LEGISLATIVE COUNCIL

Wednesday 21 February 1979

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

QUESTIONS

PARLIAMENTARY SESSION

The Hon. R. C. DeGARIS: Has the Minister of Health any information as to the Government's intention concerning the continuation of this session? Can he say when the Government intends that Parliament will rise?

The Hon. D. H. L. BANFIELD: The Government is watching the progress of the legislation that it wants passed before Parliament rises. Without doubt, we will be sitting next week, but we are watching the position to see how much business we get through today and tomorrow to determine whether or not it will be necessary to sit beyond next week. We have not yet made a final decision.

OVERSEAS VISIT

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

Leave granted.

The Hon. M. B. DAWKINS: I see from this morning's paper that three members of Cabinet, including the Minister of Agriculture, are to make overseas visits during the Parliamentary recess. The main reason, according to the report, for the Minister's trip to North Africa, the Middle East and Washington, where the Minister will, according to the report, have a meeting with the World Bank, is to establish trade and development projects in North Africa and the Middle East. Can the Minister be more specific and tell the Council about those trade development projects? Will he indicate what they are and say how they will benefit South Australia?

The Hon. B. A. CHATTERTON: We already have projects with Libya and Algeria. The Algerian project is funded by the World Bank, and that is one of the reasons why it is important for me to talk with World Bank officers.

The Hon. R. A. Geddes: Is that the World Bank with the parent country or the South Australian—

Members interjecting:

The PRESIDENT: Order! The honourable Minister is replying.

The Hon. B. A. CHATTERTON: The World Bank headquarters are in Washington, where most of the important decisions are made. It is important for me to have discussions there on the possibility of the bank's financing other projects.

We are involved in negotiations with two other countries, namely, Iraq and Jordan, and an announcement on projects involving those countries will be made in due course. We have had a team in Jordan this year looking at a possible project, and we have a proposal before the Iraq Government at present that I hope to follow up. We do not have specific proposals for the other countries that I am visiting in the North African region, but they have invited me to go and discuss the possibility of technological exchange with them.

I think that the benefits to South Australia in this area are considerable. We have been involved in discussions with Libya longer than with any other North African country, and the South Australian firm, John Shearer, has made two substantial sales of farm machinery to that country during a period when sales in South Australia were depressed owing to the drought. I am sure that those sales were of great benefit both to that company and to South Australian farmers in terms of continued operation of an importnt machinery manufacturer in this State.

The other area of sales has been in pasture seeds. North Africa has become a major area for the export of pasture seeds from South Australia, and South Australia seedgrowers co-operative has benefited considerably from involvement in that whole region. The other point is that the transfer of technology is beneficial, because it is not being made as an aid project. The South Australian Government is not paying taxpayers' funds into this. It is being done on the basis of the cost of the various projects, and it is providing employment for people who have the necessary qualifications. At present, the unemployment rate amongst agricultural graduates is higher than that amongst any other group of graduates. I think more than 40 per cent of agricultural graduates coming from universities in the past year or so are at present unemployed. We are not saying that these projects will provide employment for young graduates coming direct from universities, but they will create more positions than were available previously.

PRAWNS

The Hon. R. A. GEDDES: I desire to direct a question to the Minister of Agriculture (perhaps it should be directed to the Minister of Health) regarding arsenic in prawns. A press report today states that health authorities have found that prawns sold throughout Australia have reasonably high arsenic levels, well above the levels recommended in the health regulations. Apparently, prawns sold in Adelaide are showing a level of 9·4 millilitres of arsenic a kilogram while the health authorities say that it should be only 1·15 millilitres a kilogram. Has the Minister any knowledge of this problem, and is there any need for alarm?

The Hon. D. H. L. BANFIELD: This matter concerns my department more than the Agriculture and Fisheries Department and my colleague has indicated that I should answer the question. Analysis of prawns collected as part of the National Health and Medical Research Council Market Basket Survey during 1976 shows that they contain arsenic in excess of the standard set for arsenic in food by the food and drugs regulations. It is known that seafood, particularly crustacea, contains arsenic in excess of the general level for foods.

The standard was set to control the amount of arsenic arising from applications of pesticides and not to control levels of naturally occuring arsenic. Arsenic in fish food is normally present in an organically bound form that is rapidly excreted. A review of all standards for metals in food is being undertaken by the food standards committee of the National Health and Medical Research Council, and the matter of arsenic levels in fish foods is awaiting toxicological asssessment of the significance of organic arsenic. The United Kingdom food regulations exempt seafoods from general standard for arsenic. In view of the amount of seafood normally consumed and the levels involved, it is unlikely that persons consuming seafood and crustacea (prawns) would suffer any ill effects.

RURAL LAND

Adjourned debate on motion of the Hon. C. M. Hill:

That the regulations made on 6 April 1978, under the Planning and Development Act, 1966-1978, in relation to rural land subdivisions, and laid on the table of this Council on 13 July 1978, be disallowed.

(Continued from 22 November. Page 2200.)

The Hon. C. M. HILL: I now reply to the debate on this motion, that debate having taken place in the Council on 22 November last year. I urge the Council to disallow this regulation, which, as honourable members will recall, deals with the subdivision of rural land. The purport of the regulation, known as regulation 70a, was that the Government sought to give the Director of Planning or a council the right to refuse subdivision of rural land on the basis that, if an allotment was not an economic unit, those grounds could be applied in relation to disallowance. The regulation, which deals with the matter of an economic unit, provides:

> "Any allotment which would not be an economic unit" means any allotment which, if created and used for the purpose of primary production or for non-residential rural pursuits of the type predominantly and substantially practised in the locality, would not, without recourse to any other income, provide the owner or occupier thereof with sufficient economic return on the use of the allotment to enable him to continue the rural use on a permanent basis.

As I said in November, those grounds for disallowance are extremely wide indeed. The Council must consider two main points, the first of which is the question of land use being predominantly and substantially the same as the use to which land in that locality is put.

As has already been pointed out, many people want to buy relatively small parcels of rural land but they do not want to carry on the same use that predominates in that locality. Examples have already been given: poultry farmers, market gardeners, those wishing to grow flowers for sale, apiarists, strawberry growers, and so forth. Under this regulation, if it comes into effect, a person who applies to purchase a relatively small parcel of land for any of those uses could have consent for subdivision refused, because the vocations were not carried on in that locality. To give the Director or the council grounds for refusing such consent when situations like this arise is too silly for words.

The other point deals with the question as to whether the proposed purchaser of the land ought to be able to enjoy the economic use of it without resort to any other income. Many people who want to live on a few hectares of land have other sources of income and simply do not want to acquire the land simply for gaining their income solely from that land. Itinerant workers, fishermen, shearers, and other part-time workers may have other work and may travel seasonally to other parts of the State and from such work gain the extra income that gives them, in aggregate, a sufficient income for a happy life.

If the regulation comes into effect, the Director or the council could say, "You cannot earn sufficient income from that piece of land without recourse to other income. Therefore, consent for subdivision will be refused." That, again, is too silly for words. The criteria are unjust and unreasonable. Honourable members will recall that this is the second time that disallowance of this regulation has been before this Council. Previously, after this Council disallowed the regulation, the responsible Minister saw fit to regazette it immediately. If a motion for disallowance had not been put on the Notice Paper, it would make a mockery of the whole system of regulations. A larger and larger number of regulations come before Parliament, which should have the right to allow or disallow them. The precedent that the Minister has established results in regulatory power meaning nothing at all in the Parliamentary process.

The Hon. M. B. Cameron: We should stop granting that power.

The Hon. C. M. HILL: Exactly. The Minister has regazetted the regulation. So, I am asking the Council to disallow it once again. It was quite improper for the Minister to regazette the regulation once this Council had expressed its view on it. Further, I am asking honourable members to disallow the regulation for the reasons given in the debate. Those reasons boil down to the two points I have made: first, the criterion of economic use is too wide; and, secondly, to expect people who want to live in this way on small holdings to be able to obtain their full income from such holdings is unreasonable. I therefore ask the Council to disallow the regulation.

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, R. A. Geddes, K. T. Griffin, C. M. Hill (teller), and D. H. Laidlaw.

Noes (10)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey, B. A. Chatterton (teller), 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 have spoken against this regulation on a number of occasions before I was President, and I have found no reason to alter my opinion. I give my casting vote for the Ayes.

Motion thus carried.

TERTIARY EDUCATION AUTHORITY BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

The introduction of this Bill marks another stage in the implementation of the recommendations of the report of the Committee of Inquiry into Post-secondary Education in South Australia. Perhaps the most far-reaching recommendation in that report is the proposal that the Government should establish a statutory co-ordinating authority in this State to be named the Tertiary Education Authority of South Australia. It will be known that already the South Australian Board of Advanced Education acts to co-ordinate, rationalise and produce a balanced system of tertiary education within the advanced education sector; it does not, however, concern itself directly with universities or further education. The Board Act will of course be repealed as a result of this legislation which is intended to create a co-ordinating authority with wider functions and powers.

All States are moving to bring all post-secondary education into a single system in which each sector retains its identity and in which the State and Federal agencies have complementary roles. In Western Australia a commission encompassing the three sectors has been created, in New South Wales a similar authority is being considered, while Victoria has recently established the Victorian Post-secondary Education Commission with terms of reference similar to those proposed in this Bill.

There are two main arguments for bringing post-

secondary education into a co-ordinated system. The first concerns the need for regulatory arrangements to ensure that all post-secondary institutions operate according to agreed general purposes and that the unnecessary overlaps, which occur in the absence of an arbiter, are avoided. The second is the need for a planning agency which can anticipate needs in the system and can recommend the required resources. In addition to providing for regulation and planning at State level, the emergence of a Federal co-ordinating body for all tertiary sectors makes it desirable that the State should have a complementary instrumentality. Such a State body, being closer to the constituent institutions, will be in a better position to reach informed decisions which otherwise might be made at Federal level without appropriate advice.

The Tertiary Education Authority of South Australia will thus have functions and powers encompassing those of the Board of Advanced Education but extending beyond them to the Further Education Department on the one hand and to the universities on the other. With reference to the advanced education sector, there are practical reasons for specific powers of co-ordination since both the Commonwealth and the State expect such co-ordination to be performed through a State authority. In addition, it is this sector which will, in the immediate future, be the most affected by the over-supply of qualified teachers and therefore most turbulent. The extension of this control to a number of courses offered by the Further Education Department will avoid possible overlaps at the interface between further and advanced education since the authority's advice will be in the context of proposals for both sectors.

In giving such advice the authority will of course be mindful that its procedures should not delay the capability of the department to move rapidly in response to new needs. Course accreditation is maintained for the advanced education sector and extended, with certain exceptions described later, to further education. Control over the universities is not as extensive but the powers of the co-ordinating body nevertheless provide for these institutions to inform the authority of representations they propose to make to the Tertiary Education Commission relating to finance, courses of instruction and other matters concerned with the administration of post-secondary education. The authority may in turn give advice to the Minister and the Commonwealth Commission in the context of total tertiary needs. Universities are not, therefore, constrained in ways at variance with their present mode of operation but are brought within the ambit of a State view. This overview is expected to benefit both universities and the other institutions given the almost static position of university and advanced education enrolments and the need to consolidate course offerings.

In all such co-ordination it is important that the State and Commonwealth authorities should co-operate. In relation to this it is worth emphasising that the wish on the part of the State for greater co-ordination is matched by the Tertiary Education Commission's development of criteria for course approvals which are likely to become more sophisticated and effective in the near future. In addition, the Tertiary Education Commission favours the creation of State bodies and gives them its support.

There is a wide range of matters about which the authority will initiate discussion and which are important to the rational, efficient and economic provision of education—transfer of credit, needs of country students, likely fluctuations in future demands and others. It is, however, concerned not merely with the tertiary sectors but with post-secondary education generally. Thus it will be noted that a concern with informal post-secondary education is explicitly mentioned among its functions. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 to 3 are formal, while clause 4 refers to the repeal of Board of Advanced Education Act and amendments to various college Acts consequent upon this Act being approved. Schedules 1 and 2 refer. Clause 5 is definitional. I draw attention to the definition of a "prescribed post-secondary institution" which, by way of schedule 3, refers to those institutions in the advanced and further education sectors over which the authority has closely defined powers of co-ordination. Another point to note is the categorisation of the Further Education Department as a prescribed post-secondary institution, not the individual colleges of further education. Such a categorisation takes account of the present organisation and administration of the colleges and also allows the authority to be flexible in its dealings with the department. Subclause (2) of clause 5 allows the Governor, by proclamation, to declare any institution to be a post-secondary institution with the concurrence of that institution and any post-secondary institution to be a prescribed institution.

Clause 6 incorporates the authority as a statutory body in the normal way. Under clause 7 the chairman is to be appointed by the Governor, and will be a full-time member and principal executive officer of the authority. Of the other four members, one may be full-time while the others are part-time members. If there are two full time members, the second will become the deputy chairman; if not, a part-time member will occupy that position. Clause 8 refers to the conditions of office of full-time members and in particular to a term of office not exceeding five years. This conforms with current practice in the States and the Commonwealth in relation to this type of appointment.

Clause 9 refers similarly to part-time members where the term of office does not exceed three years. The wording, it will be noted, allows for staggered appointments in both instances. There are the usual kinds of provision covering the creation of casual vacancies and the appointment of acting members. There are the normal clauses governing the calling and conduct of meetings, including in clause 11 the constitution of a quorum as three members of whom one at least must be either the chairman or deputy chairman. Within the provisions of the Bill, the authority will be free to determine the conduct of its own business. Clause 12 refers to the power of delegation including the power to delegate to post-secondary institutions. This will allow, for example, the authority to delegate the process of accreditation to a prescribed institution should this appear appropriate. Clause 13 refers to the usual saving provisions. Clause 14 sets out the broad functions of the authority in relation to the planning, organisation, co-ordination and administration of post-secondary education in this State. In so doing it will consult with the institutions themselves and the Tertiary Education Commission about rationalisation of resources, whether or not certain courses should be offered at particular institutions, the establishment, amalgamation or closure of institutions and the extent of financial support required.

In all these matters prescribed institutions are subject to

stricter controls although each such institution will have internal autonomy. For them the situation remains much the same as now as it does also in relation to the authority's function of accreditation. The same clause indicates that formal review and control are not the only means by which co-ordination will occur: subclause *(g)* refers to the encouragement of co-operation as one of the functions of the authority. Nor is tertiary education the only aspect of post-secondary education to be reviewed: as already indicated, the provision of informal post-secondary education is specifically mentioned in subclause *(h)*. In *(i)* the authority is charged with the responsibility of undertaking and commissioning research into matters relevant to its functions.

Clause 15 stresses that the authority will be required to consult with the post-secondary institutions and may consult with such other bodies as necessary. In clause 16 emphasis is placed on the duty of an institution to inform the authority of any representation to the Tertiary Education Commission about finance, the introduction of and significant changes to courses, their discontinuance and any other relevant matters.

Clause 14, as mentioned previously, establishes the accreditation of courses as one of the functions of the authority and clause 17 creates an "Accreditation Standing Committee" which is chaired by either the chairman or deputy chairman of the authority. Its membership of eight other persons allows for at least two employees of the colleges of advanced education and two officers of the Further Education Department. The functions of the committee are detailed in clause 18 and comprise the examination of and recommendations on the academic standard of courses submitted by appropriate persons and bodies. Thus the authority, like the present Board of Advanced Education, is an agent and an integral part of the operations of the Australian Council on Awards in Advanced Education. One difference is that the clause allows all post-secondary institutions to submit courses; universities however will do so only at their own initiative. A further significant difference between the accreditation powers of the authority and those of the board is the extension of the powers of the former to the majority of courses offered by the Further Education Department.

These powers are closely defined in clause 19. Subclause (1) of this clause does not permit a prescribed post-secondary institution to offer a course not provisionally approved while subclause (2) states that awards will be conferred only on people who have completed an accredited course. The implication of these two is that accreditation must take place before the first students graduate. Subclause (3) provides for the continued approval or accreditation of any courses previously approved or accredited by the Board of Advanced Education, the South Australian Technicians Certificate Board or the Director-General of Further Education. The clause is not applicable to courses offered under the auspices of the Apprentices Act since they are already more appropriately covered. Clause 20 provides for the duration of an accreditation.

Clause 21 permits the authority to establish committees to assist in the performance of its duties. In addition to accreditation there will obviously be a need to establish committees in the areas of co-ordination and forward planning. Expenses and allowances (if any) involved in these committees are subject to Ministerial approval. It will be in the committee area of the authority's activities that the post-secondary institutions will have a direct voice. Subclause (2) of clause 21 enables the authority to appoint knowledgeable people to assist in specific areas. Clause 22 empowers the authority, subject to Ministerial approval, to appoint the necessary staff. Subclause (2) of clause 22 permits the authority to employ staff on such terms and conditions as the Minister may approve and subclauses (5) and (6) alternatively to employ staff under the Public Service Act; but (4) confers on the staff of the authority the right to participate in the South Australian Superannuation Fund whatever the nature of their appointment. Clause 23 enables the authority, with Ministerial approval, to use the services of officers of the Public Service and of the teaching service of both the South Australian Education Department and the Further Education Department. Clauses 24 to 25 and clause 26 relate to the auditing of accounts, the annual report, financial provision and the power to make regulations. They represent the normal provisions for legislation of this type.

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

EDUCATION ACT AMENDMENT BILL

Second reading.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

It amends the Education Act on a number of miscellaneous subjects. First, the Bill deals with those provisions of the principal Act relating to long service leave. The amendments are designed to give teachers the same rights to long service leave as are presently enjoyed by public servants, that is to say, it provides for the accrument of 15 days long service leave per year after 15 years serice. As in the case of the Public Service Act, the notion of "effective service" is substituted for "continuous service". This concept permits greater flexibility in dealing with prior service in other occupations, periods of leave without pay, and all the various permutations and combinations of circumstances that have to be dealt with in assessing entitlement to long service leave. The amendments relating to long service leave are to be retrospective to 1 January 1978.

Secondly, the Bill proposes an important change in the definition of "non-government school". It is proposed that only such schools as are approved by the Minister should qualify as "non-government schools". At present, it is possible for private individuals to establish substandard *quasi* educational operations. Where these meet the fairly loose criteria relating to "non-government schools" there is no power to enforce attendance of the children enrolled at these spurious "schools" at more adequate educational establishments. It is felt, therefore, that the introduction of a Ministerial power of approval is justified. It is intended that the Minister will exercise his powers on the basis of recommendations of the Advisory Committee on State Aid to Non-Government Schools.

The Bill also empowers the Minister to enter the field of pre-school education. It expands the disciplinary powers available against officers of the teaching service under the principal Act. It deals with the commencement of awards of the Teachers' Salaries Board. It provides for a single Advisory Curriculum Board instead of separate boards for primary and secondary education, and it makes the provisions of the Act dealing with borrowings by school councils more flexible. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 amends section 5 of the principal Act by inserting a definition of "effective service" in relation to officers of the teaching service. The Minister is empowered to determine whether certain periods should or should not be regarded as periods of effective service. Clause 5 repeals section 18 of the principal Act in consequence of the new definition of "effective service". Clauses 6, 7 and 8 contain the new provisions relating to long service leave. *Pro rata* leave which was available after five years service in certain circumstances is gradually to be phased out and will in future be available after seven years irrespective of the reason for cessation of the officer's service.

Clause 9 amends section 5 of the principal Act. A new definition of "Government school" is inserted to reflect the possible provision of pre-school education at Government schools by the Minister. The definition of "non-government school" is amended to provide that only such schools as are approved by the Minister will constitute non-government schools for the purposes of the Act. A definition of "pre-school education" is inserted. Clause 10 amends section 9 of the principal Act which deals with the general powers of the Minister. The amendment empowers the Minister to provide pre-school education at Government schools.

Clause 11 is a consequential amendment. Clause 12 deals with the probation of officers of the teaching service. The amendment provides that the probation may be for a period not exceeding two years of effective service. Clause 13 deals with disciplinary powers that may be exercised against an officer of the teaching service. The amendment provides for a reprimand, the imposition of a fine not exceeding one week's salary, or reduction in classification or suspension from duty. Clause 14 deals with the date on which an award of the Teachers' Salaries Board shall come into operation.

Clause 15 amends an obsolete reference in the principal Act. Clause 16 is a consequential amendment providing that only registered teachers may be employed in Government schools in positions relating to the provision of pre-school education. Clause 17 deals with the appointment of an Advisory Curriculum Board. Clause 18 establishes a flexible basis for regulating the borrowing of moneys by school councils.

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

FURTHER EDUCATION ACT AMENDMENT BILL

Second reading.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

Its purpose is to introduce amendments to the long service provisions of the Further Education Act in line with provisions already made in other parts of the public sector. At the same time opportunity is taken to present a number of amendments, largely of a machinery nature, concerned with the application and administration of the Act, appointment and disciplinary procedures applying to teaching staff appointed under the Act, the licensing of private colleges of further education, and certain of the regulation-making powers of the Act. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part I—Preliminary:

Part I specifies the title of the amended Act and the dates on which various parts of the Bill are to come into operation.

Part II—Long Service Leave Amendments:

This part sets out amendments to the long service leave provisions of the Act. These amendments are identical in all respects with amendments to the Education Act already outlined.

Part III—Other Amendments:

Clause 9—Amendment to Section 5 of the Principal Act:

The purpose of section 5, which lists areas of instruction to which the Act does not apply, is to exempt various bodies, such as schools and universities, from the licensing provisions of Part V of the Act. The amendment proposed in clause 9 *(c)* adds theological colleges and religious bodies to those specifically exempted.

The amendment in clause 9 *(a)* is intended to remove any uncertainty about whether the wording of the present section 5 might inadvertently limit the Department of Further Education's own provision of courses of a "secondary" nature, such as adult matriculation, Aboriginal education and courses linking school and college of further education instruction.

Clause 10—Amendment to section 6 of the principal Act:

Subsection 6 *(c)* is amended by the substitution of the words "Tertiary Education Commission" in place of "Australian Commission on Advanced Education" to comply with current Commonwealth terminology.

Clause 11—Amendment to section 15 of the principal Act:

In the same terms as a corresponding amendment to the Education Act, the wording of subsection 15 (4) providing for a maximum of two years probation is amended so that the two years are of effective service, thus allowing for teachers who may be on leave for a proportion of the probationary period.

Clause 12—Amendment to section 26 of the principal Act:

Section 26 is the section specifying disciplinary procedures for officers of the teaching service. Following a proposed amendment to the Education Act, and with the agreement of the Institute of Teachers, a wider and more flexible range of penalties is introduced. The changes are that the possible fine, previously limited to $50, will now be limited to an amount not exceeding one week's salary; and it will be possible to suspend an officer from duty for a period not exceeding one year.

Clause 13—Amendment to section 37 of the principal Act:

Under the present legislation, licences for private colleges controlled by the Act must be issued for three years. This is unsatisfactory in the case of new establishments whose actual performance cannot be judged, so that the new subsection 37 (2) allows you to issue what is in effect a provisional licence.

Subsection 37 (3) is the same as the present subsection 37 (2), allowing you to cancel or suspend a licence, but subsections 37 (4) to 37 (6) introduce standard "natural justice" provisions to regulate your cancellation or suspension of a licence.

Clause 14—Amendment to section 39:

Section 39 previously stated that a licence to operate a

private college is not transferable. This is inconvenient in the case of the sale of a college, death of the owner, etc., and the new section allows the transfer of a licence or a variation of the terms of an existing licence (e.g. transfer of premises).

Clause 15—Amendments to section 43:

Section 43 sets out the regulation-making powers of the Act.

(i) Present subsection 43 (2) *(d)* allows for the making of regulations concerning courses of instruction, but needs additional wording to allow for the making of awards to be given at the completion of such courses of instruction.

(ii) Present subsection 43 (2) (i) is concerned with parking on college grounds but suffers from certain technical deficiencies. The new regulation contains "expiation" and "evidentiary presumption" provisions (the latter meaning that it may be assumed that the car's owner is the parking offender) which would allow the adoption of a "parking ticket" system.

(iii) The Minister has agreed to a request by the Institute of Teachers that there should be a Further Education regulation specifying a general ground for appeal against administrative decisions. To do this it is necessary that the word "specified" be deleted from the regulation-making power.

(iv) Present subsection 43 (2) *(m)* (iv) allows the Minister to set maximum fees for courses of instruction in private colleges. This has always been done on a college-by-college basis and this is considered preferable to attempting to set hypothetical fees for a range of subjects. Some doubt has arisen as to whether the present wording justifies this approach and the amended wording is designed to validate regulations which allow the fee proposals of each college to be considered on their merits.

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

CHILDREN'S PROTECTION AND YOUNG OFFENDERS BILL

(Continued from 20 February. Page 2713.)

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Constitution of Children's Court."

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

Page 5, line 20—Delete "or magistrate".

Amendment carried; clause as amended passed.

Clause 9—"Jurisdiction of Children's Court."

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

Page 5, after line 38—Insert subclause as follows:

(3a) In addition to the powers conferred by subsection (3) of this section, the Children's Court shall have the following powers:

(a) in relation to any proceedings under Part III of this Act, the power to hear and determine any matter *ex parte* in such circumstances as the Court thinks fit;

and

(b) in relation to any proceedings to which subsection (3) of this section applies, any prescribed power.

Amendment carried.

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

Page 5, lines 39 to 42—Leave out subclause (4) and insert subclause as follows:

(4) The provisions of the Justices Act, 1921-1976, shall, subject to this Act and the regulations, apply *mutatis mutandis* to and in relation to any proceedings in the Children's Court upon a complaint against a child and, for the purposes of any such proceedings (other than a preliminary examination), the Children's Court shall sit aa a court of summary jurisdiction.

Amendment carried; clause as amended passed.

Clauses 10 to 12 passed.

Clause 13—"Service of application."

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

Page 7, lines 27 to 29—Leave out subclause (2) and insert subclause as follows:

(2) The application shall be served personally or, in relation to a guardian, by post addressed to him at his last known place of abode or employment in any case where—

(a) it is not practicable to serve the application upon the guardian personally; or

(b) the whereabouts of the guardian has not, after reasonable enquiries, been ascertained.

Amendment carried; clause as amended passed.

Clause 14 passed.

Clause 15—"Variation or discharge of orders."

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

Page 8, lines 41 to 43—Delete "unless the court has, by order, dispensed with service of the application upon any such party whose whereabouts is unknown to, and is not after reasonable enquiries ascertainable by, the applicant" and insert "in the manner provided by subsection (2) of section 13 of this Act."

Page 9, lines 12 to 15—Leave out subclause (7).

Amendments carried.

Clause 16—"General power of adjournment."

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

Page 9, lines 18 to 20—Leave out subclause (2).

I believe that the subclause unduly restricts the power of the court. The court always must have power to adjourn if it sees fit, and courts usually do not adjourn matters without reason.

The Hon. T. M. CASEY: The intention of subclause (2) is to ensure that cases are not prolonged. It is in the interests of justice that a child shall be dealt with as speedily as possible and the subclause ensures that this will occur. If the provision is removed, that will not be the case.

The Committee divided on the amendment:

Ayes (10)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, 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 CHAIRMAN: There are 10 Ayes and 10 Noes. To enable the amendment to be further considered, I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 17 and 18 passed.

Clause 19—"Detention of children suspected to be in need of care."

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

Page 10—

Line 4—After "purpose" insert "by the Minister".

Line 7—Delete "and" and insert "or".

Line 7—After "physical" insert "or mental".

Amendments carried; clause as amended passed.

Clauses 20 to 22 passed.

Clause 23—"Powers of Director-General."

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

Page 11, line 17—After "purpose" insert "by the Minister".

Amendment carried; clause as amended passed.

Clause 24 passed.

Clause 25—"Application of this Division."

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

Page 12, line 6—Delete "any prescribed offence under" and insert "any offence, other than a prescribed offence, under the Motor Vehicles Act, 1959-1978, or".

Amendment carried; clause as amended passed.

Clauses 26 and 27 passed.

Clause 28—"Functions of screening panel."

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

Page 12, line 38—Leave out subclause (4) and insert subclause as follows:

(4) There shall be no appeal against a decision of a screening panel.

Amendment carried; clause as amended passed.

Clauses 29 to 34 passed.

Clause 35—"Duties and powers of children's aid panels."

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

Page 14—

Line 35—Delete "and".

After line 38—Insert paragraph as follows:

and

(d) must explain to the child the implications to the child according to whether he is dealt with by the panel under this Division or his case is brought before the Children's Court.

Amendment carried; clause as amended passed.

Clause 36—"Panel to refer matter to Children's Court in certain circumstances."

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

Page 15—

Line 28—Delete "or".

After line 30—Insert paragraph as follows:

or

(d) the panel is of the opinion that it is in the interests of the child, or the interests of the community, to do so.

Clause 36 sets out certain matters that a children's aid panel can refer to the Children's Court. This amendment seeks to add another matter, so that a matter can be referred when the panel is of the opinion that it is in the interests of the child or of the community to do so. This is a general and, I suggest, proper power to refer a matter to the court.

The Hon. T. M. CASEY: I cannot accept the amendment, as it would make the whole system of dealing with young offenders extremely complicated and cumbersome. Under the Bill, the screening panel decides whether a child has to be dealt with by a children's aid panel or by the Children's Court. To empower a children's aid panel to refer a matter to the court where it is of the opinion that it is in the interests of the child or the community to do so implies that the panel is incompetent to make that decision.

Further, it would mean that, in cases where the children's aid panel decides to refer a matter to the court on this basis, the child and its parents are put in a situation where the length of time before the matter is finally dealt with is extremely prolonged. It also creates a high level of uncertainty for both the child and his parents. I therefore ask the Committee not to accept the amendment.

The Hon. J. A. CARNIE: I am disappointed that the Government will not accept the amendment, which seems to be an eminently sensible one. It was stated in evidence before the Select Committee that on occasions further information obtained during an interview might become known to the panel after it had made a referral, and it would not, therefore, have the right to refer direct. "Shall" referred to in subclause (1) does not really cover the situation. I therefore ask the Minister further to consider the matter and accept the amendment.

The Hon. ANNE LEVY: Despite the point made by the Hon. Mr. Carnie, the Committee has just amended clause 28 (4), which enables the screening panel to re-examine the matter and to change its mind if new information becomes available. It is no longer necessary to amend clause 36, the case referred to by the Hon. Mr. Carnie having already been covered by the amendment to clause 28.

The Hon. J. C. BURDETT: Notwithstanding the powers of the screening panel, it is proper that the aid panel, when it is dealing with the matter, should itself have the right to refer the matter to the court.

The Committee divided on the amendment:

Ayes (10)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, 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 CHAIRMAN: There are 10 Ayes and 10 Noes. I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 37 to 41 passed.

Clause 42—"Apprehension."

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

Page 16, line 33—After "with a person" insert "(where practicable)".

Amendment carried; clause as amended passed.

Clause 43 passed.

Clause 44—"Powers of court upon remand."

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

Page 17, lines 9 to 11—Delete "for a period not exceeding twenty-eight days, to be detained in a place (other than a prison) approved by the Minister" and insert:

—(i) where the court has committed the child to an adult court for trial pursuant to any of the provisions of this Part—until the child is released or delivered in due course of law;

or

(ii) in any other case—for a period not exceeding twenty-eight days,

to be detained in a place (other than a prison) approved by the Minister.

Amendment carried; clause as amended passed.

Clause 45 passed.

Clause 46—"Committal to adult court at request of child."

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

Page 17, lines 24 to 29—Leave out clause 46 and insert clause as follows:

46. (1) Subject to section 47 of this Act, where a child who is charged with an indictable offence requests trial by jury in an adult court, the Children's Court—

(a) if it is satisfied that the child has received independent legal advice with respect to the implications to him of trial in an adult court, shall conduct a preliminary examination; and

(b) if it is then satisfied that there is a case to answer, shall commit the child for trial in the appropriate adult court.

(2) A child may not make a request under this section—

(a) if an application made by the Attorney-General

under section 47 of this Act is pending determination; or

(b) if, pursuant to such an application by the Attorney-General, an order has been made that the child be tried in an adult court.

Amendment carried; clause as amended passed.

Clause 47—"Committal to adult court for trial or sentencing upon application by Attorney-General."

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

Page 17—

Lines 39 to 42—Leave out subclause (3) and insert subclause as follows:

(3) Where a member of the police force who has laid a complaint against a child is of the opinion that the child is one in respect of whom the Attorney-General is likely to exercise his powers under this section, that member may notify the Children's Court accordingly and the Children's Court shall not proceed to deal further with the child until the Attorney-General advises the Court that no such application is to be made, or until any such application is determined or withdrawn.

Line 44—After "is made" insert "and furnish a copy of the statement of any proposed witness for the prosecution".

Page 18, lines 7 and 8—Leave out subclause (7).

Amendments carried; clause as amended passed.

New clause 47a—"Committal to adult court by the Children's Court."

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

Page 18, after line 8—Insert new clause as follows:

47a. The Children's Court may, at any time during the course of proceedings against a child charged with an indictable offence, commit the child to the appropriate adult court for trial or sentence, as the case may require, if the Court is of the opinion that it is desirable in the interests of the administration of justice to do so.

The Hon. J. A. CARNIE: I support the new clause. The Bill, as drafted, does not provide for the Children's Court to be able, at its own discretion, to refer a matter to an appropriate adult court. Clause 46 allows a referral to the Supreme Court at the request of the child, and clause 47 allows an application to the Supreme Court by the Attorney-General. Whilst it is contended that a judge of the Children's Court is sufficiently qualified to hear any matter, there may be cases where a judge considers that justice would best be served if the matter was determined in the appropriate adult court. For that reason, I support the amendment.

The Hon. T. M. CASEY: The Government cannot accept the new clause. I would have liked the Hon. Mr. Carnie to give an example of what he was referring to because, if he cannot do that, his argument is difficult to follow. The amendment implies that the Attorney-General shall not be entrusted solely with the responsibility for applying for a matter in the Children's Court to be heard in the Supreme Court. The amendment provides that the Children's Court may at any time (and I stress the words "at any time") during the course of proceedings commit a child to the appropriate adult court. This would create much uncertainty for the child and his counsel, and it is contrary to all concepts of justice and procedures in the adult sphere. I therefore cannot accept the new clause.

The Committee divided on the new clause:

Ayes (10)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, 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 CHAIRMAN: There are 10 Ayes and 10 Noes. I give my casting vote for the Ayes.

New clause thus inserted.

Clause 48 passed.

New clause 48a—"Provisions relating to pleas in the Children's Court."

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

Page 18, after line 11—Insert new clause as follows:

48a. (1) Where a child is charged with any offence, he shall, unless he is to be tried in an adult court pursuant to this Act, plead guilty or not guilty to the charge at the commencement of his trial in the Children's Court, and the Court shall proceed to deal with the matter summarily.

(2) Where a child has pleaded guilty to a charge of an offence, the Court may, at any stage of the proceedings, if it is of the opinion that the child may not be guilty of the offence charged, order that the plea of guilty be withdrawn and a plea of not guilty be entered.

(3) Where the Court has exercised its powers under subsection (2) of this section, the child is not entitled to plead autrefois convict by reason of his plea of guilty.

New clause inserted.

Clause 49—"Provisions relating to verdict of court."

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

Page 18, lines 15 to 25—Leave out subclauses (2), (3), (4) and (5).

The provision in the Bill is remarkable, and restricts the power of the court and the need of the court to take the time it needs to see that justice is done. I sympathise with the thought behind the subclause. Much of this Bill is directed at trying to ensure that provisions in relation to children are quick. There is a saying, "Quick justice is good justice", and probably nowhere is that more true than when dealing with children. It is undesirable for a child to have any kind of charge hanging over his or her head, and the evidence given to the Select Committee by Judge Newman indicated that in most cases (and I know from my own experience that this is the case, particularly with children) the courts give the verdict there and then if they possibly can and do not reserve judgment. Nevertheless, there may be a few complicated cases where it is not possible for the judge or magistrate to do justice if he has to deliver his judgment by 5 o'clock in the afternoon of the next day. In some cases it will be necessary for him to read through several days of evidence, and to consider the matter before he can come to a proper decision. We can trust the bench to carry out the part of the spirit of the Bill and to deliver the decision as soon as it reasonably can and in accordance with justice. A quick decision is not much good if it is a wrong decision.

The Hon. T. M. CASEY: Subclauses (2), (3), (4) and (5) are intended to ensure that matters in the Children's Court are dealt with speedily. This is in the interests of both the child and the community. I agree with the Hon. Mr. Burdett's comment that most of these cases are put through speedily: I believe that the percentage is about 95, which gives some idea of the verdicts that are delivered immediately after the trial. If we are to maintain this percentage of speedy verdicts, subclauses (2) to (5) should remain. Therefore, I cannot accept the amendment.

The Hon. K. T. GRIFFIN: I support the amendment. The evidence given before the Select Committee by Judge Newman, the senior judge in the present Juvenile Court, was quite clear on the point that a time limit ought not to be imposed, and he gave several good reasons for that. He conceded that, in some 95 per cent of cases at present, judgment is given immediately, but the balance of the cases are difficult ones which need some consideration. On page 26 of his evidence he states:

I think this will encourage people to give badly-considered

judgments. Also, it does not give any opportunity to study the law. It is a very different situation from a higher court, where you have had preliminary examination, where the issues are at least reasonably clear in everyone's mind, where counsel is obliged to give lists of authorities which will be relied on in argument, and where things move in a fairly leisurely pace. It will not work in a court of summary jurisdiction, where people just come in and the matter starts from scratch.

Further in his evidence he states:

You will have people resorting to devices.

He was referring to judges and magistrates. He continues:

They will say, "I will not let you finish your final address today. We will adjourn for a month while I consider what you have said so far." You can put this through, but it will not work. I am alarmed by it.

Further on he refers to the number of cases that are presently dealt with immediately, and he refers to other difficulties. In answer to a question about how many judgments are delivered immediately, he states:

I base that upon the fact that I see all judgments. Regarding delays in judgments, I would be most guilty in this respect because I do all of the serious trials in the metropolitan area. I make it a practice to deliver my judgments within a month; that is because I am on trials three days a week. I am in court every day on trials. I do not take days out of court to write judgments. I do them at night or when something collapses. I can therefore make the best use of my time. By all means have time limits like this, but be prepared to appoint more judges or magistrates, because the business of the courts must go on. Writing judgments means that you have to put aside appointments already made. You will not get the work done with the same number of people.

They are strong and persuasive reasons why this time limit should not be imposed. Although it would not be used in a majority of cases, if it is used in a small percentage of cases where thought must be given to the argument presented, there are likely to be difficulties and, rather than promoting the cause of justice, it is likely that injustice will creep in. That will not be in the best interests of the defendant. I support the amendment.

The Hon. F. T. BLEVINS: The Hon. Mr. Burdett made out the best case for retaining this clause. Children are less able to deal with the mental trauma of waiting for sentence, and the honourable member conceded that. Any inconvenience to judges or the court is secondary. That is not unreasonable when balanced against the interests of the child, who is of paramount importance. I support the clause as it stands.

The Hon. J. C. BURDETT: The honourable member has misunderstood me—

The Hon. F. T. Blevins: I'm sorry, it was the Hon. Mr. Griffin.

The Hon. J. C. BURDETT: He, too, was not considering the court's convenience. I refer to the need for the court to have the ability to do justice. Although acknowledging trauma, there is a greater trauma if the child is done injustice. It must be left to the court, where necessary, to have time to be satisfied.

The Hon. ANNE LEVY: I oppose strongly the amendment for the reasons given by the Hon. Mr. Blevins and the Minister. A child's welfare is of paramount importance. Any comparison with an adult court is not fully valid. True, a jury can give a verdict before 5 p.m. the next day, and the time required is not lengthy. It was suggested that this is a different matter from just giving a verdict, because the judge must give reasons about whether or not the child is guilty, but, if a jury can decide an adult's guilt within a few hours, a judge can do so even more rapidly. The judge must give not only reasons but also a verdict, and I appreciate that matters of law and other work are involved, but in an adult court, after summation by counsel, a judge immediately sums up with the jury, including all the points of law raised in the trial.

In such cases he has no time; he does not have until 5 p.m. the next day to consider those points. If a judge in an adult court is expected to do that, it is not unreasonable for a judge in the Children's Court to produce the same reasons by 5 p.m. the next day. The decision will take no longer whether it be in the Children's Court or an adult court.

The Hon. J. A. CARNIE: As I agree that the welfare of the child is of paramount importance, I support the amendment. Judges of the Children's Court are not ogres; they want to deliver judgments in the best interest of the children and of the community. In his evidence Judge Newman said that in most cases he gave his judgment either immediately or within the time limit imposed by this Bill.

There could be occasions when that was not practicable. The Hon. Miss Levy has mentioned an adult court, and I am sure that she knows of cases where judges reserve judgment for several days so that they can study the evidence and the law. It could be that a judge, forced by the constraints of the Act, would have to give a judgment when he did not have the time to do so. He may write a hasty judgment that is not in the best interests of the child. I am sure that what is being done now will continue and that judgment will be given within a reasonable time.

The Hon. J. C. BURDETT: I agree that, in those cases where the judge can decide on the spot, he can give his judgment and then give his reasons later, but this will not always happen. The analogy with a jury trial is not a good one, because there is a difference between dealing with children and dealing with adults. Juries take a different attitude from a judge. There will be cases in which a judge cannot genuinely decide on the spot. He will want to read his notes of what counsel has said before he gives judgment.

Further, a principle is involved. We have a separation of powers between the Executive, the Legislature, and the Judiciary. For the Legislature to take it on itself to say that a court must make a decision by 5 o'clock on the next day is an undue interference.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, R. C. DeGaris, R. A. Geddes, K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

Noes (9)—The Hons. 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 CHAIRMAN: There are 9 Ayes and 9 Noes. I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 50—"Powers of court on finding child guilty."

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

Page 20, line 20—After "licence" insert ", except for such purposes (if any) as may be specified in the order".

Amendment carried; clause as amended passed.

Clauses 51 to 54 passed.

Clause 55—"Sentencing of children guilty of homicide or committed to adult court on application of Attorney-General."

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

Page 22—

Line 12—Delete "or".

Line 15—After "in that court," insert "or upon committal by the Children's Court for trial in that court;".

After line 15—Insert paragraph as follows:

or

(c) has been committed by the Children's Court for sentence by an adult court,

The Hon. T. M. CASEY: The proposed amendments are consequential on the acceptance of new clause 47a. Proposed paragraph *(c)* implies either that the Children's Court is incapable of sentencing in certain situations or, alternatively, that the Attorney-General would not make application for matters to be heard in the Supreme Court when this was appropriate.

In addition, if one accepts the necessity for new clause 47a, as the Hon. Mr. Burdett does, it implies that the Children's Court is not capable of deciding that a matter should be committed for trial in an adult court. The amendments would create uncertainty for the child and his counsel.

The Committee divided on the amendments:

Ayes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, and D. H. Laidlaw.

Noes (9)—The Hons. 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.

Pair—Aye—The Hon. K. T. Griffin. No—The Hon. D. H. L. Banfield.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable the amendments to be further considered, I give my casting vote for the Ayes.

Amendments thus carried; clause as amended passed.

Clauses 56 to 63 passed.

Clause 64—"Absolute release from detention by court."

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

Page 26, after line 37—Insert subclause as follows:

(3) An order shall not be made under subsection (1) of this section unless the Commissioner of Police has received reasonable notice of the application and has been given a reasonable opportunity of making such representations to the court as may be relevant to the application.

The Hon. J. A. CARNIE: I support the amendment. It seems reasonable that the Police Department should have some say in whether a child is released from a training centre. The spirit of the provision, as it stands, is not challenged, although it is considered to be too broad. No provision is made for an appropriate agency to make a submission to the board opposing a release. It is suggested that such an agency should be the police, as it is not hard to contemplate situations in which releases could be refused in the light of information held by the police.

In no way does this amendment remove the court's power to release a child: it simply provides that the police shall be notified that an application for release is being made. After all, the Police Department would have the child's record, and might know something that it thinks the court should know before making a decision. After considering the police evidence, the court could still decide that the child should be released.

The Hon. T. M. CASEY: I cannot accept the amendment, because it is unnecessary. The honourable member said that the police would want to be told that an application for release was being made. Of course, the court has power to involve the police if it so desires. The court will have the facts of the original case before it, including a report from the Training Centre Review Board. If the child had committed an offence since his release from the training centre, the matter would have been dealt with either by the court or by the children's aid panel, and the court would be aware of this. Administratively, the police will be told as a matter of course, anyway. I therefore oppose the amendment.

The Hon. ANNE LEVY: I support what the Minister has said. It seems to me that this amendment imposes something in relation to children that does not apply even to adults. In relation to adult persons, the Parole Board does not submit applications to the Police Department to obtain its comments. Once the police detect an offender and take him to court, the judicial system then tries the person and, if he is convicted, the Correctional Services Department looks after him. It seems unreasonable to impose on the discharge of children from a training centre a condition that does not apply to adults.

The Hon. J. C. BURDETT: I suppose that in a broad sense the provisions of Division VI of Part IV could be said to involve a parole procedure. However, the Training Centre Review Board does not operate in the same way as does the Parole Board. I can therefore seen no reason why there should be any objection to this amendment, which really only requires that the police be notified and that they have an opportunity to make representations. Finally, of course, the matter is left to the court to decide.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, and D. H. Laidlaw.

Noes (9)—The Hons. 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.

Pair—Aye—The Hon. K. T. Griffin. No—The Hon. D. H. L. Banfield.

The CHAIRMAN: There are 9 Ayes and 9 Noes. I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 65 to 75 passed.

Clause 76—"Appeals from order, etc., under Part IV."

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

Page 29, line 12—After "from any" insert "final".

Amendment carried; clause as amended passed.

Clauses 77 and 78 passed.

Clause 79—"Reconsideration of sentence by Children's Court."

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

Page 29, after line 40—Insert subclause as follows:

(2a) Where an application has been made under this section for reconsideration of a sentence of detention, the Court may, upon application by or on behalf of the child, release the child from detention upon bail upon such conditions as the Court thinks fit.

Page 30, line 7—Delete "of an order".

Line 8—Delete "that order" and insert "the order in respect of which reconsideration is sought".

Amendments carried; clause as amended passed.

Clauses 80 to 90 passed.

Clause 91—"Persons who may be in court."

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

Page 34, line 32—Delete "lawyers" and insert "counsel or solicitors".

In the Juvenile Courts Act of the 1940's, when we had a similar clause, the term used was "counsel or solicitors". I am not aware of any Act of the South Australian Parliament which uses the term "lawyers" when it refers to qualified legal practitioners practising the law. The term "lawyers" has a meaning known to the public, and it is used in the profession, but it is not used to mean or describe counsel or solicitors. The term "lawyer" includes academic lawyers (university lecturers and professors),

most of whom do not practise law at all. We speak of judges and magistrates as being good or bad lawyers, according to our opinion of them, but they, again, do not practise law. However, when we speak of practitioners who in the course of their duties represent clients, we speak of counsel or solicitors. When a practitioner is admitted by the Supreme Court, he is admitted as a barrister and solicitor.

In the Statutes it is important to use the precise term. The Parliamentary Counsel said she preferred the term "counsel or solicitors" because it was more precise, but it was apparent during the discussion in the Select Committee that the use of the term "lawyers" was an attempt to make the legislation more readily understood by the man in the street. No doubt the man in the street knows what the term means, but the type of person who will read an Act of Parliament will also know what the term "counsel or solicitors" means. So, it will not help to use the term "lawyers". Whilst agreeing everything should be done, consistent with certainty, to make Acts of Parliament more readily understood, I believe that certainty is a necessity.

The Hon. F. T. BLEVINS: I oppose the amendment. When drafting laws, surely the idea is to make them readily understood by as many people as possible; that is why the term "lawyers" should be used, rather than the term "counsel or solicitors". The Hon. Mr. Burdett's attitude is elitist and patronising. We should draft laws with the ordinary person in mind. The evidence of the Parliamentary Counsel was not quite what the Hon. Mr. Burdett said it was; the Parliamentary Counsel said there was nothing wrong with the term "lawyers" which, used in this context, would be readily understood. I got a different impression from that of the Hon. Mr. Burdett. If we defeat his amendment, we will set a very good precedent. If one says to the man in the street, "Go to counsel, a solicitor or barrister," he says, "Does that mean that I have to see a lawyer?"

The Parliamentary Counsel agreed that there was nothing wrong with this word. Everyone understands the term, and it will be a good precedent to include it.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, and D. H. Laidlaw.

Noes (9)—The Hons. 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.

Pair—Aye—The Hon. K. T. Griffin. No—The Hon. D. H. L. Banfield.

The CHAIRMAN: There are 9 Ayes and 9 Noes. I think that any man in the street who gets as far as clause 91 in this Bill will not care whether they are counsel or lawyers. I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 92—"Restriction on reports of proceedings in respect of children."

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

Page 34—

Line 44—Delete "Subject to this section, a" and insert "A".

Line 46—Delete "or before an adult court pursuant to this Act" and insert "other than proceedings under Part IV of this Act".

Page 35—

Line 1—Delete "the result" and insert "a report".

Lines 3 and 4—Leave out all words in these lines.

Line 6—Delete "the result" and insert "a report".

These amendments relate to what may be reported in the press. The purpose is to liberalise what may be published in the press as compared to provisions in the Bill and in the present Juvenile Courts Act. The amendments are designed to enable a report of the proceedings, and the result of the proceedings themselves, to be published, provided that the name of the child is not stated and he is not identified. This is a difficult area. It is important that a child be not identified, and it is also important that offences committed by children be not over-emphasised. Nevertheless, it is equally important that, in the interests not only of justice, but also of the community, where offences are committed by children (particularly offences of some magnitude), the community should be aware that these offences are being committed.

While it is a delicate and difficult area, it is important for the whole community that the press be able to give a picture of what is happening in regard to the children who are a part of the community.

The Hon. T. M. CASEY: I oppose the amendments because, to a large extent, they negate the whole purpose of the Bill. The honourable member said that this was a very difficult area, but now he is trying to fool around with it and is making it even more difficult. The effect of the proposed amendments will be that reporting of matters in the Children's Court will be almost the same as that in an adult court. The Bill is designed on the basis that different procedures are required for dealing with young offenders than are required for adults. I believe the honourable member appreciates that but these amendments will negate that. For those reasons I oppose the amendment.

The Hon. J. A. CARNIE: I cannot follow the Minister's reasoning that these amendments negate the whole purpose of the Bill, because any information that would identify the child by revealing his name, address or school or include any particulars or publish any picture or film calculated to lead to the identification, cannot be published because of subclause (3). All that we and reasonable people in the community want is that the public be aware of trends and the sort of crimes being committed by children. At present reports by the Juvenile Court are usually 12 months late.

The community is entitled to know what are the trends in crime, and that is all these amendments seek to do. The child is entitled to protection, and the amendments do not alter that, but the community also is entitled to know what is going on in respect of child crime.

The Hon. ANNE LEVY: I oppose the amendment strongly. The amendments pander to titillation and sensationalism by the press. Clause 29 permits the result of proceedings to be published. Juvenile crime information published daily in the press will provide the Hon. Mr. Carnie with sufficient information to determine trends, if he is unwilling to wait up to 12 months for the report of the Juvenile Court. A full report, excluding names, is not necessary to indicate juvenile crime trends.

The Select Committee received evidence from people concerned with juvenile offenders, who believed that it was undesirable for full details to be published in the press for the sake of the child. Even without names it can be easy to identify the child. For young offenders committed to, say, McNally, having all the details published could add to their status in the eyes of their peers, and that is undesirable and may hinder their rehabilitation. For many reasons it seems undesirable to publish information other than the result of proceedings in the court. The child's welfare is paramount. Sensationalism and titillation of the community must take a secondary position behind the child's welfare.

The Hon. M. B. CAMERON: I am surprised that the

honourable member seeks such secrecy and privacy, because only a couple of days ago she suggested everyone in the community should disclose their income tax return.

The Hon. Anne Levy: There is a difference between children and adults.

The Hon. M. B. CAMERON: My children will be caught according to what the honourable member wants. I do not agree with the honourable member's views that the press is so irresponsible that it will publish only the titillating and sensational parts of the crimes committed. The welfare of the child is one point, but the community's welfare is important also, and it is entitled to know what are the trends. The press should be able to publish details indicating what is happening in juvenile crime. The tendency towards secrecy is alarming. Some children get too much protection in comparison with the community that they are affecting.

The Hon. N. K. Foster: Not in that respect.

The Hon. M. B. CAMERON: I am not sure about that. We must not go overboard the other way. There should be suppression of names and anything that could identify the child, but the press should not be banned. Next it will be banned from other things. The press is the community's voice and eyes in the court, and we have a right to know what occurs in court.

The Hon. N. K. FOSTER: I oppose the amendment. Has the honourable member forgotten the way in which certain Sydney evening newspapers reported crimes of violence only two years ago? The Opposition's amendments protect the false interests of certain sections of the media, certain newspapers, and certain reporters. No Opposition members have referred to the deterrent effect, yet that view is held by many judges in respect of whether the names of people appearing before them in cases should be suppressed. In regard to child offenders, I agree with the Hon. Miss Levy that for the community to have the details is bad enough, but these amendments would allow the situation to be opened up. I fear that, if the amendments are carried, there will be problems encountered by judges and magistrates regarding the difference between what they think should be done and what the Legislature stated.

It is essential that the child remains unknown to the community. Any form of reporting raises conjecture about whether that principle is endangered. If only one newspaper reports a proceeding, perhaps nothing is disclosed, but if two report it, that may not be the case. The amendments allow for a matter to be reported and disclosed. The provision should not be interfered with, and the Hon. Mr. Burdett should withdraw his amendments, as he is a member of the legal profession and should realise, from his own experience, that many matters should not be reported, especially as some people in the community go to any lengths to determine the identity of juveniles concerned. A dangerous attitude today is that matters of juvenile crime do not get sufficient publicity.

The Hon. J. C. BURDETT: Under the amendment, unless specifically ordered to the contrary, the name or address cannot be published. Also, the court would still have power to suppress the report. Our newspapers are more responsible than to be guilty of sensationalism and titillation. I certainly was not motivated by protection of the interests of the media when I moved the amendment. In fact, the media has not shown much interest in the matter. Representatives did not give evidence to the Select Committee and there were only two short submissions to the committee from the media, one being from the *Advertiser* and one from the *News* and *Sunday Mail*. We should be concerned that the media has proper opportunity to report matters of interest, but that was not my motive. My concern was that people were entitled to know about their children and what happens to them in courts.

The Committee divided on the amendments:

Ayes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, and D. H. Laidlaw.

Noes (9)—The Hons. 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.

Pair—Aye—The Hon. K. T. Griffin. No—The Hon. D. H. L. Banfield.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To allow the matter to be further considered, I give my casting vote for the Ayes.

Amendments thus carried.

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

Page 35, line 17—Delete "ten" and insert "one".

The clause provides a penalty of $10 000 for publishing the name, and so on, without permission, and that seems to be out of proportion to the severity of the offence. A penalty of $1 000 would be more adequate and more in keeping with the general run of penalties.

The Hon. T. M. CASEY: I cannot accept the amendment, because, if we are to have a deterrent, we must make the penalty reasonably high. We are dealing with big business now, and a newspaper carrying a good headline may sell 100 000 copies. I think that a penalty of $10 000 is adequate.

The Hon. M. B. CAMERON: Surely the Minister does not expect a country newspaper that may transgress in a small detail to face a penalty like this. It is ridiculous, far too high, and not necessary.

The Hon. N. K. FOSTER: The newspapers would not care if the penalty was $100 000, because they insure against writs. They weigh the matter not on cost to themselves but on whether something will increase sales.

The Hon. J. C. BURDETT: Newspapers do not insure against fines, but they do against damages. The offender may be a major newspaper, a small country newspaper, or an individual.

The Hon. R. C. DeGARIS: The penalty should fit the crime, not the ability of any particular group to pay. What has been said today goes against any concept of justice. To say that a penalty is fixed so that a person who may offend can afford to pay is wrong. If the Committee considers that $10 000 is too high, it should reduce the penalty in relation to the crime.

The Hon. T. M. CASEY: I could not agree more with the Leader, as the $10 000 referred to in the Bill is the maximum penalty. The court will decide how serious the case is and how severe the penalty should be.

The Hon. J. E. Dunford: It will impose a penalty to fit the crime.

The Hon. T. M. CASEY: That is so. What the Hon. Mr. DeGaris has said is absolutely correct, and I agree wholeheartedly with him. If the minimum penalty was $10 000, the court would have to impose it. However, that is not the case and there is, therefore, no reason why the maximum penalty should not be $10 000.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, and D. H. Laidlaw.

Noes (9)—The Hons. 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.

Pair—Aye—The Hon. K. T. Griffin. No—The Hon. D. H. L. Banfield.

The CHAIRMAN: There are 9 Ayes and 9 Noes. I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 93 to 98 passed.

Clause 99—"Transfer of children in detention to other training centre or prison."

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

Page 36, line 33—After "or other place," insert "has, within the period of fourteen days preceding the date of the application, been found guilty of assaulting any person employed, or detained, in that training centre or other place,".

Amendment carried; clause as amended passed.

Remaining clauses (100 to 103) and schedule passed.

Long title.

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

Page 1—After "children;", insert "to provide for the protection of the community and the treatment of young offenders;".

The title of a Bill is indeed important, and there is no point in a Bill's having a long title unless it gives an accurate summary of what is contained in the Bill. More important, a Bill's long title may be used by the courts in interpreting any provision in that Bill. In my view, the title of this Bill should include "to provide for the protection of the community". After all, clause 7 *(e)* contains the words "the need to protect the community". Surely, therefore, that aspect should be considered and, indeed, should be included in the Bill's long title.

The amendment also seeks to add "and the treatment of young offenders" to the long title. It seems ridiculous not to include those words, as most, if not a great part, of the Bill relates to the treatment of young offenders. If these words were added to the long title, they would properly describe the Bill when it became an Act. Also, it would give a fair sort of priority to the objects of the Bill.

The Hon. T. M. CASEY: I cannot agree with the honourable member, as this amendment is absolutely unnecessary. Any legislation that covers criminal matters, as does this Bill, is enacted to ensure the protection of the community. A further reference to the treatment of young offenders is unnecessary, as the current long title provides for the protection, care, and rehabilitation of children. I therefore oppose the amendment.

The Hon. J. A. CARNIE: I am at a loss to understand why the Minister has been so adamant about this amendment as he has been regarding other amendments, most of which have been eminently sensible. As the Hon. Mr. Burdett said, the long title of a Bill must reflect what the Bill is all about: that is its sole purpose. Part of the purpose of this Bill involves the protection of the community to which, as the Hon. Mr. Burdett said, clause 7 *(e)* specifically refers. I cannot therefore understand why the Minister should oppose this amendment, which I support.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, and D. H. Laidlaw.

Noes (9)—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, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. K. T. Griffin. No—The Hon. N. K. Foster.

The CHAIRMAN: There are 9 Ayes and 9 Noes. I give my casting vote for the Ayes.

Amendment thus carried; long title as amended passed.

Bill read a third time and passed.

COMMUNITY WELFARE ACT AMENDMENT BILL

Bill taken through its remaining stages.

MINORS CONTRACTS (MISCELLANEOUS PROVISIONS) BILL

In Committee.

(Continued from 20 February. Page 2720.)

Clause 5—"Guarantees."

The Hon. B. A. CHATTERTON (Minister of Agriculture): I accept the amendments.

Amendments carried; clause as amended passed.

Clause 6—"Approval of minor's contract by court."

The Hon. K. T. GRIFFIN: I move:

Page 2, line 10—Leave out "or limited".

Under this clause, any person who seeks to have infants contracts approved by the court will have the opportunity of making an application for such approval either to the Supreme Court or a local court of full or limited jurisdiction. That is inconsistent with the provisions that appear in clause 8 of the Bill. Clause 8 deals with an application to the court for appointment of an agent to act on behalf of an infant and, for the purposes of that clause, the court to which the application is made is either the Supreme Court or a local court of full jurisdiction. My amendment to clause 6 thereby brings consistency between that clause and clause 8.

The Hon. B. A. CHATTERTON: I accept the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (7 and 8) and title passed.

Bill read a third time and passed.

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

In Committee.

(Continued from 20 February. Page 2740.)

Clause 3—"Interpretation."

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

Page 1, lines 11 to 13—Leave out definition of "electoral candidate".

The title of the Bill is "Members of Parliament (Disclosure of Interests) Bill", but it does not encompass an electoral candidate. Most honourable members, in the second reading debate, dealt with the need to preserve some privacy, yet the Bill goes so far as to drag into the net people who are standing for Parliament. This is quite unwarranted and is not in line with the title of the Bill. The Hon. Mr. Dunford said:

> I concur with Mr. Burdett's comment that if there is a register, there should not be any disclosure unless there is a good reason.

Can any honourable member give a good reason why an electoral candidate should have to disclose his interests on a public register when he may never become a member of Parliament? It would be reasonable to expect him to disclose his interests only if and when he became a member of Parliament. As I believe that this clause goes too far, I oppose it.

The Hon. D. H. L. BANFIELD: The Government cannot accept the amendment. Surely the public should know who and what they are voting for at the time of an election. In the past, if there had been disclosure of interest, some of the people in Parliament now would not be in Parliament. I believe that a person who wants to become a public figure in this area should be prepared to disclose his interests. For those reasons, the Government cannot accept the amendment.

The Hon. M. B. DAWKINS: I support the amendment. I believe that the present provision represents an unwarranted invasion of an electoral candidate's privacy. He may never be a member of Parliament; he may be standing in the interests of his Party, or even as an Independent. The only real justification for expecting a person to disclose is that when he is a member of Parliament he is being paid by the State to serve in the Parliament of that State. Why does the Minister expect candidates to disclose such information, which is an unreasonable and unwarranted intrusion?

The Hon. R. A. GEDDES: The Government must consider the mechanics if it proceeds with this provision. The Bill refers to "the day on which he is nominated as a candidate for election". The Liberal candidate was selected last Monday and the Labor Party candidate will be selected tomorrow, yet the financial details must be submitted on the day of selection. However, it is not until 30 September, even in the case of the Norwood by-election, that the details are presented to Parliament and become public. Several candidates may stand for election, but such information will not become public until then. This is not a reasonable approach to pecuniary interests, which is the information the Government really seeks. I criticise the Minister's argument and, because of his reasons, I am forced to support the amendment.

The Hon. D. H. L. BANFIELD: The honourable member would support the amendment no matter what I said. The Liberal Party has elected a candidate to represent it in the Norwood by-election, but he is not nominated as a candidate until he lodges his nomination paper with the Electoral Department. Even if several candidates are not elected, they offer themselves as public figures. This is how the public can determine which people will represent it. People can exercise greater judgment if they know the interests of candidates.

The Hon. R. C. DeGARIS: The Minister suggests that if the electorate knew all the information it might vote differently and that it is entitled to know what it is voting for. However, this Bill deals only with the disclosure of certain interests and, if the public is entitled to know everything about a candidate, much more information should be included; for example, all convictions should be declared. The argument that the Bill allows electors to know all about a candidate is false, because they will not know everything. They will know only about a person's interests in land, buildings or shares, etc.

The Hon. M. B. CAMERON: I agree totally with the Hon. Mr. DeGaris. It is one thing for a person elected to Parliament to consider a Bill on a matter in which he has a pecuniary interest, but it is ridiculous to suggest that because a candidate has certain assets or certain income-bearing assets, it will affect his judgment.

The Hon. C. M. Hill: It's totally political.

The Hon. M. B. CAMERON: It is. If ever a Bill was exposed as a political Bill it is this one. What difference does it make if a man is a millionaire?

The Hon. R. C. DeGaris: Or if he is on the dole.

The Hon. M. B. CAMERON: True. He can still be an excellent candidate. This provision merely establishes class distinction between candidates, who will be assessed on their income-bearing capacity. What an incredible thing for the Labor Party to do. It should not care whether a man is a total success or failure: it makes no difference to the community's judgment, nor should it, as to what his assets or income might be. If the candidate becomes a member of Parliament, the situation is different, because he then judges a Bill and might have an interest in it, and perhaps a case can be made. It is patently obvious that this is a political move. Now that the Minister has played his game with the Attorney, he should leave the clause alone and forget about it. It destroys absolutely the case that has been put.

The Hon. D. H. L. BANFIELD: The Hon. Mr. Cameron's argument merely reinforces my decision to oppose the amendment, although I had nearly accepted it. When a candidate nominates to represent a Party, the Party goes to the public on certain issues. If it is at the time of, say, the M.A.T.S. report and the Government is to buy houses in transport corridors, etc., surely it would be in the interests of the public to know whether a candidate is a land agent who knows what the corridors are likely to be, whether it is a good idea to buy land, and the like. The public should know about such matters before a candidate is elected to Parliament, instead of his keeping it quiet until he is elected. Once he has access to what is going on, the public would want to know his interests. Is he a land agent? Will he buy land and make a packet out of it? That is what the Bill is about.

Obviously, the Hon. Mr. Geddes has failed to read the Bill, because he claimed that information would not be disclosed until 30 September. I refer the honourable member to the definition of "relevant day", which provides:

> . . . in relation to an electoral candidate—the day on which he is nominated as a candidate for election;

That has nothing to do with 30 September. In relation to the candidates, the relevant day means the day on which he is nominated as a candidate for election.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, and D. H. Laidlaw.

Noes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. K. T. Griffin. No—The Hon. N. K. Foster.

The CHAIRMAN: There are 9 Ayes and 9 Noes. I give my casting vote for the Ayes.

Amendment thus carried.

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

> Page 1, line 16—After "the recipient's family" insert ", the estate of a deceased person,".

"Financial benefit" is defined as any pecuniary sum or other financial benefit but does not include a financial benefit derived from a member of the recipient's family or from public funds. There could be an estate of a deceased person who had been a member of the family and a financial benefit could be going to the member or the member's children.

The Hon. R. C. DeGARIS: The Bill does not require disclosure of financial benefit received from the recipient's family. All we are asking is that money recovered from a deceased member of the family should not be disclosed either.

The Hon. D. H. L. BANFIELD: The Government opposes the amendment on the ground that a deceased person need not necessarily be a relation. He may be a person who was mixed up in some skulduggery from which

he made money that he was passing on to another person who may become involved in the same skulduggery.

The Hon. M. B. Cameron: What a nasty mind you have!

The Hon. D. H. L. BANFIELD: It has happened, and it will happen again. There are nasty little minds opposite, too, from time to time.

The Hon. C. M. HILL: I support the amendment. It seems extraordinary that, if a member of Parliament is receiving income from, say, his mother, he does not have to include that, but, if his mother dies and that same income comes to the member from the mother's estate, he suddenly must disclose it. In view of that, can the Minister explain the reason for not accepting the amendment?

The Hon. D. H. L. BANFIELD: It is easy to make excuses to cover up the situation that I have explained. People try to get on to emotional issues and will do anything to defeat the purpose of the Bill. I have nothing to add.

The Hon. F. T. BLEVINS: The question is easy to answer. If 10 years ago I received from my mother 100 000 shares in Broken Hill Pty. Company Ltd., that would be very relevant to any legislation before Parliament dealing with that company. If the postion arises where many shares or interests are held in a company, that must be disclosed if the Bill is to have validity.

The Hon. C. M. HILL: I am referring not to the capital assets that one inherits but to inheritances in the form of income. I refer, for instance, to the case where a woman's son receives Parliamentary income and, on the mother's death, the executor, in accordance with her wishes, provides her son with income from the estate. That is the situation which I posed and which I should like the Government to consider.

This is an example of what could happen, and it simply follows the provision in the Bill relating to income from a relative. If that relative dies and the same income is given to the member of Parliament, surely it should still be excluded.

The Hon. D. H. L. BANFIELD: It would be all right if the amendment was drawn in a way that would cover that position, but it is not, referring merely as it does to "an estate of a deceased person". It does not refer specifically to a deceased person who happens to be a member of the same family. If the honourable member wants to confine it to the family, why does he not say so?

The Hon. R. C. DeGARIS: I take the Minister's point. The amendment is intended to ensure that, when a member of a recipient's family dies, the same protection exists. Perhaps if the amendment was amended the Minister might be willing to accept it.

The Hon. D. H. L. BANFIELD: If the Leader was willing to amend his amendment in the way to which we have referred, the Government would be willing to accept it.

The Hon. R. C. DeGARIS: After the Committee has dealt with the Hon. Mrs. Cooper's amendment, I should perhaps move to amend my amendment so that it will read "from a member or a deceased member of the recipient's family".

The Hon. D. H. L. BANFIELD: The Government would accept such an amendment. Now that agreement has been reached on this matter, perhaps the Committee could return to it later.

The CHAIRMAN: The Hon. Mr. DeGaris must first seek leave to withdraw his amendment.

The Hon. R. C. DeGARIS: I do so, Sir.

Leave granted; amendment withdrawn.

The Hon. JESSIE COOPER: I move:

Page 1, line 16—Leave out "or from public funds."

I spoke fully on this matter in my second reading speech. If the public has the right to know that a member has a wife employed as, say, a secretary in a private company or as a teacher at a school such as Wilderness, surely it would have as much right to know whether the member's wife was a research assistant in a Government department or a teacher employed at, say, Henley High School. That is an exact parallel. Why should a spouse's income from a private source be included whereas that which comes from public funds is excluded? It is important that people should know whence the income is received. People could indeed be interested in a spouse's income if it came from the public purse.

Amendment carried.

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

Page 2, lines 10 to 13—Leave out definition of "person to whom this Act applies".

As the definition of "electoral candidate" has been removed from the Bill, it is not necessary for it to contain the definition that the amendment seeks to remove. Elsewhere in the Bill where "person" appears it will be amended to "member".

The Hon. D. H. L. BANFIELD: Although the Government does not agree with the principle of the matter, it realises that this amendment is consequential on what happened previously.

Amendment carried.

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

Page 2, lines 14 and 15—Leave out "two hundred dollars or such amount as may be prescribed" and insert "four hundred dollars".

The Bill requires a return to be made every six months, but that is quite unnecessary; it seems to be an "over-kill" situation. This amendment is the first of a series of amendments. The Bill deals with an income of $200 in a six-month period, but I believe that the return period should be changed to a 12-month period. If the Committee decides to change the period from six months to 12 months, the figure of $200 in the definition of "the prescribed amount" should be changed to $400.

The Hon. D. H. L. BANFIELD: We have not yet accepted a change to a 12-month period, and I do not think we will accept it. I therefore believe that the figure of $200 should remain in the definition of "the prescribed amount".

The Hon. R. C. DeGARIS: In effect, the income is not being altered. Really, this is a test vote on whether the returns should be six-monthly or 12-monthly. Because I believe that the returns should be 12-monthly, the sum of money in the definition of "the prescribed amount" is being altered.

Amendment carried.

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

Page 2, lines 18 to 23—Leave out definition of "relevant day" and insert definition as follows: "the relevant day" means the thirtieth day of September in each year:

Most people go through their financial affairs and do their income tax returns at the end of the financial year. Three months' grace is given to allow the return to be made to the Registrar. So, the actual return date will be 30 September, but it will be a return as at the end of June. It does not make that much difference, but it takes away extra work that might otherwise be required in making returns to the Registrar.

The Hon. D. H. L. BANFIELD: I oppose the amendment, because the Government believes that returns should be on a six-monthly basis.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, and D. H.

Laidlaw.

Noes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. K. T. Griffin. No—The Hon. N. K. Foster.

The CHAIRMAN: There are 9 Ayes and 9 Noes. So that the matter can be further considered, I give my casting vote for the Ayes.

Amendment thus carried.

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

Page 2, lines 24 to 31—Leave out definition of "return period" and insert definition as follows: "return period" means any period of twelve months expiring on the thirtieth day of June:

This amendment is consequential on an amendment previously carried.

Amendment carried; clause as amended passed.

Clause 4—"The Registrar."

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

Page 2, lines 34 to 43—Leave out subclauses (2) and (3) and insert subclause as follows:

(2) The Registrar shall be an officer of Parliament.

This clause is of great importance to the whole dignity of Parliament because, as it stands, the clause provides for the appointment of someone outside Parliament to be the Registrar. Such a provision is an insult to the dignity of Parliament. If we are to proceed with this type of legislation, it is necessary that the Registrar be an officer of Parliament.

Amendment carried; clause as amended passed.

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

Clause 5—"Member to furish returns as to income sources, interests etc."

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

Page 2, line 44—Leave out "person to whom this Act applies" and insert "Member".

This amendment is consequential to a previous amendment.

The Hon. D. H. L. BANFIELD: True, it is consequential to something which this Chamber has done, but it is not consequential to something that Government has accepted and, for that reason, I formally oppose the amendment.

Amendment carried.

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

Page 3, lines 45 and 46—Leave out "containing prescribed information relating to" and insert "disclosing".

Clause 5 provides the definition of matters that have to be disclosed by the member, and I do not believe that we should have anything that is allowed to be prescribed by regulation, with the exception of the forms that are required. What the member has to do must be contained in the Bill and not left to regulations.

The Hon. D. H. L. BANFIELD: I oppose the amendment because the Hon. Mr. DeGaris does not state what is to be disclosed or where it comes from. Surely, this is the whole purpose of the Bill, so that we know whether he is tied up with B.H.P. or whatever. It indicates to the people that members opposite do not want any part of the Bill, unlike their colleagues in Victoria. They are not prepared to say so, but they are prepared to destroy the whole purpose of the Bill, and are running like rabbits for cover.

The Hon. M. B. CAMERON: There is no need for the Minister to say that members on this side are running like rabbits from this Bill, after watching the Attorney-General run like a rabbit from the very question when he was first asked about it on *This Day Tonight*. He failed to disclose that he had shares in a radio station. Before that he was not even prepared to disclose his interests until the Bill became law. It is not right for the Minister to start mouthing about what this side of the House is prepared to do because not one member of the Government has disclosed his interests. They are all deliberately dodging it until the Bill becomes law, and they are hoping that someone on this side will change the Bill. Each member of the Liberal Party who has been asked about this matter has disclosed his interests. Each and every member opposite has refused to do so. The Minister knows that he is waiting for us to fix the Bill, and I suggest that he let us do that and not carry on with the sort of nonsense that he has been carrying on with. I take exception to being referred to as a rabbit, because we have been frank.

The Hon. N. K. FOSTER: As similar matters have previously been considered in Parliaments under the Westminster systems, there is no need for the Opposition to become so emotional.

As members of Parliament can be got at because they have pecuniary interests in a company, the public can be just as concerned about a member of Parliament involved in heavy debts with a company. No amendments are foreshadowed to cover that matter, yet whenever the Government refers to companies the Opposition gets uptight. One member of this Chamber sits on 34 boards, but that does not mean that he is corrupt. Such a measure should be contained within the legislative programme to ensure that interests are declared.

The CHAIRMAN: Order! The honourable member is speaking too generally. This is not a second reading debate, and he must speak to the amendment.

The Hon. N. K. FOSTER: The Opposition wants to narrow it down in respect of members' families. I see no reason why such amendments should be given much time by the Committee.

The Hon. J. A. CARNIE: The Minister said that the Government wants to know whether members had shares in B.H.P.

The Hon. D. H. L. Banfield: I didn't say that: I said that the public wants to know.

The Hon. J. A. CARNIE: I accept that. Can he say how the Leader's amendment does not require us to declare any shares in B.H.P.? There is no such intention.

The Hon. R. C. DeGARIS: My amendment provides that a member must disclose certain interests, but that the Government, by regulation, cannot change that prescription. If the Government wants more than is contained in my amendment, it can move an amendment. What is required by the Government should be put in the Bill.

The Hon. D. H. L. BANFIELD: The Leader suggests that there have never been regulations in Bills. He would have something to cry about if matters were implemented by proclamation. We were interested to see the Opposition run for cover when we exposed its lack of interest in any part of this Bill. As the Opposition knows, it can disallow regulations, as it did this afternoon. Members opposite should be honest and say that they do not want any part of the Bill, and should not wait for the register to be established. The Hon. Mr. Cameron says that we are dishonest because we have not disclosed our interests, but the register has not been established. Members opposite run like cut rabbits—they do not want any part of this Bill, and are seeking to emasculate it as much as possible. We are doing something about it—we oppose the amendment.

The Hon. M. B. CAMERON: I do not know what a cut rabbit is. Although the Minister asked us to be honest, it is he who should put in this Bill what is wanted, and not refer

to regulations, of which we had an example already this afternoon. That example came back to us because, the moment the regulations went out, the Government brought them back again, and the same thing will happen in this case. All that will develop will be a running sore between the various Parties in this Parliament. He should not seek to use such information before each Federal or State election and raise a contentious issue—

The Hon. C. M. Hill: Like putting in another regulation.

The Hon. M. B. CAMERON: Yes, and having another fight. He should put in the Bill what he wants, and not call us rabbits. We are merely asking him to be honest about it. Although the Minister claims he is waiting for a register, along with other Ministers he had the opportunity to disclose his interests. Instead, he waits for a $5 000 or $10 000 fine to hang over his head before he discloses them. He should do it now and not wait for the register.

The Hon. D. H. L. BANFIELD: The Opposition has left its Victorian Liberal Party colleagues for dead. The Victorian Liberal Party is willing to accept a similar Bill, yet honourable members opposite are not interested.

The Hon. J. A. CARNIE: Can the Minister tell the Committee what regulations the Government has in mind that are not already set down? If he is being as honest as he claims, and tells us what the Government has in mind, it may allay our fears. Until we know the Government's intentions we must oppose this prescribed material.

The Hon. D. H. L. BANFIELD: It was this sort of thing that made the Government feel that it would not be able to draw up regulations. We anticipated the opposition from Liberal members about regulations being made. In those circumstances, how could we bring down regulations before we knew whether we would have a Bill?

The Hon. R. C. DeGARIS: Imagine that, two months before an election, Parliament has been adjourned and the Government suddenly enacts regulations. Parliament would not have power to deal with the regulations and the Government, opposed as it is to the private enterprise sector, is doing its best to wreck it.

The Hon. D. H. L. BANFIELD: I have not heard a weaker argument, and I still oppose the amendment.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

Noes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, and C. J. Sumner.

Pair—Aye—The Hon. J. A. Carnie. No—The Hon. Anne Levy.

The CHAIRMAN: There are 9 Ayes and 9 Noes. It is obvious that no real decision has been agreed upon here, and I give my casting vote for the Ayes so that the matter may be considered further.

Amendment thus carried.

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

Page 3, lines 4 to 13—Leave out paragraphs *(b)*, *(c)*, *(d)* and *(e)* and insert:

(b) any body (whether corporate or unincorporate) formed for the purpose of securing profit for its members in which he or a member of his family has a share;

(c) any trust under which he or a member of his family is a beneficiary;

(d) any official position that he or a member of his family has in any body (whether corporate or unincorporate) formed for the purpose of securing profit for its members;

(e) any proprietary interest that he or a member of his family has in any real property (not being his ordinary place of residence);

and

(f) any fund in which he or a member of his family has an actual or prospective interest to which contributions are made by any person other than the member or a member of his family.

The amendment leaves paragraph *(a)* intact. The income source is defined, so it is a returnable financial benefit, and we have no objection to that provision. The word "interest" in paragraph *(b)* can have a wide meaning and can catch many things that should not be declared. A person may be patron of a sporting club, and he could be caught by the provision. The amendment restricts that.

Paragraph *(c)* deals with trusts, and we totally reject the provision that every trust must be declared, because many solicitors act under a will as trustee. There is no beneficial interest, and there would be a grave invasion of privacy as between solicitor and client to have that declared. Paragraph *(d)* refers to bodies formed for the purpose of securing profit for members. Regarding paragraph *(e)*, there is no reason why a person should be called on to declare his normal place of residence. We have included the word "proprietary" because a person who has sold his house may hold a mortgage on it.

In this matter, one is being asked to disclose the name of the person over whom one holds a mortgage. However, it is a gross invasion of privacy to require a member to disclose that information. An interest in real property must be a proprietary interest.

Regarding paragraph *(f)*, some people will in future receive a superannuation benefit in the form of either a life pension or a lump sum. This applies to men and women who hold directorships in companies, and where companies have contributed to their retirement benefits or superannuation. It may also apply to certain trade union officials. If a payment to which the member does not totally contribute is made, it should be disclosed on the register. The redraft of clause 5 is reasonable, as it removes some of the objectionable provisions.

Members are also being asked to declare where they live. If the Minister does not agree with my exemption in relation to a normal place of residence, he should permit me to move another amendment.

The Hon. D. H. L. Banfield: I can oppose it.

The Hon. R. C. DeGARIS: If the Minister did that, he would have to oppose the whole lot. Then, I would have to move another amendment that the Minister might not like. It should not be necessary for a declaration to be made regarding one's normal place of residence.

I refer also to the matter of trusts. Does the Minister really want a person to declare his interest when he has no beneficial interest whatsoever? A member could act as trustee, and receive no beneficial interest therefrom, giving his service free of charge. Does the Minister want that to be declared? That would involve a gross invasion of privacy, and would have nothing to do with any conflict of interest. A solicitor, accountant or member of Parliament could act as trustee in an estate and receive no beneficial interest. There is, therefore, no reason for this.

The Hon. D. H. L. Banfield: What about the one who has a beneficial interest?

The Hon. R. C. DeGARIS: He must disclose it. The redraft of these provisions produces more sanity than that contained in the Bill at present.

The Hon. D. H. L. BANFIELD: This amendment really illustrates to the Government that Opposition members have no interest whatsoever in making any declarations. Indeed, members opposite do not even want to tell us

where they live. Should members be ashamed of where they live or of having their addresses disclosed?

The Hon. J. A. Carnie: It's on the front board already.

The Hon. D. H. L. BANFIELD: If that is so, why do members opposite object to their addresses being placed in the register? There must be some sinister reason why Opposition members do not want us to know where they live. In the circumstances, I cannot accept the amendment.

The Hon. R. C. DeGARIS: The Minister has objected to my amendment relating to the normal place of residence. If he does not like that part of the amendment but is willing to accept the rest of it, I am willing to delete that provision. However, I cannot see why one must disclose in the register one's normal place of residence, which, as has been stated, is on the board in front of Parliament House, anyway. It would be foolish for one to have to state one's normal place of residence in the register.

The Hon. D. H. L. Banfield: How can the Registrar contact a member if he does not know the member's address?

The Hon. R. C. DeGARIS: The Minister's argument is so weak that I will sit down.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, K. T. Griffin, C. M. Hill, and D. H. Laidlaw.

Noes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, and C. J. Sumner.

Pair—Aye—The Hon. J. A. Carnie. No—The Hon. Anne Levy.

The CHAIRMAN: There are 9 Ayes and 9 Noes. I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 6—"Availability of information."

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

Page 3, lines 16 to 28—Leave out subclauses (2) to (5) and insert subclauses as follows:

(2) No disclosure of the contents of the register, or of information derived from the register or any return, shall be made otherwise than in accordance with this section.

(3) The Registrar shall at the request of the Speaker of the House of Assembly, permit the Speaker to inspect so much of the register as relates to members of the House of Assembly and shall, at the request of the President of the Legislative Council, permit the President to inspect so much of the register as relates to members of the Legislative Council.

This Bill does not deal with the total range of conflicts of interest: it deals only with pecuniary interests. Further, this Bill has a political application, rather than a practical application. Of course, this place should not be afraid of political issues. We have to do what is right in regard to Parliament. Therefore, the register should be viewed only by the President and the Speaker, because the only decision that has to be made is in regard to a pecuniary interest that a member has when a matter comes before this place for debate. Standing Orders cover the question of pecuniary interests, and it is up to the member on the floor of this Chamber to declare a pecuniary interest at the relevant time and, if it is a pecuniary interest, it is up to this place to decide whether or not that member should vote. If we want a declaration of conflict of interests, we have to go much wider, bringing in not only members of Parliament but also judges and public servants, who have much more decision-making power than have back-bench members of Parliament. If it is considered that there should be further investigation into this whole question, a joint committee should be appointed. If the Government wants a permanent joint committee, I would accept the suggestion, but at this stage all that we are looking at is an extension of the existing Standing Orders. If we want to go into the question of conflict of interests across the board, let us do so, but let us not select only one group—members of Parliament.

The Hon. D. H. L. BANFIELD: I oppose the amendment. The Leader can get up and tell us that we ought to set up a committee to consider that matter, but there is no provision in the Bill for that, and there is no undertaking by the Leader that he would support such a committee.

The Hon. R. C. DeGaris: I did give an undertaking.

The Hon. D. H. L. BANFIELD: The Leader said that Government ought to have a look at it.

The Hon. R. C. DeGaris: I give the undertaking to you now.

The Hon. D. H. L. BANFIELD: All right, but there are another nine members alongside the Leader. Members opposite are saying that the register should not let people know where members live and what interests they have; the only people who can have that information are the President and the Speaker, yet members opposite say that this is a Bill dealing with disclosure of interests.

The public would not be able to have any access whatsoever to the information disclosed and would still be as much in the dark as they are now, because only two people, apart from the member concerned, would know anything about these interests. What a public disclosure of interests that has got to be! Next, honourable members opposite will suggest an amendment so that the people in question will have to close their eyes before they can look at the information disclosed and so that there will be no risk of their divulging it. Are we going to swear the President to secrecy? Although I would trust the President in this regard, I might not trust others. However, I do not think the President should have this responsibility.

The CHAIRMAN: I am not keen on it.

The Hon. D. H. L. BANFIELD: Neither am I, Sir, and so I rest my case. I oppose the amendment.

The Hon. M. B. CAMERON: The Minister is in trouble with his own members, or at least one of them, because the Hon. Mr. Dunford is on record as saying last week:

> I concur with Mr. Burdett's comment that, if there is a register, there should not be any disclosure unless there is a good reason. I do not believe that people's private lives ought to be made public. In fact, the proposals put forward by the Federal Parliament appear to be quite reasonable.

I understand that the Federal Parliament's proposal is similar to the Hon. Mr. DeGaris's. When the Hon. Mr. Dunford was speaking, the Hon. Mr. Hill interjected as follows:

> You cannot really agree with that report and agree with the Bill, because they are quite different.

The Hon. Mr. Dunford then stated:

> It talks about a register and says that notice must be given to the Registrar if this information is being sought, and I believe that the person concerned must also be notified.

Perhaps I am misreading those words but they seem to me to be exactly what the Hon. Mr. DeGaris is saying and totally opposite to what the Minister is saying. It is a clear statement of what the Hon. Mr. Dunford believes, and I appreciate the honesty with which he got up and opposed his Party's view. I trust that the Minister will accept that members of his own Party do not accept his argument. The Government knows that it can rely on the Opposition to make this proposal reasonable, and it is resting on that

knowledge. However, when the words were spoken in this Chamber we got the true intention of at least one member, and it is a very clear intention.

The Hon. D. H. L. BANFIELD: Members opposite have made clear that they are not the slightest bit interested in this Bill, and they have done everything possible to see that there is no disclosure of interests whatsoever.

The Hon. R. C. DeGARIS: We have a very close interest in this Bill, and we are concerned about the role of Parliament. It is a question of Parliament and its attitude, not the view of the Government. If we look at this Bill as an extension of Standing Orders, what we are doing is correct. Every Parliament that has moved in this area of conflict of interests has appointed a joint Committee of both Houses, and that Committee has been given terms of reference and has, as a Parliamentary Committee, made reports to Parliament. That is where the recommendations should come from, not from some scheme cooked up by the Government in an attempt to embarrass people in Parliament.

Every time anyone of Liberal persuasion is asked by the public media to disclose his pecuniary interests, he has done so without hesitation, and the only people who have hedged so far have been Labor people. It is not a question of disclosing financial interests to the public: it is a question of pecuniary interests concerning members of Parliament when voting in the Chamber. If the Government wants to go further, I undertake that, if it wishes to appoint a permanent joint committee, as we have with the Land Settlement, Public Works, Joint House, and Subordinate Legislation Committees, I would be prepared to supported such a move, because that is where the position should rest: with the Parliament and a committee of the Parliament. The Government has already accepted, without opposition, that the registrar has to be an officer of Parliament, and that was a very important acceptance as far as this concept and my Party are concerned.

The Hon. M. B. CAMERON: I endorse what the Hon. Mr. DeGaris has said. This Bill was conceived in sin prior to an election. It was a political stunt.

The CHAIRMAN: The honourable member must not go back too far, because we are nearing the end of the Bill.

The Hon. M. B. CAMERON: I realise that. This clause is one of the most important clauses in the Bill. However, I believe that everything the Minister has said this evening has demonstrated that the measure is still being treated as a political stunt. I cannot accept that as a proper course of action on such an important issue.

The Hon. D. H. L. BANFIELD: I agree with the Hon. Mr. Cameron that this Bill was born as a result of sin—! sin of the likes of Lynch, Hamer and company. The public realises that it is time we have such a Bill.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, and D. H. Laidlaw.

Noes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall C. W. Creedon, J. E. Dunford, N. K. Foster, and C. J. Sumner.

Pair—Aye—The Hon. K. T. Griffin. No.—The Hon. Anne Levy.

The CHAIRMAN: There are 9 Ayes and 9 Noes. I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 7—"Failure to furnish information."

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

Page 3, line 29—Leave out "person to whom this Act applies" and insert "Member".

This amendment is consequential.

Amendment carried.

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

Page 3, line 35—Leave out "thousand" and insert "hundred".

The existing penalty is ridiculous.

The Hon. D. H. L. BANFIELD: It no longer matters, because the Leader will be the only one who knows whether or not he has done things correctly. No-one will have a chance to check and it matters not whether the penalty be $5 000, $500, or $5.

Amendment carried; clause as amended passed.

Clause 8 passed.

Clause 9—"Regulations."

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

Page 3, lines 38 and 39—Leave out "such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act" and insert "regulations prescribing forms for the purposes of this Act".

This amendment, too, is consequential and has been debated previously.

The Hon. D. H. L. BANFIELD: The Bill lends itself to the possibility of regulations and, as the Council always has the opportunity to debate regulations coming before it, I oppose the amendment.

Amendment carried; clause as amended passed.

Title passed.

Clause 3—"Interpretation"—reconsidered.

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

Page 1, line 16—After "the recipient's family" insert "or the estate of a deceased member of the recipient's family".

That means that the sum or financial benefit derived from a recipient's family or the estate of a deceased member of the recipient's family are not included.

The Hon. D. H. L. BANFIELD: We have no objection to the amendment.

Amendment carried; clause as amended passed.

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

That this Bill be now read a third time.

The Hon. R. C. DeGARIS (Leader of the Opposition): I make a brief comment on the Bill now that we are in an atmosphere away from all the political machinations surrounding it. The amendments passed by this Chamber and the Bill in its present state fit in with existing Standing Orders. It is important to recognise as a Parliament that, if Parliament believes that the matter should be taken further regarding disclosure of any conflict of interest, it is necessary that the Government establish a joint committee of both Houses to make that investigation and report to Parliament.

There is more than just the question of disclosure of interests to be determined. There is, for example, the whole of the examination of Standing Orders to determine whether they have to be changed to fit in with any legislation that Parliament passes. That can be done only by a thorough investigation by a joint committee. I emphasise that we have extended existing Standing Orders and, if there is to be any change in attitude regarding this Bill, it is necessary for Parliament, with its joint committee, to make that investigation.

I urge that, with the passage of this Bill, the Government considers this question. If it is serious about this matter, its next move will be the appointment of such a committee. That is the correct approach, so that this matter can be examined thoroughly and recommendations made accordingly.

Bill read a third time and passed.

ROAD TRAFFIC ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It proposes a number of amendments to the principal Act, the Road Traffic Act, 1961-1976, that are of a disparate nature. The Bill proposes an amendment to section 19 of the principal Act which provides for apportionment between the Commissioner of Highways and each council of the cost to the Commissioner of maintaining and operating traffic lights and pedestrian crossings. In practice, the Commissioner has found that it is virtually impossible to segregate the cost of maintaining or operating traffic lights and pedestrian crossings in the area of one council from such cost in the area of another council. Accordingly, the Bill proposes that accounts of such costs be kept by the Commissioner in a manner and form approved by the Minister and that the cost for each council be based upon a proportion determined by the Commissioner in a manner approved by the Minister of the total of such costs in relation to all councils.

Section 35 of the principal Act provides that the person in charge of a ferry established under the Local Government Act shall be an inspector under the principal Act. However, since July 1976 ferries on the Murray River have been established and operated under the Highways Act and the persons in charge of such ferries have experienced difficulties in dealing with some drivers. The Bill, therefore, extends the powers of inspectors under the principal Act to persons in charge of ferries established or operated under the Highways Act.

The Bill provides for an amendment to section 43 of the principal Act designed to make it clear that the driver of a vehicle involved in a collision is not required to report the collision to the police if the only damage is property damage and the cost of repairing the damage would be less than an amount prescribed by regulation, but is required to report the collision if any other person whose property was damaged was not present at the scene of the accident.

The Bill proposes amendments designed to remove anomalies that are created by the present wording of the provisions of the principal Act which fix the penalties for subsequent offences. Some of these provisions omit to state a time limit within which a subsequent offence must occur before it attracts the higher penalty, while other such provisions fix the time limit by reference to the date of conviction rather than the date of the offence.

The Bill proposes an amendment to section 47e of the principal Act, the effect of which would be to empower a police officer to require a breathalyser test where he has reasonable grounds to believe that a driving offence has been committed. At present such power exists only where an accident has occurred or there has been some indication of impairment of driving ability. This extension of the power to require breathalyser tests is clearly desirable, especially in relation to speeding offences, and a similar provision is currently in force in Western Australia.

The Bill proposes an amendment to section 47g of the principal Act designed to eliminate legal arguments about the accuracy of breathalysers except where a driver who has submitted to a breathalyser test has exercised his right under section 47f to have a sample of his blood taken. Under the amendment a breathalyser test, if properly conducted, will be presumed to be accurate and the only evidence to the contrary that may be entertained by a court will be evidence based upon an analysis of a blood sample of the defendant. The amendment would, however, also require the police to warn any driver who has submitted to a breathalyser test of his right to have a sample of his blood taken.

Section 63 of the principal Act requires vehicles turning right to give way to vehicles approaching from the opposite direction. However, the view has been taken that this requirement does not apply to a divided road. The Bill proposes an amendment to correct this situation. The Bill also proposes and amendment to this section that is designed to exempt vehicles from the requirement to give way at "stop" or "give way" lines drawn at intersections or junctions at which traffic lights are installed but not operating.

In accordance with the amendment proposed to section 63, section 78 is also to be amended by the Bill so that a vehicle is not required to stop at a stop line at or near traffic lights or railway signals or barriers whether or not the lights, signals or barriers are operating.

The Bill proposes an amendment to section 141 of the principal Act designed to permit overwidth tractors as well as agricultural machinery to be driven on a public road in circumstances in which an unregistered farm tractor may be driven on a public road pursuant to section 12 of the Motor Vehicles Act.

It is proposed that section 153 of the principal Act be amended by removing the requirment that the weigh-bridge to be used for determining the unladen mass of a vehicle must be within eight kilometres from the place where the vehicle is at the time at which notice requiring the weighing of the vehicle is served on its owner. This requirement has created obvious practical difficulties in the case of vehicles that are used for long-distance haulage.

The Bill proposes amendments to section 160 of the principal Act designed to enable vehicles to be inspected for defects at the place at which they are stopped and to permit examination of vehicles that are exhibited for sale in order to determine whether any defects are present in the vehicles. The present wording of this section does not permit on-the-spot inspections and permits examination of a vehicle exhibited for sale only where the police officer has already formed the opinion that it is defective.

The Bill proposes an amendment to section 162 that is designed to bring the requirements as to the wearing of seat belts into conformity with those provided in the National Road Traffic Code. Under the amendment passengers in the front or rear seats of a vehicle would be required to sit in any position in that row of seats that is unoccupied and fitted with a seat belt and to wear the seat belt. At present, it appears that a passenger seated in, for example, a front bench seat with seating space for three passengers, but fitted with only two seat belts, is not required to sit in one of the spaces fitted with a seat belt even though it is unoccupied.

The Bill proposes an amendment to section 163c that would exclude from the inspection requirements of Part IVA omnibuses operated by the Police, Correctional Services or Community Welfare Departments.

The Bill provides for the repeal of section 166 of the principal Act, which provides that it shall be a defence to proceedings for certain offences against the principal Act if the driver is an employee acting on the instructions of his employer and having no knowledge of the breach. Although at first sight this may seem a reasonable provision, it does render trucking operations operating under "straw" companies virtually immune from prosecution for vehicle safety and overloading offences. At present, thousands of trucks are being operated on South Australian roads by straw companies and through overloading, for example, would be contributing to a significant degree to the damage suffered by the roads.

Accordingly, the Government is of the view that both owners and drivers should be in the same position. That is, rather than ignorance being a defence in the case of drivers, both drivers and owners should be able to rely only on those defences that are available at common law.

The Bill proposes a significant amendment to section 168 of the principal Act, namely, that executive clemency, that is, the power of pardon, should be extended to disqualifications from driving. As is the case with pardons at the moment, this power would be used sparingly and only where no other legal remedy is available. Finally, the Bill proposes amendments to section 175 of the principal Act designed to strengthen the evidentiary assistance provided by that section in respect of the proof of radar offences and certain other offences. 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 that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 19 of the principal Act by providing that the Commissioner of Highways shall keep accounts of the cost of maintaining and operating traffic lights and pedestrian crossings in a manner and form approved by the Minister and shall determine in the manner approved by the Minister the proportion of the total cost of such work that is to be attributed to the work of that kind carried out in the area of each council.

Clause 4 amends section 35 of the principal Act by extending the powers of inspectors to persons operating ferries established, maintained or operated under the Highways Act in addition to those established under the Local Government Act.

Clause 5 amends section 43 of the principal Act so that the section clearly provides that vehicle accidents resulting in property damage alone, where the cost of repair would be less than an amount fixed by regulation, need not be reported to the police unless any other person whose property was damaged in the accident was not present at the scene of the accident.

Clauses 6, 7, 8 and 9 amend sections 46, 47, 47b and 47e, respectively, and provide that offences against the sections are to be treated as second or subsequent offences for the purposes of penalty, if committed within five years after commission of a previous relevant offence. Clause 9 also amends section 47e by empowering a police officer to require a driver to submit to a breathalyser test where he has reasonable grounds to believe that the driver has committed a driving offence. Clause 10 amends section 47f by providing that blood samples taken from drivers who have submitted to breathalyser tests need to be prepared in two parts only, instead of the present three.

Clause 11 amends section 47g so that the presumption created by the section as to the accuracy of breathalyser tests may be rebutted only by evidence as to the concentration of alcohol in the blood of the driver as indicated by a blood sample taken under section 47f or 47i. The clause also requires the police to warn persons whom they require to submit to breathalyser tests that they may request that a sample of their blood be taken. Clause 12 amends section 47i by defining the offences against the section that are to be treated as subsequent offences for the purposes of penalty.

Clause 13 amends section 63 in order to make it clear that a vehicle turning right from a divided road must give way to vehicles coming from the opposite direction. The clause also provides that vehicles approaching a stop line or give way line at an intersection or junction at which traffic lights are installed but not operating need not give way to both directions but only to the right. Clause 14 makes a similar amendment to section 78 in relation to the duty to stop at stop lines at or near traffic lights or level crossings fitted with warning lights or gates.

Clause 15 amends section 83 in order to make clear that there is no restriction on vehicles standing on the edge of a road opposite to the side of the road on which another road joins the road to form a junction. Clause 16 makes an amendment to section 141, the effect of which would be to enable overwidth tractors, as well as agricultural machinery, to be driven on the roads in circumstances in which unregistered tractors may be driven on the roads pursuant to section 12 of the Motor Vehicles Act. Clause 17 makes a drafting amendment only. Clause 18 amends section 153 of the principal Act by removing the requirement in that section that notices requiring a vehicle to be presented at a weighbridge must specify a weighbridge that is within eight kilometres of the place at which the vehicle is at the time the notice is served.

Clause 19 amends section 160 of the principal Act by providing that vehicles may be inspected for defects at any place at which they are intercepted by the police and that vehicles being exhibited for sale may be inspected in order to determine whether they are defective. Clause 20 amends section 162ab so that it provides that a person shall not be seated in a vehicle in forward motion in a seating position not equipped with a seat belt if there is an unoccupied seating position that is equipped with a seat belt in the same row of seating positions. Clause 21 amends section 163c by empowering the Minister to exempt vehicles from the application of Part IVA.

Clause 22 repeals section 166 of the principal Act which provides a defence for employees in respect of certain vehicle safety and overloading offences. Clause 23 amends section 168 by empowering the Governor to remove a driver's licence disqualification. Clause 24 amends the definition in section 169 of subsequent offences for the purposes of penalty. Clause 25 amends the evidentiary provision of the principal Act, section 175, by facilitating the process of proving that a road is a clearway and that a traffic speed analyser accurately records the speed of vehicles.

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

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL

In Committee.

(Continued from 20 February. Page 2740.)

Clause 2—"Definitions."

The Hon. K. T. GRIFFIN: I move:

Page 1, line 16—Leave out "is concerned in" and insert "has".

The use of the words "who is concerned in" suggests to me that the provision relates not just to a person who has control or management of the business of the body corporate. It could involve a person who in some way, although not specifically responsible for the control or management, has some influence over but is not directly responsible for that control or management. I want to limit the scope of this provision to directors, to the persons in accordance with whose directions or instructions the

directors are accustomed to act and to the person who actually has control of the business of the body corporate.

Progress reported; Committee to sit again.

DOOR TO DOOR SALES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 February. Page 2742.)

The Hon. J. C. BURDETT: I support the second reading. The approach of the Liberal Party in connection with consumer protection is that, where some real abuse exists or is genuinely likely to exist, or where legislation is the only way of protecting the consumer, Parliament ought to step in with legislative protection. However, the legislation should go only so far as is necessary to avoid any abuses. Parliament should be mindful of the rights not only of the supplier but also of the consumer, and should also consider to what extent the protection will increase the cost to the supplier, which cost will always be passed on to the consumer.

On the other hand, the Labor Party seems only too anxious to jump in with consumer protection legislation whether or not it is needed. It almost always achieves an over-kill, increases costs, and imposes unnecessary burdens on suppliers.

The practice of door-to-door sales is a very ancient method of selling. True, in its nature, it is open to abuse by unscrupulous operators, but that is not to say, of course, that by any means all operators are unscrupulous. Many door-to-door salesmen in all sorts of fields provide a genuine service, and I suspect that only a small proportion indeed are unscrupulous. As I have said, this practice is obviously open to abuse. The call by the salesman may be unsolicited, and the householder may suddenly be confronted with an invitation to make a purchase that he or she (more often she) had not previously thought about, planned or provided for.

Assuming that there are no controls, the salesmen may hunt in pairs, and may produce glamorous and attractive goods. They may offer easy terms of payment, may produce a glib and practised patter, and may persuade the householder to enter, on the spot, into a purchase that he or she did not really want to make and, indeed, could not afford.

It may also be difficult to obtain service, if service is involved, or to obtain satisfaction if any subsequent complaint is made about the goods. I hasten to add, however, that I believe that this kind of example is very much the exception rather than the rule, and it is not suggested in the Minister's second reading explanation that there has been any recent upsurge in the abuses to which the practice of door-to-door sales is open.

Clause 3 is involved with the proposed repeal of the Book Purchasers Protection Act. I will discuss this matter when I deal with clause 6. Clause 4 provides new definitions. I do not agree with the definition of "goods".

For the reasons given by the Hon. Mr. DeGaris in the Council and those given by the member for Coles in another place, I do not think that life insurance contracts should be brought within the Bill at all. If the Government is prepared to undertake to exclude life insurance contracts by administrative action, it should not object to such contracts being removed from the Bill altogether. I will move or support an amendment to do this. Life insurance representatives operate under a Commonwealth Act and a strict code of ethics.

A cooling-off period is, in fact, allowed. To bring in life insurance where no need to do so is shown is an example of what I referred to earlier: this Government is prepared to introduce legislative controls whether or not they are needed. Section 6 of the principal Act makes the Act apply to any contract or agreement for the sale of goods or the supply of services where the total consideration exceeds $20, or such other higher amount as is prescribed. Clause 5 seeks to achieve greater flexibility by removing the figure of $20 and inserting in lieu thereof "the prescribed amount". This could be any amount —higher or lower than $20. The Bill contemplates that different amounts may be prescribed for different goods.

The Minister's second reading explanation states that it is intended to regulate large-scale door-to-door selling operations which have recently been subject to numerous complaints but which involve sales for less than $20. I ask the Minister in his reply to this debate to state in what fields of operation complaints have been received, and in what fields it is intended to fix amounts of less than $20. If Parliament is asked to pass legislation, which is said to be necessary because of complaints, I think Parliament is entitled to know at least in what fields of operation these complaints are. I am somewhat alarmed at allowing the Government to prescribe very low amounts, particularly in conjunction with the later clauses of the Bill which provide *inter alia* that the contract is void *ab initio* unless the contract is confirmed, where the contract is of the prescribed class. What about the tube of lipstick or the bunch of carrots that will have been used long before then?

Much useful service is given to consumers by door-to-door salesmen selling small commodities of relatively low value, and I would not like to see such sales inhibited. In the light of inflation, the $20 limit ought to be at least doubled. I have grave reservations about allowing the amount to be fixed by regulation, and I will consider this matter further in the Committee stage. Clause 5 also provides that, for the purposes of determining whether or not the consent of the purchaser is unsolicited, no regard shall be had to the fact that the vendor had, by way of advertisement addressed to the public at large, solicited his consent. This does not seem unreasonable to me.

Clause 6 causes me most concern. It is a rather long and complicated clause covering various matters. It repeals and replaces sections 7 and 8 of the principal Act. The present sections 7 and 8 provide that, to be enforceable, a contract to which the Act applies must be in writing, that a notice acquainting the purchaser of his rights to terminate must be served, that no deposit or other money shall be received by the vendor until the cooling-off period has expired, and that the contract may be terminated by the purchaser by notice to the vendor within eight days. This seems to be a fairly strong protection. The procedure at present under sections 4 and 4a of the Book Purchasers Protection Act is quite different. These sections provide that a contract for the purchase of books to which the Act applies must contain a notice of the purchaser's rights and that the contract is unenforceable unless the purchaser confirms the contract in writing not less than five nor more than 14 days after the date of the contract. This Bill repeals the Book Purchasers Protection Act and provides for all door-to-door sales in one piece of legislation.

New section 8a (1) provides substantially the procedure at present laid down in the Book Purchasers Protection Act in regard to contracts of the prescribed class, with one important exception, and substantially the same procedure as at present laid down in the Door to Door Sales Act in regard to contracts not of the prescribed class. In his second reading explanation the Minister said that the confirmation procedure is intended to provide for door-to-door sales of books. It is as simple as that. I refer

honourable members to page 2626 of *Hansard*. If this is the case, why on earth not say so? The Attorney-General talks about making Acts more readily understood but, instead of saying "books", as at present, which I think most people understand, he wants to say "a contract of the prescribed class". Is this really more readily comprehensible by the man in the street?

I cannot really see the merit in having door-to-door book sales and other door-to-door sales covered in the one piece of legislation. The Government evidently did not see the merit in this course, either, when it first introduced the Door to Door Sales Act in 1971 and in that Act specifically preserved the separate effect of the Book Purchasers Protection Act. However, if there is merit in dealing with books and other goods and services in the same Act, then there should be simply one procedure for books expressed to be as such in the Bill, and another for other goods and services.

There have been more examples of abuse in the case of book sales than in the case of other goods and services, and a greater need for protection. As the Hon. Mr. DeGaris said, the first legislation giving protection to consumers in the door-to-door sales field in South Australia was in regard to book sales, and it was a private member's Bill of a Liberal Party member. This is an example of my proposition that there has been a particular need, and one requiring more severe controls, in relation to book sales than in the field of other door-to-door sales.

Once again, however, the proportion of door-to-door book sellers who have acted in a manner which has needed control is very small indeed, and hardly warrants the severe strictures to which they are already subjected. I mentioned that there is one important exception in regard to the confirmation procedure. In his second reading explanation the Minister stated that the confirmation procedure in this Bill is the same as that provided in the Book Purchasers Protection Act. At page 2626 of *Hansard*, the Minister states:

> This is intended to provide for door to door sales of books, the cooling-off period being the same as that presently provided for under the Book Purchasers Protection Act. Subsection (2) of new section 8a is to the same effect as section 6 of the Book Purchasers Protection Act.

This is not correct. New section 8a (2) provides:

> Neither a vendor nor a dealer shall—
>
> *(a)* furnish to the purchaser any document or form suitable for giving notification under subsection (1) of this section;
>
> or
>
> *(b)* obtain or attempt to obtain notification under that subsection or authority from the purchaser to act on behalf of the purchaser in giving such notification.
>
> Penalty: Five hundred dollars.

This did not appear in the Book Purchasers Protection Act. There was, and is at the present time, a prohibition against soliciting confirmation, but there was, and is, nothing in the present Act to prevent any document or form suitable for giving notification being left to the purchaser. We are told in the second reading explanation that the provision in this Bill is substantially the same: indeed, it is not. I see nothing wrong with (and no harm in) a seller being left with a simple form which he can fill in if he wants to confirm the contract. It is, in any event, a pretty unusual thing and a pretty stringent control to lay down that the contract shall be unenforceable or, as is provided in this Bill, void *ab initio* unless the contract is confirmed not less than five or more than 14 days from the date it was made. That is severe indeed, but that is substantially the present law.

However, to go on and say that the vendor may not even leave with the purchaser a document suitable to make that confirmation is, I suggest, going much too far, and in Committee I shall certainly consider an amendment to this part of the Bill. I see no reason at all why a simple suitable form cannot be left, and we know that many people would not go to the trouble of writing a letter and would not even be capable of drafting such a letter to confirm the contract. The second reading explanation states that with contracts of a prescribed class, a rather radical confirmation procedure applies and is intended to cover contracts for the sale of books, but it could cover any other goods or services at all, and I have no faith whatever in the Government's statement of intention that this procedure will be confined to books. I am sure that before very long other contracts will be prescribed.

It is a very grave imposition indeed on a supplier to find himself in the position that a contract, which he has entered into, is void *ab initio* unless it is confirmed in writing not less than five to 14 days after it is made. The confirmation may not be in any way solicited by the vendor. Such a procedure can hardly be called a cooling-off period. Indeed, if this Bill passes in its present form, I suggest that it will not be long before we have another amending bill making the confirmation procedure (as opposed to the right to terminate procedure) the only method in regard to all door-to-door sales.

Clause 8 seeks to enact a new section 9a providing penalties for harassment and similar acts, and I see no objection to this. I oppose clause 9, which strikes out subsection (2) of section 11 of the principal Act. Section 11 (1) provides for an offence in regard to unenforceable contracts. Section 11 (2) provides that, in proceedings in respect of an offence against this Act, it shall be a defence for the defendant to prove that he had reasonable grounds for believing and did in fact believe that the contract and agreement the subject of the proceedings was not a contract or agreement to which the Act applies. I do not see why that defence should be taken away.

Clause 10 provides for vicarious liability with a defence clause, and clause 12 provides that proceedings in respect of an offence against this Act may be commenced at any time within 12 months of the day on which the offence is alleged to have been committed. I do not regard this as being very important, but the ordinary period under the Justices Act is six months. I cannot see any real reason why the period should be extended. I support the second reading, but I will give consideration to amendments in Committee.

The Hon. C. M. HILL: In speaking to this Government Bill, I disclose that I have an interest in the life assurance industry. I am an advisory director of a mutual life society, namely, the Friends Provident Life Office, whose Australian office is in Sydney and whose South Australian branch office is situated in South Terrace, Adelaide. That involvement does not influence my opinion, that the activities of life assurance agents should not be included in this measure, and I support the arguments presented so far in this regard by speakers of this side.

The second point I want to make deals with the question of door-to-door sales, but it has, in considerable detail and with very good effect, been made by the previous speaker, the Hon. Mr. Burdett. I refer to sales made to housewives by those who are in the door-to-door selling industry. I have taken the trouble to take an example, because the lady I know who represents this company calls at my home and makes sales to my wife. I refer to the Avon organisation in which there are 2 800 ladies in this State employed on a part-time basis.

The relatively small amounts of remuneration received by this lady and other ladies employed on a part-time basis with that company is a very important portion of the total family income in their home. It appears that if this Bill passes in its present form, if the amount that the Hon. Mr. Burdett referred to of $20 in total sales on one occasion remains, and if these goods are then prescribed under the new legislation, a quite ridiculous situation would result. When this lady calls at my home, my wife can order some items, the total value of which exceeds $20, and the lady must depart. She must sit home and wait between five and 14 days after the date of the order, and my wife has to write a separate letter of confirmation to the lady, who, if she receives that letter, will be permitted by the law to bring the goods around.

That is a ridiculous situation. In practice, if these saleswomen take orders today, and if a housewife changes her mind or decides that she cannot afford the goods, when the representative calls with them at a later date, no transaction takes place, and the representative takes the goods away. I agree with the Hon. Mr. Burdett that the $20 should be increased so that the activities of people who are employed in that work are not interfered with unnecessarily by a new law. Sales of these cosmetic goods are not rare in South Australia. I have been informed that in one year 195 000 sales of over $20 in value are made by that one company.

It is a big operation. About 3 000 people are involved in such work. Although I do not want to see any opportunity presented to them whereby they can make sales unethically, if they are willing to play the game they should not be unduly hindered by the law. As the Bill stands, they would be restricted, and I am opposed to the Bill remaining as it is.

Regarding the sale of books, I fail to see why an order for the purchase of books cannot be confirmed by a card or form left by the representative with the purchaser or the person ordering the books. The Bill requires that the customer must confirm the order in his own handwriting and by separate letter between the fifth and fourteenth day after the initial arrangement has been entered into regarding the books. If a card or confirmation form is left with the prospective purchaser for completion and return, it seems to be fair and reasonable and is by no means as restrictive or inconvenient as requiring a person to set out a separate letter. Those two points should be examined closely in Committee. I support the second reading.

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

UNAUTHORISED DOCUMENTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 February. Page 2729.)

The Hon. R. A. GEDDES: I oppose the Bill, and I suggest to the Government that it should be redrafted completely before being returned to Parliament. My argument is based on these points. First, why should every sporting body now using the State's piping shrike emblem apply to the Minister for permission to use that emblem on blazer or shirt pockets as, for example, in the case of the South Australian Bowling Association, which is a body comprising affiliated bowling clubs in this State? The piping shrike emblem is used by that association, which has established an operation involving the manufacture of badges depicting the piping shrike emblem on shirt pockets that can be purchased by bowlers. More than 60 other sporting associations also use the piping shrike emblem.

The association has given a contract to a manufacturer to produce these emblems, which cannot be produced and sold for no charge because of the manufacturing costs but, under the Bill, the association will be making a profit. Is there any need for us to have a police State? Is it so necessary that every organisation must register its wishes with the lord high executioner? The decisions of the lord high executioner can vary according to the whims and the regulatory power given to him by the Bill. The piping shrike, Sturt pea and hairy-nose wombat are the three different emblems that the Bill refers to as the State's emblems.

In no way does the Bill define which emblem will be declared. Has the Government no interest in seeing people throughout South Australia being proud to wear our emblem? Does the Government not recognise that Western Australia makes a wonderful attempt to publicise its State with generous use of its State emblem, the black swan? Black swan emblems are made available for lapel badges, cuff links, tie pins, teaspoons and many other ornaments. Western Australia is doing much to draw attention to its State and what it has to offer through the use of its emblem in tourist promotion.

Why has not the Minister of Tourism, Recreation and Sport realised the importance of this Bill to tourism? When visitors come to South Australia from interstate or overseas, it is common that they wish to buy a souvenir to take with them as a memento, a reminder or gift. The teaspoon, butter knife and similar ornaments on which the piping shrike is depicted are common souvenirs that visitors purchase. It is strange that, although an Adelaide company is able to sell emblems from every other State without restriction or control, the opposite situation applies in South Australia, where there is an attempt to inhibit and restrict the use of our emblem through the Bill's wording, and to prevent the manufacture of such spoons, brochures and tie pins. Indeed, this action could result in the closing of a business that has been manufacturing in this State since 1951. It employs more than 20 people, as well as others involved in subcontract work. I refer to Souvenir Australia Manufacturers, which makes here a wide range or souvenirs, including every State emblem.

The company has been selling these items for many years without hindrance or control. However, by the Bill the company will first have to obtain the Minister's permission to include any prescribed emblem in its wide range of goods. Who is to know that the Minister will give that permission? The company has a big variation in design. For instance, in one design the piping shrike is surrounded by a laurel wreath of Sturt pea. In another the piping shrike is standing on a branch, with Sturt pea flowers at the end of the branch. In another case the artist has used a distincitive design of the piping shrike and the sturt pea to make an attractive souvenir. Will every design and variation have to be approved by the Minister? Representatives of the company have pointed out that secrecy of design of a new product is essential. If there is a leakage of an idea, the opposition would use it and so hobble sales potential. By having to obtain Ministerial approval which could cause delay as well as possible leakage of design changes, the souvenir company could be placed in financial jeopardy.

Furthermore, these designs are also manufactured interstate and, regrettably, overseas. They could be sold in South Australia but the Minister in this State could not restrict that sale. The Government must consider that

matter seriously. I suggest that it again consider the implications of the measure and withdraw it from redrafting. If it does not accept this advice, amendments will have to be drawn to change the Government's intention about the emblem. It is strange that in 1904 the State badge was described as:

> The rising sun or, with thereon an Australian piping shrike displayed proper, and standing on a staff of gumtree raguly, gules and vert.

The use of the badge was under the jurisdiction of the Chief Secretary but the use was less restricted than that of the coat-of-arms. A quotation states that the State flag, which is flown from State Government buildings and vessels, was authorised by proclamation on 13 January 1904 and comprised the Blue Ensign with the State badge on the fly. I guess that in 1904 there was little need for a badge or emblem, but the emblem was defined in the Year Book as the piping shrike.

I consider that the Bill is badly drafted, and I imagine that its purpose is to protect the emblem for official use. I do not quibble about that, but companies that make emblems for commercial gain and for sale will be in difficulties if the Government restricts use of the emblem. Further, does the Minister realise that it is ludicrous that, after all these years, sporting bodies that correctly use the emblem on their blazers and T-shirts should have to obtain from the Minister permission to do so in future? Those bodies are not offending the State emblem in regard to the Government's responsibilities. The only two ways to deal with the Bill are to either reject it out of hand or amend it so heavily that the Government could not use it for these purposes.

The Hon. F. T. BLEVINS: I support the second reading. My first reaction to the Bill was that it was a case of bureaucracy gone mad. However, after examining it more closely and discussing it with people, I realised that it sought to clear up a real problem. The Government does not intend to prevent sporting bodies or the makers of souvenirs from using the piping shrike. I know that the Government does not intend to interfere in regard to the products of the firms that manufacture souvenirs in South Australia and thereby deprive employees of their livelihood.

I will give an example of what the Government is apprehensive about. Imagine an insurance company with the initials "S.G.I.O." and imagine that organisation using the piping shrike emblem. That could be quite misleading. People would think that they were dealing with an official State Government insurance company. It is precisely that kind of misrepresentation that the Government seeks to avoid by this Bill. The Government favours souvenirs being manufactured for sale. Only this evening the Hon. Mr. Hill has shown me a pair of cufflinks made in Western Australia. I would have preferred him to show me cufflinks from South Australia. This State has a good name throughout Australia, and it is worth while protecting that good name and the State emblem from misrepresentation.

The Hon. K. T. GRIFFIN: The Hon. Mr. Blevins has referred to one example where a company using the initials "S.G.I.O." and a State emblem passing itself off as the State Government Insurance Office involves misrepresentation. One needs to keep in mind that that probably is not an appropriate illustration, as the Companies Act and the Business Names Act contain powers to enable one to move against any company that seeks to trade in that way. I find it difficult to conceive of an illustration in which this sort of passing-off would occur in the context of using the State emblem.

I have looked at the Unauthorized Documents Act of 1916, which Act has not been amended in the past 63 years. It deals principally with the use of the Royal Arms or the arms of any part of the King's Dominions in certain contexts. It also deals with the printing, publishing, selling, and so on, of papers so nearly resembling court documents, conveying the impression that they are such documents. It also deals with papers which convey the impression that they are issued by or under the authority of a court of law. It is in that context that one must consider the inclusion in the Act of new section 3a.

The Bill seeks to provide protection for a State badge and official emblems of the State. It is not limited to one badge or one emblem: it can extend to more than one badge and to more than one emblem. It provides for such emblem or badge to be declared by regulation. It seems to me that, if it is important to have a State badge or emblem, it is sufficiently important to embody it in legislation rather than to prescribe it by regulation. The power to regulate is not a limited power but is an extensive one.

I presume that honourable members would have looked at the *South Australian Year Book*, which deals with State emblems. I refer particularly to the 1970 volume, which refers to the coat-of-arms, which is not covered by the amendment but which, presumably, is already covered by the principal Act. According to the *Year Book*, that coat-of-arms is used on State Government correspondence and may be used by schools and libraries. Permission for its use must be obtained from the Chief Secretary, although such permission is not usually granted for commercial purposes. I have not had time to do further research to ascertain where the authority for control of the coat-of-arms exists.

This publication deals also with the State badge and describes it in terms which suggest that it has been issued by some appropriate authority. It is described as the "rising sun or with thereon an Australian piping shrike displayed proper, and standing on a staff of gum tree raguly, gules and vert". It is also under the jurisdiction of the Chief Secretary, but is less restricted than the coat-of-arms.

That suggests to me that there may be some specific legislative provision that deals with the use of that badge. The floral emblem of the Sturt pea was adopted in 1961 and the hairy-nose wombat as the formal emblem in 1970. They have already been adopted as State badge and emblem respectively, and, although the coat-of-arms is not used extensively in the community, certainly the other emblems are.

I am concerned that, in the terms in which the Bill is drafted, the control over the use of these emblems will be more extensive than it ought to be. Of course, this will mean an increase in bureaucratic involvement, more forms, and possibly even more public servants to administer it, because, if the Bill is enacted, everyone who wants to use the piping shrike, the hairy-nosed wombat, or the Sturt pea will have to apply for permission to do so. As the Hon. Mr. Geddes and other honourable members have said, this will involve a significant number of people.

The Hon. R. C. DeGaris: Do you think they will have to apply in relation to every type of souvenir?

The Hon. K. T. GRIFFIN: That is a possible construction. It is not clear to me whether it is to be a blanket approval or whether specific authority will be required for every occasion and object. I pose the question whether the passing of this Bill will give increased status to the badge so that it is more likely to be used on documents and papers on which the Royal arms are now used. There are in South Australia a number of Government and other State bodies and authorities that use the Royal arms on

their letterheads and in other contexts.

If the badge is given increased status, will it mean that it will replace the Royal arms in its use, with a subsequent downgrading of the place of the Monarchy in the government of this State? Will it mean that certificates of title which are at present issued from the Lands Title Office and which now carry the coat-of-arms will in future carry the piping shrike? Will it mean that the courts will be required to use the piping shrike on their documents? Will it mean that courtrooms throughout the State will carry the piping shrike above and behind the presiding judge or magistrate instead of the coat-of-arms? Will it mean that you, Mr. President, who presently carry Royal arms on your letterhead, will in future be required to carry thereon the piping shrike?

If these were the consequences (and it is conceivable that they could be), I should want to ensure that the Bill, if passed, did not carry such a consequence. I want to ensure that the declaration of the State badge, by giving it increased status, will not decrease the use of the Royal arms where they are now being used. I will deal with that matter at the appropriate time.

In principle, I have a number of reservations regarding the way in which the Bill is drafted and the consequences that could flow from the strict enforcement of its provisions. I support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

CONTRACTS REVIEW BILL

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

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room at 9.15 a.m. on 22 February, at which it would be represented by the Hons. J. C. Burdett, T. M. Casey, R. C. DeGaris, J. E. Dunford, and K. T. Griffin.

MOTOR BODY REPAIRS INDUSTRY BILL

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

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL, 1979

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

ADJOURNMENT

At 10.27 p.m. the Council adjourned until Thursday 22 February at 2.15 p.m.