HOUSE OF ASSEMBLY

Wednesday, March 8, 1972

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

QUESTIONS

OFFICER'S EMPLOYMENT

Mr. HALL: In view of the information given to me on November 25, 1970, about the future activities of the Premier's former Secretary (Mr. Claessen), I ask the Premier whether he can now say how Mr. Claessen will be employed in future in the Government service. On November 25, 1970, I was told that Mr. Claessen would attend the University of Sydney for 12 months to do, I think, a post-graduate course in criminology. Now that he has returned, I understand that he is to do a thesis on some aspect of prison management. In view of the displacement of Mr. White as head of the Premier's department, I ask the Premier whether he has any intention of replacing the Comptroller of Prisons or any senior prison officer with Mr. Claessen.

The Hon. D. A. DUNSTAN: The Leader's imagination is ever fertile. Mr. Claessen was given 12 months leave of absence from the Department of the Premier and of Development to pursue post-graduate studies. He has now returned to the department, where, in consequence of his studies, he has been given the job of preparing the legislation relating to the ombudsman. He is doing a study on this in some depth for the Attorney-General, this being the work on which he has been engaged. There is no question of Mr. Claessen's being involved in prison administration.

SEX SHOPS

Mr. MILLHOUSE: Can the Attorney-General say whether he has yet received a report or reports from the police about the so-called sex shops and what action he intends to take as a result?

The Hon. D. A. Dunstan: We can always expect a question from the pornographer-general.

Mr. MILLHOUSE: The Premier calls me the pornographer-general: I regard this as a serious matter.

The SPEAKER: Order! The honourable member may only explain his question.

Mr. MILLHOUSE: I refer to questions asked by the member for Hanson last Wednesday and Thursday, in reply to the latter of which the Attorney-General said that, when a report was received, he would consider the matter further. Having received comments and complaints about these establishments, I therefore visited the shop in Melbourne Street, North Adelaide.

Members interjecting:

The SPEAKER: Order! The honourable member has sought leave of the House to explain his question. He is not entitled to give a report on what happened on some excursion he went on interstate.

Mr. MILLHOUSE: I did not say I went interstate: I said I went to Melbourne Street, North Adelaide. I saw in the shop various pornographic illustrations, photographs and colour slides, many of which had an emphasis on lesbianism, and I saw the so-called marriage aids, which are displayed under a glass case on the counter. I also saw that there were gramophone records and other goods available for sale. If this trade is not illegal, in my view it should be made illegal, because it is depraving and beyond the line of what we should allow in this State.

The Hon. L. J. KING: As I said when replying to the member for Hanson last week, the police have made some observations regarding the activities of the two shops, one in North Adelaide and the other at Darlington. I have had preliminary discussions with police officers regarding their observations. They are continuing their observations regarding the activities of these establishments. No decision has been made about any action that may be taken in relation to them. The matter will be considered further when the police have made further observations.

Mr. MILLHOUSE: Will the Attorney-General reconsider his persistent refusal to discuss on television the subject of sex shops? I understand from Mr. Peter Daniels, who spoke a couple of days ago to the Attorney-General after a week of attempts to contact him, that the Attorney-General has refused an invitation given him by one of the television channels to discuss with Mr. Daniels on television the Attorney-General's and the Government's attitude to the so-called sex shops. This is a matter of grave importance in my view (although I gather from the earlier interjection of the Premier that it is not his view) and, as it is certainly a matter of interest in the community, I ask this question of the Attorney-General.

The Hon. L. J. KING: Mr. Daniels spoke to me on the telephone. Regarding the suggestion that he tried for a week to contact me, I can only say that to the best

of my knowledge Mr. Daniels never sought an appointment to see me.

Mr. Millhouse: He tried to ring you up.

The SPEAKER: Order!

The Hon. L. J. KING: He may have rung my secretary.

Mr. Millhouse: He tried to ring you up.

The SPEAKER: Order! The honourable member for Mitcham has asked a question and when the Attorney-General is replying the honourable member should at least extend a courtesy and refrain from interjecting. Interjections are out of order.

The Hon. L. J. KING: I will check with my secretary to be sure that that is so, but it is certainly my belief that no attempt was made to obtain an appointment to see me. I should have thought that any member of the public who wanted to see me on a matter of public importance would take the elementary step of making an appointment to see me. It seems to be a fairly unsatisfactory method of trying to contact a Minister about a matter of importance to rely on his availability from time to time to answer a telephone call. The suggestion was put to me that I should discuss on television with Mr. Daniels the establishments that have been described as sex shops. I declined that invitation, as I have previously declined invitations to discuss any specific establishment or, indeed, any specific publication which it is suggested may infringe the laws of this State regarding obscenity.

There are good reasons for doing this. In the first place, I take the view that it is not my function as a Minister to lend the office I hold to the provision of free publicity and advertising for people who seek to make money out of the frustrations, weakness and unhappiness of the sort of people who wish to patronize such an establishment. I do not intend to do that either now or in the future. The only occasion on which I will discuss publicly matters of obscenity and indecency are occasions when matters of general principle and policy are to be discussed.

Mr. Millhouse: That's a good way of—

The SPEAKER: Order! The member for Mitcham is out of order.

Mr. Clark: His question was out of order.

The SPEAKER: Order! All interjections are out of order.

The Hon. L. J. KING: There is a second important reason why an Attorney-General should not discuss publicly individual establishments and publications that are the subject of complaint by members of the public: it may be necessary at some stage to institute prosecutions in relation to such establishments or publications. I simply say that in a general way and, because that is possible, it is highly undesirable that the Attorney-General should express any opinions publicly concerning the legality or otherwise of the activities of people about whom complaints have been made. For those reasons, I have consistently taken the view that I will not discuss publicly the legality of publications or establishments concerning which I am required to make a decision or to give an opinion in my official capacity as Attorney-General.

HOMOSEXUALITY

Mr. BECKER: In view of the Government's policy on sex shops in Adelaide, and bearing in mind the items available therein, I ask the Premier whether the Government intends to legalize homosexuality between consenting adults.

The Hon. D. A. DUNSTAN: I fail to see the connection between homosexuality and these establishments. Indeed, I am not aware of any connection, although the member for Mitcham, who has shown such an interest in the matter, may be able to tell the House what devices for homosexuality are in these shops (I was not aware that there were any). The Government has no proposal for legalizing homosexuality. The matter concerning laws of this kind has been referred to the Criminal Law Investigation Committee and, when it reports, the Government will examine the matter.

KINGSTON PARK RESERVE

Mr. HOPGOOD: Will the Premier, as Minister in charge of tourism, ask the Tourist Bureau to examine carefully the area of the Kingston Park caravan reserve and the parking area immediately above it, in order to upgrade the amenity of that area? Part of a letter I have received from the Secretary of the Marino Progress Association Incorporated states:

In relation to your request for comments on maintaining the amenity of the foreshore area, we would like to point out that the cliffs immediately above and behind the camping ground shop at Kingston Park (that is, the part of the cliffs immediately adjacent to the road and below the lookout) are in a badly eroded condition. This is mainly due to the poorly constructed lookout area, which causes water to run down the cliff in one or two places, resulting in severe channelling. We would suggest that any funds available for foreshore restoration could usefully be spent on this problem.

The Hon. D. A. DUNSTAN: I will get a report on the matter.

SCHOOL BOOKS

Mr. COUMBE: Will the Minister of Education say whether he is aware that considerable confusion occurred at some secondary schools at the beginning of this term about certain aspects of the Government book scheme? Several people have brought this matter to my attention, and apparently the problem was caused by a number of parents, whose children were due to return to secondary school this year, having elected last year for the children to take their books under the Government book scheme but, when the school opened this year, having changed their minds and decided instead to take advantage of the book allowance. I understand this caused considerable chaos, dislocation and confusion, at least at two schools that I know of. I ask the Minister whether he is aware of this problem and whether he can assure the House that it has now been overcome, as the schools have been operating for some weeks this year. Some children were without textbooks that they required, because the school had short-ordered as a result of the information given by the parents. Can the Minister give an assurance that these deficiencies have been made good?

The Hon. HUGH HUDSON: The first point I make is that any short-ordering that may have occurred was not the result of the election made by parents at the end of last year: the short-ordering that occurred in one or two places resulted from the underestimation of the number of students returning to school this year. Whether a student was under the new scheme or under the old arrangement, most schools would have been able to purchase books on behalf of that student, one way or the other. Clearly, this could be a problem in the future, but in the first year of the new scheme the percentage of new books is high, so it could not have been the cause of any short-ordering. I have not heard of the problem to which the honourable member has referred. I should therefore be grateful if he would pass on to me privately the names of the schools concerned. If he does, I will get a report on what has happened in other schools so that appropriate steps can be taken on this matter.

Mr. Coumbe: Can short-ordering be overcome?

The Hon. HUGH HUDSON: Where short-ordering occurs (and this problem occurs every year) additional orders have to be placed by the school. If stocks of the required books are available locally or in another State, the books can be readily obtained. However, if orders have to be placed overseas, there could be significant problems. My officers inform me that there have been fewer complaints this year than in any previous year about the late supply of books. Once the new scheme is fully established, any student who is a member of that scheme will be able to have books made available to him immediately the school opens each year, because the books, having been on loan, will have been returned by students at the end of the previous year. One general consequence of the scheme is that it has reduced, and perhaps eliminated, the complaints that were previously made about the late supply of books. I shall look into the matter raised by the honourable member, but it would assist me if he would tell me the schools to which he was referring.

POLITICAL PARTIES

Mr. PAYNE: Can you, Mr. Speaker, give a reply to the question I asked last session about whether it would be possible to have printed in *Hansard* initials with each member's name indicating the political affiliation of that member?

The SPEAKER: I thought that it would be desirable to have uniformity between the two Chambers, because otherwise confusion could result, so I discussed the matter with my counterpart in another place, who was not in favour of the proposal. However, if the honourable member insists, I can see no barrier to this practice being adopted in relation to this Chamber.

JAMESTOWN HIGH SCHOOL

Mr. VENNING: Has the Minister of Education a reply to the question I asked last week about accommodation for single female teachers at Jamestown?

The Hon. HUGH HUDSON: Delays have occurred in providing a residence at Jamestown to accommodate single female teachers because of difficulty experienced in providing a suitable site. The South Australian Housing Trust was unable to supply land: hence, the Public Buildings Department was asked to select a site, arrange for the Land Board to negotiate the purchase of the land, survey the area and prepare the site and transfer plans. The current situation is that the survey has been completed and the necessary plans prepared prior to settlement and transfer of the property being effected.

SEWERAGE INSPECTION NOTICES

Mr. SLATER: Has the Minister of Works a reply to the question I asked last week about Engineering and Water Supply Department inspection notices in respect of a breach of sewerage regulations?

The Hon. J. D. CORCORAN: Routine smoke testing of premises in drainage areas is carried out and notices are issued to the owners where defective plumbing is detected and where the possibility of stormwater entering the system is detected. Although it is a breach of the regulations under the Sewerage Act to permit the entry of rainwater, surface water or ground water into the sewerage system, prosecutions would be made only in the event of an owner deliberately defying instructions on this matter, and not taking the necessary action to eliminate the point of illegal discharge into the system; and no prosecutions have been initiated in the past 12 months. Offences have been detected where illegal plumbing has been done, and where other breaches of the Sewerage Act and regulations have occurred. As a prosecution can be made only within six months of the offence occurring (and in many cases it is a longer period before the offence is detected), it is often not possible to make a prosecution, and in these cases the offender is warned. Two persons have been prosecuted and convicted in the past 12 months, and five other cases have been referred to the Crown Solicitor for prosecution.

MORPHETTVILLE PARK SCHOOL

Mr. MATHWIN: Has the Minister of Education a reply to the question I recently asked about effecting an addition to the Morphettville Park Primary School?

The Hon. HUGH HUDSON: The honourable member's proposal regarding the closing of portion of Croker Road and its being taken over by the Education Department as an addition to the Morphettville Park Primary School was referred to the Public Buildings Department. That department was requested to inspect the part of the road concerned to consider its suitability for school purposes and the feasibility of its closure. I understand that the inspection has been made and a report is expected shortly. If it is favourable, the Marion corporation will be approached to seek its endorsement.

PORT AUGUSTA BRIDGE

Mr. KENEALLY: Can the Minister of Roads and Transport say when work will commence on stage 2 of the new Port Augusta bridge? I understand it was originally intended that stages 1 and 2 of the bridge would be finished at about the same time and, although I believe that stage 1 is about nine months ahead of schedule, stage 2 has not been commenced.

The Hon. G. T. VIRGO: The honourable member was good enough to inform me of his interest in this matter. Tenders will be called on March 14, 1972, for the construction of the railway overpass and the pedestrian underpass, these works constituting a large part of stage 2 of this project. The Port Augusta corporation is undertaking embankment and road works on behalf of the department, and other minor works are proceeding on schedule. It was originally planned that the completion dates for stages 1 and 2 would coincide, namely, in March, 1973, but the contractors, A. W. Baulderstone Proprietary Limited, are now expected to complete stage 1 about eight months ahead of this date. At this time, no substantial acceleration of the completion date for stage 2 is possible.

Also associated with this matter is the demolition of the existing bridge, known as the old Great Western bridge, and I am sure that the honourable member is interested to hear that approval has been given for the calling of tenders to demolish this bridge. Timing of this demolition cannot be determined at present because, until such time as services, especially those of the Postmaster-General's Department, are removed (I understand there could be a delay on this of up to 12 months), it will not be possible to proceed. However, we are hoping that the Commonwealth Government will co-operate a little better with the State Government, so that we may get somewhere.

YOUTH PROJECT CENTRES

Dr. TONKIN: Can the Attorney-General say whether the lack of publicity given to the site of the proposed youth project centre is because no suitable property has yet been acquired or is it intended to keep the location of this and similar projects from the knowledge of the public?

The Hon. L. J. KING: No, it is not intended to keep from the public the site of this project or sites of similar projects. Indeed, I should like the public to take an active interest in the work that will be done in the project centres. The only reason why no statement as to the location of the site has been made is that, at the time of my last discussion with

the Director-General, final arrangements had not been made, but I believe they will be made soon. I believe I know the site upon which we will decide and I expect an announcement will be made soon.

RIDGEHAVEN SCHOOL

Mrs. BYRNE: Can the Minister of Education say what action his department has taken to transport about 70 grade 6 children from the Ridgehaven Primary School to the Highbury Primary School for a tentative period because of accommodation problems? The Minister knows that I have contacted his office several times both before and since the present school term commenced regarding the delay in the delivery of portable classrooms to the school. Two such classrooms have been delivered recently and that has alleviated the problem but has not completely solved it. I have visited the school to inspect the situation and I have telephoned many persons connected with the school in order to keep in touch with developments. It would be preferable if the movement of these children could be avoided as some parents are disturbed about it. If the transporting of these children is unavoidable, how long will the present situation continue?

The Hon. HUGH HUDSON: The honourable member was good enough this morning to indicate that she intended to ask a question on this matter and I have consequently been able to obtain the information required. Further, certain decisions have been taken this morning which are relevant to the problem. There have been serious accommodation difficulties at the Ridgehaven Primary School brought about by increased enrolments, a better staff-student ratio and the late supply of transportable classrooms that have been ordered for the school. As a result, the library (two classes), activity room, and art and craft room have been used as classrooms, whilst two rooms have had classes of about 50 with two teachers in each. In general, this is a case where we were able to staff the school generously but we could not provide the accommodation at the beginning of the year to match the staff available.

This week, two transportable classrooms were provided and this has enabled all teachers to have a class, but all special purpose rooms are still being used as classrooms. An additional four transportables are to be provided. The headmaster suggested yesterday that two classes could be taken by bus to the newly established Highbury school until the additional classrooms became available. As a result of discussions with the Acting Director of Primary Education, a letter was sent to parents seeking their approval for such an action. Today 57 parents have advised the headmaster of their approval, while five were against. The Acting Director of Primary Education, the Principal Planning Officer (Buildings), the Property Officer and an officer from the Public Buildings Department visited Ridgehaven to assess the situation yesterday afternoon. Following their visit, it has been decided to re-arrange priorities so that two transportable rooms will be placed at the school on or about March 17. The additional two rooms will become available about six weeks later.

Arrangements have been made this morning with a bus company for the transport of two grade 6 classes to Highbury from tomorrow until the additional classrooms are available at Ridgehaven. Additional furniture for the rooms at Highbury is being supplied by the Public Buildings Department this afternoon. The chairman of the school committee, who discussed the problem with the Acting Director of Primary Education this morning, the headmaster and his staff, all favour the children being taken by bus to Highbury until the rooms are available. It has been arranged that the children of those parents against the bus proposal can stay at Ridgehaven in another class should the parents so desire. It may well be that those parents who have expressed disapproval of the proposal will be faced with the fact that most of the children will want to accompany their fellow classmates. However, they will have a choice in the matter.

GEPPS CROSS ABATTOIR

The Hon. D. N. BROOKMAN: Has the Minister of Works a reply from the Minister of Agriculture to my recent question regarding the provision of slaughtering facilities at the Gepps Cross abattoir to cope with the heavy increase in the number of beef cattle that has occurred in this State over the last few years?

The Hon. J. D. CORCORAN: My colleague points out that one of the inherent problems associated with the operation of a service abattoir such as Gepps Cross is to assess the slaughtering capacity needed to meet influxes of cattle from time to time resulting from seasonal conditions and other contingent circumstances over which the management has no control. Cattle numbers have increased greatly, as the honourable member has said. No doubt this will mean increased demands

for more killing facilities in South Australia. It is hoped that the abattoir contemplated in the South-East, either at Naracoorte or Lucindale, will eventuate, but that will depend on matters outside the Government's jurisdiction. The fact that many cattle are being slaughtered in Victoria even though they have been produced in South Australia is well known. This practice has been going on for many years and no doubt will continue so long as the price in Victoria is more advantageous than the price in South Australia. The Government is aware of the situation and, as soon as the report from the consultant is available (I take it that the honourable member is aware that there has been a consultation with the board), the whole question of abattoir facilities will be discussed by Cabinet.

The Hon. D. N. BROOKMAN: Will the Minister of Works further take up with the Minister of Agriculture the urgent matter of providing more killing facilities at Gepps Cross, bearing in mind recent fluctuations in beef prices which I think he will find have been related to this killing problem? The extraordinarily complacent reply given by the Minister of Agriculture acknowledges that cattle numbers have increased greatly and states that no doubt this will increase the demand for more killing facilities in South Australia. There is no question about what it will mean, but it has already caused a demand. I have been talking to one exporter, who informs me that exporters who have boning rooms at Gepps Cross could handle more than double the number of beef bodies that they now handle if adequate killing facilities were available. In fact, this exporter has reported that, because of reduced killing, the number of carcasses available to him for boning is now about one-third less than it was a few years ago.

Delays are caused because, as is well known, local killing takes precedence of export killing, so that there is less demand for the heavier type of beast at certain markets. Indeed, this has been shown in market results within the last few weeks. I understand that improvements in regard to killing facilities at Gepps Cross have been held up pending a further report by Mr. Ian Gray which is referred to in the Minister's reply. I should like the Minister of Works to point out to his colleague that there is no question of the future: the problem is with us at present. The situation is already serious, and it will become acute if it is not acted on almost immediately. In fact, by the end of this calendar year we could be in serious trouble regarding beef killing in South Australia.

The Hon. I. D. CORCORAN: I will obtain a further report from my colleague.

JUSTICES OF THE PEACE

Mr. LANGLEY: Will the Attorney-General consider providing for justices of the peace, who serve on the bench in our courts and who receive no remuneration, out-of-pocket expenses or a fixed fee? The Unley court, which is extremely busy, usually has the same gentlemen sitting on the bench. These gentlemen do an excellent job in the community. However, they must provide from their own income expenses for travelling and lunch. Although I know that a person who becomes a justice of the peace accepts that he may be required to do court duty, this work appears to fall on only a few justices.

The Hon. L. J. KING: Previously in the House I have answered more than one question on this topic. Last year members of the Justices Association approached me with a proposal that the Government should meet the out-of-pocket expenses of justices who served on the bench. When I had the proposal costed I found that the cost in a year of financing expenses, even on a substantially lower scale than that suggested by the Justices Association, would exceed $20,000 (I have forgotten the exact amount). When the Budget for this financial year was framed Cabinet believed that, greatly as the work of justices was appreciated and as much as it was regretted that they found themselves out of pocket in this regard, other matters had to take priority at that time. Neither the Government nor I am in any way unfavourably disposed towards the request of justices to have their out-of-pocket expenses met. When the next Budget is being framed the matter will again be examined, and I hope that at that time something can be done.

SCIENTOLOGY

Mr. GUNN: Can the Attorney-General say if and when the Government intends to repeal the present legislation relating to Scientology? If the Government intends to introduce such legislation, what protection will it bring forward against the undesirable practices pursued by these people? This matter was brought to my attention by an article which appeared in rather an obnoxious journal put out by scientologists and which stated that the South Australian Attorney-General had publicly promised to repeal this legislation.

The Hon. L. J. KING: Yes, the Government intends to introduce a Bill to repeal the present prohibition against the practice of Scientology. The Government's attitude is that in a free society there should be no prohibition against any section of the community either professing or practising its beliefs, provided that in so doing it does not infringe the rules of law that exist for the protection of the community. If undesirable practices are associated with Scientology or the practice of any other cult or belief, those undesirable practices should be the subject of legal prohibition so that, if there are infringements, the sanctions of the law can be invoked against those who infringe. Therefore, the Government's attitude is that legislation should be introduced to deal with any of the evils that have been alleged to be associated with Scientology, and that those rules of law, or prohibitions, should apply to all sections of the community irrespective of what beliefs they practise or hold.

Generally speaking, as I understand the position, what is suggested against scientologists is that they have provided services in the nature of psychological services for reward, that they are unqualified to do this, and that this has resulted in harm. The Government's view is that psychological services should be provided for fee or reward only by people who are qualified so to provide them, and only by people who have been registered and are subject to the discipline of a properly constituted tribunal. A committee presently exists to inquire into the matter for the purpose of advising the Government on the form such legislation should take.

Mr. Gunn: It will not be brought in this session?

The Hon. L. J. KING: I cannot say whether or not it will be, but I think it is extremely unlikely at this stage that we will introduce it this session. The position will be that scientologists or persons holding any other belief who practise psychology for fee or reward without proper registration and qualifications will be subject to the sanctions of the law; this will apply equally to all citizens irrespective of the beliefs they hold. In our view, that is the only proper approach to the matter in a society which abides by the principles of freedom and which professes to protect the rights of minorities to hold and practise their beliefs no matter how obnoxious some of us may consider those beliefs to be. We take the view that it is entirely wrong for the law to intervene actually to suppress the practice of any set of people.

In my view, other matters need to be dealt with by laws applicable to everyone, and these matters are the subject of study at present. In this situation, there are elements of threats to the privacy of individuals. It has been suggested that information is recorded that could be communicated to other people. I believe that, as far as it is possible to do so, the law should protect the interests of individuals in the case of confidential information recorded about them by anyone at any time. This is a difficult objective to achieve, but studies are presently being undertaken into the possibility of legislating as to the right of privacy. Other factors are also being studied at present. However, I emphasize that the Government's view is that, if evils arise out of the activities of any individuals or group in the community, they should be dealt with by rules of law proscribing those evils. Such rules of laws then apply to everyone: they can be made the basis of prosecution if they are infringed, and the courts can adjudicate on them in the ordinary way.

NORTH MOUNT GAMBIER SCHOOL

Mr. BURDON: Can the Minister of Education say what progress has been made in obtaining an additional two acres to increase the playground area at the North Mount Gambier Primary School?

The Hon. HUGH HUDSON: I will get the information for the honourable member.

RURAL RECONSTRUCTION

Mr. ALLEN: Has the Minister of Works a reply from the Minister of Lands to the question I asked recently regarding the number of applicants who have declined assistance under the rural reconstruction scheme?

The Hon. J. D. CORCORAN: My colleague states that up to the present only two applicants for assistance under the Rural Industry Assistance (Special Provisions) Act have declined to accept assistance approved for them.

FISHING LICENCES

Mr. BECKER: Has the Minister of Works a reply from the Minister of Agriculture to my question regarding information to be supplied by persons applying for fishing licences?

The Hon. J. D. CORCORAN: The Director of Fisheries and Fauna Conservation reports that in the application forms for both A class and B class fishing licences, applicants are

required to supply, for the three years 1968-69, 1969-70 and 1970-71, information regarding the main species of fish caught, the quantity sold, and its value. The names of fish dealers or other persons to whom the fish has been sold are also sought. I am assured that the information supplied to the Fisheries and Fauna Conservation Department on licence application forms is treated in the strictest confidence and is not disclosed to persons or organizations outside the department without the prior consent of the supplier. Statistical information on fishing catch and effort has been collected regularly for some years and this data has never been disclosed to the Taxation Department.

GHOSTS

Mr. GOLDSWORTHY: Has the Minister of Education a reply to the question I asked about calling for a report on the use in schools of the book *Ghosts*?

The Hon. HUGH HUDSON: *Ghosts* is one title in a series of booklets, *Group Activity Topics,* published by Thomas Nelson and Sons, and distributed in English-speaking countries throughout the world. Other titles in the series are *Horses, Other Times, Detectives, Danger* and *Other Worlds.* This most reputable firm of educational publishers takes care to ensure that its books are not likely to cause harm to the children using them. Like the other booklets in the series, *Ghosts* is intended as a stimulus for discussion and creative work in the classroom and as a bridge between primary and secondary schools. It has been used successfully by many teachers in many classrooms, particularly in secondary schools throughout the State since its appearance in 1970. It gained wider acceptance after it was used at one primary school by a consultant in English, and a description of this lesson was circulated to other teachers in the metropolitan area. There have been no complaints about harmful effects of these lessons or the use of the book, apart from the one complaint. An examination of the booklet discloses a number of extracts from reputable writers, a variety of drawings and pictures, some suggestions for possible activities, and a bibliography for further reading. All of these are organized around the theme of ghosts, which is a topic of interest to children in the upper part of primary schools and the lower part of secondary schools. It enables them to hold discussions, to write imaginatively in prose or verse, to undertake dramatic activity, and to produce works of art in various media. It seems unlikely that upper primary children would be in any way upset by the book or the suggested activities. *Ghosts* is not prescribed by the Education Department. It is not one of the texts supplied on the list of free text books. Its use in schools is at the discretion of the headmaster and his teachers, and it has generally been used as a reference book of ideas for creative activities by the teacher. The book is in fairly general use in secondary schools. It is considered that there are no grounds for banning its use in primary schools, although teachers will be advised to use it only with the older children for whom it is primarily designed. The honourable member referred in his question to a discussion with a psychologist. If the report of the psychologist could be made available to me, I should be pleased to have it examined.

SCHOOL RESIDENCES

Dr. EASTICK: Will the Minister of Education say whether the Education Department has a defined policy on the location of new residences for teachers in relation to the school property? I think honourable members will accept that, in the main, residences for headmasters at many of our country schools are either adjacent to the schoolyard or on part of it. This situation prevails at present at the Greenock school. However, it has been stated that a new residence for the headmaster at this school will be built at the other end of the town, about half a mile from the present schoolyard, even though there is ample space in the school yard not now being used by the students and apparently not likely to be used by them. It is considered that the proposed location of the new residence could affect the supervision of the schoolyard by the resident headmaster.

The Hon. HUGH HUDSON: It is certainly true that at many of our country schools, particularly the small schools, the headmaster's residence is on the school property, and many schools are adjuncts to the headmasters' residences. However, I think the honourable member appreciates that a headmaster is not a caretaker and that it was never intended that he should act in that capacity. In recent years there has been a definite trend away from constructing teachers' residences in schoolgrounds. I think the honourable member also appreciates that many headmasters like to be able to live part of their lives as private individuals, away from the school. Headmasters have found that, if the residence is within the schoolgrounds, parents consider that they have every right to come and see

the headmaster at any hour of the day or night.

Mr. Gunn: They would do that, anyway.

The Hon. HUGH HUDSON: What I have said is less likely to be the case if a headmaster lives away from the school. Further, the headmaster's wife must be considered, and normally these days the wives prefer houses to be located outside schoolgrounds. Without having checked on specific detail, I think that more and more teachers' residences in country areas will be located outside the schoolgrounds, and I must say that I would support this policy. If supervision at night is required, it is not fair to demand that the headmaster be also the caretaker. There is one other point I wanted to make.

Mr. Millhouse: Heavens!

The SPEAKER: Order!

The Hon. HUGH HUDSON: I know that the member for Mitcham is not interested in these matters.

Mr. Millhouse: Even the Speaker thought you had had enough time.

The SPEAKER: Order!

The Hon. HUGH HUDSON: We can always be sure that the member for Mitcham will provoke a longer reply by way of his interjections, and he is not being assisted—

The SPEAKER: The honourable Minister must reply to the question.

The Hon. HUGH HUDSON: I am not sure whether a definite policy decision has been made that a teacher's residence shall not be built inside the schoolground in any circumstances, so I will check that point.

MOTOR VEHICLES DEPARTMENT

Mr. CARNIE: Can the Premier say whether a decision has been made about establishing an office of the Motor Vehicles Department at Port Lincoln? In November last it was announced that such an office had been set up in Mount Gambier and at that time, when I asked the Premier whether it was intended to set up such offices in other regional centres, he replied:

> We hope to get regional offices established progressively, and Port Lincoln is being considered.

Since that time I believe that such an office has been opened in Whyalla. Can the Premier say whether a decision has been made? I realize that any decision would be made on a population basis, but I believe that distance from the metropolitan area should also be taken into account.

The Hon. D. A. DUNSTAN: Decisions have been made regarding Mount Gambier and Whyalla, but I know of no decision at this time regarding Port Lincoln. As I told the honourable member last year, the establishment of other centres will be considered.

PRIVATE MEMBERS' BUSINESS

Mr. EVANS: Can the Premier say whether time will be made available during this Parliamentary session for debate on two Notices of Motion (Other Business) which stand on the Notice Paper. The first relates to regulations under the Weeds Act, notice of which was given by the member for Heysen. The second refers to regulations under the Fisheries Act, notice of which was given by the member for Hanson. Last week the member for Heysen asked the Premier a question relating to private members' business, which included also Orders of the Day. The Premier replied that opportunity would be given for a vote on such matters. The Opposition believes that a vote on the Orders of the Day (Other Business) is acceptable, but in relation to Notices of Motion (Other Business), which concern Government regulations, we believe that members should be given an opportunity to debate the regulations in this Chamber so that they may present the views of members of the community.

The Hon. D. A. DUNSTAN: There may be something in what the honourable member says and I will examine the matter.

AFRICAN DAISY

Mr. McANANEY: Will the Minister of Environment and Conservation comment on the action of the Minister of Agriculture taking African daisy off the noxious weeds schedule in respect of certain areas? I refer to a letter sent to me by a National Parks Commissioner, who believes that it would be a tragedy for the commission if this weed was allowed to continue to spread as it has spread this year, because the commission could then do nothing about it.

The Hon. G. R. BROOMHILL: I understand that replies have been given in this House in which the Minister of Agriculture has made clear what is the Government's attitude to this question. True, African daisy is causing concern to the national parks bodies and the problem of its eradication has been current for many years. Various methods have been used to try to eradicate the weed, but without complete success. The comments of the Minister of Agriculture have indicated how difficult it is to completely eradicate this weed,

and it is regrettable that this is a matter on which a clear answer cannot be given.

DYSENTERY OUTBREAK

Mr. HALL: Can the Attorney-General, representing the Minister of Health, say whether the matter shown in the headlines on the front page of the *Burnside-Norwood News Review* and the *Payneham News Review,* which state "Dysentery Outbreak in Local Areas", is known by the Health Department and whether or not it is amoebic dysentery?

The Hon. L. J. KING: I will obtain that information.

ST. MARYS PLAYING AREA

Mr. PAYNE: Will the Minister of Local Government discuss with the Mitcham council the possibility of providing a suitable area for use by the children of my constituents in St. Marys for the flying of controlled model aeroplanes? In recent months the council has banned the flying of model aeroplanes over two reserves in its area because of noise problems, and it has refused to reconsider the matter when approached by one of my younger constituents who wishes to form a club that would provide this healthy and useful hobby for the youth of the district.

The Hon. G. T. VIRGO: I shall be delighted to take the matter up.

WALKERVILLE ROADS

Mr. COUMBE: Can the Minister of Roads and Transport say what plans may exist for widening some of the arterial roads in the Walkerville area? Recently, the Walkerville council discussed with me, and also wrote to the Minister about, the problems of arterial road widening. As the Minister may be aware, there are traffic problems peculiar to Walkerville in so far as many motorists, in order to avoid some of the traffic-controlled intersections (especially at the Buckingham Arms hotel corner, which is notorious in regard to road traffic problems), are using some of the quieter streets of the district, much to the distress of the residents in those streets, which are not designed to carry the volume of traffic that they are carrying at present. I ask what plans the Minister may have in mind for improving and widening the arterial roads in Walkerville, bearing in mind that clearways, which have recently been proclaimed in that area, have helped the flow of traffic but have not solved the problem to which I refer.

The Hon. G. T. VIRGO: Although this matter is currently being considered, I think that the best thing I can do for the honourable member is to obtain details of actual plans and dates, and to bring down a report for him.

UNDERGROUND WATER

Mr. RODDA: Has the Minister of Works a reply to my recent question about the use of underground water in the South-East?

The Hon. I. D. CORCORAN: The recent programme of investigations in the Padthaway area of the South-East, completed by the Mines Department, has indicated that water use during the 1970-71 irrigation season was close to optimum, with about 80 per cent of the water available from recharge used. Provided usage does not increase above this level, it is considered that no controls are required. Water levels in selected bore holes in the area are being constantly monitored to determine seasonal fluctuations in the water table. Any indication of abnormal falls in water level will become immediately obvious and will be investigated. If it is apparent that the fall is due to increased irrigation, measures to control pumping will be implemented. The Mines Department is also investigating other areas in the South-East in detail. A depot has been established at Naracoorte, an office block is being constructed there, and an additional geologist is to be stationed at Mount Gambier. The Government's long-term plans for control of underground water in the South-East will depend on the results of these investigations of the Mines Department. Because of the necessity to allow for seasonal effects, these are expected to take some years.

SOUTH-EASTERN FREEWAY

Mr. McANANEY: Will the Minister of Roads and Transport obtain an official report from his department explaining why it is considered unnecessary to have a connecting link between the South-Eastern Freeway and the transport corridor (ex-freeway) at Parkside? I asked several questions about this last year without getting a definite reply. It would appear obvious that with the increasing amount of traffic on the South-Eastern Freeway there must be a connecting link between it and the proposed corridor at Parkside because more traffic, especially transports carrying such products as livestock and wool, will use the South-Eastern Freeway to reach Port Adelaide and, unless there is a connecting link between the freeway and the corridor, there will be a

bottleneck and land for a corridor will have to be purchased later at prices higher than those now obtaining.

The Hon. G. T. VIRGO: I am not certain what the honourable member is getting at when he refers to a corridor at Parkside. Is he referring to the old Hills Freeway alignment?

Mr. McAnaney: A corridor connecting at Parkside.

The Hon. G. T. VIRGO: I will look at the question in *Hansard* and see whether that will help me understand what the honourable member is referring to. If he is referring to the Hills Freeway alignment, I point out that that was not adopted in the supplementary plan, and his own Party—

Mr. McAnaney: I am interested in the present and the future.

The Hon. G. T. VIRGO: So are we and I hope that when I read the *Hansard* pull the question will be a little clearer. I will read the *Hansard* pull so that I can prepare a reply.

Mr. EVANS: Can the Minister say what is the total cost of rebuilding that section of the South-Eastern Freeway that was found to be faulty between Stirling and Bridgewater and, if possible, what are the reasons for the need to rebuild it? I believe that a considerable section of the freeway pavement had been completed and kerbing had been laid when it was found that the trucks carting material had broken the surface and the freeway pavement had to be rebuilt. I believe that about half a mile of surface had to be relaid, which is about 1,000 cub. yds. and at $9 a cub. yd. that amounts to a large sum, which I believe is a waste of public money, although no human fault may have been involved.

The Hon. G. T. VIRGO: I will have the matter examined.

CLARE HIGH SCHOOL

Mr. VENNING: Can the Minister of Education say what has happened to the report he said he would obtain regarding the road approach to the Clare High School? On November 10 last year I asked a question concerning the road approach to the Clare High School because there was much concern about the danger to students. I asked the Minister the following question:

Will the Minister of Education obtain a report on the road approach to the new Clare High School? I should like the Minister to know that there is no catch in this question, and I should like him to obtain a report expeditiously before someone is killed in the area.

The Minister replied:

The reply to the honourable member's question is "No", but I am willing to obtain a report on the safety of the road approach.

I do not know whether the Minister obtained a report, but I have not seen one and no action has yet taken place at the Clare High School. I know that the council and the school committee are concerned about this because, although they highlighted the danger, nothing has been done to reduce it.

The Hon. HUGH HUDSON: I recall the honourable member's question and I certainly asked for a report on the matter. I recall also that no answer was given prior to Parliament going into recess before Christmas last year. I have a vague recollection that I may have written to the honourable member on the matter but I will check and find out what is the position. The honourable member will be pleased to know that I shall be looking at the matter personally on Friday evening.

METROPOLITAN TRANSPORT

Dr. TONKIN: Can the Minister of Roads and Transport say what progress has been made in the provision of a dial-a-bus service, where it is to operate, and when it is expected to begin operating? It is a considerable time since the Minister predicted that he would have a dial-a-bus system working and operating by—

Mr. Millhouse: Christmas.

Dr. TONKIN: I should not like to hold the Minister to that, but he said that we could expect a dial-a-bus system operating within the metropolitan area in the near future. I should be interested, as I am sure all members of the public would be, in knowing when the dial-a-bus system will be operating.

The Hon. G. T. VIRGO: Let me assure the honourable member that the interjection in the form of assistance from the member for Mitcham did not do his case any good: indeed, I think it led him farther off the track. At no time did I say that a dial-a-bus system would be in operation by Christmas. True, I said I hoped that we would see dial-a-bus in Adelaide in the near future, but at no time have I made a positive statement in relation to it. There have been investigations in relation to it which is part of a comprehensive investigation that could be described as stage 1 of the overall plan. At the moment the investigation is continuing into a portion of stage 2 and, until such time as that is completed, obviously it is not possible for me

to say when it will operate or, in fact, if it will operate. Certainly, I cannot at this stage indicate where it will operate. These decisions will not be taken until the investigations have been completed.

Dr. TONKIN: Will the Minister say what investigations have been made into the linear induction motor-powered train which the Minister, in an imaginative press announcement made some time ago, said might be the answer to Adelaide's transport problems?

The Hon. G. T. VIRGO: I do not know whether the member for Bragg has been collecting press reports but, if he has, I know that he will have much fun, and he will certainly have an informative document. This is one of the areas that my department and the Director-General of Transport, who is interested in the development research area, are examining, and it is one of several matters which is being considered and which will continue to be considered as time progresses. However. I think the important point that the honourable member is missing at this stage is the all-important aspect of finance. When finance can be made available for public transport, in accordance with the recent decision of the Australian Transport Advisory Council (namely, that each State be provided with finance specifically for the purpose of maintaining, upgrading and developing the public transport sector), I believe the States will be able realistically to tackle the major transport problems with which they are all faced. All of these matters are receiving continuous attention, and I hope at the appropriate time to be able to say what is the outcome.

Mr. MILLHOUSE: Will the Minister say what has gone wrong with the plans that he announced on August 4, 1971, for a pilot dial-a-bus system for South Australia well before Christmas?

The SPEAKER: That question has already been asked.

Mr. MILLHOUSE: No, Sir; with great respect, the Minister denied that he had said anything about Christmas when, in fact, he had said something about it. On August 4, in reply to the member for Peake, the Minister said this at page 540 of *Hansard* (having announced the setting up of a committee of nine):

> Without suggesting that there is any pressure on the committee in the form of a time table, I would like to think that well before Christmas the dial-a-bus system will be operating in South Australia.

I went on then to ask him a supplementary question about the type of vehicle, and so that there would be no mistake about it I said:

> The Minister said, in reply to a question asked by a Government back-bencher a little while ago, that the pilot scheme would, he hoped, be in operation some time before Christmas, which is now only five months away.

In reply to the member for Bragg a few minutes ago, when I interjected during his explanation (and I suppose I was out of order in interjecting) "before Christmas", the Minister said that the member for Bragg would be wise to take no notice of my interjection because it would put him farther off the beam than he was.

The Hon. G. T. VIRGO: For the second time I answer the same question and, as I said to the member for Bragg, at no stage have I said that the dial-a-bus would be operating before Christmas. I repeat that, and if the member for Mitcham will just keep quiet for a minute and read what I said—

Mr. Millhouse: I have read it out.

The Hon. G. T. VIRGO: I hope the honourable member understands it now, because he obviously did not earlier. I said I should like to think that before Christmas the dial-a-bus system would be in operation. As a lawyer, the honourable member should be able to interpret that. I should not like him to represent me if I were charged with riding a bicycle without a bell, because he would get me the death penalty.

DUST NUISANCE

Mrs. STEELE: Will the Minister of Environment and Conservation obtain a report about taking action to control the dust nuisance emanating from the operations of the Stonyfell quarry and the concrete-mixing plant that operates nearby? I have had many complaints, particularly in the last week or two when the east winds have been blowing strongly (in fact they have hardly ceased during that period), about dust coming from big stockpiles of earth near the concrete-mixing plant. When this matter was first brought to my attention I rang the Minister's office but he was away. I spoke to his Secretary who said he would refer the matter to the Mines Department for a report. The Secretary very kindly telephoned me within the next day or two to say that he had contacted the department, which would send out an officer to interview the people who had telephoned me. This was subsequently done. However, the people concerned then telephoned

me again to say that the officer from the department had played down their complaint, apparently saying that the matter was not very serious. The extraordinary thing he said was that they should never have built their houses there anyway. Stonyfell has been a residential area for a long time; in fact, it was a residential area long before the quarries increased their activities to the extent to which they have now been increased. As I have already made these representations to the Minister, and in view of the continuing problem that these people face, I ask the Minister to call for a report on what steps can be taken to control this nuisance.

The Hon. G. R. BROOMHILL: In addition to the approach made by the honourable member, complaints have been made directly to me by residents in the area. True, officers of the Mines Department have on several occasions spoken to people in the area about the complaints. However, I believe that some of the residents claim that, purely as a result of circumstances, the Mines Department inspectors have visited the area when the wind has not been causing the problem about which the residents complain. To overcome this difficulty, after speaking to the Acting Director of Mines early this week I have arranged with him to contact people in the area who have complained, telling them to get in touch with a certain officer of the department immediately they find the conditions at their worst, so that the officer can go to the site straight away and see what the residents are complaining about. I shall be pleased to keep the honourable member informed of progress made in this matter.

KIMBA MAIN

Mr. GUNN: Can the Minister of Works say whether the Government has made a new submission to the Commonwealth Government, under the national water resources development programme, in relation to the Polda-Kimba main? The Kimba branch of the United Farmers and Graziers of South Australia Incorporated has recently asked me to find out from the Minister why, if a further submission has not been made, there has been an undue delay in making it.

The Hon. J. D. CORCORAN: There has not been an undue delay in making a new submission to the Commonwealth on this matter. As a result of the Commonwealth's refusal to support the project following the first submission, it has been necessary to revise and update the complete submission. The honourable member knows that the Commonwealth rejected the first submission on the basis that this would add to the difficulties of an industry already in difficulties, and that reference was to the wool industry. It has been necessary to do this job properly and thoroughly, and not in a piecemeal way. Only last week I asked Mr. Beaney how much longer it would be before the submission would be ready; he said that it would be a month to six weeks. As soon as this submission is available to me, it will be forwarded to the Commonwealth by the Premier as quickly as possible.

PARLIAMENT HOUSE RENOVATIONS

Mr. ALLEN: As the Public Works Committee has rejected the plan for reconstructing Parliament House and has strongly recommended improving the present accommodation, I ask the Minister of Works to consider having air-conditioning units installed in the office accommodation of members on the first and second floors of this building. As the Minister spent two years, during the term of the previous Government, in an office on the western side of the building, I do not think I need to remind him what conditions are like there during the hot weather. On Tuesday last week working in the offices upstairs during the afternoon was almost unbearable. Although fans are provided, they usually have the effect of scattering papers all around the room. As it is about 10 degrees to 15 degrees cooler in the passage during the afternoon, a member can obtain some relief by opening the office door, but there are three telephones in the same room and it is necessary to keep the door closed during telephone conversations. As there are only two interviewing rooms downstairs, it is often necessary for a member to take callers upstairs to interview them. Members of the public are amazed at the conditions that apply in these offices during afternoons in the hot weather.

The Hon. J. D. CORCORAN: I am amazed to know that the honourable member feels as he does about accommodation in Parliament House, as I understand he did not give evidence to the Public Works Committee about the need to upgrade this accommodation.

Mr. Goldsworthy: All he wants is an air-conditioner.

The Hon. J. D. CORCORAN: The honourable member had other things to say about conditions in Parliament House. Of course, he is right when he says that I know fully the difficulties he has outlined; this is why I

submitted a proposal to the Public Works Committee that I thought would have led to a fairly good standard of accommodation for honourable members, but that proposal was rejected by the committee. Basic services in this building, such as electrical wiring and plumbing, must be attended to. If plumbing work is not done, we may have minor flooding in certain areas of the building at any time, because only paint is holding sections of the plumbing together. The electrical wiring is already grossly overloaded, and this is one of the difficulties we have in supplying individual air-conditioning units to the various rooms of members. The air-conditioning system will have to be replaced, because eventually the Government Printing Office will be demolished to make way for the development of the festival centre, plaza and so on. Along with that will go the existing air-conditioning unit.

Mr. Coumbe: That will be a blow!

The Hon. J. D. CORCORAN: Yes. It must go, and alternative arrangements must be made at least to air-condition this Chamber and other parts of the building currently air-conditioned from that plant. Only about a fortnight ago I discussed this matter at some length with the Director of the Public Buildings Department. Several requests have been submitted by various people for the type of facility that the honourable member has suggested should be fitted to his room, and other urgent alterations need to be made. The Director is examining all these matters at present. Shortly, he will report to me with a plan of work to be undertaken in Parliament House. I am not sure how long the work will take, although I know it will take some time, and it will cost about $1,000,000 to $1,500,000 just to replace these essential services.

The Government has accepted the fact that the Public Works Committee did not recommend that the building be altered in the way proposed. I think that, if there was to be any additional accommodation, the committee suggested that a separate building should be provided alongside Parliament House at the rear of the old Legislative Council building—not on the site of that building, as someone suggested. The Government does not intend to demolish that building. I think that is as much as I can tell the honourable member. I will note his request. Conditions are even worse in the area where the bedrooms were previously located.

Mr. Allen: I purposely referred to the second floor.

The Hon. J. D. CORCORAN: Yes. I do not want the honourable member to think that I am rejecting his request, for I am not doing this: what he suggests is the least that members can expect. However, I think that all members will agree that it is more important that, first, we air-condition the offices occupied by permanent staff members, because they are in their offices every day. I know that honourable members would not deny them that facility or take the facility before the staff were provided with it. I will do the best I can and let the honourable member know at some time in the future when he can have air-conditioning in his office.

BRIGHTON ROAD JUNCTION

Mr. MATHWIN: Will the Minister of Roads and Transport say whether the decision to erect traffic signals at the junction of Sturt Road and Brighton Road has been altered? I have been told that discussions with the owners of the Brighton Hotel have broken down, and the decision regarding the alterations at that corner, of course, would now be changed, possibly involving a change in the decision to erect the traffic signals.

The Hon. G. T. VIRGO: I am unaware of any alteration to any decision but, if there has been an alteration, I certainly would have told the member for the district, namely, the Minister of Education.

FOOTWEAR

Mr. BECKER: Will the Minister of Labour and Industry tell the House the reasons for the inordinate delay in introducing legislation covering the branding of uppers and linings of footwear? I understand that the Labour and Industry Ministers met in Hobart in July last year and decided that this legislation should be introduced as a means of reducing deception of the consuming public and to allow people with feet health problems to avoid footwear that causes them discomfort. In view of the time that has elapsed since the Ministers' meeting, I ask the Minister why the Government has not drafted and introduced the necessary Bill to enable consumers to decide whether they prefer shoes made from leather or those made from cleverly disguised plastic.

The Hon. D. H. McKEE: Unfortunately, I did not attend the conference mentioned by the honourable member, but this matter has been raised on many occasions at Ministers' conferences. Of course, legislation would need to be uniform throughout Australia. One State could not introduce such legislation:

there would have to be uniformity, as the honourable member would agree, because of the nature of the trade. I understand that at this stage the problem is that so many different types of material are used in the uppers of shoes that it is difficult to bring about uniform legislation on the branding of uppers. However, the matter is still being considered and we are awaiting information from the New South Wales and Victorian Governments. The main problem is the variety of materials used for uppers.

CAR STEALING

Mr. RYAN: Will the Attorney-General say whether the Government intends to introduce legislation similar to that announced by the Victorian Government to create a crime of stealing cars, providing that persons can be charged with stealing a car rather than with the present offence of illegal use? It has been announced that the Victorian Government intends to amend the law so that people will be charged with stealing cars rather than with illegally using them. A report in this afternoon's *News* states that the value of cars stolen in South Australia last year is estimated at $4,000,000. Whilst most stolen cars are recovered, they are usually returned to their owners in a very damaged condition, and it seems that the present law is not a deterrent to the illegal use of cars or the stealing of cars.

The Hon. L. J. KING: I have not seen the Victorian Bill, and I must say that I found the press reports of its contents very confusing. There has always been a crime of car stealing. It is as much a crime to steal a car as it is to steal anything else, and that crime is larceny (stealing). Therefore, If a person takes a car from the owner with the intention of permanently depriving the car owner of its use, he is guilty of stealing (guilty of larceny of the car) and is liable to the punishment for that offence. I do not know the penalty from memory, but I happen to have in front of me a press report of a statement by the Commissioner of Police, in which he says that the maximum penalty for that crime is five years imprisonment, and no doubt that report is accurate. In South Australia many years ago Parliament created the further crime of illegal use of a motor vehicle, and that was created because of the problems that arose where the offender was a joy-rider—where he had no intention of stealing the car, no intention of depriving the owner permanently of its use, but simply wanted to go for a drive and then abandon the car. This is a common form of interference with motor cars.

There is a clear distinction between the two crimes. One is the crime where a man sets out to deprive the owner permanently, such as where a man steals a car in a street in Adelaide and drives it to another State with a view to selling it. He is a car thief, and his crime is stealing a car. The person who takes a car for the purpose of joy-riding is not guilty of stealing, because he has no intention of depriving the owner permanently of its use. He is guilty of a different crime, namely, illegal use of the motor car, but it is a crime which the law treats very seriously and for which it provides very heavy penalties. I again rely on the press report, not having the Statute in front of me. Doubtless, the report is correct, and it states that a first offender charged with illegal use of a motor vehicle faces a maximum of 12 months imprisonment. For a second offence, the minimum punishment is three months imprisonment and the maximum is two years imprisonment. Of course, the presiding magistrate has power, under the provisions of the Justices Act, to reduce the minimum, as he has with all other offences.

It seems to me that those penalties prescribed by Parliament are both severe and adequate, and I cannot think that Parliament would desire to increase them by what would be a really Draconian degree. In my experience, courts have not hesitated to impose severe penalties in appropriate cases on both the illegal user and the car thief. The continued prevalence of the offence perhaps illustrates the futility in many cases of relying on severe punishment as a means of deterring people from committing an offence, and this applies particularly to illegal use, because research has shown that the illegal user is a certain type of individual. Almost always he is young, and almost always he is disturbed, and disturbed in a certain way. Generally speaking, he is unresponsive to either the punishment inflicted on him or his knowledge of punishment inflicted on other persons. The problem of the illegal user of motor vehicles is serious for this reason, as we are dealing with a certain class of young person in the community, and such people, in almost all cases, have an emotional problem which impels them to illegal use. It is interesting to notice that in most cases people who have committed this offence and are committed to institutions will commit the offence again the moment they get out and, if they abscond,

the first thing they do is look for another car. We are faced with a difficult problem, and I am sure it cannot be met by the simple remedy of increasing penalties which are already severe.

Mr. Millhouse: I think the honourable member wants to get away.

Mr. Ryan: What's it got to do with you?

The SPEAKER: Order! Will the honourable member please be seated?

The Hon. L. J. KING: I believe much more research and study is required on this problem and I understand that in both Victoria and South Australia well qualified people are endeavouring to discover means of coping with what is undoubtedly a serious problem. I am sure that no advantage is to be gained simply by putting in another category for this type of offence or by increasing the penalties the courts may impose.

ROAD CROSSINGS

Dr. EASTICK: Can the Minister of Roads and Transport say whether the necessary legislation to permit the joint funding of road crossings is to be presented to this session of Parliament? On an earlier occasion the Minister of Education said that Highways funds would be made available on a two-thirds one-thirds basis with local government to allow under-passes and over-passes to be built adjacent to schools. Those announcements effectively placated the Williamstown school committee that had been, with the help of the member for Tea Tree Gully when she was the member for Barossa, trying to obtain this from the Education Department for over 4½ years. Although the announcement was made a considerable time ago, still no crossing is available to the children at the Williamstown Primary School and the dangerous situation still exists there. I ask the Minister whether the promise that has been made will be kept and, if so, when.

The Hon. G. T. VIRGO: If the honourable member had continued with his explanation for a moment longer, I think I could have quoted him chapter and verse. The best I can do is to ask him to read last week's *Hansard* where I made a statement about the very thing he has asked me to do.

MODBURY HOSPITAL

Mrs. BYRNE: Will the Attorney-General, representing the Minister of Health, obtain a report on the progress being made on the construction of the Modbury Hospital?

The Hon. L. J. KING: I will obtain the information for the honourable member.

SOUTHERN DISTRICT HOSPITAL

Mr. MILLHOUSE: Can the Attorney-General, representing the Minister of Health, say what plans, if any, the Government has for a hospital to serve the Christies Beach and the Morphett Vale area? I recently received a letter from Mr. J. R. Cox (Secretary of the Christies Beach branch of the Amalgamated Engineering Union). He enclosed a cutting of a letter originally printed in a Messenger Press newspaper, and his letter states:

The attached press cutting expresses the general feeling of the residents of this area, and is also fully supported by the Christies Beach A.E.U. We feel that as a member of Parliament, it is your duty to exert as much pressure as possible in the appropriate places to further this cause. We consider this issue to be most vital and urgent, since it involves the fastest growing districts in the State.

I understand from the member for Alexandra that at present that area is served by the Southern Districts Memorial Hospital at McLaren Vale. The enclosed letter to the editor which is signed "South Coast G.P.", states in part:

To the people of the district who experience difficulty in obtaining their idea of first-rate medical attention, I apologize—the situation of doctor shortage and its attendant problems is beyond my personal control. To the people who gain apparent satisfaction from bitter attacks on doctors and their hard-pressed receptionists in this area, I offer these suggestions:

(1) Demand the construction of a local hospital which will encourage more doctors to this area and improve emergency and operative medical care.

I replied to Mr. Cox that I would do whatever I could to help and I therefore now put the question to the Minister.

The Hon. L. J. KING: I will refer to my colleague the matter of facilities in the area, which is so well represented by the honourable member for Mawson.

WAR SERVICE SETTLERS

The Hon. D. N. BROOKMAN: Has the Minister of Works a reply from the Minister of Lands to my recent question concerning the financing of war service land settlement loans?

The Hon. J. D. CORCORAN: The Minister of Lands has asked me to point out that the financing of war service land settlement is a Commonwealth responsibility. In November last, war service settlers who had inquired whether the department would take over their stock mortgages were advised that consideration could be given to assisting a limited number of settlers in this way to the extent that existing Commonwealth funds would allow,

subject to certain conditions, for example, the settlers must be creditworthy, etc. At the time the Commonwealth had indicated that this would be in order. Following further correspondence with the Commonwealth, the Minister of Lands advised the honourable member at the end of February[4] that the matter could not proceed at the moment because he had no firm assurance of Commonwealth funds. The Minister indicated that he was actively seeking an assurance from the Commonwealth that finance would be provided. The State does not have any funds available for this purpose, nor does it consider that it should relieve the Commonwealth of its responsibility in this regard.

FRUIT FLY

Mr. COUMBE: Can the Minister of Works, representing the Minister of Agriculture, provide the latest report on the fruit fly infestation in the Prospect area? There was recently an outbreak of fruit fly infestation in this area, which is a proclaimed area. I should like to know whether the preventive measures taken have been successful, whether there have been further outbreaks of this dreaded disease, and what is the likely cost of the treatment that is still being undertaken in this area. I hasten to assure the Minister that I ask this question on behalf of a constituent, although my own home is in the area involved.

The Hon. J. D. CORCORAN: I shall be happy to obtain the information from my colleague so that the honourable member can inform himself and his constituents about the situation.

LICENSING FACILITIES

Mr. McANANEY: Can the Minister representing the Premier, who is temporarily absent, explain why the toilet facilities normally required by the Licensing Court are not required in the case of the North Terrace boulevard cafe which is being run in conjunction with the Festival of Arts during this month and next month? Normally, proprietors of all restaurants in and around Adelaide are required to go to considerable expense to provide toilet facilities for patrons. I understand that the licence for this restaurant has been granted without specifying this requirement and that the nearest public toilet facilities are about half a mile away, which is a distance to walk as and when the occasion arises.

The Hon. J. D. CORCORAN: The honourable member would know that the Attorney-General is responsible for the Licensing Act, and no doubt the Attorney-General will get a report for him.

WATER FILTRATION

Mr. HALL: Can the Premier say (if he cannot, will he ascertain for me) how much money has been allocated this year for filtration of the Adelaide water supply and how much is to be allocated next year for this purpose?

The Hon. D. A. DUNSTAN: Money has not been allotted for filtration: money has been allotted for planning work relating to filtration. I will get the figures for the Leader.

PESTICIDES

Dr. EASTICK: Will the Minister representing the Minister of Agriculture ask his colleague whether officers of the Agriculture Department can make available a list of the products suitable for the treatment of mange in pigs and lice in sheep? The department's press release of February 14 indicated that reports had been received of the sale and use of pesticides such as B.H.C., D.D.T. and dieldrin for the treatment of mange in pigs and possibly of lice in sheep. It was further stated that such action was selfish and short-sighted and that such products should not be used for this purpose. However, the report did not list the products available to combat these problems. Although I accept that it would have been somewhat confusing to publish the two lists in the one press release, I ask whether the list of suitable products to which I have referred cannot be made available at this stage.

The Hon. HUGH HUDSON: I will see that the matter is referred to the Minister of Agriculture.

GAUGE STANDARDIZATION

Mr. VENNING: Will the Minister of Roads and Transport say whether the Government intends to standardize the railway line from Gladstone to Wilmington and points beyond? I know that the Railways Commissioner, who has had much to say about these railway lines recently, is concerned about them, and I know also that the Minister has certain thoughts on the matter. As people living in the area would like to know what are the future plans regarding the standardization of these lines, I should be pleased if the Minister would make known to the House the Government's views on the matter.

The Hon. G. T. VIRGO: This matter is currently being considered and, when the investigations are completed, a decision will be made and the honourable member and the general public will be informed accordingly.

SERVICE STATIONS

Mr. GUNN: Will the Minister representing the Minister of Lands ask his colleague to undertake that he will not transfer land to oil companies for the purpose of erecting service stations where there are existing facilities to meet the needs of the area concerned? I have been approached by a firm of solicitors acting on behalf of one of my constituents who operates a service station at Nundroo and who intends to spend much money to rebuild the service station. He therefore desires to ensure that, if he spends a large sum, some other company will not come in and make his operations completely uneconomic.

The Hon. D. A. DUNSTAN: I will get a report for the honourable member.

DISTRICT COUNCILS

The Hon. D. N. BROOKMAN: What action does the Minister of Local Government intend to take to reduce the number of district councils in South Australia? According to a press report on March 7, the Minister of Local Government is quoted as saying that it is desirable to reduce the number of district councils in South Australia. He is reported as saying that it is impossible for many local councils to consider raising rates even to a level that would be economically viable for councils. If such amalgamation of councils is contemplated, will the wishes of the community covered by the smaller councils be considered and what action will be taken if it is clear that such communities do not want their councils amalgamated?

The Hon. G. T. VIRGO: I certainly would desire that the wishes of the community be taken into account. Unfortunately, the Local Government Act does not provide for the wishes of the community to be taken into account—

Mr. Venning: Rubbish!

The Hon. G. T. VIRGO: —and that state of affairs has obtained in South Australia for more years than I care to remember. We tried last year or the year before to rectify that situation but, unfortunately, another group of people of the honourable member's political persuasion felt that they did not desire the wishes of the community to be expressed.

Mr. Mathwin: You have your back to the wall now.

The Hon. G. T. VIRGO: The honourable member may think that, but his political allies deprived citizens of this State of a say in local government affairs. The plain fact is that in South Australia there are 132 local councils, and anyone who has a knowledge of local government and its activities would readily acknowledge the stupidity of having 132 councils covering that part of South Australia having local government, which is only about one-seventh of the State. We have the situation in many parts of the State where there is a corporation with very restricted boundaries—

At 4 *o'clock, the bells having been rung:*

The SPEAKER: Call on the business of the day.

UNORDERED GOODS AND SERVICES BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act relating to the sending of unordered goods, the making of charges for directory entries and the rendering of certain unrequested services, and for other purposes. Read a first time.

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

That this Bill be now read a second time.

This Bill, which represents a further development of the legislative scheme intended to provide adequate and proper protection for consumers, deals with an aspect of mass selling practices sometimes called "inertia selling". In its crudest form, the vendor sends, usually by post, an article of usually little intrinsic value to a person together with an account for a somewhat inflated price. In a remarkably large number of cases the recipient of the unordered goods will simply pay the account, in others a further demand for payment will be made which is again sometimes met. In short, the vendor relies on the unwillingness of the recipient to take the time and trouble to return the goods or to arrange for the vendor to collect them. In fact, this practice is not common in this State at present and it is hoped that the passage of this legislation will ensure that it does not become of concern to the public here. However, at least two related practices have become quite common and have given rise to a number of complaints. The first of these relates to entries in so-called business or trade directories. Here a business firm receives a document which looks remarkably like an invoice and which sets out a charge for a directory entry, often the general

design of the document giving the impression that it emanates from a reputable directory publisher or agent. In a sufficiently large number of cases, to make it profitable for the promoters, a payment is made in response to the "false invoice".

The second of these related practices concerns what might be called confused order forms; in this case the purchaser signs an order or otherwise indicates his adoption of the order and later finds that he is committed to buying something that was not in his mind when he made the order. It is easy to say that consumers should not sign orders unless they are sure of what they are ordering; however, an examination of some of these order forms leads one to the conclusion that those who send them out, on some occasions at least, frame them in such a way that the mind of the average recipient will be turned away from the real purpose of the order and the obligations he will incur by signing it.

Regarding the details of the Bill, clauses 1 and 2 are formal. Clause 3 sets out the definitions necessary for the purposes of the Bill. I would draw members' attention to subclause (2) of this clause which recognizes the practice of reputable selling organizations, such as large retail stores, of sending the nearest comparable goods when the goods actually ordered are not in stock. These similar goods will not become unordered goods for the purposes of this Act. Subclause (3) of this clause is intended to ensure that "order forms" supplied by the vendor of the goods, as far as possible, will be plain and unambiguous. Subclause (4) provides appropriate exemption provisions to ensure desirable flexibility in the application of the measure.

Clause 4 sets out the rights of a recipient if he receives unordered goods. He may do nothing, in which case, subject to the right of the sender to reclaim the goods, after three months the goods will belong to him. He may, however, advise the sender of the goods by a notice setting out certain particulars, in which case, subject to the right of the sender to reclaim the goods, the goods will become his in one month. During the period of one month or three months, as the case may be, the recipient must allow the sender to reclaim the goods if he wishes.

I draw members' attention to subclause (2) of this clause which sets out certain exceptions to the proposition that the property in the unordered goods will pass to the recipient. Briefly, the property will not pass if the recipient unreasonably refuses to let the sender take possession of the goods or where the sender has, in fact, taken possession of the goods. In addition, the property in the goods will not pass where the goods were received by the recipient in circumstances in which he knows or might reasonably be expected to have known that the goods were not intended for him; this situation would arise when a person received, say, an obviously misdelivered parcel.

Clause 5 prohibits a sender demanding payment for unordered goods and is an important provision, since it is apparent that many people will comply with a demand for payment that is not enforceable against them simply because they are ignorant of their rights in the matter. Where the demand for payment arises from a reasonable mistake on the part of the sender of the goods, the sender may seek the benefit of the defence provided by subclause (3). Clause 6 modifies the ordinary legal liability, of the recipient of unordered goods, to the owner of the goods while the recipient has possession of them.

Clauses 7 and 8 apply similar controls over contracts or agreements for the making of directory entries or the rendering of prescribed services, and in summary are intended to ensure that the consumer entering the contract or agreement will know exactly what he is undertaking. The inclusion of "prescribed services" is proposed because there is already some evidence that certain reprehensible practices are becoming associated with some services, and it is thought that it would be prudent at this time to lay down the basis of control in this area. The actual prescription of a service will, in the nature of things, be subject to Parliamentary scrutiny since the prescription is by way of regulation.

Clause 9 ensures that the provisions of the Bill will not affect contracts or agreements entered into before the Act comes into force or in the case of contracts or agreements for prescribed services before those services became prescribed services. Clause 10 is intended to ensure that certain debt collecting practices are not invoked in relation to matters within the ambit of this Bill, unless the person who invokes them has reasonable grounds for believing that he has a right to demand payment. As was mentioned in relation to clause 5, it is regrettable that the mere threat of proceedings or other action can sometimes exact a payment that is not in any sense legally due.

Clause 11 makes it a specific offence to complete an order in the name of another

person. These so-called "hoax orders" are an inconvenience to both the person who receives the unordered goods and to the supplier who supplies them, and it is hoped that the existence of a provision of this nature will go some way towards discouraging the practice. Clause 12 gives further effect to the principles set out in the Bill by ensuring that certain legal actions for the recovery of money not lawfully due cannot be maintained. Clause 13 seeks to impose on those responsible for the management of companies a degree of direct personal liability for the acts of those companies.

Clause 14 is an evidentiary provision and is derived to a large extent from section 5a of the Trading Stamp Act, 1924-1935. Its purpose is to allow the admission as evidence in proceedings a writing which, although it might reasonably be expected to speak for itself, may not in fact be admissible without other evidence. Considerable expense has been incurred in obtaining this sort of evidence in proceedings similar to those contemplated in this Act, and on the whole it is thought that this expense is unjustified. Honourable members will note that the evidentiary value of the writing will be no higher than *prima facie* evidence, that is, it can be rebutted by contrary evidence. Subclause (2) is to facilitate proof of the place of incorporation of a body corporate which is incorporated outside the State.

Clause 15 provides for offences against the Act to be disposed of summarily. Clause 16 provides for the power to make regulations. A Bill containing provisions substantially similar to the provisions of this Bill will, I understand, be shortly introduced into the Parliament of Victoria since this measure is the result of close co-operation between the Government of that State and this State, and here I would acknowledge the valuable assistance and co-operation of the Parliamentary Counsel of Victoria in the preparation of this measure.

Mr. MILLHOUSE secured the adjournment of the debate.

MOCK AUCTIONS BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to prohibit certain practices in relation to sales purporting to be sales by auction. Read a first time.

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

That this Bill be now read a second time.

In the last 12 months numerous complaints have been received by the Commissioner for Prices and Consumer Affairs from people who claim to have been duped at what appear to be somewhat curious auction sales. These "auction sales" have in the past been conducted by promoters who spend short periods, usually a day or two, at each location. By the time complaints as to their activities come to the attention of the authorities the promoters are usually far away.

However, at least one promoter has set up an establishment in Adelaide on a more or less permanent basis, and his activities have given rise to a considerable number of complaints. Basically these "auction sales" are conducted in the following manner: (*a*) public attention is attracted by the giving away of a number of small and inexpensive items; (*b*) bids are then called for lots at the auction and at the conclusion of each sale or series of sales a considerable portion of the amount bid is refunded to the successful bidder; and (*c*) finally auction sales are conducted with the bidding limited to those who have previously participated or shown their willingness to participate in previous sales, and at these sales the full amount of the highest bid is taken by the promoter and the goods bid for are handed over, but no refund is made to the bidders.

It is of course from these last-mentioned sales that the promoter reaps his handsome profit, since an investigation by the prices branch shows that the margin of profit on many of the goods last sold is "vastly excessive". It is true that there always is a possibility of goods being bought at an auction at much higher prices than would be paid elsewhere, as some people at least seem to get carried away in the spirit of competitive bidding that prevails. However, in the case of the "auctions" under consideration, people are encouraged to bid rather more than they otherwise would in the expectation that a considerable portion of their bid will be refunded, this expectation being deliberately engendered by the promoter's action on refunding bids in the earlier sales. It is this feature which principally distinguishes these auction sales from legitimate auction sales.

This promotion, which bears the hallmarks of a somewhat shabby confidence trick, does not even possess the virtue of originality since in England in 1961 it was found necessary to pass an Act, the Mock Auctions Act of that year, to proscribe these practices. It would appear that the authorities there came to the conclusion that, reprehensible as the practices

may be, there was nothing intrinsically unlawful in them. In spite of a warning in the daily press, the number of people who attend and bid at these auctions shows no sign of decreasing, and regrettably the number of people who soon realize that they have been duped also shows no signs of diminishing.

The disturbing feature of these activities is that they tend to bear most hardly on those who are less well endowed financially and those with little understanding of the ways of the world. Accordingly, this Bill seeks to prohibit these so-called auctions and in form and substance follows closely the English Statute adverted to earlier.

Clauses 1 and 2 are formal. Clause 3 sets out the definitions necessary for the purposes of the Bill. Honourable members will note that for a Bill of this size these provisions are a little more extensive than is perhaps usual. The purpose of these extensions to definitions is to aid in making clear the situation the Bill purports to remedy.

Clause 4 at subclause (1) sets out the course of conduct the Bill seeks to prohibit, and subclause (2) acts in aid of this provision by spelling out in precise terms the type of "auction" that will be a mock auction for the purposes of the measure. This description at paragraphs (*a*), (*b*) and (*c*) covers the manner in which the offending sales are conducted here and they follow very closely the comparable English provisions. Clause 5 is a fairly standard provision to ensure as far as possible that those persons responsible for the conduct of bodies corporate will themselves bear direct responsibility for the criminal acts attributed to the body corporate.

Clause 6 provides that the existence of this measure will not affect other remedies open to parties who suffer loss by reason of activities of the kind proscribed. Clause 7 provides for summary proceedings. Clause 8 is a general regulation-making power with a specific power to prescribe goods as being goods to which the measure will apply.

Mr. MILLHOUSE secured the adjournment of the debate.

STATUTES AMENDMENT (LAW OF PROPERTY AND WRONGS) BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Law of Property Act, 1936-1969; and the Wrongs Act, 1936-1959.

Read a first time.

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

That this Bill be now read a second time.

It is based upon the eleventh report of the Law Reform Committee. The general purpose of the Bill is to remove from the law any remaining vestiges of the idea that a woman should be accorded a lower status and inferior legal rights to those of a man. The Bill also removes from the law certain other principles that arise from obsolete notions regarding the interpersonal relationships of men and women.

Married women frequently give powers of attorney so that an agent may act on their behalf. The Law Reform Committee felt, however, that the statutory amendments to the old common law rules relating to the legal capacity of married women are insufficiently clear to raise a clear inference that the old rules, precluding a married woman from appointing an agent, have now been completely overruled. Accordingly, the Bill inserts a provision to put the matter beyond the possibility or argument.

One of the features of the common law is that husband and wife are for certain purposes to be treated as one person. This principle arises originally from Biblical texts in which husband and wife are declared to be one flesh. The common law deduced from this that where a man married a woman the personality of the woman ceased to have a separate existence and was merged in the personality of the husband. One result of this kind of thinking can be seen in the rules affecting testamentary dispositions. Where a gift is given to A, A's wife, and B in equal shares, the rules of testamentary construction provide that A and A's wife receive one-half of the gift and B receives the remainder.

Such a result seems divorced from contemporary modes of thought. It is unreal to ossify the religious ideal of the spiritual unity of husband and wife in rigid principles of law. The Bill accordingly provides that husband and wife are to be treated as separate persons for the purpose of acquiring an interest in property pursuant to dispositions of property that come into operation after the commencement of the amending Act.

The common law tends to place a woman in an unfavourable position in regard to certain questions of property ownership arising between husband and wife. Thus, where a husband makes an allowance to his wife for the purpose of defraying domestic expenses and the wife manages to make savings from that allowance, the money saved is regarded as belonging to the husband unless the wife can prove that the savings were intended to constitute a gift. This seems to be an unfair penalty upon a wife who,

by her good housekeeping, manages to make economies in domestic expenditure. The Bill accordingly improves the position of a married woman by providing that such moneys are to be regarded as belonging to husband and wife in equal shares unless there is evidence of some contrary agreement.

In the eighteenth century it was felt that, if a married woman were free to dispose of her own separate property, there would be a danger that she would yield to her husband's powers of persuasion or coercion, to her own detriment. In order to meet this difficulty Lord Thurlow, in the case of *Pybus v. Smith,* invented the doctrine of restraint upon anticipation. Under this doctrine, if separate property were given to a married woman without power of anticipation, she was disabled, while she remained married, from alienating the property or anticipating the future income, and could only receive each payment of income as it fell due. If a testator or settlor attempted to impose this kind of restraint upon the enjoyment of property by a man, it would be considered void as being repugnant to the nature of the property. In modern times this protection for a married woman against her husband seems unnecessary and may result in injustice to the creditors of a married woman. Accordingly, the Bill invalidates any restraint against anticipation.

The unity of spouses rule to which I have referred above was used by courts of common law to prevent the parties to a marriage from maintaining actions in tort against each other. This restriction has worked injustice in many instances. In fact, under the Motor Vehicles Act it has already been abolished in relation to claims in negligence arising from the use of a motor vehicle. There seems to be no good reason why the restriction should operate, except in a very limited area. It is abhorrent to modern sensibilities that a partner to a marriage should be able with impunity to assault or defame the other, or to commit other actions that are so offensive that they are normally actionable as torts.

While the Bill does in general remove the impediments restricting actions in tort between husband and wife, it does, however, make special provisions which are considered desirable. A person is prevented from bringing an action in trespass or ejectment against his spouse is respect of the matrimonial home. The court is given power to dismiss proceedings in cases where the proceedings are without substance but are merely brought to ventilate personal grievances. The court may also dismiss proceedings involving the commission of torts in relation to property where it is satisfied that the proceedings could be dealt with more appropriately under section 105 of the Law of Property Act.

Where a wife is injured by the wrongful action of another person, the husband is entitled at law to maintain an action against the wrongdoer for the impairment of the consortium of husband and wife resulting from the injury. Damages may be awarded to the husband in respect of impairment of the sexual relationship and the loss of his wife's domestic services. In the case of *Best v. Samuel Fox* (1952 A.C. 716), a wife brought a similar claim against a wrongdoer for injury inflicted upon her husband. The House of Lords explained that the action available to a husband is based on the idea that the husband has a right of property in his wife's body. Thus, the action is in origin an action for trespass to the property of a man. The action was refused to a married woman because she has no similar property in her husband's body. This idea that the husband owns his wife in the same way as he might own a cow or a motor car is abhorrent to modern thinking. The Bill accordingly provides that the rights of husband and wife to seek damages for impairment of the marital consortium are to be equal.

The Bill also includes a provision which is to some extent an extension of the principle discussed above. Where a husband and wife are engaged in a family business and one of them is injured and cannot participate as fully as formerly in the conduct of the business, damages may be awarded to compensate financial Joss resulting to either of the spouses as a result of the fact that the participation of one of them in the conduct of the business has ceased or been reduced or impaired.

Finally, the Bill abolishes certain outmoded actions at common law. The first of those is the action for seduction. From the outset legal protection of the parental relationship has been founded upon the principle of compensating the parent's pecuniary loss. In the Middle Ages, there was a writ of trespass for the ravishment of a ward which protected the parent's interest in the marriage of his heir, a feudal incident of considerable value. The claim of a parent as such received no remedy and the claim was not available for the abduction of a child other than the heir, because a parent's proprietary rights did not extend to other children.

At a much later stage, the courts evolved a remedy by applying the writ appropriate

to the master-servant relationship to the parent-child relationship. Thus, in cases of seduction the essence of the action is the financial loss suffered by the father. He cannot claim damages upon the sole basis of the seduction. He must show that as a result of the seduction and the consequent alienation of his daughter's affections, or her confinement, he has lost the services which he would otherwise be entitled to expect. Once he has established that, he may then claim exemplary damages for the mental distress and dishonour that he has suffered. This is all very antiquated and unreal in the social conditions of today. It is felt that the criminal law now provides adequate sanctions against seduction in appropriate cases. There seems no need for the civil remedy, which is accordingly abolished by the Bill.

Finally, the Bill abolishes the actions for enticement and harbouring. Under these actions a husband can proceed against a person for taking away his wife or for harbouring a runaway wife or child. The action of enticement is again based upon the notion that the husband has proprietary rights in the body of his wife. In England Darling J., in *Gray v. Gee* (1923) 39 T.L.R. 429, extended the action of enticement to cases in which a woman enticed away a husband. However, the High Court of Australia, in *Wright v. Cedzich* (1930) 43 C.L.R. 493, refused to follow this precedent. Thus the action is available in this country to husbands only. It is felt that these actions are in any case antiquated and the Bill accordingly abolishes them.

The provisions of the Bill are as follows: Clauses 1 to 4 are formal. Clause 5 removes any doubt that a married woman may appoint an agent to act on her behalf. Clause 6 makes an amendment consequential upon the enactment of new section 110 in the principal Act. Clause 7 provides that for the purpose of acquiring an interest in property a husband and wife are to be treated as separate persons. Clause 8 makes a drafting amendment to the principal Act. Clause 9 makes a consequential amendment.

Clause 10 provides that money saved or property acquired out of a domestic allowance is to belong to husband and wife in equal shares in the absence of an agreement to the contrary. Clause 11 abolishes restraints upon anticipation. Clause 12 is formal. Clause 13 enacts new sections 32 to 35 of the principal Act. New section 32 abolishes the barriers to actions in tort between spouses, subject to the exceptions to which I have referred above. New section 33 allows a wife to seek damages for impairment to the matrimonial consortium resulting from injury to her husband. New section 34 enables a person to claim damages where injury to his spouse eliminates or reduces the participation of that spouse in a family business. New section 35 abolishes the actions for seduction, enticement and harbouring.

Mr. MILLHOUSE secured the adjournment of the debate.

STATUTES AMENDMENT (MISCELLANEOUS PROVISIONS) BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Legal Practitioners Act, 1936-1969; the Limitations of Actions Act, 1936-1959; the Local Government Act, 1934-1971; the Motor Vehicles Act, 1959-1971; and the Wrongs Act, 1936-1959. Read a first time.

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

That this Bill be now read a second time.

It is based very largely on the twelfth report of the Law Reform Committee. The Bill is designed principally to remove anomalies in the law relating to limitation of time for bringing actions, although it does deal with certain other matters as well. The Bill first abrogates the rule in *Yonge v. Toynbee* (1910) 1 K.B. 215, so far as it applies to legal practitioners. This rule provides that where an agent is proceeding on behalf of his principal and the principal becomes of unsound mind, the authority of the agent is forthwith extinguished. This rule may result in the legal practitioner innocently acting without authority and, perhaps more importantly, may prejudice the proper conduct of proceedings on behalf of the mentally unsound client. Where the Client is subject to mental unsoundness that occurs sporadically, for example, epilepsy, a very confused and uncertain situation may result. The Bill accordingly abrogates the rule in *Yonge v. Toynbee* as it applies to a legal practitioner. The legal practitioner will, of course, still be bound to act in the best interests of his client by the laws of agency and the ethics of his profession.

Section 45 of the Limitation of Actions Act provides that the time limited for bringing an action does not run against a person while he is an infant or of unsound mind. This is clearly a desirable provision. It is anomalous, however, that it does not extend to periods of limitation arising under other Acts. The

Bill accordingly extends the provisions of section 45 to cover those other periods of limitation. A further amendment to the Limitation of Actions Act provides that where a cause of action survives for the benefit of the estate of a deceased person, the time limited for the commencement of the action shall be extended by the time between the deceased's death and the grant of probate or letters of administration, or by twelve months, whichever is the lesser period. A further amendment to this Act enables a court to extend a limitation period where facts material to the plaintiff's case were not ascertained by him until after, or shortly before, the expiration of that period. Certain medical conditions do not manifest themselves in positive symptoms until long after the injury to which they relate. This section should prevent miscarriages of justice arising where the plaintiff is not aware of the factors upon which his claim is to be based until an unusually late date. The Bill repeals section 719 of the Local Government Act. This provision establishes periods of limitation for proceeding against officers of municipal and district councils. The provision is largely unnecessary because of provisions of the Justices Act. In so far as it has been construed as establishing special limitation periods for instituting civil proceedings against councils, it is thought to be undesirable.

The Bill clarifies the provisions of the Motor Vehicles Act relating to the giving of notice prior to proceeding against the nominal defendant. The notice ceases to be an absolute condition precedent in a hit-run case. The court may, however, strike out an action where a notice is not given as soon as practicable after it becomes apparent that the proceedings will have to be brought against the nominal defendant and the court is satisfied that the nominal defendant has, in consequence, been prejudiced in the conduct of his defence. The special period of six months within which notice must be given where damages are sought from the nominal defendant for injury caused by an uninsured vehicle is removed. The normal limitation period of three years will apply to personal injury claims under this section. Finally, the Bill amends the Wrongs Act. Section 25 of that Act enables a person who is responsible for a tort to claim contribution from any other person who is jointly liable for the same tort. The Chief Justice of the Supreme Court has in recent years criticized the rather complicated provisions establishing time limits for the commencement of these proceedings between tort-feasars. The Bill does away with these complicated provisions and inserts a simple provision in their place under which proceedings for contribution must be commenced by a tort-feasor within two years after his own liability has been determined by a court, or by settlement of the claim against him. The second amendment to the Wrongs Act does not arise from the report of the committee. Its purpose is to abrogate a rule under which an employer who is vicariously liable for the tort of his employee can claim indemnity from the employee in respect of that liability.

This indemnity may be claimed on the basis of an express or implied term in the contract of employment or pursuant to the provisions of the Wrongs Act for contribution between tort-feasors. A prudent employer can always protect himself by insurance where there is any real likelihood of liability arising by reason of the acts or omissions of those engaged in his employment. There can be no justification for continuing this right of indemnity which is of such dubious value to an employer that it is rarely enforced but which may in isolated cases cause considerable hardship to an employee. The Bill contains protections for the employer. Where the employee is insured and the proceedings are brought against him, he must seek indemnity from the insurance company and not from the employer. Where the employee is insured and proceedings are brought against the employer, the employer is to be subrogated to the rights of the employee under the policy of insurance.

The provisions of the Bill are as follows: Clauses 1 to 5 are formal. Clause 6 provides that the authority of a legal practitioner to act on behalf of a client is not to be abrogated by the fact that the client becomes of unsound mind. Clause 7 is formal. Clause 8 repeals sections 45 and 46 of the Limitation of Actions Act and enacts new sections 45, 46 and 46a. New section 45 provides that the suspension of limitation periods during the infancy or insanity or mental infirmity of the person in whom a right of action is vested applies equally to limitation periods established under the Limitation of Actions Act and under other Acts. New section 46a provides that, where a cause of action survives for the benefit of the estate of a deceased person, the period of limitation appropriate to that action shall be extended by the period between the death of the deceased, and the grant of probate or letters of administration, or by 12 months, whichever is the lesser period. Clause 9 inserts new

section 48 in the principal Act. The new section empowers a court to extend a limitation period where facts material to the plaintiff's case were not ascertained by him until after or shortly before the expiration of that period. Clause 10 is formal.

Clause 11 repeals section 719 of the principal Act. As a result of this repeal, no special periods of limitation will apply to actions against local government bodies. Clause 12 is formal. Clauses 13 and 14 make the amendments to which I have referred dealing with actions against the nominal defendant in hit-run cases and where the driver is uninsured. Clause 15 is formal. Clause 16 removes the present provisions of the Wrongs Act establishing periods of limitation for the commencement of contribution proceedings between tort-feasors. A general provision is inserted providing that such proceedings may be commenced at any time within two years after the liability of the tort-feasor who seeks contribution has been determined by judgment of a court or by settlement of the claim against him. Clause 17 inserts new section 27c in the principal Act. This new section does away with the right of an employer to seek indemnity from an employee where the employer is vicariously liable for the tort of the employee. The new section contains the incidental protections for the employer that I have explained above.

Mr. MILLHOUSE secured the adjournment of the debate.

COMMERCIAL AND PRIVATE AGENTS BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to provide for the licensing and control of commercial and private agents; to repeal the Bailiffs and Inquiry Agents Licensing Act, 1945; 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 provides for the licensing and control of various classes of agent. The principal classes of agent with which it deals are the following: first, commercial agents; that is to say, those agents who collect debts, repossess goods subject to hire-purchase agreements and bills of sale, execute any legal process for the enforcement of judgments or orders of court, and distrain goods for the purpose of recovering rates, taxes and other moneys; secondly, inquiry agents; that is to say, those agents who obtain information relating to personal character or actions, obtain evidence for the purposes of legal proceedings and search for missing persons; thirdly, loss assessors; that is to say, those agents whose function is to investigate loss or injury involving claims for damages under motor vehicle insurance policies or claims for workmen's compensation; fourthly, process servers; that is to say, those agents who serve writs, summonses and other legal process; and, finally, security agents; that is to say, those agents who guard property, or keep property under surveillance on behalf of other persons. The Bill provides for the additional sub-classes of agent, namely, commercial sub-agents who act on behalf of commercial agents and security guards who similarly act on behalf of security agents.

It will be obvious from the foregoing description of the various categories of agent with which the Bill deals that these agents deal in delicate areas of human relationships or in matters in which personal danger to themselves and other persons may arise. In some areas of these activities opportunities for fraud or undue influence abound. It is therefore clearly a matter of grave public concern that those who operate in these areas should meet high standards of personal honesty, restraint and discretion. There is at present no effective legislation regulating the conduct of these agents. The Bailiffs and Inquiry Agents Licensing Act does provide for the licensing of bailiffs and private inquiry agents. The Attorney-General is empowered under that Act to refuse or cancel a licence. However there are no effective provisions for the investigation of misconduct, and hence the present legislation has proved to be very inadequate. The present Bill overcomes the inadequacy of the existing legislation by setting up a board to act as a licensing authority. The function of the board will be to investigate all applications for licences, to investigate complaints regarding the conduct of licensed agents and, if necessary, to implement disciplinary action. A commercial agent is required by the Bill to enter into an appropriate fidelity bond and to pay into a trust account all moneys recovered on behalf of other persons. The Bill includes various other provisions designed to ensure that the conduct of the agents, to which the new Act will apply, will conform with standards that will be acceptable to the community.

The provisions of the Bill are as follows: Clauses 1 and 2 are formal. Clause 3 deals with the arrangement of the new Act. Clause 4 provides for the repeal of the Bailiffs and Inquiry Agents Licensing Act, 1945. It also

contains transitional provisions. A person licensed under the repealed Act is not required to be licensed under the new Act until six months after its commencement, or the expiration of the term of his present licence, whichever first occurs. A person who is required to be licensed in respect of an activity to which the repealed Act did not relate is also given a grace period of six months to obtain the necessary licence. Clause 5 contains a number of definitions necessary for the purposes of the new Act. The most important of these are the definitions of the various categories of agent to which I have previously referred. Clause 6 gives certain exemptions to persons who might otherwise be required to be licensed. These exemptions apply to police officers, public servants, legal practitioners, accountants, sheriffs and court officers, trustee companies, building societies, friendly societies, insurers and persons employed in secretarial or clerical duties on behalf of an agent. The Governor is empowered to exempt persons of specified classes from the provisions of the new Act.

Clause 7 provides for the constitution of the Commercial and Private Agents Board. The board is to consist of four members. Clauses 8 to 11 deal with various matters incidental to the constitution of the board. Clause 12 provides that the board may, with the approval of the Minister, employ legal practitioners to assist it in the performance of its duties and functions.

Clause 13 provides for the appointment of a Registrar of Commercial and Private Agents. Clause 14 sets out the various categories of licence that may be issued by the board. The clause makes it an offence for a person to act as, or hold himself out as being, or to perform or hold himself out as willing to perform any of the functions of, an agent unless he is duly licensed. Clause 15 deals with the manner in which an application for a licence may be made. Clause 16 sets out the qualifications that are required if a person is to be entitled to a licence. Clause 17 deals with the duration and renewal of a licence. Clause 18 provides that where a licensed agent dies the board may permit an unlicensed person to carry on the business for a limited period. Clause 19 requires a commercial agent to enter into a fidelity bond. If the bond is not complied with the moneys recoverable under the bond may be applied in compensating those who have suffered loss through the wrongful actions of the agent.

Clause 20 provides that, where a corporation is licensed under the new Act, the business conducted in pursuance of the licence must be managed by a natural person who holds a licence of the same category as the corporation or, in the case of a corporation licensed as a commercial agent, by a natural person who is licensed either as a commercial agent or a commercial sub-agent. Clause 21 provides that a licence is not to be transferable. Clause 22 provides that a person may hold simultaneously a number of licences of various categories. Clause 23 provides that a commercial agent must establish a trust account and pay into it all moneys received on behalf of his clients. Clause 24 requires a commercial agent to keep proper records in relation to the business transacted in pursuance of the licence. Clause 25 provides the Registrar and other authorized persons with power to inspect records kept by a commercial agent. Clause 26 enables the board to "freeze" or restrict dealings in moneys contained in a commercial agent's trust accounts. Thus trust moneys can be protected while investigations are held into suspected misconduct on the part of an agent.

Clause 27 requires an agent who has repossessed a motor vehicle to inform the police of the fact. Thus a person who has been dispossessed of the vehicle should be able to ascertain from the nearest police station that the vehicle has been repossessed and the identity of the agent by whom it has been repossessed. Clause 28 prevents a commercial agent from employing as a commercial sub-agent a person who is not duly licensed as such. Clause 29 prohibits a commercial agent from inviting the public to deal with him at a place other than his registered address or some other place approved by the board. This provision is designed to prevent a practice whereby an agent virtually lends his name to a commercial undertaking in order to render its demands more effective. He invites the debtor to satisfy the demand at the office of the principal creditor. This practice seems to be an undesirable masquerade and is accordingly prohibited. Clause 30 makes it clear that the fact that a person holds a licence under the new Act does not confer upon him the right to override the rights and privileges of other persons.

Clause 31 makes it an offence for an agent to enter or remain on any premises, or land forming the environs of any premises, without an express or implicit invitation from an occupant of the premises. Clause 32 makes it

an offence for an agent to carry on business in any name other than the name in which he is licensed. Clause 33 makes it an offence for an agent to attempt to obtain business by false or misleading representations. Clause 34 provides than any advertisement published in connection with the business of an agent (except an advertisement relating solely to the recruitment of staff) must specify the name in which the agent is licensed and his registered address. Clause 35 requires an agent to display a notice at his place of business setting out his name, the kind of licence that he holds, and other prescribed information. Clause 36 provides that the board may reduce an agent's charges where it considers them excessive. Clause 37 requires an agent to produce his licence on demand by the Registrar or any other authorized person, or on demand by any person with whom he has dealings as an agent. Clause 38 requires an agent to have a registered address. Ary legal process or other document may be served upon him at his registered address. Clause 39 provides for investigations by the Registrar into matters subject to inquiry by the board. Clause 40 provides that the Commissioner of Police shall at the request of the Registrar make any investigation relevant to any matter before the board. Clause 41 provides for the board to make inquiries into the conduct of a licensed agent. Where the board finds proper grounds for disciplinary action in accordance with subsection (3), it may reprimand the agent, fine him or cancel his licence. Clause 42 requires the board to give an agent proper notice of an inquiry into his conduct and to afford him an opportunity to make out a defence to any allegations against him. Clause 43 invests the board with certain powers necessary for the proper conduct of an inquiry. Clause 44 enables the board to make orders as to the manner in which the costs of an inquiry are to be borne. Clause 45 enables an agent to appeal to the Supreme Court against any order of the board.

Clause 46 enables the board or the Supreme Court to suspend an order of the board pending the determination of an appeal to the Supreme Court. Clause 47 provides that no person shall be entitled to recover any fee or other remuneration in respect of services rendered as an agent unless he is duly licensed. Clause 48 provides that a loss assessor may not settle any claim after proceedings in respect of the claim have been instituted before a court. Clause 49 is an evidentiary provision. Clause 50 provides that where a corporation is guilty of an offence every person concerned in the management or control of the corporation who knowingly caused, authorized or permitted the commission of the offence by the corporation is to be guilty of an offence and liable to the same penalty as that prescribed for the principal offence. Clause 51 empowers the Governor to make regulations for the purposes of the new Act.

Mr. MILLHOUSE secured the adjournment of the debate.

WILLS ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Wills Act, 1936-1966. Read a first time.

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

That this Bill be now read a second time.

This short Bill is designed to give effect to the recommendations of the Law Reform Committee contained in its sixth report. Section 17 of the Wills Act provides that where a will is attested by a person who is, in terms of the will, entitled to receive a gift from the estate of the testator, that gift is void. This provision is an attenuation of previous rules under which a will attested by a beneficiary was regarded as being wholly void because the law would, in the case of such attestation, presume that the witness had exerted undue influence upon the testator. The present provision causes no great difficulty where testators follow the sensible course of seeking professional assistance in the preparation of their wills. However, where that course is not followed, section 17 may prove to be a trap for the unwary, and may result in the invalidation of testamentary dispositions that the testator genuinely intended and desired.

The Bill accordingly overcomes the inflexibility of section 17 by providing a procedure that should safeguard the interests of all who may be legitimately interested in the estate. Where a will has been attested by a beneficiary, the administrator who seeks probate or letters of administration must inform the court of the fact that the will has been so attested. The Registrar of Probates may require further evidence of the circumstances surrounding the execution and attestation of the will. The Registrar, if not entirely satisfied of the due execution of the will, may refer the matter to the court. The court may, upon any such reference, or upon proceedings instituted by any person interested in the estate of the

testator, admit the will wholly or partially to probate, or refuse to grant probate of the will.

The provisions of the Bill are as follows: Clauses 1 and 2 are formal. Clause 3 inserts definitions in the principal Act that are required for the purposes of the new provisions. Clause 4 repeals and re-enacts section 17 of the principal Act. The new section contains the provisions explained above.

Mr. MILLHOUSE secured the adjournment of the debate.

SWINE COMPENSATION ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

CATTLE COMPENSATION ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

PACKAGES ACT AMENDMENT BILL

Second reading.

The Hon. J. D. CORCORAN (Minister of Works): I move:

That this Bill be now read a second time.

As some members will recall, the principal Act (the Packages Act, 1967) was enacted to ensure that as far as possible packaging law would be uniform as between the States of the Commonwealth. During the lengthy consultations that took place between the States preceding the introduction of the uniform Act the views of the packaging industry in this State were canvassed and the needs of that industry were kept to the fore. As a result, the South Australian Act in some particulars departed from the principles embodied in the uniform proposals. In most of its departures this State's attitude was clearly vindicated to the extent that, following the 1969 conference of authorities in Papua and New Guinea, the South Australian proposals were, almost without exception, adopted by the other States.

However, almost five years experience with the Act has suggested that in some particulars at least the legislation may be deficient in procedural matters. The general area of deficiency is in the dealing with offences that have an interstate flavour usually characterized by a movement of goods from one State to another. Few, if any, problems appear to arise where the movement of goods is entirely intrastate. The effect of the proposed amendments should be to put the packer whose place of business is outside the State on the same footing as a South Australian packer. At the same time opportunity has been taken to generally re-examine the Act and to effect such other minor amendments as appear desirable.

Regarding the details of the Bill, clauses 1 and 2 are formal. Clause 3 and paragraph (*a*) corrects what is clearly an incorrect word in the definition of "article". The word in question obviously should be "foods", not "goods". At paragraph (*b*) the definition of "pack" is clarified somewhat and again in the interests of clarity an explanation of the concept of a "pre-packed article" is provided by new subsections (2a), (2b) and (2c).

Clause 4 is a drafting amendment. Clause 5 provides for the permitted variation from what might be called true correct weight to be calculated by reference to metric units as well as English units in certain cases. Clause 6 amends section 21 and provides for the marking of articles described as having a "net weight when packed" with an indication of the day on which they were packed.

Clause 7 amends section 32 at paragraphs (*a*) and (*b*) and makes an amendment not dissimilar in intention to that proposed by clause 5 except that while clause 5 dealt with "packing offences" this amendment deals with "selling offences". The amendment proposed by paragraph (*c*) is of considerable importance and merits a somewhat detailed explanation. It is common knowledge that in these days of pre-packed goods the actual retailer has little control of the weight or measure of those goods, and it would be absurd to suggest that he would bear prime responsibility for their correctness. In practical terms he accepts the goods, displays them and sells them, relying on the technical efficiency of the packer, who is usually the manufacturer, to ensure that the goods are not short weight.

In keeping with this view, the Act does not bear heavily on the prudent shopkeeper who inadvertently sells a short weight pre-packed article. The Act seeks to place the responsibility where it properly lies, that is, with the packer who actually packed the article. Where the packer carries on business in this State, no difficulty arises since the "packing offence" clearly is within the jurisdiction of the courts of this State. However, when the packer carries on business outside the State certain constitutional and practical difficulties may arise in prosecutions for a "packing offence". Accordingly, this new provision provides that, in the circumstances set out, the packer will be deemed to have sold the article to the inspector at the time and place where the article was found to be deficient.

This provision is based on corresponding provisions in the law of the other States and

has, I understand, worked well in practice. An illustration of the difficulty that this provision will overcome occurred recently here where a number of packs of a nationally advertised product that had been packed outside the State were on examination found to be deficient in weight and the deficiency was of the order of 8 per cent to 12 per cent. Since the correct weight of the product was about three ounces, it is clear that in the case of each unit the difference in weight would be imperceptible to the average retailer.

However, the total deficiency in a number of units would be significant. From a practical point of view no real fault lay on the part of the retailer in selling the product before the deficiency was brought to his attention. However, the packer of the product could not, on the face of it, be proceeded against, because that "packing offence" occurred outside the State. Thus it is in these circumstances that the proposed amendment will be of use in sheeting home to the packer the responsibility that is properly his.

Clause 8 provides a "selling offence" in connection with articles not sold by net weight or measure. The effect of this provision will prohibit the sale or marking of articles marked "gross weight" unless the sale or marking is specifically authorized. In addition, provision is made for the delivery of an invoice showing the weight or measure of articles sold by weight or measure delivered away from the premises of the seller unless, of course, those articles are already marked with their weight or measure.

Clause 9 deals with offences, and the effect of subsection (2) of proposed new section 42a is to extend the period within which proceedings for offences against the Act may be brought. It is felt that this extension is justified because of the peculiarity of weights and measures administration; in the nature of things (for instance, a considerable period often elapses between the time that goods are packed and the time that they come to the attention of the authorities), the period of time between the formal commission of the offence and its impact on the public can run into some months. Subsection (3) is intended to facilitate proceedings against a person at fault without the necessity of involving *de facto* innocent parties in proceedings. This clause and clause 8 have been discussed with representatives of the industry and it was agreed that they are necessary and desirable.

Clause 10 is designed to facilitate proof of certain formal matters in prosecutions for offences against the Act and follows fairly closely a similar provision in the Weights and Measures Act, 1971. Clause 11 in general provides for the regulation of sales by vending machines, these being sales where the actual vendor is not physically present at the time of sale. In addition, a general power of exemption is given by regulation. In accordance with the established practice regulations made under these powers will, in common with other regulations made under the Act, be subject to Parliamentary scrutiny.

The Hon. D. N. BROOKMAN secured the adjournment of the debate.

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

Returned from the Legislative Council with an amendment.

RURAL INDUSTRY ASSISTANCE (SPECIAL PROVISIONS) ACT AMENDMENT BILL

Second reading.

The Hon. J. D. CORCORAN (Minister of Works): I move:

That this Bill be now read a second time.

The purpose of this short Bill is to ensure that rehabilitation loans payable, pursuant to the principal Act, to former farmers who have been obliged to leave the industry for economic reasons are not subject to the claims of creditors of those former farmers. Loans of this nature cannot, in the terms of the agreement between the Commonwealth and this State, exceed $1,000, and it is clear that unless they can be protected from the claims of creditors the purpose of granting the loan, that is, to give some assistance in the rehabilitation of the impoverished farmer, would in most, if not all, cases be entirely frustrated.

The operative clause of the Bill, clause 4, inserts two new sections in the principal Act, sections 24a and 24b. Proposed section 24a merely defines the loan in the terms of the agreement under the States Grants (Rural Reconstruction) Act of the Commonwealth. Proposed section 24b sets out the circumstances in which a creditor of a former farmer will not have recourse to the moneys comprised in the loan in satisfaction of any debt owing by the former farmer. Honourable members will note that the protection only applies to debts or obligations contracted before the loan moneys became payable.

Mr. HALL secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL

(Continued from March 7. Page 3642.)

The Hon. L. J. KING (Attorney-General) moved:

That the Bill be recommitted in respect of clause 14.

Mr. MILLHOUSE (Mitcham): This is a fairly unusual procedure. We have reached the third reading stage of this Bill and, when the Bill was before the Committee yesterday, there was no hint that the Attorney-General had not finished with it. I have been handed a copy of an amendment, which has been circulated today. The usual procedure when Ministers have found lacunae in Bills has been for the Minister to have the amendments inserted in another place. That is a procedure far preferable to this one. If we are to be treated in this way, we will never finish debating any Bill, or never know when we have finished debating a Bill. I cannot stop the Minister from doing this. I have not the numbers: he has them. In any case, it is a trifle, but I hope that this will be an isolated example of this sort of procedure. I ask the Minister to explain why it is necessary in this case. He has merely moved the motion and has not bothered to explain it to the House.

The Hon. D. N. BROOKMAN (Alexandra) : I am not in favour of the practice that the Minister has followed on this occasion. He has been introducing legislation like a quiescent volcano in the last few weeks. It has been pouring in on us and we are expected to study it. We have taken this Bill as far as the third reading. Usually, when the Minister wishes to amend his Bills (and sometimes he doubles the size of them with the amendments he brings in) we see the amendment before we get to the Committee stage, but in this case we have gone to the third reading stage and now he expects us to go back to the Committee stage to have another look at the Bill. Have we a bicameral system, or have we not, and is it or is it not possible to put these amendments in the legislation in another place? If it is possible to do that, I will oppose this motion. If it is not possible to put the amendments in when the Bill goes to another place, I will agree to a recommittal, but at present we have no explanation or argument in favour of this course of action, and I ask the House to bear in mind the burden that is being put on this Parliament by the amount of legislation being introduced. We are expected to pass all of it within the next few weeks, and I think that makes nonsense of the whole system.

The Hon. L. J. KING (Attorney-General): I should hope that I would not be expected to apologize to this House or to the people of this State for introducing legislation like a quiescent volcano, as the member for Alexanda chooses to describe it. I am prepared to work hard to introduce legislation for the benefit of this State, and I hope the member for Alexandra and his colleagues are also prepared to work hard enough to consider the legislation when it is brought before them. I make no apology for that and, as long as this Government remains on the Treasury benches, it will continue to introduce legislation to improve the condition of life of people in South Australia.

Mr. Mathwin: Set your halo straight!

Mr. Millhouse: The Minister obviously thinks that attack is the best form of defence.

The SPEAKER: Order!

The Hon. L. I. KING: The member for Alexandra, by interjection, made some reference to courtesy. I think that our records will disclose that I do not in any way need to defer to the member for Alexandra in courtesy in either the treatment of this House or the treatment of members of the House. The matter before us in the motion for the Bill to be recommitted for the purpose of reconsidering a clause that was dealt with in Committee last evening. The reason for seeking the recommittal is that certain definitions in this Bill, namely, the part dealing with computer evidence, were amended in the Legislative Council when the Bill was last before Parliament. The amendments were the result of some representations made, and I think they improve the provisions of the Bill. It seems desirable that this House should send the Bill to the other place in the form that it considers to be the best form. If we in this place realize that some improvement ought to be made, I cannot see any virtue in our not making the change and sending it to the other places in the form that we want. I see no advantage in sending it up in a form that requires improvement and leaving it to the other place to make the improvement.

Mr. Mathwin: Why didn't you do it last night?

The SPEAKER: Order!

The Hon. L. J. KING: For that reason, it seems to me an obvious course to recommit the Bill here to enable the Committee of the whole House to deal with the amendments, and that is the course that I wish to take.

Motion carried; Bill recommitted.

Clause 14—"Enactment of Part VIA of the principal Act."—reconsidered.

The Hon. L. J. KING (Attorney-General): I move:

In new section 59a to strike out paragraph (*b*) and insert:

(*b*) accurately translated from a statement or representation so produced:

The amendment is to the definition of "computer output". It has been put that, rather than try to prescribe qualifications, a more appropriate way to deal with the matter is to provide for accurate translation from a statement or representation so produced. The requirement then would not be that it be translated from a statement or representation produced by a person having prescribed qualification: it would simply be a stipulation that it be accurately translated from a statement or representation so produced. I do not think it is a particularly important matter, but it improves the definition, and I recommend its acceptance.

Mr. MILLHOUSE: I understand that the amendments that the Attorney-General wants to put in would restore the Bill to the form in which it left this place on its previous ill-fated journey. Is that right?

The Hon. L. J. KING: No. This amendment was made in the other place. The form in which the Bill exists now is the form in which it was originally introduced in this place. It is now sought to amend it so as to include an amendment made in the other place last time. I think it was a Government amendment.

Mr. MILLHOUSE: That lends weight to the earlier remarks that there is no reason why the same amendment should not be inserted there again. I take it that the Attorney has only just picked up what he has acknowledged by implication is a mistake in the Bill, and that he had not picked this up last evening when the Bill was before the Committee?

The Hon. L. J. King: I picked up the possibility last evening, and that is why I deferred the third reading until today to consider the matter.

Mr. MILLHOUSE: It is not a bad practice always to defer third readings until the next day. That is in accordance with Standing Orders. I protest at this motion. I do not care too much about the amendment, but I suggest that there is great substance in what the member for Alexandra said. The Attorney-General has introduced a great volume of legislation.

The CHAIRMAN: Order! The honourable member must surely know that in Committee we deal with specific matters. In this case we are dealing with an amendment moved by the Attorney-General, not the second reading speech on any Bill. Any matter mentioned must relate to the amendment under consideration by the Committee.

Mr. MILLHOUSE: Thank you, Mr. Chairman. I understand all that.

The CHAIRMAN: Well, I draw the honourable member's attention to it.

Mr. MILLHOUSE: It would be better if the Attorney-General reduced somewhat the volume of legislation introduced and ensured that he got it right, so that we did not have to have amendments of this nature. Bills should be checked before they come into this place, and the Attorney-General should be satisfied with the form in which he introduces them.

The Hon. L. J. KING: The honourable member's last remark, that I should be content with introducing less legislation into this place, comes oddly from a member who has complained on more than one occasion that not enough of the recommendations of the Law Reform Committee have been put into legislation by the present Government.

The CHAIRMAN: Order! I have ruled the honourable member for Mitcham out of order for dealing with that matter, and the same ruling applies to all honourable members.

Mr. COUMBE: The word "accurately" is the operative word. Is the Attorney-General relying on new section 59b (2) (*g*) to qualify the question of accuracy? If he is not doing that, the word "accurately" could be called into question.

The Hon. L. J. KING: The real difference between the Bill as it stood last night and the Bill as I want to amend it is that, instead of providing for a translation by a person having prescribed qualifications, the amendment requires that it be an accurate translation. As the Bill stood, provided the person had the prescribed qualifications, it did not matter whether the translation was accurate or not. The amendment requires that it be an accurate translation, but that does not qualify the requirements in new section 59b, which sets out the conditions for admissibility, one of which is prescribed in new subsection (2) (*g*).

Amendment carried.

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

In new section 59a in the definition of "data" to strike out "has been reduced into a prescribed form for introduction into a computer" and insert "has been transcribed

by methods, the accuracy of which is verifiable, in the form appropriate to the computer into which it is, or is to be, introduced".

It was pointed out previously that it was difficult, and perhaps impossible, to prescribe a form for this purpose. There may be different forms, having regard to the different computer operations. It is important that the Statute should require that the method of transcription be such that the accuracy of the method is verifiable and that the form is appropriate to the computer. This was accepted last time as being a desirable amendment, but was omitted inadvertently on this occasion.

Amendment carried.

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

In new section 59b (4) after "operation" to insert "or a person responsible for the management or operation of the computer system".

This provision relates to the certificate required to be given as the basis for admissibility. As the Bill stands, it must be given by a person having prescribed qualifications in computer system analysis and operation, but there may be cases where a more appropriate person to give the certificate is the person responsible for the management or operation of the computer system. He may not be a person having qualifications as a computer operator.

Amendment carried; clause as amended passed.

Bill reported with amendments. Committee's report adopted.

The Hon. L. J. KING (Attorney-General) moved:

That this Bill be now read a third time.

The Hon. D. N. BROOKMAN (Alexandra): I support the third reading because I generally approve of the Bill. However, the passage of this Bill has been a classic case of mishandling, due to rush and bustle. The final draft of this Bill was accepted only after we had to drag out of the Minister what he was trying to do, a process for which he did not thank us; rather, he attacked us. He has taken this House very lightly, and members of his Party share equally with every other member the responsibility for seeing that he follows the ordinary course of procedure, instead of the extraordinary effort that has taken place.

The Hon. L. J. KING (Attorney-General): The procedure adopted on this occasion is provided for in Standing Order 328, which provides for recommittal in just these circumstances. I should have thought, therefore, that there was little reason for the complaint made. Some members opposite must have little to talk about if they can do no better than they have done this afternoon. In view of the complaints made about lack of time and opportunity to consider legislation, I should have thought they might have devoted the time spent on this argument to considering other matters before the House.

Bill read a third time and passed.

INHERITANCE (FAMILY PROVISION) BILL

Adjourned debate on second reading.

(Continued from March 7. Page 3652.)

Mr. MILLHOUSE (Mitcham): Last night I was obliged to speak on this Bill because of a misunderstanding regarding the business of the House. I made a mistake in what I said off the cuff.

Mr. Ryan: You are admitting it!

Mr. MILLHOUSE: I admit it freely. I am surprised that the honourable member should have interjected while he was standing.

Mr. Ryan: I was not standing when I interjected.

The SPEAKER: Order!

Mr. MILLHOUSE: I said last night that, from memory, I thought that we were including for the first time divorcees and illegitimate children, which seems to be causing some controversy. I was wrong. Under the Act as it stands at present, women who have been divorced may claim, but men who have been divorced may not claim against a former wife's estate. Likewise, I was wrong in believing that illegitimate children could not claim at present: of course, they can. I want to correct those mistakes in case someone outside the House might think I had done some work on this Bill and had missed these things. Of course, I was speaking from memory and had been unable to check then.

I support the second reading. There are only two matters which, so far as I know, have caused any comment amongst honourable members. No doubt we will hear more of them later. One of the matters is already the subject of an amendment that has been circulated for consideration in the Committee stage. The two matters concern the enlargement of the class of persons who may claim and the question of the time limit which is in the Bill for making those claims. I believe we are entirely justified in enlarging somewhat the classes of person who may claim, as we do in clause 6. I have already referred briefly to one of these matters, and that is the question

of a person who has been divorced from the deceased person. This provision equalizes the rights of the sexes, and I think it is in line with the outlook in the community at present. Other classes are being inserted, and I think that is desirable.

One point I make is, as we might say in the law, trite, but it is perhaps not realized by some people who object to the widening of the classes that, simply because a person is within a class that has a right to make a claim, it does not mean to say that his claim will automatically succeed. I have looked (and perhaps this is the best short exposition of the principle) at Davern Wright's book *Testator's Family Maintenance,* and at page 110 the author sets out the test which the judge must apply in every case before deciding whether or not a claim is properly maintainable, as follows:

The inquiry, when an application is made under the Act, is not what it is fair to do to remedy a frustrated or unexpressed intention—assuming the intention to be properly proved—but whether the testator, having regard to his means, the means of the applicant, and the relative urgency of the various moral claims upon him, has been guilty of a manifest breach of a moral obligation to make provision for the maintenance and support of the applicant:

That test has been put in many different ways in many different cases, and it is the proper way of putting the test which must be applied in every case under legislation relating to testator's family maintenance. It is not by any means something which is easy or something which automatically gives a person, simply because he comes within the class, a claim that is maintainable if he has been left out or not properly provided for under the will of the testator.

The time limit is set out in section 4 of the Act, and it is within six months of the date of the grant of probate in this State, provided that it may be extended by the court or a judge, and the application for extension must be made before the expiration of 12 months after the grant in this State of probate of the will or the letters of administration, and before the final distribution of the estate. At present the absolute limit is 12 months and the proper limit (if I may put it that way) is six months; the second six months is only by leave of the court. In one of its earlier reports, the Law Reform Committee recommended that this time limit should be altered. Having canvassed the position, the committee says:

Nevertheless your committee considers that the limitation in this State and in particular the power to extend the time is too strict. The application for extension must be made before the expiration of 12 months after the grant of probate so that the claim is absolutely barred after that date has passed.

It goes through the comparable provisions in the other States and recommends that the time limit of six months set out in section 4 of the Act should be retained but that the proviso (referring to the 12 months absolute limit) should be taken out so that the application for extension should be made before the final distribution of the estate. That, indeed, is what has been embodied in the Bill in clause 8, and I support this. I cannot believe it will cause hardship or even inconvenience, because in clause 8 (5) we find the following:

Any distribution of any part of the estate made before the application for extension of time shall not be disturbed by reason of that application or any order made thereon.

I do not think, as was suggested when the predecessor to this Bill was before this House a few years ago, that any relaxation of the time limit will simply allow proctors to be even more dilatory than they are now. I think that argument is nonsense, and in saying that I point out that I have never practised as a proctor, and I hope I never shall, so I have no personal interest in it. However, that argument was brought forward earlier. I hope it will not be repeated, because I think it has no substance. So far as I know there are no other objections in the Bill as it stands. It simply brings up to date the law of this State on this topic and follows in all respects, I think, the provisions in the law in New Zealand, where this type of legislation originated, and in the other Australian States. In my view it is desirable.

Mr. NANKIVELL (Mallee): Whilst I agree in part with my learned and gallant colleague about the merits of this Bill, certain aspects of its application cause me some concern. I can see no problems about extending the classifications of people who are entitled to claim against the testator's estate, but I can see problems associated with settling an estate because of the multiplicity of people who will now have a right to claim, I do not believe that this will cause any problem when an estate is being administered by a lawyer or someone who has been able to advise the testator on the manner in which his will should be drawn up, but I believe there will be more litigation as a result of the broadening of the classifications of people entitled to claim against the testator. There will be more settlements out of court and more litigation as a result of this change. Whether or not

the son of a step-son should have any claim against a testator will, of course, be determined by the court. I repeat that whether or not a person has a claim against a testator's estate will be determined by the court and, therefore, it must become a matter of litigation. There are several matters to which I shall briefly draw attention. One is contained in clause 7 (1) *(b),* which provides:

... a person entitled to claim the benefit of this Act is left without adequate provision . . .

When the Attorney replies, if he does, I should like him to explain to me just how one can determine what is "adequate" without a person's having to appear before the court to present a claim substantiating whatever claim he has against the testator: in other words, that he is dependent upon him for his school fees or for some kind of maintenance. "Adequate provision" is a general term.

Mr. Coumbe: What does it mean?

Mr. NANKIVELL: I do not know what it means, and that is why I am asking the Attorney whether he can indicate what is implied in the phrase. Presumably, it would be equitable if the court made a decision on this matter (for that is the place where these matters are to be decided) but what concerns me is that the normal practice is to settle these matters out of court, particularly when minors are involved. If this does not occur, a person must be prepared to go to the extent of costly litigation to establish what "adequate provision" is and what rights he has against the deceased.

The widening of the class of people entitled to claim under this Act will, of course, mean that certain practices presently followed will now become completely useless or, shall I say, invalidated: for instance, if a man who has been divorced dies intestate, at present the law states that his existing widow and family will share his estate. What we are doing here is making provision to include a former wife (presumably, if she has not remarried and if she apparently has some claim to dependance upon him) within the breadth of this entitlement. One of the past practices has been that, if a man does not like his wife and divorces her and wants to leave her out of his estate, he dies intestate. Even under this Bill it may be slightly better to die intestate and let the beneficiaries themselves decide how to deal with the estate outside the court, without the assistance of the court, because of the large number of people who may have a legitimate claim against an estate.

The time factor of six months is reasonable. Presumably, with communications the way they are today, in that time anyone who has some relationship with a deceased person and learns of his death can lodge a claim against his estate; but provision is made here for an extension of time beyond six months or any order that the court may make at the time of an application. I believe that clause 8 (4) was a recommendation from the Law Reform Committee, but in my view it may cause some complications. I should like the Attorney's comments on these matters. Clause 8 (4) provides:

An application for extension of time pursuant to this section shall be made before the final distribution of the estate.

I think most members know that an estate can be quickly distributed, depending on the nature of the will. There may be a life interest to a widow or some members of the family; there may be minors in the family and, therefore, a continuing trust for them. So it may be 20 years after the death of the deceased before there is a final distribution. Does this provision mean that, if someone suddenly finds he has some affinity to the deceased or is a blood relation or has a legal claim against the estate, he can, within that period, apply to the court? Naturally, the court would have to consider whether or not he had an entitlement. At present, if people do not claim within the prescribed time, they are excluded.

Mr. Coumbe: What about declarations for probate?

Mr. NANKIVELL: Of course, one must have that before one can make any distribution or receive an authority for the administration on an estate. The deceased may say, "I shall distribute part of my estate and I shall leave part of it in trust for a minor." That may not be what is meant here, because clause 8 (5) provides:

Any distribution of any part of the estate made before the application for extension of time shall not be disturbed by reason of that application or any order made thereon.

I understand that to mean that, if a distribution had been made and someone came along and made a late claim, there would be no possibility of recovering from the beneficiaries any money paid out to them by way of distribution. If all the money had gone, then technically there would be nothing further to distribute, and there would be no claim. Clause 14 (3) provides:

Subsection (1) of this section—

and that relates to the liability of administrators after distribution of an estate. I interpolate here that provision is made to absolve the administrator, having carried out the direction of the testator and having distributed his estate, from any offence provided he receives notice in writing three months prior to the final distribution of the estate. So it may well be that by the time 20 years has elapsed (taking a hypothetical case) there has been no claim, three months notice is given and the balance of the estate is distributed. The administrators are exonerated under this legislation from any liability; but clause 14 (3) provides:

Subsection (1) of this section shall not prevent the court from ordering that any provision under this Act be made out of the estate, or any part thereof, after it has been distributed.

Does that mean that if someone lodges a claim after the distribution of an estate the court can, under provisions of this measure, decide that the person may have had a claim, although he did not exercise it within the prescribed time in the right way? Does it mean that the beneficiaries have to return to the estate some fraction of the moneys they have received as beneficiaries? I am a little concerned about this. I am not a lawyer and am only trying to find out how this will be interpreted. Although this Bill may have been drafted by a Liberal Government, it is introduced by a Labor Government, but it seems to me that every Attorney-General, irrespective of the guernsey he is wearing, kicks for the same goal. With all due respect to the Attorney-General, I view with concern much of the legislation he has introduced.

I see this as a lawyer's Bill (I think the Attorney-General used that term when he introduced another Bill the other day). This could be a wonderful lawyer's Bill in a dispute over an estate. There is a dispute, first, as to whether one has an entitlement, and that could hold up the distribution of the estate. The case might be settled out of court or after lengthy litigation, because there is nothing to say that the court would hear a claim immediately. The court may postpone it for a year or two or there might be some reason why the court would delay the hearing of a claim against the estate. In the meantime, the settlement of the estate would be withheld. There is an apparent injustice in the present Act in respect of people who have presumably been excluded from justice in the past. There are two kinds of apparent opportunities, if I may describe them in that way, for people to enter into litigation and for lawyers who advise people to say, "You had better take this to court and have a go. You have a chance." They could do this over a long period. I still believe they could do this after the distribution of an estate that may not have been distributed for 20 years, although it is 18 years now because the law in regard to infants has been changed.

One could wait for 18 years and then someone could come out of the blue and satisfy the court that he had a claim against the estate, which has finally been distributed. I believe that it would be impossible for the matter to be reviewed again at that time and a redistribution made. What would happen? If I had been lucky enough to get a windfall 20 years ago, I do not think I would have it today. How does the court proceed against people to recover this distributed money so that it can be redistributed to another party who may have established a claim?

My understanding of this matter is that if the grandson of a stepson who has no entitlement in blood happened to live for a while with the deceased and could establish that he was supported by him, he would have as much claim as would a legitimate child. It is a broad concept we are introducing here. We say that this is justice, but I wonder whether it does not make a farce of justice when we can take these matters too far. While I have a great respect for the courts and for Their Honours who interpret the law, I realize what problems they will have in deciding some of these cases.

My principal concern is that, although we appear to be providing justice on the one hand, we will, on the other hand, create great injustice and hardship, and it will be the cause of unnecessary delay in finalizing what might have been a comparatively simple estate. We may deny to an individual the right to determine what he can do with the estate. We are saying that, notwithstanding what the testator has stated in his will, the court may, by codicil or other means, add certain things to his will, if it believes that this is what should be done in respect of certain people who have been excluded from the will.

In a complicated case, it would seem that a person could say, "I am not going to make a will. My beneficiaries can take this matter to court and have it sorted out." There is so much litigation involved, and so many possibilities of expensive litigation and the possibility of nothing being returned to any of the beneficiaries because of legal costs and court fees, that we should be careful how we proceed with this legislation. What I have said may easily be explained, and I hope that

the Attorney-General will answer some of these questions when he replies to the debate. In the meantime, although I do not oppose the Bill, I do not support it with any great alacrity, as did my colleague the member for Mitcham.

Mr. CARNIE (Flinders): The Bill, which has far-reaching effects, is one that we should not deal with lightly: we should study it thoroughly. As the member for Mallee said, the main concern in the Bill is clause 6, which widens the classes of person who may claim. Some of the categories are logical, such as the spouse of the deceased person, a person who has been divorced from the deceased, a child of the deceased person, and a legally adopted child. Some of these I shall probably deal with later. Although I accept that there was probably room for the widening of the classes of person who may claim on a deceased estate, we must be careful that this widening does not go too far.

As the member for Mallee also said, it will be almost a waste of time to make a will. The distribution of an estate will be provided for in many cases, irrespective of the wishes of the deceased. This is perhaps a sweeping statement, but it is a fact, because the measure brings into the inheritance field certain people and enables them to claim on an estate. These are people who could be only remotely related to the deceased person and who could not possibly have looked to the deceased for help during his lifetime. Indeed, if they had sought help perhaps they would not have received it, yet under the provisions of the Bill they will have a legitimate claim on the estate.

Many examples exist of how estates could be held up or perhaps have unjust claims made against them as a result of this legislation. Some of these I intend to cite may not have a direct bearing on the amendments made by the Bill, but they deal with the Bill as a whole together with the parent Act. For example, take the case of a son who has been given help during his life to set up a business. The father says to him, "Look, you need help now that you want to start a business. I will give you so much now to start it on the understanding that, when I die, your sister will get my estate. You will get the money now when you need it, but that is the end of your claim." After his father has died, the son may still claim on the estate, although the understanding was that he was given the help and his share of the estate during his father's lifetime.

Another example is the case of two sons, one an adult and self-supporting and one younger and still at school, although this perhaps might not be a large estate. It was intended that the estate be left for the younger son to complete his education, yet the older son could still step in and claim. In both cases, if they went to court it is likely (and I am sure the Attorney-General would agree with this) that the claim would be not allowed but thrown out by the court. The point I am trying to make is that these claims could still hold up the settlement of the estate.

As the member for Mallee also said, the legislation could sometimes result in holding up an estate for a long time. This is the kind of thing we must try to avoid, because I believe that deceased estates should be capable of being settled as quickly and simply as possible. I have no argument whatever (and I am sure that no right-thinking person has) with the principle that a person who has been dependent on the deceased should have some claim on the estate of the deceased. That goes without saying. The present Act is already broad in this regard. Testator family maintenance legislation originated in New Zealand and was introduced in South Australia in 1918. Until then a man could cut off his widow or son without a penny. This state of affairs was certainly wrong in the case of dependants and was rightly remedied by the testator family maintenance legislation. Lawyers have said that many of these examples to which I have referred will not arise or that the persons involved will not be considered dependants. However, the Bill does not say what discretionary power the courts have. They can allow or disallow at their discretion, and the position could arise where an estate was saddled with the maintenance of a person who was almost unknown to the deceased.

Clause 6 of the Bill is my main bone of contention and I will now deal with it. Clause 6 (*a*) refers to the spouse of the deceased person, and I am sure there is no argument with this. It is understood that he or she would have been dependent or sharing in the family finances and should therefore have a claim on the estate. Clause 6 (*b*) refers to a person who has been divorced from the deceased person. This has been brought in to technically alter the existing Act, which refers now to a female divorcee, to include a husband so that a divorced husband has a claim equal to that of a divorced wife. I have no argument with that. But I do have an argument that there is no indication here that the divorced

person was in any way dependent on the deceased. What I say could apply equally to a person of either sex but, if a woman divorces her husband and remarries perhaps even three times, it does not make any difference: she may claim on the estate of her first or second husband although she may be married to her third husband. This puts a premium on marriage. I foreshadow an amendment to this provision.

Clause 6 (*c*) refers to a child of the deceased person. I have no argument with that because such a child would have a legitimate claim. Clause 6 (*d*) refers to a legally adopted child of the deceased person and the same principle applies because a legally adopted child has the same rights as any other child. Clause 6 (*e*) refers to a legitimate child of the deceased person and clause 6 (*f*) refers to an illegitimate child of the deceased person that is recognized as such. Such a child does and should have a claim especially if, during the lifetime of the deceased person, the child was maintained by that person. I have some argument with clause 6 (*g*), which refers to a child of a spouse of the deceased person by any former marriage of such spouse.

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

Mr. CARNIE: Having said before the dinner adjournment that I have some reservations about clause 6 (g), which relates to a "child of a spouse of the deceased person by any former marriage of such spouse", I visualize the situation arising (and I relate this example to the case of a woman, because I think it would be more likely to apply to a woman than to a man) wherein the woman concerned may have one, two, or more children, and she divorces her first husband and remarries. In this case, either the new husband legally adopts those children or he does not accept responsibility for their maintenance, and the children then continue to be maintained by their natural father. Therefore, I see no reason for including paragraph (*g*), because such children would be covered, in the first place, by clause 6 (*d*), which relates to a "legally adopted child of the deceased person"; or, on the other hand, those children would be covered by clause 6 (*c*), which relates to a "child of the deceased person".

Under clause 6 (*g*), a child could make a claim on two estates, that is, a claim on the estate of his stepfather, who has legally adopted him, and also a claim on the estate of his natural father. Although this may not be a serious matter, I am not so sure that this situation should be countenanced. I am somewhat concerned also about clause 6 (*h*), but I frankly cannot see that it can be altered, and I can see what the Attorney-General intends by including in the provision a "child or a legally adopted child or any child or legally adopted child of the deceased person". This takes in a second generation and may relate to a natural grandchild or to the case of what might be termed a double adoption. The child concerned may be the illegitimate child of a stepson, who may have a claim.

My first thought on reading this provision was that I should like to see included a child whose grandfather, for example, has been responsible in some measure for the support of that child, but I can see a difficulty arising whereby, if the child's father predeceased the grandfather, the child would have some claim on the grandfather's estate. Although I express doubts about this provision, I certainly will not oppose it. I see no real argument in respect of the remainder of clause 6 and certainly will not move any amendments as I intend to move in respect of other clauses. Clause 8 is perhaps the only other provision that concerns me. The member for Mallee referred to this provision, which deals with the time in which a claim on an estate must be made, namely, six months.

Although this is a reasonable period, the clause allows an extension at the discretion of the court "upon such conditions as the court thinks fit". Surely, six months is sufficiently long; it would be exceptional circumstances indeed that required longer than six months. That is because, if a person is close enough to the estate to be able to claim on the estate of the deceased, surely he is close enough to know when the death occurred, and six months would be ample time within which to lay a claim to that estate. However, circumstances could arise when an extension of time was necessary and, again, for that reason, whilst expressing doubts about the necessity for this clause, I will not oppose it.

At this stage, I support the second reading but I foreshadow amendments that I intend to move in relation to clause 6, because some parts of that clause cause me concern, as I have said. I will conclude my remarks by repeating the statement that I made at the beginning of my speech, namely, that whilst perhaps there is some need to broaden the group of people entitled to claim benefit under this Act, this has been broadened too much.

Mr. McANANEY (Heysen): As I think the previous speakers have covered many points about this Bill, I will not repeat what they have said.

The Hon. D. H. McKee: But we won't know the difference.

Mr. VENNING: I am sure you would not know.

The SPEAKER: Order! The honourable member for Heysen.

Mr. McANANEY: I stress the point that the member for Flinders has made about the extension of time. I consider that most estates should be wound up within six months and, if the Attorney-General really wants to eliminate injustices, he should consider the length of time that some legal practitioners take to wind up an estate. I get more complaints about this matter than about any other injustices done by one section of the community to another. Legal practitioners let these matters drag on, people suffer, and hardship occurs.

Mr. Carnie: Do you think a penalty should be incurred if an estate is not wound up in a certain time?

Mr. McANANEY: The Attorney-General is conducting a campaign for justice. I think we have had a difference of opinion about whether it is successful or wise, but surely six months is a long enough period for most wills to be wound up and everyone connected with the estate satisfied. I do not think this part of the Bill sets out plainly enough the basis on which the court will make its decision. It seems to me that, if a person is supporting someone else or if he has some obligation to support another person, and if he then leaves that person out of his will, there is justification for seeing that an obligation that he may have neglected in the will is carried out. There should be a clear interpretation about the court's deciding whether a person is entitled to a claim against the estate.

I emphasize the point that the member for Flinders has made that, if a person has this sort of claim, or if he has been supported or there is an obligation, surely the person affected would know that the estate had not been wound up, and he should be able to lodge his claim. I think the extension of time is provided really for the neglectful legal practitioner, who would know that this person had a claim but who did not lodge the claim in time. When this Bill was previously considered by this House it was stated that the extension of time was required because a legal practitioner had not carried out his duties; in other words, we were asked to legislate because someone had not done his job properly. I support the general principle that the Bill should clearly set out the basis on which the court should make its decision, instead of leaving it to the court's discretion. In no circumstances should the period involved in winding up an estate be unduly prolonged, because that creates injustices for the beneficiaries.

Dr. EASTICK (Light): I support the provisions of the Bill that consolidate the legislation of 1918 and the legislation of 1943. There can be no argument that changes that have taken place elsewhere should be considered by this House. Like other members on this side, I draw attention to the fact that the express purpose of the Bill is to enlarge "the classes of potential claimants against the estate of the deceased". The House must carefully consider this aspect of the Bill, which may create doubts and confusion, particularly for aged people. An aged woman could easily be upset if, soon after the death of her spouse, there was a challenge to the validity of a will made in her favour. Enlarging the classes of potential claimants against the estate of a deceased person creates a problem. I am aware of the amendments foreshadowed by other members, and I believe that they should be carefully considered. In his second reading explanation the Attorney-General said:

> Clause 7 provides that, where a person dies and leaves inadequate provision for the maintenance, education or advancement of a person . . .

Whilst I do not suggest that the courts will necessarily uphold every claim made under this legislation, there is a potential danger that the adequacy of the provisions made by a testator will be diminished by this Bill. This is an area to which members of this House must give consideration. I support the Bill at the second reading stage, but I give notice that I will require further information from the Attorney in the Committee stage.

The Hon. L. J. KING (Attorney-General): The member for Mallee made a number of points and I shall deal with them as briefly as possible. He suggested that the provisions of this Bill would result in more litigation, and made that a ground of criticism of the measure. I suppose there is a sense in which we can say that, whenever we confer rights on people, we produce the possibility of litigation, because inevitably, if people have got rights, they may assert them, and if those rights are resisted there may be a dispute that has to be resolved in court. That is a necessary

consequence of any conferring of rights by the law upon individuals.

We could say, if we pursued the argument to its logical conclusion, that we could reduce litigation by repealing the Testator's Family Maintenance Act altogether and doing away with all rights, and then at least we eliminate litigation from that source, but this is not a very practical or sensible approach to the question of whether new rights should be conferred. The real question we must ask ourselves is this: under the present law are there people excluded from the capacity to bring a claim against an estate who ought to have that capacity? I suggest that the new classes that have been added contain within them the possibility of people who may have a legitimate claim against the estate of a deceased person and who, under the existing law, are deprived of the right to assert that claim. The important thing to remember is that because we say that a particular class of person may bring a claim under this Act it does not mean that they will have provision made for them.

The member for Mitcham referred to the tests which the courts have developed in a long series of cases to decide the circumstances in which claims under this Act will be granted, and all this Bill is saying is that if, say, a step-son is in a position in which no adequate provision has been made for his maintenance, and if his relationship to the deceased is such that a wise, just and prudent man in the position of the deceased would have made provision for him, then the court is empowered, in its discretion, to make an order in his favour. The same applies to each of the other new classes added.

I do not know what possible objection can be made to this. If a person within the sort of relationship described in this Bill is left without adequate provision for maintenance or advancement in life (and that is the first condition that must be satisfied), and if the court, putting itself in the position of the deceased (or, as is sometimes said, sitting in the deceased's armchair) considers that the deceased, as a wise and just man, would have made provision for this person had he known the facts, should it not have the right to make the provision which a wise and just man would have made? That is all the Bill seeks to do. It does not mean that any person within the classes prescribed in the Bill automatically acquires a right to have provision out of an estate. It does no more than give them the right to make a claim.

It is to be remembered that litigation under this Act is what is called adverse litigation: in other words, if a person brings a claim and fails, he runs the risk of having costs awarded against him. There is no question here of encouraging people to make frivolous claims. Inevitably, because the claim must come before a court ultimately if it is not settled, the person contemplating a claim will seek legal advice and, if he is told that he has no chance and his claim is misconceived, he will be told that in bringing a claim or action he will run the risk of costs being awarded against him. That is the deterrent that will prevent people making frivolous claims. It is, of course, the deterrent that prevents people in any sort of litigation making unfounded claims, that if the claims fail they will be saddled with the costs of the litigation.

The member for Mallee referred to the expression in clause 7 (*b*)—"left without adequate provision for his proper maintenance, education or advancement in life". He asked me to say what the phrase "adequate provision" means and how the court is to make adequate provision or decide what it is. Let me say, first of all, that the phrase is not new; it has been in the Testator's Family Maintenance Act since it was first introduced into this State in 1918, and before that in the New Zealand legislation. It is the phrase that is always used in this legislation. The other thing is that the court never has to ask itself what is the adequate provision that should be made for a claimant, because that is not the test. The phrase "adequate provision for the proper maintenance, education or advancement in life" of the claimant is merely the first step that must be taken by the claimant in establishing his case. The first thing he must prove is whether he has been left without adequate provision; the court does not have to go on and ask what is adequate provision so that adequate provision can be made. Once the claimant has established the fact that he has been left without adequate provision, the case is at large and the court must then ask itself, first of all, whether any provision should be made having regard to all the circumstances and particularly whether a wise and just person in the position of the deceased and knowing all the relevant facts would have made any provision at all.

It also means that the test of "adequate provision" applies only to the first step, namely, whether the claimant gets to first base, whether he has any right to be considered at all by the court for support out of the estate. When the

court comes to ask itself what provision should be made, it does not ask itself a question about adequate provision at all. At that stage, the operative words are:

The court may in its discretion . . . order that such provision as the court thinks fit be made out of the estate—

not "adequate provision". Of course, the court will take into account not only the claims of the claimant under this Act but also the claims of the other people for whom provision has been made by the deceased. The court has established in a long series of cases that there will be no greater disturbance to the dispositions of the testator made under this Act (it would be the normal rules for the distribution of an estate under intestacy) than is necessary to satisfy the moral obligations that the deceased had towards the claimant. In this regard, the court will take into account not only the claims upon the bounty of the deceased that the claimant has but also the claims upon the bounty of the deceased that the beneficiaries have—and, of course, obviously the wishes and intentions of the testator (if there has been a will) and the intentions of the general law with regard to the distribution of the estate in intestacy (if there is an intestacy). The provisions of the Bill are designed to extend the remedies of the law to classes of people who are at present denied those remedies. The provisions of the Bill are also designed to prevent the remedies of the law being denied to people because of technical problems.

This brings me to the time provision, which has been criticized by two honourable members. The Bill provides that, if proceedings are not brought within the six months laid down under the Act, the court has power to extend the time. This power would be exercised by a court only if satisfied that the intentions of justice required that it be exercised. Generally speaking, it produces injustice if a person who has a claim is denied his rights simply because for one reason or another he has not brought his claim within time, and there might be a variety of reasons for this.

The particular instance cited in the Law Reform Committee's report is that of the case where an application under the Testator's Family Maintenance Act was made by a certain applicant. When the case came before the Master of the court for directions, it was found that there were other potential applicants who were obviously unaware of their rights in the matter but who had claims that had to be taken into account at the same time as the claim made by the applicant. However, by the time that stage had been reached, they were out of time and could not make their applications. The court had no power once the 12 months period had expired, under the Act as it now stands, to extend the time. These people were completely shut out from rights they otherwise would have had and their claims, if they were just claims, were denied for no reason other than that the time had expired and to no advantage to anyone except to the original applicant, who would not have competing claims.

Mr. McAnaney: What were the reasons for the delay?

The Hon. L. J. KING: Obviously, the claimants were unaware of their rights or that they had claims at all. This frequently happens. It sometimes happens that they are unaware of the circumstances of the estate, the provisions of the Act, or that there is any time limit. The operation of time limits, where there is no power in the court to mitigate them, is productive of many injustices, not only under this Act but under other provisions of the law as well. There can never be any harm in my view in giving to the court the power to extend the time limit if it considers it just to do so. In deciding whether or not to exercise the power the court would take into account all the circumstances, including any problems that might be created in the administration of the estate.

It will be noted that clause 8 (5) provides that any distribution of the estate prior to the application for an extension of time cannot be disturbed as a result of the application. There is no question of beneficiaries under the estate never knowing whether their benefits will be disturbed by someone coming along with a belated claim. Once the distribution takes place, any application for an extension of time cannot operate so as to disturb the previous distribution.

Mr. Nankivell: What about clause 14 (3)?

The Hon. L. J. KING: The honourable member has referred to clause 14 (3) and suggested that there might be some inconsistency with clause 8 (5). There is not. The general scheme is that the court may make an order on an application under this Act and by so doing may affect benefits that have gone out: in other words, distributions that have taken place. Clause 14 provides that the administrator shall not be liable once he has effected distribution; in other words, he will not be personally liable for distributing without having regard to a claim under this Act unless he has

first had notice of that claim. Subclause (3) gives the court power in relation to amounts already distributed. Clause 8 (5) deals with a different situation, one in which the applicant has not made his claim in time, for example, if his claim is delayed and he applies for an extension of time. That clause provides that if the applicant has not brought his claim in time and then applies for an extension of time, and if distribution is made prior to the application for the extension of time, the distribution may not be disturbed.

The ordinary principle is that the court may affect distributions already made, but it may not do so for an applicant who is out of time and who has sought a renewal in relation to a distribution made prior to the order. It would be obviously unfair for people to receive a benefit but to never know whether they would finally have the benefit of it, because somebody could come along out of time and make an application for an extension out of time.

Mr. Nankivell: Clause 14 (3) allows for recovery from the beneficiaries after distribution.

The Hon. L. J. KING: It cannot occur in an application where the claim is based on an application for an extension of time regarding distributions made prior to the application.

Mr. Nankivell: That is where time is the essence but, in clause 14 (3), it is not time but a question of whether or not the estate has been distributed that determines whether or not an appellant has a claim.

The Hon. L. J. KING: The general principle of the Act is that the court may affect distributions already made. If the application is made within time or if a distribution is made after the application for the extension of time, there may be a disturbance of the benefits actually paid out. Of course, distributions made before the application for the extension of time cannot be disturbed.

Mr. Nankivell: That would not be equitable. I pointed out this afternoon that, if there were extenuating circumstances which perhaps delayed distribution, such as a life interest or an interest to a minor, then the beneficiaries might be penalized if an estate were not distributed until such time as a minor came of age instead of being distributed immediately at the time of death.

The Hon. L. J. KING: If the estate is not distributed until after the application for extension of time is made, there is no reason why the court should be precluded from disturbing distributions made after that time. Why? Everybody knows at that time that the application has been made. The only injustice that would be created is that caused if a beneficiary got the benefit believing that there was going to be no application under this Act, because the six-month period had expired and no application was made. If he then got the money and spent it and a person came along after this time and applied for an extension of time, it is quite reasonable to say in those circumstances that one should not disturb distributions made prior to the application for an extension of time, because up to that point of time no-one would know whether an application would be made. But the same reasoning does not apply in relation to distributions made after the application has been made, because then everyone knows there is in the air an application under the Act, and whatever benefits are received by the people concerned they must take subject to the knowledge that the court, if it granted the application, would disturb those benefits.

Mr. Venning: How many distributions are they likely to make?

Mr. Nankivell: I don't see it that way. What about the position of beneficiaries under estates not immediately distributed, such as where there is a continuing trust or life interest?

The Hon. L. J. KING: The Bill presupposes that a wise and just person in the position of the deceased would have provided for the applicant. If that is so, why should that applicant not get what is the just and fair provision out of the estate, and why should that not result in an adjustment to the shares of other beneficiaries? That is the principle of the legislation. If it is said that that is unfair, it is saying that all testator's family maintenance legislation is wrong, because inevitably under the legislation, if the court makes provision for an applicant, it must disturb the benefits, and it must have the right to disturb those benefits, whether the estate is one that may otherwise have been wound up quickly or one in which distributions may be made subsequently.

Mr. Nankivell: That's the point I'm arguing: where there's an immediate distribution and settlement of the estate and the beneficiaries receive their distribution of the estate there is no possibility of its being disturbed. But where there's a continuing trust, there's an opportunity to disturb it.

The SPEAKER: Order! This is a second reading debate. I have been lenient with the

member for Mallee, who has already spoken in the debate.

The Hon. L. J. KING: If an estate is wound up and distributed, it is nevertheless subject to any claims made within the six-month period under this legislation and, if those claims are made and the court grants some provision, that will operate to disturb even actual distributions made, because they were made with the knowledge that the claim had been made. Similarly, if there is an application for an extension after the six-month period, distributions made after that period (and, therefore, made with knowledge that an application had been made) are also capable of being disturbed. The only exception provided in the legislation relates to the person who does not make his claim within time but applies later for an extension of time; but there has been some distribution prior to his making the application for an extension of time. Therefore, the Bill provides that those distributions should not be disturbed. That is to protect the position of a beneficiary who may otherwise never know that his rights to dispose of his interest are final and cannot be disturbed.

I think I have dealt with the points made by the member for Flinders relating to the various classes of person who can claim. I cannot see that the fact that a claimant was maintained during the lifetime of the deceased ought to be the determining factor as to the capacity to make a claim. It may be material when the court comes to decide whether any provision should be made or what it should be, but there may be many cases in which a person who is not maintained during the lifetime of the deceased may nevertheless, after the death of the deceased, have a just claim on the bounty of the deceased. I see no point in excluding the right of the court even to entertain an application by such a person, although, as I have said, it may be a relevant factor in determining whether any order should be made.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Persons entitled to claim under this Act."

Mr. CARNIE: I move:

In paragraph (*b*) after "person" second occurring to insert "and who, immediately before the death of the deceased person, was entitled to receive maintenance from him either in pursuance of the order of a court, or a written agreement".

My reason for moving this amendment relates to my contention that, before a person can have a strong claim on an estate, he must have been dependent, either wholly or partly, on the deceased before the deceased's death. The way I see clause 6 (*b*) is that a person who has been divorced from the deceased has a claim on the deceased person's estate. I take the clause to mean that, if a divorced person remarries, perhaps several times, that divorced person would have a claim on a previous husband or wife, and I do not think this should be the case. We are placing a premium on divorce and remarriage, and some people may take advantage of this. The Attorney has said that there is provision to prevent frivolous claims, in that the onus is thrown on the claimant. However, there still could be delays in settling estates, because people might think they had a claim that they obviously did not have.

The Hon. L. J. KING (Attorney-General): I ask the Committee to reject the amendment. True, under this Bill a divorced person who had remarried would have the right to make a claim, but I think it is fairly unlikely that a court would grant a provision in those circumstances, because it would be an unusual situation in which it could be said that a wise and just person in the position of the deceased would have made provision for the divorced spouse. However, it is not impossible to conceive circumstances in which there might be such a claim. The divorced wife might have remarried, but she might have cared for the deceased's children during her remarriage. The second husband might have died, and the divorced wife might be battling along bringing up the deceased's children. The deceased might have been wealthy and might have had no other claims on his bounty. Here, we assume that he dies intestate or has made a will leaving his estate to some other person who might be thought to have little or no claim on his bounty. The divorced wife might still be struggling along and caring for the deceased's children. I can conceive that in such a situation the court may say, "A fair-minded man in that situation, whoever was at fault, might well have considered that he should provide for the woman who still cared for his children." That example illustrates the danger of excluding people of this kind from even the right to make a claim. None of us here is so wise that he can foresee all the situations that may arise.

Once we exclude a person, there is no possibility of redress. The most we are saying is that, if the circumstances are such as to justify a claim, the person has the right to

make it. We would be acting foolishly if we tied the right to make a claim to the existence of maintenance payments or entitlements during the deceased's lifetime. Another example is of a divorced wife who did not remarry but who supported herself by working. For some reason or another she might have taken ill at about the time of the death of the deceased. She might have made no claim for maintenance, perhaps because she was in another State and did not know of the deceased's circumstances. The deceased might have come into money, of which she had no knowledge. Why should we say that, because she did not receive any maintenance under a court order or agreement, she should be excluded even from the right to make a claim? We are not giving her anything under this Bill: we are simply saying, "You have a right, if you think you have a case, to go to the court." We would be acting in a way that might produce injustices if we tied the right to make a claim to the payment of maintenance during the lifetime of the deceased.

Mr. MILLHOUSE: I oppose the amendment, much as I dislike opposing—

Mr. Mathwin: You lawyers stick together.

Mr. MILLHOUSE: Did the honourable member call me a liar? I was about to say that I could not support this amendment, much as I dislike not supporting the member for Flinders. I make two points. The first is that I am a little surprised at the way in which he has framed the amendment. He is almost putting the clock back to the present situation but using different words, because the present Act provides:

> "Wife" includes a woman who has been divorced, whether before or after the passing of this Act, by or from her husband, if she is at the time of his death receiving or entitled to receive maintenance from him.

The same idea is in this amendment, although it is for a spouse, not only a wife, and I should have thought the honourable member could more conveniently have adopted the same wording as in the existing Act.

I agree with the points made by the Attorney-General. Whether we like it or not and whether we admit it or not, we are not, as a Parliament, able to foresee all sorts of circumstances that arise in this or in any other matter, and it is impossible for Parliament ever to foresee all that could arise and to put it in an Act of Parliament and leave it at that. There must be a discretion in someone to decide, in certain cases, whether or not a claim should be maintained. All we can do is lay down the guidelines, and it is extremely important that we should not cut out any classes of person who could, in the general view of the community, conceivably have a proper claim.

Once we have laid down those guidelines our work is finished, and it is up to the court then to decide on individual cases. Whether the honourable member who has moved the amendment and others will accept it or not, the courts go to the utmost length to do justice in each individual case. I quoted this afternoon from Davern Wright's book. Let me quote a few more sentences from a judgment on this point in a case of a former wife of a testator, the testator having remarried and left all his estate to his second wife and her children, cutting out the first wife. In his judgment (and perhaps it will give some comfort to the honourable member) the judge said:

> I do not think that a judge should interfere with a testator's dispositions merely because he thinks that he might have been inclined, if he had been in the position of the testator, to make provision for some particular person. I think that the court has to find that it was unreasonable on the part of the testator to make no provision for the person in question or that it was unreasonable not to make a larger provision.

Each case is weighed very carefully, but to say, as the honourable member would do, to a whole class of persons, persons who were not either receiving or entitled to receive maintenance immediately before the death, that they cannot make a claim could work injustice in certain cases.

I can see that the wider the classes of person the less certainty there is in the testamentary process, but we have to balance that inconvenience against the injustice we could do by cutting people out. When we attempt to make that balance, I think the scales come down in favour of the wider classes of person. Therefore, I should not be happy to see this class cut out in the way the honourable member would like it cut out.

Mr. CARNIE: I am afraid the eloquence of neither the Attorney-General nor the member for Mitcham has fully convinced me on this. What has come out in the Attorney's reply is what I can only describe as the arrogance of the Judiciary. He said that, when a matter like this came before the court, the court would use as its yardstick whether the deceased if he had been a wise and just man would have done so and so, and it would make its decision accordingly. In other words, the court would be saying that the person was neither wise nor just. He might have had a

justifiable reason for doing what he did, yet he could be completely overridden. I still stick to my contention that only a person who is dependent in some way, even if only a small way, on the deceased should have a claim on that estate. That is the reason for this amendment. It is obvious that the Committee will not accept it but I have no regrets for having moved it. I still hold to my view on this matter.

Amendment negatived.

Mr. CARNIE: I move:

To strike out paragraph (*g*).

In the second reading debate I foreshadowed this amendment, my reason for moving it being that circumstances could arise where children of a deceased person (and they might be adults) could have a claim on two estates in a case where a divorced mother remarried and her second husband legally adopted her children, who under paragraph (*d*) would have a claim on their adopted father's estate and under paragraph (*g*) would have a claim on their natural father's estate. The Attorney will probably say that I am excluding perhaps cases where injustices will be done, but I cannot conceive of any case where a person should be entitled to a claim on two estates.

The Hon. L. J. KING: I ask the Committee to reject this amendment. It is not to the point to say that a step-child may have some claim upon the estate, say, of the step-child's natural father, although that may be so. However, if such a claim exists, that factor would be taken into account by the court in deciding whether any provision should be made in respect of the estate. One cannot postulate that all step-children would have natural fathers who would or could make provision for them.

Regarding the injustice that could arise, let me illustrate for the honourable member because I think this is an important class of person. Let us take the case of a step-daughter (that is, the child of a spouse by a previous marriage) and assume that the step-daughter's natural father had died and made no provision for her or had cleared out and not left her money or could not provide for her. The step-daughter's mother dies and the step-daughter looks after her step-father and perhaps devotes a considerable part of her life to looking after him. Then, instead of making provision for the step-daughter, he leaves his money to someone else. Surely in such a case the step-daughter should have the right to make a claim.

Mr. Millhouse: She might have been a step-daughter since one year old.

The Hon. L. J. KING: That is possible. She might have lived in the house all that time and devoted all her adult life to her step-father. We all know of cases of step-children who have shown filial devotion to their step-parents of a kind not shown by many natural children. All the clause provides is that a step-child should have the right to make a claim. Conversely, a step-child could have a wealthy step-father who makes adequate provision for her and she is left rich, whereas the deceased we are considering is a poor man whose provision is needed for his natural children. In such a case, no court would make provision, and there would be no problem.

This provision merely enables the court, in the case where a wise and fair man would have provided for her, to make provision in such a case and to make the provision apply in a way that would not exclude the step-child where the step-child has just as much right to make a claim as a natural child. To exclude such a step-child would be unwise and could produce a very serious injustice.

Amendment negatived; clause passed.

Remaining clauses (7 to 17) and title passed.

Bill read a third time and passed.

MOTOR VEHICLES ACT AMENDMENT BILL (LICENCES)

Adjourned debate on second reading.

(Continued from March 1. Page 3546).

Dr. EASTICK (Light): I support the Bill, at least at the second reading stage. The Bill provides several features new to the Motor Vehicles Act. However, there are some unfortunate omissions from the Bill that are parallel with the provisions we are discussing. In the early stages of his explanation the Minister said:

> These amendments are designed to ensure that a person who drives a motor vehicle of a certain kind possesses the necessary standard of skill to manage that vehicle without endangering the safety of the public.

It cannot be denied that that provision is inherent in the class of licence that is introduced by this Bill. Members will also be aware of the number of people who hold a licence, who have maintained a licence over many years, but who are not competent or safe on the road. The next of kin, particularly the driver's children, would be aware of the deterioration of that person's ability to maintain a licence and to therefore qualify as a

competent driver. True, provision exists in the Act whereby a person over a certain age is required to undergo an annual test to prove his or her competence.

Members will also be aware that on the application form for the renewal of an annual licence the applicant is required to indicate whether any of a series of physical conditions has become apparent since the previous application was made. Have members considered the number of occasions when those conditions have become apparent but have not been disclosed by the applicant? This state of affairs is common and it may even apply to some members of this place. I therefore suggest that it is unfortunate that, desirous though the statement by the Minister in explaining the Bill may be, it could well result in the continuation of a situation that will not allow this Utopia to exist. The Minister said:

In recognition of the special skills required to handle heavy vehicles, the Motor Vehicles Act Amendment Act (No. 2), 1960, provided for a separate class A licence for those who demonstrated by practical test their ability to drive vehicles weighing more than three tons. This system in which all other drivers are classified as class B has operated since July, 1961.

Of course, that is not a statement of fact. Since 1961, people have been required to undergo a test to become competent in this respect, but all persons who obtained a licence before 1961 and who have continued to hold a licence since then are still permitted to drive any vehicle.

The provision that a person under 18 years of age will be unable to drive the heavier vehicles in question could cause hardship to people on farming properties. I refer to the case of a person over 18 years of age (perhaps a farmer) who may be indisposed or, for some other reason, unable to drive the heavy vehicle needed, say, during harvesting activities. A 16-year-old on the property who may be competent to drive such a vehicle (he may be the son of the farmer in question, or he may be a share-farmer) is precluded from doing so.

I wonder whether the situation would be covered by one of the provisions permitting the Registrar to issue short-term licences, although I doubt that it would be so covered, because the Bill definitely states that the person concerned shall be over 18 years of age. I accept the fact that in normal circumstances the use of these vehicles should be confined to persons who have undergone a test and shown themselves to be competent and who are, in fact, more than 18 years of age. The crux of the Bill is concerned with the new licensing system whereby five classifications are introduced. A letter to the Editor in today's *News* states that when a similar measure was introduced in the United Kingdom it had to be amended to provide for more classifications. The letter states:

A similar category of driving licences as proposed by South Australia was introduced in the United Kingdom in 1937. This proved to be insufficient and after revision a new Act detailing 13 distinct categories was introduced in 1962. The effectiveness of our proposed system will be aborted unless qualified Ministry of Transport testers are appointed, because many of the local police used for this purpose are untrained by international standards.

I do not support the last part of the letter, because we are not dealing with international standards. However, there is an indication that licensing in five classifications of this kind has proved insufficient. The licensing system and the provisions in the Bill allow persons to transfer at the point of commencement or within a given period after commencement and they may subsequently seek endorsement for further groupings in which they become competent. The provisions of the amending Bill introduced in 1970 require that a person may not be tested for the purpose of obtaining a licence until he has paid a fee and, as I read the Bill in conjunction with that amendment, a person who seeks an endorsement will be required to pay a testing fee for each area of competency to which he wishes to move

Although the fee is only $1 a test, each test may not be successful and a person may have to pay many $1 fees. This is a matter for consideration. Clause 2, as the Minister has stated, provides for proclamation at two different times. Clauses 11, 13, 14, and 16 will come into operation on a day to be fixed by subsequent proclamation, and these provisions deal specifically with the new licence classification. There are also amendments consequential on the new licensing scheme. Clause 6 inserts two new provisions in section 20 of the Act, giving a cover to the public, but I doubt that the provisions give any redress. New section 20 (3) provides:

It shall not be competent for a person under the age of sixteen years to apply for, or be granted, registration in respect of a motor vehicle.

That provision prohibits people under 16 years of age from owning vehicles. New section 20 (4) provides:

If the Registrar purports to register a motor vehicle upon an application that is invalid by

reason of subsection (3) of this section, a policy of insurance under Part IV of this Act shall, notwithstanding the invalidity of the registration, come into operation in respect of the motor vehicle in all respects as if it had been validly registered.

I agree that, if a person drives a car and is involved in a collision, we must provide for others who suffer, even though the registration is invalid. New section 20 (4) protects the public, but there is no indication that redress is available to the insurance company; as a result, the cost structure of the company could be undermined. Can the Minister say whether he has sought a means whereby the insurance company could obtain redress from the person who invalidly registered his vehicle and was involved in a collision?

New section 72 (1) creates five new classes of driver's licence. New subsections (1) to (7) are clear, but new subsections (8) and (9) are difficult to understand. A person currently holding a class A licence who has not undertaken a test for the purpose of obtaining that licence will have the opportunity of applying for various endorsements to the licence. New subsection (9) provides:

Where an applicant for the grant or renewal of a licence seeks the endorsement of any further or other classification upon the licence and he satisfies the Registrar by such evidence as he may require—

(*a*) in the case of an application made within twelve months after the commencement of this section, that the applicant has, during the period of twelve months immediately preceding the date of his application, lawfully driven a motor vehicle in respect of which that further or other classification is required under this Act;

As I read this, every person who has a class A licence which was granted before the period of testing can lay claim to an endorsement for all the other classes. Certainly he has lawfully driven a motor vehicle in the 12 months preceding his application; it has not been an unlawful act for him to drive a vehicle simply because he has obtained a class A licence without the testing provision. I find this in conflict with the statement by the Minister that a person who has not been tested will automatically become eligible only for a class 2 licence. New section 72 (3) provides:

Subject to this Act, a licence endorsed with a classification "Class 2" shall authorize the holder of the licence to drive any motor vehicle except an articulated motor vehicle, a motor cycle or a motor omnibus.

The provisions of subsection (9), to which I have referred, apply where a person has lawfully driven a vehicle during the preceding 12 months, and in such a case I believe he has the opportunity to seek all of the endorsements without testing. However, I will seek clarification of this from the Minister in Committee.

I have referred to the provisions of clause 14, which deals with section 78 of the Act, wherein a person over the age of 18 years may have the opportunity to drive certain of the heavier vehicles. I know other members will discuss this matter, as it concerns the people they represent. Clause 15, which relates to section 82 of the principal Act, indicates that there will be a consultative committee to consider such issues as will be referred to it by the Minister. The establishment of this committee is a move in the right direction, but I do not necessarily support its composition, because I believe it will be comprised entirely of public servants. This is by no means a statement derogatory of public servants, but I believe that the committee requires a greater breadth. The fact that one member of the committee is to be the Registrar or his nominee, one is to be the Commissioner of Police or his nominee, and another a legal practitioner of at least five years standing (but it does not indicate that he shall be from outside the Government service), could mean that this body will be composed entirely of persons from within the Public Service. The committee needs a broader base and, unless the Government intends that the Registrar's nominee or the nominee of the Commissioner of Police shall be a person other than one who is under his direct control, we should consider an outsider for this group.

Among the various matters likely to be brought to the attention of this consultative committee are the following: it may refuse to issue or renew a licence or a learner's permit or it may cancel the licence or learner's permit of any person who has been convicted of driving a motor vehicle whilst under the influence of intoxicating liquor or driving a motor vehicle recklessly or who, in the opinion of the consultative committee, is otherwise unfit to hold a licence or a learner's permit. There is no specific reference to a consideration of the number of demerit points that a person may have accumulated. Is this done for a purpose? When a juvenile person has amassed a certain number of demerit points, is his case not to be reviewed by the consultative committee? Can the Minister say whether he has considered that point?

I congratulate the Government that there will be no cost to the individual for the endorsement of his licence. Section 85 of the principal Act is repealed, and the new section

provides for cost-free endorsement of the licence. However, I again draw attention to the fact that an application will have to bear the cost of doing the necessary tests to prove his competence as a driver. This will not necessarily be a "once only" test; he will be tested until he has proved his competence and, as specific types of vehicle will be involved, the test is likely to be more definitive than it has been hitherto. Clause 18 deals with the consultative committee. Subclause (6) provides:

A member of the consultative committee shall be entitled to receive such remuneration, allowances and expenses as the Minister may determine.

One would not argue about out-of-pocket expenses for a person otherwise employed by the Government. If the nominees of the Registrar, the Commissioner of Police and a legal practitioner are to be drawn absolutely from the Government service, I find it difficult to understand why they should receive remuneration over and above out-of-pocket expenses if they are sitting as a committee in the normal course of their daily occupation. The Minister may be able to indicate that it is to be an extra-curricular activity to be carried out outside the normal working week. The clause does not say that he shall come from outside the service, and that is another point I made while the Minister was talking with another member. Will the Minister give me this information when replying, rather than my having to discuss it in Committee? It will be unfortunate if we have to incur additional expenditure as a result of this clause. I notice that, in the provisions made for direction to the attention of the committee, the committee's personnel could well be meeting for a considerable time each week. Unless they are to be a rubber-stamp group, the complexity of the matters that could be directed to their attention would require that they meet on more than just a casual basis.

If ever there was a Bill that should receive the attention of the people responsible for the consolidation of Bills, this is one such Bill. The original Bill referred to is Bill No. 53 of 1959. The record I have before me indicates the following Bills: No. 16 and No. 55 of 1960; No. 33 of 1961; No. 49 of 1962; No. 23 of 1963; No. 24 of 1964; No. 75, No. 76 and No. 88 of 1966; No. 2 of 1967; No. 2 and No. 18 of 1968. I should imagine that the Minister of Education would think that this is the best part of my speech, because it is the only part of it he has been able to understand.

The Hon. G. T. Virgo: The Act, reprinted on March 1, 1968, incorporates all amendments to that date.

Dr. EASTICK: That is interesting. I will complete the list I have here, as follows: No. 10 and No. 32 of 1970; and No. 12, No. 15, No. 39 and No. 79 of 1971. So far as the records of the House are concerned, this is where we get our information.

The Hon. Hugh Hudson: You should go to the messengers to get a copy of the 1968 Act, plus the amendments since then.

Dr. EASTICK: That is good and, no doubt, it is a fact. However, the records in this Chamber require that, if a person is chasing out this Act, he must refer to all these Bills. Nevertheless, I am happy that the messengers will get a copy for me. I was unaware that the Act had been reprinted, but I went to the official records available to members. Unfortunately, the records in the House require that a person who wishes to study the Act must look at all the amendments I have cited. I am gratified to know that the Bill was reprinted in 1968. Since 1968, there have been many amendments to the Act, which is used daily. The ramifications of the Act encompass much work done by the Police Department and by many other bodies. I hope that on the completion of this exercise there will be a reconsolidation that will make it easier for any person, whether he be inside this House (and I would prefer not to have to ask the messengers for a new copy) or outside, to look it all up in one publication.

Mr. SLATER (Gilles): A principal amendment in this Bill introduces a new system of driver's licence classification. This is a necessary amendment to ensure that the driver of a specific vehicle has the skill necessary to drive that vehicle safely. Many members of the community, including myself, currently hold a class A driving licence issued prior to 1961. That licence enables the holder to drive any type of vehicle, including heavy vehicles and commercial vehicles. This is a ludicrous situation and I therefore support the Bill, which provides for adequate categorization of driving licences. The provision ensures the proper classification of drivers. In his second reading speech the Minister said that the proposed classifications were in line with the recommendations of the Australian Road Traffic Code Committee and were endorsed by the Australian Transport Advisory Council. I understand that this move has been made primarily in the interests of road safety.

The five proposed categories provide ample scope for all drivers to obtain a licence in accordance with their driving experience and their capabilities. Another significant alteration provides that a minimum age of 18 years shall apply for licences to drive heavy commercial vehicles. Clause 10 provides for the licensing of number plate manufacturers. This will ensure the suitability of premises involved in the manufacture of number plates. This is important because it provides for the keeping of adequate records. I understand that in some instances the substitution of some number plates has played a significant part in the number of vehicles stolen. A report in this evening's *News* refers to the number of vehicles stolen in South Australia, which was 2,678 in 1971. The total value of vehicles stolen amounted to $4,000,000 and, although the Criminal Investigation Branch recovered 97 per cent of the vehicles, many were damaged by vandalism or bad driving. I believe that the substitution of number plates has made it more difficult for the police to apprehend offenders.

Stolen cars often have not been quickly recovered. In many instances they have been driven a considerable distance, and this has resulted in much inconvenience and expense to the owners. I do not suggest that the licensing of number plate manufacturers will eliminate the theft of cars, but this measure will ensure that number plates will not be so readily available to thieves. Substituting plates will not be so easy, and we welcome any move that may deter a potential offender from stealing a motor vehicle. The Bill provides a penalty of $100 for driving a vehicle without a number plate and for selling a number plate unless one is a licensed manufacturer. I hope that the licensing of number plate manufacturers, necessitating a comprehensive record to be kept of number plates, will assist the authorities generally in preventing motor vehicle thefts. I support the Bill.

The Hon. D. N. BROOKMAN (Alexandra): I support the Bill generally and can see no harm in most of its clauses, although I oppose certain provisions. It is a pity that the Minister of Roads and Transport did not hear the speech of the member for Gilles, who has just defended the Bill and supported it fully.

The Hon. G. T. Virgo: I heard every word.

The Hon. D. N. BROOKMAN: The Minister did not appear to be listening and was out of the Chamber at one stage.

The Hon. G. T. Virgo: I heard every word.

The SPEAKER: Order! There is nothing in this Bill about the Minister's hearing.

The Hon. D. N. BROOKMAN: The member for Gilles, when he makes a speech, deserves to have the close attention of his colleagues on the front bench, and he ought to have something to say to the front bench about that. I suppose the general licensing provisions in the Bill are similar to those applying elsewhere in the Commonwealth and are probably all right. However, I wonder what I will have to do about my farm motor cycle, which has a top speed of 25 miles an hour and which I rarely use. I suppose I will have to submit to a motor-cycle riding test, or something of that nature. If I can pluck up courage to submit to such a test, I suppose I can get by. If the Minister thought I would be allowed to ride the motor cycle without a test, that would be all right.

The Hon. G. T. Virgo: There will be no need.

The Hon. D. N. BROOKMAN: Very good. In general, I think these provisions are reasonable; I do not think that people applying for licences generally to drive a motor car should necessarily be put in charge of heavy commercial vehicles, and I think that the splitting of licences is reasonably sound.

However, I am not so pleased about other features of the Bill. I cannot see why it should be necessary to preclude a person under 16 years of age from owning a registered motor vehicle. The person concerned may well come into ownership of the vehicle through a legacy or some other means, and the fact that he cannot qualify to drive that vehicle, to my mind, has no relationship to his owning the vehicle. I will question this matter in Committee and see whether or not this provision is insisted on, for I can see no merit in it. Further, I am not greatly excited about the licensing of number plate manufacturers.

I suppose it will require one or two people in the Public Service to license the people concerned and to see that they observe many more regulations, and the manufacturers will have to submit returns periodically. No doubt, if they fail to submit a return, someone will have to check up and write a letter warning that the relevant return has not been filed by the due date. This goes on, growing like mushrooms in a railway tunnel, and I think it is probably quite unnecessary. If it had some effect in reducing thefts of motor vehicles, that would be an argument for it, as the member for Gilles has suggested, but it would take a lot to convince me that this will prevent

anyone from stealing motor cars. It is probably easier to forge a number plate than to forge a cheque.

The Hon. G. T. Virgo: I am afraid I would not be an authority to comment on either of those.

The Hon. D. N. BROOKMAN: The Minister should be able to put forward arguments in favour of these things, which undoubtedly cause a slightly higher administration cost and cause greater inconvenience. He should be able to submit a sound argument about why we should have this provision.

The Hon. G. T. Virgo: I have never been guilty of forging either. That is the point I am making.

The Hon. D. N. BROOKMAN: The Minister is anxious to interject, but he knows he should not do that. If he went to his room and listened on the amplifier, he would get the benefit of what I am saying without delaying me by these interjections. My next point refers to tow-truck certificates, which subject has been discussed in the House previously. I think the law at present is that the responsibility is on the Registrar to withhold certificates from tow-truck operators if he thought it necessary, and he evidently considered that the onus was too heavy for one man to decide. He wants some form of inquiry, because he is dealing with people's livelihoods, and someone has had the idea of a consultative committee, comprising the Commissioner of Police, a representative of the Registrar, and a lawyer of, I think, five years standing.

This will be an unofficial court to decide whether a person is guilty, but we have not been told whether the person concerned will be allowed to have legal representation or even allowed to meet the consultative committee. I should have thought that, if the old system has failed and the Registrar has found the responsibility too great, it would have been better to provide for a court to deal with the matter, allowing the tow-truck operator to put forward arguments in his favour.

The Hon. G. T. Virgo: That's there now.

The Hon. D. N. BROOKMAN: Well, what will the consultative committee be doing?

The Hon. G. T. Virgo: You didn't read the Bill and the Act.

The Hon. D. N. BROOKMAN: We will find out much more about this in Committee, and it is likely that an amendment will be moved on this subject. I hope the Minister will appreciate that amendment. The next point that I want to mention is the age limit of 18 years for persons who seek licences to operate heavy commercial vehicles. I oppose this. I think that, if it is good enough for a person to drive a motor vehicle at 16 years of age, it is good enough for him to drive a heavy commercial vehicle at that age. I have always considered it unfair to the 16-year-olds and 17-year-olds that there is so much criticism and so many suggestions that they should not be licensed at all.

This Bill, of course, does not disqualify them, but it distinguishes between people of 16 years or 17 years of age and the rest of the driving community. Drivers of 16 years undoubtedly have the necessary skill to handle any of those vehicles. The only arguments against their driving the vehicles come from people who are very much older; they question whether 16-year-olds have the necessary emotional stability. I believe that the question of emotional stability is a factor in the case of sports cars rather than in the case of commercial vehicles. I know a young man who is now an owner-driver of a heavy commercial vehicle and who drives to and from other States. That man had to wait until he was 16 years of age before he could get a driver's licence, but by that time he could drive very well.

That man (he is now much older than 16 years of age) has been driving heavy commercial vehicles, but he would have been seriously impeded in his employment if he had been denied a licence to drive a heavy vehicle. I see no reason why we should make this provision with regard to age, and I therefore oppose the clause. If a person of 16 years or 17 years of age has the degree of competence and the other qualifications that are required of older people he should not be prevented, merely because of age, from handling a heavy vehicle. I support the Bill in general, but I will oppose one or two clauses during the Committee stage and I will question the Minister further on other clauses.

Mr. GOLDSWORTHY (Kavel): Too much legislation is being introduced into this House too quickly and being put through this place too quickly. In a matter of about a week many Bills have been introduced, some of great magnitude, and we are expected to study and debate them. The Government is prone to rush legislation through this House. The pressure has been increased during this part of the session. I believe that members do not have adequate time to study the Bills that have been introduced. I wish that all Bills that come before the House were as clear as this Bill is. Many Bills require that members have

more than ordinary legal training in order to understand them; members need specialized legal training for some of them. I do not know how members can be expected to give considered judgment on such matters.

I support this Bill. Clause 10 deals with licensing of people who manufacture number plates. One other tendency that I have noticed since I have been a member is that just about every area of activity in this State that can be licensed comes under the scrutiny of the Government and. if there is a possibility of licensing it, this Government will legislate for such licensing. I read the Minister's second reading explanation to try to determine the reasons for licensing manufacturers of number plates, but the comment on this clause is contained in the following short sentence:

Clause 10 provides for the licensing of number-plate manufacturers.

Normally, licensing is considered necessary where there appear to be malpractices or the need for close Government control, but the Minister has not tried to make out a case for the need to license manufacturers of plates with numbers on them. The member for Mitchell suggested in an earlier speech that this may have something to do with the cutting down of car thefts.

Mr. Payne: You will find it was the member for Gilles.

Mr. GOLDSWORTHY: I apologize for confusing the House. However, the point still stands: the only argument advanced by a backbencher on the Government side is that this move may have a connection with reducing the number of car thefts. I am not convinced, however, that that is a telling argument. The licensing scheme will mean that only a few people will be permitted to operate; they must be licensed; and the penalty is severe. If an unlicensed person attempts to sell a number plate he is liable to a fine of $100, which indicates a fairly serious breach.

Mr. Venning: Do you reckon you could make your own number plates?

Mr. GOLDSWORTHY: I have seen number plates painted on the front of vehicles and on the back of vehicles. My major objection to the Bill is that the Government is again embarking on one of those licensing processes dear to its heart, and the rationale of this is not clear to me. It appears that people who have a class A licence, such as farmers, may be required to take a test in truck driving and possibly a motor cycle test. Most primary producers are required to drive trucks in their work, but not many are involved in accidents. However, on thinking this over, I think there is some justification for it.

In his second reading explanation the Minister said that in the interests of road safety and standarization of road laws in Australia provision is made for classifications of drivers' licences similar to those recommended by the Australian Road Traffic Code Committee and endorsed by the Australian Transport Advisory Council. I am convinced by this explanation and I think the inconvenience would be a small price to pay for the uniformity this will achieve. With those remarks, I support the Bill, but I want the Minister to explain clause 10.

Mr. EVANS (Fisher): I have reservations about some of the provisions mentioned by the member for Alexandra and the member for Kavel concerning ages. I wonder why a person will not be allowed to make his own number plates. I know that the plates will have to be reflectorised in future but it is provided that they must be manufactured by certain people. Surely, if a person has the technique and ability to make his own number plates and he desires to do so, he should not be compelled by law to buy them from a certain manufacturer. That is unjust. It is another instance of forcing people to buy things that they may be capable of making for themselves. True, a person may not be capable of making his own number plates but, if he is capable and he does make them, he is not allowed to use them on his vehicles. He may own a fleet of vehicles, yet the Government asks Parliament to accept the fact that the plates must be manufactured by people approved by the Government.

I echo what the member for Kavel said about the mockery made of Parliament by our rushing Bills through without giving those people in the community who will be adversely affected the opportunity to make representations to their Parliamentary representatives, whether Government or Opposition. I have no doubt that pressure has been put on members of another place, even though they may not spend as many hours in the Chamber debating as we do, but they have to spend many more hours in researching Bills to make sure that unsatisfactory legislation is not passed. Then they are criticized for sending a Bill back here with amendments, the need for which we were not able to discover.

The Hon. Hugh Hudson: Get back to the Bill!

The SPEAKER: Order! Several honourable members are out of order at the moment. Interjections must cease. The honourable member for Fisher.

Mr. EVANS: By introducing Bills in this way (although I accept the fact that this one was easy to research) we are not attempting to get information from those groups in the community directly affected, and especially those organizations with members who need to be contacted for their opinion of the effect the Bill will have on the industry concerned, and then debate the Bill, the only criterion being that we must finish before Easter and pass a certain amount of legislation by then. To discuss Bills on that basis is wrong. We should have the time and opportunity to do the research necessary to ensure that the legislation passed here is satisfactory and that at least it will not unnecessarily affect adversely people in the community. I shall now return to the Bill.

The Hon. Hugh Hudson: Hear, hear!

Mr. EVANS: The Minister can say "Hear, hear!" but he knows that what I say is true. The Minister of Education would not like to be put in the position where he knew he was voting for something on which he had not had time to obtain information from people in the community who would be adversely affected. The point I wish to raise on this Bill is the clause relating to a person being unable to register a motor vehicle if he is under the age of 16 years. I believe a few people under the age of 16 years in our community could acquire a motor vehicle. They might be without parents or they could have won a vehicle in a competition. There are cases in which parents have been killed and large insurance sums have been left or money in estates has been made available for the child under trusteeship. The child could even employ a chauffeur. Why should we say he should not be allowed to create employment in the community by employing someone and using a motor vehicle? He may even have an elder brother, a mother, or a friend who might drive the vehicle. That clause is unnecessary. If we took the other approach and attacked people who illegally use motor vehicles under the age of 16 years and imposed a stiffer penalty, we might do some good for the community.

The provision that a person must be 18 years of age in order to drive a certain type of vehicle is also unjust. I drove heavy vehicles before I was 18 years of age and did not have an accident, although I had one accident after turning 18 years, but I will not say that it was any more my fault than that of the other driver. If a person can pass a test to drive a car at the age of 16 years and drive a heavy vehicle, either a truck or an articulated vehicle, why should he not be able to drive to earn a living? If a person drives a certain vehicle, he must be paid a wage in relation to the size of the vehicle, regardless of his age. The Minister is fully aware of that, without the snide interjection he made earlier. I do not accept the argument that 18 years of age should be the criterion for driving heavy vehicles.

The Hon. G. T. Virgo: I'm also aware of the award you are ignoring which has an age limit in it.

Mr. EVANS: The Minister is determined to force these Bills through as quickly as possible so that we can rise by Easter. However, I believe that we owe more than that to the community we represent. I support the Bill, subject to whatever action can be taken in Committee.

The Hon. G. T. VIRGO (Minister of Roads and Transport): Several matters have been raised in the debate but, with the exception of one, I think they can be adequately dealt with in Committee, which is the appropriate place for them to be dealt with. However, the member for Fisher and the member for Kavel seemed to dwell on one point for a considerable time: namely, the legislation before the House. It is almost unbelievable to have to sit and listen to the drivel about too much legislation in too short a time.

Mr. Gunn: You know very well that's true.

The Hon. G. T. VIRGO: If the member for Eyre wishes to join his colleagues in this matter, I suggest that he look at *Hansard,* because he will find there that the second reading explanation of this Bill was given a week ago. If members opposite cannot study it in a week they are not worth their position in the House.

Mr. Evans: What about the people in the community?

The Hon. G. T. VIRGO: Nothing new has been introduced in this Bill, and I am keeping my remarks strictly to this Bill, although the member for Fisher seemed—

The SPEAKER: Order! The Minister is out of order.

The Hon. G. T. VIRGO: There is nothing in the Bill about which adequate warning has not been given by press statements made by me over a considerable time.

Mr. Evans: You tell us not to believe press statements.

The Hon. G. T. VIRGO: The honourable member for Fisher wants to have his cake and eat it, but it will not work. All he has done this evening is to bring on a filibuster in an endeavour to defer the business of the House.

Members interjecting:

The Hon. G. T. VIRGO: We are here to deal with the business of the House, which is what we are sent here to do. We are paid well to do it and I think we should get on and do it.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Application for registration."

Mr. HALL (Leader of the Opposition): Why is the age of 16 years stipulated in the clause?

The Hon. D. N. BROOKMAN: I mentioned in an earlier debate that I opposed this clause, and I still do. The Minister did not mention it in his summing up in the last debate, but I believe it to be entirely unfair and unreasonable that the ownership of a registered vehicle must be confined to people aged 16 years and over. Several points have been made about the way a person below that age may come into ownership of a vehicle and, unless an argument is adduced to support the clause I intend to oppose it.

The Hon. G. T. VIRGO (Minister of Roads and Transport): There is a very sound reason for this clause being inserted. When I give the explanation the honourable member will find that it adequately answers the point he has raised and it also answers the point raised by the Leader of the Opposition. In the second reading explanation I said that, by specifying a minimum age, we were establishing an age where a person was of reason. By merely being the registered owner of a vehicle a person must automatically assume certain responsibilities related to being the registered owner. He must undertake compliance with the law and the provision of insurance, and so on. It is the Crown Solicitor's view that it is undesirable and possibly dangerous that a person of tender years should be the registered owner, because where non-compliance is detected it may be impossible to institute the necessary legal proceedings either demanding compliance or seeking to impose penalties for non-compliance.

The Hon. D. N. Brookman: Do you know of a case involving any difficulty?

The Hon. G. T. VIRGO: Yes, but I do not think I should disclose details to the Committee, although I will give them to the honourable member privately if he wishes.

Dr. EASTICK: Regarding new subsection (4), I should like to know whether, in order to safeguard those complying with the law, the Government has considered requiring an insurance company to obtain redress from the person who makes an invalid application in the first instance. Although this provision will safeguard members of the public in cases where a vehicle may be on the road unlawfully, it must result in an increased rate of insurance, albeit a small increase in the first instance.

The Hon. G. T. VIRGO: There will be no increase in costs, as this is merely a safeguarding provision relating to the issuing of insurance and registration under the new scheme.

The Hon. D. N. BROOKMAN: If we do not provide for persons under 16 years of age to own a registered vehicle, we will probably bring about more injustices than occur now. As far as I know, a person under 16 years of age may own property of all kinds, such as a farm that has several vehicles on it.

Mr. Hall: It could be left to him under a deceased estate.

The Hon. D. N. BROOKMAN: All sorts of situation can occur and, except for the switching of engine numbers or some other racket (which is not likely to be indulged in at that age), I cannot see a problem.

Dr. EASTICK: I should like to believe that there will be no increase in insurance premiums, but I give a warning about the possibility of increased premiums to cover this contingency.

Mr. RODDA: Has the Minister considered increasing the general driving age above 16 years?

The CHAIRMAN: Order! That information is not contained in this clause and the honourable member is out of order.

Mr. HALL: I am not satisfied with the Minister's reply about ownership of vehicles by persons under 16 years of age. On his untimely death, a father may leave a property to a child aged 15 years or 16 years who is still attending school. That young person would be unable to register, in his name, any vehicles on the property. He would probably have to endanger ownership by registering them in someone else's name. What justification has the Minister given, except the one instance that he has said he will tell the member for Alexandra about privately? We are not dealing with a few people: our population is almost 1,500,000. I know that the Minister does not like business

people, but we are not dealing with Broken Hill Proprietary Company Limited.

The CHAIRMAN: Order! Discussion of B.H.P. Company Limited will be ruled out of order.

Mr. HALL: I refer to the difficulties of the thousands of people who just make their way in this world and use a vehicle for commercial purposes. The Minister is saying that, if a person inherits a vehicle when he is under 16 years of age, he may not register that vehicle. What does the Minister want such a person to do in those circumstances?

The Hon. G. T. VIRGO: Probably the Leader's Deputy would be more competent to explain the intricacies of inheritance than I would be. The fact that the Leader fails to acknowledge is that, as a registered owner, a person is required by legislation that this place has previously passed to accept responsibility in numbers of areas. It is held by the Crown Solicitor (not by me) that that responsibility cannot be discharged by a person of tender years. I am willing to accept the Crown Solicitor's advice.

Mr. HALL: My learned colleague has informed me that a person under 16 years of age can own property and can be expected to fulfil the duties consequent upon that ownership. When I refer to my learned colleague, I am speaking of the former Attorney-General, who has had long legal experience and guided the legal department of this State successfully for two years.

The CHAIRMAN: Order! Clause 6 is being discussed.

Mr. HALL: My learned colleague's advice is relevant to this discussion. The Minister has not given relevant reasons why the age of 16 years must be provided for. If we are to earn the respect of the people outside these walls we must not confuse them or put unnecessary hurdles in their path. Why can the Minister not be reasonable? Why will the Minister not look at this matter?

The Hon. G. T. Virgo: I have looked at it.

Mr. HALL: Evidently the Minister cannot see. I cannot say how many minors will want to own motor vehicles either deliberately or as a result of inheritance, but every member must admit that there would be some. There would be some dozens of such minors each year; there might be hundreds of them. I would like the Minister to obtain further information on this matter, because we could be doing a real injustice to many people. I would like the Minister to report progress so that he can bring back expert advice on ownership and assure us that no harm will be done to any minors who may be obliged to carry on a business. I therefore move:

That progress be reported and the Committee have leave to sit again.

The Committee divided on the motion:

Ayes (20)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall (teller), Mathwin, McAnaney, Millhouse, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (24)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, McKee, McRae, Payne, Simmons, Slater, Virgo (teller), Wells, and Wright.

Majority of 4 for the Noes.

Motion thus negatived.

The Committee divided on the clause:

Ayes (24)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, McKee, McRae, Payne, Simmons, Slater, Virgo (teller), Wells, and Wright.

Noes (20)—Messrs. Allen, Becker, Brookman (teller), Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, Nankivell, Rodda, and Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Majority of 4 for the Ayes.

Clause thus passed.

Clauses 7 to 9 passed.

Clause 10—"Duty to carry number plates, etc."

Mr. HALL: I am concerned at the implications in this clause because the Minister is drawing unto himself extreme power regarding the manufacture of number plates, as no-one shall manufacture them without his permission. No doubt that suits the Minister, with the approach he uses in drawing as much power as possible under his own administration. I believe that the member for Whyalla has a manufacturer of number plates in his area. There is also one in Mount Gambier about whom I know and who has appealed to me. This person did not receive much satisfaction when he inquired about the position previously. What will happen to these smaller but nevertheless decentralized industries that are involved in manufacturing number plates?

I understood the Minister to say that only plates supplied by the Registrar of Motor Vehicles would be approved in future. I am sure that the Minister would not want to put out of business the decentralized industries in Mount Gambier and Whyalla. What we are looking for is regional growth throughout Australia, and two fine examples in South Australia are the South-East and the northern regions centred around Whyalla. In these areas are numerous supporting service industries developing around major central industries. We want to see them grow and that is why I am concerned that the smaller but necessary number plate industries in South Australia be allowed to retain their identity and grow.

The Hon. G. T. VIRGO: I assure the Leader that I am not seeking to draw any power unto myself. However, it is the necessary function of the Minister, whoever he may be, to exercise certain jurisdiction, as I do under other Acts. Certain powers are conferred on me and the granting of manufacturing rights will be handled by the Minister. I believe it is preferable to do it this way, rather than through a public servant, even though he may be the Registrar, because the person responsible is a member of this Parliament and is answerable to this Parliament and to the Parliamentary Opposition, which may ask questions from time to time. The intention of the Government is abundantly clear; it does not intend to go to the extent that other States have gone with the physical issuing and control of registration plates. However, I believe that the current willy-nilly issuing of number plates leaves much to be desired.

Mr. Millhouse: What does it leave to be desired?

The Hon. G. T. VIRGO: I think the member for Mitcham can give his contribution afterwards. I am attempting to answer his Leader and I thought the honourable member would have paid the courtesy to the Leader, if not to me, of listening, instead of being stupid as he usually is.

Mr. Millhouse: Why can't you tell us what is the matter with the present system?

The CHAIRMAN: Order! The honourable Minister of Roads and Transport.

The Hon. G. T. VIRGO: I am attempting, despite the interjections from the member for Mitcham, to provide some information that the Leader, I believe, genuinely sought.

Dr. Tonkin: You are waffling.

Members interjecting:

The Hon. G. T. VIRGO: I know that the Leader's members are a great burden to him, or at least some of them are, but perhaps they will pay him the courtesy of listening just for once. We do not desire to take over the whole physical control and issuance of number plates. However, we do want to stop the current situation before untoward circumstances occur. We are not prepared to wait until the horse has bolted before we decide to do something about it—

Mr. Millhouse: What untoward circumstances?

The Hon. G. T. VIRGO: —which was the policy in South Australia for far too long. The policy procedure that will be followed is that certain criteria will be laid down regarding quality, size and other factors associated with number plates. Tenders will probably be called, but certainly negotiations will be entered into with those persons currently engaged in the manufacture of number plates. I am sure that under this system there will be complete support from the manufacturers, who depend on this work for their livelihood.

The issuance, however, of the number plates by these people will be subject to certain controls about the allocation of plate numbers. This information will be tied to the records of the Registrar of Motor Vehicles so that there will be a complete security tie-up which, as all honourable members would know, allows this information to become immediately available via computer to the Police Department. That is an important aspect of the matter. I know there may be some criticisms in regard to this approach, but we have conferred with certain people, who agree that it is a most desirable step to take to ensure the security of vehicles in the future. This is not an infringement of anyone's rights, and will not affect anyone's business: it will merely ensure the proper issue of a number plate, which is important, especially regarding the detection of stolen vehicles.

Mr. HALL: I had imagined that the businesses of the people to whom I had spoken (small businesses in regional areas of the State, manufacturing number plates) might be under the threat of extinction, but the Minister just said that it would affect no-one's business. Can I therefore be assured that the businesses to which I refer will be allowed to continue?

The Hon. G. T. VIRGO: I assume the Leader is referring to an organization in Mount Gambier and to one in Whyalla. As far as I know, these are the only two organizations

operating in the country. I have had representations from both the member for Whyalla and the member for Mount Gambier, and some months ago I assured them (and this was conveyed to the firms concerned) of the continuity of their business activities. I cannot understand why the Leader is trying to stir up something, about which the business people themselves are more than happy.

Mr. HALL: I was approached by these people nearly 12 months ago and had correspondence with the Minister, but his replies were by no means encouraging; in fact, I think the first replies were discouraging. Perhaps the Minister played favourites and would not give me the reply that he gave the member for Mount Gambier. No satisfactory reply was ever given to me by the Minister stating that these people's livelihood would be safeguarded. I asked this question, because the last communication from the Minister was unsatisfactory, and he never took the trouble to tell me about his change of heart. Can the Minister assure me that all other number plate manufacturers at present operating will have an equal chance?

Mr. GOLDSWORTHY: All that the Minister has said is that it is necessary to introduce the licensing system because something may go wrong. Instead of the Motor Vehicles Department issuing number plates, we will license people to do it, because something may go wrong. However, this argument does not convince me. The Minister has said that he does not like a system whereby everyone has an open go, but we on this side believe that people should have an open go, unless there are good reasons otherwise.

The Hon. G. T. Virgo: Don't you believe in compulsion?

Mr. GOLDSWORTHY: No. The Attorney-General has told us that we must have freedom and we have heard people say that scientologists must have an open go.

The CHAIRMAN: Order! Any reference to subject matter not contained in clause 10 is out of order and will not be allowed.

Mr. GOLDSWORTHY: I do not support this provision. In some cases, a number plate is not attached to the vehicle but the registered number is painted on the vehicle. The Bill provides a penalty of $100 for a person who either paints the number on his vehicle or gets someone else to paint it on. I do not support this provision, which is another example of compulsion.

Mr. COUMBE: In asking the Committee to agree to clause 10, the Minister said that the present position was unsatisfactory. Can he explain what is the present position?

The Hon. G. T. VIRGO: The whole answer to the groundless criticism made by the member for Kavel is contained in section 46 (1) (c) of the principal Act. In reply to the member for Torrens, I point out that the present position is completely unsatisfactory not only in my opinion but also in the opinion of others whose views may be more readily accepted by members opposite. It is known (although it is extremely difficult to prove) that vehicles from time to time carry incorrect number plates, because they are readily obtainable. Also, it is a simple matter for anyone merely to take the number of another person's car and at 9 a.m. tomorrow to walk up the street and at 9.10 a.m. to come back with a pair of number plates that legally belong to another person; the dishonest person can then use those number plates for his own benefit. We know that that practice goes on, and this provision will stop it.

Clause passed.

Clause 11—"Classification of licences."

Dr. EASTICK: This clause provides that a driver may transfer from one class of licence to another class. New section 72 (9) provides that a licensed driver may nominate the classification of licence that he wants, and he does not necessarily have to undergo a test. If we can get some general information about the application of the transfer mechanism, other questions may follow.

The Hon. G. T. VIRGO: The position is fairly straightforward. I will deal, first, with the person such as I who holds a class A licence and has done so for many years, or anyone who held such a licence prior to 1961. We will become automatically class 1 licensees, able to drive a motor vehicle, the weight of which does not exceed 35cwt. However, if (again using myself as an example) I can demonstrate to the Registrar that I not only drive a motor car but that on my farm I have a motor cycle which will not travel at more than 25 miles an hour and which I ride, my licence would be endorsed for class 1 and class 4.

Dr. Eastick: So long as you make your application within 12 months.

The Hon. G. T. VIRGO: Yes. A person who, since 1961, has been issued with a class A or a class B licence will be automatically transferred to class 2, which will permit him to drive anything other than an articulated vehicle, an omnibus or a motor

cycle, but again only if he is able to demonstrate to the Registrar that he is competent to drive any type of vehicle such as those within class 2 will he have his licence endorsed accordingly.

Mr. Nankivell: How does he demonstrate this? He does not have to pass a test, but he must prove it.

The Hon. G. T. VIRGO: I have not gone into the details with the Registrar as to how he will give effect to the mechanics of the provision, but from discussions it is obvious that he will require proof of the applicant's ability, not physically, but by the applicant's saying, "I have been working for Quarry Industries Limited for the past five years and driving an eight-ton gravel truck in and out of the quarry."

Mr. Nankivell: "Establish to his satisfaction"?

The Hon. G. T. VIRGO: I think those are the words used by the Parliamentary Counsel. That is how the changeover will take place. However, where a person cannot establish to the satisfaction of the Registrar his ability to drive some other vehicle he will be tested.

Dr. EASTICK: A person who obtained his licence before 1961 would automatically receive an application form for renewal under class 1. After applying for that renewal, he would be able to apply within 12 months for other endorsements. Perhaps the Registrar could include the appropriate questions for these further endorsements on the renewal notice. We then come back to subsection (8), which deals with the Registrar being satisfied that an applicant for the renewal of a licence has held it within the three years immediately preceding the date of application.

Clause passed.

Clause 12—"Tow-truck certificates."

The Hon. D. N. BROOKMAN: I take it that the right of appeal in the principal Act applies to a case of a refusal of a licence after the consultative committee has looked at the application. In other words, when the consultative committee has decided to advise the Registrar that the applicant is not suitable, has he still the right of appeal under section 83 of the principal Act to a special magistrate?

The Hon. G. T. VIRGO: All that the consultative committee is doing is replacing the Registrar. The authority currently vested in the Registrar, and in some cases the Minister, is being transferred to the consultative committee.

Clause passed.

Clause 13 passed.

Clause 14—"Age of drivers to whom learners' permits may be issued."

The Hon. D. N. BROOKMAN: This clause sets up a special category of driver between the ages of 16 and 18 years who seeks to obtain a licence to drive heavy commercial vehicles. In my opinion, at the age of 16 years people have the skill that they have at the age of 18 and are entitled to obtain a licence to drive heavy vehicles. I see no reason why they should be penalized in this way because of an age limit. I oppose the clause.

Mr. FERGUSON: I support the member for Alexandra in opposing this clause, because it will bring hardship upon certain sections of the community, particularly the rural section. It is well known that lads and girls brought up on rural properties learn to drive in a commercial vehicle, which is used extensively. Of course, a child under 16 years can drive such a vehicle on private property. Therefore, in the course of working for their father young people help him and learn to drive a commercial vehicle. In these circumstances, I consider that a lad of 16 years would be competent to drive such a vehicle. This restriction could be a hardship, particularly to people who operate rural properties. It could be that a father was looking forward to his son leaving school, perhaps at the age of 16 years, and relying on him to drive a commercial vehicle to take the produce to a depot or to market. If a person of 16 years were not permitted to drive a commercial vehicle, it could cause the property holder to engage other labour at great cost to do a job a lad of 16 years was competent to do.

Dr. EASTICK: I endorse my colleague's remarks, and I draw the Minister's attention to the situation I canvassed in the second reading debate of an emergency on a property caused by ill-health and unavailability of other labour. Does the Minister expect that, under the special permit section, opportunity will be given to the Registrar to exercise his discretion for a limited period?

The Hon. G. T. Virgo: The permit is for registration.

Dr. EASTICK: I know that. A situation could arise whereby it became important that machinery or a truck be moved or produce be carted on a short-term basis to overcome an emergency. Will the Minister accept a variance of the clause so that such a contingency may be considered?

The Hon. G. T. VIRGO: I know of no section of the Act that permits the Registrar

to issue a licence to a person under the age of 16 years. Regarding the emergency mentioned by the member for Light, I assume that he was referring to someone under 18 years and that the only vehicle available was a semi-trailer in which to get someone to hospital in a hurry. In such circumstances, one could do almost anything and get away with it. I believe that you would find the police would be more than tolerant in that regard.

Dr. EASTICK: My suggestion was a little wider than the remarks of the Minister. There could be an emergency lasting two or three days when produce is to be shifted and perhaps a driver over 18 years of age is ill and there is no opportunity to get another employee of adequate age.

The Committee divided on the clause:

Ayes (25)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Simmons, Slater, Virgo (teller), Wells, and Wright.

Noes (20)—Messrs. Allen, Becker, Brookman (teller), Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Majority of 5 for the Ayes.

Clause thus passed.

Clauses 15 to 17 passed.

Clause 18—"Consultative committee."

Dr. EASTICK: Regarding new section 139b (2) (*c*), relating to "a legal practitioner of at least five years standing", I ask the Minister whether this person will be taken from Government employment and whether he will receive extra remuneration, or whether the extra remuneration may apply only to those members of the consultative committee appointed from outside the Public Service.

The Hon. G. T. VIRGO: There are numerous Government committees, some consisting wholly of Public Service members and some partly of public servants and partly of people outside the Public Service. The members of some of these committees receive payment, while members of other committees do not. No decision has been made at this stage regarding the personnel on the committee and, until the committee becomes operative, we do not know how much work will be involved. I do not expect that much work will be involved, as the committee will meet to deal only with special cases. Various factors must be considered before a positive reply can be given to the honourable member's question.

Clause passed.

Remaining clauses (19 and 20) and title passed.

Bill read a third time and passed.

MOTOR VEHICLES (HOURS OF DRIVING) BILL

Adjourned debate on second reading.

(Continued from March 1. Page 3548.)

Mr. EVANS (Fisher): As I have doubts about this Bill, I will have to oppose it, and I will give reasons for doing so. The Bill seeks to control the hours of driving of drivers of a commercial motor vehicle described as a vehicle of over two tons unladen weight. I think all members and the general public agree with sensible practical legislation to try to stop what one may call the rat-bag group in the commercial motor vehicle industry. This group is a minority.

I have approached the Minister to have this Bill and a subsequent Bill held over for debate until next Tuesday, because I went to the bother of making sure that people who, in my opinion, would be affected by this Bill were told about it. I gave the Bus Proprietors Association a copy of the Bill and the Minister's second reading explanation as soon as this material was available, and it was impossible to get the material to the organization before last Monday.

The Hon. G. T. Virgo: Did I tell you I had been in touch with them previously?

Mr. EVANS: The association said that it had no complaint about the proposed legislation. The South Australian Road Transport Association has some concern and wants time to contact its members so that they may discuss it as a group.

The Hon. G. T. Virgo: Didn't the association discuss it with the members after I had discussed it with the association?

Mr. EVANS: The association discussed it with the Minister but the Bill is not as they believed, after discussions with the Minister, that it would be.

The Hon. G. T. Virgo: That's utter rubbish.

Mr. EVANS: I contacted the South Australian Automotive Chamber of Commerce. It was Monday before the chamber could be given the details, and it, also, is concerned. I also contacted the South Australian Earthmoving Contractors Association, giving it a copy of the Bill and the Minister's explanation, and that organization has not had time

up to now to contact all its members. The tip-truck operators are in the same position.

The Hon. G. T. Virgo: Are they the only ones you contacted?

Mr. EVANS: They are the main ones that I contacted.

The Hon. G. T. Virgo: Didn't you contact the union, too? It has many members involved in this.

Mr. EVANS: I may have been wrong but I took it for granted that the Minister would have contacted all the unions that would be concerned with this and that they would have given him his directions. I took it that what was in the Bill was what the unions wanted. I apologize if this is not the case.

The Hon. G. T. Virgo: Did you contact the Royal Automobile Association also?

Mr. EVANS: No, I did not think the Bill adversely affected the R.A.A. but I did contact representatives of the two main dealers in commercial motor vehicle. I have also contacted others. I have some private knowledge of the provisions in the Bill, because fortunately or unfortunately, depending on how one looks at this issue, I was brought up to some extent in the heavy vehicle industry. It would be wrong for us to form an opinion tonight without getting opinions from all these organizations. The Minister has said that we have had time to study the Bill—between last Wednesday and today. I have had time to read the Bill and I can form an opinion, but is my opinion the correct opinion, or should I get some information from the people in the industry? If I am to carry out my responsibility to the electors I should be given time to approach the members of the industry affected.

In introducing the type of legislation that he introduces, the Minister displays an aggressive attitude toward road transport operators. Every member knows that the Minister has no time at all for these people. Unfortunately, through bad publicity, many in the community consider all drivers of heavy vehicles to be menaces to the rest of the community. In fact, the safety record of such drivers is equal to that of any other group of drivers. The operators of road transports are professional drivers who understand their vehicles better than the average driver understands his vehicle, yet the Minister seems to say, "Let us get at them." That attitude is evidenced by increased registration fees and increases in other taxes. Probably it is the policy of the Minister and the Government that they are hell-bent on trying to dispose of road transport. At least we are sure of one thing: they will do everything possible to discourage the operators. Clause 3 (1) defines a motor vehicle as follows:

> "Motor vehicle" means a motor vehicle (including an articulated motor vehicle), as defined in the Motor Vehicles Act, of an unladen weight exceeding two tons which is used or intended to be used for the carriage of passengers or goods for hire or reward or in the course of any business or trade.

I believe that the limit in that definition should be increased to three tons. Clause 3 (3) provides:

> In calculating the weight of a motor vehicle for the purposes of this Act, the unladen weight of any trailer or other vehicle attached to the motor vehicle shall be taken into account.

A plumber may use a utility and a trailing air compressor; they would be covered by that provision. A person travelling in the country on business may have a large car with a large caravan; he, too, will be brought under the control of this Bill. The farmer who owns, perhaps, a truck with an unladen weight of 30cwt. or 35cwt. and uses a small trailer to take pigs or cattle to market will also be brought under control, even though, under other provisions of the Bill, the farmer who takes a vehicle into a paddock and is not actually driving it all the time is exempt from its provisions for the time he is in the paddock and not driving the vehicle. However, in all cases where he has a small truck and uses a trailer he will be brought under the provisions of the Bill. Some farmers living in the far-flung parts of this large State of South Australia will have difficulty in reaching the city in one day with the prevailing speed limits, but I will leave that argument to the member for Flinders, who will be able to enlighten Government members on this aspect. Clause 4 causes me some concern. It relates to the hours of driving and provides:

> A person shall not drive a motor vehicle at any time if—
>
> (*a*) he has driven a motor vehicle for a continuous period of more than five hours immediately prior to that time;

The maximum time for which a person may drive a vehicle continuously is five hours, and even if he is operating on a tip truck or a delivery truck in the city and must wait while someone loads his vehicle, sitting in the cabin, for any part of that period, that time is included in the hours of driving. Members who have some affiliation with the trade union movement know that in many cases the driver of a vehicle is not permitted to help to load the vehicle but must sit there and waste his time—and that is what he is doing.

However, the time he is sitting there is calculated in the hours of driving.

Paragraph (*b*) states that a driver must not drive a motor vehicle at any time if he has driven for periods amounting in the aggregate to more than 12 hours within the period of 24 hours immediately preceding that time. In my opinion 12 hours is too short a period for people who are sufficiently industrious to wish to drive for a longer period. I do not say that we should go to the extreme where we have people driving virtually for 24 hours on a continuous basis, taking pep pills to keep going. That is the rat-bag element I mentioned earlier. I am speaking now of the person who can drive for 15 hours in one day, which I suggest is a reasonable time, giving nine hours of rest during that day. Many people today, including members of the trade union movement, have two jobs and work for such a period of time, doing it successfully.

I take off my hat to them as people prepared to contribute something to help our country prosper and to gain for themselves some benefit a little above what the average man might be satisfied to accept. There is no doubt that many operators have this capacity, as members on both sides of the House well know. The member for Flinders will be able to say how impossible it is for some people driving heavy transport in this State to reach Adelaide in 24 hours if they are allowed to drive for only 12 hours in a day.

Mr. Gunn: That's dead right.

Mr. EVANS: So I am convinced that the period of time for driving in any one day should be 15 hours, but I accept paragraph (*a*) as a sensible provision—that a person shall not drive continuously for more than five hours. I believe that paragraph (*c*) is sensible too—that a person shall not drive if he has not had at least five consecutive hours of rest from driving in the period of 24 hours immediately preceding that time. That is a sane provision. I do not know what the industry thinks about it because I have not had time to get its submissions. Perhaps I should contact the trade union movement on that, but I would need more time to do that. However, that is a satisfactory provision. I also accept paragraph (*d*)—that a person should have at least 24 hours of continuous rest every week. That, too, is a sensible provision. I do not object to it, because I have lived in the hills and have seen one or two accidents.

I have had the experience of towing heavy vehicles back on to the road in cases where some of these rat-bag elements have tried to reach the city without rest and have gone over the verge or the wheels have become bogged and they have needed help to move the vehicle out of the way of other traffic. In some cases the police have taken appropriate action. Since 1968 fewer drivers have been apprehended for taking pep pills as they were during the years 1960 to 1968, the reason being that the owners of the vehicles, the employers, have been able to exert a more rigid control over their drivers and have taken a greater interest in road safety, mainly through the publicity given by the organizations that work so hard to that end.

Some people would not understand that to drive a heavy motor vehicle takes little more effort than is needed to drive the average family motor car. In fact, with air-conditioning, power-steering and the range of gears on heavy vehicles, in many cases on long hauls the driver of a heavy vehicle is more alert than the average family car driver would be. It is only those people who have experienced driving under those conditions who can appreciate that point. Unfortunately, if an accident occurs involving a heavy vehicle it receives wide publicity, but often such an accident results in no personal damage to the driver or to other people.

There have been one or two catastrophes, but they have been no greater than catastrophes with service bus operators, of which there was one bad one in the South-East and another recent one. Indeed, the record of the truck operator is at least equal to, if not better than, that of the bus operator. Yet bus operators under certain conditions will be exempt from this legislation if it becomes law. I will try to amend only one part of clause 4, namely, the section relating to the period of time that a driver may drive in any one period of 24 hours, by increasing that period from 12 hours to 15 hours. Clause 5 (5) provides:

> A person shall not deface or destroy any page of an authorized log-book or remove any page of an authorized log-book that is marked as an original page.

There is a defence if it can be proved that it happened inadvertently or if the driver did not know who had taken it out, but the penalty for the offence is severe and I hope that it will be used only in extreme cases and very wisely. Some truck operators might tend to throw the log-book into the glove box of the vehicle and deface it by so doing, but I take it that this would not be considered a defence.

The tendency today is to impose suspended sentences. There is an attitude within the community and on the part of the Government and the Attorney-General that suspended sentences should be the order of the day and that we should be lenient on those who break the law, but what are the penalties in this Act? A maximum fine of $500 and a six months gaol sentence is the maximum for practically any offence contained in the Act. For the second offence the minimum penalty is $40 in some cases. -With a Government that is suggesting extending leniency towards lawbreakers, giving them another chance, and saying that it does not matter whether they escape, this kind of penalty shows that the Government has no time at all for road transport operators and that the more it can slug them the better (and the Minister is nodding his head in approval).

The Hon. G. T. Virgo: Not in approval. Now don't be so childish.

Mr. Gunn: You're the one who's being childish.

The Hon. G. T. Virgo: The member for Fisher is playing to the gallery and will take his *Hansard* pull out to some of his mates. Don't be so stupid!

The SPEAKER: Order!

Mr. EVANS: Clause 8 is another example of the type of childish approach the Minister makes to people in the community. Subclause (2) provides:

> An inspector may enter and search any motor vehicle if he has reasonable grounds for suspecting that more than one authorized log-book with unused or uncancelled pages is carried in the motor vehicle.

The method by which an operator can obtain a log-book is by producing his driver's licence at a prescribed place where log-books are for sale and signing for the log-book. If he wishes to replace the log-book he must return it to a prescribed place, whether a police station or some other office, and sign for the subsequent book. How can the Minister have reasonable grounds for suspecting that a driver has a second log-book, and how would the driver obtain it? Even if that is the case, these inspectors are given the power to search a vehicle even without a warrant. For many interstate operators their vehicle is their home in which they sleep and spend a large part of their lives. Yet the Minister says that, just because the inspector has some suspicion that the operator may have a second log-book, he will allow the inspector or police officers to search that vehicle.

That happens in Victoria, and the experience of operators there is that all their bedding and equipment is taken out of the vehicle and stacked on the side of the road. If something is found the operator is apprehended, which is fair enough, but if nothing is found and there is no evidence of a second log-book, the operator is thanked and told to put all his gear back in the vehicle himself. This is another step towards a police State in which the police will be directed by a Minister on all aspects. This is what the Minister is allowing by supporting this type of legislation so wholeheartedly.

Power is provided to exempt certain vehicles and I hope it is used to exempt vehicles on certain contract work. For example, where hot mix is used for paving work (be it for tennis courts or roadwork) it must be transported to the site as rapidly as possible. It takes vehicles over 6½ hours to reach Yunta from Adelaide and, if they had to stop for half an hour, that delay could be just long enough to make the material unsatisfactory for its intended use. I hope that the department will take a sensible approach to this matter.

I now refer to the effect of this legislation on operators in the metropolitan area. All operators are bound by the Bill, as I read it, to have a log-book. However, they need make no entry in the book unless they travel a distance greater than 50 miles from the vehicle's home base (in other words, the administrative centre of the business). Why should all these operators be compelled to have a log-book? Is it for the sake of revenue? I accept the argument that if operators travel beyond a 50-mile radius from the city they should be made to purchase a log-book and keep records, but why should those operators who never travel beyond the metropolitan area be compelled to buy log-books? It means more office work and added cost to industry and, in turn, added cost to the community.

We must consider the effect of this legislation before the speeds of heavy motor vehicles driven in this State are revised. As it has been suggested that the Government intends to alter the legislation affecting those speeds and, as that matter would be contained in legislation to be considered by the House, I cannot discuss it now. However, if we introduce this legislation while the speeds of heavy vehicles remain unchanged, it will be virtually impossible for transport drivers to function. In fact, we know that many would break the law more than they are breaking it now,

because they would try to stay in business, many of them owing money on their vehicles and having to meet commitments each month. If those operators lost their present customers, they would never get them back, for the bigger organizations would take over those customers, and there would be a trend toward monopolies. I wonder what effect this would have on the far-flung areas of the State regarding the delivery of livestock to the Gepps Cross abattoir, and I wonder whether stock would be required to be on the road much longer than at present. This could be classed as cruelty to dumb animals as a result of our introducing dumb legislation.

That is one reason why I wish to seek to increase the period of driving from 12 hours to 15 hours. It has not been the habit of the Opposition during this Parliament to oppose for the sake of opposing, for I believe we have co-operated with the Government many times. However, when we are told that this matter must be debated this evening and the Minister accuses me of filibustering, I say that he himself has created the situation.

The Hon. G. T. Virgo: You're acknowledging you are filibustering?

Mr. EVANS: I am acknowledging that I have slowed down my comments considerably this evening and have said more on this Bill than may have been absolutely necessary, because I made a reasonable approach concerning this measure, which has much bearing on the activities of a large section of the community, involving people who wished to make representations ere this. I apologize to the House for doing this, but I believe I am justified, as a result of the Minister's attitude. However, that does not apply to my colleagues, because I had not told them of my approach to the Minister. As I have not had time to obtain sufficient information for the organizations that will be adversely affected by this Bill, I oppose the second reading.

Mr. CARNIE (Flinders): The transport industry in South Australia is wide-flung and I wish to comment on the haste with which this Bill is being debated. As the member for Fisher has said, we are still waiting for submissions from many sections of the transport industry. We have seen the heads of the industry and I am referring not so much to them as to its members, because we want to get the opinion of everyone whom the measure will affect.

The Minister has said that we are paid good money to do a job, and I could not agree more, but it is extremely important that we do that job to the best of our ability. To do this, it is necessary for all sections of the community affected to have time to study the Bill. I could move that the debate be adjourned, but the Minister would not accept that and I would be accused of wasting time at this late hour. I consider that the measure has been brought on too quickly. If it were delayed for a few more days, the accusation could not be made (and I would not make it) that all voices had not been heard. However, I consider that they have not been heard up to now.

The Bill causes me some concern. It introduces a form of control in an industry that is important to this State. The member for Fisher has covered adequately most of the provisions and their effect and, as he has said, I will refer to aspects peculiar to my district or to the more distant areas of the State.

Before dealing with that, I endorse what that honourable member has said regarding the definition of motor vehicle in clause 3. It provides that a vehicle with an unladen weight exceeding two tons, which is used in the course of business, plying for hire, and so on, will be covered by the Bill. I think this weight could be increased, because two tons is a narrow margin and could cause many anomalies. The member for Fisher has mentioned this matter and, doubtless, it will be mentioned again in Committee.

The main provision is clause 4, which limits and lays down the hours of driving. The first thing I notice about the clause is that the wording is identical to other State legislation in most cases. I wonder whether the Government did not investigate the matter as fully as it should have done and simply said that it would copy other legislation. Each State has problems peculiar to that State and it behoves any Government to consider that and not simply copy legislation from other States. I hope the Government has done this, but the wording of clause 4 is virtually identical to the legislation in two other States.

The member for Fisher has mentioned the time of travel from distant areas and, whilst I will deal specifically with Port Lincoln, my remarks apply also to other places, certainly those areas west of Port Lincoln. The present speed limit for a vehicle of more than 13 tons is 30 miles an hour and, if a driver observes that speed, it will take him 17½ hours to get from Port Lincoln to Adelaide. This takes into account the half-hour rest period after five hours driving. Even when the speed limits are altered, it will still take 14½ hours to come

from Port Lincoln to Adelaide. So, under this Bill it will not be possible for a transport operator to come from Port Lincoln to Adelaide in one 24-hour period. I believe that a truck would reach a point a short distance past Port Wakefield when the driver would be compelled to stop the truck for 12 hours. Let us consider what would happen to a load of livestock in that situation in the middle of summer. The alternative to stopping the truck for 12 hours would be to employ another driver, but that alternative can have only one possible effect—to increase freight rates, which are already excessively high and crippling to farmers.

Over the weekend I ascertained from transport operators in Port Lincoln that the legislation will result in an increase of $3 a ton in freight rates from Port Lincoln. That means that there will be an overall increase in freight rates of between 15 per cent and 17 per cent. The rate for general freight is $27 a ton, so an increase of $3 a ton will be a 12 per cent increase. The freight rate for cement and bricks is $12 a ton, so an increase of $3 a ton will be a 25 per cent increase. I have been told that the average will be as I have said.

Certainly we will be told that other States have this law. I do not deny that. I am not sure whether it applies in Tasmania or in Western Australia, but I know it does in Queensland, New South Wales and Victoria, where legislation is identical in two States and very nearly so in the third. But is it necessary for us to follow? Must we do everything the other States do? Our situation is quite different. We have far greater distances to cover, South Australia is a large State, and we have the peculiar geographic fact of the two gulfs, which has the effect of making distance greater. For example, Port Lincoln is only 150 miles from Adelaide directly, but 440 miles by road.

Legislation should be considered on the basis of the peculiar situation in South Australia, not just following blindly what is done in other States. Will the Minister say that a transport driver travelling to Oodnadatta or Alice Springs should be allowed to drive for only 12 hours plus two rests of a half-hour each, then stop in the middle of nowhere for 11 hours before he is permitted to continue? It is quite ridiculous, but this will be the effect of the Bill. As the member for Fisher said, 15 hours is not an excessive time for an experienced transport driver. It is his profession. These men cannot be compared with ordinary motor car drivers. I understand the member for Fisher foreshadowed an amendment to the provision relating to 15 hours.

This measure is obviously aimed at the minority rat-bags, as the member for Fisher called them. There are some of those, there is no doubt—the ones who take the pills to keep going for dangerous and ridiculous periods of time. Obviously, this is the intention of this measure, but to me it is a further example of killing a fly with an axe. These people are in the minority, but the Bill will hit at too many responsible people taking a pride in their jobs and not attempting to drive too far or for too long.

In his second reading explanation the Minister said that many accidents which occur in South Australia involve trucks and semi-trailers and that no doubt some long-distance operators are, in fact, driving for periods beyond the bounds of human efficiency. Does the Minister know that these accidents were caused by the drivers being exhausted? What figures are available? If the Minister can produce statistics showing that those accidents are caused by driver fatigue I will accept them, but I think he is guessing. We remember a couple of occasions last year of run-offs on the Glen Osmond Road, causing accidents, but that was not driver fatigue. I agree with the member for Fisher that an accident involving a semi-trailer or a large transport makes headline news. It is written up in a way in which no ordinary motor car accident is written up, and so we get the impression that these accidents are more frequent or perhaps worse than they are.

Mr. Evans: The same thing is done with rail accidents.

Mr. CARNIE: Yes, and aircraft accidents. If a plane crashes, involving anything from 40 to 120 people, it is a major catastrophe which obviously and naturally makes headlines. There is therefore an impression abroad in the community that air travel is dangerous, but in fact on the basis of passenger miles travelled it is far safer than travelling in a car.

The Hon. Hugh Hudson: Would you support the hours of flying imposed on the aircraft pilot, which is a very severe restriction?

Mr. CARNIE: Yes, but I do not think that the same point arises here to the same extent. The point I was making before the Minister interjected was that the number of accidents that occur involving road transports is not as great as some people believe. Road transport

has a far better safety record for the number of miles travelled than has any other group on the road, and that cannot be denied. The Minister is implying that these accidents are caused by long-distance operators driving for periods beyond the bounds of efficiency, but that is not a statement based on knowledge. It is a statement he made to prove his point but it is not based on fact. If he can produce statistics to support his contention I will accept them, but I am sure he cannot.

I say that road transport has a high safety record; that is a fact. One large firm in my own district has vehicles that travel a total of 2,000,000 miles a year, and it has a safety record second to none. Firms operating freight vehicles between Port Lincoln and Adelaide run to a schedule involving much more than 12 hours of driving in 24 hours. That is because it would not be possible for the drivers to get to Adelaide within 12 hours without breaking the speed limit. Yet these firms have a very high safety record. I cannot recall when the last accident involving a semi-trailer happened in that area of the State, yet I think that normally these drivers are on the road for about 16 hours before they finish work. They have been operating efficiently for many years to and from Port Lincoln and Eyre Peninsula, supplying a badly needed service. Perhaps the position on Eyre Peninsula is unique; there are not many places like that in the State. Mount Gambier would be the other distant place—I am not sure of the distance from Mount Gambier to Adelaide.

Doubtless, the drivers could travel from Adelaide to Mount Gambier in 12 hours while observing the speed limit, but they cannot do it from Eyre Peninsula. Not many places in the State are affected in this way but at the same time it is essential that operators from these affected areas should be allowed to continue providing the services from the point of view not only of time but also of cost. Under this Bill, to keep to time, two drivers will be needed on the one run, which will add substantially to the costs.

A member interjected earlier on a point I was going to raise at this stage, just before I conclude. I have had the thought (perhaps uncharitable but almost inevitable) that, as the *Troubridge* is coming back on to the run, perhaps the Minister is thinking that this measure will force many people to use that vessel. If this Bill passes, that may well be the effect. I must oppose this Bill because the transport operators in South Australia have shown they have a responsibility to their job and to the community. They should not be penalized because within that industry there is only a very small minority of people who do not use common sense in their driving. That is no reason why the industry as a whole should be penalized. I oppose the second reading.

Mr. GUNN (Eyre) moved:

That this debate be now adjourned.

[*Midnight*]

The House divided on the motion:

Ayes (20)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn (teller), Hall, Mathwin, McAnaney, Millhouse, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (24)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McKee, McRae, Payne, Ryan, Simmons, Slater, Virgo (teller), Wells, and Wright.

Majority of 4 for the Noes.

Motion thus negatived.

Mr. GUNN: I oppose this obnoxious legislation that will have a detrimental effect on my constituents. My district is in an outlying area of this State and people have already to pay high freight rates to obtain their goods.

Members interjecting:

Mr. GUNN: Government members seem to think it is some sort of joke. Members opposite are showing the kind of attitude that we have come to expect from an arrogant Government, and the attitude of the Minister is nothing short of deplorable. He has given members on this side no opportunity to discuss this matter with their constituents. Obviously, he is not aware of the effort required to cover a large district in order to discuss the matter with constituents.

Members interjecting:

Mr. GUNN: Members opposite would not be aware of the attitude of the people on this matter, because they are concerned only with the passage of the legislation. It will be an impossible situation for a person with a trucking business at Coober Pedy, or for any other person who is already paying increased costs and who wants to transport stock hundreds of miles from Ceduna, Penong or any other part of Eyre Peninsula. I believe the Government has not considered the effect this legislation will have on the people. This will be just another load that the primary

producer will have to carry. I believe that this legislation has been introduced to try to restrict road transport in this State. We know that the Minister hates road transport. When the Labor Party was in Government last time it tried to abolish the private road transport operator.

Mr. Venning: But didn't they get a hiding!

Mr. Langley: Didn't you get the stick at the last election though!

Mr. GUNN: The member for Unley would not know the effect of this legislation on country people. This measure is designed to protect the railways. We know from the attitude of the Minister and from the words that the Commissioner has been uttering recently, especially about Eyre Peninsula—

Mr. Langley: What railway line goes to Coober Pedy?

Mr. GUNN: I am not talking about a railway line to Coober Pedy. For the benefit of the dense member for Unley, there are railway lines on Eyre Peninsula, but unfortunately they are not linked with the mainland.

Mr. Ryan: Are they foreigners over there?

Mr. GUNN: Judging from the rude interjections of members opposite, they regard all country people as foreigners.

The SPEAKER: Order! The honourable member should speak to the Bill.

Mr. GUNN: I am speaking to the Bill, but I am not getting much help from members opposite. I believe this measure was designed to try to force people to use the railway system. Indeed, the Bill will make it impossible for people in outlying areas to bring their stock to Adelaide. Already these people are at a disadvantage because of the length of time it takes to reach the Gepps Cross abattoir, and there is no suitable abattoir on Upper Eyre Peninsula where they can market their sheep and cattle. They will be forced to come to Adelaide and, if they are not allowed to travel for more than 12 hours in one day, they will be in an impossible situation. I believe that the Government has a responsibility to allow these people to continue what can be classed as normal operations and that it must not restrict them in any way. I realize that some undesirable practices have occurred over the years involving certain transport operators.

Mr. Keneally: Would you name them?

Mr. GUNN: I am willing to admit that some people drive far too long.

The SPEAKER: Order! The honourable member must address the Chair.

Mr. GUNN: Very well, Mr. Speaker, I will ignore interjections. I do not admit, though, that many other people in this State should be penalized because of the actions of a few, and I believe that other methods could be adopted to outlaw these undesirable practices. I hope the Minister will consider the effects that this legislation will have on the outlying areas of the State because, if he does not, the people concerned will be in an unfortunate position.

The Hon. G. T. VIRGO (Minister of Roads and Transport): I wish to clear up a point made by the member for Fisher, or should I say a point that he deliberately failed to make, when he said that he had approached the Minister regarding this Bill and had made a reasonable request. What he failed to tell the House was that the Minister said that we would take the Bill through to the Committee stage and defer any further discussion until Tuesday, so that he and other members could consult with the people from whom they had to get their instructions. I did not suggest that we were going to bulldoze the measure through, and what he said was a complete lie.

Mr. Goldsworthy: Speak up; we can't hear you!

The Hon. G. T. VIRGO: It is time certain members opposite heard, and time they realized that what their Whip did was low. I do not intend to make any further arrangements with a man who acts in that way.

Mr. Mathwin: You don't have to; you've had your instructions, too.

The SPEAKER: Order!

The Hon. G. T. VIRGO: We have heard much during this debate about getting instructions, and it was interesting to hear the member for Fisher say that it was unfair to expect his colleagues to make up their minds before they had been instructed by these outside organizations as to what they should do.

Members interjecting:

The SPEAKER: Order! Only a few moments ago the honourable member for Eyre was referring to rude interjections. I wish he would heed what he himself said when other members are speaking. He is not conducting himself in a manner befitting a member of Parliament, and if he does not cease I will name him.

Mr. Goldsworthy: It's all right for the Minister of Labour and Industry to interject.

The SPEAKER: Order! The honourable Minister of Roads and Transport.

The Hon. G. T. VIRGO: Reference was also made to what was claimed to be the excessive penalties provided in the Bill. It may be of interest to the honourable member

to know that the penalties in this legislation are identical to the penalties in the Victorian and New South Wales legislation and that those two pieces of legislation have been introduced by Liberal Governments. In fact, the Ministers from both States have been in communication with me, asking me to introduce in South Australia legislation identical to theirs. Apparently, the Liberal Party in South Australia is divided not only amongst itself but in relation to the Party in sister States.

Perhaps one could be pardoned for thinking that Opposition members have never heard of this proposal before and that they have not had time to think about it. Perhaps one may think that it is brand new to them, that it was introduced into the House only a week ago, and that that was the first they had heard of it. Opposition members may be interested to know that their former Government appointed a committee, which submitted a report to that Government before is went out of office in May, 1970. The report dealt with hours of driving, speeds of motor vehicles, and braking requirements.

Despite all this talk about going to outside organizations and getting their views, members of the present Opposition did that when they were in Government between 1968 and 1970, so I do not know why members opposite suddenly want to get the views of the same people when they have already had their views. To the best of my knowledge, although it is not shown as such, the Hall Government supported that committee's report. It did not introduce the legislation, but it supported the report. Finally, I want to refer to an article in the *Australian Road Safety Report* that may be of interest. It states:

A truck driver had been driving continuously for about 20 hours before he was involved in an accident in which he and two other men were killed, a coroner's inquest at Ararat was told recently. The coroner said that, if the truck driver had survived the collision, he would have had to consider committing him for trial on a charge of culpable driving.

This measure is designed for road safety and, if members are genuine in their desire for road safety, they will support the legislation.

Bill read a second time.

Mr. EVANS (Fisher): I ask leave to make a personal explanation.

Leave granted.

Mr. EVANS: I wish to refer to two inaccurate statements made by the Minister that I consider should be rectified. They refer to a discussion I had with him and to his reference to my statement in the House. In my statements about bulldozing legislation through the House, I referred particularly to the second reading stage. If the Minister looks at *Hansard* he will see that I did not say that the Minister intended to take the Bill through the Committee stage. I asked that we be able to obtain the views of other groups before the Bill went through the second reading stage. At no time did I say I was waiting to receive instructions from any outside body: I was waiting to receive their views. I wish to make it clear that I did not make the statement that the Minister said I made.

In Committee.

Clauses 1 to 3 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 12.23 a.m. the House adjourned until Thursday, March 9, at 2 p.m.