons, I ask the Committee to reject the amendment.

The Hon. R. C. DeGARIS: The Hon. Mrs. Cooper was correct in saying that last session there was disagreement about this provision. I accept her statement that clause 13 clearly sets out the functions of the board. One could strike out paragraphs (*a*) to (*f*) and leave only paragraph (*g*), which provides that the Minister can assign to the board any other functions that he thinks should be assigned to it. This is an odd way of going about the matter. Parliament, not the Minister, is the authority that assigns functions to boards that are set up for a specific purpose. The Minister's function is to administer the legislation. The idea of assigning functions by regulation is justified; alternatively, paragraph (*g*) could be struck out and the Government could bring down a further amendment when it wanted to do so. I am sure that, if the amendment was urgent, honourable members would co-operate. I do not like to see a board like the Museum Board being subject to a blanket provision that gives the Minister the right to assign to the board any functions that he likes to assign to it. To say that the assignation would not be an instruction is splitting hairs. We all know what happens when a Government has a strong hand financially in certain matters, and a strong influence. If it wants a certain thing done and if the Minister says, "Do it; I will assign the function to you", one would assume it would be done. Parliament has not considered that function at any time during the debate in either House. I view the whole of paragraph (*g*) with some gravity. While the Minister gave some illustrations to show that regulation would not be an easy means of assigning these functions, I believe it would be an easy way to do it, because as soon as the Government gazettes a regulation it is law, but is subject to disallowance. At least Parliament would know what functions would be assigned to the Museum Board. I believe it is entitled to know.

Amendment carried; clause as amended passed.

Clauses 14 to 19 passed.

Clause 20—"Regulations."

The Hon. JESSIE COOPER: I move:

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

This is the same as the amendment moved last year. It is straightforward and self explanatory. It gives the board power to control its own actions.

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

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

[*Sitting suspended from 5.50 to 7.45 p.m.*]

PARLIAMENTARY SALARIES AND ALLOWANCES BILL

The House of Assembly intimated that it had agreed to the Legislative Council's suggested amendments and had made the following consequential amendment:

Clause 7, page 4, lines 31 to 33—Leave out all words in these lines and insert:

(*a*) In the case of—

(i) members of the House of Assembly, acting as agents for constituents in their dealings with the Government and with officers of the Government and other persons; or

(ii) members of the Legislative Council, acting for his constituents as a member of a House of Review;

The Hon. A. F. KNEEBONE (Chief Secretary) moved:

That the House of Assembly's consequential amendment be agreed to.

The CHAIRMAN: I refer to Standing Order 139 and, as I foresee certain difficulties in this matter, I suggest that progress be reported.

Progress reported; Committee to sit again.

LAND TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 19. Page 2013.)

The Hon. F. J. POTTER (Central No. 2): I support the Bill, which seems to me to have been dealt with sufficiently by previous speakers. It is designed to overcome a difficulty that the Crown Solicitor foresees may arise as a result of the definition of "owner" in the principal Act, and this is now redefined. Although I support the Bill, the Hon. Mr. Hill has asked whether the new definition would include the tenant of a property, because "owner" is said to include a person who holds an estate or interest in the land entitling him to possession. Apart from that (and the Hon. Mr. Hill asked the Minister to seek some advice on that matter), I think everything has been said about this Bill that can be said. I support it but, like other honourable members, would like to hear the Minister on the point raised by the Hon. Mr. Hill.

The Hon. A. F. KNEEBONE: I will endeavour to get a reply for the Hon. Mr. Hill in the Committee stage.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Interpretation."

The Hon. A. F. KNEEBONE (Chief Secretary): I will endeavour to get an answer for the Hon. Mr. Hill. I do not know whether it will affect his view of the Bill.

The Hon. C. M. HILL: It is very important. I fear that a tenant could fall within the new definition of "owner" in the Bill, which would mean that he could be liable for land tax. I can paraphrase this definition of "owner"; in my view it could mean "in relation to land, any person holding an estate or interest in the land entitling him to possession of the land". That must include a tenant. I am sure that is not the Government's intention, but the Bill should not pass if it could be interpreted that a tenant under a relatively small tenancy agreement could, in any circumstances, be liable for land tax.

I am not concerend with the situation where a tenancy agreement may include a condition that the tenant must pay rates and taxes, including land tax, or the rather unusual case where an option to purchase, which gives the tenant a much greater interest in the land than would otherwise be the case, exists.

The Hon. J. C. BURDETT: I support what the Hon. Mr. Hill has said and shall vote against this clause unless it is amended. The Hon. Mr. Hill gave the Government every notice of his query about this, and I do not think it is for us to suggest amendments. The fear expressed by the Hon. Mr. Hill is well based. The definition of "owner" in paragraph (a) (iii) is as follows:

. . . who is entitled to purchase or acquire a legal or equitable estate of fee simple in the land or any other estate or interest in the land entitling him to possession of the land.

An estate of leasehold is well recognised by the law. A person who holds a lease holds an estate. Even if it was not so, he certainly holds an interest. By definition, it entitles him to possession of the land. So there is no doubt that this definition of "owner" includes a lessee, however long or short the tenure of the lease may be.

The Hon. A. F. KNEEBONE: I ask that progress be reported.

Progress reported; Committee to sit again.

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

In paragraph (*b*), in the definition of "owner", after "interest" to insert "other than an estate or interest of leasehold".

This amendment is intended to clear up a matter which was raised by the Hon. Mr. Hill and to which I have already referred. The definition of "owner", as it appears in the Bill, could include a lessee, which I do not think was intended: it was intended to tie up the definition with other parts of the legislation. This amendment will make it clear that, for the purposes of land tax, a lessee cannot be regarded as an owner.

The Hon. A. F. KNEEBONE: Although I have not had an opportunity to discuss this matter with the Treasurer, I do not oppose the amendment. If it is not acceptable to my colleague, I should think the matter could be dealt with in another place.

Amendment carried; clause as amended passed.

Remaining clauses (3 to 5) and title passed.

Bill read a third time and passed.

PRIVACY BILL

Adjourned debate on second reading.

(Continued from November 19. Page 2022.)

The Hon. M. B. DAWKINS (Midland): I rise to discuss this Bill about which I am unable to raise much enthusiasm. The Bill seeks to define privacy, and I believe it fails to do this except in a vague, wide and imprecise way. This is not to be wondered at, especially as we have been told that the Younger committee, which investigated this matter for a considerable time in the United Kingdom, reported in 1972 that it had given up any attempt to define privacy, which is necessarily a subjective right. This was probably a wise decision, although the Hon. Mr. Potter referred to dissenting opinions of two members of that committee. I emphasise that I support, in general terms, the right of the individual to a reasonable and fair amount of privacy, which to some extent is provided under common law and to some extent by our Statutes, although privacy is probably invaded by other Statutes under which inspectors have certain rights of entry.

Certainly, I support in general terms the right of a person to have a reasonable and fair amount of privacy, but not to the extent that may enable an individual to retreat behind the provisions of the law in order to avoid the consequences of wrong doing. This could be possible were this Bill to become law. The Bill refers to a right. Clause 5 provides the definition of the "right of privacy", and the first sentence provides:

means the right of a person to be free from substantial and unreasonable intrusion upon himself . . .

Although I have been told that these words "substantial, unreasonable intrusion" are regularly used in the legal profession, I still believe that they are words that can be interpreted differently by probably every second lawyer, and I believe that the legal profession could have a bonanza under this rather wide terminology.

I refer to an example existing in this Council. In recent days we have seen the spectacle of the Hon. Sir Arthur Rymill and the Hon. Mr. Burdett, two experienced practitioners in both the law and in business, opposing the Bill. Then we find the Hon. Mr. Potter, whose theoretical qualifications, I believe, are the highest qualifications of any legal practitioner who has been in this Parliament in my time, saying that the Bill is all right, that he supports the Bill. If this Bill became law, any controversy involving it would go on *ad infinitum* in the courts of this State. I do not wish to refer in any derogatory manner to the points made by previous speakers, but the Hon. Mr. Potter, when referring to the words which I have just mentioned, stated:

It goes on to say that it is for the judges to say whether the words are capable of a defamatory meaning. I hope the Hon. Mr. Whyte will take note of the use of those words, because he said he could not understand what "reasonable" and "substantial" meant.

I believe that the Hon. Mr. Whyte meant rather that (doubtless, he knows what they ordinarily mean), he could not forecast what the Hon. Mr. Potter, or any opposing legal counsel, would make of these words in a certain situation. The Hon. Mr. Potter later stated:

The truth is that these words are well known to the law. At times they are the very tools it uses, and I can assure honourable members they will present no difficulties or dangers in the context of this Bill.

The Hon. A. M. Whyte: The Hon. Mr. Potter didn't really quote exactly what I said.

The Hon. M. B. DAWKINS: Probably not, but I suggest that the Hon. Mr. Whyte understood what those words meant, even if he did not understand what the Hon. Mr. Potter or other counsel might make of them. The Hon. Mr. Potter said, in effect, that these words are the tools of the trade. He did not use the word "trade", and I doubt whether he would be happy in having the legal profession described as a trade.

The Hon. F. J. Potter: It uses words as tools.

The Hon. M. B. DAWKINS: True, and I have no doubt the honourable member uses these words as tools; doubtless, if these tools were put to use if this Bill became law containing such words capable of different interpretation, they would be used extremely well by members of the legal profession.

The Hon. F. J. Potter: A reasonable man in the eyes of the law is the ordinary thinking man.

The Hon. M. B. DAWKINS: I accept that, but any two lawyers could have a different interpretation of what is "reasonable" and what is "substantial", as well as different determinations in different sets of circumstances. The Bill deals also with the overhearing or recording of spoken words in paragraph (*b*). That would be an intrusion of privacy. Surely this is the Government with its tongue in cheek, because this is the Government which has just set up a monitoring system to overhear and record spoken words. The Government is a chief offender in this matter when it comes to the invasion of privacy.

The Hon. A. F. Kneebone: But that is public property.

The Hon. M. B. DAWKINS: It may be public property, but no-one knows what is being recorded, who is being recorded, and how those recordings can be used against them in the future. That could be the situation.

The Hon. R. C. DeGaris: It is probably an offence under the Broadcasting Act.

The Hon. M. B. DAWKINS: It could be, and that is a matter that should be considered at the Commonwealth level. Any person putting sound over a radio system is the possessor of that sound, and whether anyone has the right to record it with out permission is open to doubt. Other matters intrigue me in respect of the interpretation clause. Paragraph (*a*) deals with the reading or copying of documents.

The Hon. F. J. Potter: It is not the right of privacy but the breach of privacy.

The Hon. M. B. DAWKINS: It is an intrusion.

The Hon. F. J. Potter: The whole of that clause really describes the right in terms of the wrong, as I said.

The Hon. M. B. DAWKINS: That may be so.

The Hon. J. C. Burdett: But it first defines privacy.

The Hon. M. B. DAWKINS: Anyway, we have the situation where paragraph (*d*) deals with the reading and copying of documents. Doubtless, such action would be an intrusion of privacy. It could include the rifling of desks, drawers, shelves, and filing cabinets, which has not been unknown, and it is something that ought to be restricted if it can be brought home to the people concerned.

The Hon. F. J. Potter: One can probably be arrested for that action.

The Hon. M. B. DAWKINS: Yes, if the person can be caught.

The Hon. F. J. Potter: This Bill is about the misuse of what you find in the drawer.

The Hon. M. B. DAWKINS: I am indebited to the Hon. Mr. Potter for that comment. Paragraph (*g*) deals with the acquisition of confidential industrial or commercial information. This information, too, can also be obtained in the manner I have just described. Then, if we look at clause 6, we see that every person has a right of privacy. That is a superfluous statement, because we all agree that the individual in this country has a right of privacy which is there under the common law, to some extent, and which may be somewhat unsatisfactory, but probably no more unsatisfactory than the provisions of this Bill.

I wish to dwell a little on what the Hon. Mr. Potter said, because the impression I got was that he thinks that only those people with "a trained legal mind" (we have heard the honourable member on this topic before) could understand the implications of this Bill. On one occasion, I heard the honourable member interject on another honourable member, saying, "You should have done a law course." That may be. I have a healthy respect for the "trained legal mind", but I also respect the mind which is trained by practical experience and common sense. Heaven preserve us from large doses of the former without a considerable infusion of the latter, from people of common sense and experience in life!

I do not want to take up the time of the Council unduly on this matter, because it has been discussed by several honourable members and I understand several more are to follow me in the debate, but about 10 days ago I heard a gentleman on the radio. I happened to be driving on a Sunday afternoon and I heard him talk in a programme called *Focus*. The reservations I have about this Bill certainly do not mean that I have any brief for the press, but this gentleman was talking about the press and the way in which this Bill could affect it. I gathered it was a serious Bill (which I can believe, to some extent) but I also gathered that the gentlemen of the press were almost lily white in purity; they were quite impartial, and it was only in editorials that they really showed their true colours or what they really thought. That is complete rubbish, because we know very well that over the past two years in this State there has been in some quarters an armchair ride for some sections of the community, and especially of the political community, and there has been a deliberate attempt to denigrate or ignore other sections of the community.

I commend the Hon. Mr. Gilfillan for some good points he raised on this matter, including the point that it is possible for the media to slant the situation according to the way in which it wants it to go. It may gather a series of interviews but publish only those that it wants to be published. It may conduct a series of television interviews with the public in the street but it uses only those that it wants to use; similarly, it publishes only those letters to the paper that it wants to publish. That may be the right of the press but it is not right to suggest that press men are completely impartial and almost lily white in their integrity. I quote the term used by Mr. Colquhoun, who was the speaker to whom I have referred and who referred to "the sense of propriety and responsibility demonstrated both by the controllers of the media and by working journalists". He says that the latter are bound by the Australian Journalists Association code of ethics "always to maintain, through their conduct, full public confidence in the integrity and dignity of their calling". I hope they read that again, because I do not believe that that is always done. As I said, the Hon. Mr. Gilfillan gave us several instances that were apt and to the point. Also, he mentioned photographs. A person can be photographed in a favourable position if the press wants to promote him, or unfavourable photographs can be used if the press does not wish to promote him. That is another point that the press must look at if it is to live up to this claim of being fair and objective.

For these reasons, I have reservations about this Bill. That does not mean I have any brief for the press, because I recall another matter in passing: that is the way in which a slanted article about margarine quotas appeared in the *Mail* about 10 days ago, and the *Mail* did not have the decency to publish a correction to that article even though it was made clear that it was a slanted and one-sided article. In effect, the *Advertiser* has been mentioned (Mr. Colquhoun being the editor.) If anyone thinks the *News* should get out of this, I wish to say that I have often heard the Hon. Mr. Shard talk about "that rag, the *News*", and I agree with him. The *News* is no better and probably no worse than either of the other two papers I have mentioned, and certainly the television channels could not consider themselves to be lily white. However, looking at this Bill and the contention placed before me by the A.J.A., I note that the latter states:

> The definitions of a right of privacy in the South Australian Bill are so vague that they would be capable of dangerously wide interpretations . . .

I would have to believe that statement had a measure of truth. For that reason, I would find it difficult to support the Bill as it is at present, but I accept that many aspects of privacy are already covered by the common law and also, as I said earlier, in some cases by other Statutes already

enacted by Parliament. They have been referred to by other honourable members. I am concerned about this Bill, not merely for the sake of the media, for which a sudden return to square one would do no harm and probably some good, but also for the sake of the public. I express my concern, and I will listen to the remainder of the debate with great interest.

The Hon. C. R. STORY (Midland): I rise to speak to this Bill and to mention one or two points. The first is a document under the name of Miss Ann Franklin, which comes with the compliments of the Australian Journalists Association (South Australian District) and which has been circulated to all honourable members. It is a statement released to the media on November 5, 1974, by the A.J.A. General President, Mr. John Lawrence, during the meeting of the Annual Federal Council of the A.J.A. in Brisbane. I was interested in this because this is a document which obviously is a press release from the official body of the A.J.A. I was intrigued by the approach, as follows:

The main beneficiaries of this legislation will not be ordinary members of the public, but those people in business, politics and commerce with a vested interest in ensuring that their activities are not subject to public scrutiny and investigation.

That assumes that most people in those categories are dishonest. That is hardly the way to approach the people who have to judge who is responsible for the privacy of the individual in the community. Those responsible for privacy in the community are, largely, those connected with the media in its various forms. How the Premier could say that this legislation was not about newspapers or journalists I do not know, as it seems to me to be very much to do with the media.

People in public positions need as much protection as anyone. They start a long way behind the eight ball, as the public is conditioned to believing that people in public positions are educated and are looking for an opportunity to make a fast buck or to promote their own cause or interests in a certain way. The Bill is supposed to relate to ordinary members of the public, but surely the people who offer themselves for election to the City Council or Parliament and who conduct legitimate businesses are ordinary members of the public. Why, then, should they be placed in a category all of their own for special treatment?

It is in relation to categorisation of this type of person that one often comes to the parting of the ways between the media and people in public life. Often I have seen the spectacle of ordinary people who hold a public position being interviewed on television, and a typical question such as "Have you stopped beating your mother-in-law?" is put to them. Of course, whichever way they jump they will put their foot in it. Although these people are not guilty of anything, they are placed in an embarrassing situation by an interviewer whose main motive is, I suggest, to promote his own future.

I have repeatedly seen aggressive reporters interviewing people. A sincere person who is put under the television spotlight and harassed does not, because he is not supposed to be an actor, come out looking like Sir Laurence Olivier. However, merely because he is in a public position he is treated in this way. For this reason some form of restriction needs to be placed on the media. I have always hated snoopers and pryers; both categories have never appealed to me. Many times during my life I have seen people victimised by innuendo and by others setting them up. To retaliate, one usually needs sufficient money or thought to be able to manipulate the publicity machine.

This is not good enough and is an intrusion on an individual's rights. I believe that if what happened in this Council today had happened outside this Chamber I would have had grounds on which to take action. The Minister of Agriculture quoted a confidential letter which I had written to a person in another State and which was apparently returned to South Australia. Had that letter been read anywhere than in this Chamber, where Standing Orders protect honourable members, I am sure that I would have had justifiable grounds under this legislation on which to take action against the Minister. Indeed, I am sure I could have done so under three or four different provisions. It was certainly done for the purpose of causing distress, annoyance or embarrassment or to place the matter in a false light; I believe that was the intention. The Bill refers to the use of a "name, identity or likeness for another's benefit"; I am sure those things would apply.

The Hon. A. J. Shard: You might have had a case if it was confidential.

The Hon. C. R. STORY: That is so.

The Hon. A. J. Shard: However, the letter was not marked "confidential".

The Hon. C. R. STORY: I will not enter into a debate on that matter.

The Hon. A. J. Shard: You are taking advantage of the Minister, who is not present in the Chamber. You said that it was a confidential letter. I had a look at it, and it was not marked "confidential". It was a transcript of what you said. You complained the other day about accuracy, so let us be accurate.

The Hon. C. R. STORY: If the honourable member would wait, I would develop my argument.

The Hon. A. J. Shard: You said it was confidential. I looked at it and it was not marked "confidential".

The PRESIDENT: Order!

The Hon. C. R. STORY: I know that the Chief Secretary is a little deaf on one side.

The Hon. A. F. Kneebone: I am not.

The Hon. C. R. STORY: That probably excuses him for saying that I said the letter was marked "confidential".

The Hon. A. J. Shard: So you did, and everyone knows it.

The Hon. A. F. KNEEBONE: I rise on a point of order, Mr. President. I object to the Hon. Mr. Story's saying that I am deaf on one side. I am the Chief Secretary.

The Hon. C. R. STORY: I apologise most sincerely to the Chief Secretary. I meant to say "the former Chief Secretary".

The Hon. A. J. Shard: I clearly heard you say that it was marked "confidential". Don't deny it.

The PRESIDENT: Order!

The Hon. C. R. STORY: I will repeat what I said, for the Hon. Mr. Shard's benefit. I said it was a confidential matter.

The Hon. A. J. Shard: You said it was a confidential letter.

The Hon. C. R. STORY: I believe that every letter which I write to a person and which is signed by me is confidential between that person and me. I do not have to write "confidential" on the top of the letter.

The Hon. A. J. Shard: That is what you led the Council to believe.

The Hon. A. F. Kneebone: The breach of confidence was by the person to whom you wrote.

The Hon. C. R. STORY: I did not at any stage say that the letter was marked "confidential".

The Hon. A. J. Shard: Did you state that the Minister of Agriculture read a confidential letter?

The Hon. C. R. STORY: I said that the Minister of Agriculture—

The PRESIDENT: Order! Continued interruptions are out of order.

The Hon. C. R. STORY: I believe that the reading of that letter involved the things to which I have referred. That letter came into the possession of a person and, without consultation with me, that letter was used for a purpose that fits into one of the categories. I do not know what motivated the Minister. He did not read out the covering letter that went with the copy that he read.

The Hon. R. C. DeGaris: You had better read that to the Council.

The Hon. C. R. STORY: That would be a good idea.

The Hon. A. J. Shard: We have had enough of margarine today.

The Hon. C. R. STORY: The honourable member cannot shut me up merely because that subject embarrasses him.

The Hon. A. J. Shard: It does not embarrass me, but we have had enough of margarine today.

The Hon. C. R. STORY: If the honourable member will get his Minister to see sense, we will soon clear up the matter. Many points need to be closely scrutinised by Parliament in this regard. We have people taking other people along without giving very much consideration to how it affects them. It is all right to say that we have remedies in the courts. True, we have remedies for defamation, but to prove defamation is not easy, and it is extremely expensive. After listening to the debate and hearing the opinions of people inside and outside the legal profession, I wonder how long this matter would take to settle down; it seems to me that it would take a considerable time to settle down. I believe that some form of protection is necessary. I do not want to stifle the media. I believe in a free press, but where a free press has privileges it also has responsibilities. In America, the Constitution protects the press. Here, we have laws that have evolved over the past 100 years whereby the press is reasonably well protected. People have to go to some trouble if they want to get to the media. I do not agree with many things that have happened, but at the same time I must be assured that this Bill will do what the Government thinks it will do. I am not qualified to take this Bill to pieces, as have some honourable members.

It seems to me that the findings of those members of Parliament who are lawyers have been actuated a good deal by political philosophy rather than by a straight-out interpretation of the law in relation to the right of privacy. As some honourable members have said, I would have liked to see this Bill debated in the same way as a private member's Bill is debated, with honourable members having a free vote; we would have got a lot more out of the debate and we might have got useful amendments. In those circumstances, where people had complaints, those complaints could have been voiced more effectively.

I am not qualified to analyse the legal aspects, but my experience before and since becoming a member of this Council leads me to believe that it is necessary to protect all people from other people who pry and pass on information for the purpose of promoting their own cause or pulling down someone else's cause. I cannot say in all conscience that I can support the Bill in its present form. To support the Bill without being sure about it would be just as wrong as it would be for any honourable member to vote on any subject of which he was not sure. I am heartened by the fact that the Leader of the Opposition has introduced another Bill in this connection. However, I believe there is some doubt about whether it can proceed, but the sentiment expressed in it is what I am looking for. I am not averse to what I can see of the Bill now under discussion, but I am not sure enough to give it my full support. If I am not sure of legislation, it is wrong of me to support it. Let me say without any equivocation that I do not believe that the media always act with the highest motives. I have seen sufficient on television to convince me that some curb is necessary when people are harassed. I have seen very badly balanced newspaper articles. Further, I have seen newspapers set out on an obviously planned campaign to promote a person or a cause and, come what may, whatever assistance another person might seek from the press, the press is silent on the subject. That is a very different category from the legislation before us at present, and these matters must be separated.

The Hon. F. J. Potter: That is conduct and ethics.

The Hon. C. R. STORY: Yes. That is what I am interested in at present. I acknowledge that privacy is extremely important. If we can get the conduct and ethics part off the ground, enabling a commission or a similar body to be set up to report to the Government and to Parliament on sufficient cases coming before its notice where there is transgression, then within a reasonably short time, if sufficient information came from such a body to Parliament, there would be no problem in Parliament's taking some action along the lines suggested by the Government. I am not sure that this is the right action. I am sure a principle is involved that I could support, but I am not sure that this is the right time or the right Bill. The other legislation before Parliament is a first step and something that will lead to what I think is the goal for which I am looking.

The Hon. C. W. CREEDON (Midland): I support this Bill because I believe it is a very necessary Bill, something to give people rights they have not got. One could hardly say that a great many people would be affected by the invasion of their privacy at any one time, but those affected would add up to a great number over a period. It is the duty of Parliament to try to protect all the citizens under its care from any wrongs, slurs, distortions, or even from the truth being made known if it will in any way damage or harm their naturally good character or reputation in the eyes of the community. What one does in private, provided no law is broken and no harm comes to others, and provided that another's privacy is not invaded, is the responsibility of one's own conscience and should not be the subject of public scrutiny.

Much has been said of the responsibility of the newspapers, radio, and television, and how this Bill may affect them. The Australian Journalists Association has bombarded us with literature on the subject, but of course it is not only this profession that could be affected. Other bodies in the community make detrimental use of information gathered from the invasion of privacy, and some of those organisations gather their information from newspaper reports.

The Hon. R. C. DeGaris: Who would they be?

The Hon. C. W. CREEDON: I will come to that in another debate. They make very little attempt to check for the truth.

The Hon. R. C. DeGaris: Who are they?

The Hon. C. W. CREEDON: I believe the press and the other media are essential to our way of life and that they should receive encouragement when they do the right thing; on the other hand, they should be willing to take the knocks when they seek to be overly sensational without paying particular attention to the facts. The media has a habit, as was pointed out by the Hon. Mr. Gilfillan, of using headlines that give a completely different view from that of the story printed underneath. Often those stories are continued over several pages towards the back of the paper. People gain their impressions from the headlines and frequently read no further. In other cases the press uses pictures (that is my word for them, although the Bill defines them as the making of visual images) of a subject in a pose or a dress bearing no relation to the accompanying story. These practices give false or misleading impressions to the general public and could be the cause of much discomfort and unpleasantness in telephone calls and letters from persons who have taken the word of the press. Very often the criticism is completely unwarranted but the view is that, because it appears in the press, it must be correct.

The Hon. R. C. DeGaris: Don't you think the press has an important role to inform the community?

The Hon. C. W. CREEDON: I have already said that. The press makes mistakes, and its members are often reluctant to apologise. Like ordinary people, however, they must recognise their error and be willing to apologise when that is necessary. I do not wish to sound too critical of the journalists association. Its members are workers with a living to earn, and I am led to believe that they are not responsible for the headlines or pictures appearing with the articles they write. If that is so, journalists would be kinder to themselves and show more sympathy and feeling for their readers if they were to show more outspoken objection to the bad habit of their employers of using misleading headlines above what the journalists themselves have reported.

The Hon. R. C. DeGaris: Aren't the headline makers employees too?

The Hon. C. W. CREEDON: I want to refer to something to which the Hon. Mr. Story has already referred, and that is a statement released to the media on November 5, 1974, by the General President of the Australian Journalists Association (Mr. John Lawrence). I wish to refer to the same paragraph, which states:

The main beneficiaries of this legislation will not be ordinary members of the public but those people in business, politics and commerce with vested interests in ensuring that their activities are not subject to public scrutiny and investigation.

From time to time we see articles in the press about the kind of people mentioned in that paragraph, but I cannot remember seeing an article on any of those who own, or manage the conduct of, the press or the media. They are important people within the meaning of that paragraph. It might well be said that they have a vested interest in ensuring that their activities are not subject to public scrutiny and investigation. One might ask how they would act if someone were to pry into their private lives and spread the story throughout the community. Many members have spoken in this debate, but one thing that struck me yesterday and today was the inability of certain members to understand the meaning of the words "reasonable" and "substantial".

The Hon. R. C. DeGaris: Can you explain them?

The Hon. C. W. CREEDON: Those words have been explained. Some people were unable to understand them, but today in an amendment the word "reasonable" was accepted without question. I take it that people are more important than animals, but I believe that if a word is to be used constantly in this Chamber it should be a word easily explained to most people. I understand, as the Hon. Mr. Potter pointed out and as the Hon. Mr. Dawkins reiterated, that words are tools of trade within the legal profession. When words are constantly used it is not a good excuse to say that they are not understood. Every person is entitled to his privacy, even those conducting the media, and I would defend the right of people to live their lives without unnecessary prying.

The Hon. R. C. DeGaris: We all do that.

The Hon. C. W. CREEDON: I am not suggesting the Leader does not. This Bill seeks to give some rights and redress in law but, most of all, it may deter the detractors from making accusations or spreading stories that could be harmful to others.

The Hon. A. F. KNEEBONE (Chief Secreary): I have listened with interest to the speeches of honourable members on this Bill. Although not everyone spoke in the debate, we had quite a number of speakers, indicating the extent of the interest in a Bill of this kind. Most honourable members agree that there is some need in these times to provide some protection of an individual's privacy. The Leader believes so much in it that he is willing to introduce a Bill dealing with privacy himself, although it will be somewhat different from the Bill now before the Council. The whole development of modern society, with increasing technology and urbanism and other influences has produced a situation where privacy has become valuable to us, and even more valuable than it previously was.

The Hon. R. C. DeGaris: We agree about that.

The Hon. A. F. KNEEBONE: The circumstances in which we live have placed that privacy in continually greater jeopardy. I have been told by my legal friends that there is a gap in the common law, which has long been recognised, but it has been neglected. Common law protects many things, but it does not protect the right of privacy, and I am confident that this gap will eventually be filled.

The Hon. R. C. DeGaris: Common law protects a person's privacy.

The Hon. A. F. KNEEBONE: I do not think it does.

The Hon. R. C. DeGaris: It covers defamation.

The Hon. A. F. KNEEBONE: To a certain degree, but not in all circumstances.

The Hon. R. C. DeGaris: You should get your terms right.

The Hon. A. F. KNEEBONE: The Leader would agree with me, otherwise he would not be introducing a Bill of his own.

The Hon. R. C. DeGaris: I didn't agree with your statement that it is not covered by common law.

The Hon. A. F. KNEEBONE: I hope this will be achieved by the passing of this Bill. I believe it is our duty to legislate to tackle a deficiency in the law. Criticism has been levied at the wide definition of the right of privacy.

The Leader believes that the Bill should confine itself to certain specific cases of invasion of privacy, and some other honourable members agree with him. The object of this Bill is to give the law the impetus it needs in this area and to enable the courts to develop a new body of jurisdiction for the protection and development of privacy in the system.

The Hon. Mr. Potter went fully into this aspect. This type of protection is typically the sort of protection that the courts are best able to provide. It is important that we create a situation where, whilst Parliament indicates the principles, the courts apply them in the specific cases brought before them. Nothing would be more mistaken than for Parliament to attempt to foresee every invasion of privacy that could occur in the future. Obviously, it could not; indeed, we do not attempt to do that in any branch of the law.

The whole idea of creating a right of privacy for the infringement of which an action can be brought at law is to create remedies in relation to matters that would otherwise be lawful. For example, if a person used his privacy as a vantage point or as a means of unreasonable infringment of the privacy of his neighbour, the neighbour should have a remedy. The very purpose of this Bill is to create a remedy.

In another place the matter of disclosures which might infringe on a person's privacy was referred to while still being in the public interest. If these things are in the public interest the defence set out in the Bill applies and no action in respect of those disclosures can succeed. It has been suggested both in this Council and elsewhere that there should be a press council. However, a press council has relevance only to invasions of privacy by the media. This Bill is not one dealing specifically with the media at all: it deals with all the invasions of privacy, whether by the media or by anyone else. A press council of itself cannot deal with anything outside actions undertaken by the media.

The Hon. R. C. DeGaris: I agree with that.

The Hon. A. F. KNEEBONE: I am not opposed to the notion of a press council, but whatever merits it may have, a press council is no substitute for the proper legal remedies in the hands of an individual to vindicate himself, and to obtain redress for invasions of privacy. If a person's privacy is invaded, he is entitled not to have to go to a press council, but to a court, where citizens have their rights vindicated, defended and protected. A citizen is entitled to go to court and say, "My rights have been infringed and my privacy has been invaded; I seek an injunction restraining further infringements of my privacy, and to be compensated for any infringement that has already occurred." A press council could do neither of those things. If a person does not have the means to approach the court, our legal aid system enables him to obtain legal representation. This point answers the Hon. Sir Arthur Rymill, who said that it was a Bill for rich people and not for poor people.

The Hon. Sir Arthur Rymill: Do you disagree with that?

The Hon. A. F. KNEEBONE: I think that the Legal Aid Society protects people who cannot afford to pay legal expenses.

The Hon. Sir Arthur Rymill: What about middle-income earners who cannot get assistance from this society?

The Hon. A. F. KNEEBONE: If a person is in such circumstances that he cannot afford to obtain legal aid, he can still seek assistance. I know of such people. I do not know what is Sir Arthur's interpretation of a middle-income earner, but I know of people who have been so classed and who have been able to obtain such assistance. I believe that a press council, which is in a different situation, could be established. Then, if a citizen's complaints about invasion of his privacy are satisfied by the council, he will not involve himself in litigation. However, that is no argument against these remedies being made available to him.

Anything that stops short of putting a remedy in the hands of an individual to defend and vindicate his right of privacy does not do the job properly. The same criticism might be made of most of the Younger committee report, to which the Leader referred extensively. I should now like to reiterate for the benefit of certain members opposite that this Bill is not concerned about the press: it is about privacy, and the press will be subject to the same laws and rules prescribed by this Bill as will every other citizen. Do honourable members opposite suggest that the press should not be so subject? Apparently they do, because most of the interjections express doubt in respect of the stifling of the press. Do honourable members opposite believe that the press is not doing the right thing? The interjections I have indicated that that is where most of the opposition to this Bill is coming from.

I agree with some of the things that have been said regarding the press, but I believe that the majority of the newspapers in this State and most of the media do the right thing. However, there are occasions when the press panders to the tendency of individuals to be interested in the affairs of other people and to be interested in the misery and suffering of other people. I refer honourable members to photographic exhibitions including press photographs taken during the year. Some of those incidents I have seen in photographs must have caused suffering and misery for the people concerned. True, some of those people may have passed on, but the gory details of people lying around in various stages of distress and death, as a result of motor vehicle accidents or assassinations, tell their sad story. I remember one picture which received the award of the year. It depicted a man who had been shot while playing cricket on the railway oval. That photograph was published all over the world. How much suffering was caused to the relatives of that man? That photograph was judged the best photograph of the year. Yet, some press people believe that such photographs are in the interests of the general public.

I am not being overly critical of the press. As I have said before, this is not a Bill specifically to put strictures on the press or the media generally: it is a Bill for the purpose of assisting the individual to protect his privacy. The press will be bound by the rules and affected just as other citizens are, to the extent that it will have to ensure that its activities conform to these rules or it will expose itself to the risk of an action for an injunction or compensation.

I regard this Bill as an important advance in the law of South Australia and hope that honourable members will take it seriously in that way. I reiterate what I said earlier, that the common law is incapable of providing the protection and remedies for the ordinary citizen that he should have in regard to invasions of his privacy in our modern society. Unless the Legislature is willing to introduce and formulate principles that will give the law the impetus it needs to provide this protection, the citizen will be left without a remedy.

Moreover, he will be left without a remedy when citizens in other free countries of the world have it. We

shall be in the position in which throughout the United States of America the remedy will exist. Soon it will exist in Canada. Virtually, it exists all over the continent of Europe and before long it will exist in the United Kingdom. If we ignore this opportunity we shall leave the law in its present defective and unsatisfactory state. People who suffer intrusions on their privacy will be left, as they are now, without remedy. I do not propose to comment individually on all the speeches of honourable members opposite. I thank the Hon. Mr. Potter, who did an adequate job in the early stage of the debate.

The Hon. Sir Arthur Rymill: Could you give us an example of where people are left without a remedy; just one instance where the law fails to protect them?

The Hon. A. F. KNEEBONE: For instance, there is the case of people in their own gardens creating problems with the people next door by just staring at them. How is that dealt with under the present common law?

The Hon. Sir Arthur Rymill: Would that be regarded as an unreasonable intrusion?

The Hon. A. F. KNEEBONE: People may be standing there and taking moving pictures of the people next door, who may be swimming in their pool, or sunbathing. How is that dealt with under the common law?

The Hon. Sir Arthur Rymill: I think people are underrating the law of nuisance.

The Hon. A. F. KNEEBONE: I have not heard the Hon. Mr. Potter in better form than he was yesterday; I believe he did a very good job.

The Hon. D. H. L. Banfield: The press did not give him much of a run; it gave the Hon. Mr. Cameron a good run.

The Hon. A. F. KNEEBONE: Perhaps that is because I agreed with all his comments. I must say that I usually can respect the judgment of the Hon. Sir Arthur Rymill on many matters, but I cannot on this one. I fully expected he would follow the *Advertiser* line but I did not expect him to be so extravagant in the terms of his support.

The Hon. Sir Arthur Rymill: I hardly mentioned the press in my speech. It was a minor part of my entry into the debate.

The Hon. A. F. KNEEBONE: Yes, but there was a part of the honourable member's speech about the press. The Hon. Mr. Whyte said he had been loath to pry into other people's affairs, maybe for the reason that someone might punch him; and he thought that perhaps that would be the best way to stop this sort of thing. However, I would remind him and other honourable members of the Chamber that many people who may suffer such intrusion may be physically incapable of extracting such rough justice as he suggests. I hope honourable members will vote for the second reading of the Bill.

The Council divided on the second reading:

Ayes (7)—The Hons. D. H. L. Banfield, B. A. Chatterton, C. W. Creedon, C. M. Hill, A. F. Kneebone (teller), F. J. Potter, and A. J. Shard.

Noes (10)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Pair—Aye—The Hon. T. M. Casey. No—The Hon. M. B. Dawkins.

Majority of 3 for the Noes.

Second reading thus negatived.

LICENSING ACT AMENDMENT BILL (HOURS)

The House of Assembly intimated that it had agreed to the Legislative Council's amendment No. 1 but had disagreed to amendments Nos. 2 and 3.

ADELAIDE FESTIVAL THEATRE ACT AMENDMENT BILL

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

OCCUPATIONAL THERAPISTS BILL

Returned from the House of Assembly with the following amendment:

Consideration in Committee.

No. 1, page 4, clause 10—After line 20, insert—

(3) The Board shall cause proper accounts to be kept of its financial affairs.

(4) The Auditor-General may at any time, and shall at least once in each year, audit the accounts of the Board.

(5) The provisions of section 41 of the Audit Act, 1921-1973, shall apply and have effect as if the Board were a public corporation referred to in that section.

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

That the House of Assembly's amendment be agreed to.

When the Bill was passed in the Council, it omitted to provide some sort of protection for the funds to be handled by the board that is to be set up. This amendment will give adequate protection to any such funds that are collected.

The Hon. V. G. SPRINGETT: Although, when it came into the Council, this Bill was a straightforward one, the subject of the House of Assembly's amendment was omitted from it. I can see no reason, therefore, why the amendment should not be accepted.

Motion carried.

FAIR CREDITS REPORT BILL

Adjourned debate on second reading.

(Continued from November 19. Page 2011.)

The Hon. R. C. DeGARIS (Leader of the Opposition): It would be obvious to every honourable member that the operations of credit bureaux in a credit-oriented and highly mobile society provide a necessary information service to assist the business community to learn about a stranger and decide whether to extend him credit, insure him, employ him, or rent or hire to him. There can be no serious argument about the need for a credit reporting industry.

The Australian economy, like other Western economies, is rapidly evolving from a cash or cheque society towards one based almost entirely on the use of credit. Although actions will be taken to hamper this course (already we have seen actions being taken to prevent this happening), nevertheless if a system is more efficient and if people want the system to change, it will change. That is exactly what is happening in our society at present.

Without credit bureaux, this changing approach to credit would not be able to function effectively, if at all. In this situation, the consumer also benefits when he can secure credit without having to put up with all the wrangles to prove his creditworthiness. The growth of the credit reporting industry in the United States of America, as well as in Europe and Great Britain, in recent years, has been phenomenal.

Although the growth (and, I suppose, the subsequent abuses) of credit information has not been so dramatic in Australia, the growth in other countries affords us a fruitful source for study in determining the legislation that we should adopt in this country and deciding if legislation is necessary. For example, the associated credit bureaux in America have about 110 000 000 files in their records. The Australian credit bureaux maintain over 1 000 000 files. So, by comparison, one can see that we have about 1 per cent of the number of files in America.

I recently read an article entitled "Detour to 1984" by Professor Arthur Miller. The article points out that the eventual result, with the aid of the ever-improving world of computer technology, will be a fully computerised credit bureau network that will have the potential to maintain files on every economically viable citizen not only on a State or national level but also on an international level. For financial reasons, Australia is still some distance from the type of computerised files existing in America. However, Australian bureaux must be looking very closely at the American developments and considering the change to data bank systems. When this occurs, there will be a potential for great benefit to a credit-oriented community and there will also be the possibility of evil. On the beneficial side, one can point to information being more speedily available to the credit provider, but on the other side an error in records, at present somewhat local in its impact, will be magnified and may do harm unless checks and balances are introduced.

The result of our increasing tendency to become a fact-storing community is that nearly every economically viable citizen will in future be noted in the files of credit bureaux or reporting agencies. W. G. Lazlett in his book *The Recovery of Small Debts* says that in Australia at present there is a lack of sophistication in the credit reporting industry. The lack of sophistication in the storage, collection and withdrawal of information will soon be refined as changes take place in our increasingly credit-oriented society, and this will demand a more centralised service and an increase in storage and withdrawal efficiency.

One can identify two different types of reporting agency: first, the one dealing primarily with retail purchases and loan decisions; and, secondly, the one dealing with pre-employment information and pre-insurance investigations. The information held on these files includes all or some of the following information: age, marital status, dependants, residential history, occupation, financial resources, bank references, manner of payment of accounts, loans, other credit extensions, litigation history, social standing, drinking habits, and other relevant personal information such as salary, educational standing, employment record, personality, morals, and health.

In looking at this information stored on 1 000 000 Australians, one must ask: how is this information collected? This is covered by a wide range of activities, varying from rather dubious hearsay to fact finding close to the source of the consumer, from public records and from other such sources. One bureau in Australia, for example, instructs its fact finders to do 16 reports a day; that is, one report every 30 minutes, assuming that the fact finder works an 8-hour day. Other bureaux devote more time to this activity. However, in all bureaux there appears to be a lack of effort devoted to up-dating the information.

Very often, much more emphasis is placed by the credit provider on the personal opinion of the person providing the information than on the actual information. Having been involved in the finance field for a long time, I have found that a credit provider, particularly in the stock and station agency business, will provide finance to a person and will recommend the provision of finance to a person who may have no collateral; further, a credit provider may well recommend against finance being provided to a person who has a good deal of collateral. So, the question of credit information depends not only upon the ability of the person to meet the debt but also on other personal factors.

Very often the fact finder has to make value judgments on conflicting evidence collected. Even public records can be inaccurate. This matter was raised in another debate this evening. Agency records have been known to confuse people with the same name or with fairly similar names, and the records have confused people living in the same street. I could give other instances of the recording of inaccurate information. An American professor recently said that in America, with 110 000 000 personal files in credit bureaux, if only 1 per cent were inaccurate, either on withdrawal or on information going into the computer, there would be between 1 000 000 and 1 500 000 people in America whose credit abilities would be restricted as a result of the inaccurate information.

In this connection I must remind the Council of the first point I made. We must recognise that, whether we like it or not and irrespective of what any Government may decide to do, computers and data banks and information given to credit providers will play an ever-increasing role. The computer can assemble, collate and evaluate large quantities of information. It is important to realise that, in the growing use of computers, there is an inevitable abdication of human responsibility. Vast banks of information, containing some erroneous information, therefore, could give rise to wide-scale harm.

The next question is: who has access to the information kept by credit bureaux? I do not know the position in Australia or in South Australia, but I read a report from the C.B.S. news team in America that members of the team took false names and a false company name, and rang 20 credit bureaux asking for information on 30 or 40 people. They paid a small fee for that service and, from 10 of the credit bureaux, they were provided with personal information on citizens. This raises the next point: should a credit bureau have the right to provide information to anyone who pays a fee to get it? This is an important point in the whole operation of credit bureaux. Who has the right to withdraw or pay for and be supplied with that information? I seek leave to conclude my remarks.

Leave granted; debate adjourned.

ADJOURNMENT

At 10.26 p.m. the Council adjourned until Thursday, November 21, at 2.15 p.m.