HOUSE OF ASSEMBLY

Thursday 9 November 1978

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

PETITIONS: PORNOGRAPHY

Petitions signed by 89 electors of South Australia praying that the House would pass legislation to provide for Ministerial responsibility to adequately control pornographic material were presented by Messrs. Groom, Eastick, and Rodda.

Petitions received.

PETITIONS: VIOLENT OFFENCES

Petitions signed by 361 residents of South Australia praying that the House would support proposed amendments to the Criminal Law Consolidation Act to increase maximum penalties for violent offences were presented by Messrs. Wright, Russack, and Venning.

Petitions received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard*.

COMPUTER BETTING

In reply to the **Hon. G. R. BROOMHILL** (24 October).

The Hon. D. W. SIMMONS: The South Australian Totalizator Agency Board maintains a close liaison with all other State Totalizator Agency Boards, and the problems experienced elsewhere were taken into account in the design of the computer system that is now being installed. Every feasible precaution has been taken to guard against system breakdown. The computer itself works in a dual configuration with automatic transfer in the event of malfunction. The use of peripheral equipment is structured to provide continual back-up. Auxiliary power is incorporated in the system to cater for the possibility of mains failure. An integral part of the system programming is the provision of prompt recovery procedures. With the benefit of the experiences of other Totalizator Agency Boards and the advantage of the latest technology, the chances of breakdown have been minimised as far as is economically possible. The problems which have occurred thus far are those normally associated with the settling-in of a project of this size.

SCHOOL BUSES

In reply to **Mr. DRURY** (19 October).

The Hon. D. J. HOPGOOD: The school bus which now operates from O'Halloran Hill to Braeview and Reynella Primary Schools and which arrives at Braeview Primary School at 8.25 a.m. will be altered as from Monday 13 November 1978, so that it arrives at the Braeview school at 8.35 a.m.

ADNAMATHNA DICTIONARY

In reply to **Mr. KENEALLY** (11 October).

The Hon. D. J. HOPGOOD: I regret that finance is not available to assist in the preparation of a dictionary for the Adnamathna people at present. When finance does become available, the matter will be considered by my officers, but it may be more appropriate at this stage in developing language materials that effort should be directed towards developing materials with common appeal and usage by people of Adnamathna origin. This could be assisted by the employment of a cross-section of Adnamathna people to work on materials.

MINISTERIAL STATEMENT: ABORIGINAL RELICS

The Hon. J. D. CORCORAN (Minister for the Environment): I seek leave to make a statement.

Leave granted.

The Hon. J. D. CORCORAN: I draw the attention of the House to the fact that a word was inadvertently left out of part 3 of Question on Notice number 775 answered on Tuesday last. The word "not" was omitted before the word "proposed" and the answer should have read:

> The relics unit is a part of the Environment Department and it is not proposed to detail matters of internal departmental administration.

BLACKWOOD-BELAIR SEWERAGE SCHEME

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Blackwood-Belair Sewerage Scheme Stage III.

Ordered that report be printed.

QUESTION TIME

MURRAY RIVER

Mr. TONKIN: Can the Minister of Works say what action, if any, the South Australian Government intends to take to safeguard Murray water purity, now that building of the Albury paper mill is to begin next January, and what power exists for South Australia to enforce the closing of the mill, if the effluent proves to be a danger to the State's water supply?

Last Friday, the company announced that building would begin next January, and that the paper mill, costing $160 000 000, would begin production in 1981. Equipment has been ordered, and finance raised. The Mayor of Albury (Alderman Roach), the New South Wales decentralisation Minister (Mr. Hallam), and the member for Albury (Mr. Mair) have all supported the decision, and Mr. Mair has said it was concrete evidence of the New South Wales Government's assistance to decentralisation.

With this degree of support, and, once building has commenced, it seems a foregone conclusion that a licence to discharge effluent into the Murray will be granted by the N.S.W. Pollution Control Committee, and that effluent will enter the Murray River. In July, the Albury city engineer was quoted as saying, "You don't take the punt of having the discharge pipe upstream . . . accidents can always happen."

A public meeting downstream at Corowa within the past week expressed grave fears for the future of the Murray, and supported the discharge of effluent upstream of

Albury as a safeguard to them. Nowhere in the reports is there any indication that South Australian interests have been considered. The establishment of the mill is now a *fait accompli*, and any chance of South Australia influencing decisions on this and future projects seems to have been lost.

The Hon. J. D. CORCORAN: I have said several times in the House, and certainly in reply to one question from the Leader, that the South Australian Government has monitored the situation continually through the Murray River Commission. As I have explained to the Leader, the Murray River Commission, whilst it does not have statutory backing for what it is doing, is, in effect, doing what the four Governments agreed to in October 1976: that is, involving itself in the question of water quality entering the Murray River. No power exists for this State to prevent the mill, to which the honourable member referred, going ahead, if the State Pollution Control Committee in New South Wales grants the licences. I note that the licences have not yet been granted, as I pointed out previously.

Mr. Tonkin: But it is likely.

The Hon. J. D. CORCORAN: That is an assumption that has been made by the Leader, and many of his assumptions in the past have been wrong. The Leader knows that certain questions have been asked and certain standards have been laid down for the developers of this company to meet before those licences will be granted. Two licences are involved, but to the best of my knowledge I have had no recent report from the South Australian Commissioner, Mr. Shannon, about the intention of the Pollution Control Committee in New South Wales to issue such licences. I will inquire.

The only thing that South Australia can do, as it has done in the past, is to make known that if those standards are not met, and the licences are issued (I say "if they are not met", because we believe that if they are, the quality of the effluent entering the river will not, in fact, damage it), the South Australian Government, no doubt supported by the Opposition, will make the loudest possible noise that it can to the New South Wales Government, and will ask the Federal Government to use its good offices to protest as loudly as it can. I am sure that Victoria and New South Wales have the same concern about water quality as we in South Australia have.

It would affect people in their States downstream of Albury if the quality of effluent were not to the required standard. I would expect that the required licences would not be issued if the effluent does not reach the required standard.

Mr. GOLDSWORTHY: Is the Minister satisfied that the simulated tests undertaken at Boyer in Tasmania are completely satisfactory and justify the establishment of the newsprint mill at Albury-Wodonga? Recently, it has been announced that the mill will commence in January, and it has been pointed out that, if conditions at Boyer are different from those at Albury-Wodonga, the tests undertaken there could be misleading and could not give the sort of evidence that would be needed if one was to draw conclusions in relation to the Murray River at Albury-Wodonga. I quote from the supplement to the environmental impact study issued by Australian Newsprint Mills Limited, as follows:

> The present work provides no evidence on long-term or chronic effects of the effluents. Such effects might include accumulation of toxic ingredients and their possible magnification through the food chain. Obviously, such studies require considerable time and, in the present context, this probably means that surveillance of the river biota should continue *in situ*.

That quote would raise grave doubts as to the conclusiveness of any tests that have been undertaken at Boyer in relation to the newsprint mill. Because of the circumstances, I think that all South Australians, if they were aware of this fact, would be considerably concerned for the future of the Murray River, which is so vital to the future of South Australia and Adelaide.

The SPEAKER: Order! The honourable member is now debating the question.

The Hon. J. D. CORCORAN: The conclusions the honourable member draws are not facts, and he knows that. He states them as facts, but they are not.

Mr. Goldsworthy: Which ones?

The SPEAKER: Order! The honourable member has asked his question.

The Hon. J. D. CORCORAN: The honourable member has quoted from a document, probably out of context and everything else.

Mr. Goldsworthy: Rubbish!

The SPEAKER: Order!

The Hon. J. D. CORCORAN: I am treating the question seriously, because this is an important matter, and the South Australian Government is aware that this is an important matter. I will have the matter checked by people competent to comment on it, but I am certainly not competent to comment. My advisers have told me that, if the standards that have been laid down are met, the quality of the effluent will be satisfactory. The announcement may have been made by the company about its intentions, but it cannot proceed in any way unless the two licences, to which I referred when replying to the question asked by the Leader of the Opposition, are issued, and they have not yet been issued.

BEACH TRAFFIC

The Hon. G. R. BROOMHILL: Can the Minister for the Environment advise me of the present position with regard to the control of motor vehicles on beaches? My question follows the onset of the warm weather and the publiciity we have seen regarding complaints that have been made by people about the dangers on beaches in areas where cars are permitted. I understand that the Coast Protection Board has been considering this problem and ways by which to solve it. I would appreciate any advice the Minister can give me.

The Hon. J. D. CORCORAN: This question is raised at about this time each year because of the onset of summer. It is a matter that concerns the Environment Department. We believe it would be desirable, if possible, for all beaches to be free of motor vehicles. However, in a practical sense, it is mainly the responsibility of local government. The Coast Protection Board, in trying to assist in achieving what we believe to be a proper aim, has assisted councils, and will continue to assist them, with off-beach parking where that is possible and where it is convenient for people using the beach. We obviously have a long way to go, but I assure the honourable member that, as far as I am concerned, if that was to be achieved it would be well worth while and it is a goal we are setting ourselves to achieve at some time in the future.

JUSTICES OF THE PEACE

Dr. EASTICK: Will the Attorney-General outline to the House the procedures pertaining to the nomination of justices of the peace, particularly in view of the indeterminate delay that appears to be taking place in

those appointments? I am informed that it takes more than 12 months for the processing of an application to be appointed a justice of the peace. This would appear, on the surface, to be a prolonged period, which cannot be tolerated.

The Hon. PETER DUNCAN: I will endeavour to provide that information. First, there is one group of appointments which might be described as "by arrangement" business appointments and which includes bank managers, certain justices of the peace in Government departments and various other appointments which, in effect, are by arrangement and pursuant to the office a person holds.

Dr. Eastick: Chairmen of councils.

The Hon. PETER DUNCAN: Yes, and mayors, etc.; there are a number of such appointments. Those matters are dealt with expeditiously. As far as I know, there is no delay in such appointments. The main body of appointments as justices of the peace are of people who are responsible citizens in a local community, and who either seek, for their own reasons, or are approached and requested by other members of the community, to apply to become a justice of the peace. In those circumstances, there are many applications for appointment. As the honourable member well knows, the Government policy governing those appointments is that it appoint a certain number on a quota basis for each House of Assembly electorate. On a continuing basis, applications are received from such people, and those applications are duly processed.

The processing involves, first, an approach to, usually, three referees, as required on the application form. Those referees are either interviewed or sent a form, in which they are asked to state what they know about the applicant. Once those forms have been received, and if they are in order, the Law Department approaches the local police in the area in which the applicant resides and asks them to interview the applicant. The police ask the applicant a series of questions, which are on a form. That form, when completed, is reviewed. Finally, once a decision has been made about the suitability of the candidate, he is interviewed by another justice or, in country areas, by a magistrate.

Until about two years ago it was the practice to appoint justices of the peace whenever there was a bundle of appointees ready to go before Executive Council. The Government changed that practice, and we now appoint justices of the peace twice yearly, in an attempt to get some sort of rational approach towards the appointment of justices. We had almost reached the stage where every two or three weeks there would be a bundle of forms going before Cabinet and Executive Council for appointment. It has been rationalised now so that appointments are made on a biannual basis.

There are other limited examples of appointments made for special reasons. I can recall one instance in which a justice of the peace from New South Wales moved to a country town in South Australia and sought to be appointed here. As he had had some experience in court work in New South Wales, when that application came in he was appointed more or less forthwith. There are other isolated examples of this type but basically justices of the peace are appointed from the community biannually in two groups. I can provide any member with details of quotas for his electorate, if he approaches me privately. I do not think there is any other information I can usefully give to the honourable member. The honourable member does not seek information about the appointment of justices to the quorum and as to the courses run. That is another matter, beyond the ambit of his question.

LOWER NORTH-EAST ROAD

Mrs. BYRNE: Will the Minister of Transport obtain up-to-date information on Highways Department plans for the continuation of the reconstruction and widening of the Lower North-East Road, from Lyons Road to Anstey Hill? The Minister has previously informed me that current work on this road comprises reconstruction and duplication of the section between George Street, Paradise, and Lyons Road, Dernancourt, and is scheduled for completion by November next year.

The Hon. G. T. VIRGO: I will obtain an up-to-date report for the honourable member.

PICKET LINES

Mr. DEAN BROWN: Can the Minister of Labour and Industry say why the South Australian Government continues to support the existence of union picket lines on public roads, despite the fact that such picket lines infringe on the democratic rights of individuals and the fact that such picket lines are a direct breach of the Road Traffic Act, the Criminal Law Consolidation Act, and the Police Offences Act?

Yesterday, a rather unfortunate incident occurred at the Bolivar sewerage works (as reported in the newspaper this morning), in which a picket line was constructed and somebody attempted to drive through it. That is only part of the issue I am raising here. At present, a picket line, imposed by the Transport Workers Union on a public road at the Wingfield tip, has been there since Monday. This picket line was lifted this morning, but I understand from sources involved that it will be reimposed, along with those at other tips, tomorrow morning. I understand that the dispute—

Mr. Gunn interjecting:

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

Mr. DEAN BROWN: —involves the T.W.U. trying to force 90 largely self-employed truck operators or truck owners to join that union. In some cases employees are involved, but in those cases most employees are involved under a totally different award from that handled by the T.W.U. I was informed by two people who telephoned me this morning that, if they were to come under any union at all, it would be the A.W.U., and not the T.W.U. These people also pointed out that, as owner-drivers, there was no obligation on them or no reason for them to join a union at all, let alone the T.W.U. Particularly, they wanted to know what action the South Australian Government intended to take to protect their democratic rights, and they asked why a group of individuals should be allowed to go on to a public road, form a picket line, and prevent the free movement of people on that public road, and yet the police still not take any action.

Mr. Gunn: Because they pay affiliation fees to the A.L.P.

The SPEAKER: Order! I call the honourable member for Eyre to order.

Mr. DEAN BROWN: Finally, the two people who telephoned this morning were quite irate to have this type of industrial blackmail being imposed—

The SPEAKER: Order! The honourable member is now commenting.

Mr. DEAN BROWN: I am simply relating to the House what I was told by the two people who telephoned me. They were disgusted at the industrial blackmail which was being used against them to infringe—

The SPEAKER: Order! I call the honourable member

for Davenport to order. I asked him to stop commenting, but he is continuing in the same vein.

The Hon. J. D. WRIGHT: We are used to the member for Davenport, in this House and publicly, breaking all the rules and all the laws in the book.

The Hon. Peter Duncan: He's a disgrace.

The SPEAKER: Order!

The Hon. J. D. WRIGHT: Every time he gets an opportunity in this House he comments in a way that is out of order. He does that almost every time he gets up to speak. We are not very concerned about that part of the matter. Referring to the two people who are alleged to have phoned the honourable member this morning wanting to know what the Government is doing, I suggest to those two people that, if they want to know what the Government is doing about the matter, they ring the Government, and not the member for Davenport, who does not speak for this Government and who, in my view, never will speak for the Government of South Australia.

Members interjecting:

The SPEAKER: Order! There are far too many interjections. I will call honourable members to order if interjections continue.

The Hon. J. D. WRIGHT: The only point in the question worth answering was why the South Australian Government tolerates picketing. The policy of this Government is and always has been to tolerate and support peaceful picketing. If there is a dispute in any area, it is the policy of this Government that it is the democratic right of the people employed in that capacity to peacefully picket and to inform people that there is a dispute. The Government has never supported conflict in relation to picketing. It does not support rows or fights, and never has in any circumstances. Like many countries in the world, we support the policy of peaceful picketing. In America, for instance, a picketing law passed by the Government provides that pickets have badges to inform people that there is a dispute going on in a factory. People are asked why they are going into the factory, whether it is to take a job, or for whatever other reason it might be. This Government always has and always will abide by such a policy. There is no attempt to change in that regard.

Mr. Dean Brown: Even on public roads?

The SPEAKER: Order! I have given the honourable member for Davenport many chances. I warn him and, if he continues in this vein, I will name him.

The Hon. J. D. WRIGHT: The member for Davenport quite clearly wants to force this Government into a confrontation issue over picketing.

Mr. Goldsworthy: No, just enforcing the law.

The SPEAKER: Order! I call the honourable Deputy Leader to order.

The Hon. J. D. WRIGHT: On every occasion when there is a dispute in this State, the member for Davenport makes all sorts of allegations—unfounded, never truthful in my view, completely unfounded—

Mr. TONKIN: On a point of order, Mr. Speaker, the Minister knows perfectly well that the member for Davenport has been warned and the Minister is doing the best he can to impute to the honourable member motives and statements which are not true, in a clear endeavour to provoke him into challenging your ruling, and I resent that very much indeed.

The SPEAKER: There is no point of order. I have already warned the honourable member.

Mr. TONKIN: I will take a further point of order. The Minister has accused the member for Davenport of always promoting untruths. I believe that is directly contrary to Standing Orders.

The SPEAKER: There is no point of order. The honourable member for Davenport will have ample opportunity in this House to refute any statements made by the honourable Minister which he alleges are untrue.

The Hon. J. D. WRIGHT: I repeat that every time a dispute occurs in this State the member for Davenport sets out to inflame that dispute. There is no question about that. The peculiar thing that interests me in this dispute is that two people are supposed to have telephoned this morning and asked about the Government's policy. Surely, if they wanted to know the Government's policy, they would have telephoned me and not the member for Davenport. I doubt that he did receive a telephone call.

Mr. Millhouse: I think he did, because I got one, too.

The Hon. J. D. WRIGHT: I did not get one.

The SPEAKER: Order! I call the honourable member for Mitcham to order.

The Hon. J. D. WRIGHT: This Government has always upheld the law in regard to violence. If a violent situation develops the Government will take control of it. It has a right to act in such circumstances, and it will certainly do so, but the Government will not in any circumstances endeavour to stop peaceful picketing on a particular job. That has been the policy of the Government for the last seven or eight years and it is a proper policy; it is consistent with what is happening in the rest of the world. If we were to take notice of the Member for Davenport we would inflame every dispute that occurs in this State.

Mr. Allison interjecting:

The SPEAKER: Order! I call the honourable member for Mount Gambier to order.

OVERSEAS AIR FARES

Mr. KLUNDER: Will the Minister of Transport support a move to end discrimination against South Australians in relation to air fares within Australia for people travelling overseas? As Adelaide is the only capital city on the Australian mainland that is not an exit port, we have the ridiculous situation that someone boarding an overseas flight in Sydney can travel free to Perth before leaving Australia, whereas someone in Adelaide must pay his fare to Perth. Even more ridiculous is the fact that someone in Adelaide must pay his fare to fly from Adelaide to Melbourne and then fly, free of cost, over Adelaide on the way to Perth.

The Hon. G. T. VIRGO: I think, rather than support the move, the State Government initiated the protest as a result of the recent announcement of the Federal Minister for Transport regarding cheaper air fares to Britain and the release of a report. I have written to Mr. Nixon protesting at the added burden which is being levied on South Australians wishing to travel overseas. We would certainly be more than happy to lend our support to any *bona fide* organisation prepared to release South Australians from this burden. A petition to Mr. Nixon is being prepared for signatures to support the case of South Australians. I believe some time this afternoon one of those petition forms will be in the House. I will certainly be signing it, and I invite all members, including those of the Opposition, to show their support for South Australians by attaching their signature to it.

EDUCATION BUDGET

Mr. ALLISON: Has the Minister of Education made any decision to permit the South Australian Institute of Teachers now to send a departmental staff member into schools at institute expense, to discuss the implications for South Australian education contained in the State Budget

or, alternatively, to reach a compromise in those areas where departmental funding is held to be inadequate by the institute and by staff of schools and parents? The House will recall that, in reply to a previous question that I asked on this matter, the Minister refused permission for a six-week release on leave of Mr. David Tonkin, a school teacher, and since then a resolution has been passed by the Institute of Teachers, and quoted in the *South Australian Teachers Journal*, dated Wednesday, 8 November 1978, as follows:

> SAIT Council approved a motion —moved by Vice President (Lawrie Golding) and seconded by Executive member Leonie Ebert:
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> "That this council condemns the Minister of Education for his blatantly political action in refusing to release a member of SAIT Executive for six weeks at SAIT expense to talk with members and to organise a campaign of protest about the effects of the Budget cutbacks on the grounds that the campaign was likely to be political in nature and urges a deputation go to the Minister of Education and the Premier to discuss this matter. If the Minister of Education does not retract this refusal then this institute will campaign for industrial action."

That motion was passed by an overwhelming majority. In the same journal issue, Mr. Lawrie Golding commented:

> We are in a peculiar situation. We have a Minister in a Labor Government attempting to stifle industrial action by an industrial organisation. What is causing this? We made an analysis of it [the State Budget] and this raised very serious doubts that our State Government was in fact maintaining its effort in education. Very serious doubts!

Then there is an extremely lengthy statement by Mr. Golding. While I may say that personally I believe that a suggestion of this type by such an organisation as the Institute of Teachers for industrial action to be taken is not desirable—

The SPEAKER: Order! The honourable member is now commenting.

Mr. ALLISON: —I would, nevertheless, like to hear whether the Minister has an alternative to prevent such an action being taken by the institute.

The Hon. D. J. HOPGOOD: The honourable member is a little late off the mark. I have not yet seen the current issue of the *South Australian Teachers Journal*, nor have I seen that motion. However, I discovered last week that the Government had previously released a Mr. Dicker to occupy a position at the Public Service Association because that institution was short staffed. In view of the action that was taken on that occasion, it was only consistent of me similarly to accede to a request by the Institute of Teachers. I rang Mr. John Gregory, I think on Tuesday morning, to be told that the interestingly named gentleman from Mawson High School would be released for the purpose indicated.

SOUTH AUSTRALIAN HOUSING TRUST

Mr. OLSON: Can the Minister for Planning say whether the Government has considered the sale to present occupiers of double unit and triple unit cluster-type South Australian Housing Trust rental houses? I ask this question following inquiries from tenants who would be interested in purchasing such houses should favourable consideration be given to this proposal.

The Hon. HUGH HUDSON: Consideration is being given to possible changes of policy with respect to sale to occupiers of what are traditionally called "double unit homes". There would, of course, be a separate title obtained for any unit that was sold. One difficulty that arises here is that, under the Commonwealth-State Housing Agreement, any accommodation sold by the Housing Trust must be sold at the market price. That may make it difficult for any significant number of tenants to take advantage of any offer.

Furthermore, the South Australian Housing Trust would not be allowed to provide finance for the purpose. What we are considering, however, is a scheme whereby trust tenants could purchase in stages the home in which they lived. For example, a purchase arrangement might be entered into whereby as an initial step the trust leased the land and sold only the home, with the new owner of the home having the right to buy the land later. That sort of agreement would involve an assured arrangement for the purchaser that, if he had to resell, he would not be put in a position of having to sell on the open market, but the trust would buy back. There would be an agreed basis on which that would have to take place.

A further alternative under consideration is that the first stage might be for the tenant to purchase a half interest in house and land, with a right to take up the full interest later when he was able to do so. That could mean in some cases, in relation to double units, that, if a tenant was able to arrange finance for, say, $12 000 or $13 000, he would be able to buy the half interest in the home as a first step.

Mr. Venning: And rent the other half?

The SPEAKER: Order! Interjections are out of order.

The Hon. HUGH HUDSON: I did not hear it, anyway. In that way, it may well be possible for Housing Trust tenants to take a significant step towards owning their own home, without having to commit themselves to a loan that initially would be beyond their means. An essential part of any scheme of this kind is that the funds obtained by the trust as a consequence of any sales would be ploughed back into the building of more rental housing. Consequently, there would not be any significant effect on the total rental stock the trust had available, particularly when it is considered that rental stock increases by over 1 000 houses every year.

One other virtue of this kind of approach is that, as a result of policies that have been followed in the past, some suburbs in Adelaide are virtually almost entirely Housing Trust suburbs, with people occupying homes on a rental basis. These days, of course, the trust is involved in spreading its activities to a much greater extent than was the case in the past; as a consequence, we will not have in the future, as a result of the trust's activities, new suburbs being entirely composed of public housing tenants. If a policy of sale of some of the double units that we currently own were to be successful, it would help over a period of years to produce some kind of housing mix in those suburbs which in the past have been entirely occupied by people paying rent. From the point of view of the overall social composition of those suburbs, that may well be a further desirable objective in relation to such a policy.

The present position is that the trust is in the process of considering detailed propositions on this matter. The department is also involved, and I hope that, within a relatively few weeks, I shall be able to put a detailed proposition to Cabinet that will enable a policy of this nature to be finalised. When a decision is made, I will certainly see to it that the honourable member and the House are informed and that suitable publicity is obtained so that all tenants will be aware of their rights.

PENALTY RATES

Mrs. ADAMSON: Will the Premier say what is the Government's attitude to the abolition of penalty rates for

service industries, and does the Premier agree with the statement that penalty rates are the cause of limiting employment opportunities in the retail industry? A report appeared in this morning's *Advertiser* of the Chairman's address to the annual general meeting of David Jones. Mr. David Lloyd Jones said:

> If the industry [the retail industry] were permitted to operate seven days a week without penalties, productivity would increase, unemployment would fall, costs would come down and all the community would enjoy a better lifestyle.

His sentiments were endorsed by the Executive Director of the Sydney Chamber of Commerce, Mr. D. Abba, who said:

> . . . penalty rates were a major factor in holding back the Australian economy and dampening employment prospects.

The Hon. D. A. DUNSTAN: The Government has not expressed an attitude about this matter. I personally would agree in part with some of the attitudes which have been expressed about some penalty rates in Australia. A problem is facing us at the moment structurally in a number of awards. Those awards were predicated to a five-day work week from Monday to Friday over 40 hours and that that should be a uniform situation in the community. It is difficult to maintain the kind of structure in service industries, particularly servicing any form of tourist market, with a structural award of that kind.

This is not in any way confined to the retail trade. Particularly, it occurs in a number of other trades and has led to the fact that, although the Licensing Act in South Australia has been amended to make for far more flexibility in the servicing of the public, it is so uneconomic to service the public at certain hours, because of the nature of penalty rates, that people who would be members of the relevant unions, if they were in fact to be employed at those hours, are simply not being employed. In fact, in major international standard hotels in Australia it is usually impossible to get a meal in the dining-room on a Sunday in other cities. That, of course, does inhibit both trade and the opportunity for employment. There is no easy solution to that problem.

It is natural enough for people who have established particular rights in areas to want to keep those rights, and to alter the situation will require much investigation and some change of attitude on the part of some people and a consensus which has not, certainly so far, been established. I believe that it is something that has to be pursued, and while I think that the subject must be raised it is, I think, not any good simply to say that we must abolish penalty rates in service industries and that that is a simple solution. I think the whole question is very much more complex than that and will require much negotiation over a period. It is something that has been concerning us for some time.

VACANT LAND

Mr. DRURY: Will the Minister of Education say whether vacant land owned in Brodie Road, Morphett Vale, by the Further Education Department can be made available for recreational purposes? I have been approached recently by a football club and a rugby union club looking for alternative playing grounds. Unfortunately, none is available in the area which I represent. Has the department any particular use for this vacant land at Brodie Road in the future?

The Hon. D. J. HOPGOOD: The land referred to by the honourable member is well known to me, because I could lob a stone on it from my home. It is bounded on the north by Sherriffs Road, on the east by Brodie Road, on the south by houses and on the west by the Stanvac Primary School and the Morphett Vale High School. A portion of this land is set down for the north-south transport corridor, and the Minister of Works has a depot on one corner. The remainder is, for the most part, committed to the Minister of Education, and was originally planned for the so-called Lonsdale Technical College. That plan has now been superseded by the Noarlunga Community College for the Further Education Department, on which the Public Works Standing Committee favourably commented recently. I will check with my departmental officers, but I would not anticipate that the Further Education Department would have a continuing interest in this land. I am aware that some of this land has been transferred to the Stanvac Primary School because of the relatively limited nature of the site of that school. That would leave a considerable amount of land which could possibly be turned to the purpose referred to by the honourable member. Indeed, some of the land which has been transferred to the Stanvac Primary School may also be incorporated in that use, because the school may be interested in a joint school-community arrangement. I will take up the matter with the Further Education Department and the Education Department to see what assistance I can get for the honourable member.

SOMERTON FORESHORE

Mr. MATHWIN: Can the Minister of Works say when it is expected that the work now being done on the foreshore at Somerton, that is, the reinstatement of the rip-rap there, will be completed? The Minister would be well aware that the work on this project has been going on for many months and, as we are nearing summer and the beaches will become more crowded, it is most important that the project be finished as soon as possible to increase the safety on that beach for those hundreds of people who will soon be using it.

The Hon. J. D. CORCORAN: I cannot supply the honourable member with that information at the moment, but I will bring down a report for him.

SOUTH AUSTRALIAN JOCKEY CLUB

Mr. EVANS: Can the Premier say whether he or his Government intends taking any action in response to the submission made by the Chairman of the South Australian Jockey Club, and, if he does, what action? A letter from the Chairman to the Premier dated 6 October reads in part:

> I have become increasingly aware at the lack of concern for racing amongst our political and business leaders in this State. It occurs to me many look on racing as an indulgence for the wealthy or a pastime for working men, but few seem to recognise the role of racing as an industry—both in revenue it returns to the Government and the employment it provides for South Australian citizens.
>
> Looking at the three codes (galloping, trotting and greyhounds), on and off-course investments last year amounted to $298 000 000 and from these investments a total of $9 500 000 was paid to Government revenue; these figures indicate racing is more than just a pastime, and I do feel obliged to highlight the role of racing.
>
> Dealing with galloping alone it can be said it is one of the largest single industries in this State. We have 35 racecourses throughout the metropolitan and country areas and for the last financial year conducted 224 meetings and distributed

> $3 320 000 stakemoney. To operate an industry of this size we directly employ 684 on a permanent basis and 4 060 on casual race day work.

The letter then deals with the different professions and occupations involved in the industry, pointing out that 68 apprentices are registered at the moment. The Chairman says that he would like people to dwell on the role of racing in employment and to visualise the impact on the work force if the racing industry is allowed to degenerate. The letter continues:

> The breeding industry (a component of racing) in this State represents an investment well in excess of $100 000 000. The capital investment in freehold property and improvements at stud farms, plus the thoroughbred stock, is enormous. At the annual yearing sales last year 366 yearlings were sold for $2 188 000. Added to these, sales throughout the year would not be less than $2 000 000 and, in addition to this, horses were exported from this State to Malaysia, Hong Kong, Iran and Korea and thus we are looking at sales in excess of $7 000 000.

The letter points out the benefits of the industry to tourism and entertainment, and states:

> The racing clubs have power to fix membership subscriptions, admission charges and sundry charges but the two main sources of revenue are betting receipts from bookmakers and T.A.B. profits and these are controlled by legislation and thus the powers of the racing clubs are restricted.

The letter further states:

> A vital component of racing club funds is T.A.B. distribution and, for the year ended 30 June 1978, the T.A.B. distribution to clubs was $2 300 000 whilst the Government revenue from the operations amounted to $6 000 000.

Can the Premier say what action the Government intends to take in relation to the submission from the South Australian Jockey Club, through its Chairman?

The Hon. D. A. DUNSTAN: I have had a personal submission from the Chairman. I have read the letter which the honourable member has read to the House, as I should imagine have most other members, because I think they have all had copies. We are reviewing the situation.

IRRIGATION WATER

Mr. ARNOLD: Can the Minister of Works say whether a decision has been made to extend to the irrigators within the Government areas the benefits of the additional 10 per cent water allocation for private divertees? This matter was raised on 11 October, and on 17 October the Minister indicated that the Government had agreed to grant the additional 10 per cent water allocation to private divertees in South Australia, and that he hoped within a fortnight to be able to make an announcement regarding irrigators within the Lands Department irrigation areas. Some divertees within the Lands Department irrigation areas are being charged for excess water at a much higher rate because they have exceeded the statutory allocation of water, and this is an important issue to them.

The Hon. J. D. CORCORAN: I would not want to delay a decision any longer than was necessary, because people would want to take advantage of any benefits. So far as I am aware, it certainly should be, if not available to me, then very close. I had to refer the question to the Regional Advisory Committee, and the Water Resources Council of South Australia has to look at it, also. I do not bypass that action unless it is absolutely necessary, as the honourable member would be aware. I was looking at the question of extending this concession to the Renmark Irrigation Trust, but there is some problem, as I understand it, with the measuring of additional water at the master meter.

Mr. Arnold: Wouldn't they automatically qualify as private irrigators?

The Hon. J. D. CORCORAN: Evidently not. There is some problem with that, but I shall get a report for the honourable member and let him have it as soon as possible.

COUNTRY TEACHERS

Mr. VENNING: Can the Minister of Education say when the Government intends to carry out the deal made with the South Australian Institute of Teachers in about 1973, when both parties agreed to the phasing out of bonding of teachers in lieu of incentives for country appointed teachers? I spoke with the Minister some time ago on this question, which probably relates to the two Ministers of Education we have had over a period of years. In 1974 the State A.L.P. conference resolved:

> The bond system of teacher training, except for post-graduate and diploma work, be phased out and replaced with incentives for country service by teachers.

The Hon. D. J. HOPGOOD: I am grateful to the honourable member for asking this question, because it gives me an opportunity to nail the myth which has been around for some time that there was any deal between my predecessor and the Institute of Teachers on this matter. The truth of the matter is that a resolution was passed in one of the councils of the Party. In the final event, the money that was saved by ending the bonding system was put directly into the employment of additional teachers. I was involved in direct discussions with the Under Treasurer on that matter. It was a decision of the Government which was checked out with the Party at the time in view of the resolution. It is not true to say, first, that there was a deal between the Institute of Teachers and the Government on the matter: there was nothing of the sort. Nor is it true to say that by eliminating bonding the State Treasury suddenly had a succession of cash. The money previously committed to education for bonded students was still committed to education but in a different form, namely, the employment of an additional number of teachers.

SCHOOL OF CATERING

Mr. BECKER: Can the Premier state whether the A.L.P. has been required to make full restitution to the School of Catering because of the misappropriation of Government material? I understand that, following an investigation into stock control at the School of Catering, discrepancies were revealed. Among other things, a considerable amount of printing material was used for the purpose of printing election propaganda for the A.L.P.'s unsuccessful campaign in the Federal seat of Kingston contested by Dr. Richie Gun, an employee of the State. I am also informed that the head of the School of Catering (Mr. Graeme Latham) is a prominent and active member of the Seacliff and Marino sub-branch of the A.L.P. and a member of the Kingston S.E.C.

The Hon. D. A. DUNSTAN: I know Mr. Latham, but I was not aware that he was a member of a sub-branch of the Party: he may be. I have no information upon the other matters raised by the honourable member. I understand from the Minister of Education that a rumour to this effect was heard last week and, in the investigations into the School of Food and Catering, this matter is being investigated. I have not received any report about it.

LIVESTOCK

Mr. RODDA: Can the Minister of Works, representing the Minister of Agriculture, say whether the Government has commenced an investigation into the forward projection of stock numbers for the next five years? I ask this question because of the downturn in productivity that has occurred because of the poor seasons we experienced and particularly in view of the Samcor report.

The rural industry has undergone a reassessment of its production, particularly because of the numbers of young people settling on the land. Despite some of the fears held by some people, we have seen, as recently as last week, sales of rural land totalling $1 500 000 to young people. Some of these properties have not been producing the return of which they are capable. There will be a marked upturn in productivity once this land has been returned to high productivity. Is a forward projection being made into livestock production for the next five years in this State?

The Hon. J. D. CORCORAN: I do not know whether such a projection is being made, but I think the Agriculture and Fisheries Department would have taken the steps suggested by the honourable member although I do not know whether or not it would be for a five-year period. This would depend very much on the seasons that will be experienced over the next five years. Certainly, during the past three years, excluding this year, stock numbers have decreased markedly. As the Premier said yesterday, one of the reasons for the large deficit of Samcor was the reduction in the number of stock available. I shall be pleased to confer with the Minister of Agriculture and obtain for the honourable member, if possible, the projection figures required. If the department is not taking out such a projection, I will certainly ask the Minister whether he will consider doing so.

At 3.6 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

EIGHT MILE CREEK SETTLEMENT (DRAINAGE MAINTENANCE) ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the Eight Mile Creek Settlement (Drainage Maintenance) Act, 1959-1977. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The object of this Bill is to expand the regulation-making power in the Act, to enable, first, an advisory board to be set up and, secondly, the drains and drainage works constructed under the Act to be better maintained and protected. The powers relating to the protection of drains that this Bill seeks to provide are similar to powers contained in substantive provisions of the South-Eastern Drainage Act. The provisions of this Bill are in accordance with the terms of the various undertakings given to the Eight Mile Creek landholders last year, and will give rise to a set of regulations that will enable this Act to be better implemented.

Clause 1 is formal. Clause 2 provides that regulations may be made for the purpose of establishing an advisory board, some members of which will be elected by the landholders. Regulations may be made requiring landholders to fence their properties adequately. Provision may be made for the impounding of straying stock, and the collection of impounding fees. The construction of private drainage works may be regulated or prohibited where such works would affect the operation of the drains constructed by the Minister. Regulations may be made requiring obstructions and unauthorised constructions to be removed, and empowering the Minister to cause the removal of those things upon default, and to recover the cost of removal from the appropriate person. The Minister may be given the power to grant exemptions from any provisions of the regulations. Fees may be fixed in relation to any applications made under the regulations.

Mr. ALLISON secured the adjournment of the debate.

PIPELINES AUTHORITY ACT AMENDMENT BILL

The Hon. HUGH HUDSON (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to amend the Pipelines Authority Act, 1967-1977. Read a first time.

The Hon. HUGH HUDSON: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

When the South Australian Government purchased the Commonwealth interest in the Cooper Basin and set up the South Australian Oil and Gas Corporation it was envisaged that the funding of exploration would be undertaken by revenue grants. The first grant for this purpose of $5 000 000 was made available in the 1977-78 Budget. In the present Budget it is proposed, however, that the $5 000 000 previously granted, together with the $12 000 000 contributed towards the purchase price of the Commonwealth interest, should be paid back by the Pipelines Authority.

South Australian Oil and Gas is a public company under Government control, but is not subject to the limitations imposed by the Australian Loan Council. It was hoped that the company would be able to borrow from private financial institutions in order to fund its future activities, particularly the $29 000 000 of capital that would be required once the Redcliff petro-chemical proposal proceeded. While certain borrowings will be made by the company from private sources, it has become clear that the exploration programme envisaged by the Government cannot be funded by permanent borrowing by South Australian Oil and Gas as it would be unable to provide the necessary security to potential loan-holders.

Under the circumstances, where the Government is not able to make significant revenue grants to South Australian Oil and Gas, alternative proposals have been considered. As an initial step, consideration has been given to permitting the Pipelines Authority to increase its current selling price of natural gas in order to make a profit which can be directed towards exploration. Inquiries made by South Australian Oil and Gas show that the South Australian Gas Company and the Electricity Trust

of South Australian could cope with an increase in the price of gas, which would be required to achieve this result. In the first instance, only about 50 per cent of the exploration programme would be funded in this way.

In the case of the Electricity Trust of South Australia, any price increase can be accommodated within the tariff recently approved, without a further tariff increase being required for at least another 12 months. The South Australian Gas Company has not had an increase in price for some time and no doubt will be negotiating a price increase in the relatively near future. That price increase to customers would have to accommodate the proposed change in the price of gas. The manner in which the Pipelines Authority would contribute its funds for exploration to South Australian Oil and Gas would probably be in the form of a special class of deferred share which could be issued with dividend and liquidation rights and subordinated to the rights of the existing shareholders. However, the issue of debentures by the company, instead of capital, is also a possibility.

It is envisaged that an exploration programme for 1979 of about $5 000 000 could be funded by South Australian Oil and Gas, financed partly through borrowing. In succeeding years the levy on the transport of gas would have to be increased so that the borrowing could be progressively eliminated and the adverse impact on an ability of South Australian Oil and Gas to raise other funds avoided. The Pipelines Authority already has power under section 10aa of the principal Act to purchase a share in the equity of South Australian Oil and Gas. However, because of the form of section 15 there is some doubt as to whether profits can be applied for that purpose. This Bill is designed to resolve that doubt.

Clause 1 is formal. Clauses 2 and 4 update obsolete references to Acts that have now been repealed. Clause 3 amends section 10aa to make clear that the Pipelines Authority can purchase debentures issued by a company with interests in petroleum resources, as well as a share in its capital. Clause 5 makes clear that the Pipelines Authority can deal with its surplus profits in any manner approved by the Treasurer.

Mr. EVANS secured the adjournment of the debate.

DANGEROUS SUBSTANCES BILL

The Hon. J. D. WRIGHT (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to regulate the keeping, handling, conveyance, use and disposal, and the quality of dangerous substances; to repeal the Liquefied Petroleum Gas Act, 1960-1973; and the Inflammable Liquids Act, 1961-1976; and for other purposes. Read a first time.

The Hon. J. D. WRIGHT: I move:

That this Bill be now read a second time.

The purpose of this Bill is to ensure that regulations can be made to ensure the safe keeping, handling, conveying, use and disposal of any toxic, corrosive, flammable or otherwise dangerous substances.

It was 70 years ago, in 1908, that an Inflammable Oils Act was enacted by this Parliament to regulate the keeping, conveying and sale of inflammable liquids. In 1960, when it became clear that liquefied petroleum gas would be used extensively, the Liquefied Petroleum Gas Act was passed to regulate the storage, conveyance and quality of liquefied petroleum gas.

Since then other flammable, toxic and corrosive substances have come into use, and in a number of cases, are being conveyed on our roads. The Government has been concerned that there is no legislation to ensure the safe keeping, handling, conveying and use of these dangerous substances. Rather than have a number of separate Acts, each providing for the control of one particular type of liquid or substance, it has been decided to introduce a comprehensive Bill. The Bill will enable the Inflammable Liquids Act and the Liquefied Petroleum Gas Act to be repealed. However, the Bill does not apply to poisons which are regulated under the Food and Drugs Act, to explosives which are regulated under the Explosives Act or to radio-active substances which are regulated under the Health Act.

When the Bill was being drafted it became clear that the administrative changes that would be needed to give full effect to the widest possible scope of the Bill could not be justified. It appears far simpler, from both a legislative and administrative point of view, to leave the provisions relating to the control of poisons, explosives and radio-active substances as they are.

The definition of a dangerous substance in the Bill has been framed in such a way that it will be possible to apply the Act, by proclamation, to any substance that is not regulated by other Acts. Examples of substances to which it is proposed the Act will apply are flammable liquids, cryogenic liquids (below minus 150 degrees Celsius), flammable or poisonous gases, acids and swimming pool chemicals, all of which are highly dangerous if not kept, handled, conveyed, used or disposed of in a safe manner. At present there is no control over any of these substances except for petroleum-based flammable liquids and liquefied petroleum gas, although it is known that all these substances are being transported by road in the State in vehicles and containers that are not required to conform to any minimum standard of safety.

There is legislation of a similar nature in the United Kingdom; New South Wales and Tasmania also have similar legislation in force, the Dangerous Goods Act, 1975, and the Dangerous Goods Act, 1976, respectively. However, the scope of both of those Acts is wider than that of this Bill because explosives, poisons and radio-active materials are regulated by those Acts.

The International Standards Organisation has recently adopted a code of practice on which it is proposed that regulations under this Bill will be based. The regulations made under the New South Wales Dangerous Goods Act have adopted the International Standards Organisation classifications of dangerous goods or substances.

The provisions of this Bill, together with the proposed adoption in the regulations of the International Standards Organisation classifications, will greatly assist in the long-standing need for uniformity between the States in regulating the safe transport and storage of dangerous substances.

I seek leave to incorporate in *Hansard* the Parliamentary Counsel's report on the Bill without reading it.

Leave granted.

Explanation of Bill

This Bill is designed to incorporate in one Act provisions for the safe keeping, handling, conveyance, use and disposal of toxic, corrosive, inflammable or otherwise dangerous substances.

It is proposed that the provisions of this measure would regulate the matters presently regulated under the Liquefied Petroleum Gas Act, 1960-1973, and the Inflammable Liquids Act, 1961-1976, which it is proposed would be repealed. In addition to applying to inflammable liquids and liquefied petroleum gas, it is intended that the measure would apply to other dangerous substances such

as acids, anhydrous ammonia, chlorine, carbon dioxide and poisonous gases, all of which are highly dangerous if not kept, handled, conveyed, used or disposed of in a safe manner. At present, there is no control over any of these substances although it is known that each of these substances is, for example, being transported by road in the State in vehicles and containers that are not required to conform to any minimum standards of safety. It should be pointed out that the measure, if enacted, would not be applied to poisons which are regulated under the Food and Drugs Act, to explosives which are regulated under the Explosives Act or to radio-active substances which are regulated under the Health Act.

Similar legislation has recently been passed in the United Kingdom and the International Standards Organisation has recently adopted a code of practice on which it is proposed that regulations under this measure would be based. New South Wales and Tasmania also have similar legislation in force, namely, the Dangerous Goods Act, 1975, of New South Wales, and the Dangerous Goods Act, 1976, of Tasmania.

Clause 1 is formal. Clause 2 provides that different provisions of the measure may be brought into operation at different times. Clause 3 sets out the arrangement of the Bill. Clause 4 provides for the repeal of the Liquefied Petroleum Gas Act, 1960-1973, and the Inflammable Liquids Act, 1961-1976. Clause 5 sets out definitions of terms used in the Bill. A "dangerous substance" is defined as any substance whether solid, liquid or gaseous, that is toxic, corrosive, inflammable or otherwise dangerous and is declared by proclamation under Part III of the Bill to be a dangerous substance. Clause 6 provides that the Crown shall be bound. Clause 7 provides that the measure shall be in addition to and shall not derogate from any other Act. Clause 8 provides for the appointment of a chief inspector and other inspectors for the purposes of the Act.

Clause 9 sets out the powers of inspectors. Subclause (1) sets out the usual powers of entry and inspection. Subclause (2) empowers an inspector, with the consent of the Minister, to destroy or render harmless any dangerous substance where he considers upon reasonable grounds that the dangerous substance endangers public safety or the safety of any person. The clause also empowers an inspector to give directions to the person having control of the dangerous substance to take steps to remove or alleviate the danger. Subclause (3) provides that an inspector may exercise the power to destroy or render harmless the dangerous substance without the consent of the Minister if the danger is imminent. Clause 10 prohibits the disclosure of information obtained through the holding of any office under the Act.

Clause 11 prohibits the impersonation of inspectors. Clause 12 protects the Director of the Department of Labour and Industry (the Permanent Head) and other persons engaged in the administration of the Act from personal liability for administrative acts or omissions performed in good faith. Clause 13 provides that the Governor may by proclamation declare any substance, whether solid, liquid or gaseous, that is toxic, corrosive, inflammable or otherwise dangerous to be a dangerous substance.

Clause 14 imposes a general duty upon persons to take proper precautions with respect to the keeping, handling, conveyance, use or disposal of any dangerous substance. Clause 15 provides for creation by proclamation of a subclass of prescribed dangerous substances for the purposes of the licensing of persons who keep such dangerous substances. Clause 16 prohibits the keeping of prescribed dangerous substances except in pursuance of a licence or as permitted by regulation. Clause 17 provides for the grant by the Director of the Department of Labour and Industry of licences to keep prescribed dangerous substances in premises that comply with the regulations. The Director is empowered to impose conditions upon licences granted under the clause. Clause 18 provides for the renewal of licences to keep such prescribed dangerous substances. Clause 19 provides for the creation by proclamation of a subclass of prescribed dangerous substances for the purpose of the licensing of persons who convey such dangerous substances. Clause 20 prohibits the conveyance of prescribed dangerous substances except in pursuance of a licence or as permitted by regulation. Clause 21 provides for the grant by the Director of licences to convey prescribed dangerous substances. Licences under this clause may also be conditional. Clause 22 provides for the renewal of such licences. Clause 23 provides that the Director shall not grant a licence or renew a licence if he is satisfied it is not in the interests of public safety to do so. Clause 24 provides for the surrender, suspension and cancellation of licences. Clause 25 provides for an appeal to the Minister against any decision by the Director in relation to any licence.

Clause 26 empowers the Director to grant exemptions from compliance with any provision of the Act or regulations. Under subclause (3) of this clause an exemption may not be granted unless the Director is satisfied that compliance with the provision is not reasonably practicable and that the granting of the exemption will not endanger the safety of any person or property. Clause 27 provides evidentiary assistance in respect of certain matters that may require proof in legal proceedings. Clause 28 provides that every person concerned in the management of any body corporate convicted of an offence against the Act shall also be guilty of an offence unless he proves that he could not by the exercise of reasonable diligence have prevented the commission of the offence. Clause 29 provides for a default penalty for each day for which any offence continues to be committed. Clause 30 provides for the forfeiture of dangerous substances in relation to which offences are committed. Clause 31 provides for the summary disposal of proceedings for offences against the Act. Clause 32 provides for the making of regulations regulating the keeping, handling, conveyance, use and disposal of dangerous substances and, in addition, in the case of liquefied petroleum gas, the quality of the gas.

Mr. WILSON secured the adjournment of the debate.

WORKMEN'S COMPENSATION (SPECIAL PROVISIONS) ACT AMENDMENT BILL

The Hon. J. D. WRIGHT (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to amend the Workmen's Compensation (Special Provisions) Act, 1977. Read a first time.

The Hon. J. D. WRIGHT: I move:

That this Bill be now read a second time.

I seek leave to have the explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill amends the principal Act in two respects. First, it extends the life of the Act for two years—from 31 December 1978 to 31 December 1980. This extension of the Act is justified in view of the comprehensive review of the law relating to workers' compensation law that is

currently taking place. It would be premature to deal conclusively with sport-related injuries before the report of the committee comes to hand. Secondly, the Bill excludes full-time professional sportsmen from the provisions of the principal Act. There seems no reason why employees of this category should not be covered by workers' compensation insurance in the ordinary way. The Bill defines a professional sportsman as a person who derives his entire livelihood, or an annual income of more than a prescribed amount, from participation in sporting contests or related activities.

Clause 1 is formal. Clause 2 exempts professional sportsmen from the provisions of section 2. The effect of this exemption is that professional sportsmen will in future be treated in the same manner as other employees. Clause 3 extends the life of the principal Act to 31 December 1980.

Mr. DEAN BROWN secured the adjournment of the debate.

CONSUMER CREDIT ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Minister of Prices and Consumer Affairs) obtained leave and introduced a Bill for an Act to amend the Consumer Credit Act, 1972-1973. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

This Bill is consequential upon the Contracts Review Bill. It repeals Part VI of the Consumer Credit Act. This Part empowers the Credit Tribunal to modify or avoid any provision of a credit contract that is harsh, unconscionable or such that a court of equity would grant relief. It is obvious that this Part of the Consumer Credit Act is very similar in effect to the provisions of the Contracts Review Bill and will therefore become redundant upon the passage of that Bill.

Clauses 1, 2, and 3 are formal. Clause 4 repeals Part VI of the principal Act.

Mr. BECKER secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Real Property Act, 1886-1975. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

This Bill is complementary to the provisions of the Contracts Review Bill. The Bill has two objects. First, it permits the registration of orders made under the proposed Contracts Review Act on the title to land that is subject to the Real Property Act. Where such an order is registered, the title of the registered proprietor is subordinated to the terms of the order. In appropriate cases, the registration of the order will operate as an effective conveyance of the land to the person named in the order as being entitled to the land. Secondly, the Bill expands the provisions of the principal Act relating to caveats. It provides that a person who has, in good faith, instituted proceedings under the Contracts Review Act, and who proposes to seek, in the course of those proceedings, an order affecting the title to any land, has a caveatable interest in the land.

Clauses 1 and 2 are formal. Clause 3 provides for the registration and enforcement of orders made under the Contracts Review Act affecting title to land. Clause 4 provides that a person who has in good faith instituted proceedings under the Contracts Review Act and who proposes to seek an order affecting the title to land has, for the purposes of section 191, a caveatable interest in the land.

Mr. GOLDSWORTHY secured the adjournment of the debate.

CONTRACTS REVIEW BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to provide relief against unjust contractual terms; and for other purposes. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

All honourable members will remember that a Bill to proved for relief against unjust contractual terms was introduced into this Parliament last year. The Bill was subsequently withdrawn in pursuance of a resolution of the Legislative Council and referred to the Law Reform Committee for consideration. The present Bill is in the terms recommended by the Law Reform Committee. The detailed analysis of the Law Reform Committee makes it unnecessary for me to give a detailed explanation of the provisions of the Bill. That has already been done by the Law Reform Committee and I commend the committee's report to the House. I would like, however, to take the opportunity to emphasise a number of salient features of the report and the Bill.

Critics of the former Bill alleged that the notion of "injustice" adopted by the Bill would add a new dimension of uncertainty to the law of contract. The Law Reform Committee points out, however, that judges have in the past resorted to artificial interpretations and distinctions in order to avoid injustice resulting from a literal interpretation of contractual terms. The present Bill provides a proper basis for importing a measure of commercial morality into the rules relating to the construction of contracts. But, as the Law Reform Committee points out, it does not necessarily alter the result of litigation: it merely provides a direct and proper means of achieving what would otherwise be achieved by judicial reasoning of an artificial, forced and circuitous character.

The absence of a general principle of the kind set out in the Bill is, as the committee cogently argues, a reproach to the law which ought to be remedied. The existence of similar legislation in other countries with vigorous economies must surely allay fears that a Bill such as this would create uncertainty in business and discourage commerce. The Government believes that this Bill represents a very important, and necessary reform of the law of contract, and I commend it to the attention of honourable members.

Dr. EASTICK secured the adjournment of the debate.

LEGAL SERVICES COMMISSION ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Legal Services Commission Act, 1977. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

Since the enactment of the Legal Services Commission Act last year, discussions have taken place between the Attorneys-General of the States and of the Commonwealth with a view to achieving substantial conformity between the various Acts and ordinances relating to legal aid. Most of the amendments contained in the present Bill arise out of those discussions. In addition, the employees of the Australian Legal Aid Office have sought the inclusion in the Act of provisions protecting rights relating to employment in the event of their transfer to the employment of the Commission.

Clauses 1 and 2 are formal. Clause 3 inserts a definition of "appointed day" in the principal Act. This definition is relevant to the amendments proposed by clause 8. Clause 4 provides for the appointment of a member of the Commission on the nomination of the employees of the Commission. Provision is also made for the appointment of deputies of members of the Commission. Clause 5 provides for the appointment of members of the Commission for a term not exceeding three years rather than for a fixed term of three years.

Clause 6 expands the provisions of section 10 so that the section will cover co-operation between the Commission and the corresponding authorities of States and Territories of the Commonwealth. The Commission is required to furnish the Commonwealth Legal Aid Commission with statistical and other information that it may reasonably require. Provision is also made for the Commission to make use of the services of interpreters, marriage guidance counsellors and social workers.

Clause 7 amends section 11 of the principal Act to bring it into conformity with the corresponding provision of the Australian Capital Territory ordinance. Clause 8 relates to employees of the Australian Legal Aid Office who become employees of the Commission. The new provisions are designed to protect the existing and accruing rights of such employees. Clause 9 provides that an application for legal assistance may be made without formality or verification, where the application is of a class determined by the Commission, or where the Director waives compliance with that requirement. Clause 10 expands the methods of paying legal practitioners for legal assistance. The amendments provide for lump sum payments, or for remuneration on any other basis determined by the Commission after consultation with the Law Society. Clause 11 makes a drafting amendment.

Clause 12 amends section 27 of the principal Act, which relates to agreements between the State and the Commonwealth on matters relating to the provision of legal assistance. At present, the section provides that such an agreement if made with the concurrence of the Commission is binding on the Commission. It is felt that the requirement that the Commission concur in any such agreement is inappropriate. Clause 13 expands the provisions of the principal Act relating to the remission of court fees. The amendment will enable the Attorney-General to remit fees when a person is being assisted by a prescribed agency, such as the Aboriginal Legal Rights Movement. Clause 14 expands the provisions of the principal Act relating to legal representation by officers of the Commission. Clause 15 imposes an obligation of secrecy on persons who have been involved in the administration of the Act. Clause 16 makes a consequential amendment.

Mr. GOLDSWORTHY secured the adjournment of the debate.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Administration and Probate Act, 1919-1975. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill amends the Administration and Probate Act on a wide range of miscellaneous subjects. It gives effect to a report of the Law Reform Committee of South Australia relating to administration bonds and the abolition of rights of retainer and preference. It empowers the Supreme Court on the application of the Public Trustee to require the administrator of an estate to deliver accounts of the administration. The Bill enables Government hospitals to pay or deliver to the next-of-kin of a deceased patient money or property held on behalf of the patient without production of probate or letters of administration. The Bill establishes the office of Public Trustee as a statutory office and deals with the conditions upon which the Public Trustee is to hold office. It sets out in some detail the powers and functions of the Public Trustee and provides that he is to be subject to Ministerial control on matters of policy. A new provision that is somewhat similar to a provision inserted some years ago in a Legal Practitioners Act provides that the Public Trustee may continue to act as an attorney notwithstanding that the donor of the power of attorney has ceased to be *sui juris*. The right of the Public Trustee to continue to act will, however, terminate if a manager or administrator of the estate of the person in question is appointed or if the authority is revoked at any time by the Court.

The circumstances in which the Supreme Court can order that administration of an estate be granted to the Public Trustee are widened to some extent. A new provision is inserted which enables the Public Trustee to elect to administer an estate where the value of the estate at the time of the deceased's death did not exceed twenty thousand dollars. This new provision is analogous to provisions existing elsewhere in Australia and it is thought that the new procedure will have certain cost benefits where the estate of the deceased is not substantial. An election cannot be filed where a caveat has been lodged against the grant of administration, or if administration is in fact granted by the Court. Section 106 which prevents the Public Trustee from disposing of certain securities without the approval of the Court is repealed. A new provision is inserted by the Bill empowering the Public Trustee, by leave of the Court, to be a party in two or more capacities to any proceedings before the Court. A further provision inserted by the Bill empowers the Public Trustee to act as a custodian trustee of any trust.

In such a case the property will vest in the Public Trustee and he will take custody of instruments of title relating to the property but the actual management of the

trust will remain in the managing trustees. The Bill inserts new provisions relating to the scale of fees to be charged by the Public Trustee. These may be fixed by regulation or determined in any particular case by the Court or on a basis determined by the Court. A series of new provisions is inserted by the Bill empowering the appointment of a Public Trustee as manager of unclaimed property in the State. These new provisions are analogous to similar legislation in other jurisdictions. They generally empower the Public Trustee to exercise any powers that might have been exercised by the owner. The Bill also inserts new provisions relating to the administration of the estate of persons of unsound mind. These provisions presently exist in the old Mental Health Act but it is felt that they would fall more appropriately in the present Act.

Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Public Trustee" in the principal Act. Clause 4 amends section 18 of the principal Act. The amendment is inserted because administration bonds will no longer be required as a matter of course in every case.

Clause 5 repeals and re-enacts section 31 of the principal Act. This new section deals with the circumstances in which administration bonds will be required. Such a bond will be required where an administrator is not resident in this State, where he has some claim against the estate arising from a liability incurred by the deceased before his death, where persons who are not of full capacity are beneficiaries, or where the Court believes that the circumstances of the case are such that an administration bond should be required. Clause 6 empowers the Court upon the application of the Public Trustee or any person interested in the estate of a deceased person or of its own motion, to order an administrator to deliver to the Public Trustee the statement of account relating to his administration of the estate. Clause 7 increases to one thousand dollars the amount that an administrator who is in default in the production of accounts can be required to pay.

Clause 8 provides that money or property held by a Government hospital on behalf of a deceased patient may, at the direction of the Treasurer, be paid or delivered to next-of-kin of the deceased without production of probate or letters of administration. It does happen, particularly in the field of mental health, that Government hospitals accumulate substantial property on behalf of chronic patients. This provision will facilitate disposal of that property. Clause 9 establishes the office of Public Trustee as a statutory office and deals with the conditions of office of the Public Trustee. New sections 75 and 76 deal with the powers of the Public Trustee and provide that he is subject to direction by the Minister, and obliged to report, when the Minister so requires, to the Minister.

Clause 10 sets out the various capacities in which the Public Trustee may act and provides that the Public Trustee may continue to act in pursuance of a power of attorney notwithstanding that the donor of the power has ceased to be of full capacity. Clause 11 somewhat expands the circumstances in which administration may be granted to the Public Trustee. Clause 12 inserts a new provision empowering the Public Trustee to file an election to administer an estate where the value of the estate at the date of death of the deceased did not exceed twenty thousand dollars. The conditions on which such an election may be filed and the circumstances on which it may be revoked or shall terminate are dealt with in detail in this provision.

Clause 13 repeals section 106 of the principal Act which presently places a restriction on the right of the Public Trustee to dispose of certain securities. Clause 14 empowers the Public Trustee by leave of a Court to be a party in two or more capacities to an action or proceeding before the Court. Clause 15 empowers the Public Trustee to be appointed as custodian trustee of a trust, and sets out the powers and functions of the Public Trustee in that event. Clause 16 deals with the fees and commission payable to the Public Trustee. These are to be fixed generally by regulation but the Supreme Court may, upon the application of the Public Trustee, determine the commission or fees to be paid in a particular case.

Clause 17 amends section 118a of the principal Act. This section deals with the acquisition of a building by the Public Trustee. At present, subsection (4) provides that the terms and conditions upon which moneys are to be repaid to the common fund are to be determined by the Minister upon the advice of the Auditor-General. The provision that the advice of the Auditor-General is to be obtained seems inappropriate in this particular context and is accordingly removed by the Bill.

Clause 18 inserts a new Division in Part IV of the principal Act empowering the appointment of the Public Trustee as manager of real or personal property in the State where the identity or whereabouts of the owner cannot be ascertained. New sections are included in this Division setting out the powers of the Public Trustee in relation to the administration of the property and providing for the eventual transfer of the property to the Crown if in fact it remains unclaimed for a substantial period.

Clause 19 inserts new Part IVA in the principal Act. This new Part sets out the powers of an administrator appointed under the Mental Health Act in respect of the estate of a person of unsound mind. It also provides that the Public Trustee may exercise powers of administration in this State where a person of unsound mind is domiciled or resident in some other State. Clause 20 is an evidentiary provision. Clause 21 restricts the exercise by an administrator of rights of retainer or preference. It also enables the Public Trustee to apply for the attachment of an administrator in circumstances that justify such action.

Mr. NANKIVELL secured the adjournment of the debate.

SECOND-HAND MOTOR VEHICLES ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Second-hand Motor Vehicles Act, 1971. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill makes a number of different amendments to the principal Act, which has served the State well since its introduction in 1971. The major new initiative contained in the Bill is the widening of the scope of the Act to embrace sales of motor boats and caravans, about which there have been increasing numbers of complaints and inquiries to the Public and Consumer Affairs Department in recent years. It is also intended at the same time to bring sales of motor cycles under the Act, which can be done by proclamation.

These changes have necessitated several changes to the

definitions, licensing and warranty provisions of the Act, which are contained in this Bill. They are necessary to extend to the community a form of protection that has been found so very satisfactory in relation to used cars that it has now been emulated or is in the process of being emulated in every State of Australia (except Queensland). These amendments have been discussed in detail with representatives of the motor trade.

Vendors of caravans, motor boats and motor cycles who are not already licensed under the Act will have to obtain licences, and notices similar to the familiar pink notices in used car yards will have to be attached to these other "vehicles" for the information of prospective buyers. This system has been very popular among used car buyers and I have no doubt will be similarly popular among buyers of boats, caravans and motor cycles. The warranties for boats and caravans will have the same time limitations as those already in force for motor cars, but not the distance limitations. The warranties for motor cycles, when the proclamation is made, will be as for motor cars.

On the subject of warranties, it will be noticed that vehicles more than fifteen years old will no longer need to warranted. It is unreasonable to expect dealers to be responsible for keeping vehicles of such age in repair, when finding parts is often nearly impossible, and the Government does not wish to encourage the continued use on the road of very old vehicles, which are often not equipped with the safety features of newer vehicles. Auctioned vehicles are also freed from warranty in recognition of the practical problems in this area. In all cases, vehicles that are not warranted will have to continue to carry conspicuous notices letting the buyer know that there is no warranty, so no buyer should be taken unawares.

Another new feature is the introduction of bonds for dealers' licences. New applicants for licences will have to post bonds in the amount of $5 000 (or such other amount as may be fixed by the Second-hand Vehicle Dealers Licensing Board) against failure to meet any judgment or order obtained by a purchaser in connection with the sale of a used vehicle. In addition, a compensation fund will be established from a proportion of licence fees, out of which the Board may pay any claim to a purchaser who has suffered loss from a purchase of a used vehicle, where the purchaser has made reasonable but unsuccessful efforts to obtain redress from the selling dealer. It is envisaged that compensation fund payments may be approved in instances where a dealer has disappeared leaving unfilled obligations behind him, or where a dealer is being deliberately obstructionist and considerable hardship is felt by a purchaser whose car may remain unrepaired pending protracted legal or Board proceedings.

The Bill also endeavours to introduce more openness into the system by providing for the advertising of licence applications and the hearing by the Board of objections. This will enable trade groups to indulge in a measure of self-regulation if they wish, and individual consumers and consumer groups will also be able to make themselves heard. In the same spirit, the disciplinary provisions have been redrawn so that the Board can issue reprimands or fines up to $500 or suspend licences permanently or temporarily for any of a range of causes of its own motion or on application of the Commissioner or any other person. These provisions supersede the previous provisions for Commissioner's hearings, involving awkward judicial determinations by a non-judicial officer, which are dropped under the amendments. Disputes in future should be determined through the Department's normal complaint service or, where that is unsuccessful, the complainant will have a choice of seeking a disciplinary order from the Board or of pursuing the matter through the courts (where it will often be handled as a small claim). Where either of the latter courses becomes necessary, the Department will naturally offfer appropriate assistance under section 18a of the Prices Act.

The Bill also makes provision for the keeping of a special purchases record book by dealers. This provision supersedes the purchases book provisions of the Second-hand Dealers Act, 1919-1971. The need to obtain a separate Second-hand Dealers Licence under that Act is also done away with in line with requests from the trade, but other provisions of the Act, such as the requirement to keep goods traded in unaltered and unsold for four days, will continue to apply.

Other amendments reflect simplications and elaborations shown to be necessary by almost seven years experience in the administration of the Act. An example is the new approach to odometers. Tampering with an odometer (proof of which is facilitated) is now to be an offence *per se*. The only way a dealer may escape liability is to obtain approval in advance from the Department, although a person who is not a dealer may plead the defence that the tampering was not done with intent to enhance the value of the vehicle.

Clause 1 is formal. Clause 2 provides that differenct provisions of the measure may be brought into operation by proclamation on different days. Clause 3 amends the long title to the principal Act by adding references to caravans and motor boats. Clause 4 amends section 3 of the principal Act which sets out the arrangement of the Act.

Clause 5 amends section 4 of the principal Act which provides definitions of terms used in the Act. The clause inserts definitions of "caravan" and "motor boat", "motor boat" being defined to include an engine designed to propel a vessel whether or not it is being sold together with a vessel or separately. Second-hand caravans and motor boats are, in turn, included within the meaning of the term "second-hand vehicles". Liquidators, executors, trustees and auctioneers are, by the clause, excluded from the definition of "dealer", although any auctioneer whose main business is the sale of second-hand vehicles is not excluded. The clause also inserts a new subsection (5) enabling proclamations to be made exempting persons or classes of persons from the application of the Act.

Clause 6 makes an amendment to section 10 of the principal Act that is of a drafting nature only. Clause 7 inserts a new subsection in section 13 of the principal Act enabling the Board to delegate the function of renewing licences to the secretary of the Board. Clause 8 inserts in section 17 of the principal Act additional requirements for the grant of a licence, namely, that the premises that the applicant proposes to use in his business as a dealer are suitable for the purpose and that the applicant has first obtained all other consents, approvals or permits required at law.

Clause 9 repeals section 18 of the principal Act and substitutes new sections 18 and 18a. New section 18 requires licensees to enter into a bond for the payment of moneys owed to purchasers of second-hand vehicles, not including moneys owed in respect of personal injury. The bond is to be of an amount of five thousand dollars or a lesser amount fixed by the Board and, where called up, may be applied in satisfaction of such claims. New section 18a enables the Board to hear objections to the grant of a licence. Clause 10 amends section 19 of the principal Act which relates to the renewal of licences. The clause provides that an application for renewal may be heard notwithstanding that it is out of time and that it may not be refused if the fee is paid. Under the present provision the

Board may refuse to renew upon any ground upon which a person may be disqualified from holding or obtaining a licence, but such refusal to renew is not appealable under section 21 although refusal to grant a licence or disqualification is appealable. Under the amendments proposed the Board will proceed against existing licensees under the disqualification provisions.

Clause 11 amends section 20 of the Act which presently provides for disqualification of licensees. The clause empowers the Board, as an alternative to disqualifying or suspending a licensee, to reprimand him or fine him a sum not exceeding five hundred dollars. The grounds for discipline of a licensee are, by this clause, extended to include grounds relating to suitability of sales premises and maintenance of the bond and any other ground that the Board determines to be sufficient to justify discipline. The clause also amends this section by empowering the Board to order that cancellation of a licence has effect at a future day so that such licensees may sell existing stock. Clause 12 provides for the repeal of section 22 of the principal Act and is consequential to an amendment made by clause 8.

Clause 13 amends section 23 of the principal Act which requires a dealer to attach a notice to any vehicle that he offers for sale setting out certain basic information as to the vehicle. The clause amends the section by increasing the penalty for failure to attach the notice from two hundred dollars to five hundred dollars. The clause also requires the dealer to state on the notice that the odometer reading is not correct where the dealer has reasonable grounds for believing that to be the case.

Clause 14 repeals sections 24 to 29 of the principal Act and substitutes new sections 24 and 25. The present section 24 imposes a statutory obligation on a dealer to repair certain defects in a second-hand vehicle sold to him that appear within a certain period after the sale unless he has excluded liability in respect of such defect under present section 25. This statutory obligation may, under present sections 26 to 28, be enforced by a special procedure under which the Commissioner, with agreement of the parties, or in the absence of such agreement, a local court, may direct that the vehicle be repaired by a specified person. Under new section 24 the obligation on a dealer to repair such defects is imposed by way of a contractual warranty which may be enforced by civil proceedings in the usual manner. The present procedure for excluding liability for certain defects provided for by present section 25 is not continued under these amendments. Under the new provision the dealer warrants that if a defect occurs in the vehicle within the prescribed period he will repair the vehicle so as to place it in reasonable condition having regard to its age and the distance it has travelled. The prescribed period is three months in the case of vehicles sold for one thousand dollars and two months in the case of vehicles sold for less than one thousand dollars, but not less than five hundred dollars. In the case of a motor vehicle sold for one thousand dollars or more, the prescribed period expires when the vehicle has been driven for five thousand kilometres, if this occurs before the expiration of three months. For cars sold at below one thousand dollars, the corresponding distance is three thousand kilometres. In calculating the expiry period, days on which the vehicle was in the possession or under the control of the dealer for purposes of repair are not taken into account. The section is not to apply to damage caused after the sale, whether maliciously or through accident or misuse. Vehicles which are excepted from the section are those fifteen years old or older (irrespective of price), those sold by auction, where prescribed notices are displayed and those of which the proposed purchaser has been in possession of the vehicle for not less than three months before the sale. The Commissioner may by notice exempt a vehicle or a class of vehicle from the provisions of the section. Section 25 preserves the present procedure for settling disputes, in the case of disputes arising from a sale which takes place before this amending Act comes into operation.

Clause 15 amends section 30 of the principal Act, which relates to undesirable practices, by increasing the maximum penalty from five hundred dollars to one thousand dollars. Clause 16 enacts new Part IVA (sections 30a to 30e), establishing a compensation fund to be administered by the secretary of the Second-hand Vehicle Dealers Licensing Board for purchasers of second-hand vehicles who have suffered economic loss as a result of the purchase and are unable to recover compensation by legal process. Section 30a establishes the fund and provides that a proportion of fees paid under the Act and any sums of money recovered by the Board under this Part of the Act may be paid into the fund. Section 30b provides for payment out of the fund of a sum sufficient to compensate a claimant for his actual loss. No compensation is to be made for personal injury, as it is not to be expected that the fund would ever be sufficient for this purpose. No payment is to be made unless the Board is satisfied that the claimant has taken reasonable steps to enforce his legal rights. The section does not apply to sales which take place before the amendment comes into operation or by which the purchaser becomes a trade owner of the goods. Section 30c provides that the secretary of the Board shall, when payment has been made out of the fund, be subrogated to the rights and remedies of the claimant against the dealer. Section 30d provides for accounts to be kept and audited. Section 30e requires the secretary of the Board to make an annual report to the Minister. It is expected that compensation provided under these provisions will be both additional and alternative to compensation provided under the bond provisions. The amount recovered under a bond in relation to a particular dealer may be exhausted, or it may be impracticable to get a judgment against a dealer.

Clause 17 amends section 31 of the principal Act which provides that nothing in the Act shall limit the operation of the Second-hand Dealers Act. Under the new provision, a person who holds a licence under the Second-hand Vehicles Act will not be required to hold a licence under the Second-hand Dealers Act and the provisions of that Act shall apply to a licensee under the principal Act. A record kept by a licensee under the principal Act shall be deemed to be a purchase book as required under the Second-hand Dealers Act. Clause 18 provides for the repeal of section 32 of the principal Act and the enactment of new sections 32, 32a and 32b. New section 32 is designed to ensure that dealers are, for the purposes of the Act, responsible for all conduct of their servants and agents. New section 32a requires any person who proposes to sell a vehicle on behalf of a dealer at any place other than the dealer's yard to attach a notice to the vehicle setting out the name and business address of the dealer. New section 32b requires a dealer to keep a record containing particulars of the second-hand vehicles that he purchases.

Clause 19 amends section 33 of the principal Act which requires a dealer to give to any purchaser who traded in any vehicle or other thing a note stating the amount allowed for the trade-in. The clause increases the penalty for failure to give such note from one hundred to two hundred dollars. The clause also requires dealers to keep a copy of any such note for three years. Clause 20 increases the maximum penalty for an offence against section 34 from one hundred to two hundred dollars. Clause 21

amends section 35 of the principal Act which prohibits interference with odometers and the making of certain misrepresentations. The clause reverses the burden of proof that an odometer was interfered with for the purpose of enhancing the value of the vehicle, but provides that a dealer may alter an odometer reading or replace an odometer with the consent of the Commissioner. The clause also provides a defence for the offence of mis-stating the year of manufacture, year of first registration or model designation of a vehicle.

Clause 22 provides for the repeal of section 37 of the principal Act which prevents waiver of the rights conferred by the Act and substitutes new sections 37 and 37a. New section 37 requires a dealer to display a sign at each yard that he operates setting out his name, licence number and any other particulars required by regulation. New section 37a prohibits contractual exclusion or modification by a dealer of the rights conferred by the Act and permits waiver by a purchaser only with the consent of the Commissioner. Clause 23 increases the maximum penalty for an offence against section 39 of the principal Act from five hundred dollars to one thousand dollars.

Clause 24 inserts new sections 39a and 39b. New section 39a provides evidentiary assistance in respect of the question whether or not a person was the holder of a licence at a certain time. New section 39b makes persons concerned in the management of a body corporate that is convicted of an offence also liable to be convicted of the offence. Clause 25 increases the maximum penalties set out in section 40 of the principal Act for continuing offences. Clause 26 inserts new section 41a which provides that proceedings for an offence may be brought within twelve months after the date on which the offence is alleged to have been committed. Clause 27 amends section 42 of the principal Act which empowers the making of regulations. The clause provides for licence fees that vary according to the class of applicants. Under this provision it is proposed that applicants who carry on business in partnership will be required to pay a proportionately lesser fee. The clause also increases the maximum penalty for an offence against a regulation from two hundred dollars to five hundred dollars.

Mr. CHAPMAN secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Minister of Prices and Consumer Affairs) obtained leave and introduced a Bill for an Act to amend the Prices Act, 1948-1978. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

Amendments to three areas of the principal Act are achieved by this short Bill. First, it renews the temporary provisions of the principal Act for another three years, as foreshadowed in last year's debate. As a matter consequential to the extension of temporary provisions, s.18b, which was inserted when the whole Act was temporary, is amended so that an annual report is required each year rather than just for 1971.

Secondly, it repeals and re-enacts s.11 of the Act relating to attempts to prevent the exercise of powers by authorised officers. This section as it stands relates only to the original powers of inspection and seizure in connection with price control and as such is quite out of date, as well as being unnecessarily complex. The new provision, which is less complex in its drafting, covers all the powers now conferred on authorised officers.

Thirdly, it extends the power of the Commissioner to receive, advise upon, investigate and resolve complaints, conduct research and undertake programmes of consumer education in relation to real property transactions as well as transactions involving goods, services and credit facilities.

The largest purchase the average consumer ever makes is the purchase of a home (many never make it, because it is so large a purchase), and it is clearly anomalous that in that purchase alone, out of all the purchases made by the consumer in his lifetime, the Commissioner has no clear power to help him.

Members will no doubt recall the recent incident reported in the *Advertiser* of 28 October where a number of Salisbury home-buyers wrote mortgage payment cheques on plastic bags, mattresses and lavatory pans as a protest against the sales methods of Hollandia Homes. This case is surely a clear demonstration of the need for this power. The Commissioner has been receiving complaints about companies in the Hollandia group since 1973 and although some assistance has been given much more could have been done if there had been authority to do it. It is not stretching matters too far to suggest that some of the people who are now in difficulties might not be if the Commissioner had already been given the power now sought.

It is no answer to say that the Land and Business Agents Act is a code of protection in real estate transactions and that aggrieved consumers should approach the Land and Business Agents Board. The Act is not a code, and the board is neither designed nor equipped to help in these circumstances. The Land and Business Agents Act, as its title implies, is primarily about regulating the activities of land agents and business agents, and Part X of the Act, in making a number of provisions relating to sales of land and businesses (principally provisions for a cooling-off period and for the furnishing of information), could hardly be said to constitute a comprehensive code on land transactions. The Real Property Act, Law of Property Act, Planning and Development Act, and several others give the lie to that contention.

The principal functions of the Land and Business Agents Board are the quasi-judicial ones of licensing and disciplining land agents and business agents, and it has no expertise or resources for taking on the administrative tasks of advising, investigating, researching or educating as are proposed under this amendment. This amendment is about all consumer purchases of land, not just where licensed agents are involved and where the complaint involves the conduct of the agent. Nor would it be appropriate for the Board to execute such tasks, especially when the Commissioner for Consumer Affairs undertakes identical tasks in respect of every other transaction the consumer is involved in.

It is clear that there have been a number of large-scale real estate rip-offs in the past, and there is no reason to suppose that more will not be attempted in the future. There is a real and urgent need for the Commissioner to have power to intervene in these cases before yet more South Australians lose their life savings.

I therefore especially commend to the House that clause

of the Bill that seeks to amend the definition of "consumer".

Mr. GOLDSWORTHY secured the adjournment of the debate.

SOUTH AUSTRALIAN THEATRE COMPANY ACT AMENDMENT BILL

The Hon. J. C. BANNON (Minister of Community Development) obtained leave and introduced a Bill for an Act to amend the South Australian Theatre Company Act, 1972. Read a first time.

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill makes a series of miscellaneous amendments to the South Australian Theatre company Act. First, the Bill changes the name of the company to the "State Theatre Company of South Australia". This new title is not only more appropriate in view of other comparable South Australian bodies, e.g. the State Opera, but is more consistent with the names of national theatre companies established overseas. A consequential amendment is made to the title of the Act.

The Act, as presently drawn, constitutes a body entitled the "Company of Players" which is entitled to elect one member to the board. This embraces some, but not all, of the artistic staff engaged by the company. Section 23 of the Act excludes from the Company of Players persons employed by the company on a contract of employment of less than six months. At the present time a number of the artists engaged by the company are employed for a season or less (i.e. a period of less than six months) which excludes them from the Company of Players. The board sees no reason for their exclusion. In addition, section 23 only includes in the Company of Players persons employed in the production, direction or performance of theatrical productions. Thus administrative staff of the company have no voice in the election of a member of the board. The board has suggested that in future all employees for the time being of the company (with the exception of the principal executive officers of the company) should form an electorate for the election of a member of the board. Accordingly, the Bill abolishes the concept of the "Company of Players" and provides for the election of a member of the board by the employees of the company.

The Bill makes further amendments relating to the election of members of the board. It provides that an interval of no more than 18 months may intervene between elections of an employee representative to the board and that an interval of no more than 30 months may intervene between successive elections by the subscribers. The Bill also modifies and extends the provisions of the principal Act relating to disclosure of financial interests by members of the board. The Bill also empowers the company to establish a collection of articles of public interest relating to the past or present practice of the performing arts in this State.

Clauses 1 and 2 are formal. Clause 3 deletes a formal reference to the Company of Players in the Act. Clauses 4 and 5 change the name of the Company to the "State Theatre Company of South Australia".

Clause 6 amends section 6 of the Act by providing that one of the governors of the board shall be elected by the employees of the South Australian Theatre Company from their own number. An employee who holds a prescribed executive office is, however, not eligible for election. Clause 6 also ensures that the two governors elected by subscribers are themselves subscribers and sets out, in somewhat more detail than in the present Act, the procedures for electing employee and subscriber governors to the board. Clause 7 amends section 9 of the Act, providing that employee and subscriber governors on the board cease to hold office if they cease to be employees or subscribers.

Clause 8 replaces the existing section 16 of the Act with a more detailed provision relating to the disclosure of governor's financial interests in contracts contemplated by the board, at board meetings. The requirements to disclose do not apply to interests which arise only by virtue of the fact that the governor is an employee of the South Australian Theatre Company, or a subscriber, or attends company performances. Clause 9 adds a new paragraph to section 18 of the principal Act. The new paragraph empowers the company to establish a collection of objects of public interest relating to the performing arts in this State. Clause 10 repeals Part IV of the Act, which related to the Company of Players, and clause 11 provides for minor, essentially consequential, amendments to the regulation-making powers contained in section 34 of the Act.

Mr. ALLISON secured the adjournment of the debate.

INQUIRY INTO PROSTITUTION

The Hon. D. W. SIMMONS (Chief Secretary) moved:

That the time for bringing up the report of the Select Committee be extended until Thursday 8 February 1979.

Motion carried.

DEBTS REPAYMENT BILL

Consideration in Committee of the Legislative Council's message intimating that it insisted on its amendments Nos. 1 to 3, 8, 16, and 33, to which the House of Assembly had disagreed.

ENFORCEMENT OF JUDGMENTS BILL

Consideration in Committee of the Legislative Council's message intimating that it insisted on its amendments Nos. 4, 20, and 21, to which the House of Assembly had disagreed.

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's message intimating that it insisted on its amendments Nos. 1 and 2, to which the House of Assembly had disagreed.

The Hon. PETER DUNCAN (Attorney-General) moved:

That consideration of messages Nos. 49, 50, and 51 be taken together.

Motion carried.

The Hon. PETER DUNCAN (Attorney-General) moved:

That disagreement to the Legislative Council's amendments be insisted upon.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Duncan, Groom, Klunder, Mathwin, and Wilson.

Later:

A message was received from the Legislative Council agreeing to a conference to be held in the Legislative Council conference room at 9 a.m. on Friday 10 November.

The Hon. PETER DUNCAN moved:

That Standing Orders be so far suspended as to enable the conference on the Debts Repayment Bill, Enforcement of Judgments Bill, and Local and District Criminal Courts Act Amendment Bill to be held during the adjournment of the House and that the managers report the result thereof forthwith at the next sittings of the House.

Motion carried.

STATE LOTTERIES ACT AMENDMENT BILL

Returned from the Legislative Council with an amendment.

PAY-ROLL TAX ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

HAIRDRESSERS REGISTRATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SOUTH AUSTRALIAN FILM CORPORATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SWINE COMPENSATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

OLD ANGASTON CEMETERY (VESTING) BILL

Returned from the Legislative Council without amendment.

MOTOR VEHICLES ACT AMENDMENT BILL

In Committee.

(Continued from 26 October. Page 1746.)

Clauses 3 to 12 passed.

Clause 13—"Duty to grant registration and allot number."

Mr. CHAPMAN: Reference is made in this clause to the Registrar's extended powers to allow him to extend registration to a number of motor vehicles. Clause 13 *(a)* (iii) states:

where the applicant is the owner of a number of motor vehicles that equals or exceeds a number to be determined by the Registrar—for a period expiring on a day fixed by the Registrar as a common day of expiry in relation to those motor vehicles . . .

Can the Minister give some idea what the Government has in mind as the number that will constitute a fleet?

The Hon. G. T. VIRGO (Minister of Transport): No number has been determined at this stage but I am informed it will probably be 20. It is intended that it be a substantial fleet.

Mr. CHAPMAN: The reason I asked is that the fleet accounts enjoyed by industry are usually for a fleet of six vehicles. I wonder why there is such a wide variation between what is usually recognised as being a fleet for the purposes of trading and the figure given by the Minister, which will be more than three times that number, to gain fleet description for the purposes of registration.

Clause passed.

Clauses 14 to 34 passed.

Clause 35—"Issue of trader's plates."

Mr. RUSSACK: I understand that this clause deletes the necessity to have a general trader's plate licence and allows a person to have a limited trader's plate. Will the Minister explain the reason for this? An explanation was given during the second reading explanation that small traders would receive benefits from this amendment. Am I right in thinking that it was necessary previously to have a general trader's plate before being issued with a limited plate and that this will be of help to small traders?

The Hon. G. T. VIRGO: Yes.

Mr. RUSSACK: This clause also provides for the issue of one plate instead of a pair of plates. The Minister says that the use of these plates has been abused by people who have used one plate on one vehicle and the second plate on another vehicle. Where will the plate be fixed to the vehicle?

The Hon. G. T. VIRGO: It will be affixed to the back.

Mr. CHAPMAN: Are there any other reasons for adopting the system of issuing one plate than that given in the Minister's second reading explanation?

The Hon. G. T. Virgo: No.

Mr. CHAPMAN: There have been several cases recently where a pair of plates has been split and used on separate vehicles. I do not propose to oppose this clause or seek to amend it, but it seems incredible that as a result of (in the Minister's words) "several breaches of the law" the Act should be changed. If, as he suggested, several people have split plates and that is known—

The Hon. G. T. Virgo: This to prevent their doing it in the future.

Mr. CHAPMAN: Why do we have a Police Force and inspectors?

The Hon. G. T. Virgo: Why not stop the sin being committed? Isn't that common sense?

Mr. CHAPMAN: The Minister suggests that it is common sense to stop the sin being committed. I cannot see that the issue of one plate will stop breaches of the law. I know they cannot cut a single plate in half and put half on one vehicle and half on another vehicle. It seems a fairly sick way of enforcing the law, by simply cutting out the second plate and saying it is necessary only to carry a plate on the back.

The Hon. G. T. Virgo: Why do you want two plates?

Mr. CHAPMAN: To make identification of a registered vehicle easier. It is common sense for traders to hang a plate over the unregistered number plate when shifting a vehicle from one place to another. I am amazed that there is no reason other than the evidence of several cases of apparently dishonest traders using one plate on one

vehicle and the other plate on another vehicle.

The Hon. G. T. Virgo: Are you supporting dishonest people?

Mr. CHAPMAN: No, I am not supporting dishonest people. I do not believe it is reasonable of the Minister to become cynical at this early stage of the discussion. About 10 minutes ago I asked a question and he did not bother to reply. I have witnessed the Minister's arrogance and ignorance on a number of occasions during this debate.

The Hon. G. T. Virgo: Don't be childish. Come on, get on with it.

The CHAIRMAN: Order! The honourable Minister is out of order. The honourable member for Alexandra cannot refer to a question that has already been passed by the Chamber.

Mr. CHAPMAN: I do not think the Minister should adopt this attitude, when throughout the debate the Opposition has carefully researched the material put forward. We have sought to correct a couple of minor anomalies in the Bill. We have not set out to oppose it in principle or butcher it, and for the Minister to adopt the attitude he has adopted today is quite unreasonable.

The Hon. G. T. Virgo: Get on with the Bill and don't be childish.

Mr. CHAPMAN: All I require is information in reply to questions I ask. I do not propose to pursue it any further. The Government has only one reason, and it is a sick and weak reason, to amend the Act in the way this clause proposes. I am amazed that there is no other background information to support the action taken by the Government.

Clause passed.

Clause 36—"Use of general trader's plates."

Mr. GUNN: Concern has been expressed to me by traders who believe they could be greatly restricted by this new provision. Can the Minister say whether or not the normal operations of traders will be made more difficult with these new provisions? I believe the Minister would be aware that traders use a set of plates on a vehicle to drive down the street and may go home in that vehicle. If the next day happens to be Sunday and they wish to go down the street, they will still have the trade plates attached. That is completely different from a person fitting a set of trade plates to a car and using them regularly. Can the practice I have described be maintained in the future, as long as people are not deliberately using trade plates to avoid paying the normal registration fee?

The Hon. G. T. VIRGO: The purpose of issuing trader's plates is set down in the legislation, and this clause is simply tightening up some of the existing provisions to ensure that they are used as trader's plates and not as a means of avoiding the payment of the normal registration fee. It is simply designed to try to tighten up some of the practices that have occurred in the past.

Mr. RUSSACK: This clause strikes out from section 66 subsection (2) *(c)*, which provides:

> If the vehicle is a motor car or its weight does not exceed 1 780 kg and it is ordinarily used in a business of manufacturing, repairing or dealing in motor vehicles, the trader himself or a partner of the trader in that business, or where the trader is a company, a director or manager of that company, or an employee of that company authorised by a director or manager thereof, may drive that vehicle for any purpose other than the carriage of passengers or goods for hire or reward.

I understand from the Minister that that position has been abused. I can think of one person who uses a motor vehicle under these circumstances and who would be a partner in such a partnership. When this Bill is proclaimed, will a grace period be given to such people, or what will be the position of those who have been taking advantage of this provision? Will they be given some time to alter their procedures, and, as the member for Eyre has asked, will there be any difficulty in policing this matter?

Yesterday, I spoke with a motor dealer who was concerned that at the close of a day's business a demonstration may have been given some miles from his place of business and the car has been driven home. What is the position next morning about getting that car back to the garage? Is that considered to be a trip involving legitimate business? How will this be policed, and what latitude will the proprietor, the partner, the employee or the salesman be given in these circumstances? I am certain that people involved in this business realise that abuse has been taking place. They want to abide by the law, yet they want some clarity on this aspect.

The Hon. G. T. VIRGO: The important point arising out of this question is for the date of operation to be known so that it is not suddenly sprung on people. I refer the honourable member to clause 2 (2), which provides:

> The Governor may, in a proclamation made for the purposes of subsection (1) of this section, suspend the operation of any specified provisions of this Act until a day fixed by the proclamation, or a day to be fixed by subsequent proclamation.

This will enable the Bill to come into operation at suitable times for the various provisions. At the moment, the department is looking at the date of 1 April. Prior to that time, however, warning will be given of that date so that acceptable alternative arrangements can be made by the people concerned.

Mr. GUNN: I referred yesterday in debate to the case of an inspector, and I shall have more to say about that matter later. I should like an assurance from the Minister that common sense will be used in implementing these provisions. An over-zealous inspector or other law enforcement officer could pick people up for minor breaches of the legislation when no harm has been done. I hope that these clauses are inserted only to stop people from deliberately avoiding paying registration fees on private cars.

Mr. RUSSACK: I am pleased to see that the provisions of section 66 (2) *(b)* are to be retained in the Act. I understand that many garage proprietors lend vehicles; where several customers are involved, it might be necessary to keep a number of vehicles registered for the purpose. I do not believe that the Minister has answered my question about justice prevailing in the use of trade plates. I cite the case of a garage proprietor who, after completing a sale, leaves the car at home overnight. He has to return the car to the garage, and he might do some shopping on the way. Has he sufficient latitude to be able to do that? I have been asked this question and I would like to be able to give a reasonable answer.

The Hon. G. T. VIRGO: I do not think there is any problem. Subsection (2) *(a)* adequately covers the situation, and that subsection has not been deleted.

Clause passed.

Clauses 37 to 39 passed.

Clause 40—"Classification of licences."

Mr. MATHWIN: I was more than surprised yesterday that the Minister did not see fit to answer the questions I posed to him. This is a ridiculous clause. If a person cannot be trained to ride a motor cycle in a matter of days, and if that person cannot become proficient in six months, there is something wrong with the instructor, as well as with the learner. It is crazy to suggest that it would take two years to teach a person to ride a motor cycle. If anyone is not able to ride a 250 cc motor cycle within 12 months, I do not think that person would ever be able to ride it. If the

Minister thinks this will be stopping young people from driving high-powered machines, what does he think about the cars on the road? What about the learner driver who drives a sports car or Jaguar, or any car with a V8 or a V12 engine? Are they not a potential danger on the road? Do they not need protection for themselves and for the public? Are they not just as dangerous as are the people who are driving high-powered motor cycles? Such young people can have licences to drive cars in much less than the two years provided in the Bill. Obviously, the Minister agrees with the provision, because he did not mention it when he concluded the second reading debate. A heavy motor cycle will hold the road much better than a lighter machine, and it is more stable. It is far safer than the lighter one.

Mr. Gunn: You know. You were a despatch rider, weren't you?

Mr. MATHWIN: I know it only too well. I trained people like the Minister to ride motor cycles. A couple of years ago at a rally, I offered the Minister a ride on the pillion of a 750 cc Dominator, but he refused. To say that people will have to wait two years to ride machines heavier than 250 cc machines is ridiculous. We are not talking only of young people. Some people over the age of 70 years ride motor cycles, and people of 30 or 40 years of age might want to drive motor cycles for a number of reasons. They might want to graduate to a combination. That is the most pleasant and comfortable way of touring the countryside. I do not want to get angry with the Minister on his birthday. If he is having a party, I have not been invited.

The CHAIRMAN: Order! I see no reference in the clause to birthdays or to parties.

Mr. MATHWIN: Well then, Sir, would I be wrong in wishing the Minister many happy returns?

The CHAIRMAN: The honourable member would be quite in order.

Mr. MATHWIN: With the shortages of fuel and the cost of fuel, I believe more people will graduate to the combination, the motor cycle and sidecar, as a family outfit. Under the provisions of this clause they will be penalised, as will those who wish to graduate to a heavier motor cycle. I have noticed young ladies now driving these heavier bikes.

If it is speed that is worrying the Minister, is he suggesting that a 250 cc machine is slow? Is the Minister suggesting that on a race track a 250 cc machine will go more slowly than a 750 cc or 1 000 cc machine? I would suggest to the Minister that a 250 cc motor cycle is faster, even in acceleration, than a motor cycle combination with a sidecar. As I believe the Minister is off the beam, I ask him to reassess this clause. If the Minister wants an answer to the problem of road safety generally and problems caused by motor cycles in particular, he must get down to the education of young riders. I believe that is the solution to the problems of road safety. I admit that motor cycles are hard to see and this creates a problem when driving a car. I believe the first rule of the road is to keep to the left. Some years ago I asked the Minister a question about dual carriageways—

The CHAIRMAN: Order! The member for Glenelg should try to relate his comments to matters raised in the clause.

Mr. MATHWIN: I was trying to relate my remarks to road safety. I inferred from the clause that the greatest concern of the Minister was the safety of motor cyclists, and I was trying to relate that to road safety generally in this State. The Minister has said that when he was about four years younger he considered that all the lanes were the same and there was no such thing as a slow lane. What I was trying—

The CHAIRMAN: Many aspects of road safety cannot be debated under this clause. I ask the honourable member to refer specifically to the safety factor to which he believes this clause relates and not to road safety in general.

Mr. MATHWIN: I think the Minister should emphasise in the press that perhaps the first rule of the road ought to be to keep to the left. The Minister will not solve this problem by limiting people to driving a 250 cc motor cycle for two years. That provision might satisfy the theorist who thinks it takes two years to train a person to drive a motor cycle, but in reality it is crazy to say that it takes two years for someone to be proficient enough to drive a motor cycle over 250 cc. I ask the Minister to reconsider the situation in the light of what I said yesterday and today.

The Hon. G. T. VIRGO: Clause 40 *(d)* provides that a person may not be given a licence for a machine bigger than 250 cc unless he has held a licence for two years immediately preceding. Clause 40n *(e)* provides the escape that, if the person has not held a less than 250 cc licence for two years and can satisfy the Registrar, he may be given a licence to drive a motor cycle bigger than 250 cc.

Mr. EVANS: I support the clause. I believe it is satisfactory for people who are learning to ride a motor cycle to ride a small machine. I believe that a person can kill himself or someone else on a small machine just as easily as he can on a heavy machine. The smaller machine is lighter and easier to handle. I have spent a fair time on motor bikes in my earlier days. I am satisfied that the provision gives a person an opportunity to get a licence, in the beginning, to ride a motor cycle up to 250 cc. Then, a month later, if he believes he is proficient and can pass a test, he can apply to the Registrar. I believe that, if a heavy bike falls on a person, it is difficult for that person to get out from underneath. I believe persons who are capable of riding larger machines and who can prove it by passing a test should be able to get a licence even if they have not held a licence for a 250 cc bike for two years.

Mrs. ADAMSON: I support the clause. The Minister has drawn our attention to paragraph *(e)*, which provides a let-out. I believe the arguments of the member for Glenelg against these two-year provisional licences are outweighed by the arguments in favour of them: namely, that the person may be capable of controlling the bike after about a week's training but would not possibly have had the experience on the road which requires judgment that can come only from experience in the handling of a heavy machine. This should be taken into account and has been considered by the clause. As the Minister has recognised in the case of motor cycles the need for caution in the first instance when learning to ride, is he prepared to make similar recognition by the introduction of a provisional licence for drivers of motor vehicles?

The Hon. G. T. VIRGO: I also thought that such a system was worthy of serious consideration. It is some time since I appointed a committee to investigate and report to me on the desirability of introducing such a scheme in South Australia, and on the effect of provisional licences in other States. The report did not favour the introduction of these licences; it was not able to demonstrate that provisional plates contributed one iota to road safety. It was specifically mentioned that New Zealand had reviewed the system of P plates and, because of its failure to reduce the road toll, that country was about to rescind it. This occurred about three or four years ago. I would be happy to have this matter further reviewed by people regarded as experts in this area, to see whether those findings still apply, and whether there is now a different attitude to this matter.

Mr. CHAPMAN: I move:

Page 12, lines 28 and 29—Leave out all words in these lines.

The member for Glenelg demonstrated this afternoon that he had a good grasp of motor cycle riding. He conveyed information that will benefit the Committee generally. He referred to the period during which a person shall be restricted to a 250 cc motor cycle before getting a class 4 licence, and advanced several reasons in support of his argument.

The Opposition supports the principle of this clause, notwithstanding the arguments that have been advanced by the honourable member. My amendment provides the opportunity for a person, who has had experience and who may not have held a motor cycle licence within the preceding required period (he may be of any age, not necessarily in the youth group), to go before the Registrar, undertake the practical test and be given a licence. This would enable a person with the necessary practical experience to avoid purchasing a class 4 licence merely to qualify to go before the Registrar for his practical test.

I understand that the amendment does not destroy in any way the protective element and overall intention of the clause. The Government recognises that. The amendment totally preserves the requirement of a new applicant to serve a period of two years before becoming eligible for such a licence, but certain people, after going to the Registrar and performing a practical test satisfactorily, may be issued with a licence for a heavier vehicle. Unless that test is carried out to the satisfaction of the Registrar, that person shall be required to go for his learner's period of two years on the 250 cc machine.

Amendment carried; clause as amended passed.

Clauses 41 to 44 passed.

Clause 45—"Age of persons to whom licences and learner's permits may be issued."

Mr. CHAPMAN: The Opposition cannot agree to this clause. In 1972, the Act was amended to prevent a 16-year-old from driving vehicles of the nominated weight at that time. The Bill was supported by the Government and the Opposition, thus allowing persons over 17 years of age to drive the delivery type light truck. We see no need for a change in that regard. We believe that, in these times of high unemployment, nothing is to be gained by preventing a person between the ages of 17 years and 18 years from being employed as the driver of a vehicle of that weight. We cannot agree that a class 5 licence shall not be issued to a person under 18 years of age. Believing that the age should remain at 17 years, we have no alternative but to oppose the clause.

Mr. RUSSACK: I, too, oppose the clause. The only thing the clause would do would be to increase the age from 17 years to 18 years for a class 2 licence.

The Hon. G. T. Virgo: From 17 to 16 for the other one. You're ignoring that one, and that's most of the vehicles.

The CHAIRMAN: Order! If the honourable Minister is interjecting, he is out or order, because the honourable member for Goyder has the floor.

Mr. RUSSACK: A licence endorsed with the classification of class 2 authorises the holder to drive any motor vehicle except an articulated motor vehicle, a motor cycle, or a motor omnibus. I have an interest in this matter because, on 21 March 1972, when a member of another place, I moved an amendment so that, from the age of 16 years, a person be permitted to drive a vehicle of this capacity. The amendment came before this Chamber, was opposed, and ultimately the matter went to conference.

The compromise of 17 years of age was reached at the conference. So, this matter has been considered not only by each House but also at a conference between the managers of each House and a decision reached thereon. I still maintain that that decision was a good one.

I said in 1972 that the amendment meant that a person between the ages of 16 and 18 years would, having satisfied the Registrar of Motor Vehicles that he was competent to drive a motor vehicle of over 35 cwt., be granted a licence to drive such a vehicle. I did not move to strike out "class 5", and the same thing applies now. A person of that age would not be permitted to drive an articulated motor vehicle, a motor cycle of the type to which the member for Glenelg referred, or an omnibus.

In 1972 I did not move to strike out "class 5" as I considered that to be a different situation altogether, where the lives of other persons were involved. I said then that I moved the amendment because hardship could be caused in many instances, and young people could be deprived of the opportunity to obtain employment.

I still believe that to be so, not only in the metropolitan area but also (and more particularly) in country areas, where young people of this age are competent to drive motor vehicles. I stress that the argument used by the Minister in relation to motor cycle licences can also be used in relation to this matter. A person, having obtained a class 4 licence, and can satisfy those concerned (that is, the Registrar or some other officer) that he is qualified as a result of a practical test, to drive a high-powered motor cycle, can get a licence before the period of two years expires.

The same argument applies in this matter. A person of 17 years of age would first have to satisfy the examiner, who would make a recommendation to the Registrar, before he could obtain a licence. I suggest that honourable members vote against the clause and allow the *status quo* to remain.

Mr. GUNN: I am sorry that the Minister does not intend to reply.

The Hon. G. T. Virgo: Who said I wasn't going to?

Mr. GUNN: The clause was to be put straight away and, if I had not got to my feet, the Minister would not have replied.

Mr. Millhouse: There are others of us who want to speak.

The CHAIRMAN: Order!

Mr. GUNN: I am pleased that the honourable member intends to support the Opposition. I am concerned about the application of this amendment. Having driven trucks thousands of miles since I was 16 years of age, I can speak with experience. I agree entirely with what the member for Goyder said. It would be not only unfortunate but also ridiculous to place further restrictions on persons of 17 years of age to prevent them from obtaining a licence to drive commercial motor vehicles. As the member for Goyder correctly pointed out, such persons must already have passed the test and, if they were not competent, the examiner would not give them a licence.

Mr. Goldsworthy: Have you any figures on accidents?

Mr. GUNN: There are no such figures. This is yet another example of over-enthusiasm by people on Government boards and committees, who dream up blasted regulations and amendments to Acts that will have a great effect on certain sections of the community. I should like to know whether these matters have been discussed with, for example, United Farmers and Graziers of South Australia Incorporated and other organisations that will be concerned with them. This is a clear case of over-enthusiasm. I know that the Minister must accept responsibility for the matter, but I should like to know who is advising him on this clause, and, indeed, other clauses.

The Hon. G. T. VIRGO (Minister of Transport) moved:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

The Hon. G. T. VIRGO: Whilst this clause is increasing the permissible age from 17 years to 18 years for the obtaining of a class 2 licence, at the same time the qualification for gaining a class 1 licence is 16 years and the mass is being increased from 1 780 to 3 000 kilogrammes. That means that, instead of driving a 30cwt vehicle under a class 1 licence, the 16-year-old will now be able to drive a three-tonner, which is quite an extensive amendment of the present position.

Mr. Goldsworthy: You can't carry much wheat at harvest time.

The Hon. G. T. VIRGO: There are many more things to be considered than carrying loads of wheat at harvest time. Many other vehicles use the roads and, if one examines the Transport Workers Award, he will find that what is being put into this Act is consistent with the provisions of the Commonwealth Arbitration award.

Mr. Venning interjecting:

The Hon. G. T. VIRGO: The member for Rocky River would still have child labour down the mines if he had his way.

Mr. Chapman: What about getting back to the Bill.

The CHAIRMAN: Order! The member for Alexandra is out of order. I draw the Minister's attention to the clause. This is a difficult Bill and the Committee could have extensive discussions about it. Interjections will lengthen those discussions, and I do not think that we wish to do that.

The Hon. G. T. VIRGO: For the benefit of the member for Eyre, it is the Government that makes decisions, and what our advisers tell us is a matter between them and the Government. Whether the Government accepts or rejects those recommendations is the business of the Minister and the Cabinet, but the responsibility for the decisions does not rest with the Government's advisers. I accept full responsibility and offer no apologies for saying that a person ought to be 18 years of age before he has responsibility on the road for a vehicle of the type to which we are referring.

Mr. MILLHOUSE: I am now of the opinion (I have not always been of this opinion) that the general age for getting a driving licence in South Australia is too low. I am prepared to support any provision raising that age from 16 years to 17 years or 18 years. For that reason I propose to support the clause. It is interesting, while looking at the Liberals in front of me, to see that the only ones who have spoken against this clause are the rural members. This shows clearly the absolute dominance that the country still has over the Liberal Party.

Mr. Venning: So what?

Mr. MILLHOUSE: That is the outlook of the honourable member and of his Party. It is a rural-dominated Party. Not one metropolitan member of the Liberals in the Chamber at present (and there are two metropolitan members) has opposed this clause. All the arguments put (and they may be good arguments from the viewpoint of rural members) against this clause have been put on behalf of farmers. I do not deny them their rights, but I suggest to the Liberal Party, and the member for Coles is here now (we will see what she says about this clause) and the member for Glenelg is here, too, that there are considerations in this State other than considerations of convenience for members of the rural community. If the Liberal Party ever wants to get anywhere, it should lift its sights a bit.

The CHAIRMAN: Order!

Mr. MILLHOUSE: I thought you would agree with me, Mr. Chairman. Maybe you don't want the Liberal Party to get anywhere.

The CHAIRMAN: I draw the honourable member's attention to the fact that he is straying from the Bill.

Mr. MILLHOUSE: The only arguments against this clause are arguments of convenience for those living in some country areas, but those arguments are not good enough to sway us. I believe that 18 years is quite young enough for a person to have a licence of this kind. I support the clause.

Mr. GUNN: It is well known that the member for Mitcham dislikes country people. He would not know barley grass from oats. The member for Goyder has explained that this clause, if implemented, will greatly inconvenience people. I make no apology for putting the viewpoint that I have put. Indeed, I would be failing in my duty if I did not put that viewpoint. This clause is unnecessary and unfair. Can the Minister say how many accidents have been caused by people under the age of 18 years who have been driving trucks loaded with grain? I am sure that the figures would be below the average. Many of these people would be driving on back roads; only a small percentage would be driving on highways. I will be lobbying my colleagues in another place in connection with this clause.

Mr. VENNING: I was very disappointed to hear the comment of the member for Mitcham. Has the United Farmers and Graziers organisation been in touch with the Minister on this aspect? I would have thought it would make representations to the Minister, otherwise I feel sure it would not have known anything about it.

The Hon. G. T. VIRGO: To the best of my knowledge the United Farmers and Graziers have not made any representations, but the honourable member and his colleagues might be interested in knowing that the A.M.A. has strongly advocated the proposition we are now putting forward to the Chamber.

Mr. RUSSACK: I must have misunderstood the Minister just now.

Mr. Millhouse: Don't overlook his last point about the A.M.A.

Mr. RUSSACK: Many other recommendations are made by the A.M.A., and the Government takes no notice of them. The Minister mentioned class 1 licences, but I cannot see anything at all about class 1 licences in this clause. By this clause, section 78 of the principal Act is amended by striking out subsections (2) and (3). Subsection (2) deals with class 2 licences and subsection (3) deals with classes 3 and 5. If those two classes are deleted, it puts classes 2, 3 and 5 under the one umbrella. If we oppose this clause, it will allow class 2 licences to be issued at the age of 17, while classes 3 and 5 remain at 18 years of age. The Act provides that a licence endorsed with a classification class 3 or a classification class 5 will not be issued to a person under the age of 18 years who did not hold a licence under the Act before the commencement of this subsection.

Therefore, this has nothing to do with class 1 licences. We are simply permitting a 17-year-old to have a class 2 licence, which shall authorise the holder of the licence to drive any motor vehicle, except an articulated motor vehicle (a semi-trailer), a motor cycle or a motor omnibus. It is not my intention to reply to the member for Mitcham at length. However, I point out that 6 per cent of the people of Australia produce 50 per cent of the exports. Those exports are transported by truck in country areas. It would cause some hardship in many areas if this clause went through. Can the Minister produce statistics that will prove that the ages of 17 and 18 are dangerous years for the driving of this type of vehicle?

The weights of vehicles have been reduced for the carriage of primary produce in the country. We have challenged the Minister to produce statistics of the accident rate, but I do not think they are available because there has been a good safety record. I am not arguing on this point just for country areas. There are situations in the city where a vehicle of this type could be competently driven by persons aged 17 years and over who have qualified and passed the prescribed examination. I oppose the clause.

Mr. CHAPMAN: I am surprised to hear the Minister criticise the rural members for their attempts to protect the youth in their respective communities. I do not think there is anything wrong in the attitude being expressed. Indeed, I think it would be quite wrong to proceed with this and prevent a 17-year-old lad (and certainly our country boys are quite capable at this age) from handling a truck to take stock to market, whether it be produce, grain, grapes, livestock or whatever.

I do not understand the reasoning behind the Government's move. The Minister has given no statisticss to show that 17-year-old truck drivers or bus drivers have acted irresponsibly or been involved in more accidents than anyone else. We are not talking about the 17-year-old car driver about whom the member for Coles is concerned, a youngster with a high-powered motor car, or a 17-year-old motor cyclist: we are concerned about a person being capable of handling a vehicle of more than three tons.

The Minister said, that, in relation to the 30 cwt. or 3-ton range, the word "mass" will replace the word "weight". Does the mass weight refer to the weight of the vehicle alone, or to the weight of the vehicle and its load?

The Hon. G. T. VIRGO: It is the unladen weight.

Mr. RODDA: I represent country people, and I also have a deep appreciation of the needs of city people. Several families in my district have had the misfortune to lose the head of the family prematurely, and many young people are carrying on the family property and assisting their mother in a responsible way. The effect of this clause will be that these people, who are paying a large amount of money in regard to death duties, will have to bring in a driver to transport the produce. This imposes a hardship on families who are contributing to the Treasury coffers, and I daresay that it happens across the State.

Mr. Millhouse: What happens in the other States?

Mr. RODDA: I am speaking about what happens in South Australia, not in other States. If it is happening in other States, that should be rectified, too. The effect of this provision will be to inflict hardship in specific cases.

Mr. VENNING: I move:

That progress be reported.

I do this to enable the Minister to come up with some figures relating to the accident rate. It would also give an opportunity for the United Farmers and Graziers organisation to come forward with comments on the clause.

Motion negatived.

Mr. RUSSACK: Nothing has been said to change my mind. In introducing in this Bill a greater capacity for class 1 licences, the Government has shown its opinion of the capabilities of younger people. I consider that the present provision in the Act that a 17-year-old can use a class 2 licence should be sustained.

The Committee divided on the clause:

Ayes (24)—Messrs. Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan, Dunstan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Millhouse, Olson, Simmons, Slater, Virgo (teller), Whitten, and Wright.

Noes (17)—Mrs. Adamson, Messrs. Allison, Becker, Dean Brown, Chapman (teller), Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin, Venning, Wilson, and Wotton.

Pairs—Ayes—Messrs. Payne and Wells. Noes—Messrs. Arnold and Blacker.

Majority of 7 for the Ayes.

Clause thus passed.

Clauses 46 and 47 passed.

Clause 48—"Power to test applicants and licence holders, etc."

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

Page 14, line 2—After "may" insert ", with the approval of the Minister,".

Under the provisions of this clause as amended, an applicant for a class 2 or 3 licence may be directed by the Registrar, with the approval of the Minister, to undergo a medical examination. The Government does not wish to make this a *carte blanche* provision: it will be a phasing-in process over a period of time.

Mr. CHAPMAN: The Opposition agrees to the amendment.

Amendment carried; clause as amended passed.

Clauses 49 to 59 passed.

Clause 60—"Points demerit scheme."

Mr. CHAPMAN: The Minister's second reading explanation was very brief. Can he give an example of how the process would be speeded up without problems to the licensee being incurred? The Minister dealt with the points demerit scheme and proposed to demerit the points applicable to a licensee immediately after a conviction, even if an appeal period had not expired. If an appeal is upheld, there is sufficient provision in clause 60 *(c)* to deal with the situation. However, I cannot understand why this situation is desirable in the first instance. What real benefits are there? Demerit points are deducted from a licensee following an accident or a similar occurrence, and it does not matter whether the points are deducted at that time or some time in the future, for example, after the appeal period has expired.

The Hon. G. T. VIRGO: This amendment was introduced as a result of consideration of the demerit schemes operation by Mr. Cameron, S.S.M., and Mr. Scott, from the Motor Registration Division. Their advice was as follows:

> As the Act now stands, demerit points cannot be recorded against a person until the time for appeal against the conviction has expired, or until any such appeal has been determined. This causes many unnecessary delays, as in many cases there is no intention to appeal. It is therefore, proposed that demerit points be recorded upon conviction, and that should an appeal be instituted, then any disqualification under this section would be suspended until the appeal is determined or withdrawn.

Mr. MILLHOUSE: I think I have just understood the import of this clause. If I read the Minister's speech correctly it does, does it not, mean that there is no appeal from disqualification because of points demerit?

The Hon. G. T. VIRGO: One can appeal along the line.

Mr. MILLHOUSE: An appeal can be made against each conviction, but there will not be an appeal in future against disqualification under points demerits. That is right is it not?

The Hon. G. T. VIRGO: That is right.

Mr. MILLHOUSE: I cannot accept that for a moment. I intend to move an amendment to strike out subclause (2) of clause 60. I wonder whether members understand the effect of this provision: it is contained in one little sentence in the Minister's speech. He says (and this really gives it away):

> This particular amendment will not be brought into operation immediately, as the intention is to advise the public thoroughly of the import of the amendment.

It is pretty obvious that no-one knows what it means yet. I do not know whether it got any publicity.

The Hon. G. T. Virgo: It is not in yet.

Mr. MILLHOUSE: I have had a little experience, thank heavens not first-hand, of points demerits and appeals. It is not easy now to win an appeal against disqualification because one has accumulated the 12 points, but at least there is the opportunity, and an appeal is sometimes upheld by the court. Now the Government is apparently, with a minimum of fuss, as B.O.A.C. used to say, going to cut that out. I am surprised that there is no protest about that. I must plead guilty to having only just noticed it myself. I do not know whether any other member wants to speak on this. I hope that they do so that I can continue writing my amendment to strike out subclause (2), which provides for the abolition of the right of appeal from disqualification for points demerit.

Mr. CHAPMAN: I am probably as guilty as anyone else for not having picked up clearly the intent of subclause (2), if it is as described by the member for Mitcham, whom I asked about 10 minutes ago to look at it. The clause deals specifically with technical detail, if not legal detail, and I appreciate the assistance that has at least been promised from my rear. So that members know exactly what we are talking about, I draw to their attention what the Minister said.

The CHAIRMAN: The amendment has been presented to the Chair.

Mr. CHAPMAN: The brief explanation that the Minister gave to clause 60 is as follows:

> Clause 60 seeks to clarify the situation in relation to certain provisions of the points demerit scheme. As the Act now stands, demerit points cannot be recorded against a person until the time for appeal against the conviction has expired—

I cannot really see the benefits of seeking to hasten the process of deducting the demerit points from a licensee in the interim period—

> or until any such appeal has been determined. This causes many unnecessary delays, as in many cases there is no intention to appeal.

So what? If there is no intention to appeal, what is wrong with the licensee retaining his demerit points for the period involved? I cannot see any problem about that. The Minister continued:

> It is therefore proposed that demerit points should be recorded upon conviction, and that should an appeal be instituted, then any disqualification under this section would be suspended until the appeal is determined or withdrawn. It is also proposed to repeal those provisions that provide a right of appeal against a disqualification under this section.

At that stage it is unreasonable that a person at the end of the demerit scale, subject to losing the last few demerit points, should have his licence disqualified upon conviction and not be able to enjoy the benefits of the period up to and during the appeal stages. Surely, that is the ordinary process of law.

If there is provision for an appeal under any Act he may have been in breach of, he should have the opportunity to enjoy the demerit points and drive until the expiry of the appeal period. If the appeal is then rejected, the ordinary processes of clause 60 or section 98b should be exercised and the demerit points taken away.

Mr. MILLHOUSE: I move:

> Page 17, lines 13 and 14—Leave out these lines.

My amendment seeks to leave out those subsections of section 98b which, between them, provide the right of appeal and set out the grounds on which an appeal can be instituted and may succeed. Until the member for Alexandra asked me to look at clause 60, I had not appreciated its effect.

The Hon. G. T. Virgo: They really need a lawyer in their ranks.

Mr. MILLHOUSE: Indeed, they do. They are trying hard to make it up, but they will not admit it. When I was pushed out of the Party, the member for Light said he would do all the legal work.

The CHAIRMAN: Order! The honourable member for Mitcham knows that he is straying from his amendment.

Mr. MILLHOUSE: I suspect that the full import of new subsection (12a) is really consequential on losing the right of appeal. Nevertheless, it will not do any harm by staying there. I point out to the Minister that there is a great difference between having an appeal from a conviction for a road traffic offence as it goes along, and having a right of appeal when one has accumulated the full number of demerit points and loses one's licence for that reason alone. They are two separate things.

There is no suggestion, as I understand it, that, as points are being accumulated going along, the element of the accumulation of points can be taken into account in any appeal. Say that I am convicted of speeding, meriting a loss of points. I cannot appeal to the Supreme Court and say, "I'm going to lose X number of points because of this, and take it into account in deciding my appeal." It is all very well to say that we will warn people that they are accumulating points as they go along, but it will not give them any right of appeal. What the subclause does is to take away absolutely any right of appeal, when one loses a licence because of the accumulation of points. There may be certain circumstances in which there is some good reason, such as hardship, or something else (and they are all set out at present in section 98b), why there should not be a loss of licence in all the circumstances. Subsection (15), which is one of the ones to be altered, provides:

> If the local court is satisfied by evidence given on oath by or on behalf of the appellant that—
>
> *(a)* it is not in the public interest that he should be disqualified under this section; or
>
> *(b)* that the disqualification would result in undue hardship to the appellant,
>
> the court may order that the aggregate of the demerit points recorded against the appellant be reduced to eleven.

He is given a second chance, and he is on notice the second time that, if he accumulates even three more points, he will certainly lose his licence. There ought to be some safety valve in a scheme such as this. Some appeals succeed against the loss of licence for points demerit. I think that Parliament would be unwise to have so rigidly automatic a system that there is never any way out of the loss of licence. We thought before, when this section was inserted in 1971, and amended in 1973, that there were cases where for undue hardship or in the public interest there should be some safety valve and a way out.

I do not believe that we should remove that, and no justification has been given by the Minister for doing this. All he said in his second reading explanation was that the one great advantage of the points demerit scheme is that it provides a certain inevitability of disqualification. That certain element of inevitability will still remain, but there ought to be some safety valve. I ask the Committee to support me in this matter. The Local Court of Adelaide has not been anxious to uphold appeals. I should think that nine out of 10 fail, but there is the tenth case where, in the opinion of the judge, it is justified. I do not believe that we should take away all opportunity for justification in those few cases.

The Hon. G. T. VIRGO: I am sure that the member for

Mitcham knows that the Government will not accept his arguments. Indeed, I would have thought that the case he presented would have been the case he should have presented when the demerit scheme was introduced eight or nine years ago. Indeed, I think that he was partly involved in the implementation of the demerit scheme. I think that he was also a member of a committee, but I may be wrong. What his argument does is to destroy the basis of demerit points, and what they are for.

The points demerit scheme was devised to try to take care not of the person who happened to make a mistake only once but of the persistent offender and to remove him from the road. It is aimed at the persistent offender who ignores or deliberately contravenes the Road Traffic Act and is, consequently, a menace on the road.

I believe that the points demerit scheme has been a tremendous success, and I would not like to see anything happen that weakened it. This Bill is designed to strengthen the scheme. It will take away from people like the honourable member, in his private pursuits, a lucrative area of income. However, the amendment will permit people like the honourable member to keep persistent offenders on the road by their going on with an appeal, stretching it out as far as possible, or saying that they are not available when the case is listed, and so on.

Mr. Millhouse: Don't be silly.

The Hon. G. T. VIRGO: The honourable member can say that, but he knows full well that that is exactly the position and that anyone who has demerit points awarded against him has an opportunity on every occasion to appeal. The more serious offence of driving under the influence attracts six demerit points, and the offences of failing to stop after an accident, reckless or dangerous driving, driving with a blood alcohol content of more than ·08 per cent, or failing to take a breath test all attract five demerit points.

I should like to know whether any member opposite would try to defend the person who commits that type of offence, as the honourable member is trying to do. Apart from the offences to which I have referred, in most cases a person who commits an offence has four demerit points awarded against him, and for most of the remaining offences three demerit points are awarded. This means that a person would have to commit three, if not four, misdemeanours on the road in a three-year period to be affected. Such a person would have had every opportunity, each time an offence was committed, to defend himself, or to have himself defended, and, if found guilty, to appeal.

It is unrealistic to say at the end, when the final result is really what the points demerit system is all about, that such an offender should again be given an opportunity to appeal. Where does it end? Does the honourable member want such matters to go to the Privy Council?

The whole of this scheme is designed to remove persisting offenders from the road, and the Government certainly would not be willing to water down the scheme any more than it is at present. Indeed, in the interests of road safety, the scheme wants tightening up. I say, without fear of contradiction, that people like the honourable member who want to water down the scheme are not acting responsibly in relation to road safety.

Mr. MILLHOUSE: I should like briefly to reply to the few points made by the Minister. First, there is no question of an appeal being made to the Privy Council. It is my recollection (although I have not looked at the Act) that the appeal is to the Local Court, and that is that: there is no appeal beyond that.

Regarding the nonsense spoken by the Minister about a person's being able to put a thing off, not turning up, and so on, the Minister knows as well as everyone else does that what he says does not happen. The Minister has said that the points demerit scheme has been a success since his Government introduced it. In fact, he was the Minister who introduced the scheme, containing this right of appeal, in 1971.

The Minister has not brought forth any specific case or given any specific reasons to show why the appeal should be abandoned now after seven or eight years experience. Contrary to his suggestion, I have only had, I think, two appeals. They are not particularly lucrative or frequent, so I have no personal interest in this at all.

The Hon. G. R. Broomhill: Are you suggesting that if they were lucrative you would have?

Mr. MILLHOUSE: We will not press that too far. However, let me give the facts of one of the only two cases of which I can remember the facts. It involved a man in his 30's who was a stallholder in the East End Market and who had to drive to the market at 2 a.m. or 3 a.m. on market days. He had no assistance in his business and there was nobody else he could get to drive but his wife, who was either pregnant or sick. The situation was such that if he lost his licence he would lose his business as well, because there was no way in which he could hire somebody to drive for him at that time of the day without paying so exorbitant a rate that he could not afford to do it. In that case, if my recollection serves me right, the appeal succeeded because the court found that that was an undue hardship on that man. He seemed to me to be quite a decent chap.

I do not remember what the offences were, but he was not the sort of maniac that the Minister was suggesting people who lose all their points must be. That was a special case. There are not many people who have in the course of their business to drive at 2 a.m. or 3 a.m. and no other time. There are not many people who cannot find some member of the family or a friend to drive for them, but in the case I mentioned that man could not. It is to guard against that sort of situation that there ought to be an appeal. There was nothing else in what the Minister said that is worth replying to. I hope, and I say this with due charity to him, that that will be sufficient to convince at least some members (and I would have hoped the Minister) that this is not a wise amendment.

Mr. GUNN: As one who does much driving, I strongly support the argument that has been put forward. The Minister has implied that every person who loses a licence is a maniac. He knows that to be nonsense. He would know, if he is at all observant on his trips through the country, that few people on the road observe the 110-kilometre maximum speed limit.

The Hon. G. T. Virgo: We travel at 110 km an hour and very few people pass us.

Mr. GUNN: The Minister must be joking. I entirely disagree with the 110 km maximum speed limit; it is ridiculous. To deny a person the right of appeal when he is going to lose his driver's licence and when he has not driven like a maniac is unfair, ridiculous and improper. I sincerely hope that, if the Minister is not going to be responsible on this occasion, when this Bill proceeds further it will be suitably amended so that common sense will again prevail.

The Committee divided on the amendment:

Ayes (18)—Mrs. Adamson, Messrs. Allison, Becker, Dean Brown, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Millhouse (teller), Nankivell, Rodda, Russack, Tonkin, Venning, Wilson, and Wotton.

Noes (23)—Messrs. Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Drury, Duncan, Dunstan, Groom, Groth, Harrison, Hemmings, Hop-

good, Hudson, Klunder, Langley, McRae, Olson, Simmons, Slater, Virgo (teller), Whitten, and Wright.

Pairs—Ayes—Messrs. Arnold and Blacker. Noes —Messrs. Payne and Wells.

Majority of 5 for the Noes.

Amendment thus negatived; clause passed.

Clauses 61 to 64 passed.

Clause 65—"Cancellation or suspension of certificate."

Mr. CHAPMAN: Can the Minister say whether there is any appeal against the Registrar's decision? I cannot seem to find this reference in the principal Act, and I wonder whether I should refer to it under this clause.

Mr. MILLHOUSE: For the information of the honourable member I think section 134 *(a)* of the Act gives a right of appeal from every decision of the Registrar.

Clause passed.

Clauses 66 and 67 passed.

Clause 68—"Prohibition against towing of any vehicle unless driver of tow-truck has authority to tow the same signed by the owner or driver, etc., of the vehicle."

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

Page 19, after line 41—Insert new paragraph as follows:

(h1) by striking out from subsection (3) the passage "under this section"and inserting in lieu thereof the passage "given under this section by the driver, owner or person claiming to be in charge of a motor vehicle damaged in the accident,";.

By inserting the new paragraph this amendment clarifies the situation.

Mr. MILLHOUSE: I oppose this whole clause: therefore I do not mind whether the amendment goes in or not. We have already put in some quite tyrannical provisions in earlier clauses. I have very grave doubts about the justice of section 98j, which we are now amending. The amendment proposed in clause 68 makes it so bad as to warrant opposing it altogether.

The powers are tyrannical. We are giving powers to inspectors, and we do not know who will be appointed as an inspector. I do not think we have yet got to the clause that provides for the appointment of inspectors but, if we have done, I have missed asking the Minister about whom he proposes to appoint.

The Hon. G. T. Virgo: It's in there now.

Mr. MILLHOUSE: That is right. There is no qualification for inspectors. The Minister can appoint people from Trades Hall or from the place on Greenhill Road where the Liberals hang out. We are providing wide powers for these unqualified, unnamed, and unscreened people.

Whilst there may be bad eggs amongst tow-truck drivers, the majority are decent, honest people who are trying to make a living, and they do not deserve to be treated like criminals and sorted out for the most rigorous and unfair control, but we are doing that in this legislation. If there is a problem with tow-truck drivers, the way out is to tighten up the provisions regarding licensing. All this nonsensical red tape and giving of power to members of the Police Force and inspectors is unnecessary and unjust. The whole clause is bad, and I hope that members on this side will show their disagreement with the unfair tactic regarding these tyrannical powers by voting against it.

Mr. CHAPMAN: I think the member for Mitcham has gone off half-cocked about the powers of the police. Clause 68 tightens up the definitions and deals with who shall be or may be able to inspect, but it does not deal with the infringement of a person's privacy.

The Hon. G. T. Virgo: It adds the inspectors.

Mr. CHAPMAN: Yes. I do not often agree with the Minister, but I think it fair to point out to the member for Mitcham that he is jumping the gun. I now wish to draw attention to the attitude of a group of tow-truck operators who are members of the South Australian Automotive Chamber of Commerce.

As I mentioned earlier this week, they have met and discussed the whole subject at some length. They have made some effort to draw to the attention of members on both sides of the Chamber, including the Minister, their general attitude to the Bill. They say that there seems to have been a significant increase in the number of tow-trucks operating within the area within the past 12 months or so, accentuating the need for control of the number of tow-trucks that may be at the scene of an accident. Frequently, they say, two or three trucks from one firm attend an accident.

The ratio of tow-trucks to potential customers is believed to be too high. In the Adelaide metropolitan area about 255 tow-trucks and about 320 000 sedans and station sedans are registered, whilst in the Melbourne metropolitan area, where it is considered that there are too many tow-trucks, there are 410 tow-trucks and 1 000 000 sedans and station sedans registered.

The committee pointed out in its recommendations, a copy of which I have with me, that it was the view of the committee that the number of tow-trucks registered and licensed to attend accidents should be placed under strict control, and that no increase in the number should be permitted. To this end, there is a need for the introduction of a distinctive registration plate for issue to accident authorised tow-trucks. It seems likely that the recommendations of the joint working party that all tow-trucks operators be licensed will occur.

The points raised by the committee are important to the Bill generally and especially to this clause. The committee believes that all licensed operators should be required to provide at least two trucks to the standard prescribed from time to time; should operate out of premises approved under appropriate town planning regulations; should provide the towing service for 24 hours every day; that the monitoring of police radio should be forbidden; and that the accident towing industry should be proclaimed an emergency service.

The industry has previously stated the view that tow-truck drivers' certificates should bear the name of the employer. It is considered strongly that the absolute authority for the issue of tow-truck drivers' certificates should be with the proposed board of control, and should be valid only whilst the driver is employed by the nominated employer.

The committee's report states that the present provision for an appeal to a court of summary jurisdiction in cases where a certificate is refused or revoked needs to be amended to direct final appeals to an appeal tribunal similar to that prescribed in the Motor Fuel Distribution Act; such a tribunal should be comprised of people with an intimate knowledge of the industry, as well as of the law.

The committee believes that the provision for greater control over tow-truck certificate holders, coupled with restrictions on the number of tow-trucks permitted at the scene of an accident, could virtually eliminate bad behaviour at the scene. A firm proposal, but by no means a unanimous one, would be the establishment of a central base to receive and distribute calls for tow-truck service.

I draw to the attention of the Committee those notes from the chamber. I believe that the notes demonstrate, in a few paragraphs, that the committee is genuine about tightening up the control and the practices of the tow-truck industry. I do not believe that clause 68 is outside of the proposed amendments and the principles put forward by the tow-truck drivers of the South Australian Automotive

Chamber; in fact, I believe that the principle incorporated in this clause has the support of all tow-truck drivers. After having dealt not only with those directly connected with the chamber, but also with others not connected with it, I understand that there is no objection from either group to the contents of clause 68, as it is proposed that the clause be amended by the Minister this afternoon.

Amendment carried.

The Committee divided on the clause:

Ayes (36)—Mr. Abbott, Mrs. Adamson, Messrs. Bannon, Broomhill, Dean Brown, and Max Brown, Mrs. Byrne, Messrs. Chapman, Corcoran, Drury, Duncan, Dunstan, Eastick, Evans, Goldsworthy, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, Mathwin, McRae, Nankivell, Olson, Russack, Simmons, Slater, Tonkin, Virgo (teller), Whitten, Wilson, Wotton, and Wright.

Noes (6)—Messrs. Allison, Becker, Gunn, Millhouse (teller), Rodda, and Venning.

Majority of 30 for the Ayes.

Clause as amended thus passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 5.52 p.m. the House adjourned until Tuesday 14 November at 2 p.m.