LEGISLATIVE COUNCIL

Thursday, November 4, 1971

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

ASSENT TO BILLS

His Excellency the Lieutenant-Governor, by message, intimated his assent to the following Bills:

Juvenile Courts,
Police Pensions,
Stamp Duties Act Amendment (Rates).

ROAD TRAFFIC ACT AMENDMENT BILL (SEAT BELTS)

At 2.19 p.m. the following recommendations of the conference were reported to the Council:

That the Legislative Council do not further insist on its alternative amendment to amendments Nos. 3 to 5 but make the following alternative amendment in lieu thereof:

Page 2 (clause 3)—After line 9 insert new subsection (1a) as follows:

(1a) If in proceedings for an offence against this section the court thinks that the charge is proved but that the offence was in the particular case of so trifling a nature that it is inexpedient to inflict any punishment, the court may, without proceeding to conviction, dismiss the complaint and, if the court thinks fit, order the defendant to pay such costs of the proceedings as the court thinks reasonable.

and that the House of Assembly agree thereto.

Consideration in Committee.

The Hon. C. M. HILL: I move:

That the recommendations of the conference be agreed to.

I have to report that, as arranged, the managers of this Council met at 7.30 last night and discussions with the managers of another place were carried out in the usual amicable manner. At about 9.45 p.m. it was decided to suspend the conference and to meet again at 12.30 p.m. today. Such a procedure proved very successful from many points of view and I would certainly recommend this procedure for future conferences, if it is considered necessary or desirable. After meeting today, agreement was reached between the managers along the lines to which I have referred.

I thank the managers of this Council for their assistance and the work they did on behalf of honourable members in this Chamber. I was fortunate in having two senior Government Ministers as fellow managers, and the Hon. Mr. Geddes, who was also a manager, echoed truly the view of country representation. The Hon. Mr. Cameron in his first conference showed enthusiasm and fulfilled very well the trust that this Council placed in him in electing him to such an important office.

Over some weeks, there has been very deep probing and feeling within this Chamber for a general answer to one certain problem. I think all honourable members will agree with that. Most honourable members felt there might be some unusual or peculiar cases where perhaps the passengers or drivers of cars had a reasonable excuse for not wearing a belt and that they should, therefore, receive special consideration. There may be cases in which those involved are not negligent and, indeed, there may be cases in which the person involved did not intend to avoid the responsibility of wearing a seat belt. This problem has been very carefully considered, and it has taken a considerable time to wrestle with it. The managers of this place have classified the problem as one to which the term "trivial offence" is relevant. The managers of both Houses believe that in such a case special consideration may be given to the person involved.

True, a let-out along identical lines exists in the Justices Act, but the relevant section in that Act is not always drawn to the attention of justices; further, some justices are not aware of it. There may be some cases (and I mean no disrespect) where magistrates do not consider that section fully. So, the managers believe that, by writing the same kind of provision into this Bill, they are providing people with a means of knowing that they have an opportunity to plead that the offence was trivial rather than to seek a provision in another Act that will safeguard their interests.

If this place agrees to the amendment, it will be the result, first, of a joint effort by a private member of the Opposition and the Government in another place, secondly, of a very full review in this place and, thirdly, of a conference of the two Houses on the whole matter. It will mean that South Australia will have better seat belt legislation than Victoria and New South Wales have, because the provision I have referred to does not exist in the legislation of those States.

True, there has been criticism, particularly in the press, concerning delay in this matter. Further, criticism of this place in that connection has been brought to my notice in metropolitan Adelaide. Finally, after applying the old-fashioned democratic principles of maximum discussion and compromise between individuals and between Houses in the bicameral system, I believe the best result has

now been achieved. I recommend the amendment to honourable members.

The Hon. R. A. GEDDES: I support the remarks of the Hon. Mr. Hill. The conference has been very interesting because it was able to adjourn its discussions last night and then resume them today. As the Hon. Mr. Hill said, that enabled the managers to reassess the position. The managers faced a difficulty in that there was really only one amendment to be discussed; that precluded the thrust and parry that so often takes place before a satisfactory result is achieved. I hope this place will look seriously at the recommendation of the conference in that light. As the Hon. Mr. Hill also said, over the last few weeks there have been recriminations featured in the press in cartoons and articles suggesting that this place is a place of resistance. However, I believe that this place has performed a necessary function. I hope the word can be spread that any delay that this Council may appear to have created has not been capricious or foolish. If there was any delay at all it was the result of a genuine attempt to maintain the traditions of this Council in presenting to the people legislation that best copes with their problems. I support the motion.

Motion carried.

Later, the House of Assembly intimated that it had agreed to the recommendations of the conference.

QUESTIONS

KANGAROO ISLAND FISHING

The Hon. R. C. DeGARIS: I seek leave to make a brief statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. C. DeGARIS: I have before me a batch of letters from people on Kangaroo Island concerning the question of net fishing. These letters can be summarized by a report from a newspaper circulating on Kangaroo Island, which states:

> Heard some very, very bitter comments from local fishermen regarding the net fishing which has been active in American River in the last week. One report gives a conservative estimate of the nets being used as half a mile in length. Is it a fact that the authorities can do nothing to stop this?

Would the Minister care to comment on this matter?

The Hon. T. M. CASEY: I know that a good deal of netting has been done in South Australian waters over the years, and that it has been a source of annoyance to fishermen, both professional and amateur, that this type of fishing has been carried on in the way that it has been. Over the years there has been a tremendous wastage of fish in this State. I am sure that the Leader will be completely satisfied both with the provisions in the new fisheries legislation which Parliament passed earlier this year and with the new regulations. These regulations have been before the Australian Fishing Industry Council, which has expressed itself as being in complete agreement with them. I assure the Leader that restrictions will be placed on fishermen, particularly amateur fishermen, regarding the use of nets and also the areas in which they can fish. I cannot be more specific at this stage, but I am sure that what will come forward in the regulations will be quite acceptable.

The Hon. R. C. DeGARIS: Can the Minister indicate whether the main problem in this matter lies in regard to section 50 of the Fisheries Act and not with the regulations? Secondly, will he discuss with the Minister of Environment and Conservation the fact that in the opinion of many people on Kangaroo Island this resource is being over-exploited. This applies particularly to fishing inshore.

The Hon. T. M. CASEY: I will have a good look at section 50 and bring back a report for the Leader. I will also take up with the Minister of Environment and Conservation the other matter that he has raised. These problems have been with us for many years. However, we hope that we shall be able to solve this problem soon.

CAPITAL TAXATION

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking a question of the Chief Secretary as the Leader of the Government in this Chamber.

Leave granted.

The Hon. M. B. DAWKINS: I direct my question to the Chief Secretary because I think it could involve, to some extent anyway, Government policy regarding cases similar to the one I will be quoting. I have had brought to my notice the problem of a constituent in the Midland district. This constituent is living within 10 or 12 miles of the city of Adelaide and is still trying to carry on a broad-acre farm in the area. I have been given to understand that in this case amounts to the extent of about $10 an acre are owing for district council rates, city council rates and land tax. The gentleman concerned is having great trouble in meeting

his commitments. Of the amount I have quoted, about 60 per cent is due to the Land Tax Department. At one stage it was possible for a special arrangement to be made under section 12 (c) of the Land Tax Act, but I understand there is no advantage to be gained from this at present. I believe this is one of quite a number of cases in which people who, through no fault of their own, have been surrounded by built-up areas are in very great difficulties. Will the Chief Secretary discuss with the Treasurer the possibility of some alleviation of this situation for people who find themselves in such circumstances?

The Hon. A. J. SHARD: I will draw the honourable member's question to the attention of the Treasurer and bring back a reply as soon as it is available.

MAIN ROAD JUNCTIONS

The Hon. A. M. WHYTE: I seek leave to make a short statement prior to asking a question of the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. A. M. WHYTE: It seems that my earlier praise to the Highways Department for correcting the dangerous 90-degree entry to the by-pass at Port Pirie known as Georges Corner was premature. I say that because the department, having corrected a left-hand 90-degree turn which was responsible over the years for many accidents and fatalities, has now created a right-hand 90-degree turn into Port Pirie. This will, in my opinion and in the opinion of most road users in the area, be quite as dangerous as was the previous left-hand 90-degree turn. It is quite obvious that drivers of heavy vehicles in particular will have to use the left-hand side of the road in making a right-hand turn to negotiate this sharp angle, and many farmers, too, are finding it most difficult to negotiate this abrupt turn into Port Pirie when their vehicles are loaded with grain. Will the Minister take up with his colleague what seems to be an antiquated method of entering main roads, adopted from America some 20 years ago, proving absolutely detrimental to motorists, but still continued in South Australia? Will he take up with his colleague that junctions of 90 degrees are most undesirable and dangerous, asking that the department investigate this matter urgently?

The Hon. A. F. KNEEBONE: I am sorry to hear that the honourable member, after paying us a compliment for remedying something that had been neglected for some time, has now withdrawn his praise of the department. I will take up the question with my colleague and bring back a reply as soon as possible.

SPEEDING OFFENCES

The Hon. M. B. CAMERON: I seek leave to make a short statement before asking a question of the Chief Secretary, representing the Attorney-General.

Leave granted.

The Hon. M. B. CAMERON: Last night, while investigating another problem in relation to the Justices Act, I had drawn to my attention on two different occasions a problem that arises from time to time with people who are summoned for a speeding offence. When a person receives the summons, there is no indication on the form of the speed that he is charged with having exceeded, so the person who pleads guilty on Form 4A is virtually pleading to something that is not specifically laid down; and neither are any extenuating circumstances indicated in relation to speeding offences. For instance, driving at 50 m.p.h. to 60 m.p.h. down the Greenhill Road is different from driving at a high speed along a country road so, naturally, the former offence will attract the maximum penalty. If the person knows that the offence is considered to be grave, he may change his mind about pleading guilty under Form 4A, or he may seek representation. It may be that, when the charge finally comes before the justice of the peace or the magistrate, there has been a typographical error and the person who pleads guilty under Form 4A has no knowledge of this until after he is fined, because this was not shown on the form. Will the Chief Secretary take up this matter with the Attorney-General and see whether or not on all summonses issued the full details of the offence and the speed that the person is to be charged with exceeding are put on the summons, and also any extenuating circumstances attached to the evidence?

The Hon. A. J. SHARD: I will refer the honourable member's question to the Attorney-General. I am no legal man but, on all the forms that have been referred to me, it is simply stated (and I do not know how we shall get over this) that a person has exceeded the speed limit of 35 m.p.h., or whatever it may be. If the honourable member wants all the details of the offence to be on the form, I do not know whether that can be done, but I am prepared to take the matter to the Attorney-General and bring back a reply.

BARUNGA RESERVOIR

The Hon. E. K. RUSSACK: I seek leave to make a statement before asking a question of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. E. K. RUSSACK: This question concerns reticulated water in the hundred of Barunga, and the Barunga reservoir. In reply to a recent question that I asked about water in an adjacent area, the Minister said:

Approval has been given for the re-laying of five miles of trunk main west from Barunga reservoir at a total estimated cost of $160,000. This work cannot be completed during this financial year, but the old main which is to be replaced will be boosted to its maximum safe capacity during the summer months to alleviate the position.

The present situation is serious, and this will be of great assistance in the replacing of that main; but, in the meantime, the position of the property owners concerned is serious. In fact, even yesterday one of the property owners almost found it necessary to cart water. No doubt, he would have had to if the hot weather had continued. He and the other property owners need a head of water in the Barunga reservoir.

Since April, the Barunga reservoir has been empty for the purpose of being cleaned. There are two main purposes for which this water is needed urgently—stock watering and fire precautions. (We all know the seriousness of the fire risk this year.) These property owners have made installations at much personal expense to assist, but these are useless without water. The reservoir does not require rain in order to be replenished: it is replenished from a master reservoir, which should have a plentiful supply in view of the rain we have had this year. Because of the seriousness of the situation, I ask these questions of the Minister. First, when will the cleaning of the Barunga reservoir be completed and the reservoir be replenished? Secondly, because of the urgency and the seriousness of the situation, will the Minister have the work expedited?

The Hon. T. M. CASEY: I shall be pleased to refer the honourable member's questions to my colleague and bring back replies when they are available.

AREA SCHOOL COURSES

The Hon. M. B. CAMERON: My question is directed to the Minister of Agriculture, representing the Minister of Education. I seek leave to make a short statement before asking it.

Leave granted.

The Hon. M. B. CAMERON: The matter I wish to raise with the Minister is the lack of recognition by employers of the track 2 course being presented to many students in area schools, not only in the Upper South-East but also throughout the State. Students who are academically inclined are urged to take the O track, which ultimately leads to some form of tertiary education, whereas a student who wishes to pursue the secondary teaching course in the field of craft subjects (woodwork, metal work, home science, and needle work) must take the O track course in order to matriculate. In doing so, the favoured craft subjects of the students are eliminated in the second year (in other words, they cease to study the subjects they eventually wish to teach) and are replaced by subjects set out by the Public Examinations Board—normally the O course.

The track 2 course in area schools is less grinding and students who are less academically inclined, but with a flair for the art and craft subjects, are encouraged to take these subjects in area schools. In the past, there has been little opening for employment for students of the track 2 course, and it is becoming an increasing problem in country areas. Such positions as nursing, teaching, banking, office work, the Army, etc., are closed to all but P.E.B. students, and it is a fact that more and more employers are adopting this attitude in relation to that particular course. Will the Minister take up this matter with the employers' representatives throughout the State and with the education authorities to see whether this problem can be overcome, because I do not think any student should be treated as having a lesser qualification on the ground that he has not done a particular P.E.B. course? This course at area schools should receive recognition from the employers.

The Hon. T. M. CASEY: I shall be happy to refer the honourable member's question to my colleague and bring back a reply when it is available.

STAMP DUTIES ACT AMENDMENT BILL (INSURANCE)

Adjourned debate on second reading.

(Continued from November 3. Page 2696.)

The Hon. C. M. HILL (Central No. 2): This Bill runs parallel to the following Bill on the Notice Paper—the Motor Vehicles Act Amendment Bill. Perhaps it could be arranged

in future that this Bill should follow that one so that honourable members could discuss them more easily.

The Hon. A. J. Shard: You want the Motor Vehicles Act Amendment Bill to be dealt with before this one?

The Hon. C. M. HILL: Yes; but it does not really matter on this occasion.

The Hon. A. J. Shard: Very well.

The Hon. C. M. HILL: This is the shorter of the two Bills; it simply complements the other one.

The Hon. A. F. Kneebone: I introduced them in the reverse order.

The Hon. C. M. HILL: This Bill amends the Stamp Duties Act. The other Bill will entirely alter the method of applying for registration, in that the owner of a motor vehicle seeking new registration or the renewal of registration or a permit will make the one application only to the Registrar of Motor Vehicles in lieu of the present procedure where a separate application is made to his insurance company for a certificate of insurance, and the certificate of insurance must then be lodged with the application for registration of the vehicle. As the Minister said in his second reading explanation, that procedure brought about the necessity to amend the Stamp Duties Act. However, the problem arises that the stamp duty on third party insurance has been and still is payable on the insurance certificate. As under the new scheme there will be no such insurance certificate, the two lots of stamp duty (one on the insurance certificate and one on the registration of the motor vehicle) must be combined into the one charge.

The Bill enables this to happen. It combines these two stamp duty components into the one aggregate amount. This is more a machinery measure than anything else. The amount of stamp duty payable in future will be the total of the two amounts previously paid, and this amount will be payable on the application for registration or renewal of registration: it will then be split into the two amounts as they existed previously.

The Minister pointed out (and I believe the procedure is right and proper) that the amounts of stamp duty that previously went into the Hospitals Fund will be extracted from the total amount of duty paid and will still go into that fund. There may be some minor details that honourable members should examine more closely in Committee. Although I have not yet had time to study the individual clauses, I wholeheartedly agree with the principle of the Bill, the second reading of which I support.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 3. Page 2696.)

The Hon. C. M. HILL (Central No. 2): This is the Bill to which I referred a moment ago when speaking to the Stamp Duties Act Amendment Bill. It introduces considerable change into the old and accepted procedure to which applicants for renewal of registration of motor vehicles in this State have become accustomed. It seems to me that as the present Government proceeds through its current term of office it is introducing more and more Liberal policies and less and less Labor policies.

The Hon. A. F. Kneebone: Liberal with a small "l".

The Hon. C. M. HILL: No, with a capital "L".

The Hon. D. H. L. Banfield: You were a bit slow introducing them.

The Hon. C. M. HILL: I will tell the honourable member why there was a delay with this legislation. The only way in which the Government has not followed Liberal policy is in relation to taxation.

The Hon. A. F. Kneebone: You had plenty of time to introduce this legislation.

The Hon. C. M. HILL: I will discuss that aspect shortly. This is a classic example of the Labor Government introducing Liberal Party policy. Way back in 1968 the Registrar of Motor Vehicles recommended to the previous Government that there ought to be a change in the procedure regarding applications for registration or renewal of registration of motor vehicles and the cumbersome procedure to which owners of vehicles were put to obtain a separate insurance certificate that must accompany the application to register which is submitted to the Motor Vehicles Department.

It was not easy to implement this change which, as honourable members would appreciate, is far-reaching in relation to departmental procedure. However, something had to be done because of the extreme cost to which the department was being put as a result of the existing procedure. I think all honourable members realize that, of the hundreds of thousands of applications which are submitted to the Motor Vehicles Department annually and to which a certificate of insurance should be attached, a considerable portion arrive at the department without the certificate of insurance or, in some cases, the

renewal application is addressed to the insurance company. In many other ways, errors and omissions occur in these applications, and this involves the department's officers in a huge amount of work to straighten out the problems that arise.

It is all very well to say that public servants can send back such applications to the persons involved for them to sort out the problem. However, public servants do not work along those lines; they want to help the public they serve. Also, of course, if they adopted this procedure, the renewal date of the registration of a motor vehicle could expire and a far more serious situation could result for the public.

In broad terms, the department concerned had to contact all insurance companies and sort out the paper work involved. The extra work was not fair to the taxpayers, who had to meet the cost. It was not therefore fair that such a procedure should continue and, quite properly, the Registrar, whom I commend for his dedication to his task, examined ways and means of implementing a change for the good.

Two alternatives were considered, the first of which was known as the pool system, by which insurance companies that wished to join in a pool could do so, their resources being combined. The second alternative was that there could be what is broadly known as the nomination system. It is the latter system that is being put into effect in the legislation now before us.

The Liberal Government thought that private enterprise, such as the insurance industry, when faced with a change such as this, should not be bulldozed into the matter but should be able fully to discuss it, and that is exactly what happened in 1968. A few moments ago, criticism was levelled at the previous Government, it being said that that Government took a long time to implement this scheme. The answer to that criticism lies partly in the fact that the Liberal Government believed that maximum discussion should take place with the insurance companies, which we wanted to convince that the change would be in everyone's interest.

When one becomes involved in such discussions, much time is taken. I believe the long delay since May of last year until now has occurred because the present Government has put the matter on ice, as it did not want to rush in immediately introducing everything that was contained in the Liberal Party's campaign speech.

The Hon. D. H. L. Banfield: Why didn't you put it into effect when you were in office, before the people woke up to you?

The Hon. C. M. HILL: The honourable member has not been listening to what I have been saying. Although we were close to being able to proceed, time ran out. The present Government put this matter on ice, as it has done with so many other matters, which it is gradually filtering through because it knows that these measures are in the best interests of the people of this State.

The Hon. A. F. Kneebone: We are putting it through because we know you won't have a chance to do it for a long time.

The Hon. C. M. HILL: That is for the people to decide, and I am happy to leave it to them.

The Hon. D. H. L. Banfield: So are the people.

The Hon. C. M. HILL: We are getting to the stage where Liberal policy is being brought forward and, naturally, I wholeheartedly support it. It will bring wonderful advantages to owners of vehicles throughout South Australia, particularly people who reside a long way from Adelaide, because the problem of correspondence is more serious for such people than for those living in the metropolitan area.

The Bill means that, with the one application and the one payment, the joint procedures will take place. An attractive feature is that, if a person wishes to maintain his association with an insurance company and if that company wishes to be listed with the Registrar as one of the companies involved in the scheme, the person simply places the name of that company on the application form. If that is done, when the registration is issued the third party insurance is automatically covered.

If the person, in error, omits to place the name of an insurance company on the application form or if he prefers not to name a company, the Registrar himself will place the name of one of the insurance companies in the scheme on the application form; the names of insurance companies will be taken in alphabetical order. So, it is a remarkably simple method of assisting South Australian motorists.

Since the long procedures that took place in 1968 and 1969, the insurance underwriters have had their legal advisers in close contact with the Parliamentary Counsel, and there has been close understanding and agreement in regard to the whole matter. Now that the Government has brought the matter out of wraps, I hope the Bill has a speedy passage through the Council. I know from previous experience that the

Registrar of Motor Vehicles will have much work to do even after Parliament passes the Bill.

The Hon. A. F. Kneebone: He is anxious to see the Bill passed.

The Hon. C. M. HILL: I can well understand that, because it will not be a simple departmental procedure henceforth. The Registrar will have to do much administrative work, because he must contact insurance companies and complete contracts with them. Naturally, that work could not be completed until he knew whether the Bill would be passed by Parliament.

Because it will be some time before the legislation can become operative, I hope it has a speedy passage through the Council. Because the Bill was introduced only yesterday, I have not had time to look at all the clauses in detail, but I will do that before it reaches the Committee stage. So that I can play a part in expediting the matter, I wholeheartedly support the second reading of the Bill and, like the Minister, I commend it to honourable members.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

MINING BILL

Adjourned debate on second reading.

(Continued from November 3. Page 2698.)

The Hon. G. J. GILFILLAN (Northern): I appreciate the Government's decision to make available a senior officer of the Mines Department early next week to meet honourable members, because the more I look at this Bill the more problems I see in it. It departs from the old Act in many ways. As I said yesterday, the old Act posed problems in meeting modern-day needs, but this Bill goes much further. To understand it fully, one must read it in conjunction with the old Act. Also, we must bear in mind the 275 regulations that apply and the schedules contained in them. Undoubtedly some regulations will continue to apply until they are, in turn, amended.

The Hon. A. F. Kneebone: They will have to be amended if they are at variance with this Bill.

The Hon. G. J. GILFILLAN: Yes. This very complex subject cuts across many principles. On the one hand, we have the rights of those who wish to mine minerals and, on the other hand, we have the rights of persons who occupy the land. With regard to royalties, there is a different picture. Clause 19 (7) provides:

Where—

(*a*) a person is divested of his property in any minerals under this Act;

(b) a mine is established for the recovery of the minerals;

and

(c) an application is made by the person so divested of his property in the minerals or a person lawfully claiming under him to the Minister for the payment of royalty under this section,

the Minister shall pay all royalty collected upon such of those minerals as are recovered after the date of the application to the person so divested of his property in the minerals or the person or persons claiming under him.

This is a most peculiar situation. A number of people are entitled to royalties but if, through ignorance of his rights, a person fails to apply he does not get the royalties. Legislation on such a matter should be clear, and people with equal rights should receive equal benefits. The portion of the Bill dealing with this matter is not at all clear. The amount of royalties is spelt out in clause 17. Under the old Act a person owning mineral areas has the right to negotiate in connection with rights of entry. As I understand it (the Minister can correct me if necessary) a person so negotiating with a mineral exploration company can fix his own terms. There is a change in this respect.

When the Bill reaches the Committee stage I hope that very serious consideration will be given to preserving the *status quo* and at the same time giving an overriding oversight in the matter of right of entry. I certainly object to the existing rights being taken away from people without their being given any compensation. No-one can really evaluate compensation in relation to exploration for minerals in an area, because in some areas valuable minerals have been found but in other areas no minerals exist. One statement made by the Minister in his explanation of the Bill puzzled me somewhat. Speaking of the fund to be known as the Extractive Areas Rehabilitation Fund, he said:

It should not escape the notice of honourable members that the opportunity to set up this fund is a bonus, as it were, arising from the resumption of minerals by the Crown. Such a payment or levy based other than on mineral ownership by the Crown would be beyond the legislative power of this Parliament.

As I say, I was puzzled on hearing that statement, because there are many different ways in which taxation can be raised. Surely the Government has many efficient advisers who could find other ways of getting some income for rehabilitation purposes.

I know that the quarrying going on in the Adelaide Hills is an emotional issue in some quarters in metropolitan Adelaide. This applies

also to recent operations at Christies Beach or Hallett Cove. However, I have yet to hear any of those people who object to quarrying offer to put up with dirt roads and timber houses. Obviously, their idea is that quarrying should proceed but in someone else's area.

This is a problem that exists throughout the State. We have in district council areas many quarries that supply metal for the roads. Generally, attempts are made to find a quarry within each part of a district to obviate the necessity to carry large quantities of metal over existing roads. What is to happen in these cases? It is obvious that in many instances these quarries will not be rehabilitated. As I see it, the act of claiming all mineral rights to the Crown precludes the owner of the property, who is perhaps performing a service to his council, from claiming any royalties on this metal. It is the property owner who is the loser in this case because the quarry, although it may not be a large one, does put good producing land out of action for perhaps hundreds of years. It takes nature a long time to rehabilitate a quarry where the base is rock.

The Government intends to claim a 5 per cent royalty from the quarrying operation. I believe that this royalty should be shared with the landholder in those instances where the quarrying is not the business of the landholder but is agreed to by him in the service of the councils in his district. With those few remarks of a general nature, I indicate that I will support the second reading and reserve any detailed remarks till the Committee stage.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

DOOR TO DOOR SALES BILL

In Committee.

(Continued from November 3. Page 2702.)

Clause 5—"Definitions."

The Hon. Sir ARTHUR RYMILL: As I understand that a later amendment which really includes mine will receive favourable consideration, I do not intend to proceed with the amendment that I have on file.

Clause passed.

Clause 6—"Application of Act."

The Hon. F. J. POTTER: I move:

In subclause (1) to strike out "twenty" and insert "one hundred".

I indicated earlier that I thought the sum of $20 provided for exemption of the operation of this legislation was far too low. I have no firm conviction that $100 is the appropriate and right sum. Indeed, perhaps it will provoke other members to say that it is too high. I welcome any alternative suggestions. However, it seems to me that $100 would not be an unreasonable sum to apply.

The Hon. A. J. SHARD (Chief Secretary): The effect of this amendment would be to lift the "floor" below which contracts or agreements will not be caught by this Bill from $20 to $100, and further to ensure that any amendment by regulation can only be to increase this "floor". It is thought that this would strike at the whole object of the Bill to such an extent that it would render it almost ineffective; in short, the majority of really objectionable contracts or agreements would not be caught by the measure. The amendment is therefore unacceptable to the Government, and I oppose it.

The Hon. Sir ARTHUR RYMILL: I regret having to oppose my colleague the Hon. Mr. Potter on this amendment, but I have to agree with what the Chief Secretary said. The sum of $20 is the sum mentioned in the Sale of Goods Act. and the existing provision seems to be consistent with that. I hope the provision works, because I know that it is well intentioned, but I have some doubt whether it will work in practice. If it does not do so, no doubt it will be capable of amendment. I think that, if the intentions of the Bill are to be carried out, the sum should be as low as that sum mentioned. Therefore, I support the Chief Secretary and oppose the amendment.

The Hon. R. C. DeGARIS (Leader of the Opposition): I agree with the Hon. Sir Arthur Rymill up to a point, and with the Chief Secretary, also up to a point. I believe $20 is too low. Going back to the old currency, this was £10, and five years ago it would have been £5. I favour leaving out the word "twenty" with a view to inserting other words, but not necessarily "one hundred".

The Committee divided on the amendment:

Ayes (8)—The Hons. M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, C. M. Hill, H. K. Kemp, F. J. Potter (teller), E. K. Russack, and C. R. Story.

Noes (10)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Cameron, Jessie Cooper, R. A. Geddes, L. R. Hart, A. F. Kneebone, Sir Arthur Rymill, A. J. Shard (teller), and A. M. Whyte.

Majority of 2 for the Noes.

Amendment thus negatived.

The Hon. F. J. POTTER: I move:

In subclause (1) after "exceeds twenty dollars or such other" to insert "higher".

My previous amendment having been defeated, the amount stands at $20. If the provision is left at "or such other amount as may be prescribed", it is obvious from everything the Minister has said that the only thing likely to be prescribed is a higher amount, because the Minister said he must have regard to the change in the cost of living. As it stands, a lower amount could be prescribed, and I hope that the amendment I am now moving receives the support of the Committee.

The Hon. A. J. SHARD: I oppose the amendment. I think I touched on this matter in reply yesterday. The only intention in prescribing this matter by regulation is to raise the amount in accordance with any future decrease in the value of money.

The Hon. Sir ARTHUR RYMILL: On this occasion I support my learned colleague. I think this is in accordance with the intention of the Government.

Amendment carried.

The Hon. C. M. HILL: I move:

In subclause (1) to insert the following new paragraph (*fa*):

> to any contract or agreement entered into between a purchaser and a vendor under a credit account established by the purchaser with the vendor not less than three months before the day upon which that contract or agreement was so entered into;

This part of the clause deals with exemptions from the legislation, and the Government has listed them. I made the point earlier that it seemed to me that there was a difference between the situation where an unsolicited caller, unknown to the householder, calls unexpectedly, as compared with the case of a call from a representative of a firm which has had a continuing relationship with the consumer. That seems to me the problem area the Government is trying to close, and I wholeheartedly support this intention. It is the case where there has been little or no contact between the caller and the potential customer. In the case where a store has an account with the customer this is quite a legitimate and proper method of selling goods, by providing a service through which the store in effect goes to the customer (it is as simple as that) instead of the customer going to the store where he has an account. This situation warrants special consideration.

There are various definitions that may be found for the phrase "continuing relationship". There are other situations where there is a closeness between the firm and the customer—for instance, where there are existing charge accounts. I notice that another person has put the case in such a way that there should be an exemption where the goods, the subject of the contract or agreement, are customarily consumed—that is, goods that are consumable; but to retain simplicity in this area I have worded my amendment as I have moved it. I hope the Government will favourably consider it.

The Hon. A. J. SHARD: While the Government is not unsympathetic to the situation of established and reputable businesses and is, of course, anxious to minimize their difficulties, it is considered that an amendment in these terms could be open to abuse. For instance, the ready availability of credit could serve as an added inducement to enter into unwise agreements. In passing, it is not clear as to the precise evil that would be remedied by the Hon. Mr. Hill's amendment since, assuming there is an established relationship between the vendor and purchaser and the credit terms are the usual 30 days, no payment would be called for from the purchaser until well after the "cooling off" period had expired. The only obligation on the vendor would be to comply with the formal requirements of the Bill since it is surely inconceivable that reputable and established firms have anything to fear from the exercise by a purchaser of his right to terminate an agreement. I cannot accept the amendment.

Amendment negatived.

The Hon. G. J. GILFILLAN: I move:

After subclause (1) (*a*) to insert the following new paragraph (*ga*):

> to any contract or agreement entered into by a purchaser in the ordinary course of his trade, business, profession or calling;

The effect of this amendment is to exempt from the provisions of the Bill the sale of these goods. I move this amendment because there are certain people who carry on their business or profession in the premises in which they live. This amendment will cater for their problem without going into detail and will in no way intrude upon the intentions of the Bill.

The Hon. A. J. SHARD: The Government has considered this amendment and raises no objection to it.

The Hon. Sir ARTHUR RYMILL: I am happy to hear those words of the Chief Secretary and his earlier explanation, because this is a very good amendment. Many people, particularly in the country, carry on business at the place where they live. I never thought it was the intention of the Bill to include such

people in the stringencies of its terms; I never thought they should be included, but it was difficult to find words to express simply and well what should be done. The Hon. Mr. Gilfillan has done it very well.

I had a similar amendment relating to stock agents and, if I had moved it, I was prepared to declare my interest here as a stock and station agent and a woolbroker. I would not have found any embarrassment in contributing what I could to the deliberations of this Council because of certain concerns with which I am connected. This is not a measure affecting the Constitution Act. The Constitution Act, unlike the Local Government Act, is such that honourable members of this Chamber are expected to give other honourable members what knowledge they can bring in from outside—the knowledge they have gained in businesses with which they are connected. However, it has become unnecessary for me to do that, because this amendment is much wider than mine would have been. I did play around with an amendment of this nature but the traditional business of stock agents would have felt the impact of this legislation, so the stock agents and other people could have made representations themselves. I did not promote the amendment: it was the stock agents who came to me and asked me to intervene; and I said I would. I felt that, if I made my amendment as restrictive as possible, it would have a better chance of being accepted. However, this amendment is wider and much better. A number of other cases would not have been included in my amendment.

The Hon. R. C. DeGARIS: I, too, support the amendment. I congratulate the Hon. Mr. Gilfillan on finding a simple amendment to cover a number of objections. I thank the Chief Secretary for his co-operation in accepting the amendment. Many of us were concerned about the wide application of this Bill and feared it would cut across the interests of many people engaged in this sort of activity, both as sellers or purveyors of goods and as purchasers. For instance, a common occurrence today is the delivery of fuel, where a tanker comes on to the property and the driver says, "Do you want any petrol?" The answer is, "Yes; fill the tank up." People could be caught if this Bill was not understood. This amendment will solve many of the difficulties that could be encountered. It seems to overcome many of the objections raised in the second reading debate.

Amendment carried; clause as amended passed.

Clause 7—"Unenforceability of certain contracts."

The Hon. F. J. POTTER: I move:

To strike out subclause (3).

This matter deals entirely with whether the vendor should be permitted to take a deposit at the time the sale is made. I think it is unreasonable that there should be a total prohibition against taking any money whatsoever at this time. As the Hon. Mr. DeGaris said, a person might be completely satisfied with the goods and might not have the slightest intention of exercising his rights during the cooling-off period. If this amendment is carried, it will be necessary later to move to insert another provision. I have a combination of two amendments, one of which will allow the recovery of moneys if the purchaser desires to exercise his rights under the legislation.

I gathered from what the Chief Secretary said yesterday that he will not support this amendment, because he considers that the purchaser himself will have to regain the money if he changes his mind about proceeding with the purchase during the cooling-off period. I do not think any difficulties will be involved in this respect, particularly if a provision is inserted that the vendor must refund the consideration within a specified time. It may even be possible to include in the Bill a penalty if the vendor does not make the refund. I will consider that factor later if the Committee accepts my amendment.

The Hon'. A. J. SHARD: The Government opposes this amendment, the effect of which will be to permit the vendor to receive a deposit before the cooling-off period. As a matter of policy, this is not acceptable to the Government, since it would necessitate the purchaser himself having to take steps to recover his deposit, and this may be difficult when the whereabouts of the vendor are not known. As the Attorney-General rejected a similar suggestion to this in another place, I ask the Committee to reject the amendment.

Amendment negatived; clause passed.

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

The Hon. F. J. POTTER: I move:

In subclause (4) (*c*) to strike out all words after "shall" and insert "take reasonable care of the goods".

It is wrong in principle that the matter should be loaded so much against the vendor of

goods that, during the cooling-off period after the goods have been left with the purchaser, the latter can consume those goods. My amendment will require the purchaser to take reasonable care of the goods left with him during the cooling-off period. An amendment that I intend to move later will require the purchaser to deliver up the goods on the demand of the vendor if the purchaser exercises his rights during the cooling-off period.

The Hon. A. J. SHARD: The effect of the amendments is to impose a somewhat higher standard of care on the part of the purchaser, in relation to goods left in his care by a vendor under a contract that is later rescinded, than is at present required under the measure. The reason for the very low standard of care required on the part of the purchaser for goods is to emphasize as strongly as possible that delivery is entirely at the discretion of the vendor and to suggest that in most circumstances it would be highly desirable for the vendor in his own interests not to deliver the goods, for, if the vendor has not delivered the goods and the contract is later rescinded, both vendor and purchaser can be more easily restored to their original positions, and here the true purpose of the legislation is given best effect to. Any duty cast upon the purchaser to take care of the goods may give rise to ancillary actions on the part of the vendor to enforce that duty of care, and hence militate against the effectiveness of the legislation. Thus, although the vendor has a legal right to rescind, he may find this right largely ineffective since he may be exposed to those ancillary actions. I ask the Committee not to accept the amendment.

The Hon. C. M. HILL: I support the amendment and I agree with the Hon. Mr. Potter's reason for moving it. I listened with interest to the Minister's argument when supporting the Government's view. However, I cannot help feeling that, although the principle of this legislation is to protect the purchaser, in all reasonableness he must surely bear some responsibility in taking reasonable care of the goods left with him.

To provide simply that the purchaser of the goods shall not destroy or dispose of them and to leave it at that is not fair. We should look at this question from the viewpoints of the purchaser and the seller but, even if we lean towards the purchaser's viewpoint, it is still unfair, because there may be cases where the purchaser is unreasonable. He should be forced at least to take reasonable care of the goods.

The Hon. F. J. Potter: Especially if he is in doubt as to whether he will cool off.

The Hon. C. M. HILL: Yes; if he thinks there is a possibility of his rescinding the contract, he has an even greater responsibility to take care of the goods. If the contract is rescinded the goods will revert to the seller, who will offer them to another customer, and the seller must offer them in as-new condition. If the purchaser has not taken reasonable care of the goods, they will be virtually second-hand goods.

The Hon. Sir ARTHUR RYMILL: If I can put what the Hon. Mr. Hill said possibly a little more simply, I point out that the Government seems to prefer that the goods should not be delivered during the cooling-off period. In the event of the purchaser wanting a cooling-off period, if he is in the precincts of the goods during that period, he has a much better chance of making up his mind. Books that are unsolicited are sometimes sent to one and, if one does not want them, one does not know what to do with them. If the vendor takes the risk of delivering the goods, he ought to be encouraged to do so and he should be given reasonable protection. If the purchaser is to have the benefit of a cooling-off period, surely it is not too much to ask him to look after the goods during that period.

The Committee divided on the amendment:

Ayes (13)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, H. K. Kemp, F. J. Potter (teller), E. K. Russack, Sir Arthur Rymill, and C. R. Story.

Noes (4)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone, and A. J. Shard (teller).

Majority of 9 for the Ayes.

Amendment thus carried.

The Hon. F. J. POTTER moved:

In subclause (4) to strike out paragraph (*d*); in paragraph (*e*) after "up" to insert "those goods"; in paragraph (*e*) to strike out all words after "dealer" second occurring; in paragraph (*f*) after "charge" to insert "or duty of care regarding those goods".

Amendments carried; clause as amended passed.

Clauses 9 to 15 passed.

New clause 16—"Regulations."

The Hon. A. J. SHARD (Chief Secretary): I move to insert the following new clause:

16. The Governor may make such regulations as may be necessary or convenient for carrying into effect the provisions and objects of this Act.

This amendment merely provides a formal regulation-making power, and is consequential on the provision providing for the adjustment of the "floor", expressed in dollars, by regulation.

New clause inserted.

Schedule and title passed.

Bill reported with amendments. Committee's report adopted.

FILM CLASSIFICATION BILL

Adjourned debate on second reading.

(Continued from November 3. Page 2704.)

The Hon. C. M. HILL (Central No. 2): There does not seem to me to be much difference between censorship as it applies to films and as it applies to stage performances. I can well recall that, in regard to a recent stage performance of *Oh! Calcutta!*, the present Minister in another place in charge of this legislation completely cut himself apart from the responsibility of acting in regard to censorship and said that he would leave it to the Police Force to decide whether or not action should be taken. It seems to me to be a complete about-face for him to now introduce this Bill, in which he seeks power to apply censorship in the name of the Minister. I am amused when I recall what happened a year or two ago during the term of a previous Government, when its Minister in charge of censorship accepted the responsibility of seeing the stage play *Boys in the Band* and of applying his own censorship. That approach was strongly criticized by the present Minister in charge of censorship as being the wrong approach.

The Hon. R. C. DeGaris: Who is the Minister in charge of censorship?

The Hon. C. M. HILL: In which Government?

The Hon. R. C. DeGaris: In any Government.

The Hon. C. M. HILL: I am talking of the respective Attorneys-General.

The Hon. F. J. Potter: He is the one who has to authorize prosecutions.

The Hon. C. M. HILL: These are the two people to whom I am referring.

The Hon. R. C. DeGaris: You agree that they would authorize prosecutions?

The Hon. C. M. HILL: Yes, I shall stress that point. I am referring to those who must authorize prosecutions. In the former case we had the instance where the Minister accepted and took the responsibility (and I am referring to Mr. Millhouse), but he was strongly criticized, and it was claimed that his approach was wrong and that such responsibility should not be accepted by the Minister. Yet the same Minister who criticized Mr. Millhouse is introducing this Bill, in which he seeks not only to follow the Commonwealth censor but to give himself power to completely make his own decisions. That power is embodied in clause 7.

I repeat that there seems to me to be a complete about-face, and that the attitude of Mr. Millhouse in the first instance seems to have been fully justified, whereas the inconsistency of the present Minister is revealed fully by this complete change in approach. When we have such a change in the Minister's attitude, how can we trust the Minister to apply a reasonable and sensible censorship in accordance with any legislation to this effect? We must have some doubts what will happen in the future following that inconsistency to which I have referred. It is not only on that point that we must have some doubts and ask ourselves whether this Bill is a complete farce, because clause 7 (2) provides:

> The Minister may in any particular case by direction in writing under his hand, exempt any film from the operation of this Act to the extent specified in the direction and the operation of this Act in relation to that film shall be modified accordingly.

In other words, the Minister may take the matter entirely into his hands and censor the film as he thinks fit. That is an entirely different approach from what we have been told by the Minister in his explanation, when he referred to the new approach of the Commonwealth censor and how some States had agreed and others were seeking uniformity, and implied that there was to be a general uniformity so that the responsibility would lie, generally, with the Commonwealth censor.

If the responsibility is to lie with him, why does the present Minister want power to take it upon himself, if he so wishes, to give some favour to a particular film, to some anticensorship group, or to some society that may be running a film festival or promoting something of that kind? The Minister cannot have it both ways: either the principle of uniformity is adopted and the responsibility left with the Commonwealth censor, or the Minister has to accept the responsibility himself. If he accepts the responsibility he must do just that: he cannot turn his back on the problem and say that he will leave it to the Police Force. In the case of *Oh! Calcutta!* it was finally left not to the Police Force but to the court, which decided the question.

The Hon. R. C. DeGaris: I think the Chief Secretary censors in South Australia.

The Hon. C. M. HILL: I think the Chief Secretary would make a good censor because he would apply his usual moderation and wisdom in classifying films. When I refer to the Attorney-General, although I am loath to do it I also include his representative in this Chamber who is a man of considerable moderation and good sense. When we look at these comparisons, and when we see what the Minister is seeking, as in clause 7, we wonder about the real purpose of the legislation. The Government itself cannot be exempted from this criticism, because in reading clause 7 we see what the Governor may do (and in place of the word "Governor" one must read "Government"):

(1) The Governor may, by proclamation—
(*a*) exempt from the operation of this Act to such extent as may be provided in the proclamation films of any specified class;
and
(*b*) provide that any provisions of this Act shall apply with such modifications (if any) as the Governor thinks fit and specifies in the proclamation, in respect of films of any class so exempted,

So the Government itself, not only the Minister, is asking for the right and the power to take upon itself, irrespective of what is in the Bill before us, to decide what should and what should not be classified in accordance with the various headings set down. We must have either some system of uniformity and be guided by the Commonwealth, or the Minister and the Government must face up to the problem, bear the brunt of it, and take the responsibility.

The Hon. T. M. Casey: You realize that this clause is in the legislation in all the other States?

The Hon. C. M. HILL: That in itself is not a very sound reply.

The Hon. T. M. Casey: I realize that, but that is only part of it. I am just giving you that information: it is included in the legislation in all other States.

The Hon. C. M. HILL: It is an interesting point.

The Hon. R. C. DeGaris: Who makes the regulations: the Chief Secretary or the Attorney-General? Who is the Minister in charge of the regulations under this Bill?

The Hon. A. J. Shard: It would be the Attorney-General.

The Hon. C. M. HILL: I understand that that is so. It becomes a little laughable and a bit of a farce when a Government with the record of this Government in relation to censorship (especially regarding *Oh! Calcutta!)* has the effrontery to criticize the former Minister involved and then come along with a Bill such as this, implying the acceptance of a new approach based on uniformity and Commonwealth censorship, suggesting that everything will be on a much higher plane in future and the public need have no worries about the new approach, when at the same time the Minister seeks separate power within the legislation to do what he likes. The Government also seeks separate power to do what it likes, so the good faith of the Government on this question must surely be placed on the line.

Another point that causes some people to have doubts about the matter is the question of penalties. We know how much money passes through the box offices of the various theatres. We know how many seats they have and the number of people who can attend, and we know the prices that are paid. When we see that penalties are not to exceed $50 we surely must ask ourselves whether the Government is not really playing with the matter. In clause 8 we see that a person who publishes an advertisement regarding a film that infringes this Act can be fined to the extent of not more than $50.

The Hon. T. M. Casey: That is for the first offence.

The Hon. C. M. HILL: That is right. When we come to the next infringement—

The Hon. T. M. Casey: It is $200 for the second.

The Hon. C. M. HILL: —we see no mention of the first offence, but clause 8 (4) provides:

if the classification assigned to a film is not exhibited as required by subsection (3) of this section, the exhibitor shall be guilty of an offence and liable to a penalty not exceeding fifty dollars.

There is nothing there about the first offence. It has been forgotten.

The Hon. T. M. Casey: That relates to the symbol of the actual classification.

The Hon. C. M. HILL: That is right. It is an extremely important matter. The exhibitor who forgets to put the R classification in an advertisement is simply fined $50. If we are approaching this matter seriously, I think that fine is too low; it should be at least doubled. This matter, of course, also covers the making known of the classification of the film near the box office.

Clause 9 deals with the question of the illegal publication of advertisements. Here again, the fine is not to exceed $50. In clause 14, which deals with regulations, we see that the Government has moved up to a fine not exceeding $100 if the regulations are contravened. When we consider the seriousness of the offence, especially regarding younger people, and when we think of the amount of gross takings and the profits the operators make from these films, we realize that the amounts of $50 and $100 are no more than chicken feed. If the Government is seriously trying to help the situation which is worrying so many people, I think the penalty should be increased.

I have some questions for the Minister. What is the Government's method of making all this proposed machinery work? Is it the Government's intention to follow the classifications of the Commonwealth Film Censor? Will it be the Government's intention to classify more severely if the Minister varies the Commonwealth classifications? Will the Minister give an undertaking, for example, that in no circumstances will he vary the classification so that a film will be available for a less restricted audience?

If the Minister is given power to vary, what is his real intention? Will he be more severe or less severe regarding classification? Whose opinion are we to consider in this question? Will the Minister's staff or someone else see the films? How many films will be inspected at a State level? What are some of the details of the machinery proposed to put this Bill into effect? Here I must question whether the Government is really going to do very much about the matter. Has it departmental officers—

The Hon. T. M. Casey: It is up to the Commonwealth. We have accepted its classifications.

The Hon. C. M. HILL: If the Government does that, it does not need extra powers.

The Hon. T. M. Casey: There is no reason why you can't have them. It has always been the same in South Australia.

The Hon. C. M. HILL: This is really the crux of the whole argument. The Minister says there is no reason why we should not have powers ourselves. These powers that are being sought can be very dangerous powers. How is it proposed that they should be used? I am concerned with this point at the moment. Is it the Minister's intention to be more severe or is it his intention to relax classifications in this State? If the Minister intends to become involved in this way, what departmental machinery or methods of checking does the Minister possess or intend to set up to implement the provisions of this Bill? We should know some of these proposals before this Bill is passed. A certain film was mentioned in this Chamber by the Hon. Mr. Story. So that honourable members can get some idea of the standards that the Minister intends to apply, would he place an R classification on that film?

The Hon. T. M. Casey: That would be a matter for the Commonwealth. We will go by what the Commonwealth says.

The Hon. C. M. HILL: If that is so, there is no need for the Government to have any power itself. We return to the argument.

The Hon. T. M. Casey: We are adopting the line that Sir Thomas Playford took many years ago.

The Hon. C. M. HILL: This Government's record on *Oh! Calcutta!* is as different from that of Sir Thomas's record as night is from day. If the Minister can tell me that Sir Thomas Playford would have said, "I will not do anything about *Oh! Calcutta!"* I will go he.

The Hon. T. M. Casey: Plays are different from films.

The Hon. C. M. HILL: I opened my remarks by saying I could not see much difference between the censorship of films and the censorship of stage performances. The Government is trying to have it both ways. There is uncertainty right throughout the Bill. No-one can tell me exactly what it means. Any Government that has the audacity to come forward with a Bill with the intention of reaching some kind of uniformity with the Commonwealth and then says, "But, irrespective of what we say in the Bill, we want separate powers ourselves" is a Government that should be questioned seriously. There is uncertainty in the public mind about the Government's intentions on censorship. The Government's record so far on censorship is bad. It has included low penalties as a release mechanism, and it has written into clause 7 (which I shall vote against in the Committee stage) something rather ridiculous. All these things make this legislation a complete farce.

Yet it is a great pity because, if the Bill was properly drawn in regard to policy and introduced good sense and moderation, Parliament could assist in overcoming this growing problem in South Australia. My own view is that we should completely follow the Commonwealth film censor. It is absurd to

me that some States can have different classifications of the same film. Where there is departmental machinery to check films that are locally produced and those that are imported and to classify them with some form of consistency, that is the only commonsense way of doing it. If the Government was prepared to leave it to the Commonwealth censor, the whole matter would take on a different mantle. Then we would have the mantle of a sound, commonsense approach to this very serious problem. So that the Bill can get into the Committee stage, I support the second reading.

The Hon. F. J. POTTER secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from November 2. Page 2613.)

The Hon. M. B. DAWKINS (Midland): I rise to support this Bill at the second reading stage. I think it was the Hon. Mr. Hill who said that it was basically a Committee Bill. With that comment I agree. There are many clauses in it, as I have looked through it, that commend themselves to me; I shall support them. I do not intend to refer to all of them at this stage; I may deal with some of them in Committee. On the other hand, there are some clauses that I cannot support and that I feel should be either amended or struck out. The first clause I refer to specifically is clause 4, which provides:

Section 26 of the principal Act is amended—

(*a*) by inserting in subsection (2) after the passage "common seals" the passage "of any one or more".

At present, section 26 (2) of the Local Government Act provides:

Every petition for the union of areas shall be under the common seals of the councils of the areas affected.

That means, of course, that it shall be under the common seals of all the councils of the areas that are affected. The insertion of the words "of any one or more" will mean that the subsection will read:

Every petition for the union of areas shall be under the common seals of any one or more of the councils of the areas affected.

I would not support that, because that means that a one-sided petition could secure alterations to the boundaries of councils. If we look at the same time at section 27a of the principal Act, which deals with severances, we find that clause 5 provides:

Section 27a of the principal Act is repealed and the following section is enacted and inserted in its place:

27a. (1) A petition to sever a portion of an area and to annex the portion so severed to another area—

(*a*) must be signed by persons who constitute a majority of the ratepayers in that portion of the area and who are in occupation of ratable property that exceeds in ratable value one-half of the total ratable value of property in that portion of the area.

To that subsection I have no objection. The clause continues:

or

(*b*) must be under the common seal either of the council of the area from which the portion is to be severed or of the council of the area to which the portion is to be annexed.

I believe that this is another one-sided provision that will cause trouble. These proposed amendments to which I have just referred in clauses 4 and 5 of the Bill would make it possible for a council to petition for the severance of a part of an adjoining council area without first seeking and receiving agreement to the severance from the adjoining council. That could well kill for all time the present spirit of trust and co-operation that has existed between councils in South Australia ever since the introduction of the local government system.

Under the present Act, any transfer of ratable property from one council to another must have the blessing of both the councils and/or the blessing of a majority of the ratepayers of the area proposed to be severed. Any alteration to the Act allowing individual councils to petition for the annexation of an area without the agreement of the council within whose boundaries the part to be annexed lies opens the way for small councils, which are perhaps uneconomic, to seek by the annexation of the area an increase in their rate revenue by petitioning the Minister for severance and transfer to them of the adjoining portions of neighbouring council areas. That would undermine the trust and co-operation that have existed largely between councils for a very long time. There are at present in South Australia several small councils which, because of rising administration costs, have become uneconomic. This could also be said of several municipal councils. Although allowing these councils to enlarge at the expense of their neighbours may give short-term relief from pressure on their finances, the continual rising costs must produce a situation in which periodic land grabs will be

sought by the small councils if they are to continue to survive.

In some cases, they would be sought by municipalities that wished to annex portions of the town that jut out into local district council areas. Such a move would be resisted by some ratepayers, and in some cases it would affect the viability of the neighbouring district councils. In many instances, the district council is the large body and the municipality is the small one. However, in some cases the reverse obtains, and in those cases not only the municipality but also the adjoining council could be affected.

The only defence to acquisition allowed under the amendment that would be available to a council under attack would be a counter-petition from the ratepayers in the area in danger of being annexed. I oppose these provisions.

Although normally I am not in favour of a boundaries commission, I draw honourable members' attention to the fact that 39 years has elapsed since the last boundaries commission drew up revised boundaries for local government in this State. On odd occasions council boundaries are altered in a piecemeal manner, and I do not believe this is a good thing. Although I am not saying that now is the appropriate time for a revision of boundaries, I believe that, when it is necessary for them to be revised, such a revision should be undertaken by a boundaries commission rather than in a piecemeal manner.

Instead of neighbouring councils existing as they do at present, with goodwill towards each other and in many cases helping each other by exchanging equipment and facilities, they could in future be directly opposed to each other. This could happen as a result of small councils trying to expand and large councils trying to protect themselves from such expansion because of the one-sided provisions in clauses 4 and 5 of the Bill. Although this would indeed be an unfortunate situation, it could possibly arise, especially if councillors were forced to organize petitions of ratepayers to protect an area of desirable real estate coveted by a neighbouring council.

Councils looking for additional ratable property to improve their financial position would possibly be interested only in land carrying a highly assessed value or land that could be serviced at a minimum cost. The present system of transfer of ratable property between councils is a fair one, the final decision being left to the ratepayers in the area to be transferred. I have already said I believe it is desirable that alterations to boundaries should be minimized in between complete rearrangements.

I should like to refer to a number of clauses, the first of which is clause 6, which makes a consequential amendment to section 52 of the Act by striking out "twenty one" and inserting "eighteen". This provision relates to the qualifications of aldermen and councillors. It is one thing for a person of 18 years of age to be able to vote (although I have expressed doubts about that matter on previous occasions) but it is another thing entirely for a person of 18 years of age to become an aiderman or a councillor. This is not really a wise proposition.

Clause 8 amends section 54 of the principal Act by striking out from paragraph VI the passages "with the licence of the council" and "to the mayor or to the chairman or", so that, if the amendment is carried, the provision will read, "Resignation by notice posted or delivered to the clerk". On odd occasions councillors have resigned, perhaps irresponsibly. On other occasions, councillors have probably been prohibited from resigning when they wanted to contest a different vacancy in the council; for instance, if a councillor wanted to become an alderman, he may have been prevented from resigning. A provision could be included to ensure that a councillor who wanted to resign to become an alderman could do so without any qualification by the council.

I wonder whether it is a good thing to remove this limitation entirely because, once a man has become a councillor, he is serving the district in an honorary capacity, and I do not think it is advisable for him to be able to resign in an irresponsible manner. Therefore, although I can see the motive behind this clause, I do not agree with it entirely. Although it may be wise in some respects if a councillor wanted to contest another office within his council, it may not be wise in every circumstance.

I refer also to clause 15, which amends section 139 of the principal Act, by striking out the passage "whether he consents thereto or not; and the person so elected shall serve accordingly". I take a somewhat different line in relation to this clause from the one I have just adopted. Section 139 deals with the procedure upon the failure of a supplementary election. I support that, because a person appointed to an office against his will is not very valuable to the council. Clause 24 (*a*) provides for the employment of social workers and for means by which social problems

in a council's area may be overcome or ameliorated. I wholeheartedly support that provision. Clause 24 (*b*) amends section 287 of the principal Act by striking out subsection (1) (*j*4) and inserting in lieu thereof the following paragraph:

(*j*4) subscribing to the funds of any organization that has as its principal object the development of any part of the State . . . and (if the Minister approves in writing of expenditure for that purpose) to the funds of any organization that has as its principal object the furtherance of the interests of local government generally throughout Australia;

I do not believe that expenditure for the purpose outlined in the latter part of that provision should be subject to the Minister's approval. Clause 24 (c) amends section 287 of the principal Act by inserting in subsection (1) (*k*) after "promoting" the passage "(if the Minister approves in writing of expenditure for that purpose)". I believe that that provision is far more objectionable than clause 24 (*b*). Section 287 (1) (*k*) of the principal Act refers to the possibility of a council promoting any Bill before Parliament that may be necessary or desirable for the council's area. If the passage "(if the Minister approves in writing of expenditure for that purpose)" is inserted in paragraph (*k*), councils will be prevented from promoting Bills before Parliament unless the Minister approves of their doing that, and the Minister may not approve for political reasons. It is the right of councils, the Local Government Association and of the people they represent that a Bill be promoted if that is thought necessary. Such a Bill will go through the procedures of Parliament and, if it is worth while, it will become law.

What I object to most strongly is that this is, in effect, the gag. I know that the Australian Labor Party does not approve of the gag. When the gag is applied in Parliament it is normally applied by a vote of the majority, but the gag I am referring to will be applied by one man—the Minister. It will mean that councils will be unable to promote a Bill before Parliament if the Minister decides that they should not do so. This is most objectionable. Clause 30 amends section 296 of the principal Act in order to alter the requirements for publishing the statements and balance sheets of district councils and municipalities. The clause inserts in section 296 of the principal Act the following new subsection:

(2) The statement and balance sheet shall be signed by the mayor or chairman and the clerk, and certified by the auditor, and may be published by the council in any manner that it thinks appropriate.

Clause 31 inserts a similar provision in section 297 of the principal Act, in connection with additional balance sheets. Clauses 30 and 31 are commendable, because it costs councils large sums to publish their statements and balance sheets in the *Gazette* and local papers. Councils should be regarded as sufficiently responsible to publish their statements and balance sheets in a manner that they consider to be appropriate. We have had many arguments in this Council about the words "shall" and "may", and I believe that the words "shall be published" in connection with new section 296 (2) and new section 297 (l*a*) may be better than the words "may be published". Other clauses in which I am interested are better dealt with in the Committee stage. I support the second reading.

The Hon. L. R. HART secured the adjournment of the debate.

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 2. Page 2624.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the Bill, but I will not say very much about its contents at this stage. The clause that may provoke most debate during the Committee stage is clause 4. Some comments were recently made about the question of what a hybrid Bill is. Most honourable members assume that an amendment may be moved to this Bill that is similar to the principal clause in the Flinders University Act Amendment Bill. It therefore seems reasonable that this Bill should be referred to a Select Committee. The whole question of what is a hybrid Bill is a little confusing. Last time I spoke on this matter I said that there was an area of academic argument surrounding whether a Bill was a hybrid Bill or not. I have concluded that the previous Bill was not a hybrid Bill to be referred. Standing Order 268 states:

Bills of a hybrid nature introduced to the Council by the Government, which—

(*a*) have for their primary and chief object to promote the interests of one or more municipal corporations, district councils, or public local bodies, rather than those of municipal corporations, district councils, or public local bodies generally:

(*b*)authorize the granting of Crown or waste lands to an individual person, a company, a corporation, or local body:

shall be proceeded with as public Bills, but shall each be referred to a Select Committee after the second reading.

It can be noticed that a definition is not given of a hybrid Bill: the definition is given of a Bill of a hybrid nature introduced to the Council by the Government that shall be referred to a Select Committee. It is difficult to decide what is a Bill of a hybrid nature but under Standing Order 268 it can be decided whether it is necessary or mandatory for the measure to be referred to a Select Committee or not. I refer to *An Encyclopaedia of Parliament,* which quotes the definition of a hybrid Bill as follows:

A hybrid Bill is a public Bill to which Standing Orders relative to private business are applicable. In other words, it is a Bill which although general in its application affects certain private or local interests. For instance, a Bill to acquire property for the post office might affect some privately owned land, and would thus be a hybrid Bill. Such Bills are subject to a special procedure during their passage through Parliament. Broadly speaking, it is correct to say that they are treated like private Bills after the second reading.

The definition of a private Bill is as follows:

Bills which confer particular powers or benefits on any person or body of persons, including individuals, local authorities, statutory companies, and private corporations. They should not be confused with private member's Bills. The essential difference in procedure between a public Bill and a private Bill is that, whereas the former is either presented direct to the House or introduced on a motion by a member of Parliament, the latter is solicited by the parties who are interested in promoting it and is founded on a petition. It sometimes occurs that a public Bill affects private interests and such a Bill is regarded as a hybrid Bill and is treated like a private Bill after the second reading.

Erskine May's *Parliamentary Practice* contains much detail concerning the question of private and hybrid Bills, but the introductory paragraph states:

Private legislation is legislation of a special kind for conferring particular powers or benefits on any person or body of persons—including individuals, local authorities, statutory companies, or private corporations—in excess of or in conflict with the general law. As such it is to be distinguished from public general legislation, which is applicable to the general community and is treated in Parliament on an entirely different basis.

As I understand it, a hybrid Bill is a public Bill to which the Standing Orders relative to private Bills are applicable. If the Bill is general in its application it affects certain private or local interests. Private Bills should not be confused with private members' Bills. The essential difference between a public and a private Bill is that the former is either presented directly to the House or introduced on motion by a member, whereas the latter is solicited by the parties who are interested in promoting it. Private members' Bills are public Bills that are introduced by a private member instead of by the Government. Whilst the publications I have quoted are relevant to understanding the nature of a hybrid Bill and a private Bill, nevertheless our Standing Orders must take precedence over the views expressed in those publications. Also, another publication contains certain Standing Orders that are not included in the books in the possession of members. The Joint Standing Orders of the Houses of Parliament relating to private Bills, under the heading "General Rules" provides:

1. The following shall be private Bills:

A. Bills, not introduced by the Government, whose primary and chief object is to promote the interests of an individual person, a company, a corporation, or a local body, and not those of the community at large.

B. Bills authorizing individuals or a company to compulsorily take or prejudicially affect lands not being Crown or waste lands.

C. Bills, not introduced by the Government authorizing the granting to an individual person, a company, a corporation, or a local body, of any particular specified Crown or waste lands, whether such person, company, corporation, or local body shall not be named in the Bill.

2. The following shall not be private Bills, but every such Bill shall be referred, after the second reading, to a Select Committee of the House in which it originates:

A. Bills introduced by the Government whose primary and chief object is to promote the interests of one or more municipal corporations or local bodies, and not those of municipal corporations or local bodies generally.

B. Bills introduced by the Government authorizing the granting of Crown or waste lands to an individual person, a company, a corporation, or a local body.

The situation becomes confusing, but it seems to me that this Bill is a hybrid Bill, though I do not believe it is a Bill where it is obligatory for it to be referred to a Select Committee. I know that in these matters it is your ruling, Mr. President, that counts, and that will always be abided by. However, there seems to be an overriding factor in the Joint Standing Orders that states that the matter is to be decided by the initiating House. Therefore, in essence I believe this is a hybrid Bill by definition, but I doubt whether Standing Orders make it necessary for the Bill to be referred to a Select Com-

mittee. I know that this is a complex matter and, before any decision is made, I should like the Bill to be fully investigated by a Select Committee, because all members would agree that this is a matter on which some inquiry should be made. It seems, from what has already been said in this debate, that the Government's attitude is that it accepts the present position and does not want any change in the question of the control of the university.

I believe that in referring it to a Select Committee for a report it is then moved away from politics; this would permit a non-Party approach and allow information to be brought to the Council on the question. I support the second reading, although my views are such that, whilst I agree that this is a Bill of a hybrid nature, I do not think, whether or not it was introduced in this Chamber, it is obligatory for it to go to a Select Committee. As the Bill was not initiated in this Chamber I do not think there is any doubt that it is not obligatory for it to be referred to a Select Committee. Nevertheless, I feel that in view of the previous position and of the nature of possible amendments, the matter should be referred to a Select Committee for a full report to this Council.

The Hon. T. M. CASEY (Minister of Agriculture): I must say that I am absolutely staggered by the supposition of the Leader. He has almost convinced himself about this. I have looked into the matter of whether or not this is a hybrid Bill and in my own mind I am satisfied that it is not. This could be debated until kingdom come, but the Leader made no secret of the fact that in his honest opinion this was not a hybrid Bill.

The Hon. R. C. DeGaris: I did not say that.

The Hon. T. M. CASEY: Oh, yes, you did; that is what you conveyed to me.

The Hon. A. J. Shard: That was conveyed quite clearly to me.

The Hon. T. M. CASEY: The Bill was introduced by the Government earlier this year and was debated in both Houses. If it is a hybrid Bill now, why was it not one then? When I took up this matter last evening with people who are quite competent to give a ruling on this, the information given to me was that quite definitely this was not a hybrid Bill.

The Hon. R. C. DeGaris: I think you missed the point.

The Hon. T. M. CASEY: Let me finish. The Leader said that even if it were a hybrid Bill we still had no jurisdiction to set up a Select Committee, because the Bill was not initiated in this Chamber.

The Hon. R. C. DeGaris: No, you have got it wrongly.

The Hon. T. M. CASEY: That is how I interpreted the honourable member's remarks. Why should we interfere with a Bill introduced in another place? Have we the right to do this? What ulterior motive can be behind it? I agree that the Bill introduced yesterday by a private member dealing with the Flinders University—

The Hon. A. J. Shard: And introduced in this Chamber.

The Hon. T. M. CASEY: Yes. It was classified as a hybrid Bill. The Leader says we should set up a Select Committee—

The Hon. R. C. DeGaris: No.

The Hon. T. M. CASEY: That is what you implied. Now the Leader is trying to twist the argument to suit the occasion by saying that even if it is not a hybrid Bill—

The Hon. A. J. Shard: It should be referred to a Select Committee in the House in which it was introduced.

The Hon. T. M. CASEY: That is the point. It was not introduced in this Chamber.

The Hon. F. J. Potter: It is too late now.

The Hon. T. M. CASEY: It is not too late: it is not necessary to appoint a Select Committee. It is as simple as that. I do not think you have any right to do it. The Leader qualified that statement; in fact, he went further. He argued the point and proved to himself and to every other member who listened, as far as I am concerned, that he had no right to do what was intended, to set up a Select Committee. He said that this could possibly be the right thing to do from the point of view of this Chamber. I take strong exception to this. I say that in the existing circumstances the Bill should not be referred to a Select Committee at this stage, and if there is any reference to this in the future I will oppose it no end. Apart from that, I support the second reading.

Bill read a second time.

The Hon. F. J. POTTER moved:

That Standing Orders be so far suspended as to enable him to move that this Bill be referred to the Select Committee appointed on November 3, 1971, to consider the Flinders University of South Australia Act Amendment Bill.

The Hon. T. M. CASEY: I ask for your ruling, Sir, as to whether this is in order. If you rule to that effect then I will accept your ruling.

The PRESIDENT: The motion is for the suspension of Standing Orders, which relieves me of any responsibility in any other quarter.

The Hon. A. J. SHARD: We will accept that.

The PRESIDENT: The motion is purely for the suspension of Standing Orders.

The Hon. A. J. SHARD: I raise a point of order, Sir. I accept that the motion now before the Chair is for the suspension of Standing Orders. Once the suspension is granted and the Hon. Mr. Potter moves his next motion, can we then ask if that motion is in order?

The PRESIDENT: That will be the time for the Minister to ask that question. In the meantime the procedure before the Chair is in order. The motion is for the suspension of Standing Orders. Those in favour say "Aye", those against say "No". There being a dissentient voice there must be a division.

The Council divided on the motion:

Ayes (13)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, C. M. Hill, H. K. Kemp, F. J. Potter (teller), E. K. Russack, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone, and A. J. Shard (teller).

Majority of 9 for the Ayes.

Motion thus carried.

The Hon. F. J. POTTER: I move:

That this Bill be referred to the Select Committee appointed on November 3, 1971, to consider the Flinders University of South Australia Act Amendment Bill.

I say briefly that we are in a slightly different position today from yesterday, when we were considering the Flinders University of South Australia Act Amendment Bill. I agree with the Hon. Mr. DeGaris that this Bill is in the nature of a hybrid Bill. It is true that, because of the difficulties outlined by the honourable member, it is not mandatory to refer it to a Select Committee, but nevertheless it is in the nature of a hybrid Bill. There are provisions in it as it stands, without any foreshadowed amendments, that should go to a Select Committee. There is the important matter mentioned in her second reading speech by the Hon. Mrs. Cooper of the failure of the Bill to include the matter specifically carried by resolution of the Senate; there is the right of the University Council to determine by resolution what shall be the amount of salary to differentiate between an employee and a non-employee, and both of these are important matters which should engage the attention of a Select Committee.

I am sorry that yesterday the Labor Party members of this Council declined membership of the Select Committee. It would be futile and absurd to have two separate Select Committees to deal with Bills affecting the two universities. Those honourable members may regret that they did not take the opportunity of being members of the Select Committee. In the circumstances, a Select Committee has been set up to consider the Flinders University of South Australia Act Amendment Bill. There is a foreshadowed amendment to this Bill in the same terms as apply to the other Bill, but my motion is at the moment unrelated to that matter.

The Hon. T. M. CASEY: In view of the honourable member's motion, I ask for your ruling, Mr. President, whether, in your opinion, it is in order for this Bill to be referred to a Select Committee at this stage, as it was initiated in another place; and whether we have the power to do these things that the honourable member seeks to do. The Flinders University of South Australia Act Amendment Bill was a different matter.

The PRESIDENT: It is competent for any honourable member to move that any Bill go to a Select Committee: there is nothing in the Standing Orders to prevent that.

The Hon. Sir ARTHUR RYMILL: I say with great respect, Mr. President, that I know your ruling is absolutely correct. Nevertheless, the question has been argued whether or not this is a hybrid Bill. I mention this because any Bill, as you have just ruled, can be referred to a Select Committee. However, what seems to have been misunderstood is that not all hybrid Bills have, in an obligatory sense, to be referred to a Select Committee. There are some hybrid Bills which, under Standing Orders, do not have to be referred, while other hybrid Bills (and I believe this is a hybrid Bill) do. In my opinion, this is not one of the hybrid Bills that have to be referred to a Select Committee under Standing Order 268 or under the other joint Standing Orders referred to by the Leader of the Opposition.

Nevertheless, if honourable members study what a hybrid Bill is (I do not propose to requote what has been said on that), they will come to the same conclusion as the Leader and I have come to, namely, that this is a hybrid Bill. This is a little beside

the point, but I thought I would like to clear up the position to the extent I have been able to. A point that weighs with me in this matter is that we have already appointed a Select Committee to deal with another Bill of a similar nature. While that Select Committee is sitting, we may as well take advantage of the fact because it would not take many more minutes to deal with this Bill as well. The advantageous course is to refer this Bill, too, to that Select Committee so that we can get the benefit of its investigations, not only of the Bill that it was appointed to deal with but also of this Bill.

Motion carried.

The Hon. H. K. KEMP moved:

That Standing Orders be so far suspended as to enable him to amend the contingent Notice of Motion standing in his name by striking out "Committee of the Whole on the Bill" and inserting in lieu thereof "Select Committee appointed on November 3 to consider the Flinders University of South Australia Act Amendment Bill".

The PRESIDENT: The question is that the motion be agreed to. For the question say "Aye"; against say "No". There being a dissentient voice, it will be necessary to hold a division to decide whether there is an absolute majority.

The Council divided on the motion:

Ayes (12)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, C. M. Hill, H. K. Kemp (teller), F. J. Potter, E. K. Russack, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Noes (5)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Cameron, A. F. Kneebone, and A. J. Shard (teller).

Majority of 7 for the Ayes.

Motion thus carried.

The Hon. H. K. KEMP moved:

That the Contingent Notice of Motion be amended by striking out "Committee of the Whole on the Bill" and inserting "Select Committee appointed on November 3 to consider the Flinders University of South Australia Act Amendment Bill".

The Council divided on the motion:

Ayes (12)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, C. M. Hill, H. K. Kemp (teller), F. J. Potter, E. K. Russack, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Noes (5)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Cameron, A. F. Kneebone, and A. J. Shard (teller).

Majority of 7 for the Ayes.

Motion thus carried.

The Hon. H. K. KEMP moved:

That it be an instruction to the Select Committee appointed on November 3 to consider the Flinders University of South Australia Act Amendment Bill that it have power to consider a new clause to amend section 9 of the principal Act relating to the powers of the Council of the University of Adelaide.

Motion carried.

CATTLE COMPENSATION ACT AMENDMENT BILL

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

TRAVELLING STOCK RESERVE: OODNADATTA

Adjourned debate on the motion of the Minister of Lands.

(For wording of motion, see page 2693.)

(Continued from November 3. Page 2693.)

The Hon. A. M. WHYTE (Northern): The motion raises no objection, to my knowledge, from people in the Oodnadatta area.

The Hon. A. J. Shard: We can stay here until 6.30 if you like.

The Hon. A. M. WHYTE: The people in that area are perhaps not as impatient as is the Chief Secretary to have this legislation considered, because I think they entered into the negotiations about four years ago to do what this motion seeks to do. The annexing of 110½ acres from the stock reserve creates no problem whatever, because 36 square miles remains in the reserve, and apparently none of the existing facilities is in any way affected. The townspeople of Oodnadatta are pleased to see an additional allotment of land attached to the town, and they are pleased to know that there is a move by the Social Welfare and Aboriginal Affairs Department to provide a hostel, this matter having been the subject of discussion for some time. The provision of a new school has also been discussed, as has the requirement of the Health Department of a site for a residence for a district inspector. However, the latter proposal surprises me somewhat, because the house for the inspector is already built. Be that as it may, there seems to be no objection, the people concerned being quite happy with what is intended. I support the motion.

Motion carried.

ADJOURNMENT

At 5.30 p.m. the Council adjourned until Tuesday, November 9, at 2.15 p.m.