LEGISLATIVE COUNCIL

Wednesday 15 November 1978

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

OMBUDSMAN'S REPORT

The PRESIDENT laid on the table the report of the Ombudsman for 1977-78.

QUESTIONS

PATHOLOGY SERVICES

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking a question of the Minister of Health about pathology services.

Leave granted.

The Hon. N. K. FOSTER: I have not yet received a reply to my question of a few weeks ago concerning pathology services. I am not saying this in criticism of the system because I realise that there has been insufficient time for the Minister to bring down a reply. Was the firm that I named in my earlier question, Gribble and Partners, formerly of North Adelaide, involved in a company having an interest in pathology services in South Australia in the private sector? Has that company failed, or has it merged back into the parent company of Gribble and Partners?

The Hon. D. H. L. BANFIELD: It is a private company. I am not aware of the position, but I will endeavour to find out for the honourable member.

SALVATION JANE

The Hon. R. A. GEDDES: I seek leave to make a brief statement before asking a question of the Minister of Agriculture about salvation jane.

Leave granted.

The Hon. R. A. GEDDES: There is a great divergence of thought on the merits or demerits of allowing salvation jane to grow on South Australian farmlands. Those in the northern areas of the State show little concern, while those in the southern and south-eastern areas of the State are most concerned that salvation jane should be eradicated by the new proposed biological controls. The Minister is possibly fully aware that South Australian apiarists certainly want salvation jane to prosper, because they want a good output of honey from their bees. I understand that Victoria and New South Wales are most concerned that biological controls should be introduced to eradicate this weed. What is the department's policy in this regard? Is it thought that biological controls could be introduced in selected areas? Once they are introduced, will they affect the whole State? Does the Minister or his department intend to introduce biological controls in the foreseeable future?

The Hon. B. A. CHATTERTON: Biological control agents will never eradicate salvation jane, although due to a possible misunderstanding some people believe that it is possible for that to happen. It is not possible, because biological control agents only control pests or weeds and they rarely, if at all, actually eradicate them. Therefore, it is a question of biological control agents lowering the amount of production of salvation jane and decreasing its competitive effect on our pastures, but not a question of eradication it completely. The control agents would spread throughout the State and, indeed, Australia if they were introduced, and it would be impossible to isolate them in certain areas. For that reason, it has been decided that any decision taken on biological control agents should be taken at a national level. Work has been done on this matter by the C.S.I.R.O., but before it releases anything (I believe that it is not yet ready to release any agents) it has decided to confer, through Agricultural Council, with the Ministers of Agriculture throughout Australia, and the matter is being considered now by States most affected.

A different situation exists in South Australia, as we have a number of conflicting opinions on the value of salvation jane. I have asked the various people concerned (the farming interests represented by United Farmers and Graziers and the Stockowners' Association and the various apiarists' associations) to meet together under the chairmanship of Peter Trumble, Chairman of the Pest Plants Commission, to see whether a consensus of opinion can be reached regarding this weed. The Hon. Mr. Geddes is quite correct in saying that the people in more northern areas who have had salvation jane on their properties for a long time seem to be unconcerned about its effects. In fact, in some cases it is regarded as being beneficial in the way that it provides rapid feed after an early break or during a period of drought. Also, at times, it has held soil that could be vulnerable to water erosion. Some people who have had much contact with salvation jane have good things to say about it, whereas people in the South-East, most of whom have had no contact with it, cannot find anything good to say about it and want every possible measure taken to decrease its effect. Some conflict exists between graziers in the North and graziers in the South-East as to what policies should be adopted. However, I hope that the meetings that will be held under the auspices of the Pest Plants Commission will resolve these problems and that we can reach a consensus on this matter.

BLUE TONGUE

The Hon. M. B. DAWKINS: Has the Minister of Agriculture a reply to my question of 10 October concerning blue tongue disease?

The Hon. B. A. CHATTERTON: The Consultative Committee of the Standing Committee of Agriculture has considered all relevant data on testing for blue tongue which has been carried out in Australia. It also paid particular attention to the movement of stock throughout the nation and agreed that:

1. The virus blue tongue 20 is a strain producing, in laboratory experiments, only mild effects in sheep, and none in cattle.
2. Cattle and buffalo infected with this virus have been confined to the remote areas in the northern part of Western Australia, Northern Territory and Queensland. There has been no evidence of natural infection in sheep in any State nor evidence of extensive spread in cattle populations. Once an insect-borne disease, such as blue tongue, is present in the country it is not of course possible to control the movement of insect hosts which are the major source of disease spread.
3. There is an active monitoring campaign in the "infected areas" which will determine further spread of the virus. Similarly, South Australia and other States where the virus has not been recorded are continuing their monitoring programmes.

4. Movement of stock from these "infected areas" are controlled by the States involved, whereby only stock from non-infective herds are permitted to move out of these "areas". This facilitates movement of stock throughout the rest of Australia.
5. Apart from the restrictions listed above, there is no restriction of movement of stock into South Australia from other States in relation to blue tongue.
6. The presence of blue tongue 20 in northern cattle and buffalo constitutes a minor threat. All States are co-operating in determining the spread, if any, which may occur during the seasons of insect host activity (summer-autumn), and a programme to develop a vaccine to protect sheep from the effects of infection is well under way.
7. Within this State over 20 000 blue tongue tests have been conducted, and these conclusively establish that blue tongue 20 is not present in South Australia.
8. Unless there is evidence of southward movement of infection during future "insect host seasons" (and active monitoring will detect this), there is no justification for additional precautions.

The Hon. M. B. DAWKINS: The Minister may have seen a letter in yesterday's country edition of the *Advertiser* from Mr. W. K. Murray of Morwell, Northern Victoria, in which he expresses concern about the restrictions that may occur to the movement of sheep out of Australia. Also, he contends that there has been no infection of sheep, and that statement seems to have been confirmed today by the Minister. Mr. Murray, states:

> A strong and forthright statement should have been issued world-wide pointing out very clearly that there has been no blue tongue outbreak in our sheep anywhere in Australia.

Obviously, he made that statement because he was concerned about restrictions on the movement of sheep out of Australia to overseas countries such as New Zealand and South Africa. Does the Minister agree with Mr. Murray's statement?

The Hon. B. A. CHATTERTON: Certainly, it has been a difficult period, because it has taken a long time to establish that blue tongue exists. The presence of blue tongue, as honourable members will recall, was first detected in insect samples that were some years old. It is an enigma how this disease should be apparent in those samples and yet not appear in the livestock population. It has been quite a detective job on the part of veterinarians in Australia to track down the virus and ascertain whether it was a blue tongue virus and where it was present in our livestock population.

It is only comparatively recently that the picture has emerged and it has really been possible to say that the sheep population in Australia has not been affected. The problem has been tackled, and several missions have left Australia for overseas countries with veterinary officers from both the Commonwealth and State departments to explain the situation to those countries. It is a complex situation, and one that I do not think can be satisfactorily explained by just a simple statement that our sheep population has not been affected by the blue tongue strains that exist in Australia. I know officers of my own department have been involved in these overseas missions. Most overseas countries are becoming aware of the situation. Although I do not know the exact number, I think only about two or three countries still have a complete ban on the importation of Australian livestock.

FEMALE JOCKEYS

The Hon. ANNE LEVY: I seek leave to make a short statement before asking the Minister of Tourism, Recreation and Sport a question regarding female jockeys.

Leave granted.

The Hon. ANNE LEVY: As honourable members know, there are currently no female apprentice jockeys or jockeys in this country. The rules of racing do not permit females to be licensed by the jockey clubs to undertake such training. I have received a letter from the South Australian Jockey Club indicating that only last week a decision was taken, on an Australia-wide basis, to amend the rules of racing so that the licensing of female apprentices and jockeys would be permitted. Although this change in the rules has not yet occurred, plans are under way and will be finalised at the next Australia-wide principals club conference. Will the Minister ask his department to co-operate in every way possible with the South Australian Jockey Club in giving publicity to this fact so that girls who are interested in becoming jockeys will be aware of the planned changes and can plan their careers accordingly?

The Hon. T. M. CASEY: I assure the honourable member that the department will do everything possible to assist the South Australian Jockey Club in publicising the matter to which she has referred. I should point out that New Zealand has apprentice female jockeys. Indeed, I know that one was publicised recently in the press as being close to the top of the premiership table. In South Australia, we have women trainers and stable hands, but as yet we have not had the opportunity of seeing female jockeys in action. I understand that the South Australian Jockey Club has been a progressive club in the past and has suggested to the Federal body many things that have been in the interest of racing. So, it has been in the forefront in establishing policies that have been of benefit to the industry generally. I will certainly do all I can to see that this matter is given the publicity that it deserves.

PORT ADELAIDE SPORTS CENTRE

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Minister of Tourism, Recreation and Sport a question regarding a proposed sports centre at Port Adelaide.

Leave granted.

The Hon. N. K. FOSTER: It alarmed me to some extent when I read in this afternoon's paper, having not responded to rumours circulating in the Port Adelaide area regarding this matter, about a scheme involving the expenditure of $600 000 to turn a warehouse into a sports centre at Port Adelaide. Part of the *News* report is as follows:

> A plan to convert an old Port Adelaide warehouse into a $600 000 sport and recreation centre is being considered. Port Adelaide Mayor, Mr. Roy Marten, said he would meet the State Recreation Minister, Mr. Casey, on 24 November, to discuss the idea.

The report goes on to state that the South Australian Government has offered the Port Adelaide council a subsidy, in the normal manner, to enable such a magnificent facility to be provided in a certain designated area. However, that offer was refused by the council because it saw fit to play politics in this matter. I attended a couple of public meetings, at which the Mayor and his council were condemned for depriving this muncipality of the proposed centre, which would not have been dissimilar

to centres at Reynella and other places in South Australia. In respect of these projects not only is much of the cost borne by the Government, in the interest of the area and its population, but also the department's not immodest planning and drafting facilities would be available to any organisation that fell within this category.

It comes somewhat as a surprise to me, having attended a meeting where the Mayor said he would not have anything to do with a subsidy, that he now wants to meet the Minister in regard to this project. Was the Minister aware, at that time of the Mayor's refusal to accept the Government subsidy for a sports complex in the Port Adelaide area, that the Port Adelaide council had other ideas and other properties in mind? Secondly, who owns the property in question? Is it a friend of the Mayor, or is the Mayor ensuring that this property is more likely to be sold if he floats the idea that his council is interested in the concept? Thirdly, does the Minister think that the Mayor considers the centre of Port Adelaide an appropriate place for such a centre? Further, does not the Minister consider that a much more appropriate place would be the northern end of LeFevre Peninsula, which is in dire need of a sporting complex, rather than a "drop in" type of centre, as mentioned in the afternoon newspaper?

The Hon. T. M. CASEY: At no time was I aware that the council had another site in mind when it first refused the Government's subsidy. Only recently I met the Mayor at an official function, and he mentioned that there was an empty warehouse in Port Adelaide owned, I understand, by Horwood Bagshaw. He said that this warehouse, which was not far from Birkenhead bridge, would perhaps be an ideal site for a recreation centre. I told the Mayor at the time that I had no information regarding this site, but that I would be prepared to look at it.

I first arranged to visit the site on 24 November, but since then I have arranged to go there at 9 a.m. next Friday, because I understand that there is an embargo on the sale of this property which runs out towards the end of November. I will look at the warehouse to see whether it is suitable for a recreation centre and is, in fact, in the most appropriate place to satisfy community needs in that area. I will not know that until I see the premises and have discussions with the people concerned.

CITRUS INDUSTRY

The Hon. M. B. CAMERON: Will the Minister release the report of the committee of inquiry into citrus marketing, the release of which I understand Cabinet approved on Monday 6 November?

The Hon. B. A. CHATTERTON: I intend to release the report to the industry and to all other interested parties for public comment as soon as I have enough copies available, which I hope will be shortly.

BILLS

The Hon. K. T. GRIFFIN: I seek leave to make a short statement prior to directing a question to the Minister of Health, representing the Minister of Works, on the subject of the Government Information Office.

Leave granted.

The Hon. K. T. GRIFFIN: On a number of occasions in the past few months persons have approached me about the availability of Bills at the Government Information Office in Grenfell Centre, when these Bills are before Parliament. They said that when they requested a particular Bill the counter staff's response often was either that they had had a few copies and have no more or that they had sold out. In consequence of an inability to obtain copies of Bills whilst they are currently before the Parliament, those persons have been unable to give to matters before the Parliament the consideration which they require. Is the Minister aware of this difficulty, and will he take steps to ensure that adequate supplies of any Bill before Parliament are available to the community through the Government Information Office?

The Hon. D. H. L. BANFIELD: I will take up the matter with my colleague.

GOVERNMENT VEHICLES

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to my question of 27 September about Government vehicles?

The Hon. B. A. CHATTERTON: The recent price increases for petrol and l.p.g. arose as a consequence of the Federal Budget decision that all Australian-produced crude oil should be priced to refineries at import parity. The Minister of Mines and Energy informs me that, following the increase in the price of crude oil, the Prices Justification Tribunal conducted an inquiry and determined new maximum prices for the various refinery products such as petrol and l.p.g.

PORT ADELAIDE SPORTS CENTRE

The Hon. R. C. DeGARIS: I am sorry that I did not hear the reply of the Minister of Lands to the question asked by the Hon. Mr. Foster about a Port Adelaide warehouse. I ask the Minister to inquire urgently into the inference left by the Hon. Mr. Foster that the Mayor of Port Adelaide has some interest in the warehouse or that his associates have. I ask the Minister to reply to the question tomorrow.

The Hon. T. M. CASEY: In my earlier reply I said that, to the best of my knowledge, the warehouse was owned by Horwood Bagshaw Ltd. Now that the Leader has raised further points, I will have the matter investigated and bring down a reply tomorrow.

TRAFFIC PROHIBITION

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

> That the regulations made on 26 October 1978 under the Road Traffic Act, 1961-1976, in respect of Traffic Prohibition (Burnside), and laid on the table of this Council on 7 November 1978, be disallowed.

I want to make clear that when I conclude my remarks I will seek leave to withdraw the motion. The only way that I can speak on the regulations is to move this motion. As I do not wish to disallow the regulations, I will be withdrawing my motion at the conclusion of my remarks. In 1976, regulations were made allowing 12 road-blocks in the city of Burnside. Following a tremendous outcry from the people of Burnside against these road-blocks, I placed a motion of disallowance on the Notice Paper. As the end of the session came in December 1976 a decision had to be made on the question of disallowance. The Government asked that the road-blocks be allowed to stay until 1 April 1977 so that it could collate information on traffic movements that resulted from the 12 road-blocks. This

regulation now before the Council is a variation of the earlier regulation, and it would be foolish for the Council to disallow the present regulation, because it provides for a reduction in the number of road-blocks. The original 12 road-blocks were strongly opposed by the vast majority of Burnside people and, if this regulation now before the Council was disallowed, we would go back to having 12 road-blocks. This point was well understood when we discussed the question of disallowance in December 1976. In negotiations with the Minister in this Council and the Minister of Local Government in the Lower House on 8 December 1976, the following was the arrangement *(Hansard,* page 2868):

The Hon. R. C. DeGARIS (Leader of the Opposition): When I last spoke on this matter about a fortnight ago, I indicated that I believed the Government should rescind the existing regulations and allow the recommendations made recently by the Burnside council to be regazetted as new regulations. I think that we have reached a satisfactory situation in this respect, and that I may be able to discharge this Order of the Day. Perhaps the Minister would give me an undertaking to enable me to do so.

The Hon. B. A. CHATTERTON (Minister of Agriculture): So that honourable members have a correct understanding of the intention of the Government and the Road Traffic Board in relation to road closures in the city of Burnside, namely, in the Toorak Gardens and Rose Park area, I have approached the responsible Minister who, in turn, has obtained a statement from the Chairman of the Road Traffic Board. Addressed to the Minister of Transport, that statement is as follows:

As you are aware, on November 11, 1976, the city of Burnside requested the Road Traffic Board to reduce the number of closures in the Toorak Gardens and Rose Park area from 12 to seven. At the same time, the council requested the installation of certain roundabouts. The Road Traffic Board considers that the existing closures should prevail for a period of at least six months, in order that the effect of the existing closures on the overall accident pattern can be properly assessed. As some of the closures were effected as late as mid-June, 1976, the Road Traffic Board considers that they should continue until at least mid-December, and that some further period be allowed for accident analysis in order to properly assess their effect.

After this period, the Road Traffic Board will promulgate regulations to reduce the number of closures to substantially conform to the current request from the council. No guarantee can be now given as to the exact location and number of the closures in the amended scheme, as this is somewhat dependent on the accident analysis of the existing scheme. However, it is confidently expected that the total closures will be about seven in number, and the date of operation of the new scheme will be 1 April 1977.

The Hon. R. C. DeGARIS: As I do not wish to conclude the debate at this stage, I ask leave to direct a question to the Minister.

Leave granted.

The Hon. R. C. DeGARIS: Does the Minister's undertaking mean that before 1 April, the Government will rescind the existing legislation relating to 12 closures and regazette regulations for about seven closures, as recommended by the Burnside council?

The Hon. B. A. CHATTERTON: The Minister of Transport has assured me, as he has assured the Leader, that this would be the case. I am somewhat surprised that the Leader should not be satisfied with the assurance. I again give an assurance that the regulations will be rescinded and fresh regulations promulgated.

The Hon. R. C. DeGARIS: I am surprised that the Minister is surprised. With the undertaking that he has given, I move:

That this Order of the Day be discharged.

Order of the Day discharged.

It is noticeable that a firm Ministerial undertaking was given in this Council with the agreement of the Minister in the Lower House that the regulations with regard to Burnside traffic would be rescinded and new regulations made. As soon as the session closed we lost our chance to disallow those regulations, and the Government has done exactly the reverse of the undertaking given in this Council: it has brought down a variation of the existing regulations, despite the fact that a specific undertaking was given to this Council that the Government would rescind the regulations and bring down new regulations.

This means that the rights of the people of Burnside to have their views expressed in this Council have been taken away through the Government's deliberately going back on the firm Ministerial undertaking given in this Council. That is why I am speaking on this motion. So often in this Council when Ministers give undertakings we say, "We want something better than that." We are then accused of not trusting the Government, but here is an example where the Government deliberately misled this Council about its intentions. After giving firm undertakings, the Government deliberately did something that has effectively taken away the rights of the people of Burnside and members of this Council to have any say in regard to road closures in the Burnside area.

I express my disgust at the Government's approach to this matter. I do not know whether the Minister wants to reply, but I indicate that I have no intention of disallowing the regulations. However, I want to get this particular matter on the record once again because I am extremely disappointed in regard to the undertaking given to this House by the Government. I seek leave to withdraw the motion.

Leave granted; motion withdrawn.

PRAWN FISHERMEN

Order of the Day: Private Business No. 1: Hon. M. B. Cameron to move:

That the regulations made on 21 September 1978 under the Fisheries Act, 1971-1976, in respect of increased fees for prawn fishermen and laid on the table of this Council on 26 September 1978 be disallowed.

The Hon. M. B. CAMERON moved:

That this Order of the Day be discharged.

Order of the Day discharged.

CROWN LANDS ACT REGULATIONS

Adjourned debate on motion of the Hon. R. C. DeGaris:

That the regulations made on 15 June 1978 under the Crown Lands Act, 1929-1978, in respect of fees and laid on the table of this Council on 13 July 1978 be disallowed.

(Continued from 23 August. Page 675.)

The Hon. R. A. GEDDES: These regulations provide the authority to the Lands Department to levy a $5 service charge on all types of Perpetual Lease other than war service Perpetual Leases, war service irrigation Perpetual Leases, and leases subject to rental revaluations. Perpetual leases were first introduced by an Act of Parliament in 1888, and rentals were fixed in perpetuity at

that time. Rentals were calculated by comparing land values, which bear little relationship to today's land values.

As I understand it, the intent of the Perpetual Lease Act of 1888 was to acquire for the Crown those portions of land of low rainfall, of limited production capacity, or considered too rough for agricultural pursuits. Those decisions were made well before the advent of superphosphates, clover, and other pasture improvement and also before the concept of increasing the size of pastoral areas. In 1888 it was considered that small areas would be possibly a living area, and it was many years after that these leases were amalgamated to make a living area in the very low rainfall or poor pastoral areas.

The regulation plans to impose a $5 service charge to try to recoup some of the costs of administration. The return to the Government from perpetual leases across the State is about $570 000, and it costs about $300 000 to administer this particular part of the Perpetual Lease Act, or about $13 a lease. Because the Perpetual Lease Act has never been amended to increase the perpetual lease charges or rental, this service fee is, in effect, a back-door means of increasing rent, as has been submitted in evidence to the Subordinate Legislation Committee.

Although the Government or Lands Department suggests that an amalgamation of leases will relieve the leaseholder of having to pay too high a service fee, the problem then occurs that, should the leaseholder wish to dispose of his property, or part of it, at some later stage, the department may prevent this happening. This in turn may cause a serious monetary loss to the owner, because the Land Board has established criteria for subdivision or sale of perpetual lease land. Two very important guidelines are considered. One is the viability of the land and the other is whether the land to be sold has an adequate area. These restrictions would make the landholder very cautious in deciding the wisdom of amalgamation, for who can see into the future? He has to decide whether amalgamating the leases is the best thing to do for the future.

Obviously, many perpetual lease charges are too low: for example, the Loxton Hotel has two leases for which the annual rental is 2c a lease, and the Berri Hotel has a lease on which it pays the magnificent sum of 50c a year. It is argued there is justification for increasing the service fee to $5 in order to recoup some of the losses. However, it is equally ridiculous that the Loxton Hotel should have to pay $10·02, or the Berri Hotel should pay $5·50 annually as rent for the property on which these valuable buildings are situated.

Increasing service fees to cover the anomalies used by the Minister in his reply and by the Lands Department in evidence to the Subordinate Legislation Committee still makes the whole argument quite ridiculous. It is in the rural community that the greater injustices occur: for example, a rural lessee with 67 leases, and there are many similar situations with which we are concerned. It was not so long ago that the Government removed rural land tax across the State. Now, the same Government is trying to impose a $5 service fee on a section of the community: that is unjust, unreasonable, and unnecessary. On this point I oppose the regulations.

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

EXHAUST EMISSION

Order of the Day, Private Business, No. 12: Hon. R. C. DeGaris to move:

That the regulations made on 3 August 1978 under the Road Traffic Act, 1961-1976, in respect of exhaust emission control for heavy duty vehicles and laid on the table of this Council on 8 August 1978 be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

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

BOILERS AND PRESSURE VESSELS ACT AMENDMENT BILL

Read a third time and passed.

SPICER COTTAGES TRUST BILL

Read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

The Motor Vehicles Act has for some time now been subject to an exhaustive review by my department, resulting in a large body of recommended changes. It is proposed that the trader's plate and tow-truck provisions be tightened as, unfortunately, abuses still occur in these areas. Many small anomalies and antiquities are attended to, and the intent of various provisions is hopefully clarified. All penalties in the Act have been carefully considered, and in most cases have been increased by at least 100 per cent. The majority of the present penalties have not been increased since 1960.

One of the principal objects of the Bill is to introduce a system of graded motor cycle licences similar to that existing in the majority of the other States of Australia. New applicants for motor cycle licences will be limited to driving a motor cycle with an engine capacity not exceeding 250 cubic centimetres for a period of two years prior to being granted a full motor cycle licence. This proposal is supported by both the Road Safety Committee and the South Australian Branch of the Federation of Australian Motorcyclists.

There is little doubt from the available evidence that the main danger to an inexperienced motor cyclist is the inability to handle and control a machine that is large and heavy. Statistics reveal that inexperienced riders on motor cycles over 250 cc have the highest accident probability in relation to motor vehicle accidents. It is sincerely hoped that the proposed amendments will serve to reduce motor cycle deaths on our roads.

The other major object of the Bill is to introduce parking permits for disabled persons. There has been for some considerable time a call for concessions to disabled persons who park in built-up areas, and the work of the Committee on Rights of Persons with Handicaps chaired

by Mr. Justice Bright has crystallized this concern into a set of recommendations that form the basis of the proposed amendments. All persons who cannot use public transport due to a permanent impairment in the use of their limbs and whose speed of movement is severely restricted will be eligible to apply for a parking permit.

At present, it is proposed that this permit will entitle any vehicle transporting the permit holder to remain in a metered space, or a limited time space of 30 minutes or more, for an extra 90 minutes without committing an offence. The permit will be in a detachable form, and so may be attached to any vehicle in which the disabled person may be travelling. A disabled person who drives his own car to and from work will be given special parking concessions by the council in whose area he works for the purpose of parking his vehicle close to his work premises. The proposed scheme for disabled persons' parking concessions has been considered and approved by the Adelaide City Council, being the authority most closely affected by the proposal. I believe that the scheme is most worthwhile and will go some way towards making the city's facilities more available to persons whose mobility is limited. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the Act on a day to be proclaimed. The operation of certain provisions of the amending Act will be suspended, so as to permit a phasing-in period for certain matters. Clause 3 amends the arrangement of the Act. Clause 4 amends the definition section. The definition of "the balance of the prescribed registration fee" is amended to cater for the varying registration periods now available under the Act. The definition of Minister is repealed as it now is out of date and superfluous. The definition of mass is placed in its correct alphabetical order. The definition of motor car and motor omnibus are amended so as to differentiate between the driver and the passengers. The definition of the Registrar is amended to accord with the substantive provisions of the Act.

Subsection (2) is re-cast, making quite clear that a person who is towing a trailer or any other motor vehicle is considered to be driving the vehicle for the purposes of the Act. The Governor is given the power to proclaim various motor vehicles to be motor vehicles of a specified class, for example, a motor car, a motor omnibus, or a motor cycle. This power (which the Governor already has under the Road Traffic Act) is necessary for coping with the many and varied "hybrid" vehicles that are now available, such as, mopeds, invalid carriages, etc.

Subclause (2) amends the definition of trailer, by deleting reference to the rear portions of semi-trailers. These are now to be treated as independent motor vehicles, requiring separate registration. Considerable difficulty has been experienced in identifying the trailers that go with a particular prime mover, and thus the effective collection of road charges and the policing of the load capacity provisions has been prevented. It is proposed to provide for permanent identification numbers to be stamped on the semi-trailer frame, thus avoiding the current practice of switching number plates.

Clause 5 deletes provisions that are now out of date and superfluous. The amended definition of Registrar covers the repealed subsection (3). Clause 6 amends the penalty for driving an unregistered vehicle. Clause 7 extends the exemption of self-propelled wheelchairs from registration to other forms of vehicle that are used for transporting disabled people (but not including a motor car). Clause 8 repeals two sections that deal with the granting of certain special exemptions from registration. Regulations are to be made covering the granting of all such exemptions, thus removing from the Act provisions that are unduly repetitious. Clause 9 amends a penalty. Clause 10 repeals further sections that provide for the granting of special exemptions from registration. Clause 11 provides that the driver of a vehicle that is registered in another State is permitted to drive that vehicle in this State without registration only so long as he complies with any restrictions imposed by that other State. This amendment closes a small loophole in the effective regulation of interstate vehicles operating within this State.

Clause 12 makes quite clear that the registration of a motor vehicle is void if the application falsely states a person to be the owner of the vehicle. This amendment is designed to prevent a practice that has arisen whereby changes in ownership are not revealed, for the purpose of avoiding transfer fees and stamp duty. Clause 13 provides for a new procedure whereby the owner of a fleet of vehicles can, if he wishes to do so, apply to the Registrar for a common expiry date for the registration period of all vehicles in the fleet. This facility will be available only where the fleet comprises a minimum number of vehicles, being a number determined by the Registrar. Clause 14 re-enacts section 26 of the Act in a form that expresses more clearly the period of registration of a motor vehicle, taking into account the fact that registration may now be sought for varying periods of time.

Clause 15 deletes out-of-date references to the Municipal Tramways Trust and to councils acting under the Weeds Act. The regulations will cover the exemption from registration fees in relation to Transport Authority vehicles and vehicles used by pest plant boards. A small anomaly in the description of water-boring machinery is corrected. Only machinery that is used solely for that purpose is to be exempt from paying registration fees.

Clause 16 provides that the Registrar may cause inspections to be made of vehicles that are to be registered as vehicles engaged in interstate trade. The Registrar has this power in relation to the registration of all other vehicles, and therefore ought to be able to investigate the correctness of applications under this section also. Clause 17 repeals the section of the Act that provides for the registration of certain semi-trailers without fee. As has already been explained, all semi-trailers are to be registered as separate motor vehicles at full fee.

Clauses 18 and 19 limit the benefit of the reduced registration fees provided for in these sections to persons who carry on the business of primary production within this State. There have been several cases recently of interstate people seeking registration under these sections, which are more generous than their interstate counterparts. Clauses 20 and 21 extend the reduced registration fees provided in these sections for persons who hold Commonwealth pensioner entitlement cards, to persons who hold State concession cards. The latter cards are issued by the Community Welfare Department to persons who will, after a certain interval, be eligible to obtain the Commonwealth card, but who, in the meantime, have to rely on State assistance.

Clause 22 amends a penalty. Clause 23 deletes from this section certain provisions relating to payment of registration fees by cheque. These provisions are included in a new section that appears later in this Bill. A penalty is also amended. Clause 24 deletes an out-of-date reference to alterations to the load capacity of a vehicle. Any alterations to a vehicle that are not covered by this section and that the Registrar believes ought to be reported to him

may be prescribed by the regulations. The formula for calculating additional fees payable under this section is amended so as to take into account the differing periods of registration now available. A penalty is amended.

Clause 25 amends the section of the Act that provides for the primary obligation in relation to number plates. The intention of the section is clarified so as to avoid possible conflict with other sections of the Act. Vehicles that are completely exempted from registration are not obliged to carry number plates. Vehicles driven on a permit are not obliged to carry a number plate, unless the permit provides otherwise. Three penalties are amended.

Clause 26 inserts a new section in the Act, providing for the issue of personalised number plates. Over the years, motorists in this State have evinced a great deal of interest in the acquisition of special number plates for their cars, and in particular plates that bear a special and personal combination of letters and numerals. The Government has decided that this scheme should now be introduced, partly as a response to public demand and partly as a means of raising extra revenue in a relatively painless manner.

It is proposed that the number plates will have a distinctive coloured background and will bear the words "South Australia" in full, so that they will be easily distinguishable from the number plates of other States. The permissible letters will cover the entire alphabet. It has been estimated that the scheme, if it is accepted as readily by the public as it has been in New South Wales and Victoria, could bring in a net revenue of about $200 000. New section 47 provides that the specially allotted number is not transferable from person to person, and that the number plates remain at all times the property of the Crown. Applicants will pay an initial allocation fee, and a lesser transfer fee if the number is subsequently transferred to another vehicle.

Clause 27 amends two penalties. Clause 28 amends a penalty and corrects several anomalies in relation to the issue of temporary permits pending full registration. Under the Act as it now stands, there is no procedure for the cancellation of a permit pursuant to an application of the permit holder, and there is no simple machinery available to the Registrar for finally declining to register a vehicle that is being driven on a permit. Clauses 29 and 30 amend penalties.

Clause 31 provides that registration labels must be destroyed in accordance with the regulations, where the registration of a vehicle is cancelled. Clause 32 provides the prescribing of cancellation fees by way of regulations. Clauses 33 and 34 amend penalties.

Clauses 35, 36, and 37 amend those sections of the Act that deal with the issue and use of trader's plates. It is proposed that only one plate shall be issued in relation to a vehicle, as there have been several cases recently where a pair of trader's plates has been split and used on two vehicles. As the Act now stands, a person generally cannot be issued with limited trader's plates unless he is the holder of general trader's plates. It is now felt that this is not equitable for a small business that wishes to use only a limited trader's plate.

The cost of a general plate is now $118, whereas a limited plate costs only $17. The proposed amendments provide that the issue of general or limited trader's plates will be left to the discretion of the Registrar. It has also become apparent that general trader's plates are being abused, in that vehicles bearing such plates are being extensively used for private purposes. This practice is not the intention of the legislation, and so the provision permitting private use by the trader and his employees is repealed.

Clause 38 clarifies the position regarding the surrender and transfer of trader's plates. Trader's plates may be surrendered at any time. Where the business has been disposed of by the trader, he must notify the Registrar if another person has acquired the business, or he must surrender the plates to the Registrar if the business has gone out of existence. Clause 39 requires a person who acquires a business to apply to the Registrar for the transfer of any trader's plates relating to that business.

Clause 40 provides for the new class of motor cycle licence. A licence of this class will be issued to a person who has not held a motor cycle licence within the period of three years preceding his application. The new Class 4A licence will entitle the holder to drive a motor cycle with an engine capacity not exceeding 250 cc. A person who holds such a licence for two years will then be eligible to hold a Class 4 licence, entitling him to drive any motor cycle. If an applicant passes a practical driving test approved by the Registrar he may obtain a Class 4 straight away.

It is also proposed that the vehicles covered by a Class 1 licence be extended to include vehicles weighing up to 3 000 kilograms, as from now on the Registrar proposes to require all applicants for Class 2 and Class 3 licences to produce a medical certificate as to fitness. Medical certificates are now required for Class 5 licences (that is, motor omnibus licences), and it is somewhat anomalous that this is not required in relation to the driving of other heavy commercial vehicles. It is also more appropriate that vehicles such as utilities, land rovers, and campervans should be covered by a Class 1 licence.

The 3 000-kilogram limit is consistent with the scheme of classification of driver's licences provided by many overseas countries. New subsections (7), (8) and (9) state in a clearer form the present practice in relation to the classification of licences generally. New subsection (9b) requires the Registrar to be satisfied that an applicant for a Class 5 licence is a fit and proper person to hold such a licence. Drivers of motor omnibuses obviously should not only be competent at driving and medically fit but also should be responsible and mature persons.

Clause 41 amends a penalty. Clause 42 removes a reference to the conditions to which a licence may be subject, as this matter is provided for in a later provision of this Bill. Clause 43 similarly removes a reference to special conditions in relation to learner's permits. Clause 44 provides that the Registrar may issue a duplicate licence to a person who surrenders his current licence. As the Act now stands, the Registrar may only issue a duplicate licence when the original document has been lost or destroyed.

Clause 45 provides that a Class 2 licence may not be issued to a person who is under the age of 18 years. At present such a licence may be issued to persons who are 17 years of age or over. As Class 2 licences entitle the holder to drive very heavy vehicles, it is highly desirable that the minimum age for holding such a licence be increased. It is interesting to note that all other States (with the exception of Queensland) provide for a minimum age in relation to driving trucks, ranging between 18 and 21 years.

Clause 46 provides that the number of questions to be answered in the written examination for the issue of a learner's permit or driver's licence is no longer limited to 12, but may be determined by the Registrar. It is now thought that 12 questions is not a sufficient number, taking into account the many important rules of the road that drivers must know. It is appropriate to examine persons at this early point in their driving careers, on such matters as the drink/driving offences, as well as all the other provisions relating to right-of-way, etc.

Clause 47 inserts two new sections. New section 79b

makes quite clear that a licence or learner's permit is void if it has been obtained on the basis of false or misleading information. New section 79c places an obligation on a driver to notify the Registrar of any illness that may occur during the currency of a licence or learner's permit, being any illness that might impair his ability to drive a vehicle without endangering the public. The Registrar is now finding that he does not receive information as to the illness of drivers until long after the onset of the illness, particularly now that licences are granted for three years.

Clause 48 widens the power of the Registrar to require certain tests. New subsection (1a) empowers him to give a general direction (with the approval of the Minister) that all persons of a particular class (for example, persons of a certain age), or all persons proposing to drive a vehicle of a particular class (for example, heavy commercial vehicles) must undergo certain specified tests as to their ability or fitness to drive. It is made clear that a person's "fitness" as a driver may be tested, not only his ability to drive.

Clause 49 provides for the attaching of conditions to licences or learner's permits where the Registrar is of the opinion that a particular licence ought to be restricted. The Registrar may require a licence holder to send in his licence for the purpose of endorsing any conditions thereon. These provisions are a consolidation of the various provisions that presently deal with conditions of licences and permits in a rather haphazard manner.

Clause 50 empowers the consultative committee to recommend to the Registrar that he should attach restrictive conditions to a licence. As the Act now stands, the consultative committee may only recommend that the Registrar either cancel a licence or permit, or refuse to issue or renew a licence or permit. Clause 51 provides, first, that the holder of a licence may seek a change of classificaion during the currency of the licence by producing the licence to the Registrar. The Registrar is also given the power to change the classification of a licence, if he is of the opinion that the holder of the licence is no longer competent to drive vehicles of that particular class.

Clause 52 repeals a section of the Act that deals with the payment of licence fees by cheque. The provisions of this repealed section are covered by a later provision of this Bill that deals generally with payment of any fees by cheque.

Clause 53 amends a penalty. Clause 54 amends a penalty and adds a provision that the Registrar may request the surrender of a licence that is void. Clause 55 provides that the Registrar may retain a void licence that is surrendered to him pursuant to the previous section of the Act. Clause 56 provides that, instead of the driver nominating the police station at which he must produce his licence, the member of the police who requests production of the licence must nominate a police station that is convenient to the driver. Now that many police stations are not manned on a continuous basis, difficulties are often experienced by a driver who cannot find a police officer to whom he may produce his licence.

This also causes difficulties for police officers who often find licences pushed under the door of the police station without any explanation attached. It is therefore more appropriate for the police officer to nominate a station that he knows will be open during a time when the driver is free to attend to the matter. Two penalties are amended, and an evidentiary provision is re-worded to accord with current drafting terminology.

Clause 57 amends a penalty. Clause 58 makes quite clear that an interstate motorist who drives in this State on his interstate licence is deemed to be the holder of a licence under this Act, thus attracting all the provisions of this Act that relate to licences. Clause 59 amends a penalty and effects a consequential amendment.

Clause 60 seeks to clarify the situation in relation to certain provisions of the points demerit scheme. As the Act now stands, demerit points cannot be recorded against a person until the time for appeal against the conviction has expired, or until any such appeal has been determined. This causes many unnecessary delays, as in many cases there is no intention to appeal. It is therefore proposed that demerit points should be recorded upon conviction, and that, should an appeal be instituted, any disqualification under this section would be suspended until the appeal is determined or withdrawn. It is also proposed to repeal those provisions that provide a right of appeal against a disqualification under this section.

The one great advantage of the points demerit scheme is that it provides a certain inevitability of disqualification. This advantage is lost if that automatic disqualification can then be appealed against. There is ample opportunity for a person to appeal against each conviction that attracts points, and also to avail himself of the right to apply to the court for a reduction or waiver of the demerit points in respect of an offence. It is proposed that drivers be given advice of their rights in relation to appeals, etc., each time they are charged with an offence that attracts demerit points. (This particular amendment will not be brought into operation immediately, as the intention is to advise the public thoroughly of the import of the amendment.)

Clause 61 provides a definition of inspector for the purposes of the tow-truck provisions. Clause 62 makes clear that the Registrar can require an applicant for a tow-truck certificate to produce evidence in relation to any of the matters on which the Registrar must be satisfied. The consultative committee is not obliged to hold an inquiry into whether an applicant is a fit and proper person to hold a tow-truck certificate, it need only consider all the evidence presented to it by the Registrar and the applicant. The Registrar may also require an applicant to furnish evidence of his identity. Provisions dealing with conditions that may be attached to tow-truck certificates are deleted, as they are incorporated in a new section inserted by clause 63.

Clause 63 inserts a new section dealing with conditions upon which tow-truck certificates are granted. All certificates will be subject to the condition that the holder must comply with the Commonwealth Act that regulates the use of radio equipment. Other conditions may be attached to tow-truck certificates generally. The Registrar may, in addition, attach special conditions to a tow-truck certificate that he believes ought to be restricted for any reason.

Clause 64 provides that any person (that is, not only an applicant for a tow-truck certificate) may apply for a temporary certificate. It is sometimes necessary to grant a temporary certificate to persons such as mechanics who wish to road-test tow-trucks. Clause 65 provides that the Registrar need only refer a matter under this section to the consultative committee where he is of the opinion that the certificate holder is unfit to hold the certificate. Where the Registrar proposes to cancel or suspend a certificate on the grounds that the holder has breached a condition of the certificate, he need not refer the matter to the consultative committee. Under this section, the committee is required to hold an inquiry into the matter.

The Registrar may also require a person to deliver up his tow-truck certificate where he fails to be the holder of a valid driver's licence. An inspector appointed under this Part of the Act is given the same powers as a member of the Police Force has under the various provisions of this

Part. Provision is made for the commencement of any cancellation or suspension under this section.

Clause 66 makes clear that a tow-truck certificate issued to the holder of a temporary certificate remains in force for three years from the date the temporary certificate was issued. Clause 67 gives inspectors the power to request production of tow-truck certificates under this section. Clause 68 generally seeks to tighten up this section of the Act that deals with the obtaining of authorities to tow damaged vehicles. The tow-truck driver must personally obtain the authority himself, must have it signed in his presence, and must then sign it himself. Copies of signed authorities must be forwarded to the persons prescribed by the regulations. (It is intended that a copy should be forwarded not only to the person who gave the authority, as is now provided, but also to the Registrar).

Alterations to authorities must be witnessed properly, and no authority can validly be given by a person who is under 16 years of age. The tow-truck driver is required to tow the vehicle to the nominated place by the shortest route practicable. All these amendments are designed to reduce the number of persons who may have a legitimate role to play at the scene of an accident, as experience has shown that the greater the number of persons present, the greater is the possibility of altercations that only serve to distress accident victims even further.

Clause 69 empowers a member of the Police Force or an inspector to direct any person to leave the scene of an accident, for the purpose of protecting the driver, owner or other person in charge of a damaged vehicle from harassment. Clause 70 extends the application of this section to contracts for quoting repair costs. Experience has shown that many accident victims are pushed into agreeing that a particular repairer may give a quote on the vehicle, only to find that they are then liable to pay some exorbitant sum merely for the quotation. It is now proposed that such contracts are unenforceable unless the same conditions provided in relation to repair contracts are complied with. The quotation contract must also reveal the basis upon which the quotation fees are to be computed. Clause 71 widens the application of this section to vehicles that are towed away following a breakdown that does not occur as the result of accident. There have been cases recently where vehicles other than accident-damaged vehicles have been held, despite repeated requests by the owner and even despite police intervention. Civil remedies are of course available, but it is considered to be more appropriate to make the person unlawfully holding the vehicle guilty of an offence. The owner of the vehicle must of course first satisfy any lawful claim for quotation fees. It is made clear that the person holding the vehicle must surrender it forthwith after satisfaction of all lawful claims he may have in relation to the vehicle. A penalty is increased.

Clause 72 effects various amendments all of which are designed to limit the number of people who may attend the scene of an accident, and to protect accident victims from harassment. Once a person has given an authority to tow, no other person may seek a revocation or alteration of that authority. No person at all (including the tow-truck driver) may solicit a repair contract or a quotation contract within the period of six hours following the accident. If a person has signed such a contract within that period, no other person may seek a revocation or alteration of that contract within that period. No person may prevent a tow-truck driver from delivering the damaged vehicle to the nominated place. The maximum penalty for committing any of these more serious offences is increased to $1 000.

Clause 73 provides that no person may ride in a tow-truck on the way to or from an accident, other than the owner, driver or person in charge of the damaged vehicle. Clause 74 increases and amplifies the powers exercisable by inspectors under this Part of the Act in relation to investigations. It is made clear that the powers conferred by this section are exercisable at any hour of the day or night. Other persons may accompany an inspector, if he thinks it is necessary. If an inspector has a warrant to do so, he may break into any premises, any part of those premises, and any vehicle or thing found on the premises. An inspector has full power, without warrant, to search any premises (provided that those premises are open for business), stop tow-trucks, inspect or seize any relevant books, documents or other objects, and require any person forthwith to answer questions truthfully.

A person is guilty of an offence if he abuses, threatens, or insults an inspector or any of his assistants. Inspectors are obliged to produce their identity cards on request. A person is guilty of an offence if he falsely represents that he is an inspector. An inspector who exercises his powers in good faith is immune from liability.

Clause 75 inserts a new Part in the Act dealing with the issue of disabled persons' parking permits. Any person who has a permanent impairment in the use of his limbs, who cannot therefore use public transport, and whose speed of movement is severely restricted because of that impairment, may apply for a permit. The Registrar may require an applicant to undergo a medical examination by a doctor nominated by the Registrar. Permits are renewable annually. A permit entitles the driver of any vehicle being used for the transportation of the permit holder to such exemptions as may be prescribed under the Local Government Act.

A permit holder who drives his own vehicle to and from work may apply to the relevant council for an arrangement relating to the parking of his vehicle close to his place of employment. A council must look at the individual needs and disabilities of the applicant in making such an arrangement. Once an arrangement has been made, the council must grant such exemptions from the parking regulations as may be necessary to give effect to the arrangement. A council may revoke or vary an arrangement, and if the permit holder is aggrieved by that decision he may appeal to the Minister against the decision. A person is guilty of an offence if he misuses a permit.

The Registrar may cancel a permit if he is satisfied that the permit holder is no longer eligible to hold the permit. A permit may also be cancelled if the permit holder is guilty of the offence of misusing the permit. The permit holder also has a right of appeal to the Minister in relation to cancellation of the permit, or a refusal to issue or renew a permit. A permit may still be used even though there are other persons being transported in the vehicle at the same time as the permit holder.

Clause 76 amends this section of the Act by deleting all out-of-date references to the Municipal Tramways Trust. Clauses 77 to 82 inclusive amend penalties. Clause 83 clarifies the existing provisions in this section that deal with false statements. The Registrar is given the right to recover any moneys that he has refunded to a person on the basis of a false statement made by that person. Clause 84 provides for an offence of bribery. No person may offer a bribe, and no person acting in the administration of this Act may receive a bribe. Clauses 85 and 86 amend penalties. Clause 87 makes quite clear that a person who is requested to produce evidence as to the mass of his vehicle must actually deliver that evidence to the Registrar, or the inspector, as the case may be. A penalty is amended.

Clause 88 inserts two new sections in the Act. New section 138a provides for the furnishing by the

Commissioner of Police to the Registrar of all relevant information in relation to the question of whether a person is a fit and proper person to hold a licence or tow-truck certificate. New section 138b deals with the problem of fees paid under this Act by way of a cheque that is subsequently dishonoured. Where this occurs, the transaction is void. However, the Registrar may give the person extra time within which to complete payment, for example, where the cheque has been dishonoured due to some defect in the filling out or signing of the cheque.

During this extended period of time, the transaction is not deemed to be void. Where no extension of time is given, or where payment is not completed within the period of any extension of time, the Registrar may require the person to surrender any licence, permit, or other document or thing that was issued to the person in pursuance of the void transaction. If a court dealing with a person is satisfied that he has had the benefit of any licence, etc., issued pursuant to a void transaction, the court may direct that he pay to the Registrar a proportionate amount of the sum due on the dishonoured cheque.

The Registrar, however, is given the power to accept late payment at any time and to make the transaction retrospectively effective to any specified day. The Registrar may also refuse to enter into any further transactions with a person who has not paid the amount due on a void transaction, or such part of that amount as the Registrar thinks fit.

Clause 89 obliges the Registrar to furnish the consultative committee with any relevant information he may have on a matter being considered by the committee. Clause 90 amends an evidentiary provision so that it accords with present drafting terminology. Clause 91 clarifies the statements that may be made in a certificate of the Registrar for the purpose of legal proceedings. It is sometimes necessary that the Registrar make a statement that relates to a specified period of time, not only to a single specified day.

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

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It has two main objects. First, it seeks to ensure that films classified as restricted publications under the principal Act are not screened in premises where they are available for sale. Secondly, it introduces a concept of vicarious liability in relation to offences against the Act.

Recent decisions of the Full Court have made clear that under the present law it is possible for the establishments generally known as sex shops to show screenings of restricted films on their premises, regardless of whether these films have received a classification pursuant to the Film Classification Act. The provisions of that Act would normally prevent the screening of any film unclassified by the Minister in premises which can be regarded as a theatre, and that expression is defined in terms which are possibly wide enough to cover a booth in a sex shop.

However, section 20 of the Classification of Publications Act provides, in effect, that sex shops are permitted to display certain restricted articles, and it has become apparent that this licence extends to the screening of films, notwithstanding the provisions of the Film Classification Act.

The Government regards the exhibition of films that have been classified as restricted publications in sex shops as an undesirable development. The amendments proposed in this Bill are designed to prevent such activities by making it an offence to screen restricted films in sex shops.

In order to facilitate the enforcement of the proposed provision and other existing provisions in the principal Act, the Bill also introduces two new sections to the Act which create vicarious liability for certain offences. Under the first of these, a person in charge of a sex shop, for example, is to be liable for any offence in relation to a restricted publication which is committed by another member of staff. The second provides that, where a body corporate commits an offence against the principal Act, every member of its governing body, its manager, and its secretary shall be guilty of a corresponding offence and punishable accordingly. In addition, proceedings for offences against the principal Act may be prosecuted within two years, rather than six months, as at present. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 inserts a definition of film in section 4 of the principal Act. The terms of this definition include slides, video-tapes, and any other form of optical or electronic record from which a visual image can be produced. A minor consequential amendment deletes the now superfluous reference to slides in the definition of publication. Clause 3 amends section 18 of the principal Act, which sets out various offences, by adding a new subsection making it an offence to exhibit images from a restricted film in premises in which restricted publications are offered for sale.

Clause 4 enacts new sections 18a and 18b to the principal Act. Section 18a provides that where an offence is committed under the Act in relation to a restricted publication, the person in control of the premises in which the offence was committed shall be guilty of an offence and liable to the same panalty as that prescribed for the principal offence. It is a defence to a charge under this section for the defendant to establish that he could not have prevented the commission of the principal offence by the exercise of reasonable precautions.

Section 18b provides that where a body corporate is guilty of any offence against the principal Act, every member of its governing body, its manager, and its secretary shall be guilty of an offence and each liable to the same penalty as that prescribed for the principal offence. Here, again, it is a defence to show that reasonable diligence on the part of a defendant could not have prevented the commission of the principal offence.

Clause 5 repeals section 21 of the principal Act, which sets out the procedure for dealing with offences. A new section is enacted, expressly extending the period during which proceedings may be commenced to two years from the date on which the offence was allegedly committed.

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

FILM CLASSIFICATION ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

The principal object of this short amending Bill is to bring video-tapes within the ambit of the Film Classification Act. As the legislation stands, video-tapes are not subject to the Act. The Government takes the view that this is undesirable, and, with increased use of the medium, could seriously subvert the intended operation of the principal Act. The Bill also modifies terminology in the principal Act relating to the apparatus employed to show moving pictures, so that a form of expression better suited to either film or video-tape is achieved.

Clause 1 is formal. Clause 2 amends section 3 of the principal Act, which defines expressions used in the Act. The existing definition of "film" is deleted, and a new definition substituted which makes clear that conventional films, video-tapes, and indeed any optical or electronic record from which moving pictures may be produced, are subject to the Act. The clause also deletes the definition of "cinematograph" and replaces it with a wider definition based upon the more modern expression "projector". The new definition extends to any apparatus used to show video-tapes. The term "projector" is subsitituted for "cinematograph" in the definition of "exhibitor", and clause 3 provides for an identical consequential substitution in section 6 of the principal Act.

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

CRIMINAL LAW (PROHIBITION OF CHILD PORNOGRAPHY) BILL

Second reading.

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

That this Bill be now read a second time.

Its object is to provide, in specific terms, that it shall be a criminal offence to take pornographic photographs of children under the age of 16 years. The Government takes the view that behaviour of this kind is already proscribed for practical purposes by paragraphs *(b)* and *(c)* of subsection (1) of section 58 of the Criminal Law Consolidation Act, which together provide that any person who incites, procures, attempts to procure or is otherwise a party to the commission of a grossly indecent act by a child under the age of 16 years, commits an offence. It is extremely difficult to envisage how a pornographer could be in a position to take indecent photographs of people in the relevant age group without first breaching one or the other of these provisions.

Nonetheless, the Government believes that it is desirable, as a matter of principle, that there should be a rider to the central provisions of section 58, stating specifically that the operation of the section extends to the taking of pornographic photographs. For the purposes of this amendment, "photograph" is to include a conventional film, a video-tape, and any other optical or electronic record from which a visual image can be produced. In addition, the Bill provides that it shall be an offence to distribute, exhibit, possess for purposes of distribution or exhibition or advertise the availability of, any indecent photographs of persons under the age of 16 years. Special defences to charges for these offences are made available in certain circumstances. The Bill also amends the penalties for a breach of section 58, from a maximum of two years to three years in the case of a first offence, and from three years to five years in the case of a subsequent offence. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 58 of the principal Act, which refers to acts of gross indecency involving persons under the age of 16 years. The penalties set out in subsection (1) are amended as previously indicated, and four new subsections numbered (3), (3a), (3b) and (4) are inserted. The first of these provides that any person who photographs or attempts to photograph an act of gross indecency committed by, or in the presence of, a person under the age of 16 years is himself a party to the indecent act. The provisions of the proposed subsection extend to the photographing of persons adopting poses calculated to give indecent prominence to sexual or excretory organs.

Subsection (4) defines the term "photograph" in the manner outlined earlier. The proposed subsection (3a) provides that it shall be an offence for any person to distribute, exhibit, possess for purposes of distribution or exhibition, or advertise in such a manner as to suggest that he has available for distribution or exhibition, any indecent photographs of persons under the age of 16 years. The penalty is the same as that to be prescribed for breaches of section 58 (1). Proposed subsection (3b) provides that it shall be a defence to a charge under subsection (3a) to prove that the defendant exhibited, distributed or was in possession of indecent material for a legitimate reason, or that he had not seen the material and was not aware of its nature.

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

POLICE OFFENCES ACT AMENDMENT BILL (No. 2)

Second reading.

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

That this Bill be now read a second time.

Its object is to ensure that the provisions of the Police Offences Act prohibiting the publication of indecent matter extend in their operation to material depicting sexually oriented acts of violence. At present, section 33 of the Act defines indecent matter to include representations of an indecent, immoral or obscene nature, but it would seem that sadistic or masochistic material may elude the Act if it does not involve exposure of genital areas. The Government seeks to remedy this unsatisfactory position by incorporating specific reference to sadistic and masochistic representations in section 33. Clause 1 is formal. Clause 2 amends section 33 of the principal Act by inserting the word "sadistic" in the definition of "indecent material".

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

METROPOLITAN TAXI-CAB ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

Its object is to provide for a common expiry day for the registration of all metropolitan taxi-cabs. In actual

practice, a common date, that is, 31 March in each year, has been in operation for some time, and the Registrar of Motor Vehicles, in conjunction with the Metropolitan Taxi-Cab Board, has requested that the Act be amended accordingly. It is necessary therefore to provide that registration may be for any period of time, even a few days, and to leave the matter of proportionate registration fees to the regulations under the Motor Vehicles Act.

Clause 1 is formal. Clause 2 enables this Act to be brought into operation at the same time as the Motor Vehicles Act Amendment Act, 1978. Clause 3 provides that a taxi-cab may be registered under the Motor Vehicles Act for any period of time not exceeding 12 months. A common expiry day may be fixed by the Registrar with the board's approval. The provision dealing with registration fees is deleted.

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

STAMP DUTIES ACT AMENDMENT BILL (No. 2)

Second reading.

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

That this Bill be now read a second time.

This small Bill is consequential upon the Motor Vehicles Act Amendment Bill, 1978, by which it is intended to extend the provision relating to reduced vehicle registration fees for certain pensioners to include persons who hold State concession cards issued by the Community Welfare Department. It is therefore appropriate to amend the Stamp Duties Act so that the provision in the second schedule that exempts such pensioners from the stamp duty payable on the insurance component of motor vehicle registrations is extended to grant a similar exemption to State concession card holders.

I should perhaps reiterate that State concession cards will be granted to persons who will eventually be eligible for a Commonwealth pensioner entitlement card. A State concession card will thus cover that waiting period of about six months, during which the Community Welfare Department assists financially many applicants for pensions.

Clause 1 is formal. Clause 2 enables this Act to be brought into operation at the same time as the Motor Vehicles Act Amendment Act, 1978. Clause 3 amends the second schedule to the Act by including a reference to State concession card holders in exemption No. 8 of the division of this item that deals with the stamp duty payable in respect of the insurance component of motor vehicle registrations.

The Hon. K. T. GRIFFIN secured the adjournment of the debate.

LIFTS AND CRANES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It amends the Lifts and Cranes Act, 1960-1972. The principal object is to achieve a more flexible system of registration of cranes, hoists and lifts. At present all registrations fall due in January of each year, and this has resulted in administrative difficulties. Under the proposed new scheme, registration will be for an indefinite period but an annual fee will be payable in accordance with the regulations. In time, this will result in administrative work being spread over the year and will bring the registration provisions into line with the procedures provided in other statutes administered by the Labour and Industry Department. The opportunity is taken to bring up to date references to the permanent head of the department, and also to increase penalties for offences against the Act to a more realistic level. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 inserts a definition of "the Director" into section 3, the interpretation section of the principal Act. Clause 3 amends section 4 of the principal Act to provide that the Act does not apply to cranes, hoists or lifts situated on premises registered as industrial premises under the Industrial Safety, Health and Welfare Act, 1972-1978, or used in construction work to which that Act applies.

Clause 4 deletes subsections (7) and (7a) from section 6 of the principal Act. The matters dealt with in those subsections are dealt with in the proposed new section 8. Clause 5 repeals and re-enacts section 7 of the Act for the registration, after inspection, of machinery to which the Act applies and for the cancelling of registration. The new section also requires that notice of change of ownership be given to the Director within 30 days. Clause 6 repeals and re-enacts section 8 of the principal Act. The new section provides that the owner of a crane, hoist or lift is guilty of an offence if the machinery is operated while unregistered, or before any alterations or additions have been completed and have been approved by an inspector.

Clause 7 amends section 15 of the principal Act to provide for the making of regulations in respect of fees, forms and the granting of, and examinations for, certificates of competency. The maximum penalty which may be prescribed for breach of the regulations is increased from $100 to $500. Clause 8 amends section 17 of the principal Act to increase from $100 to $500 the maximum penalty for the offence of resisting inspectors.

The Hon. D. H. LAIDLAW secured the adjournment of the debate.

POLICE REGULATION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 14 November. Page 1907.)

The Hon. M. B. DAWKINS: This Bill seeks to amend the present Act by providing power for the Government to remove the Commissioner or Deputy Commissioner of Police from office for incompetence, neglect of duty, misbehaviour, misconduct, or mental or physical incapacity, and seeks to bring into effect the recommendations of the Salisbury Royal Commission, although the Commissioner made no reference to the Deputy Commissioner in her report. I wonder why it is necessary to include the Deputy Commissioner in this Bill. Personally, I would think that it would be better if the Bill referred only to the Commissioner.

This Party's policy has always been that in offices of this

type any such dismissal should be dependent on the presentation of an address by both Houses of Parliament praying for the removal of the person concerned. I believe that that should still obtain, and that there should be considerable independence of operation and movement for the Police Commissioner, in the same way as there should be for Their Honours the Supreme Court judges.

I support the second reading in the hope that some amendments that the Hon. Mr. Hill has placed on file will make the Bill similar to legislation that the honourable gentleman endeavoured to put through this Parliament. Unfortunately, the Government does not seem able to accept any acceptable and wise legislation from this side of the Council. It always has to put that to one side in the other place and bring something forward itself which, in the event, is not always as acceptable as the legislation that we put forward. I believe that this Bill is not as good a Bill, by any stretch of the imagination, as the one that Mr. Hill introduced in this Chamber some time ago.

I support the second reading in the hope that the amendments that the honourable gentleman will put forward may bring this legislation into line with what I, and other members of this Party, believe is the proper procedure for any such dismissal of the Police Commissioner, or any officer of the State as important, and who should be as independent of political interference, as should be the Police Commissioner. I support the second reading with that object in mind.

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

WORKMEN'S COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 November. Page 1831.)

The Hon. J. E. DUNFORD: This Bill comes before the Council with a regrettable history, previously dominated by a very destructive attitude of this Council. Honourable members would be well aware that, despite all the loose talk and empty-headed grandstanding by the member for Davenport, valuable changes for workmen's compensation legislation have been blocked in this Council by the Liberal majority. This Bill is the most recent chapter in the sorry story of the member for Davenport's search for recognition.

The Hon. D. H. L. Banfield: And leadership.

The Hon. J. E. DUNFORD: He has only got 12 per cent plus; Steele Hall has 64 per cent, and Mr. Hill is not mentioned. Fortunately for the workers of this State, the Government has taken this matter in hand, and the Bill provides some meritorious improvements to the legislation. It includes two amendments (which could be considered concessions to workmen's compensation insurers) for a proposed section 32a and amended sections 54 and 55.

One hopes that this constructive step will not meet a similar fate at the hands of the more troglodyte elements of the Liberal Party, as have previous attempts by the democratically elected Labor Government to improve this legislation. The Workmen's Compensation Act is, in many respects, a most equitable form of protection for injured workmen. The concept that a workman should suffer no income loss as a result of a work-related injury should have the unqualified support of this Parliament. There is no question that the Act is supported by the people of South Australia. Likewise, there is no question that it is unconscionably opposed by the right-wing reactionaries in the Chamber of Commerce and Industry, and their lackeys in this Parliament.

We have witnessed publicly and in Parliament a calculated conspiracy between the bosses and the bosses' media to create confusion, to mislead and to incite people about the Workmen's Compensation Act. The member for Davenport's feigned industrial philanthropism should be condemned for its deceitfulness. His object is to singularly erode the provisions of the Workmen's Compensation Act.

Having expressed my support for the Bill, I draw honourable members' attention to a most urgent and pressing problem confronting injured workmen, something that I hope will be remedied with the utmost expedition. The lump-sum payments prescribed by the principal Act are set out in sections 49, 50 and 69. Briefly, the Act prescribes for a man who will never work again, a maximum sum of $25 000. It further prescribes a maximum of $20 000 for permanent partial incapacity, and a table of lesser amounts for various injuries.

The effects of these provisions of the Act are, in practice, not affected by the provisions of section 72. The maximum amounts prescribed by the Act were fixed in January 1974. Since that time, the consumer price index has increased by 50·2 per cent to the September quarter this year. To simply maintain the real value of these amounts, the amount prescribed for total incapacity has to be increased by $12 550 to $37 550, and the maximum amount prescribed for permanent partial incapacity should be increased from $20 000 to $30 000.

The urgency of this situation can best be illustrated by taking a case in point. In June this year, a member of my union, the Australian Workers Union, was injured so that he will never work again. He was employed by a prominent company in the brick industry on incentive rates of pay. His earnings prior to his injury exceeded about $220 a week. The worker concerned received the maximum lump-sum payment prescribed by the Act, $25 000. He has a dependent wife and two dependent children: he is now at home severely incapacitated and receives the invalid pension of $105 a week. The lump-sum payment of $25 000 represents only slightly more than two years pay to this man. Assuming that he would have retired at 65, he will spend more than 20 years of his working life receiving less than half what he would have earned but for his injury.

Even an adjustment of the magnitude that I have outlined could not fully compensate this worker for the injury sustained. The Hon. Mr. Laidlaw says that the review of the Workmen's Compensation Act to be conducted by the committee of inquiry will take two years. In the meantime, workers will, by the relentless process of inflation, receive less and less compensation by way of lump-sum payments. What is worse is that this process will hit hardest the worst affected. Workers with short-term injuries not subject to lump-sum payments will receive their average earnings, whilst workers, in many cases unable to return to their employment, will receive in real terms less and less by way of lump-sum payments.

I believe a number of specific provisions of the amending Act should not be supported uncritically by this Council. Whilst the Bill should be adopted, it should always be borne in mind that what is conceived in this Council may not always translate into perfect practice. Clause 8 of the amending Bill raises some serious considerations. The reason employers are required to provide copies of medical reports to workmen has to do with the fact that it is the workman who submits his body for examination.

As a person, not a worker or applicant for compensation, he is entitled to know the state of his health. The reason why the law of evidence does not require the workman to provide such reports to his employer is that these reports are written by doctors, and much of what is said is considered improper from an evidentiary point of view. It is always open to the employer to cross-examine the doctor and if necessary to secure an adjournment for preparation if the court thinks appropriate.

Having viewed some of these reports myself, I often wonder at the minds which give birth to them. Many doctors with a rarified view of the world make subjective personal assessments of their patients that are either irrelevant or simply incorrect. Hence, it is usually the case that a migrant worker with a back injury will be described as obese, swarthy, of Southern European origin, and incommunicative. I am sure that attempts will be made to influence the courts against workmen for reasons not connected with the physical symptoms of their injury. For this reason I believe the operation of clause 8 of the amending Bill should be closely monitored.

Clause 9, in particular the new subparagraph *(c)* of paragraph *(a)*, in my view will substantially increase the enormous litigation that at present surrounds workmen's compensation, as will clause 18, which relates to the apportionment of liability for industrial disease. In my view, to encourage litigation around workmen's compensation is an aggravation of a cancer that is eating at the effectiveness of the legislation. Already we see enormous costs heaped on to the system by the flagrant and systematic abuse of section 53 which has led to lengthy delays in the payment of compensation to injured workmen who were rightly entitled.

I have no doubt that enormous sums are made by the legal profession from litigation in the area of workmen's compensation and that much of the total cost of compensating injured workers falls into this category. Much of it in my experience is unnecessary. I believe that the Government should discourage such a trend and frame its legislation accordingly.

For this reason, I believe clauses 9 and 18 should be monitored in this respect and could be reviewed or repealed at a later date. To a lesser extent this applies to clause 11 of the amending Act and should be considered similarly. In my belief there should be an inquiry into the costs of litigation associated with workmen's compensation and I would recommend it to the Government. For the reasons I have outlined, I support this Bill, not without reservation, the gravest reservation being the very desperate need immediately to update the lump-sum payments prescribed by the Act.

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

CROWN LANDS ACT REGULATIONS

Adjourned debate on motion of Hon. R. C. DeGaris (resumed on motion).

(Continued from page 1991.)

The Hon. C. J. SUMNER: This motion centres around the imposition of a $5 service fee so-called in relation to each perpetual lease. The Hon. Mr. DeGaris and other Opposition members have complained that it is unjustified for the Government, when collecting rentals, to impose a service fee. One of the arguments used is that, if the private sector imposed a service fee, there would be uproar among the tenants. I would think there probably would be. However, tenants in the private sector are not paying rents as low as $3.

The Hon. R. C. DeGaris: It is not a rent.

The Hon. C. J. SUMNER: Or fees to the Government for the lease of Crown lands.

The Hon. R. C. DeGaris: A lease in perpetuity.

The Hon. C. J. SUMNER: It is still Crown land, and they pay a fee. It is neither here nor there whether it is called a fee or a rent. In the private sector one would not be paying those fees at such a low rate. So, obviously there is no comparison between the situation in this case and the situation in the private sector. For the Hon. Mr. Burdett to draw that comparison, as he did during sittings of the Subordinate Legislation Committee, is quite wrong. The Hon. Mr. DeGaris says it is not a rent; he should take up that matter with the Hon. Mr. Burdett, who sought to draw the comparison between the Government's collecting a fee or rent and the private collection of fees or rents. I believe there is no comparison, because rents in the private sector are set at market value. Here, the fees were set 90 years or 100 years ago.

The Hon. R. C. DeGaris: Would you alter the rent?

The Hon. C. J. SUMNER: That may need to be looked at. The cost of servicing the leases and keeping the accounts is greater than what would be received from the service fee. I shall quote from the transcript of evidence given to the Subordinate Legislation Committee; the following is a question asked of Mr. Tynan, and his reply:

> As your estimate of the cost of servicing the leases was $300 000, how much do you expect to obtain from the service fee?—About $120 000, but it will depend to the extent to which the department's offer for amalgamation is accepted. We hope it will be accepted widely.

So, the department estimates that the cost of servicing the leases is $300 000 and that, with the imposition of the $5 service fee for each lease, the department will recover only $120 000. It seems reasonable that the Government ought to be able to charge at least the cost of servicing the lease, and this is what the $5 fee is designed to do. I do not wish to canvass the other arguments about amalgamations which have already been answered by the Minister of Lands. However, I thought I should draw the Council's attention to the fact that the cost of servicing the leases is much greater than the amount that the Government will recover from this service fee. I therefore believe it is quite legitimate for the fee to be imposed.

The Hon. R. C. DeGARIS (Leader of the Opposition): I thank honourable members who have contributed to the debate, but my mind has not been changed by the argument advanced by the Minister or the Hon. Mr. Sumner. The only argument we have with the regulation involves one small part of it, and the Government could very well have altered that one small part, allowing the rest of the regulation to remain. However, that one part of the regulation opens up a matter with which this Council should be concerned. On leases in perpetuity the Government is imposing a service fee of $5. There is no restriction on how high this fee can go. If the principle is admitted, there is no reason why it should not be $20 tomorrow, $50 the next day, and so on. It is a means of overcoming the Government's problem as regards reviewing perpetual leasehold rentals.

The Government is afraid of this point, so it is using the back-door method with an amendment to the Crown Lands Act, giving it some power regarding regulations. I believe that the regulation-making power is not sufficiently wide to let the Government make this regulation. If the Government were realistic and worried

about the fact that it was costing $120 000 to administer the register, let us get rid of the stupidity of having leasehold land with these small rentals; make it freehold, and be done with it. That is the way to save $120 000, not to resort to stupidity and impose a charge on leasehold land because it is costing the Government money. If the Government had a policy of allowing conversion quickly from leasehold to freehold where there is a very small rental, the problem would not exist. It comes down to the question of Government policy.

I believe that the last part of that regulation demands that this Council should express an opinion against that type of operation, mainly because I believe it is not justified and, secondly, because I believe that it could well not be in accordance with the regulation-making powers of the principal Act. I ask Council to vote for the motion.

The Council divided on the motion:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

Noes (10)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey (teller), B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

The PRESIDENT: There are 10 Ayes and 10 Noes. I give my casting vote for the Ayes.

Motion thus carried.

ADJOURNMENT

At 3.48 p.m. the Council adjourned until Thursday 16 November at 2.15 p.m.