HOUSE OF ASSEMBLY

Tuesday, October 12, 1971

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2 p.m. and read prayers.

COMPANIES ACT AMENDMENT BILL

His Excellency the Lieutenant-Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

QUESTIONS

INDUSTRIAL POLICY

Mr. HALL: In view of the federal Labor leader's reported statements concerning his Party's proposed changes to the conciliation and arbitration system, can the Minister of Labour and Industry say whether the Government will agree to the new proposal that unionists themselves could be fined $20 a day each for breaking an industrial agreement?

The Hon. D. H. McKEE: As the Government is considering amendments to the Industrial Code, I ask the Leader to be patient and to bear with us because, eventually, a Bill will be introduced in this House. I understand that the Leader will also introduce amendments to the Code soon. I have been patient: I have not questioned the Leader on what amendments he will introduce. It would be unwise of me to take something out of context and talk indiscriminately about parts of the Code. I think the Leader would agree with that attitude. I could well ask him what his Bill contained.

The Hon. D. N. BROOKMAN: Will the Minister say whether he is in accord with the proposal under the Labor Party's policy, as announced recently by Mr. Whitlam, to impose a fine of $20 a day on unionists who break agreements?

The Hon. D. H. McKEE: I think the question is out of order, Mr. Speaker, because it has already been answered. I told the Leader of the Opposition that the Government was at present considering amendments to the Industrial Code. All these matters will be considered in due course.

Later:

Mr. MILLHOUSE: How does the member for Playford see collective bargaining in industrial matters being used within the framework of the present arbitration system?

The SPEAKER: Order! The member for Mitcham is out of order in directing a question on a matter of policy to a private member.

Mr. MILLHOUSE: Mr. Speaker, I take a point of order. It is not a matter of policy. I am allowed to ask a private member a question.

The SPEAKER: Standing Orders refer to questions relating to any Bill, motion or public matter connected with the business of the House. The question is not connected with the business of the House.

Mr. MILLHOUSE: With great respect, Sir, the matter of industrial arbitration has been raised this afternoon. It is a public matter on which there is a good deal of controversy at present. The member for Playford has made a statement about this matter. Why should I not ask him about it?

The SPEAKER: I do not know whether or not the honourable member for Playford made a statement, but questions of this kind should be directed to the Minister, not to a private member.

Mr. MILLHOUSE: With great respect, Sir, rulings in the House hitherto have always been, in my experience, that if a question were directed to a private member the Speaker invited the private member to reply but made it clear that he did not have to reply. Apart from that, I do not recall any occasion on which a Speaker has ruled out of order a question to a private member simply because it was addressed to a private member. As I understand it, that is what you, Mr. Speaker, are doing now. I ask you whether you will follow the precedent established in the past by your predecessors of asking the member for Playford, before he either does or does not reply to the question, whether he wishes to reply.

The SPEAKER: I am ruling the question out of order because I believe it does not come within the scope of a matter connected with the business of the House. The member for Mitcham is referring to a statement in the press. Asking whether statements in the press are accurate is not permissible, and I rule the question out of order.

Mr. MILLHOUSE: I did not refer in my question to a statement in the press.

The SPEAKER: Order! The member for Mitcham is taking—

Mr. MILLHOUSE: I take a point of order: I did not refer in my question to a statement in the press.

The SPEAKER: Order! The honourable member must resume his seat. I have ruled the honourable member to be out of order. The honourable member is not going to take

advantage of my ruling by getting up and talking for half and hour. If the honourable member wants to disagree to my ruling, he must do so in the correct way.

Mr. MILLHOUSE: If you invite me to do so, I shall do so.

The SPEAKER: The honourable member is out of order.

Mr. MILLHOUSE: What? I move:

That the Speaker's ruling be disagreed to.

The SPEAKER: The honourable member must put it in writing.

Mr. Millhouse: Very well.

The SPEAKER: The honourable member for Mitcham has moved to disagree to the Speaker's ruling that he is not permitted to ask a question of the honourable member for Playford, because it is not a matter on which it is proper for the Minister to make a statement.

Mr. Millhouse: Don't you understand it, Sir?

The SPEAKER: Is the motion seconded?

The Hon. D. N. BROOKMAN: Yes, Sir.

Mr. MILLHOUSE (Mitcham): As I understand it, Mr. Speaker, you have prevented me from asking a question of the member for Playford because you say it is a matter on which it is proper for the Minister to make a statement. When I disagreed to your ruling, Mr. Speaker, I said (and I do not want to detain the House now) that I considered that your ruling was wrong. As I understand it, the invariable practice in the past when a question has been asked of a private member has been to point out that he does not have to reply, before the Speaker has called on him to say whether or not he wants to reply. That is precisely what I did here. This is a matter of public interest and controversy. Other questions have been asked of the Government on this matter. The Leader of the Opposition asked the first question today and the member for Alexandra asked an early question on this matter. Both questions were put to the Minister of Labour and Industry, and to neither question was a reply given. However, I chose to ask a question of the member for Playford, who is prominent publicly in union and industrial matters and who has commented on the matter outside the House. I wish to obtain from the member for Playford an elucidation of the statement he made on this matter of public controversy.

I asked a question of the member for Florey the other day in much the same way, but you, Mr. Speaker, did not rule that question out of order. You allowed me to ask the question of the member for Florey and allowed him to reply, after giving him the usual invitation. However, now it appears that, for reasons best known to you, the practice which has been followed by you, at least on that occasion, and which has been followed by other Speakers in the past is not to be followed. You said it was because I had read the matter from a newspaper that you were ruling the question out of order. When I asked the question I did not refer to a newspaper report: I merely put the question and asked the member for Playford whether he would explain how collective bargaining would work within the framework of the arbitration system. It is a proper question: presumably it would have been a proper question, even on your interpretation, to ask of the Minister. Why is it improper to ask it of a private member? It has not been in the past. I know that it is a politically difficult matter for members of the Australian Labor Party.

Mr. Coumbe: It is embarrassing.

Mr. MILLHOUSE: It is an embarrassing matter, but that is no bar to members asking a question—

The SPEAKER: Order! The honourable member is not going to continue in that strain. He has moved disagreement to the Speaker's ruling. The honourable member has had sufficient experience to know that his remarks must be confined to that motion and not to canvass other matters.

Mr. MILLHOUSE: I submit that my remarks have been confined to that matter. This is a new precedent, and it is entirely undesirable. It will mean, in effect, that private members will not be able to be asked questions or reply to them in future if this ruling, which you have suddenly made today, is enforced. It is against that practice that I protest.

The Hon. D. N. BROOKMAN (Alexandra): I support the member for Mitcham in his protest about what seems to be a completely new procedure in relation to private members asking questions of private members. It was not long ago that private members were asked questions and they did not even have the formality of the Speaker's saying that they did not have to reply to them. Obviously, they do not have to reply to them. It has become the practice for the Speaker to warn the private member that he does not have to reply to the question, and I do not object to that. This time, Mr. Speaker, you prevented a question from going forward, apparently on the mistaken assumption that

the member for Mitcham had quoted from a newspaper report. It would be surprising if the honourable member did not find some reference to this matter in the newspaper, because this is a question of public interest, more so because of the failure of the Government (that is, the front bench Ministers) to clarify the matter. When the member for Mitcham looked for a private member whom he thought had the intelligence and experience to reply to a simple question, you intervened and stopped him on the basis that he was quoting from a newspaper article. The honourable member may well have read something in the newspaper, but he did not quote from it or refer to it in the question he asked the member for Playford. I see no reason why the member for Playford should not be entitled to reply: I am sure that he could. He would probably do a better job than the Minister of Labour and Industry has done this afternoon.

The Hon. HUGH HUDSON (Minister of Education): I think this matter can be dispensed with speedily without unnecessarily wasting any more time. I understand your ruling, Sir, to be given in terms of Standing Order 124 which, I understand, you referred to when giving your reason. Standing Order 124 makes it clear that there is a difference between questions addressed to a Minister and questions addressed to a private member, because it provides:

At the time of giving notices of motion, questions may be put to Ministers of the Crown relating to public affairs; and to other members, relating to any Bill, motion, or other public matter connected with the business of the House, in which such members may be concerned.

The Hon. D. N. Brookman: Just read that last phrase again.

The Hon. HUGH HUDSON: ". . . other public matter connected with the business of the House", and the member for Alexandra has to justify that, in some way or other, the question relating to collective bargaining is a matter concerned with the business of the House. A further point relates to the fact that the only source of the honourable member's question was a statement in today's press by Mr. McRae.

Mr. Mathwin: He has made a speech on it in the House.

The SPEAKER: Order!

The Hon. HUGH HUDSON: If the honourable member for Glenelg listened he would learn something, and that would be to his benefit and to the benefit of everyone connected with this House. If the matter ruled on by the Speaker is not covered by Standing Order 124 (and I believe it is), it is certainly covered in terms of the question of using a newspaper report in relation to a question asked. I think every honourable member saw the member for Mitcham pick up a newspaper in which was reported Mr. McRae's comments. One other point in relation to this matter: it is time that rulings of the Chair were accepted by the member for Mitcham with good grace and without his continual and seemingly never-ending attempts to disrupt the business of the House.

Mr. COUMBE (Torrens): I support the motion. The Minister of Education tried to draw a red herring across the floor of the House when he spoke about "any other public matter connected with the business of the House in which such members may be concerned". We are concerned with this matter, and have been asking questions about it today. Concerning the Minister's reference to a newspaper report, I inform you, Sir, and the House that the member for Playford made a memorable contribution in a speech to this House on collective bargaining that showed that he was at variance with some of his Commonwealth colleagues. He referred to this matter and it is recorded in *Hansard.* I have not had time to look at it, but within five minutes I could find it. I am sure the member for Playford knows where it is. This is the basis on which the member for Mitcham has asked his question. As the member for Playford has made a statement, we are entitled to ask him questions on the matter. It is a matter before the House: although it is not in the form of a Bill, it may be in the form of a Bill. I point out that Standing Order 124 refers to "may be". It certainly is before the House in the form of a question. Surely that is an important part of the business of this House, and I submit that the member for Mitcham is completely in order in this matter.

Mr. HALL (Leader of the Opposition): I am extremely concerned that you, Mr. Speaker, are restricting the member for Mitcham in the question that he desires to ask of the member for Playford, because in listening to the debate I have had time to ascertain whether the member for Playford has been concerned as a person and as a member of Parliament with the special matter about which the member for Mitcham has asked him a question. It seems to me from the published record of *Hansard* that the member for Playford has been deeply immersed in industrial matters, and has had a specific opinion last session (and possibly this

session, but certainly since he has been a member of Parliament) concerning collective bargaining. Also, I understand that the member for Mitcham's question concerned statements that have been made by several people in the last few days about this matter. It seems to me that, if you prohibit a member from being asked a question about a subject in which he has specialized, you are restricting some real work that this House may do. Also, if you restrict a member asking a question about a matter that has been discussed publicly in newspapers, you will severely restrict the matters on which members may officially inform themselves. All they can then run to is the other media, or listen to rumour. It seems out of the question that you should restrict the question on either of these counts. Bearing in mind the subject matter put to the House by the Minister of Education, you will find that Standing Order 124 clearly states that a member may ask this sort of question. Standing Order 124 provides that "questions may be put ... to other members, relating to any Bill (not in question at present), motion (not in question), or other public matter connected with the business of the House . . .". This subject is obviously connected with the business Of the House.

Members have asked no end of questions about industrial matters, and Ministers have answered those questions; at least, this afternoon the Minister did not answer but I must say that he did not answer in the nicest way that any Minister has used in a long while. I commend him for his manner, although I totally condemn him in regard to the lack of content in his reply. Ministers have dealt with this matter in the House time after time, but for some reason your ruling is that the matter may no longer be pursued with someone who is one of the most erudite members opposite. Why should members on this side be deprived of receiving information from someone who knows more about the matter than do any of his colleagues and who, I am sure, would be willing to reply?

I simply cannot understand how we are to proceed with the two amendments to the Industrial Code to be considered if we cannot seek prior information. It seems to me that there is to be a sort of wall built between the Government and members on this side to prevent our getting information that we might need in order to frame our attitude to a measure, and in this regard I strongly support the member for Mitcham.

Mr. MILLHOUSE (Mitcham): I desire to reply briefly. The Leader of the Opposition has dealt with Standing Order 124, and it is patently obvious (and it would be patently obvious to any detached observer) that my question is not out of order under that Standing Order. For the reasons he has given, this is a public matter connected with the business of the House and, Sir, if you are to rule that that is not so, and if we are not to discuss matters of controversy in the community, it is one more step towards making this place an unreal debating Chamber. Further, the member for Playford is particularly concerned in it, so that under that Standing Order there is no doubt at all, in my submission, that the question is perfectly proper, and I absolutely refute what has been said by the only speaker on the Government side (the Minister of Education) in supporting your ruling. The other point that you took later in the altercation before I moved disagreement was that I used a newspaper report, and the Leader of the Opposition has dealt with that, too. I point out to you, Sir, that at least half the questions asked in this place every day are based on the report of things that members have seen in newspapers, and nearly every member in this place uses a newspaper in asking his questions; he does it obviously, and there is nothing wrong with it.

If we are not to take up from the papers matters we read in them, what on earth is the good of Question Time? The member for Glenelg earlier this afternoon asked a question about a disaster that occurred in the park lands. Where did we all get our information about that, Sir? Where did we get the information that the Attorney-General was getting a report on it? We got it out of the newspaper, and there was nothing wrong with asking that question. If you care to look at Erskine May and at the list of inadmissible questions (page 353), you will see that the inadmissible question concerning newspapers is as follows:

> . . . asking whether statements in the press or of private individuals or unofficial bodies are accurate, or asking for comment on statements made by persons in other countries, etc.

I did not ask the member for Playford whether his statement was accurate; I did not refer to a newspaper report: I simply based my question on the report. What I wanted him to do was elucidate it. There was no suggestion that I was asking whether the report was accurate or not; that is the sort of

question that is inadmissible under the principles laid down by Erskine May. I hope I have disposed of the objections you have taken to my question, and I say again that, if any detached person apart from Party politics were to rule on this, I have no doubt whatever that he would find that my question was perfectly in order.

The House divided on the motion:

Ayes (17)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Hall, McAnaney, Millhouse (teller), Nankivell, and Rodda, Mrs. Steele, Messrs. Venning and Wardle.

Noes (23)—Messrs. Broomhill and Brown, Mrs. Byrne, Messrs. Clark, Crimes, Curren. Groth, Harrison, Hopgood, Hudson (teller), Jennings, Keneally, King, Langley, McKee, McRae, Payne, Ryan, Simmons, Slater, Virgo, Wells, and Wright.

Pairs—Ayes—Messrs. Ferguson, Mathwin. and Tonkin. Noes—Messrs. Burdon. Corcoran, and Dunstan.

Majority of 6 for the Noes.

Motion thus negatived.

SOOT FALL-OUT

Mr. HARRISON: Has the Minister of Environment and Conservation a reply to my question of August 3 about soot fall-out at the Queen Elizabeth Hospital?

The Hon. G. R. BROOMHILL: The Public Health Department is aware that on occasions the boiler house at the Queen Elizabeth Hospital produces a fall-out of black particles following soot-blowing, which is a necessary part of the operation of the unit. The department is conscious of the nuisance this fall-out is causing the honourable member's constituents at Albert Park, and is examining the feasibility of using fuels other than coal. The cost of conversion to other fuels and the annual cost of operation are being considered as part of this examination. I have asked the Director-General of Public Health to keep me informed of progress on this matter.

SEVEN STARS DISPUTE

Mr. MILLHOUSE: Will the Minister of Labour and Industry take further action with regard to the dispute over compulsory unionism at the Seven Stars Hotel and, if he will, what action will he take? Last week this matter was raised in the House on each sitting day by Opposition members. On Tuesday, when I asked a question of the Minister, he said:

I cannot see how the Government can involve itself in such a situation.

On Wednesday this reply was echoed on a question I asked of the Minister of Works, as Deputy Premier, but on Thursday, when I asked a question of the Minister of Labour and Industry, it transpired that he had, that morning, made telephone calls to some of those involved in the dispute. I do not know what calls he had made to the unions, but he had certainly telephoned the licensee and the head barman of the hotel telling them, in effect, that they had to join the union. That was a change of face.

Mr. Jennings: Question!

The SPEAKER: Order! "Question" has been called. The honourable Minister of Labour and Industry.

The Hon. D. H. McKEE: I think that the matter of the telephone conversation was fairly well thrashed out last week. The honourable member tried to imply that a certain type of conversation took place over the telephone, but it did not take place at all. We had a conversation, but it was a friendly one. The fact is, as I pointed out last week, that now the Hotels Association, the members of which are licensees of hotels, has an agreement with the union that licensees must employ union labour. The situation now is that this is a matter between the licensee of this hotel and his association, that is, the Hotels Association—

Mr. Millhouse: You are bowing out!

The SPEAKER: Order!

The Hon. D. H. McKEE: —to thrash out their problem. I am not interfering in an agreement that they have between themselves, and neither should the member for Mitcham.

DISNEY ON PARADE

Mr. MATHWIN: Has the Attorney-General received a report about the dreadful and ghastly accident that occurred at the west park lands at the *Disney on Parade* carousel last week, when a wheel collapsed and caused dreadful injuries to several young people? As a report has been called for, will the Attorney release it to the House?

The Hon. L. J. KING: I have received an interim report about this accident, but I have not yet had the chance to read or consider it. When I have read and considered it, I will inquire about the possibilities of legal proceedings and consider whether it would be appropriate to release the report at

this stage and to whom. However, I cannot make this decision until I have read and considered the report. But, the question having been asked, I take this opportunity to express not only my personal sympathy but also the Government's sympathy to the people who were unfortunately injured in this dreadful accident.

Mr. PAYNE: Will the Attorney-General ask the Chief Secretary whether any legislation requires aerial acts such as those performed in a circus or at a show such as *Disney on Parade* to be provided with safety net protection? If there is no such requirement, will the Attorney-General ask the Chief Secretary to introduce the necessary legislation?

The Hon. L. J. KING: I will consider this matter.

ADDITIVES

Mr. SLATER: Has the Attorney-General a reply from the Minister of Health to my recent question about food additives?

The Hon. L. J. KING: My colleague states that the use of additives in the manufacture of all foods, including soft drinks, is controlled by the regulations under the Food and Drugs Act. Additives are permitted only in specified foods and generally in closely prescribed quantities and subject to labelling provisions. The quantities permitted are in accordance with recommendations from the National Health and Medical Research Council and are accepted as safe and harmless in food. Cyclamates (artificial sweetening substances) are permitted in prescribed amounts in low-calorie and dietetic foods subject to a labelling provision which requires the words "Take on medical advice only" to appear on top of the label. It is considered that public health is adequately protected by the provisions of the Food and Drugs Act regulations.

NORTH ADELAIDE RESTAURANT

Mr. COUMBE: When amendments to the Licensing Act are introduced, as the Attorney-General has said will be done later this session, will the Government consider providing for special types of licence? A restaurateur in North Adelaide, which is in my district, has been successfully operating a restaurant, and this was the subject of a segment that appeared on television the other night. This gentleman, who does not have a normal liquor licence, allows patrons to bring their own liquor to the restaurant, where they can enjoy it with good food. However, I understand that there is some conflict between this procedure and the Licensing Act as it now stands. As there seems to be a demand for an alteration to the Act, I ask whether the Attorney-General will consider this aspect when the relevant amendments are introduced.

The Hon. L. J. KING: The matter having been raised, I will again consider it, although this issue has been well considered and canvassed in the past. The honourable member will probably know that in the Eastern States (I think all three Eastern States) it is permissible to bring liquor to a restaurant and to consume it there, and that it is unnecessary for the restaurant to be licensed. I think that applies in New South Wales and Queensland, and it applied in Victoria, but I have an idea that the Victorian Act may have been changed to require some permit or approval to be given at present. This matter was canvassed at the time of the Royal Commission, which inquired into the Licensing Act, and the Commissioner recommended against this approach to consuming liquor with meals. Investigations in the Eastern States showed that considerable problems were associated with it. If this were done without the necessity of having a licence (in other words, if we merely say that the customer brings his own liquor, which may be consumed with meals and there is no need to have any restaurant licence for that purpose), it means that the law has no real control over those premises. There were instances which both the Royal Commissioner and I, as counsel assisting the Commission, saw in the Eastern States where, for instance, young people consumed liquor with meals on these unlicensed premises, as there was no control over, for instance, age, and age was only one aspect of the matter. It was impossible for the authorities to exercise the sort of control that a licensing authority could exercise over licensed premises. For that reason the Royal Commissioner recommended against this approach to the consumption of liquor with meals. There is a serious question whether it is desirable to have some form of liquor permit that would authorize the consumption of liquor with meals by customers who bring their own liquor to the premises.

The view which was taken by the Royal Commissioner and which prevailed in the Licensing Act of 1967 was that it was far more desirable to encourage a good standard of service of liquor in restaurants. Where the restaurateur was serving the liquor he

had control over the situation and, for instance, over the quantity of liquor served. In turn, the licensing authorities could exercise a more adequate control over the restaurateur. If people bring their own liquor to premises it is difficult to exercise any control, first, over who drinks liquor, if people under age are present, and, secondly, over the quantity of liquor consumed. It is a well-known human failing that, if people take a quantity of liquor to premises, they are inclined to drink it whether or not they need the lot. The same approach was taken by the Royal Commissioner to the matter of bringing liquor to dances. Emphasis in the Act is given to having a liquor service at the function with direct control at the point of supply of the liquor over the persons to whom it is supplied and the quantity in which it is supplied. I point these things out to the honourable member only to stress that this is an issue that has been fully considered in the past, informed decisions having been made on it. I do not know of any factors that would lead me to alter the view I then formed that it was undesirable to introduce this approach to the consumption of liquor with meals but, the honourable member having raised the matter, I will look at it again.

EMERGENCY BRAKES

Dr. TONKIN: Can the Minister of Roads and Transport say when the Government intends to require the fitting of emergency brakes to trucks and other vehicles which carry heavy loads, and what progress has been made in designing such emergency brakes? In the past year or so, several accidents have occurred on the Mount Barker Road. Run-offs have been constructed although I do not know whether or not they have been used. There was the most tragic accident that occurred on Cross Road and now recently a concrete-mixing truck collided with several cars near the Glynburn Road roundabout on Greenhill Road; it is amazing that no-one was injured and that only damage to vehicles resulted. Obviously brake failures occur. Although Greenhill Road has had the reputation of being a speed track for quarry trucks, I believe this reputation is unjustified, as the quarry trucks proceed at reasonable speeds. Nevertheless, brake failures do occur. I understand that about a year or so ago work was done on the development of an emergency brake sheet to drop down in front of the rear wheels of a truck. It seems that, until we have a provision for emergency braking systems of this type, we will continue to have brake failures, perhaps with tragic results.

The Hon. G. T. VIRGO: The emergency brake to which the honourable member has referred has been fairly carefully scrutinized by the Highways Department and by a subcommittee of the Australian Transport Advisory Council, a body comprising the six State Ministers and the Commonwealth Minister. This subcommittee is considering the provision of safety features on vehicles. I think the device that was tested comprised a piece of rubber that fell down, under the wheel. Regrettably, certain disabilities were associated with it and I understood that the experts considered that there was no future for this as a safety measure. Although I am speaking completely from memory on this, I think the experts say that, if something of this kind is installed, it must be fairly close to 100 per cent effective, otherwise a false sense of security can result. The general question of the braking of vehicles is under review constantly and several different types are being considered. I do not know the details of the accident last week involving a concrete delivery vehicle, but I am extremely grateful that no-one was seriously injured. The matter of run-offs on Mount Barker Road and other roads is still under review. I do not think that the two run-offs that have been provided have been as effective as one would like to think they were. I do not want to create the wrong impression about that: the terrain of the country does not lend itself to the ideal situation, unless a vehicle crosses the line of traffic travelling in the other direction, and to do that would be highly undesirable. The whole matter is still a live issue before the Australian Transport Advisory Council and I hope that at some stage we will arrive at more stringent specifications on vehicle brakes. I may add that the Government is now considering the matter of speeds of commercial vehicles, and our action on the matter will be taken concurrently with action on provisions regarding braking.

ANIMAL CLINICS

Mrs. BYRNE: Can the Minister of Environment and Conservation say whether the Fisheries and Fauna Conservation Department has a clinic at which injured and sick native animals and reptiles can receive full attention from a veterinary surgeon and assistants and also can be given suitable food and shelter during recovery and, upon recovery, be released into their native habitat? If the department has not such a clinic, will it consider establishing

one? The Minister and all other members know that many native animals and reptiles are injured on the roads and in other ways. Some also become ill owing to natural causes. Many of these animals and reptiles could be saved if given proper attention. However, many of them at present suffer and die unnecessarily, and this should be avoided.

The Hon. G. R. BROOMHILL: Yes, the department has an honorary veterinary surgeon who performs excellent work in this field and is always available to give treatment when anyone approaches the department with an injured animal.

Mrs. BYRNE: Will the Minister examine ways and means of publicizing how and where treatment can be given to injured and sick native animals and reptiles, and provide me with a complete report on the present service given? I am pleased to have received the Minister's assurance that a veterinary surgeon provides such a service; I commend the person who is doing this humane work. However, I believe that this is not widely known by members of the public, and it should be known.

The Hon. G. R. BROOMHILL: I shall be pleased to do what I can to comply with the honourable member's requests.

BOAT SURVEYS

Mr. GUNN: Can the Minister of Education, in the absence of the Minister of Marine, say whether the Government plans to review the survey regulations that affect boats used by small inshore fishermen? Recently, much publicity has been given to the plight of the fishermen in the Port Augusta area and many representations have been made to me by small inshore fishermen who are concerned at the effect that these regulations will have on them. They claim that the safety record of these fishermen is second to none, and that much of the equipment that the regulations require to be placed on their boats will have little or no effect on the safety of the boats.

The Hon. HUGH HUDSON: This matter has been one of controversy since the survey regulations regarding fishing vessels were first introduced by the Playford Government some years ago. The Select Committee which reported on the matter made certain recommendations about the size of fishing craft that should be subject to survey. I will take up this question with my colleague and obtain a report at a suitable time.

PORT LINCOLN HIGH SCHOOL

Mr. CARNIE: Has the Minister of Education a reply to my recent question about the Port Lincoln High School?

The Hon. HUGH HUDSON: It is an accepted policy of the Public Buildings Department to use modular dimensioning in all major works. When this is done, it allows for the use of either concrete masonry or clay bricks, assuming that clay bricks are available in modular sizes. Unfortunately, not all brick manufacturers produce modular bricks; this means that, if a job is designed in modular dimensions, it would preclude the use of standard bricks. The Director, Public Buildings Department, has reported that, as a result of an approach to the Government earlier this year by a Port Lincoln brick manufacturer, it was decided to frame the specification for the Port Lincoln High School project to allow for the use of locally manufactured clay bricks of standard dimensions and for contractors' attention to be drawn to this source of supply. It is impracticable to prepare detailed designs for use of both standard clay bricks and modular masonry.

MURRAY PARK TEACHERS COLLEGE

Mrs. STEELE: Can the Minister of Education say what buildings have been erected at the Murray Park Teachers College? When I drove past the college a couple of days ago I noticed that much clearing and tidying up was being done around the old Murray Park homestead. Can the Minister say whether it is intended to develop this part of the project this year? As $1,300,000 is provided in the Loan Estimates for work on Murray Park, can the Minister say whether this money will be spent purely on the existing building or whether a start will be made on the erection of the teachers college?

The Hon. HUGH HUDSON: Certainly a start will be made on the new buildings for the teachers college. A contract for work on the whole college was let some time ago. Work on the renovation of the old house has been proceeding for some months, and that accommodation will be available to the Wattle Park Teachers College soon. Although the honourable member was overseas for most of winter, I think she would be aware that it was an abnormally wet winter. Consequently, the contractor has had considerable difficulty in getting on to the site to do the necessary bulldozing work prior to the construction of the buildings, and this has caused certain delays during the last month or two.

However, I will obtain a detailed report on what progress is expected to take place by June, 1972, and bring it down when it is available.

CATS

Mr. EVANS: As there appears to have been a large increase in the number of stray cats in the bushland Hills area, will the Minister of Environment and Conservation consider introducing legislation to provide for the registration of cats?

Members interjecting:

Mr. EVANS: Although my question may sound comical to some members, the large increase in the number of stray cats, particularly in the Hills area (and I believe the same has happened in the natural scrub areas of the North), has resulted in the destruction of many native birds, animals and reptiles. Cats are registered in some European countries.

The SPEAKER: Order! There is too much audible conversation going on.

Mr. EVANS: In some European countries the owner of a cat is compelled to affix to its collar a small bell, the ringing of which warns any bird. Although this may sound comical to some members, I ask the Minister whether, as this question calls for serious consideration, he will discuss it in Cabinet before I attempt to move in that direction, if Cabinet is not prepared to act?

The Hon. G. R. BROOMHILL: Although the question was greeted with laughter by members opposite, I appreciate that the honourable member is genuine in bringing this matter forward, and I agree with him completely. This question is causing much concern to the National Parks Commission and to the Fisheries and Fauna Conservation Department as a result of the increase in the number of wild cats in the natural bushland and the amount of food a cat will consume. The effect on native birds, which has been dramatic, is causing much concern to the two departments. This question was raised with me by other people interested in this matter. However, it is clear that there is no practicable solution in accepting the honourable member's suggestion, but I share with him his concern in this matter. The effect on natural bird life is causing me and my department much concern, and a solution, other than the one suggested by the honourable member, will need to be found within the foreseeable future to solve this problem.

Mr. EVANS: Will the Minister explain to me why it would not be practicable to implement my earlier suggestion? I realize that there would be difficulty in putting into operation any Act in relation to catching cats, but legislation could give councils the power to require registration, and people who had cats on their property would have the opportunity to have the cats impounded or destroyed if they were not registered or bearing an identification disc. Generally, I believe that registration would tighten up the number of cats straying in our community. If you will bear with me while I make one comment, Mr. Speaker, I believe that the Minister's statement that only members on this side thought my question comical was unfair, because the Minister knows that he has some such members on his side as well, and I think we can say that members on both sides thought the question was comical.

The Hon. G. R. BROOMHILL: I assume that the objective of registering cats, as suggested by the honourable member, is to try to reduce the number being dumped or released into bushland. The fact that cats were registered would not prevent the dumping of cats or kittens not bearing a registration tag, and one cannot simply see how requiring owners to register cats would have any effect on their being dumped or released into the wilds. Apparently, the honourable member can see this. However, the only justification for registration would be to try to improve the present position that I have spoken about.

BEACH EROSION

Mr. BECKER: Will the Minister of Environment and Conservation table a copy of the Beach and Foreshore Protection Committee's final report and any other relevant reports he has received, so that members may be fully prepared to debate immediately any legislation introduced to protect our beaches? On October 5, in a question to the Minister, I said that I understood that he had received a report from the committee about three months previously. However, the Minister said that it was untrue that he had the committee's report at that time.

The SPEAKER: Order! There is so much audible conversation that I cannot hear the member for Hanson.

Mr. BECKER: On July 13, in explaining a question, I said I believed that the final report had been handed to the Minister about six weeks previously, and the Minister said he would consider making a copy of the report available to me.

The Hon. G. R. BROOMHILL: I have been considering this request for some time, and I am willing to make a copy of the Culver report available to the honourable member. No doubt it is this report to which the honourable member is referring. The legislation that will be introduced later is based on this report. I made my decision after hearing the honourable member say recently that there was a strong need for groynes to be established on our foreshore in order to protect our beaches. I think he said that he understood that this was the opinion of experts. I should add that the honourable member also said that it would be useless to place sand on our beaches, simply to be washed out to sea. If he reads the Culver report and can understand it, he will realize that the report states that the use of groynes on South Australian beaches should not be undertaken, and that, instead, sand should be placed on our beaches to ensure that the damage we have suffered in recent years does not occur again. After hearing the comments of the honourable member I decided that, so that he would not continue to mislead people, he should have a copy of the report in order to be able to study it and to understand the exact position.

SOUTH-EASTERN FREEWAY

Mr. McANANEY: Can the Minister of Roads and Transport indicate when the South-Eastern Freeway will be completed to Verdun?

The Hon. G. T. VIRGO: I will obtain this information for the honourable member.

Mr. EVANS: Can the Minister of Roads and Transport say whether there is a weakness in the structure of the up lanes of the South-Eastern Freeway between the chicken hatchery and the site of the old Measday home? On a day late in September, a police patrol was escorting a heavy transport up Mount Barker Road. The patrol took the heavily laden vehicle on to the down lane in the course of escorting it, and all the down traffic was stopped. One service bus, while passing, crossed the double lines when the police constable was absent or not giving any directions, and the driver of the bus was subsequently reported for crossing the double lines. When he asked why the heavy transport had been taken by the police escort on to the down lane to come up, he was told there was a weakness in the structure of the road or in a culvert in that section of the road.

The Hon. G. T. VIRGO: Although I do not know of any weakness in the road, I will inquire to see whether the down lane is going up or the up lane is going down. In all seriousness, however, I assume, from the way in which the question was explained, that the honourable member calls the down lane the lane leading to Adelaide.

Mr. Evans: That's right.

The Hon. G. T. VIRGO: That information may help in time to unravel this up-and-down question.

STATE LIBRARY

Mr. GOLDSWORTHY: Will the Minister of Education obtain a report on the ban placed on students using their own textbooks for study in the State Library? Also, will he ascertain whether the ban can be lifted, or, if it cannot be lifted, whether alternative arrangements can be made to accommodate these students? On Saturday evening I was approached by a student who has been using the facilities at the State Library in order to study. He works in the city and is a part-time tertiary student. He and many other such students have found the facilities at the library appropriate and convenient. He said he would have difficulty in finding alternative accommodation for the hours during which he wishes to study. Apparently, the ban was imposed by the library board because a few students have been making a nuisance of themselves. I think a petition signed by 70 genuine students who wish to use the library facilities was presented to the Administrative Officer of the State Library last Friday. I have spoken to this gentleman on the telephone, and it seems that this is a case where a few secondary students who have been absent from school on study vacation have crowded into the library and made a nuisance of themselves. Tertiary students appreciate the chance to study in the library, and have no alternative place where they can study conveniently. Will the Minister ascertain whether the ban can be lifted or the situation policed in some way? If the ban cannot be lifted, can alternative accommodation be found for these students who, as a result of the ban, are suffering considerable hardship?

The Hon. HUGH HUDSON: I understand that the problem that has arisen at the State Library has also occurred for several years and has not been one relating to certain students causing difficulties of one kind or another as a result of behaviour problems during the pre-examination period, but is a problem of not having sufficient accommodation available for people who wish to use the library for genuine library purposes.

Obviously, to the extent that this is a problem, the users of the library for genuine library purposes must be given priority. I will certainly discuss the matter with Mr. Olding (State Librarian) to ascertain whether accommodation can be made available for tertiary students, and to find out whether alternative options are open to us. I am not sure at this stage, after considering this matter, whether I can provide a solution that will benefit the student who spoke to the honourable member, but I will obtain further details for him in due course.

LATE SHOPPING

Dr. EASTICK: Has the Minister of Labour and Industry decided whether any late shopping nights are to be granted to retail traders before Christmas and, if such nights are to be granted, whether they will be uniform in date and duration throughout the newly defined metropolitan area? Christmas Day is less than 11 weeks away and many retail trader organizations have in the past wished (and, no doubt, will wish this year) to make available to the shopping public at least one, and preferably more than one, late shopping night. According to the legislation passed last year, such permission can be granted only at the discretion of the Minister. I know of one organization now in the metropolitan area that has applied to the Minister for such permission. The Minister will appreciate that planning for such shopping arrangements, more particularly the promotion that goes with the venture, requires as much time as possible, and a statement from the Minister on this matter is urgently required.

The Hon. D. H. McKEE: Several permits have been granted to shops in country areas, and no doubt applications from the metropolitan area will also be considered. However, the application to which the honourable member has referred has not yet reached my department. When it does, it will be considered, and I will tell the honourable member what is the decision.

PORT BROUGHTON AREA SCHOOL

Mr. VENNING: Can the Minister of Education say when it is intended to seal the playing area at the Port Broughton Area School? The centenary of Port Broughton was celebrated last weekend, and back-to-school celebrations were held on Saturday. The school committee asked me to ascertain, first, what progress had been made on the plans for building a new school and, secondly, when it was intended to seal the playing area, a project which I understand had been approved by the previous Minister of Education. The committee was pleased that such a large crowd covered the area so that the poor condition of the playing area could not be seen during the celebrations.

The Hon. HUGH HUDSON: I must say that I am fascinated at a situation in which the honourable member was part of a crowd that covered an area and hid it from view. I am surprised that he was flattened in this way and could get up again. Apparently he has been restored to good health during the weekend. I will consider this matter and obtain a report.

EMPIRE TIMES

Mr. MILLHOUSE: I ask the Attorney-General whether he has yet made a decision on prosecutions arising out of recent issues of the *Empire Times.* I notice, incidentally, a copy of one of the offending issues circulating on the Government benches this afternoon. When I raised this matter some weeks ago, the Attorney-General, in reply, said:

> If the facts disclosed in the police report after their inquiry justify that course, I will authorize a prosecution.

I understand that the Attorney-General has since received the report. Subsequently, a second issue of *Empire Times* was published, and I think that matter, too, was raised in the House.

The Hon. L. J. KING: I do not know whence the honourable member's information comes, but certainly no police report has come to me from the Chief Secretary. What happens in a case such as this is that, if the police inquiries establish responsibility for the publication, the police prepare the necessary complaint and submit the complaint with the papers through the Chief Secretary to the Attorney-General for the Attorney-General to signify his authority.

Mr. Millhouse: I'm aware of that.

The Hon. L. J. KING: The member for Mitcham is obviously unaware that I have not had the report, and his information is incorrect. I am referring to the issue of *Empire Times* to which the honourable member referred in a question in the House some time ago. I have not had any reference to me by the police or anyone else concerning any other issue of *Empire Times.* The honourable member, in his question today, has referred to more than one issue, but there is only the one, so far as I am aware, that is the subject of police inquiries.

HENDON SCHOOL

Mr. HARRISON: Has the Minister of Education a reply to my recent question about the Hendon Primary School swimming pool project?

The Hon. HUGH HUDSON: Tenders for the swimming pool at Hendon Primary School have been examined and a recommendation has been made. It is understood that a tender is likely to be accepted within the next two weeks.

SALVATION ARMY

Mr. WARDLE: Has the Attorney-General a reply to the question I asked during the Estimates debate about the allocation of funds in respect of the Salvation Army?

The Hon. L. J. KING: The Chief Secretary states that the provision of $18,200 in 1970-71 was made up as follows: Sunset Lodge, $2,200; and Linsell Lodge in Whitmore Square, $16,000. The actual payment of $1,961 was subsidy on equipment for Sunset Lodge. Provision for the Linsell Lodge project has been on the Estimates for the last two financial years, and several approaches have been made to the Salvation Army to produce receipted accounts for furniture and equipment purchased prior to the opening of the lodge on April 3, 1971. As no accounts were submitted for payment at the end of the last financial year, it was considered that this provision be made available for other charitable purposes and, should a claim be submitted by the Salvation Army this year, payment could be made from sundry grants as may be approved.

WESTERN TEACHERS COLLEGE

Mrs. STEELE: Can the Minister of Education say whether further steps have been taken, or whether there is any further progress to report, regarding the establishment of the Western Teachers College, a matter that was the subject of a question asked by the member for Torrens about three months ago? I realize that the negotiations concerning land acquisition and the establishment of the new college have been fraught with difficulties almost from the time when I recommended to the Government of the day that property at Underdale be compulsorily acquired for this project. However, as a considerable time has elapsed since then, I am wondering whether the negotiations in respect of land acquisition are nearing completion or whether perhaps they are in any way delaying the commencement of work on the buildings to be erected at Western Teachers College. As a matter of interest, I understand that the South Australian School of Art is now to be incorporated with this college.

The Hon. HUGH HUDSON: Although land acquisition has not been completed, there is no difficulty concerning any access to the land that is required by officers of my department or by officers of the Public Buildings Department, so that planning on a joint basis is currently proceeding. I hope to be able within the next week or so to make one or two further announcements on this proposal.

YACKA RAILWAY STATION

Mr. VENNING: Will the Minister of Roads and Transport try to make facilities available at Yacka so that the residents of the town and district can obtain their parcels from the railway station, even if they can do this only in a restricted way? Constituents came to me over the weekend expressing concern that the Stationmaster had been transferred from Yacka and it is almost impossible for them to get their parcels. It has been suggested that one of the gangers in the area carry out the necessary work (I suggest that these fellows are capable of doing so) and that the station office be open for two hours a day so as to allow residents to pick up and also to send parcels.

The Hon. G. T. VIRGO: I will have this matter examined to see whether there is a practicable way of implementing the suggestion although, in fact, the suggestion made does not seem to be practicable. However, I think I ought to draw attention to the general state of affairs concerning railway operations. I assume from the information given by the honourable member that the Yacka station has become unattended through lack of support by the local people. Frankly, I think the day is not far away when people generally (and I refer especially to those in country areas) will have to decide whether they want rail transport and, if they say that they do, they must use it; if they are not prepared to use it, I think serious consideration may have to be given to taking away the service altogether, for I do not believe that the State can continue to subsidize the country people to the extent that it is doing at present when those country people are using road transport services as and when it suits their convenience, still expecting to have the rail service to use just when they wish to use it. Sooner or later this decision will have to be made. Apparently this is part of the problem to which the honourable member refers. I suggest that he find out from the people of Yacka whether they want a rail service at all.

Obviously the station would not have been closed had the people of the district supported the rail service.

KAPUNDA ROAD

Dr. EASTICK: Has the Minister of Roads and Transport a reply to my recent question about the intersection of the Daveyston-Freeling road and the Gawler-Kapunda road?

The Hon. G. T. VIRGO: The fatal accident referred to by the honourable member occurred in daylight at approximately 2.45 p.m., when visibility approaching and across the relevant arms of the intersection was good. Advance direction signs, 12ft. wide by 9ft. high, had previously been erected on all approaches clearly showing the layout of the intersection, and the intersection itself had been delineated by safety bars. It is considered that these works should be adequate to warn the average, reasonably alert motorist of the danger of the intersection and thereby produce a cautious approach. However, it appears that most accidents that have occurred recently have been due to excessively high speeds and the failure to give way. The department is considering additional protection measures at this location and the possible erection of "give way" signs is being currently considered.

NORTH-EAST ROAD

Mr. COUMBE: Has the Minister of Roads and Transport a reply to my recent question about the widening of the North-East Road?

The Hon. G. T. VIRGO: The Highways Department intends to widen Nottage Terrace and the North-East Road from Main North Road to Hampstead Road between 1973 and 1976. Northcote Terrace will be reconstructed to provide four lanes between the present kerb lines for clearway operation as soon as designs and plans are completed. A scheme is also being investigated to remove the bottleneck at the Buckingham Arms Hotel intersection by means of an over-pass on Robe Terrace. The project is expected to be implemented during 1975 or 1976.

SCRUB RESERVE

Mr. McANANEY: Can the Minister of Environment and Conservation say whether consideration has been given to acquiring for use as a reserve some land along the railway line at Milang? Recently, there has been a fuss in the Finniss area about the destruction of scrub. There is good scrub along the railway line. If this land is to be sold for any purpose, it should be retained as a reserve so that this area can be maintained as a natural scrub area.

The Hon. G. R. BROOMHILL: Although I cannot say off-hand whether or not an inquiry has been made about the purchase of that land, I will make the necessary inquiries and provide the honourable member with a reply.

COMAUM SCHOOL

Mr. RODDA: In the absence of the Minister of Works, can the Minister of Education say when Electricity Trust power will be connected to the Comaum school? I understand that the Electricity Trust power was available to the school about three months ago but that there has been a delay in connecting it. Will the Minister use his good offices to have the connection made soon? At present, the school has a 32-volt system. Last week I understand the embarrassing situation arose whereby a meeting had to be held by candlelight, concluding with someone holding a torch to provide some light. I am sure the Minister would not want this situation to continue. The Headmaster has the necessary 240-volt equipment, which he would like to use in his house. Currently, he is making do with antiquated 32-volt equipment, as he pioneers at this school on the Victorian border. Some action to have the power connected would make for another happy schoolteacher in the Minister's department.

The Hon. HUGH HUDSON: I will look into the matter for the honourable member.

BRIGHTON ROAD

Mr. MATHWIN: Will the Minister of Roads and Transport investigate the possible speeding up of the reconstruction of Brighton Road from Dunrobin Road north towards Glenelg, in conjunction with the laying of a water main? This part of Brighton Road is in a shocking condition. It is a traffic hazard (some people might even call it a death trap), the contours being many and varied. In reply to my question of August 17, the Minister said that a 57in. main was to be laid in Brighton Road, commencing at Don Avenue, Seacliff, in 1972. I submit, however, that the condition of Brighton Road is so bad that the work cannot wait that long.

The SPEAKER: Order! The honourable member is commenting.

Mr. MATHWIN: I ask the Minister whether it would not be an advantage to have the water main laid at the same time as this bad part of Brighton Road is reconstructed.

The Hon. G. T. VIRGO: The reason for the delay in this work is that the water main must

be laid. I think that I gleaned from the honourable member's explanation that he did not suggest that we should rebuild the road and then, 12 months later, dig it up and lay the main. I hope we are on the same wave length there. Both parts of this work should be done conjointly, the water main being laid and then the road rebuilt, and that is exactly the course currently being followed. The Engineering and Water Supply Department is looking at the most suitable route for the main; then the whole matter will have to be considered by the Public Works Committee. As far as I know, the matter is being treated with the highest degree of urgency possible. I will have it looked at again to see whether anything can be done, although I doubt it very much because of the factors involved. I appreciate the honourable member's comment about the condition of Brighton Road. In fact, I remember the then member for Glenelg asking exactly the same thing, from almost the same seat as that occupied by the present member for Glenelg, of the then Attorney-General in the last Parliament, the member for Mitcham, about when work would be done on the road, but unfortunately the pleas made by the present Minister of Education did not get very far.

COOBER PEDY SCHOOL

Mr. GUNN: Will the Minister of Education find out whether it is possible to speed up the site works at the new Coober Pedy school? The new school is almost completed, but a large area of concrete paving is required to be placed around it to minimize the dust nuisance and give the children a normal surface to walk on. Concern has been expressed to me at Coober Pedy that water could damage the school if heavy rain fell soon. Such rain is highly unlikely, but always possible. Because of the hot conditions at Coober Pedy during the summer months, it is unlikely that any concrete-paving work will be done during that period.

The Hon. HUGH HUDSON: I will examine the matter for the honourable member.

ROAD CROSSINGS

Dr. TONKIN: Will the Minister of Roads and Transport say whether attention can be given to enforcing speed zones outside schools where there are no recognized school crossings? It seems that motorists do observe the restrictions outside recognized crossings very well indeed, especially when the flashing lights are operating, but it has been represented to me that the opposite effect to that desired is occurring in areas where there are no school crossings and only school signs. When coming to the city this morning, I passed along Kensington Road, Osmond Terrace, Norwood Parade, and Fullarton Road, near the Kent Town Methodist Church, and all of the roads that I travelled over have areas that have school signs but no school crossings. As far as I could see, the speed at which traffic passed those points did not show consideration for those signs. It may be that the effect where there are no crossings but only signs outside schools has been the reverse of that desired, because of the absence of crossings.

The Hon. G. T. VIRGO: I will consider the question and bring down a reply.

Dr. EASTICK: Can the Minister of Roads and Transport say when he intends to introduce legislation to permit Highways Department funds to be made available on a $2 for $1 basis to councils for under-passes and over-passes at pedestrian and school crossings? The Minister will know that on August 10, in reply to my question about the Williamstown school under-pass, the Minister of Education said that the Minister of Roads and Transport had announced the previous week that there was to be a changed attitude towards the financing of such works. At page 639, the Minister of Education is reported as saying:

> The new policy will require legislative sanction by Parliament before the policy of the payment of two-thirds of the cost of school crossings and pedestrian over-passes and under-passes constructed by the Highways Department can be officially introduced. I have no doubt that the honourable member will be pleased to give that legislation his support when it comes before Parliament.

That under-pass to which I was referring in my question has been in abeyance since 1967 and, until this legislation is considered, no further action can be taken.

The Hon. G. T. VIRGO: I think the honourable member has answered his own question. I will be introducing legislation, as I have said publicly.

Dr. Eastick: When?

The Hon. G. T. VIRGO: I am afraid I cannot give an accurate time table. I think that, when I announced the Government's policy on this matter, I said that I hoped to introduce the legislation this session, and I still express that hope but, as we have a heavy legislative

programme at present, whether it will be possible to introduce a Bill time alone will tell. Much of this depends on whether Opposition members are prepared to co-operate with the Government in passing legislation, instead of wasting the valuable time of Parliament in the way we have observed earlier this afternoon.

OH! CALCUTTA!

Mr. MILLHOUSE: Has the Attorney-General yet completed his inquiries into the matter I raised last Tuesday regarding the possibility of staging the play *Oh! Calcutta!* at the Flinders University? Last week, as a result of representations made to me, I raised this matter in the House, stating that I did not think it was a hoax but that, obviously, it was possible that it was a hoax. The Minister, in reply to my question, said that he would examine the matter. I do not know whether he has this report, but, relying on his undertaking and the fact that it is seven days since I asked my question, I now put the question to the Attorney.

The Hon. L. J. KING: I did inquire but I have not come into contact with anyone who has any information about the staging of the play. I have forgotten the date mentioned in *Hansard.*

Mr. Millhouse: October 18.

The Hon. L. J. KING: I have no information at present about the staging of the play or any intention in that regard, other than the information given by the honourable member in the House. However, if I obtain any information about it, I will let the honourable member know.

NORTH ADELAIDE ROADS

Mr. COUMBE: Can the Minister of Roads and Transport say whether, even though certain aspects of town planning do not apply to the Adelaide City Council, certain access roads from North Adelaide to the city have been referred to the Highways Department, or to the State Planning Authority administered by the Minister's colleague? If this is a fact, will the Minister give me a report on what findings, if any, have been made by the appropriate body to which I have referred?

The Hon. G. T. VIRGO: There is extremely close liaison between the Adelaide City Council, the Director of Planning, and the Highways Department, and I should think that any discussion such as that to which the honourable member has referred has taken place on the basis of that liaison. I am not completely aware of any such discussion in detail, but I will inquire and bring down a report for the honourable member.

GRAIN DIVIDENDS

Mr. McANANEY: In the absence of the Minister of Works, will the Minister of Education ask the Minister of Agriculture when the next dividend on the 1969-70 wheat pool and the next dividend on the 1970-71 barley pool will be paid?

The Hon. HUGH HUDSON: I am sorry to say I have not that information with me today. I will inquire of my colleague.

GAUGE STANDARDIZATION

Mr. VENNING: Can the Minister of Roads and Transport report further progress in relation to the negotiations into the standardizing of the railway line between Adelaide and a point on the existing standard gauge line? When I asked this question of the Minister previously, he referred it back to me, but I am not a member of the Government. As he is the Minister, I ask him whether he can get a report on the matter.

The Hon. G. T. VIRGO: True, the honourable member is not a member of this Government, but he is a member of the Commonwealth Government Party. Much of the preliminary work that was necessary before a conference between the Commonwealth Minister and me could be held has now been completed for, from memory, two to three weeks. Immediately the work was completed, contact was made with the Commonwealth Minister in an attempt to arrange a suitable time and place for me to confer with him to determine those points of policy that the officers could not deal with. Regrettably, the Commonwealth Minister has gone on an oversea tour. From memory, I believe that he arrives back in Australia on either October 23 or 24. At this stage, I have an appointment to see him three days later, when I hope that we will make the necessary progress.

MUSEUM

The Hon. D. N. BROOKMAN: Will the Minister of Education obtain for me a report on the work that has been done to improve the South Australian Museum and on what work is intended to be done this financial year? I believe that $30,000 was allocated in the Loan Estimates for the Museum and

other buildings, and that other sums were made available for show cases and so on. I have noticed in the Director's report, which has been tabled today, the difficult position that the Museum is in, with exhibits spread about in various parts of the city, and even as far away as Bolivar.

The Hon. HUGH HUDSON: As the honourable member seems to want some detail on the matter, rather than make some remarks off the cuff I think it would be more appropriate to obtain a detailed report, and I will do that.

AFRICAN DAISY

Mr. McANANEY: In the absence of the Minister of Works, will the Minister of Education ask the Minister of Agriculture to ensure that the Burnside council takes action to have sprayed the African daisy in its area? Last year, when this African daisy, which is the father or mother of all the African daisy in the Hills, was ultimately sprayed, it was too late to have much effect. As there is at present a healthy growth of the weed in this area, it should be sprayed immediately so that it will not cause further damage.

The Hon. HUGH HUDSON: I will take up the matter with my colleague.

A.N.Z. BANK BUILDING

Mr. BECKER (on notice): What is the settlement date for the purchase of the A.N.Z. Bank building?

The Hon. Hugh Hudson, for the Hon. D. A. DUNSTAN: There is no settlement date for the purchase of the A.N.Z. Bank building. Discussions are taking place to try to reach agreement on a purchase figure.

STREAKY BAY SCHOOL

Mr. GUNN (on notice):

1. When is it expected that the new school at Streaky Bay will be completed?
2. When will tenders be called?
3. What will be the cost of this project?

The Hon. Hugh Hudson, for the Hon. J. D. CORCORAN: The replies are as follows:

1. March, 1974.
2. June, 1972.
3. About $700,000.

CEDUNA COURTHOUSE

Mr. GUNN (on notice):

1. When will the building of the Ceduna courthouse commence?
2. Why has there been a delay in commencement?
3. What is the estimated cost of the project?

The Hon. Hugh Hudson, for the Hon. J. D. CORCORAN: The replies are as follows:

1. November, 1971.
2. Because of the high cost of building in solid construction in country areas, the Public Buildings Department has been investigating alternative means of construction that would lower the overall building costs. These investigations have resulted in some delay in the calling of tenders. However, the scheduled occupation date of June, 1972, remains unaltered.
3. $230,000.

STREET SEALING

Mr. GUNN (on notice):

1. When will the streets of Andamooka and Coober Pedy be sealed?
2. What is the total length of streets to be sealed?

The Hon. G. T. VIRGO: Tenders have been called for the construction and sealing of township streets in Coober Pedy, closing on October 19, 1971. Provided a satisfactory tender is received, it is expected that these works could be completed by the end of the current financial year. About three miles of roadway is involved. It is intended dependent upon the availability of funds, to call tenders for the construction and sealing of about 2¼ miles of township streets in Andamooka early next year.

CONSTRUCTION WORK

Mr. CARNIE (on notice): What was the actual expenditure on departmental construction works by the Highways Department, for each of the last five financial years, on each of the following:

(a) Central district;
(b) Eastern district;
(c) Far Northern district;
(d) Metropolitan district;
(e) Northern district;
(f) South-Eastern district;
(g) Western district;
(h) Special projects; and
(i) Land acquisition?

The Hon. G. T. VIRGO: As the replies comprise statistical information, I ask permission to have them incorporated in *Hansard* without my reading them.

Leave granted.

EXPENDITURE ON CONSTRUCTION WORKS FOR FIVE YEARS ENDED JUNE 30, 1971

District	1966-67	1967-68	1968-69	1969-70	1970-71
	$	$	$	$	$
Central	3,022,872	2,075,315	3,119,913	3,438,108	2,594,533
Eastern	1,922,345	1,345,269	1,975,491	1,698,018	1,556,388
Far Northern	—	—	—	46,391	1,408,606
Metropolitan	5,979,534	5,550,000	5,726,590	4,673,177	4,467,695
Northern	2,355,925	2,364,897	2,121,582	2,806,176	2,951,402
South-Eastern	1,808,372	1,675,358	2,027,364	1,945,727	1,279,877
Western	1,853,270	1,860,776	1,787,138	2,015,675	1,721,604
Special projects	*	*	*	3,617,287	3,417,995
Land acquisition	1,936,475	2,319,927	3,966,606	6,906,460	5,140,360

Note—Includes council expenditure for specific works, but does not include ordinary grants.
* Included in metropolitan districts.

KARCULTABY SCHOOL

Mr. GUNN (on notice): When will the proposed new school to be built at Karcultaby be referred to the Public Works Committee for investigation?

The Hon. Hugh Hudson, for the Hon. J. D. CORCORAN: It is not possible to assess a programme for the Karcultaby school at this stage. However, the project should be referred to the Public Works Committee by mid-1972.

DEATH OF MR. G. B. BOCKELBERG

The SPEAKER: Before proceeding with the business of the day, I draw the attention of the House to the lamented death of Mr. George Baron Bockelberg, former member for Eyre in the House of Assembly from 1956 to 1968. As Speaker of the House, I express publicly the deepest sympathy to his relatives in their sad bereavement.

The Hon. HUGH HUDSON (Minister of Education): In supporting your remarks, Mr. Speaker, may I say that I knew Mr. Bockelberg and became friendly with him during the last three years of his term in this House. I think all members who knew him regarded him as a member who was extremely assiduous in carrying out his duties on behalf of his district. He was a friend to all members, on both sides of the House, and I do not know of anyone who came in contact with him who will not remember him with the kindliest feelings towards him. I think all members would like me, on their behalf, to extend to his family our deepest sympathy in their sad loss.

Mr. HALL (Leader of the Opposition): I join you, Mr. Speaker, and the Minister of Education in expressing sympathy to the relatives and friends of the late Mr. Bockelberg. Early in my Parliamentary service, I, too, came to value Mr. Bockelberg's friendship and good will. I remember having an office not far from his and I soon became aware of the good fellowship that he brought to this House. Later, I think in 1967, I visited the District of Eyre with him and opened some good works there. When I entered on a most arduous trip around that large area, I came to know at first hand why Mr. Bockelberg had gained so much respect in his district because of his service and character. His service to his country, both during the war and as a member of this House, has shown that he was one of the most cheerful and dedicated members and one of the most respected citizens in this State.

As a mark of respect, members stood in their places in silence.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL

Returned from the Legislative Council without amendment.

CITRUS INDUSTRY ORGANIZATION ACT AMENDMENT BILL

Returned from the Legislative Council with an amendment.

AGED CITIZENS CLUBS (SUBSIDIES) ACT AMENDMENT BILL

Returned from the Legislative Council with an amendment.

PRESBYTERIAN TRUSTS BILL

Returned from the Legislative Council without amendment.

ENFIELD HOSPITAL—ADOLESCENT UNIT

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Enfield Hospital—Adolescent Unit.

Ordered that report be printed.

FOREIGN JUDGMENTS BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to provide for the registration and enforcement of judgments of foreign courts; to repeal the Administration of Justice Act, 1921-1926; and for other purposes. Read a first time.

The Hon. L. J. KING: I move:

That this Bill be now read a second time.

It is intended to replace the Administration of Justice Act, 1921-1926. The purpose of the Bill, like that of the existing Act, is to provide a simplified procedure by which the judgments of foreign courts may be enforced in this State. However, the existing Act is very limited in its application. We must now adapt ourselves to a changing world view in which the rigid distinction drawn by the existing Act between the British Commonwealth and the rest of the world has become outdated and irrelevant. Our legal system must have sufficient flexibility to enable us to enter into a reciprocal and friendly relationship with the newly emerging and developing nations. The Bill is accordingly designed to provide for much greater latitude in the variety of judgments that may be registered and enforced in this State. The proposals for such a Bill have been extensively considered by Their Honours the judges of the Supreme Court, the Law Society, and finally by the law reform committee. The Bill has been drawn so as to give effect as far as possible to the various recommendations that have been made.

I shall turn now to the provisions of the Bill. Clause 1 is formal. Clause 2 provides that the new Act shall come into operation on a day to be fixed by proclamation. Clause 3 provides for the repeal of the Administration of Justice Act, 1921-1926. However, judgments already registered under that Act may, notwithstanding the repeal, be enforced according to the provisions of that Act. Clause 4 contains a number of definitions necessary for the purposes of the new Act. It will be noticed that the definition of "judgment" embraces judgments for the payment of money and also judgments for the recovery or delivery up of personal property.

Clause 5 establishes the principles on which a judgment may be registered under the new Act. First, the judgment is to be registrable if the jurisdiction of the original court is recognized under the established rules of private international law. The second ground of recognition and registration is something of an expansion of the first. In this case, a judgment may be registered if its validity should be recognized on the ground of comity. The doctrine of comity is of fairly recent origin, having been established in the case of *Travers v. Holley* (1953) P. 246. The doctrine is based on the proposition that, if a foreign court has exercised jurisdiction on grounds that would in corresponding circumstances justify the assumption of jurisdiction by local courts, it is inconsistent with comity not to recognize the validity of the judgment. This idea was developed in the case of *Robinson-Scott v. Robinson-Scott* (1958) P. 71, in which it was held that the foreign judgment should be recognized as valid if circumstances existed which would, *mutatis mutandis,* have justified assumption of jurisdiction by a local court, whether or not the foreign court in fact relied on those circumstances as the basis of its jurisdiction. Finally, the clause invests the Supreme Court with a wide discretion to permit registration of a judgment where it is just and equitable to do so. There may be judgments of Asian courts which do not conform to the European norm but which should, nevertheless, in the opinion of the court, be enforceable in the State. The court will be able to exercise a wide discretion, where confronted with such a judgment, to determine whether it should, in all the circumstances, be enforced in this State.

Clause 6 enables the Governor, by proclamation, to declare any foreign courts to be courts of reciprocal jurisdiction. Where such a declaration is made, a judgment of such a court shall be presumed, in the absence of evidence to the contrary, to be registrable under the new Act. This will facilitate the registration of these judgments by doing away with the necessity of proving the jurisdiction of the foreign court. Of course, it is still open for the judgment debtor to prove that the court wrongly assumed jurisdiction in the cause of action, and thus have the judgment set aside. Clause 7 deals with the registration of the foreign judgment. The clause provides that, where registration is granted, the judgment shall be treated for the purpose of execution as a judgment of the Supreme Court. The court may, however, impose conditions on the registration of a judgment that will protect the rights of the judgment debtor in the event of an appeal against the judgment. Clause 8 sets out various grounds on which the judgment debtor may apply to have the registration of the judgment set aside. Clause 9 is designed to facilitate the registration of South Australian judgments in places in which corresponding legislation exists. It provides for the Supreme Court to issue copies of its judgments together with

prescribed particulars which may facilitate registration. Clause 10 enables the Supreme Court to make Rules of Court governing the practice and procedure under the new Act.

Mr. MILLHOUSE secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Roads and Transport) obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act, 1959-1971. Read a first time.

The Hon. G. T. VIRGO: I move:

That this Bill be now read a second time.

It contains significant amendments to the Motor Vehicles Act which are designed to give effect to a simplified method of providing the insurance necessary for registration of motor vehicles and thus benefit the public considerably. It will streamline administration of the third party system by eliminating clerical and administrative work involved in the present system. Payment will be made by the motorist to the Motor Vehicles Department of one amount to cover registration fees and third party insurance. Applicants for registration, renewal of registration or permits of various kinds will no longer be required to obtain an insurance certificate from an approved insurer. No proposal forms will be necessary and no policies will be issued. Instead, an applicant will merely insert the name of his selected insurer in a space provided on the registration or permit application form. On issue of the registration or permit, the applicant will become insured automatically (with the insurer he has selected) in terms of a policy that is set out in a schedule to the Act, as from the actual time at which the registration or permit is issued.

If an applicant fails to make a proper selection, he will not suffer the present delays through deficiencies in insurance requirements. In such cases the Registrar will be authorized to make a selection on his behalf, according to a plan arrived at by agreement with insurers. The registered owner and insurer selected will be bound, by the terms of the policy set out in the Act, for the period of registration and no change of insurer will be permitted during that period. Insurance will continue to apply to a new owner on transfer of registration. No change of insurer will occur at the time of transfer. The registered owner will be billed for insurance on renewal forms, on which will also be shown the name of his existing insurer. That insurer will remain selected on renewal unless the owner specifically requests a change. The amount of premiums collected by the Registrar will be paid to the insurers concerned. The Registrar will be entitled to retain a portion of the premiums to cover administration expenses. Each insurer will be required to enter into such agreements with the Minister and all other approved insurers as may be necessary to give effect to the insurance provisions of the Act. The Registrar will be involved in collecting the insurance premium only at the time of application. Any variations in premium or refunds on cancellation of registration will be a matter handled directly between insurance companies and their clients.

The provisions of the Bill are as follows. Clause 1 is formal. Clause 2 provides for the Act to come into operation on a day to be fixed by proclamation. Clause 3 provides a definition of "insurance premium". Clause 4 amends section 16 of the principal Act to eliminate the present method of producing a certificate of insurance or cover note to a police officer in the country when applying for a 14-day permit. Instead, an applicant will have only to satisfy the officer that he has sent the insurance premium, as well as other fees, to the Registrar. Clause 5 amends section 20 of the principal Act to provide the same procedure when applying direct to the Registrar for registration. Clause 6 repeals section 21 of the principal Act because insurance certificates will become redundant.

Clause 7 extends existing powers under section 22 of the principal Act to require a person to provide information to enable the Registrar to assess the proper insurance premium. Clause 8 amends section 24 of the principal Act to require payment of the insurance premium as well as registration fee and stamp duty to the Registrar when making application for registration. Clause 9 re-enacts section 26 of the principal Act in an amended form. It will no longer be necessary to give the Registrar power to vary the registration period because of a discrepancy between the date of the insurance certificate and the date of registration. Provision for such variation is accordingly removed.

Clause 10 deletes from section 33 of the principal Act the requirement to pay stamp duty. Doubts have been expressed about the validity of the duty in the light of section 92 of the Commonwealth Constitution. Clause 11 amends section 33a of the principal Act to

require payment of the insurance premium as well as existing fees to the Registrar. Clause 12 re-enacts section 43 of the principal Act. This section provides for recovery of moneys due to the Registrar on cancellation of registration where short payment is made or a cheque is dishonoured. The section in amended form is designed to include payment for insurance. The remedies provided are cancellation of registration and refund of any balance in the case of short payments, or voiding of registration and insurance in the case of dishonoured cheques.

Clause 13 provides a re-enactment of section 49 of the principal Act in place of sections 49 and 49a to bring together the circumstances in which the Registrar may issue a permit pending completion by the applicant of registration requirements. At the same time the powers of the Registrar to issue permits are slightly widened, in the interests of applicants who would otherwise be left without use of their vehicles, pending completion by them of requirements for registration. Clause 14 re-enacts section 54 of the principal Act to extend the authority of the Registrar to cancel the registration of a stolen vehicle and make a refund to the owner. Clause 15 provides amendments to definitions in section 99 of the principal Act. These are related to subsequent amendments in Part IV of the Act.

Clause 16 inserts a new section to enable the principle of the new system to be put into operation. It provides for payment of the insurance premium to the Registrar, selection of an insurer, and the provision of information to the Registrar to enable the proper premium to be determined. The section provides that the policy of insurance in terms of the fourth schedule shall be in force from the time the registration becomes effective; that the selected insurer shall become the insurer from that time; that insurance continues in operation upon transfer of registration; and that insurance cannot be cancelled whilst a registration remains in force. The section also requires the Registrar to pay amounts collected as premiums to the appropriate insurers, retaining administration expenses as determined by agreement. Finally, the section allows a transition period of three months during which certificates of insurance may be accepted in lieu of the insurance premium. This is considered necessary for the convenience of the public.

Clause 17 amends section 101 of the principal Act, and provides for the methods of admission of insurers to, and withdrawal from, the scheme. It also requires insurers to enter into an agreement relating to administration of the scheme. This agreement is designed to cover such matters as the method of selection of approved insurers by the Registrar on behalf of applicants where they have omitted to make a proper selection. Clause 18 adds a subsection to section 103 of the principal Act, specifying that a valid certificate of registration shall be sufficient evidence that a policy of insurance is in force in respect of the motor vehicle.

Clause 19 re-enacts section 104 of the principal Act by deleting reference to a policy issued by an approved insurer, as this will no longer be the normal procedure. However, there will be occasions where an owner is not required to register his vehicle (for example, in the case of fire-fighting vehicles) but is required to have or desires to have third party insurance. In such cases the owner will not approach the Registrar but will obtain insurance direct from his insurance company. It is therefore necessary to retain in this section the provision relating to the nature of such policies. Clause 20 amends section 105 of the principal Act to ensure that policies in force prior to the date this Act comes into operation are deemed to provide the insurance required by this Act.

Clause 21 deletes reference in section 107 of the principal Act to the issue of policies, and determines the liability of an insurer to indemnify the person specified in the policy. Clause 22 re-enacts section 109 of the principal Act to ensure that the payment of an incorrect premium does not affect the validity or operation of the policy. Clause 23 deletes reference in section 110 of the principal Act to the issuing of policies, since the new scheme does not require the issue of policies. Clause 24 amends section 114 of the principal Act. The amendment is complementary to the new section 124a under which the insurer's rights to indemnity against the insured person where he is guilty of a breach of the policy, or the provisions of the Act, are gathered together.

Clauses 25, 26, and 27 delete references in sections 116, 118, and 118a of the principal Act to the issuing of policies. Clause 28 re-enacts sections 121 and 122 of the principal Act. The only cases in which a policy will be cancelled will be those in which registration is cancelled, or not granted after a permit has been issued. The amendment reflects this new situation. Clause 29 repeals and re-enacts section 124 of the principal Act. The existing section was considered by the Chief Justice of

the Supreme Court in the case of *Surrey Insurance Co. Ltd. v. Nagy.* The Chief Justice made certain criticisms of this section and the matter was subsequently made the subject of a report by the Law Reform Committee. This section, as re-enacted, overcomes certain difficulties which were inherent in the old section.

Clause 30 enacts new section 124a of the principal Act. This new section gathers together the various rights of indemnity that an insurer has against an insured person under the principal Act when the insured person is guilty of a breach of the policy, or of a provision of Part IV. The new section provides that, where the insurer has been prejudiced by any such breach, he may recover from the insured person such compensation as is reasonable in the light of that prejudice. Clause 31 makes consequential amendments to the principal Act. Clause 32 amends section 126 of the principal Act. An insured person is not permitted, without the consent of the insurer, to enter upon any litigation, make any offer of settlement, make any settlement, or make any admission in respect of a liability against which he is insured.

This amendment prevents an insured person from authorizing the repair of his vehicle, or dismantling or damaging his vehicle, without the insurer's consent, where it has been involved in an accident causing death or bodily injury. This amendment is desirable in order to preserve evidence for the purposes of subsequent legal proceedings.

Clause 33 amends section 129 of the principal Act. The amendments are consequential upon the new insurance scheme. The Insurance Premiums Committee will in future determine actual premiums for insurance under the Act. While the committee has hitherto technically been determining maximum rates of premium, in fact this determination has acted for the purpose of the insurance industry as a determination of the actual premiums to be charged.

Clause 34: this section prohibits an insurer from making payment in the nature of a rebate or commission upon insurance premiums. This provision is desirable in order to achieve stability in the insurance industry, and to enable the committee to make realistic assessments of insurance premiums. Some large corporations have, in the past, been able to force rebates upon third party premiums. This reacts upon those with lesser bargaining power, because it means in fact that they must either pay higher premiums in order to ensure that the insurer maintains his profitability, or suffer the prospect that the insurer may default under his obligations to the public. This new clause should prevent such undesirable practices. Clause 35 sets out the terms of the policy of insurance. The policy follows the standard provisions applicable to third party policies.

Mr. MILLHOUSE secured the adjournment of the debate.

DOOR TO DOOR SALES BILL

In Committee.

(Continued from October 5. Page 1935.)

Clauses 1 and 2 passed.

Clause 3—"Division of Act."

Mr. MILLHOUSE: I had hoped that the Attorney-General would favour the Committee with a general explanation of the meaning of the extensive changes that have now been written into the Bill.

The CHAIRMAN: Order! We are dealing with clause 3.

Mr. MILLHOUSE: I know, but as you may recall the Attorney had placed on file extensive amendments that substantially altered the Bill he originally introduced. We could not discuss these amendments during the second reading debate, and now we will have no chance to hear the Minister's explanation of the Bill under this or any other clause. I know that you are strictly correct in saying that I cannot raise this matter under this clause, but apparently I cannot raise it under any other clause.

The CHAIRMAN: I draw the Attorney-General's attention to the fact that the Committee is dealing with clause 3, and any remarks he intends to make will have to be in accordance with the clause being considered.

The Hon. L. J. KING (Attorney-General): I appreciate that, Mr. Chairman. I am willing to try to outline the general effect of the amendments included in the Bill *pro forma,* but I do not know whether at this stage it is in order for me to do so.

The CHAIRMAN: I will have to rule that it is not in order. If the Attorney-General has certain amendments to move, he is perfectly in order in explaining them, but otherwise I can only allow discussion on the clause as printed.

Mr. MILLHOUSE: I appreciate that you feel bound by the Standing Orders to do this, but I wonder whether you might allow me to move a motion without notice so that we can give the Attorney-General an opportunity to make the explanation.

The CHAIRMAN: Order! I cannot at this stage allow a motion to be moved without notice. We are dealing with clause 3, and with each clause individually as printed.

Mr. MILLHOUSE: Well—

The CHAIRMAN: Order! It is courtesy for a member to resume his seat when the Chairman is addressing the Committee, and that applies to all members. I cannot allow an open discussion on clause 3; nor will I allow a motion to be moved without notice arising from the discussion on clause 3. If certain amendments are to be moved by the Attorney-General, he can explain each amendment as he moves it, but I cannot allow a second reading debate on any clause under discussion.

Mr. MILLHOUSE: I must ask for some indulgence in this matter, which I raised—

The CHAIRMAN: Order! I have ruled that each clause will be dealt with *seriatim.* If there are amendments dealing with any individual clause, they can be fully explained by the Minister at the relevant time.

Dr. EASTICK: I ask the Attorney-General whether he will permit the Committee to report progress.

The CHAIRMAN: Order! The question is "That clause 3 stand as printed".

Mr. MILLHOUSE: That is a perfectly proper thing to ask the Attorney-General. Why should you rule the honourable member out of order, Mr. Chairman?

The CHAIRMAN: I did not rule the honourable member out of order; I reminded the Committee that we are dealing with clause 3. The honourable member can, if he so desires, ask for an adjournment, but he cannot debate the issue.

Dr. EASTICK: I asked for an adjournment expressly so that the Attorney-General could provide a means whereby this Committee could make a just and correct decision on matters that it is being asked to accept without sufficient information.

The Hon. L. J. KING: I think there is no real difficulty here. As we come to the various clauses in the amended Bill, I can refer to the way in which they differ from the original Bill and, in that way, I hope to enlighten the Committee as to the effect of the amendments. In doing so, I will try to explain what is the general effect of those amendments so far as they are relevant to the clause.

Clause passed.

Clause 4—"Operation of Book Purchasers Protection Act, 1963-1964, not affected."

The Hon. L. J. KING: The Bill as it originally stood provided for the repeal of the Book Purchasers Protection Act. That was because the scheme of the original Bill was that the contract would not be valid unless confirmed by the purchaser between the prescribed dates and, that also being the scheme of the Book Purchasers Protection Act, it would have rendered that Act unnecessary. However, the Bill as it now stands in Committee provides that the contract is valid unless rescinded by the purchaser within the prescribed period. Consequently, the scheme differs from the scheme of the Book Purchasers Protection Act. The Book Purchasers Protection Act has worked extremely well regarding books, and there seems to be no reason at all why it should be assimilated with the provisions of the present Bill which extend to a vast range of commodities, many of which are different from books. It has been thought undesirable to disturb the scheme regarding books which has worked so well and, consequently, because of the altered scheme of the Bill, the original provision for the repeal of the Book Purchasers Protection Act has not been included in the Bill as it stands as present.

Clause passed.

Clause 5—"Definitions."

The Hon. L. J. KING: I move:

In subclause (1), in the definition of "dealer", after "whom" to insert "or".

This clause, including the definition of "dealer" therein, recognizes that in many credit transactions there are three parties (the purchaser; the financier who owns the goods and who, under this Bill, is the vendor; and the dealer, who sets in train the transaction for the purchase of the goods). The dealer in this sense is not the agent of the vendor-financier, even though many purchasers may think he is the vendor. Accordingly, the amendments assimilate the position of financier and dealer where necessary, particularly in the exemption provision; for instance, an unsolicited request made to a dealer will have the same exempting effect as if it were made to the financier-vendor. This amendment simply corrects a typographical or printer's error.

The Hon. D. N. BROOKMAN: I should like to know when the Attorney-General will stop amending this Bill. The Government has a habit of making extensive amendments to its Bills almost as soon as they are placed on the files. In this case, a debate took place some time ago concerning whether the Attorney-General's amendments should be incorporated in the Bill, and the debate was postponed in order to give him plenty of time to have the amendments incorporated in the Bill, so that

we could discuss them. However, the amendments, which are confusing enough as it is, are now proliferating.

The CHAIRMAN: Order! The member for Alexandra must confine his remarks to clause 5—"Definitions."

The Hon. D. N. BROOKMAN: Is this the Attorney-General's final attempt on this clause or is there another one coming up?

The CHAIRMAN: We are dealing with an amendment by the Attorney-General to clause 5 relating to definitions.

The Hon. L. J. KING: This amendment undoubtedly improves the Bill as it inserts the word "or" where it should have been in the first place. I am surprised that the member for Alexandra opposes the amendment. I will not stop amending the Bill so long as people come up with good ideas that should be incorporated in it. It is absurd to say there is some point of time at which sensible amendments should not be included. If somebody can come along—

The CHAIRMAN: Order! The Attorney-General must confine his remarks to the amendment he has moved. The honourable Attorney-General.

The Hon. L. J. KING: I will simply say that, if someone draws my attention to the fact that the word "or", the word "and", the word "but" or something else has been omitted from the Bill, I will not hesitate to attempt to remedy it by amendment.

Mr. MILLHOUSE: The object of Ministers when they draw Bills is to try to introduce a Bill into this Chamber in a satisfactory form. It always has been the object—

The CHAIRMAN: Order!

Mr. MILLHOUSE: —not to try in any way—

The CHAIRMAN: Order!

Mr. MILLHOUSE: —to confuse—

The CHAIRMAN: Order! The member for Mitcham must obey the Chair when "Order!" is called. The matter being discussed by the Committee is an amendment moved by the Attorney-General, and discussion at this stage will be confined to that amendment.

Mr. MILLHOUSE: I was speaking to the amendment moved by the Attorney-General but you, Mr. Chairman, had not given me an opportunity to get to that point in my remarks where I would actually have mentioned it. This amendment is an amendment to an amendment, because this definition, as the Attorney-General has said, was not in the original Bill that we debated at the second reading stage. Here, he is putting it in *pro forma,* and, indeed, it is amended again. The object of the exercise for most Ministers is to bring in a Bill in a satisfactory form in the first place.

Amendment carried.

Mr. COUMBE: We have a definition of the word "sell", and then the words "sale" and "sold" are used. Does this conflict in any way with the Bills of Sale Act? How can that Act be read in conjunction with these definitions?

The Hon. L. J. KING: I am not aware of any way in which the Bills of Sale Act would conflict with this provision. Has the honourable member anything specific in mind? I see no conflict at all. The Bills of Sale Act simply provides the circumstances in which a certain type of chattel security, if it is to be valid against the trustee in bankruptcy, must be registered. That is in an entirely different situation. This Bill has the effect of impugning the validity of certain contracts when they are rescinded at a particular time. I do not think there can be any conflict in this situation.

Mr. MILLHOUSE: As "sell" is a word newly defined in the Bill (I have my finger on No. 6 in the file, which is the old Bill, and this one) would the Attorney be kind enough, as he is not able under your ruling, Mr. Chairman, to give any general review of the effect of his amendments, to point out when we come to each clause the amendments and the deletions from it? I have not had the chance, since your ruling, to check on each clause. However, I notice that "sell" was not in the old Bill, although it is in this one. But for the question asked by the member for Torrens, I would not have had a chance to pick that up, either. As each clause is called, will the Attorney-General indicate to the Committee whether or not it is in the same form as in the original Bill and, if not, what alterations have been made to it?

The Hon. L. J. KING: I shall endeavour to do so wherever possible. I have not an exhaustive list of comparisons, clause by clause, but most of them I think I can pick up as we go along.

The CHAIRMAN: I point out to the member for Mitcham that "sell" is included in clause 5 as well.

Mr. RODDA: I draw the Attorney-General's attention to subclause (2) of this clause. Can he give me an assurance about the working of the proclamation under this measure?

Stock and station agents generally have customer relationships in the ordinary course of their business with farmers or people on the land. As time goes on, the stock agents get to know the requirements of those people and, without being requested to do so, they deliver or have delivered to the station or farm certain goods required for the seasonal work in hand. These accounts are entered in the normal records of the company. This Bill states that these goods may be declared by proclamation "not to be included within the meaning of goods for the purposes of this section". How will this work?

The Hon. L. J. KING: Subclause (2) relates to goods or services; in other words, it provides a power for the Governor by proclamation to declare any goods, services or rights not to be included within the meaning of "goods" in the section. It is related, therefore, to clause 6(1)(*h*), which gives the same power with respect to contracts or classes of contract or agreement. In other words, one refers to a specific type of goods or services, and the other refers to specific types of contract. The object of including this is to provide some degree of flexibility in the administration of the Act. There are types of transaction that one would like to exclude from the operation of the Act, if it was possible to devise a formula which would not exclude too much and which would not remove the protection from the area where it is needed. One of the problems with this type of legislation is to ensure that it will be effective; in other words, that it will not contain loopholes which would render it nugatory. A power by proclamation will enable those administering the Act to have an opportunity to look at specific cases put to them where there is no need for the sort of protection that the Act gives and where it may result in inconvenience, to no benefit. The sort of transaction to which the honourable member refers is just that sort of transaction. There are others where, for instance, the customer may be dealing with a certain firm with a regular account over a period of years and may appreciate unsolicited calls from that firm. By proclamation, it is possible to deal with this sort of situation. If it proves that the proclamation has excluded too much, it can be easily and readily altered to close the loophole. If some enterprising direct-selling person, perhaps less scrupulous than others, tries to use some exemption to practise some undesirable form of selling, it is then possible to close the gap readily, so that we can exercise a greater degree of latitude in granting exemptions, where that is being done by proclamation, than could be done if we tried to write this into the Bill. Although it will be for the Prices Commissioner to advise on this, I envisage that, where a farmer has a course of dealing with a stock agent and a stock agent delivers goods in the course of that dealing, it would not be difficult for an exemption to be formulated by proclamation that would make the application of these provisions unnecessary in such a case. I cannot commit in advance those administering the legislation to exempt any type of transaction but at present I can envisage that the type of transaction to which the honourable member has referred will be excluded by proclamation in one form or another.

Clause as amended passed.

Clause 6—"Application of Act."

The Hon. L. J. KING: I move to insert the following new subclause:

(2a) For the purposes of subsection (1) of this section, where negotiations leading to the making of a contract or agreements have been carried on with the purchaser wholly or partly at a place where a person, not being the purchaser, vendor or dealer, resides, those negotiations shall be deemed to have been carried on wholly or, as the case may be, partly at the place where the purchaser resides.

Its object is to deal with a situation that can arise readily. The scheme of the Bill as it stands, without the amendment, is that the provisions apply where the contract is entered into as a result of negotiations carried on wholly or partly at the purchaser's place of residence or employment. Where the door-to-door salesman calls at a house and the contract is entered into there, the householder or person occupying that house is protected, as he comes within the provision. Should it happen that the next-door neighbour was in there and, as a result of the same persuasions and in the same circumstances, entered into the contract, he would not be protected under the Bill as it stands. Therefore, the amendment is inserted with a view to extending the protection to other people who may in fact be visitors at the house where the direct-selling agent calls.

The Hon. D. N. BROOKMAN: Is the Attorney trying to provide the same protection as is provided to the owner of the house to a visitor to that house who buys an article at that house?

The Hon. L. J. KING: Yes, that is the object of the amendment.

Mr. MILLHOUSE: I remind the Attorney of the request I made to him that, when we

come to clauses that have been extensively amended *pro forma,* he explain the purport of the amendments which have already been made and which are incorporated without any trace in the clean copy of the Bill that we have. Incidentally, when I referred to the definition of "sell" I was mistakenly looking at Bill No. 6 and not No. 16, and I apologize for that. Will the Attorney explain the purport of the extensive amendments that have already been made to this clause?

The CHAIRMAN: Order! The honourable Attorney-General has moved an amendment that is now under discussion. If the amendment is agreed to, the clause as amended will then be put to the Committee, the honourable the Attorney then having the right to explain the clause as amended.

The Hon. D. N. BROOKMAN: The clause, not only the amendment, is under discussion. I want to know what the clause means before I vote on the amendment and not after I have voted.

The CHAIRMAN: We are dealing with the amendment.

The Hon. D. N. BROOKMAN: We are dealing with the clause.

The CHAIRMAN: When the amendment has been decided on, the whole of the clause will then be discussed.

The Hon. D. N. BROOKMAN: Is it your ruling that it is out of order to refer to anything in the clause except the amendment?

The CHAIRMAN: It would be out of order at this time to discuss anything that occurs in the clause after the amendment. We are dealing with the amendment. When that has been dealt with, the clause may be discussed.

The Hon. D. N. BROOKMAN: Mr. Chairman, clause 6 comprises two pages of the Bill. The Attorney has moved an amendment which comes in towards the end of the second page. In view of what you have said, once the amendment is passed we cannot go backwards.

The CHAIRMAN: Order! I did not rule that way. I have said that we are dealing with the amendment to clause 6 as moved by the honourable Attorney-General. When the amendment has been dealt with by the Committee, the whole of the clause will be put to the Committee.

The Hon. D. N. BROOKMAN: This is a little hypothetical. I do not have an amendment that affects a part of the clause before that part which is affected by the Attorney's amendment, but I did want to hear a general discussion on the clause before reaching the Attorney's amendment. Once we have decided on that amendment, we will not be able to deal with that part of the clause that comes before the amendment. I have never known a procedure before whereby general debate on a clause is prohibited simply because an amendment is before the Chair.

The CHAIRMAN: Order! The honourable member is putting his own interpretation on the matter. The amendment moved by the honourable Attorney-General is now under discussion. When the amendment has been dealt with, the whole of the clause as amended (if it is amended) will be considered by the Committee. I am not prohibiting discussion on the whole of clause 6; I am only delaying that discussion while the amendment is dealt with. Therefore, no honourable member will be prohibited from discussing clause 6 when the amendment has been dealt with.

Mr. MILLHOUSE: If, as a result of the discussion on the clause, any member desired to move an amendment to either subclause (1) or subclause (2)—

The CHAIRMAN: That honourable member would then be out of order.

Mr. MILLHOUSE: That means you are saying that we cannot have an explanation of subclauses (1) and (2) at this stage but that if, as a result of that explanation, we do not like subclauses (1) and (2) we cannot do anything about it. I believe that that is unsatisfactory. That is the effect of your ruling. I ask you to consider that aspect of it. We do not know that it will happen but if, as a result of the Attorney's explanation of the whole clause, something in subclause (1) or (2) comes up that we want to object to, it will be too late and we will not be able to do it. That, surely, is not the proper way to proceed in Committee.

The CHAIRMAN: Under the practice and procedure of this Parliament, any member has a right to move an amendment to any clause at any time. The Attorney has moved an amendment and it is now under consideration by the Committee. Discussion on the clause is still open.

Amendment carried.

The Hon. L. J. KING: As I have been invited by the honourable member for Alexandra and also by the honourable member for Mitcham to discuss the clause generally, I should make a few comments. This clause prescribes the contracts to which the provisions of the Act are to apply, and subclause (1), as did the original Bill, provides:

. . . this Act applies to any contract or agreement for the sale of goods or the supply of services where the total consideration (less

any amount comprised in that total consideration attributable to interest under a revolving credit account) payable under the contract or agreement . . . exceeds twenty dollars . . .

The Act will not apply to contracts for goods or services where the consideration does not exceed $20. The words "or such other amount as is prescribed" have been added, and the purpose of inserting those words is simply as a result of fears expressed by some of the direct-selling organizations that the $20 might become somewhat outmoded, and that if inflationary trends continue the $20 (which they considered somewhat low anyway) may become quite unreasonably low. For that reason I agreed, and the Government agreed, that there should be a power to prescribe a different amount so that if the value of money changes to a marked degree it is possible, without amending the Act, to fix a higher sum.

The second condition for the application of the Act is that:

. . . negotiations leading to the making of that contract or agreement are or have been carried on with the purchaser in person wholly or partly at the place where the purchaser resides or is employed by his employer . . .

This refers to transactions where the negotiations leading to the contract have taken place in a person's home or where he resides, and now engrafted on that is the amendment the Committee has just carried which includes visitors to the home. The Act does not apply to any contract to which the Book Purchasers Protection Act, as amended, applies. This is a new provision, which was not in the original Bill, because the new scheme of the Bill makes it desirable to leave the Book Purchasers Protection Act with its existing and successful scheme intact.

The provision relating to any contract or agreement where the purchaser is a body corporate was not in the original Bill, but it was put to me by direct-selling organizations that where a purchaser is a body corporate one could assume that such a purchaser is able to look after itself and there is no need for the sort of consumer protection which is the object of this Bill. I and the Government therefore agreed to amend the Bill accordingly. Paragraph (*c*) was in the original Bill and speaks for itself. Paragraph (*d*) excludes from the operation of the legislation contracts that result from unsolicited inquiries. Paragraph (*e*) excludes contracts entered into while the purchaser is present at the ordinary place of business of the vendor or dealer; that takes it out of the door-to-door category altogether. Paragraph (*f*) excludes an agreement resulting from a written offer signed by the purchaser while he is at present at the ordinary place of business of the vendor or dealer. There, again, the negotiations that lead to the making of the offer have not taken place in the home or place of employment. Paragraph (*g*) also speaks for itself and was in the original Bill. When replying earlier to the member for Victoria, I referred to paragraph (*h*).

Mr. NANKIVELL: A stock agent may decide to deliver some veterinary requirements to a farmer; the stock agent could make an unsolicited approach in connection with the matter. Surely that is what has been worrying the member for Victoria.

The Hon. L. J. KING: I would have thought, and I believe the member for Victoria would agree with me, that most transactions between stock agents and farmers would result from unsolicited inquiries and would not be covered by the legislation at all. I think what troubles the member for Victoria is that there may be the odd transaction where the stock agent, thinking that a farmer may need some equipment or veterinary supplies, may anticipate that need as a result of his knowledge of conditions in the district. In such circumstances the stock agent may make an unsolicited delivery. That sort of situation can be coped with by an exclusion provided for by proclamation. I would hope that it is possible to devise a formula (with the flexibility that the proclamation system gives) that would enable us to exclude that type of transaction without opening up loopholes that would render the Bill nugatory.

Mr. RODDA: Although the Attorney-General said he hoped that the position would be as he stated, he could not commit those administering the Act. Many transactions of the type referred to are entered into in this State. If a stock agent knows that his client will soon be starting shearing, he may, in the ordinary course of his business, deliver some necessary goods to the property. If the stock agent does not have the benefit of an exclusion, he may come within the ambit of this legislation.

The Hon. L. J. KING: If the only formula that would exclude the type of transaction referred to by the member for Victoria was one that undermined the legislation completely (because people who did not want to observe the Bill's provisions could take advantage of the exclusion), it might not be possible to exclude that type of transaction. We must ensure that the legislation is effective. I am confident that it will be possible to provide

for this by proclamation; if it turns out that someone is taking advantage of it, the proclamation can be modified to catch the culprit. Obviously, it will be necessary for the stock agents to go to the Prices Commissioner and set out their problem exactly so that a formula can be devised to cover their problem without providing loopholes for other people.

Standing here at present without details of the problem, I cannot commit the Prices Commissioner in advance to what sort of exclusion can be devised. However, I say confidently that no-one wants to catch the type of transaction to which the honourable member has referred, and I do not think it is beyond ingenuity to devise a way of coping with it. Other such problems can be met by proclamation. I am cautious because it would be foolish to say that I have considered all aspects of the matter and that I know that the Commissioner will decide on a particular course. I see no reason why a formula cannot be devised to give the needed protection, provided it is done by proclamation, so that there is sufficient flexibility to ensure that, if someone takes unfair advantage of it, the proclamation can be modified.

Mr. MILLHOUSE: The Attorney-General, through his amendment, has unwittingly opened a large loophole, but it is too late to do anything about it, because it relates to subclause (1) and you, Mr. Chairman, have ruled that we cannot amend it now. That subclause exempts any contract or agreement where the purchaser is a body corporate. On the face of it, it is a good amendment, but I believe that many primary producers carry on their business as companies. I do not know in how many cases that occurs, but I believe that in some cases the wife of a farmer would have the right to sign on behalf of the company. Any shrewd salesman could go to a farm and say to the wife, "Does your husband carry on business as a company?" If the reply was "Yes" and the agreement was then made out in the name of the company as the purchaser, this legislation would not apply. I doubt whether the Attorney-General meant that to happen. It may not be a very big loophole, but it is significant.

The Hon. L. J. KING: A deliberate decision was made in this connection. The aspect referred to by the honourable member was not overlooked; throughout the discussions leading to the Bill there has been the problem of balancing the need for realism with ensuring that there are no significant loopholes. In the original Bill it was thought desirable not to insert this exclusion, although it was one of the matters discussed earliest, for the sort of reason the honourable member referred to. There are some people who are bodies-corporate and nevertheless deal with what are really door-to-door sales situations. On analysis and consideration, it was felt that was the exception rather than the rule and that, where people decide to take this step of incorporating, they are really holding out to the world, I suppose, that they are in business and are defined as business people and do not need the sort of protection that the ordinary consuming public needs. There may be a few cases where, say, a farmer who is a body corporate, if I may use that expression, will nevertheless find himself in a door-to-door situation and be without the protection of the Act. This applies also to small business men in the city who may be in the situation where they have proprietary companies but it is nevertheless a husband and wife situation.

I think the difficulties of including companies generally in this protection are too great to allow that stand and I think we must accept whatever difficulties may arise in individual cases in order to provide the general exemption. To extend this door-to-door consumer type of protection to limited liability companies would catch many transactions that are really business transactions, such as the sale of typewriters to business houses and many matters that are a type of commercial traveller activity, in which a commercial traveller, quite unsolicited, calls on a business house. It seems that the difficulties of including companies are too great, and that reasoning led to the inclusion of this exclusion in the Bill as it stands.

Clause passed.

Clause 7—"Unenforceability of certain contracts."

Mr. MILLHOUSE: I should be grateful if the Attorney explained the purport of the changed provision before I move my amendment, so that we shall not be in the position that we were in previously.

The Hon. L. J. KING: The clause provides that a contract or agreement to which this legislation applies shall not be enforceable unless the provisions of paragraphs (*a*), (*b*), and (*c*) apply. The Bill as it originally stood simply provided that the agreement should set out the total amount payable by the purchaser thereunder. The new provision is designed to meet a situation where, although the actual amount does not appear, it is defined by a

method of ascertainment that sufficiently informs the purchaser.

Subclause (1)(*b*) provides for the leaving of copies of the agreement with the purchaser, and subclause (1)(*c*) provides for the service personally or by post on the purchaser of a duplicate copy of the contract or agreement and a statement in, or to the effect of, the form of the schedule duly completed by the vendor or dealer in accordance with the instructions contained in that schedule.

That differs from the scheme of the original Bill, which provided for the printing of certain words on the contract, and those concerned in this type of activity thought the changed provision was a more convenient and satisfactory way to bring to the notice of the purchaser his rights under this legislation.

Subclause (2) simply refers to the time at which the contract is deemed to have been made. Subclause (3) is the extremely important provision that prohibits the receipt by the dealer or vendor of the purchase money or any part of it until he is satisfied that the purchaser has not, pursuant to the legislation, terminated and no longer has the right to so terminate the contract or agreement. I have given the reasons for the inclusion of that provision and subclauses (4), (5), and (6) in the second reading explanation.

The Hon. D. N. BROOKMAN: Once the member for Mitcham has been called on to move his amendment, can the Committee then go back and move an amendment that affects any provision in clause 7 occurring before the amendment moved by the member for Mitcham?

The CHAIRMAN: Every member has had the opportunity to move an amendment. The member for Alexandra can move an amendment, because I have not called on the member for Mitcham to move his amendment.

The Hon. D. N. BROOKMAN: We asked the Minister to discuss the clause generally because, if it is not discussed generally, we cannot, once the member for Mitcham is called on, move an amendment above the lines on the following page. This procedure, which is new to me, makes it much more difficult to discuss the provisions in Committee.

The CHAIRMAN: It has been the procedure for as long as I can remember.

The Hon. D. N. BROOKMAN: I agree with you, Mr. Chairman, that, if the amendment is moved, no member may later move an amendment earlier in the clause, and you will have prevented discussion on a previous line until the amendment has been disposed of.

The CHAIRMAN: The procedure is that when a clause is put to the Committee any member has a right to move an amendment at any time. In the case to which the member for Alexandra has referred, there are amendments on file, and no member moved an amendment prior to the Attorney-General's amendment. No member is deprived of his rights or privileges when moving an amendment to any clause. In this case, we are dealing with clause 7 and any member can move an amendment prior to the amendment on file. However, when the mover of the amendment is called on, no amendment can be moved subsequent to that earlier amendment.

The Hon. D. N. BROOKMAN: I hope that this discussion will appear in *Hansard,* because I do not understand the purport of your last remark, Mr. Chairman. I move:

In subclause (1)(*c*) to strike out "and has obtained from the purchaser an acknowledgment in writing of the receipt of the copy and the statement".

Subclause (1) provides that a contract or agreement to which the Act applies shall not be enforceable unless certain conditions are complied with. I ask the Attorney-General to consider the words contained in the schedule, which provides for termination of the contract in much the same way as was provided for in the original Bill. The clause also provides that the vendor or dealer may obtain from the purchaser an acknowledgment in writing of the receipt of a copy and the statement. Does it mean that, unless the vendor has received acknowledgment in writing that the purchaser has received a copy of the statement, the contract is not enforceable? If that is so, it is highly unjust, because many people are reluctant to put anything in writing and it is unreasonable that business should be impeded by the requirement that the receipt must be returned. The purchaser is protected, because a reminder notice will be sent to him that he may opt out of the contract if he wishes. To make the enforceability of the legislation dependent on the purchaser's returning a receipt in writing is going too far and will hinder the progress of many contracts.

The Hon. L. J. KING: I remind the Committee of the kind of situation with which we are dealing: we are dealing with a direct-selling situation in which a vendor or a salesman has called at a person's house unsolicited, unrequested and uninvited. It is surely not unreasonable that steps should be taken to ensure that, once the contract has been entered into, the purchaser should get a duplicate

copy and the statement that tells him his rights, because the whole of the protective system depends on the purchaser's being made aware of his rights under this legislation. It would be useless to enact legislation giving a purchaser a right to rescind the contract within a prescribed time if we did not also ensure that steps were taken to acquaint him of his rights. We have included a provision that he must be provided with a copy of the contract and a statement acquainting him of his rights, together with a form on which to exercise his right to rescind. It is important to ensure that he gets it This is done by our providing that the validity of the transaction depends on the vendor's obtaining the purchaser's signature to acknowledge that he has received the document. If that is not done, and a direct seller is anxious to enforce a contract and is willing to be unscrupulous, refraining from giving these documents, and, therefore, from acquainting the purchaser of his right to rescind the transaction, he can readily assert that he did serve the document on the purchaser. It is then up to the court to decide whether to believe the householder or the salesman, thereby producing a fruitful source of litigation that could not satisfactorily be resolved in some cases.

In circumstances such as these, judges have to decide one way or the other. This is an unsatisfactory situation in which no-one likes to be placed. It is far better to have a provision in the Act ensuring that tangible evidence is available, and it is the responsibility of the salesman, if he wishes to rely on a contract secured in this way, not only to serve a document but also to ensure that there is evidence, in the form of a receipt, that he has done so. Much of the effectiveness of this scheme of protection depends on the salesman or vendor being required to obtain a receipt for the critical document acquainting the purchaser with his rights under the legislation. As I do not see the force of the honourable member's argument, I ask the Committee to reject the amendment.

Mr. MILLHOUSE: I support the amendment. This is not a critical requirement of the scheme of the legislation; it can easily be omitted without the scheme of the Bill being impaired. The Bill does much to protect the householder, and I agree with that. However, it is also multiplying the amount of paperwork to be done, to such an extent that the public is likely to be confused and the Act could be unworkable. That being so, it is better to omit any procedures that can be omitted without danger to the scheme of the legislation, and this can be omitted without any such danger. It is all very well for the Attorney to say that courts do not like deciding questions of fact. However, as the member for Alexandra said, it is their function to make up their minds and to come to conclusions on matters of fact as well as on matters of law. This is not a difficulty. Indeed, every day Parliament is creating situations in which the courts must do just this.

This provision can safely be omitted, as in 90 per cent of cases the salesman will give the document to the purchaser, and this will be a matter of fact without a receipt being required for that document. When the document is sent by post, there is a record of the dispatch of the letter, and in any well run office a record would be kept, so the householder should not be required to send back a receipt. If he forgets to do so, the whole procedure is defeated. In situations such as this, it is most undesirable that one should be required to obtain a receipt.

The Hon. L. I. King: Have you ever seen a direct-selling salesman defeated as easily as that?

Mr. MILLHOUSE: I realize that the Attorney does not think much of direct-selling salesman. He has made that clear both in this House and on television when defending the Bill in its original form, although he has given that away now. However, I should like him to know that there are about 5,000 direct-selling salesmen in South Australia—people who on the whole earn their living honestly and honourably in this way. In any group of people, some will go too far. However, on the whole these people are good, decent citizens, and it ill becomes the Attorney to disparage them in the way he has done publicly and as he is now doing.

The Hon. L. J. KING: The member for Mitcham added nothing to the debate on the merits of this amendment. However, he unworthily attributed to me some distaste or dislike for direct-selling agents. I say that he did so unworthily, because it was an attempt to impute to me sentiments which he thought he would be able to use in some way critical of me. However, I have never, on television or anywhere else, exhibited any distaste or dislike for direct-selling agents. Many people engaged in direct selling are worthy people indeed, and I have had the good fortune in my own household of dealing with direct-selling agents for many years, and I have found many

of them to be very honourable and worthy people. There is, therefore, absolutely no foundation for the honourable member's statements, and I should appreciate his waiting for me to say something before attributing certain sentiments to me. To attempt unworthily to attribute sentiments to me and to make the sort of remark he made tends to lower the tone of the debate.

As I have said many times in the past, the theoretical justification for legislation of this sort is not even that sharp practices occur. Indeed, there is evidence that sharp practices do occur, which makes it even more necessary to have legislation of this kind. Even if they did not occur, the circumstances in which this sort of transaction takes place (the unsolicited door-to-door sale) means that the purchaser has not the same opportunity to give careful, unhurried and objective consideration to the transaction. The provision will enable him to have time to pause and consider whether he wishes to proceed with the transaction. I repudiate the sentiments attributed to me by the member for Mitcham, for which there has been absolutely no basis in anything I have said.

Mr. McANANEY: The provision in the Bill requiring this double process to be carried out is unsatisfactory, as it will involve much more writing to be done and more expense to be incurred in posting letters, and so on, after a contract has been signed. It would be much better if the contract or agreement had included on it, perhaps in red lettering, the purchaser's rights. Then anyone who signed a contract could realize immediately what were his rights, instead of being forced into this clumsy, time-wasting process. This would be a practical way of doing it, because I am sure that some people who wanted to complete the transaction would not return the document. I think that safeguards could be applied in a more simple way than they are being applied by this legislation.

Mr. NANKIVELL: It would be more simple and lead to less confusion if the contract contained large print stating that unless it was rescinded within eight days the contract was binding. Perhaps there could be a perforated attachment that could be torn off, if the person wished to cancel the contract, and returned to the company. That could apply in lieu of a letter.

The Hon. L. J. KING: A copy of the contract is sent to the purchaser together with the statement set out in the schedule. The honourable member has suggested that there should be a perforated section that could be torn off and returned, but that is the effect of the notice in the schedule. The purchaser fills in the date, signs it, and sends it back.

The Hon. D. N. BROOKMAN: Concerning my amendment, I am not impressed by the Attorney's argument. No doubt he respects salesmen, as I do, but one wonders whether we need go to such extraordinary lengths to police their activities. Generally, a salesman is a man of initiative and properly sets out to make a living. Why should he be impeded in his activities to what I think is an absurd extent? We are insulating the public more and more with this type of legislation. The more a person is vaccinated against disease the more susceptible he is if the vaccination does not work. Certain actions have to be taken, and one would think that a normal person would be well aware by then of the total cost of the article, but we are ordering the salesman to send the purchaser a schedule setting out clearly the rights of the purchaser to cancel the deal. In addition, we are providing that the salesman may not enforce the contract unless he has an acknowledgment or receipt in writing from the purchaser. This will be the link by which the whole transaction will break down, because people will not post the receipt.

Mr. GOLDSWORTHY: I agree with the sentiments expressed by the member for Alexandra, as it seems to me that the duplicate could be served upon the purchaser immediately after it has been signed. I cannot see any reason for taking away the signed copy and then posting it back, and requiring a letter from the purchaser to say that he had received a copy of the terms. All this could be done in one operation at the house.

The Hon. L. J. KING: Usually the form signed by the purchaser does not contain any other signature, and the salesman then has to take the form to his headquarters and have it signed by the manager or the sales manager before a contract is completed.

Mr. Goldsworthy: You don't class the salesman as a vendor.

The Hon. L. J. KING: The practice of business houses is that for the contract to be binding it has to be signed by the sales manager or someone in the office, but the salesman does not always have the authority to sign the contract on behalf of his employer. In those circumstances, the contract would not be completed until the document had been taken back to the vendor's office. Under this clause, if the situation outlined by the member for Kavel exists, and if the salesman has authority to sign

the contract on behalf of the vendor, there is nothing to stop him, there and then, serving the document personally. If the principal does not give the authority to the salesman, there is no contract until someone having that authority has signed on behalf of the vendor. It is up to the vendor; either he can post the documents and rely on getting a receipt by post or, in the case of direct-selling organizations, the documents would be taken out and the signature obtained there and then. There is nothing to stop a vendor carrying it out in one operation, if he trusts the salesman with the authority so as to bind the vendor.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allen, Becker, Brookman (teller), Carnie, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Hall, McAnaney, Millhouse, Nankivell, and Rodda, Mrs. Steele, Messrs. Venning and Wardle.

Noes (22)—Messrs. Broomhill and Brown, Mrs. Byrne, Messrs. Clark, Crimes, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McKee, McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Pairs—Ayes—Messrs. Ferguson, Mathwin, and Tonkin. Noes—Messrs. Burdon, Corcoran, and Dunstan.

Majority of 5 for the Noes.

Amendment thus negatived.

Mr. MILLHOUSE: I move:

To strike out subclause (3).

I apologize to members for having only duplicated copies of my amendments. My amendments were originally put on file on September 22, about a fortnight before the Attorney-General's similar amendments appeared. As a result of the procedures of this place and of the incorporation *pro forma* of his amendments, I have had to redraw mine. Today, unexpectedly, when I thought we were going on with the Companies Bill, we find that we are dealing with this measure, and it has not given me time to have my amendments prepared in the recast form, printed, and put on files.

This amendment deletes the existing provision on which the Attorney-General is insisting and which prevents a deposit being paid during the cooling-off period. The Attorney-General has capitulated meekly on most of the matters that have been put to him in protest against the Bill as it was first drawn, and the bulk of the amendments that he has incorporated in the Bill follow fairly closely, but not exactly, the amendments I had on the file. Therefore, to that extent, I have had a bloodless and very satisfactory victory over the Attorney-General, because without a fight he has accepted my amendments.

The Hon. L. J. King: You're easily satisfied.

Mr. MILLHOUSE: No, I am not, because on one vital matter the Attorney-General is not willing to accept common sense.

[Sitting suspended from 6 *to* 7.30 *p.m.]*

Mr. MILLHOUSE: As I was saying before dinner, I have had a bloodless victory over the Attorney-General on the main bone of contention in this Bill, that, of course, being with regard to the cooling-off period in the Bill as he originally presented it to this Chamber: the cooling-off period had to elapse before a contract could be confirmed. There was a loud and sustained protest about this. Now the principle that we find in the legislation in other States (which I think is proper and was incorporated in my original amendment) has been observed, that during the cooling-off period the would-be purchaser may repudiate a contract which, unless repudiated, remains in full force. The only point at issue now between us is the matter of a deposit. All my amendments, which are on file in roneoed form, go to this point. I regard the first amendment as the test amendment.

The position under the Bill as the Attorney now has it is this: during the cooling-off period the would-be purchaser can decide to repudiate and give notice of repudiation. We have no quarrel with that. However, under the Bill as it now stands, it is lawful for the vendor to leave the goods with the would-be purchaser if he so desires, but it is not lawful at the moment for the purchaser to give or the vendor to accept a deposit at that time. That, under the provision that I hope to knock out with this first amendment, may be done only after the cooling-off period has elapsed.

The result is that the goods may be left with the would-be purchaser, who may give nothing to the vendor—a very one-sided arrangement. I hope to be able to insert amendments which will provide that a deposit may lawfully be given and accepted at the time the contract is originally entered into—that is, before the cooling-off period has run out. It is a perfectly proper and reasonable amendment to make.

There are two results of this. First, it means that the vendor must get a deposit later, after the cooling-off period has elapsed, if a deposit is payable at all; secondly, it means that the purchaser has the use of the goods (he may knock them about or may not take

care of them) absolutely free, with no let or hindrance to his use of them. It will be perfectly proper, under the Bill as it is at present, on the last day of the cooling-off period, the eighth day, for the purchaser to say that he does not want the goods, having had them and their use for a full week.

Dr. Tonkin: It has happened before.

Mr. MILLHOUSE: Yes, and it could happen again. An unconscionable purchaser may well accept the goods with no intention of keeping them permanently but merely wanting the use of them for a certain time. A sanction against this happening would be the giving of a deposit. There would be something that the vendor would then have as a hold over the purchaser if the goods were knocked about. Later we will come to the provision for the return of the goods, the provision that a person must not destroy them, and so on, as I canvassed during the second reading debate.

I believe these reasons are ample to justify the lawfulness (it is not mandatory) of the giving and accepting of a deposit. That is what I hope to do with my amendments. The fact that I have four pages of roneoed amendments shows that procedures will be complicated if the contract is repudiated during the cooling-off period. I accept that they will be complicated, but the whole scheme of the Bill is complicated. I acknowledge that it is not easy to provide for procedures for the return of the deposit if the contract is voided. I believe that I have succeeded in the amendments in providing for the return of the deposit. The complicated procedures that will be necessary are a small price to pay for the convenience of allowing what is a general custom in business and commerce of the giving of a deposit in these circumstances. Therefore, I hope that the Attorney-General will not resist the amendment.

The Hon. L. J. KING: I oppose the amendment. As the Bill originally stood, it provided that the contract would be valid and effective only if it was confirmed by the purchaser in the time prescribed. After carefully considering representations made by interested parties, this provision was inserted mainly because of the success experienced in South Australia with the operations of the Book Purchasers Protection Act. The provision in that Act that the contract is not valid unless confirmed by the purchaser has worked extremely well from the point of view of protecting the purchasing public. I assure honourable members that the Bill was originally drawn in this way only after careful thought and deliberation.

Subsequently, the direct-selling organizations renewed their representations, making out a case that in many instances there would be great difficulty in carrying on the business of direct selling in areas where it was desirable that it should continue. In perfectly legitimate transactions, there would be situations where the purchaser just might not confirm, and consequently there would be no contract. This might have the effect that direct selling, even in areas where it was of advantage to the public, might not continue. I have had and still have reservations about that argument. I concluded that the risk should not be taken of interfering with what is a beneficial and legitimate service to the public in some areas.

For that reason, the Bill was altered to provide that the contract would be valid unless rescinded. The important thing, however, is to ensure that the purchaser's right to rescind is real and effective. We must remember that the sort of transactions that concern us in this area are transactions not for great sums or where the deposit is an enormous sum but where the purchaser is, generally speaking, unlikely to be sophisticated in business and legal matters. So long as he has not paid money, he is able to exercise his right to rescind simply by filling in the form, which appears in the schedule to the Bill, and returning it; that means that the contract is off, and that is the end of it. So he has, under the provisions of the present Bill, a simple remedy easily availed of by the type of person unsophisticated in business who has made an ill-considered decision as a result of the persuasions of a salesman at his front door.

So long as he has not paid over money, his course of action to rescind is relatively simple and uncomplicated. He is under no obligation and has nothing to do; he is free of his obligations under the contract. So the protection given is simple, effective and capable of being availed of by the sort of people we are seeking to protect by the provisions of the Bill. However, once he pays over money the situation changes completely, because if he rescinds the contract he is faced with the problem of getting his money back. There may be no problems if the vendor is prepared to accept the fact that the contract has been validly rescinded and simply hands over the money without argument or cavil. However, I believe many vendors would be unwilling to let a contract go in this way. Again, some salesmen who have earned commission or who have had

the sale recorded on their record might be unwilling to see a contract go as easily as this. If a dispute arises and a defence is raised, the purchaser, if he has paid over money, is confronted with the problem of getting his money back, and it may be that the vendor would contend that he did not receive the notice rescinding the contract.

It may be that he would raise some other problem regarding the purchaser's right to recover his money, in which case the purchaser would be faced with the necessity of obtaining legal advice or instituting legal proceedings to recover a relatively modest sum. The kind of people we are seeking to protect by the provisions in the Bill would very likely, in those circumstances, regard the right the Bill gives them to rescind as being a right which is just not worth the trouble of exercising to recover the money. Once a member of the public pays over money in connection with a contract, he is faced with great problems in rescinding the contract and getting his money back. Unless the vendor is prepared to hand the money over readily, the purchaser is faced with a fight for which he is not equipped to wage successfully against a business organization.

So I regard it as fundamental to the Bill and to the effectiveness of the provision that there be no parting of money until the purchaser has had a chance to rescind. I think it is most important in a direct-selling or a door-to-door situation that the purchaser be not put in a position where he is not able effectively to exercise his right to rescind because he has paid out money. He probably wants it, if he is to buy a substitute article or to put it to some other use. The difference between effective and ineffective door-to-door sales legislation is the provision that prohibits the payment and receipt of money until the time for rescission is passed. The proposed amendment would have the effect of rendering this legislation largely ineffective and unable to afford the protection people need. The member for Mitcham said that, because of the prohibiting of payments of deposit, the situation was largely one-sided.

The original Bill prohibited the delivery of the goods for the very good reason that once the goods were delivered they could be used or consumed in whole or in part and, as a result, although the legislation gives to the purchaser in theory the right to rescind, he could effectively deprive himself of that right by the wear and tear on the goods or the consumption of the goods. Ideally, it would be better if there were no delivery of goods until the purchaser had considered the matter fully and decided whether to exercise the right to rescind the contract. That prohibition is removed because of representations by the direct-selling organizations to the effect that they wanted to be able to deliver goods, even knowing that the purchaser had a right to rescind and accepting that he must retain that right, notwithstanding the use or consumption of the goods. The Government accepted that attitude, and is willing to allow delivery, but only on the basis that no use or consumption of the goods deprives the purchaser of the right to rescind that the legislation gives him.

The vendor is under no obligation to make delivery. It is not reasonable to argue that, because delivery is permitted, payment of a deposit is to be permitted. It would be better if neither happened, so that the purchaser could consider whether he wished to rescind the contract or go on with it. I believe that this type of legislation should not make it difficult (but should make it easy) for a purchaser to rescind if he so desires. The whole essence of the legislation is that in a direct-selling situation the purchaser shall have the opportunity free from influence and persuasion to consider whether he really wants the goods on the terms offered in the contract. We must afford him that opportunity, without any conditions that might operate persuasively on his mind to proceed with a contract with which he does not want to proceed. This provision is the difference between effective protective legislation in relation to door-to-door sales and legislation which merely looks good but which does not in practice afford effective protection to the type of people who most need it.

Mr. MILLHOUSE: I should have thought when he introduced the Bill that the Attorney-General thought the effective protection was the cooling-off period and the requirement to confirm a contract thereafter. Apparently, he has now changed his mind and thinks that this is the effective provision. Here, we are at odds. I suggest that the outlook the Attorney has shown in his speech in opposition to my amendment shows clearly the difference between the two sides of this Chamber. Before dinner, the Attorney waxed eloquently wrathful when I suggested that he had said derogatory things about door-to-door salesmen. However, I do not take back the suggestions I made, despite his strictures on me. Every argument he has put up against the amendment has

assumed some sort of sharp practice on the part of the vendor: either he would say that he had never received the deposit or this, that and the other thing. Every example he used (and *Hansard* will show this) assumed, at the best, bad faith on the part of the vendor. We on this side of the Committee do not share this view; we believe that by and large people in direct-selling occupations, as in any other occupation, are honest and do the right thing.

Mr. Langley: Oh!

Mr. MILLHOUSE: The member for Mawson (or is it the member for Unley) says "Oh!" Those honourable members can back up the Attorney-General. I believe the whole Government Party hates private business, and this is a form of private business. Why does the Party opposite take the view that has been so forcefully expressed by the Attorney-General if that is not the case? Why do members opposite assume bad faith on the part of those engaged in direct selling?

Mr. Jennings: We've had a lot of evidence of it.

Mr. MILLHOUSE: The member for Ross Smith says that he has had a lot of evidence of it.

Mr. Langley: Haven't you?

Mr. MILLHOUSE: I have had evidence of this, and that is why I support this type of legislation. However, I do not believe, as the member for Unley does, that everyone engaged in this business is a crook.

Mr. Langley: I didn't say that. No-one believes that.

Mr. MILLHOUSE: That must be the implication as a result of the opposition to this amendment.

The Hon. Hugh Hudson: Rubbish! That is a *non sequitur* on your part.

Mr. MILLHOUSE: It was certainly the implication behind the Attorney's opposition. Every example he gave in his argument to oppose this amendment implied that the vendor had done something or was not quite honest or he would put difficulties in the way of the would-be purchaser.

Mr. Evans: The purchaser may be dishonest.

Mr. MILLHOUSE: Indeed, and may take advantage of the Bill, as the Attorney has drawn it, using the goods unconscionably without ever intending to keep them permanently, saying after the trial period, "You can take the rotten thing away. I have had my use of it."

Mr. Harrison: Can you give examples of that?

Mr. MILLHOUSE: Yes, I can. What about an Electrolux vacuum cleaner that is left at someone's house? The woman has use of it for a week and then, without ever having intended to keep it, says to the friendly Electrolux man, "Take the jolly thing away; I don't want it." As the Attorney-General said, in some cases the goods may be consumed; they may be of a perishable nature, or may be eaten. We are leaving this whole matter one-sided, so far as I can tell from the arguments advanced by the Attorney-General, simply because of a distrust and a dislike generally of direct selling. Although the Attorney-General has been beaten on the main points, having found that public pressure has made him change the Bill as he introduced it, he is determined, if he can, to prevent direct selling, and I think he believes by this means that he can do that.

Dr. Tonkin: He wants to save face, too.

Mr. MILLHOUSE: Yes. He will have to do better than this if he is not to incur the displeasure not only of the 5,000 direct sellers to whom I referred earlier but also of the general public, because this provision, if it remains in the Bill, will effectively inhibit direct selling.

The Hon. L. J. KING: The argument of the member for Mitcham is nothing short of remarkable. He is saying that, because I seek to insert a provision that in a direct-selling situation the vendor is not to receive a deposit before the purchaser has had the opportunity to think it over, I thereby imply that all those engaged in direct selling are crooks (I think that was his expression). Although he does not explain how he arrives at that conclusion, he then advances arguments which assume that all the purchasers are crooks, because I think his whole argument is that, if we do not allow deposits to be handed over, the public of South Australia will take goods holus-bolus from direct sellers, and use or consume them without any intention of paying for them. That sort of argument is absurd.

The member for Mitcham, in an attempt to score this political point, suggests that, because the payment of a deposit is prohibited, we are implying that all the direct sellers are crook, and he then has to go on and support that with an argument which, if it means anything, means that all purchasers are crook. In every commercial transaction there are people who, motivated by the natural desire to make profits

and an income, will seek to take advantage of the situation. Some people engaged in every industry and activity are honest, scrupulous people who take no advantage of anyone. There are also in every commercial situation people who do not act as scrupulously as that. The member for Mitcham, when he was Attorney-General, had the same sort of complaints as I have had about occurrences of that kind. He knows as well as I do that in South Australia over the years there have been many instances of purchasers being subjected to undue persuasion or pressure and even sharp practice at the hands of the direct-selling people.

There are also many direct-selling people who have been in the business for years and who act as scrupulously and as honestly as other honest people in other walks of commercial life. The point about this Bill is that it seeks to give the public of South Australia an effective protection in a situation which, sharp practice aside, calls for effective protection, because the very circumstances in which the transaction is entered into involve that the purchaser does not have the same opportunity for detached reflection as he has if he goes to the place of business of the vendor, inspects the goods there and enters into a transaction after negotiations entered into there. The fact that there is a direct-selling situation means that people are likely to enter into transactions of which they afterwards repent.

Therefore, it is the duty of this Parliament, if it has any regard at all for the public in its dealings of this kind, to see that the protection and remedy given are effective. I repeat that once a person has parted with his money he is at a distinct disadvantage in attempting to rescind the contract. The only way in which we can provide effective protection for the purchaser is to see to it that money does not change hands until he has had an opportunity of giving mature and detached consideration to the transaction. The prohibition against money changing hands is vital to an effective piece of legislation. I refuse to accept that, by and large, the people of South Australia will engage in a campaign of taking from direct sellers everything they can get from them. Normally, at the time a person receives delivery of an article he is acting in good faith and intends to go on with the transaction. If he repents and decides he cannot afford it and that it is not the sort of transaction he should have entered into (and after discussing it with his wife he decides not to go on with it), he must be given the opportunity to rescind the contract.

In giving that sort of protection to the people of South Australia, we shall not be faced with a wholesale campaign, on the part of the ordinary men and women who buy from direct sellers, to take the direct sellers for all they can get; but, if a vendor delivers the goods, he does so entirely of his own volition. He is under no obligation to do so if he has any doubts about the situation and does not want to expose himself to the risk that the goods will be used and then the contract rescinded. He has the remedy of deferring delivery until the period has expired for the rescission of the contract. Many direct sellers now do not deliver the goods for a substantial period of time after the initial negotiations and arrangements have been made. Direct sellers who are not interested in pressuring the public but have a good product to sell and are interested only in dealing with satisfied customers who will want to do further business with them do not run around delivering goods at the first interview. Very often they take orders and deliver the goods much later, knowing that their products are good and that the customer has not been subjected to any pressure, is satisfied and will be there to do business with again in the future. These people are a credit to the direct-selling business. They are performing a service which the public wants and dealing in a product which the public is happy to buy, whether or not there is a period of reflection.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Hall, McAnaney, Millhouse (teller), and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (21)—Messrs. Broomhill and Brown, Mrs. Byrne, Messrs. Clark, Curren, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McKee, McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Pairs—Ayes— Messrs. Ferguson, Mathwin, and NankivelL Noes—Messrs. Burdon, Corcoran, and Dunstan.

Majority of 4 for the Noes.

Amendment thus negatived; clause passed.

Clause 8—"Determination of contract or agreement, etc."

The CHAIRMAN: The member for Mitcham has an amendment on file to strike out all the words in lines 17 to 38, and that amendment supersedes the Attorney-General's amendment.

Mr. MILLHOUSE: The Committee did not give me much encouragement on the last amendment, but I thank my friends on this

side for their support. As the first amendment was a test amendment and as the other amendments are directed to the same matter, I shall not persist with them.

The Hon. L. J. KING: I move:

In subclause (4)(*b*) to strike out "has been" and insert "is"; and after "section" to insert "whether those goods were so delivered before or after the contract or agreement was so terminated".

The amendments clarify the drafting of this section, and there is no change in the intention as disclosed in the Bill. It was thought on consideration that the clause may not have made it sufficiently clear that the provisions applied to the period prior to termination. The amendments specify the legal situation that exists in relation to goods which are delivered when the contract is subsequently rescinded. As it stood, the view seemed to be open that it may have been construed as meaning that the legal provisions regarding the duty of the purchaser in relation to the goods may apply only after the agreement had been terminated. The Bill as it originally stood prohibited the delivery of goods until confirmation. However, the present Bill removes the prohibition. Subclause (4) is designed to make it clear that the only duty the purchaser has is not to destroy or dispose of the goods.

Subject to that, he is not to be deprived of his rights to rescind by any other use he may make of the goods, including their consumption in the case of consumer goods. The removal of the provision against delivery was included as a result of representations by the direct-selling organizations, which claimed that they wished to have the right to deliver the goods, even though they would be delivered on terms that the purchaser would be under no obligation towards them and would be entitled to consume them without prejudice to his right to rescind. The vendor is not obliged to avail himself of this right. He need not deliver, and in many cases he will not deliver. I think perhaps ideally it would be better if there was no delivery, as well as no payment, until the purchaser had had the chance to consider the matter at leisure and to decide whether he wished to go on with the contract. If delivery takes place, neither the delivery nor any user of the goods or consumption of the goods must diminish the purchaser's rights to rescind the contract.

The Hon. D. N. BROOKMAN: I protest about the procedure adopted by the Attorney with this Bill. Having had his amendments incorporated so as to completely alter some aspects of the Bill, he has now introduced further amendments. I do not object to the amendment, but I am concerned about what happens to the goods. Is the purchaser allowed to mistreat them in any way so long as he does not destroy them? It seems that we are giving every protection to the purchaser but none to the vendor.

Amendments carried; clause as amended passed.

Clauses 9 to 12 passed.

Clause 13—"Offence by purchaser."

The Hon. D. N. BROOKMAN: Is the Attorney's conscience so worrying him that he now provides that the vendor should be protected against the wicked and scheming purchaser? Is this the pay-off? I should like to know the Attorney's reasons for including this clause.

The Hon. L. J. KING: The honourable member has now raised a serious point in a serious way. I did not intend to reply to the rhetorical points made in the sort of way that the honourable member used in his opening sentence. If he seriously wants to know the reasons for this clause, I shall be happy to explain them. There could be a situation in which the purchaser could misrepresent a situation to a vendor or salesman in a way which would lead the vendor to think that it was not a situation covered by the Bill and, therefore, he may not go through the procedures specified therein. Of course, it would be wrong for the vendor to be put into the position of losing his rights because he had been misled by a purchaser.

The Hon. D. N. Brookman: Misled about the Bill or about the purchaser's own situation?

The Hon. L. J. KING: He could be misled about the purchaser's own situation, about the soliciting of the inquiry, about the other conditions relating, for instance, to a body corporate, and so on. Any number of conditions for the application of these provisions depend on a set of facts, and the purchaser could conceivably misrepresent facts to the vendor which might put the vendor in a situation that he has not complied with the provisions of the Bill because he relied on what the purchaser told him.

The Hon. D. N. Brookman: You mean he might be told something about the situation regarding a body corporate?

The Hon. L. I. KING: That is the less likely of the things that could happen, although it is a possibility.

Mr. Millhouse: I thought you said the purchasers were such an honest lot that—

The Hon. L. J. KING: I did not say that. The honourable member is trying hard (I suppose because he has not got a better argument) to twist this debate from a serious discussion of important issues into a childish discussion about whether salesmen or members of the public are honest or whether they are crooks. Let us be sensible and realistic in a discussion about a serious matter. Human beings, be they members of Parliament, members of the public, purchasers, vendors, direct sellers, or any other persons in our society engaged in any occupation, are subject to the same sort of human failings as their fellow human beings.

Some purchasers will do their best to take advantage of any situation if they can, and some salesmen will do the same thing. The vast majority of human beings do the best they can in the situation in which they find themselves. Let us not divert what is a serious discussion about a serious matter into a childish sort of exchange about whether purchasers or salesmen are honest or whether they are crooks. I have not engaged in that sort of discussion, although the member for Mitcham has done his best to divert the debate along those lines. The plain truth of the matter is that some people are capable of misrepresenting a situation so as to derive some advantage from it. Vendors, be they direct-selling agents or anyone else, are entitled to protection against that sort of activity, and this clause has been included in the Bill to afford them that protection.

Clause passed.

Remaining clauses (14 and 15) passed.

The schedule.

The Hon. L. J. KING: I move:

After "purchaser" second occurring to strike out "signed the contract or agreement" and insert "was served with this statement".

The object of the amendment is to make the schedule conform to the substantial provisions of the Bill, which makes the time run from the date of the service of the statement and not from the date of the signing of the contract. This, too, stems from the change in the scheme. The original scheme, of course, provided for the words to be inserted in the contract itself and for the time of confirmation to run from the signing of the agreement. The present scheme differs from that and makes the time run from the service of the statement.

Mr. McANANEY: How does one determine the eight days after service of this statement?

The Hon. L. J. KING: That was one important reason for inserting the provision that the vendor must obtain a receipt for the statement, a provision which the member for Heysen so much disliked but which serves the important purpose of having a receipt in existence bearing the date of receipt of the statement; and, of course, the time runs from there.

The Hon. D. N. BROOKMAN: I oppose the amendment. Unamended, the schedule provides that the notice may be given within eight days after the date on which the purchaser signed the contract or agreement. The purchaser might be away on holidays, and the contract could be unenforceable. Surely there is already sufficient protection in the Bill in this regard. After all his amendments had been consolidated, the Attorney-General agreed that this was a good schedule, but he has now decided that someone might suffer as a result of the activities of one of these terrible vendors whom no-one acknowledges ever having met but who apparently exist somewhere. We are now to take out these words, so that even eight days after the day on which the contract or agreement is signed is not sufficient protection.

The Hon. L. J. KING: I hope the honourable member understands what he is doing in opposing this amendment because, if his opposition succeeds, it will mean that the schedule will not conform to the substantive provisions in the measure. Clause 8 having already been passed, it is not much use leaving a statement in the schedule that the time is to run from the signing of the contract, when the Bill itself provides that it is to run from the service of the statement. Surely whatever difference the honourable member and I may have about this Bill, we are both agreed that the schedule ought to conform to the provisions of the Bill, and it would be a pretty absurd situation to have a schedule setting out something that is different from what appears in the Bill itself.

The Hon. D. N. BROOKMAN: I may be forgiven for not recognizing a consequential amendment when it is not pointed out to us by the Attorney-General, who has had this Bill for all these weeks. He has had to consolidate one set of amendments and produce another set. I hope we are not to have a repetition of this way of handling legislation in the future. That is one message I hope will get through to the Government, because I have never known a Bill to be amended and re-amended in this way. Those members of the Committee who are interested in and are trying to follow the Bill will obviously miss consequential amendments. I accept that the Attorney-General is correct. The amendment is consequential on

the new clause 8 that we have just inserted, so I withdraw my opposition to the amendment. However, I warn the Attorney-General that we shall be here a long time if we are to have a repetition of this sort of thing when we come to deal with the Companies Act and similar legislation.

Amendment carried; schedule as amended passed.

Title passed.

Bill read a third time and passed.

FILM CLASSIFICATION BILL

Adjourned debate on second reading.

(Continued from October 7. Page 2077.)

Mr. McANANEY (Heysen): I think that last week I explained my main objections to the Bill. The hard fact is that its provisions are unenforceable, because I cannot see how they can be effectively applied to drive-in theatres. Placing the responsibility entirely on the proprietor of a theatre is unenforceable because, as streams of cars enter a drive-in theatre, someone has to scrutinize every person in them. That is impracticable. Unless those people produce certificates of their age, I do not know how the man on the gate or the door can tell how old they are unless he examines their teeth, as is done in the case of some creatures. I cannot see how we can put the responsibility on to the proprietor of a drive-in theatre.

The provisions of this Bill are different from those of the Licensing Act, under which young people of any age are allowed into a bar. I tried to get this House to make it illegal for young people under a certain age to be in the bar or lounge of a hotel (I excluded hotel dining-rooms in that connection). I could not get support, because it was said that it would be impossible to tell the ages of young people. Members of the Vice Squad have great difficulty in the present circumstances because, if they see young people of 13 years or 14 years in a bar, all those young people have to do is slide the glass of beer they may have away from them along the bar and the police cannot take action against them. No onus is placed on the hotel keeper.

We are being inconsistent with that attitude in this legislation. We must be consistent and we must make laws that can be enforced. To introduce laws that cannot be enforced leads to a disrespect of the law, which people simply ignore. This disrespect of the law can cause the whole legal system to break down. The provisions of this Bill will allow bluer films to be shown in South Australia. Possibly people get sick of that type of film in a short time. I do not think it is very important to have this type of film, but I believe it is most important that we do not bring in a law that cannot be enforced. Therefore, I oppose the Bill in its present form. Some responsibility should be taken away from the proprietor of a theatre and placed on the parents, who are responsible for their children up to the age of 18 years. A parent has a responsibility to set an example to a child under 18 years. My experience has shown that, if a parent has not set an example and shown his children what is right before they are 18 years old, he has no hope of impressing them after they turn 18 years. Before children turn 18 years, parents should be responsible for them, knowing where they are and what they are doing. The Bill fails in this connection.

Dr. EASTICK (Light): I find it difficult to believe that the Attorney-General and not the Treasurer introduced the Bill because, of its 14 clauses, eight clauses refer to dollars and will raise money for the State. Of the remaining six clauses, three are common to all Bills; the other three clauses, although they are not immediately associated with suggesting ways in which funds can be raised, make passing reference to the subject. At page 1909 of *Hansard* of October 5, the Attorney-General used the term "theatre proprietor" when he said:

> It will be an offence for a theatre proprietor to admit persons between the age of six years and 18 years to films which have been classified as restricted.

There is no definition in the Bill of "theatre proprietor" or of "proprietor", although there is a definition of "theatre" as follows:

> "theatre" means any place of public entertainment within the meaning of the Places of Public Entertainment Act, 1913-1971, in which a film is exhibited.

The original Places of Public Entertainment Act, 1913-1934, does not even refer to "theatre". The definition of "place of public entertainment" was altered in the Places of Public Entertainment Act Amendment Act, 1967, and now states:

> "place of public entertainment" means any place whether enclosed, partly enclosed, or unenclosed where a public entertainment is held and any buildings, premises or structures, that comprise, include or are appurtenant to that place.

The original Act, which introduced the word "proprietor", defines it as follows:

> "proprietor" includes the person, company, corporate body or association owning, leasing, or occupying, or for the time being having the

superintendence or management of a place of public entertainment, and also includes the agent, trustee, manager, or committee of any such person, company, corporate body, or association.

I ask the Attorney-General whether the person to whom he referred in his second reading explanation as the "theatre proprietor" would fit the two definitions I have just read out; also whether in framing the legislation he has considered the situation which exists in one place in the State (and which may exist in other places) whereby a part of the service provided by a motel is that its guests have access to a film being shown at the adjacent drive-in theatre simply by viewing it through a window and by turning on the volume control? If this is the case and if these people are adequately covered in the definition of "theatre proprietor", the motel owner or manager may well have to refuse to allow the hire of his facilities (that is, the motel) to a person accompanied by children between the ages of six and 18 years. I am aware of this situation applying in one town in South Australia.

Mr. Carnie: There is one at Whyalla.

Dr. EASTICK: Therefore we have at least two of these situations in the State. One could expect that it would be the responsibility of parents to ensure that their children did not have access to the tuner and were not allowed to view the film through the window. However, what happens when the parents are at dinner and the children have been sent to the room, or are supposedly viewing television while the parents are absent? If the children look through the window and turn up the volume, is the motel proprietor liable to be prosecuted? I should like the Attorney to clarify this point. Clause 4 provides that films shall not be exhibited unless classified, and I understand that the classifications will be those as determined by the Commonwealth authorities. Generally, when new provisions are placed under the control of the Minister's department there follows an increase in the number of staff, and I should like to know how large this increase will be. Clause 6(2) provides:

It shall be a defence to a prosecution under subsection (1) of this section that—

(*a*) the defendant took reasonable precautions designed to ensure that any such persons were not admitted to the exhibition of the film;

and

(*b*) the defendant, or a person to whom the responsibility of admitting persons to the exhibition of the film was entrusted, believed on reasonable grounds that the child to whom the charge relates had not attained the age of six years, or had attained the age of eighteen years.

Subclause (3) provides:

Where a child between the age of sixteen years and eighteen years is in a theatre at any time when a film, to which a restricted classification has been assigned, is being, or is about to be, exhibited, he shall be guilty of an offence and liable to a penalty not exceeding fifty dollars.

In these circumstances I suggest that the Government is having two bites of the cherry. First, in subclause (1), when referring to children between the ages of six years and 18 years, the proprietor shall be liable to a penalty. Secondly, as a child between the ages of 16 and 18 years is also subject to a penalty, the Government can extract two penalties in respect of the one offence. Although generally I favour the Bill, I cannot see how it is to be policed adequately. Indeed, I think it is impossible for this to happen, and any piece of legislation that is difficult to police is the wrong sort of legislation to be brought before Parliament. If the Attorney can assure me that there will be no difficulty in adequately policing this legislation, I will support it after the Committee has examined what is, I believe, a commendable amendment.

Mr. EVANS: I support the second reading, trusting that some amendments will be moved in Committee. Like my colleagues, I object to certain clauses of the Bill. I do not think the onus of deciding whether a child is over six years or under 18 years should be placed on the proprietor of a theatre. I can foresee difficulties being experienced when many teenage children over 15 years of age and under 18 years of age are living in flats away from home, and it would not be reasonable to place this onus on their parents. However, when a child is living at home and he attends a theatre with his parents, the onus should be placed on those parents and they should be liable to a penalty if the section is contravened.

The member for Heysen has said how difficult it is to assess the ages of children, especially those between the ages of 16 and 19 years. I agree that it would be just as difficult to assess accurately the ages of children between four and seven years of age. If Government members were given the opportunity of assessing the ages of children at a school, they would find it difficult to say whether a child was five or six years old, and in a poorly-lit drive-in theatre it would be even more difficult to do so.

Clause 6(2) provides that it shall be a defence to a prosecution under the section if an exhibitor takes reasonable precautions

to ensure that children between the ages of six and 18 years are not admitted to a theatre when a film with a restricted classification is being exhibited. However, what is a reasonable precaution? One will probably have to end up in court to have that decided.

Mr. Millhouse: That will be a good thing.

Mr. EVANS: I take the honourable member up on that point. The more ambiguous points there are in legislation such as this, the happier the legal profession will be. I do not really believe that this legislation can be policed effectively; even if the onus were on the parents, there would be difficulty in policing it properly. Further, although I believe in film classifications, I do not believe that by passing this legislation we should allow more blue-type films to be shown. I believe that these sorts of film have gone far enough and should go no further, although I think that one of the intentions associated with this measure is that there will be a broader outlook regarding the types of film to be shown and that more of the films in question will be shown in future.

For that reason, unless the Bill is amended, I am disposed to oppose the third reading strongly. I wonder whether the Government intends to do away with State censorship, as most of the other State Governments have done. I hope the Attorney-General will say in Committee what the Government intends to do in this regard. At this stage, however, I support the second reading.

Mr. BECKER (Hanson): Explaining the Bill, the Attorney-General said that the prime object was to create a restricted film classification and that this would apply to children between the age of six and 18. The member for Light cited the instance of children whose age might be five years and 11 months and who would be permitted to accompany their parents to a drive-in theatre, and so on. Although children at this age may not understand everything that is said, they are capable of seeing what goes on, and at this age certain things can be impressed on their young and tender minds. I wonder why the age group of between six years and 18 years was selected, rather than a provision covering all children under 18 years. In the past, there have been film classifications applying to children up to 16 years, then to children between 16 and 21, and then to people over 21 years. By making 18 years the age at which a person becomes an adult, we have left out the young teenager group, to whom we are perhaps giving little credit for having any intelligence. Therefore, a grave mistake may have been made in this regard.

What is the reason for wanting to introduce a restricted classification? I believe it simply stems from the fact that the motion picture industry has suffered tremendously as a result of the impact of television, especially in those countries where there is now good quality colour television. On the other hand, the motion picture industry has been able to sell all its old films to the television interests. I remember my boyhood days in the country when I was given a few pence and allowed to go to the pictures.

Mr. McAnaney: To see Charlie Chaplin in *The Gold Rush*!

Mr. BECKER: That was a little before my time, but we can see the old movies on television, particularly on channel 2. This has been one way in which the motion picture industry has been able to recoup some money, by selling off its old films; but generally the impact of television has adversely affected the motion picture industry. So, to try to attract the people to their theatres, the motion picture promoters have had to come up with new types of stories, angles and approaches in the making of films. We have seen the emphasis on sex and violence, but more on sex than anything else. This has come mainly from one area of the world—Europe. We know that in some of the Scandinavian countries there is no censorship. People can see anything and buy "girlie" magazines and there is no end to the type of thing that is printed.

Mr. McAnaney: They are no better off for it.

Mr. BECKER: No, they are not, because statistics are proving that in those countries, while there was an initial rush to buy these things, there is now no demand. The only people who want to buy that type of book and see that type of film are the tourists. We have heard a lot from our Government about how we should build up our tourist industry—but we should not do it that way. I have my doubts, too, about the thing being built in Victoria Square.

So it has been necessary for the film promoters to attract people back to the theatres. They have made longer pictures, longer feature pictures, and they have increased their charges considerably. The introduction of an R classification would in some areas help the film producers, but generally I do not think it is accepted by the motion picture industry, particularly when we get letters of the type we have received from the South Australian

Motion Picture Exhibitors Association, because, as exhibitors, they are the ones who will show the films and they are not too happy about the films being exhibited, many of them being owned by the producers. There are three types of classification at present—G for "general", which means that the family can see the film; A for "adults", which means that the film is acceptable for some children. In other words, the A type of film does not mean necessarily that it is for adults only. Then there is AO for "adults only", not suitable for children, and for those films there are no half prices. If parents want to take their children to see those films, the manager is reluctant to let them in, although he probably does; but there is no half price for admission to AO pictures generally.

They are the three classifications that now operate, but under this Bill we see there are five classifications, which have been accepted Commonwealth-wide. As described in clause 4(2), paragraph (*a*) covers general exhibition, paragraph (*b*) those not recommended for children, paragraph (*c*) for mature audiences, paragraph (*d*) covers restricted, which will be legally enforced for the first time, and paragraph (*e*) is "such other classification as may be prescribed". What the Minister did not explain was the type of symbol that would be used. Are we going to have A, B, C, D and E, or are we going to stick to the present classifications of A, AO and G? I would like to know this and I am surprised the Attorney did not refer to it. If the letters A to E are to be the symbols, this could be confusing, because we will have to teach the public to recognize the new symbols. The letter from the Council of Exhibitors Association states:

Our primary reasons for opposing the introduction of an R classification are two, namely: (1) That its introduction is desired by a minority only of patrons, and is opposed by the majority of our patrons. (2) That we believe that its introduction would result in a substantial increase in the number of "deviationist" and other undesirable films coming into Australia and would thus bring the motion picture industry into disrepute with those who make up the great mass of the picture-going public.

A friend of mine manages a theatre where many AO films are shown, although mainly the theatre shows general exhibition films. He believes that his patrons are equally divided on the subject of classification, so that this represents a slight conflict between his opinion and that of the council. The letter continues:

The introduction of additional "restrictive" classifications in the United Kingdom has resulted in an increase in the number of "permissive" films, and this in turn has had an extremely serious effect on picture theatre attendance there, namely a decrease of about 10 per cent. No step should therefore be taken which would have the effect of increasing the number of "permissive" films shown in Australia. The introduction of R and X classifications in the U.S.A has, after 20 months' trial, been found to be completely unsatisfactory, and exhibitors there are now pressing for the adoption of three classifications only, identical in effect with the existing classifications in Australia. A recent comprehensive review of the American classifications system published in the *Los Angeles Times* included the following statement: "The ratings system should drop any further pretence of policing the box office. It was a laudable sentiment but it didn't work and succeeded mostly in enraging parents whose children either could or could not get in. ... The ratings should be promoted for what they are in fact: an advisory system, an early-warning line for parents on whom the responsibility really lies". The introduction of an R classification is desired only by some film distributors, a relatively small section of exhibitors, certain newspaper film critics, and a small percentage of the picture-going public, namely the Film Societies and others attracted by so-called "art" films.

That letter contains the views of the exhibitors of films, many theatres being owned by those who produce the films. I believe that the time has come when society must accept the responsibility of restricting to people over 18 years the exhibition of what may be called obscene or blue films. The Bill provides that people under the age of 18 years will not be permitted to see R classification films. Responsibility is placed on managers of theatres to ensure that those who wish to see these films are over 18 years. Theatre managers, usherettes and staff generally are concerned that they will experience the same difficulty that hotel licensees and managers experience in determining the age of people of about 18 years. It is often embarrassing for a person to be asked his age, and it can be equally embarrassing to a person to have to ask another person's age. The Government is in a somewhat awkward position with this legislation, but it has been agreed to by all Attorneys-General, and when the States have passed the legislation the Commonwealth Government will introduce a similar measure.

The big problem regarding drive-ins is that people park on roads surrounding them and watch the film, but cannot hear the dialogue. However, the dialogue would have little effect when one considers the types of film that will have an R classification. The policing of these people watching the film would be difficult. Will the police drive along the surrounding roads and move on the people who are parked in their cars and who may be watching

the film? It will be up to the Attorney-General to overcome this difficulty. I do not think any one can say that drive-ins will not screen R classification films, because I believe that they will be equally as eager to show them as will other theatres. However, I hope there will not be a flood of R classification films. It is the Government's responsibility to safeguard the moral standards of young people. History has made it clear that a country's low moral standard can lead to the collapse of the nation. I support the Bill.

Mr. JENNINGS (Ross Smith): I support the Bill, although I expect to do nothing more than what most other honourable members who have spoken have done, that is, just speak to the Bill.

The Hon. Hugh Hudson: I thought you were going to say that you were just going to waffle.

Mr. JENNINGS: I hope I do it better, anyway. From the Leader of the Opposition to the member for Hanson, no honourable member has said anything except, "I support the Bill." However, they indicated they did not like this part or that part of it. They realize, although few of them admitted it, that the Bill is the result of conferences between Attorneys-General throughout Australia who have used their distilled wisdom.

The Hon. Hugh Hudson: Perhaps undistilled wisdom.

Mr. JENNINGS: Some of it perhaps not so distilled; and they have also taken the advice of their advisers. Nevertheless, Opposition members, who are trying to advise us about these things without telling us what to do or without promising whether they will vote for or against something, are now getting up and wasting time.

Mr. Gunn: What are you doing now?

Mr. JENNINGS: I am not wasting nearly as much time as the honourable member does by his interjection. When I came into the Chamber after the dinner adjournment, I had missed the speech of my dear friend the member for Heysen.

Mr. Mathwin: Would you like him to repeat it?

Mr. JENNINGS: No, I will read it in *Hansard.* However, I was astonished when I read *Hansard* today that a peculiar observation, which the honourable member had made last Thursday afternoon about a person's body stopping and some parts still going on, had not appeared in *Hansard.* Apparently the honourable member became so confused in what he was saying that he thought it better to cut it out of *Hansard.*

Mr. Harrison: Was it censored by *Hansard*?

Mr. JENNINGS: No. There is no censor on *Hansard.* We hear Opposition members moralizing about things. The member for Hanson spoke about the low moral character of a nation.

Mr. Goldsworthy: What's wrong with that?

Mr. JENNINGS: Nothing, but why should we need him to tell us. If he likes to say it—

Mr. Mathwin: Why didn't you listen?

Mr. JENNINGS: I did, because I could not repeat it if I had not listened. It is not something very edifying. The honourable member was talking about "blue" films. However, nothing could possibly be interpreted from this legislation that would enable "blue" films to be introduced into Australia.

Mr. Becker: Are you an authority on that subject?

Mr. JENNINGS: Yes, I am an authority on "blue" films: I saw them for one afternoon.

Mr. Mathwin: Was that a private show?

Mr. JENNINGS: No, it was not a private show. I had not been corrupted before and I have not been corrupted since. The member for Davenport (and I do not like to speak of her when she is not in her seat, because she cannot interject—although she cannot interject even when in her seat because she would be out of order) said that when she was in America she saw great headlines in neon lights advertising the film *Carnal Knowledge.* There is nothing wrong with carnal knowledge: there is nothing indecent in carnal knowledge.

Mr. Clark: You mean the film?

Mr. JENNINGS: I have not seen or heard of the film, but I think one can imagine a situation if one's imagination is good enough (and it would have to be very good) when the member for Davenport and I could have carnal knowledge without any indecency whatsoever. I can look in her ear or take a fly out of her eye. P. G. Wodehouse often used to do this sort of thing. However, I admit that the reason for that headline was to attract people to see the film. It was probably more deceptive advertising than it was indecent filming. In both London and San Francisco I saw "blue" films. These days, one can see in London what they call an educational film, which shows one practically everything imaginable, provided there is a clip during the film when a certain professor will explain something to the audience. However, the audience goes not to listen to that professor speaking for those

two or three minutes but to see the rest of the proceedings.

Mr. Clark: Would you blame the Heath Government for this?

Mr. JENNINGS: I think it has got worse since the Heath Government came into office, or perhaps people are complaining that they do not have enough money to go to see these types of film since the Heath Government came into office. When I was in London films such as *Dad's Army* and others of that nature were playing, and one could see thousands of people rushing in to see them, whereas only a few were going to see the very "blue" film. In San Francisco, the reverse obtained: one could scarcely see a decent film of any kind, not that I tried to! Although San Francisco is a beautiful city, it is a place of shocking decadence in that way, because there is a pornography shop in every block.

The SPEAKER: The honourable member is starting to digress from the Bill.

Mr. JENNINGS: I realize that, Sir. Every member who has spoken on the Bill acknowledges freely and frankly that the Bill is an improvement. The Attorney-General and his counterparts in the Commonwealth Government and in the other State Governments have admitted this, and we are going to accept it. Although no-one opposes it, honourable members talk about it all the time for no reason than to get a little bit of space in *Hansard.* Well, I do not think it is worth it, and I do not want to do so.

Mr. Goldsworthy: You're senile.

Mr. JENNINGS: I am not senile. Once I was ordinary, but the honourable member is still juvenile. We must get on with these pieces of legislation, as every other Parliament including the Commonwealth Parliament is doing, and not be worried by people like the member for Eyre, who wants to air his limited knowledge on these subjects and, generally speaking, the members in "drongo corner", who also have something to say.

Mr. ALLEN (Frome): I support the Bill, although I have reservations about the provision dealing with the R classification. Like the member for Fisher, I am wondering what is the reason for introducing that provision. Having had nine years' experience of purchasing films from distributors and of managing a theatre, including the selling and collecting of tickets and doing everything connected with exhibiting films, I believe that I am able to express an opinion on this matter. As a result of this Bill, it seems that the small country exhibitor will have to adhere strictly to showing films either for general exhibition or not recommended for children. In the small country towns, films are regarded as entertainment for the whole family, and parents will not go to see a film if they know that it has an R classification; indeed, nor will they let their children go to see such a film.

In the small country towns, there are not sufficient teenagers, who possibly prefer to see a film that has an R classification, to warrant showing a film of this nature. It would be possible in a hard-top theatre to show an R classification film, because the doorkeeper could within reason see that the age limit was observed, but this would present a colossal task to the proprietor of a drive-in theatre, who would be wise to steer clear of films that have an R classification. Possibly, the Government has been approached in this matter by certain people who desire permission to show films that have an R classification.

When purchasing films for a theatre about 15 years ago, before the advent of television in South Australia, when the motion picture industry was at its peak, it was not possible for any exhibitor to purchase fewer than 13 films for 12 months. One had to go to the film distributor and sign up for 13 films and was expected to take two or three good films, two or three average films and other films that were not so good. One more or less had to take an average, and could not take, say, seven or eight of the best films. However, it was left to the distributor to select the supporting feature, and this selection depended on the length of the main feature, so that the programme would last for a certain time. As the exhibitor had little control over choosing the supporting feature, he was sometimes criticized for showing a supporting feature which the public, particularly members of family groups, did not appreciate.

Mr. GUNN (Eyre): I do not intend to speak at any length on this Bill or to go on with the nonsense that the member for Ross Smith went in for. I do not think he made any contribution—

The SPEAKER: Order! The honourable member must keep to the Bill.

Mr. GUNN: Very well, Mr. Speaker; I will not continue in that vein. I support the Bill, although I have some grave reservations about the effect it will have on the public. It will be difficult to police its provisions, especially clause 6, which provides that the proprietor of *a* theatre shall be responsible if a person under the age of 18 years is admitted when certain films are showing. This responsibility

should be shared equally with the parents because, after all, the proprietor himself, or his agent, has not a birth certificate with which to identify every person entering his theatre. In his second reading explanation the Attorney-General said:

The idea of a restricted classification has received wide support from all sections of the community, including both church groups and civil liberties groups. Though the Bill was resolved from discussions between the responsible Ministers in the Commonwealth and the other States, the Commonwealth has agreed to undertake the classifications.

I have not heard of any people in my constituency supporting the measure. Most of them are concerned at the type of material and the "blue" films coming into this State. Only last weekend at Andamooka I was approached by some parents who were concerned about the material that their schoolchildren had received. I do not believe that widening the powers of the censor and allowing films of a "blue" nature to be shown in theatres throughout South Australia will do anything to benefit young people. In fact, it will have the reverse effect on them. Therefore, I support the Bill very grudgingly, for I do not believe it is a step in the right direction.

The Hon. L. J. KING (Attorney-General): In many ways this is a difficult debate to reply to because, although several members have spoken, most of them have not really defined their attitude to the Bill at all clearly. As far as I understand the position, none of them has declared his opposition to the Bill, although some of them raised various objections.

Mr. Gunn: At this stage.

The Hon. L. J. KING: The honourable member says "at this stage". The curious thing is that even those members who said that they would support the second reading and then determine their attitude to the third reading according to what amendments were passed, did not indicate what amendments they hoped to see passed. I am still at a loss to know just what their ultimate support for the Bill is conditional upon.

Mr. Goldsworthy: What you say in Committee may help.

The Hon. L. J. KING: I am not enlightened by the interjection of the member for Kavel, either. I shall have to try to deal with some of the points that have been raised. What we all must grasp about this Bill is that it is really idle simply to draw attention to difficulties about it. Of course there are difficulties about introducing a legally enforceable age limit into anything, whether it be the service of liquor, betting with a bookmaker or going to the films. It is obvious that, wherever we introduce an age limit, there will be problems of determining the age of the people concerned and of enforcement. It is obvious that there are difficulties about a Bill of this kind. Its preparation and indeed the decisions of the Ministers of the Commonwealth and of the States were arrived at only after the consideration of detailed submissions and representations from the major film exhibitors, who drew attention very forcibly to what they conceived to be difficulties associated with this type of legislation.

It is not to be supposed for a moment that the sort of problems referred to by Opposition members have not been fully considered. They have been fully considered not only in this State but also in all the other States and by the Commonwealth officers and Minister as well. We all know that there are problems, but we are faced with a problem which is inescapable and which must be tackled. For good or ill, rightly or wrongly, the modern tendency is to treat in films sex and violence in a way which was unknown until recent times. The explicit treatment of sex and violence is now a part of the live and celluloid theatres. That is a fact of contemporary culture; whether we approve or deplore it, it is a fact from which we cannot escape. Therefore, we must devise laws that cope with the situation.

Another fact of contemporary culture is that there is the widest division in our community and in all other communities of the free world about the propriety of the way in which sex especially is treated in some films and theatrical performances in our time. We have to face the fact that these films exist and that there is a divergence of opinion in the community about the propriety of the presentation of sex in many modern films. Consequently, we are faced with the situation in which the State is unable to dictate to individuals what sort of films they will see. Let me say at once that there is just no question of admitting blue films into the country. If I understand it correctly, the term "blue film" refers to the sort of pornographic garbage which is peddled about at what are called stag shows or all-male shows and which is simply a crude and filthy caricature of human sexuality. There is just no question of the Commonwealth authorities admitting that sort of rubbish into the country. The Commonwealth Minister has said (and I accept that what he has

said will be carried out) that there is no intention that that sort of rubbish will be given an R certificate or any classification at all.

Mr. Coumbe: He's showing an enlightened attitude.

The Hon. L. J. KING: I agree. I have nothing but admiration for the way he has handled the subject, as I have said publicly previously. I believe he is adopting a most sensible attitude. He is excluding rubbish or films without merit and, where there is genuine artistic merit, he is admitting the film, leaving it to adult individuals to make their own decision whether or not it is acceptable to them. I have nothing but praise for the way in which the Commonwealth Minister is handling what is a most difficult and delicate situation, as I have every reason to know.

Therefore, we are faced with this existing problem which cannot be denied and which must be tackled. The Commonwealth Minister has tackled it (and the Ministers in the various States have agreed that it must be tackled in this way) on the basis of ensuring that, if these films are about, as they are about, people who have not reached an adult age must be precluded from seeing them. Those who have reached adult age must make their own decision whether this is the sort of intellectual and moral diet they want. I think that we are all agreed that people under 18 years must be excluded from such films. Several members have said that this is derogating in some way from parental responsibility, and that surely it is the role of parents to decide what films their children will see, exercising appropriate supervision. I recall the member for Davenport, in particular, making this point. I would be the first to agree that the primary responsibility in this area is that of the parents and that it is their responsibility to take an interest in the kind of film the child sees and to exercise what supervision they can in that regard.

Mr. Clark: "Can" is the important word.

The Hon. L. J. KING: Yes. The problem is that no parent can possibly know where a child is at all times; this applies particularly in the age group where the greatest care must be exercised in this regard, namely, in the 12 to 18-year-old group. However, every teenager must be given a degree of responsibility and freedom appropriate to his age and gradually developing maturity. He obviously must be given freedom. No-one expects to take a 16-year-old or a 17-year-old to the theatre to make sure that he goes to the right theatre and to collect him afterwards to take him home. It is part of the business of learning to be an adult that the teenager must gradually take responsibility; consequently, he goes off on his own after the parent has satisfied himself as best he can where the child is going. A further sanction is needed, namely, to see that he is not admitted to a theatre where he has no business to be (and that is where the Bill comes into the picture).

If it were possible to say that a child accompanied by his parent was exempt from this provision, I should be happy. I take the view that the parent has the primary responsibility for and knows his own child best. If a parent judges that a child is fit to see a certain type of film with the parent, I would not be the one to interfere, nor would the Government have any business to interfere. However, it is impossible to write that provision into the legislation, because the exhibitor would have no way of knowing whether the adult accompanying the child was the parent, and that provision would produce a piece of unworkable legislation. It is necessary to say that the child may not be admitted, irrespective of whether or not he is accompanied by an adult. It is not intended to derogate from parental responsibility or rights but simply to recognize the reality that this type of legislation cannot operate unless such a provision exists. Questions have been asked about how the legislation will be administered: the Commonwealth Government will administer it. Questions have also been asked about what kinds of film will receive which kind of classification, but I cannot answer that. What we are doing is saying that we will enforce by law in South Australia the classification given by the Commonwealth Government, and that is the only way in which the legislation can work effectively.

Mr. Clark: Who will do that?

The Hon. L. J. KING: The Commonwealth film classification authority will classify the films, and the classification will be given the force of law in South Australia by this Bill. The intention is that there will be films for general exhibition and films not recommended for children, which is a classification we all understand. The classification of films for mature audiences was introduced at a relatively late stage of the planning in order to recognize that teenagers, the sort of people to whom the member for Hanson referred, are entitled to a film diet which is somewhat more mature than is appropriate for children. This was added as a further clarification to

the original three proposed. The fourth is a restricted classification that will be legally enforceable. I have discussed this matter with the Commonwealth Minister, and he agrees with me that several films that are now shown as adults-only films will be accorded the restricted classification under the new system.

On the other hand, films that are admitted now only after cutting by the censor will only be admitted without those cuts or with fewer cuts if the censor is satisfied that they will not be seen by people under 18 years of age. The system operates in two ways: namely, it will have the effect of precluding children from seeing some films that they can see now by paying the adult fare, and it will give teeth to the classifications that now lack teeth; and it enables adults to see, if they choose to do so, films in the uncut version that are subject to cutting now simply because the censor says that as this film may be seen by children he has to be careful about what he allows into it. Beyond these generalities, I cannot enlighten the House as to how the Commonwealth will approach the situation, and we have to rely on the sense of responsibility of those administering the system at Commonwealth level.

I was asked to indicate what the symbols will be: that decision is for the Commonwealth authority, but the present intention is that symbol G will represent films for general exhibition; N.R.C. will be for films not recommended for children; M will be for films for mature audiences; and R will be for restricted films. Clause 4(2)(*e*) simply provides for an additional classification if it is decided at any time that an additional classification is needed. It is not intended at present to have more than the four classifications specified in the Bill.

Several points have been made about the difficulty of enforcing this type of legislation. Obviously, there will be difficulties of enforcement, but I think there will be no greater difficulties than there are in relation to enforcing age limits in other areas. T think in this area we will get the same situation: if offences are committed they will be the subject of complaints by people who notice what is going on. This is an area in which we can rely fairly well on receiving complaints if there are breaches, for there are enough people who hold strong views on this topic to ensure that authorities learn of any breaches as they occur. The police will supervise this legislation in the same way as they supervise other legislation, not by standing at the door and watching people come in or by going through the theatre and shining torches in people's faces, but by exercising discreet surveillance which they are very good at and which enables them to enforce this type of law in a reasonable and sensible but nonetheless effective way.

I cannot pretend that this legislation will bring about a situation in which no-one under the age of 18 years will get in to see this type of film but, generally, that situation will be avoided. One cannot deny that a mandatory age limit creates problems for motion picture exhibitors, but they have to take the responsibility of ensuring that people under the age of 18 years do not get in. No doubt this will be more difficult at drive-in theatres than it will be at normal theatres. No motion picture exhibitor is obliged to show a restricted classification film. He alone can judge whether he is capable of policing his theatre. If he takes the responsibility of showing a film that the law says has to be shown only to adults, he must ensure that children are excluded. If he lacks the resources to enable him to do this, or if the physical arrangements in his theatre are such that it is impossible for him to do so, the remedy is in his own hands: he does not have to show such a film.

I cannot see how there is any force in the argument that the poor old picture exhibitor is caught in an impossible situation because he cannot keep out children. The motion picture exhibitor takes the decision to exhibit a certain film and, if he takes the responsibility of showing a film with a restricted classification, he must have sufficient staff and have his physical and management arrangements so organized as to enable him to ensure that the law is obeyed.

I have been asked questions such as what constitutes reasonable precautions. However, it is not for me to say this. The motion picture exhibitor must take precautions appropriate to his theatre and business, and ultimately the court will have to decide whether they are reasonable in the circumstances. It is not difficult for one to imagine the sort of precautions that can be taken regarding persons entering a theatre. True, difficulties will be experienced, but a sensible exhibitor or theatre proprietor desirous of obeying the law will not experience any real difficulty in this respect.

The member for Fisher asked a question which I did not fully understand. He asked whether it was intended to do away with State censorship, and he rather challenged me to

make some overt statement about this. In practice, there is no State censorship in South Australia at present. South Australia has never entered into the agreement with the Commonwealth Government, as the other States have done, which handed the power of censorship to a Commonwealth censor. The Playford Government thought that this was inappropriate and that the South Australian Minister should retain his discretion whether a prosecution should be launched. I agree with this, as does the present Government. South Australia is not a party to the agreement with the Commonwealth Government, and it desires to retain its freedom of action in this regard. South Australia relies on the advisory classifications fixed for films by the Commonwealth censor, and these classifications are marked on the films and on the advertisements. In future, we will have classifications, one of which we in South Australia will enforce by law, as will all the other States.

The only other point which was raised and on which I should like to comment is that of how the different ages were selected. The member for Hanson asked why the age was not made from zero to 18 years. Some parents like to take their babes in arms to a theatre or in a car to a drive-in theatre. It is difficult to understand how a child under the age of six years would be likely to take harm from a film. Some age had to be selected, and one would think that the parents would be the best judge of whether a child under six years would be likely to take harm from a film. It seems unreasonable to prevent parents from taking their babes in arms to the theatre simply because of a desire to exclude persons who are not adults. The age of 18 years was obviously fixed because that is the age at which in South Australia (and this will be so shortly in the other States) one is recognized as having adult responsibilities. If films are shown which may be the subject of controversy as to whether they are acceptable on moral or aesthetic grounds in the community, and if the view is taken that it is for adults to decide what to see in this regard, the appropriate age below which to exclude people is the ordinary age of adult responsibility.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

Dr. EASTICK: Is it intended that the definition of "theatre" is so embracing as to include a motel, where guests may be able to see a film by looking through the window and turning on the volume switch?

The Hon. L. J. KING (Attorney-General): I should think so. I should think that a motel incorporating a drive-in theatre, where occupants of the motel room could view a film being shown, would be a place of public entertainment and would be subject to the provisions of this Bill. It may well be that, as a result of this, films of a restricted classification could not be shown. Certainly if the screen could be seen by children in the rooms, I should hope that such films would not be shown.

Dr. EASTICK: Therefore, a motel proprietor in this situation could not accept as tenants persons accompanied by children who were between the age of six years and 18 years, and proprietors would be restricted in this way. That the type of film in question is being shown should not be a reason for turning away motel custom. I specifically ask whether this situation was considered at all when the Bill was being prepared.

The Hon. L. J. KING: I am not aware of the matter receiving any specific consideration, but to me it does not present a difficulty at all. I think it would be absolutely unthinkable for a motel proprietor to show films of a restricted classification on a screen visible to children occupying rooms. If one wants to run that sort of establishment, surely one must confine the choice of films to those suitable for families occupying the motel. What his patrons should see is a matter for the hotel proprietor; that is his affair, but the obvious thing is not to show restricted films.

I do not think I have considered this problem specifically and I do not know that any of my officers have. I do not recall submissions along these lines. If they had come to me, I would not have had the slightest hesitation about it: it would be utterly wrong and unthinkable for a hotel proprietor to show restricted films, which are adult films, to children in a situation where they were visible to children in the rooms. To me, the matter presents no difficulty. That is a limitation inherent in the business. If one conducts a business on those lines, one must show films that are suitable for the families occupying the rooms.

Mr. NANKIVELL: Does the Attorney-General mean that he is concerned about the visual, the audio or the audio-visual aspect of films? I say that because he is concerned about the type of film the children might see if resident in a motel. There is hardly one

screen of a drive-in theatre that is not visible from the road.

Mr. Payne: The Parkline is.

Mr. NANKIVELL: That may be so but, if we are concerned only about the visual, there is no way of preventing people who are under age, according to this law, from observing films that we are not proposing to allow them to see by entering the premises of drive-in theatres—presumably to hear them, because they can certainly see them already. If those films are to be films for restricted viewing and it is intended to police them so that only adults can see them, some consideration must be given to a drive-in theatre screening of these films on screens so that the people going into the theatre can be vetted and the people outside, whether or not of a legitimate age, can see them, as is the case with drive-in theatres that want to screen those films.

The Hon. L. J. KING: This is a real enough problem and certainly one that I have considered. At present, some of the scenes enacted on the screen are inappropriate for viewing, so to speak, from houses near a drive-in theatre. A worrying aspect of the explicit presentation of sex on the screen is that children perhaps in their homes nearby may be able to see that type of thing; but there the parents, one supposes, will have some say in it. It is a matter of balance, of trying to achieve a reasonable solution to a problem that will never fully be solved.

Mr. Nankivell: But parents do not follow the 17-year-olds and stop them from seeing such films.

The Hon. L. J. KING: If you mean that people of 16 or 17 years of age may stop outside a drive-in theatre and peer over the fence—

Mr. Nankivell: Or park outside.

The Hon. L. J. KING: That is a possibility and, if it became a real evil, it would have to be dealt with; but, so far as I am aware, it is not an evil so far with the present type of film. I am not disregarding the point, but at present I think we should approach the matter on a moderate and realistic basis, dealing with the actual entry into the theatre. If we find that there is a real problem with people under 18 years parking where they can see the films, we might have to deal with that situation then. One suspects that perhaps the drive-in theatre proprietor might deal with the matter for us because he might not appreciate a large audience outside, not paying admission.

Mr. NANKIVELL: As I understand it, the Commonwealth Government will decide which films will be admitted and classified. This could well mean that films which are similar to those screened in Europe, the United Kingdom and the United States and which deal luridly with sex could receive the R classification and be publicly exhibited. Surely we must be concerned about the type of film shown. Will the State be able to override the Commonwealth classification? Surely we must ensure that only people over 18 years do in fact see these films.

The CHAIRMAN: Order! The honourable member seems to be referring to clause 4 whereas at present we are dealing only with the definitions.

Clause passed.

Clause 4—"Film not to be exhibited unless classified."

Mr. NANKIVELL: Will the Attorney-General comment on the points I have already made?

The Hon. L. J. KING: South Australia will not make any rules of its own but will accept the Commonwealth classification, including the restricted classification. In other words, the object is to have a uniform system operating throughout Australia. I believe that we must confine ourselves at present to admission to the theatre. If it turns out that there is a real problem about teenagers watching, from outside limits of the premises, unsuitable films that are exhibited at drive-in theatres, that matter may have to be dealt with. The member for Mallee referred to a problem which I realize exists now and which has always existed, but he has not suggested any solution. I think it would be too drastic a solution to say that R films should not be shown at drive-ins at all. However, it may be that experience will show that some rules will be needed to deal with this problem (if it becomes a problem), but I do not know whether or not it will become a problem.

Mr. Nankivell: Surely you realize the problem, otherwise this provision would not have been made.

The Hon. L. J. KING: The member for Mallee has not understood me. What I do not know is whether the matter of teenagers viewing films from outside the premises will turn out to be a problem: only experience will enable us to judge that. However, if it does turn out to be a problem, we will have to devise means of dealing with it. I should be loath to prevent drive-ins from showing R films until it is shown that a real problem

exists, because that would be a drastic step to take. It may be a necessary step, but it is not shown to be necessary at present. We should confine ourselves to the question of admission now but, if it turns out to be a serious problem, we will have to tackle it.

Dr. EASTICK: The Attorney-General has outlined double standards. He has admitted on the one hand that R films coming into Australia should be restricted from viewing by the defined aged group and that there could be a danger to morals as a result of people younger than 18 years viewing these films. The Attorney-General has said that possibly some of these films will be seen from the roadway and that he would not in any circumstances tolerate a visual appearance being seen from a motel window. However, anyone can travel along Diagonal Road between Churchill Road and the Port Wakefield Road any evening of the week that a film is being screened at the Gepps Cross drive-in theatre.

The Hon. L. J. King: What's your proposition?

Dr. EASTICK: The member for Mallee put forward a suggestion that I believe is basic: if the Attorney-General is worried about the visual sighting of R films, they should be restricted entirely to cinemas.

The Hon. L. J. King: Is it your proposal that they should be restricted entirely to hard-top theatres?

Dr. EASTICK: I see a real difficulty arising in this area. I would agree to the restricting of R films to hard-top theatres, as opposed to their being shown at drive-ins. I see no difference in the situation the Attorney-General explained of the motel room and that of the screen being viewed from the back of the theatre or from any other vantage point.

Mr. EVANS: I move:

In subclause (2) to strike out paragraphs (*d*) and (*e*).

If "such other classification as may be prescribed" is left in the Bill, any other type of classification could be introduced. If my amendment is passed, there would be no benefit in clause 6, and the amendment would perhaps demolish the Bill to a large degree. If the Attorney-General is concerned that restricted films will be viewed by people from 16 to 18 years of age, the matter raised by the member for Mallee is important. I think the Attorney is realist enough to know that teenagers would sit outside a fence of a drive-in theatre if a restricted film was showing and they were not entitled to admittance.

The Attorney said that we must accept the Commonwealth classifications because of uniformity. We do not have uniformity in other matters, such as poker machines, and we are not uniform in our attitude towards morals and what we allow the community to hear or see. Therefore, the argument about uniformity is not valid. There will be real concern about the problem of motels referred to by the member for Light, because there will be no guarantee that children will not see the films. If this Bill passes in its present form, it will not be acceptable to a large part of the community. If people 16 to 18 years are not allowed to pay to see a restricted film, they should not be allowed to see it free of cost.

Apparently, we must accept the Commonwealth authority's classification of films: at least we have to accept it whilst we have a Labor Government in this State, regardless of the complexion of the Commonwealth Government. I believe that provisions for a restricted classification and any other classification should be excluded: either people are mature or they are children. Members have argued that the younger people of today are mature. We are allowing for them to be mature at 18 years, whereas they are not all mature at that age.

Mr. GOLDSWORTHY: I support the amendment, because nothing the Attorney has said has resolved any of my doubts or reservations. The only point he has clarified is the fact that he is willing to hand over the authority to make decisions to the Commonwealth censorship authority, and I do not think that that is a wise decision. I think that something is peculiar about the Attorney's argument concerning the magic age of 18 years. Under the age of 18 years people are not allowed to see the explicit exhibition of human sexuality on the screen, but at the magic age of 18 years they have reached the full bloom of maturity! I agree with the comments of the member for Fisher that the first three classifications would cover what should be satisfactory for the community. Films can be recommended for general exhibition, not for children, or for mature audiences and, if a whole section of a community must be excluded from a theatre at which a certain film is being shown because the film is considered to be unsuitable for them, something must be basically wrong with that film. Last night, I was reading a book by an eminent English jurist Patrick Devlin (a copy of which, for honourable members' information, is in the Parliamentary Library), who said

clearly that the law should be concerned with morality, and that one of the functions of the law is protection. I commend this book to the Attorney, because it runs counter to the sort of argument that he and the Premier have advanced in this Chamber.

The Hon. L. J. King: And I recommend that you read Professor Hart's reply to Mr. Devlin.

Mr. GOLDSWORTHY: I will get round to that. I am convinced by nothing that the Attorney has said. What the honourable member for Fisher said is correct: I do not believe there is anything magic about the age of 18 years. When considering this sort of legislation we should be listening not to the notable advocates of the permissive society who so frequently find their way on to television in this State but to the parents, teachers and other people who are concerned with the interests of and who deal with our youth up to and over the age of 18 years.

I recently received a letter from a headmaster complaining about today's trends and the difficulties he is experiencing. There are boys and girls of 18 years of age in Matriculation classes today, and this headmaster was referring to an editorial that appeared in the *Advertiser*. He objected to the sort of line the *Advertiser* was taking in this respect.

The CHAIRMAN: The Committee is dealing with films and, more specifically, the amendment moved by the member for Fisher. In this respect the honourable member's comments are irrelevant.

Mr. GOLDSWORTHY: They are relevant in the sense that the restrictive classification deals with films that are not for general viewing in the community, and I make my point in this connection. It relates to the part that law should play in the community, and in this respect I am referring to what the headmaster said.

The CHAIRMAN: Order! The honourable member cannot refer to matters unrelated to the clause being considered or unrelated to the amendment of the member for Fisher. The clause distinctly refers to films, and an amendment has been moved to that clause. That is the only matter being debated by the Committee. Any irrelevant matter cannot be debated.

Mr. GOLDSWORTHY: I am trying to link my remarks to the clause. I am advancing an argument for the deletion of the restrictive classification of films. The letter I have received from the headmaster to whom I have referred deals directly with this argument. He states:

> In high schools we are fighting a losing battle, because people like you—

referring to the *Advertiser*—

> do not condemn what is filth but sit on the fence knowing that mugs like us have to face the music and try to counter this pernicious influence.

I know the headmaster concerned, who is in charge of a Matriculation class. He concludes:

> The retort, no doubt, will come that it is a reflection of schools and homes if the youngsters at 18 are not mature enough to ignore these obscenities, in which case I say the person replying must live in a glass cage and have more faith in human nature than most headmasters have who are associated with youth daily.

The people to whom we should be listening here are parents, parent bodies and people such as this headmaster who are dealing with young people every day and who are trying to counter the sort of influences that some members seem to ignore. In my view, the first three classifications adequately cover any type of film that I would consider fit to be shown in this State. I do not believe that we should rely on the judgment of others in this matter simply because it is popular to do so. I know that the amendment, if carried, will emasculate the Bill and that the measure will not be uniform with other measures throughout Australia, but that does not worry me in the least.

The Hon. L. J. KING: The argument advanced by members opposite absolutely staggers me. The suggestion is that the type of film that may be shown may have an adverse effect on the moral well-being of the people of the State. The essential object of this Bill is to provide a restricted classification: that is, effectively by force of law to exclude young people from the theatre when certain types of adult film are being shown. It is to do what is not done by the law at present. At present, a young person can get into a theatre, the adult classification being simply advisory and, as long as he buys an adult ticket, he will be admitted to most theatres. The member for Fisher and the member for Kavel are trying to throw out the compulsory, legally enforceable restricted classification and to destroy what we are trying to do, namely, give the force of law to excluding children from the theatre when adult films are being shown. Therefore, we would have the situation in which the sort of films that we have at present would be shown, as would the sort of film that is coming into the country, but

there would be advisory classifications and no means of keeping children out.

Mr. Goldsworthy: They won't be shown.

The Hon. L. J. KING: Of course they will be shown. What makes the member for Kavel think that, because there is no compulsory restricted classification, all films will be of the tone of "Sound of Music"? Films will be shown, either with purely advisory classifications as this amendment provides, or under a compulsory classification system as the Bill provides. If the Bill passes in its present form, we shall be able to exclude children from the theatres if adult films are being shown. If the amendment is carried, we will be back to the present advisory system that does not work, and we will have the appalling situation of children daily in our theatres watching films that are obviously unsuitable for them. The provision for a legally enforceable classification is long overdue. I am disappointed that here it is opposed for the reason put forward by the member for Fisher and the member for Kavel, because their arguments lead to the conclusion not that we should not have a legally enforceable classification but that we do have one.

Mr. GOLDSWORTHY: If we have done nothing else, we have extracted some information from the Attorney. From what he has just said, if this restricted classification is introduced, many films that are at present shown under the AO classification will move into the restricted classification. I understand from what he said earlier that there will be material shown under the restricted classification which is not now shown and which the censor edits heavily.

The Hon. L. J. King: Both types.

Mr. GOLDSWORTHY: If the many films that are now being shown for adults only move into the restricted classification, that strengthens his argument. Nevertheless, I cannot agree with the sentiment that we should allow in material that is quite unsuitable for those under 18 and that cannot satisfactorily be policed in the drive-in theatres.

The Hon. Hugh Hudson: What is the position now?

Mr. GOLDSWORTHY: I understood the Attorney to say that the State retains the powers of censorship. During the time of the Playford Government it was decided to retain that power in South Australia. I should think the Attorney-General would retain to himself the power to act in these matters. That is a sentiment with which the member for Fisher and I agree.

Mr. EVANS: The Attorney-General has thrown further light on this matter. If the classifications set out in paragraphs (*d*) and (*e*) were left out of the Bill, the Attorney would still retain the power to intervene and prosecute if he thought it justified and necessary to protect any section of the community from a film classed as immoral or not fit to be viewed by a certain section of the community. However, I am still not satisfied that the Bill is in the right form or that having restricted films coming into the community and being visible on drive-in screens from the roadside is acceptable. Perhaps we need an amendment for hard-top theatres only—I do not know.

Amendment negatived.

Dr. EASTICK: I move to insert the following new subclauses:

(4) A film to which a restricted classification has been assigned must not be exhibited in a drive-in theatre.

(5) If a film is exhibited in contravention of subsection (4) of this section the exhibitor shall be guilty of an offence and liable to a penalty not exceeding $200.

(6) In this section "drive-in theatre" means "drive-in theatre" as defined in the Places of Public Entertainment Act, 1913-1971.

This is in line with what the Attorney-General has said about screening in relation to a motel. The member for Mawson has said that it is possible to see into drive-in theatres from outside, except for the Hi-Line and Parkline theatres. At Murray Bridge it is possible to see into the theatre over the fence from the high school grounds. The screen at Gepps Cross can be seen from Diagonal Road between Churchill Road and Port Wakefield Road and also from Port Wakefield Road. People can sit on the hillside immediately behind the Elizabeth theatre and see into it, and people can see into the theatre at Panorama and also into other drive-in theatres. As the Attorney-General has said that no person under 18 years must see these restricted films, I believe he will support the amendment.

Mr. NANKIVELL: I support the amendment. As yet, we do not know what types of film will be given the restricted classification. I can only surmise that they will be the European-type films, which are commonly exhibited in Europe, Britain and the United States and which are not permitted here at present. If that is not the position, I may change my views on the matter. However, I believe that people of an immature age should not be permitted to see the films to which I have referred. If we are to put any teeth into the legislation, we, as responsible legislators, would be well advised to provide that they cannot

see them. Until we know what type of film will be categorized under the R group, we would be well advised if we provided that this type of film must be screened indoors so that it would not visible to any person other than those people who had bought a ticket at the door. In these circumstances, the management would be held responsible and we would be acting responsibly by ensuring that films of this kind, if harmful, would be restricted in their viewing and classification.

The Hon. L. J. KING: I am not without sympathy for the sentiments that have been expressed by the member for Light and the member for Mallee, but the step they are asking the Committee to take is a big one. They pointed out that it is possible for a person under 18 years to view what is being shown on the screen at certain drive-ins from a position outside the premises, but I have no knowledge that this practice is a growing one. Explicit sexual scenes are shown now on theatre screens in Adelaide. To take the step of prohibiting drive-ins from showing R films, thereby depriving their patrons from viewing them, would be a drastic step to take.

Certain Opposition members in the second reading debate expressed sympathy for drive-in proprietors and suggested, I thought, that the Government was being hard on them by introducing this legislation at all. We must be reasonable and try to hold the balance fairly between the protection of the young and the rights of adults. If experience shows that if R films are shown on screens visible from outside the drive-in teenagers will gather outside to watch films they are not permitted to see, that will be the time to tackle the problem and to devise the appropriate legislation. However, if it is necessary to tackle the problem, I do not think that the present amendment is appropriate. The real test is whether the screen is visible from outside the drive-in, but not all drive-in screens can be viewed clearly from outside the premises. I ask the Committee to oppose the amendment.

Mr. MATHWIN: I support the amendment. I am disappointed at the Attorney's reply, in which he said that if this legislation is not satisfactory it can be altered later. Once the legislation has been passed, it will be most difficult to remove it, because a hardship will then be imposed. People attend drive-in theatres for many reasons, but I think the young people attend because they feel more alone than they do at a normal theatre. Many people, particularly young people, would try to see a film that was not fit for general exhibition but which was being shown at a drive-in theatre.

Mr. BECKER: Has this type of legislation been passed by other State Parliaments?

The Hon. L. J. KING: I understand that it has been introduced and will be passed by all Parliaments this month, in order to operate on November 1. A meeting of Ministers dealing with this legislation will be held in Sydney on Friday, and I will attend that meeting. I do not know what has happened in Western Australia-—

The CHAIRMAN: Order! Any further discussion on the matter raised by the member for Hanson is out of order.

Mr. VENNING: I support the amendment, and I am amazed that the Minister for Environment and Conservation has said nothing in this debate. He is responsible for matters relating to pollution, which also includes pollution of the minds of people, and if he were doing his job properly he should say something about this legislation.

Dr. EASTICK: The Attorney-General has again said that he appreciates that there is a problem. He seems to be paying only lip service to it. Members on this side and on the Government side have said they are aware that viewing of such films is possible today and will be possible tomorrow and after the date of proclamation. Unfortunately, the Minister will not accept the amendment. I only hope that in the intervening period after the Bill is passed and before the Act can be amended in future, bearing in mind that the horse has been let out of the stable, we in this State will not have to face a calamity or problem that can be said to have arisen because a certain group of people viewed a restricted type of film in the way that has been stated.

Only recently in Australia we have had the instance, which is current in everyone's minds, of the acknowledgment by those involved in the Qantas bomb hoax that it was based on a film that they had seen. I trust that young people who have access to restricted films in future will not tell the police that they acted in the way they did because they saw it enacted on a film.

Amendment negatived; clause passed.

Clause 5 passed.

Clause 6—"Children between age of six and 18 years not to be admitted to exhibition of film bearing restricted classification."

Mr. HALL (Leader of the Opposition): I move:

After subclause (2)(*a*) to strike out "and" and insert "or".

The purpose of the amendment is to make drive-in theatre operators more confident that they can comply with the law. Clause 6 provides that it is an offence for an exhibitor to admit a child between the ages of six and 18 years into a theatre at any time when a film of a restricted nature is being exhibited, and a penalty of $50 is provided for such an offence. However, it is a defence under subclause (2)(*a*) if the defendant took reasonable precautions designed to ensure that such persons were not admitted to the exhibition of the film or, under subclause 2*(b*), if the defendant or a person to whom the responsibility of admitting persons to the exhibition of the film was entrusted believed on reasonable grounds that the child to whom the charge relates had not attained the age of six years or had attained the age of 18 years.

It appears that those two subclauses are dependent on each other. I assume it is harder for one to find a defence to the two provisions conjointly; in other words, it would be easier for the exhibitor to have a defence if the provisions were separated. A drive-in theatre operator has a time factor to consider; cars are lined up at the entrance and the occupants must be admitted quickly. In this situation it is impossible for the attendant to be absolutely satisfied about the age of certain young people, particularly bearing in mind the varying conditions that apply in regard to lighting, etc. In a borderline situation, the attendant can do no more than inquire the age of the person concerned and, if that person says that he is 18, the attendant often cannot dispute it.

In addition, a proprietor should have a defence in respect of those people who enter a drive-in theatre by way of a motor car boot or by scaling the wall. It seems to me that by separating the two factors in this clause we achieve a safeguard for the benefit of the exhibitor, who should do his best to consider the separate age groups mentioned. Although I do not believe it is possible to take the responsibility entirely from a proprietor, I consider that, if he has acted in good faith, he must be protected.

The Hon. L. J. KING: I accept the amendment. I think it is probably true that a case can be made that there should be two distinct offences set out. If the film exhibitor took reasonable precautions to prevent the admission of persons under the age of 18 years, that should be a defence. Irrespective of his ability to show that he took precautions, if he believed on reasonable grounds that a patron was over the age of 18 years or under the age of six years, that could be a defence independently. I can see merit in the argument in favour of that and am prepared to accept the amendment.

Amendment carried; clause as amended passed.

Clause 7—"Exemption."

Mr. COUMBE: This clause is in two parts, the first subclause dealing with proclamations made by the Governor in Executive Council, and the second subclause dealing with administrative action, so there is action taken by proclamation and action taken by the Minister as an administrative act, which are two separate actions. Why is this so? What is the reason for certain exemptions being required, in view particularly of the debate that has taken place on classifications and the need for specific care to be observed in special cases?

The Hon. L. J. KING: It is not intended, of course, that these powers would be used as a general rule, but they have been included because there is always a danger that, when we create a legally enforceable classification, we may achieve rather more than we bargained for when we started. There may be situations where obviously it is desirable that people under 18 years of age should see a certain film in certain circumstances. If it bears the restricted classification, they cannot see it.

Mr. Coumbe: Such as for educational purposes?

The Hon. L. J. KING: Yes, that is a possibility; and films desirable to be seen by medical students from the point of view of sex education. They may be unsuitable for a general showing to the public on an unrestricted basis, but it may be desirable that they be shown to a party of schoolchildren accompanied by their parents or teachers, for educational purposes. The power under subclause (1)(*a*) enables a certain class of film to be excluded. What has been suggested here is films that may have an educational value on medical grounds. I am doubtful whether it will be necessary to exercise this power, but it is a precaution that it has been suggested it is advisable to take; otherwise, we would be rigidly bound by the prohibition; and paragraph (*b*) is designed to enable certain films to be shown

in certain circumstances. There, I have in mind the sort of thing I have mentioned, where it may be desirable for schoolchildren to see such films in the company of parents or teachers but it would not be advisable to show those films in public theatres without an age restriction. That is what is behind this clause.

Clause passed.

Remaining clauses (8 to 14) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 11.7 p.m. the House adjourned until Wednesday, October 13, at 2 p.m.