LEGISLATIVE COUNCIL

Thursday, March 9, 1972

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

MINISTERIAL STATEMENT: CITRUS ORGANIZATION COMMITTEE

The Hon. T. M. CASEY (Minister of Agriculture): I ask leave to make a statement.

Leave granted.

The Hon. T. M. CASEY: Following the poll of growers which has refused authority to the Citrus Organization Committee to make an acreage levy to support its operations, the Government has examined whether the committee should be abandoned forthwith or whether it should be supported to continue its export marketing function for a period whilst its usefulness and eventual viability and acceptability to growers are further tested. The Government has concluded that it is desirable, in the interests of the growers and the industry generally, that the committee be kept in existence as an export marketing organization for the next 12 months, and that its future should then again be reviewed.

As the committee has failed to obtain the levies contemplated to support it in the marketing season presently nearing completion, it will inevitably have accumulated losses which it is in no position to meet. The Government could not possibly contemplate that the ordinary commercial creditors of the committee should bear any burden of these losses. Apart from its commercial creditors, the committee owes $15,000 to the Government for advances made for establishment purposes and the Government has guaranteed an overdraft advance by the State Bank of up to $25,000 for working purposes. At the end of last week, the bank account was in credit, but it is expected that it will run into overdraft during the next few weeks.

A preliminary accounting suggests that the losses of the committee for the marketing season ending at April 30 next may be about $40,000. The Government intends seeking Parliamentary authority in Supplementary Estimates before Easter to make a grant toward meeting those losses. It would also propose to support the committee over the next season by covering a loss estimated at about $17,000. In this way the committee will be kept viable and creditors protected over the course of the next 12 months or so, when the future of the committee will be fully reviewed.

QUESTIONS

TOTALIZATOR AGENCY BOARD

The Hon. R. C. DeGARIS: It has been reported to me that a considerable sum of money is to be made available as a loan to a trotting or racing club, through the auspices of the Totalizator Agency Board. As the information I have received is only hearsay, will the Chief Secretary give the Council details of the arrangement and say whether the Government had any hand in arranging the loan to the club concerned?

The Hon. A. J. SHARD: Officially, I know nothing about the matter. All sorts of rumours have been floating about. However, I do not know whether or not they are true. Now that the question has been asked officially, I will seek the information and bring back a report for the honourable member as soon as possible.

GRAIN POISONING

The Hon. M. B. CAMERON: In a press report today there is a statement that 300 people have died in Iraq of grain poisoning, and the source of the poisoning is claimed to be traces of mercury powder used in the treatment of seed wheat. I have checked briefly today whether or not this powder is used locally, and I find it is used in the form of a liquid to treat grain for seed. I have also found, to my surprise, that there is no indication on the pack in which this grain is placed after it has been treated that it is in any way dangerous to stock. I have no doubt that most farmers would know this. Nevertheless, the situation may arise where inadvertently this grain may be sold to people who do not realize the danger and do not understand that it is treated with mercury, and that the colouration is due to some treatment. Will the Minister introduce legislation to make it compulsory for such grain to be branded in some way to indicate that it is dangerous and at least to try to get some supervision over the use of mercury, because it is a very dangerous poison? It is a slow-acting poison and, according to the press report, it may have been responsible for 1,000 deaths in Iraq.

The Hon. T. M. CASEY: I will not give an undertaking at this stage to bring down legislation to cover this matter but I will discuss it with the Agriculture Department to see what the true situation is in Australia as far as

the effects referred to by the honourable member are concerned, and see whether some legislation can be introduced to combat this sort of problem. I understand that the wheat referred to came not from Australia but from another country.

VEGETABLE OIL SEEDS

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. L. R. HART: In the rural industry recently many producers have been engaged in the growing of vegetable oil seeds. A profitable oversea market exists for this commodity and a great amount of the vegetable oil seed in Australia is produced for export on oversea markets. In the Commonwealth Parliament yesterday the Minister for Primary Industry (Mr. Sinclair) said that vegetable oil manufacturers had asked the Commonwealth Government to place a ban on the export of oil seeds. The Commonwealth Minister assured the Commonwealth House that the Commonwealth Government would not, could not and should not intervene. Can the Minister assure this Council that the State Government has views similar to those of the Commonwealth Government—that is, that it would not, could not and should not intervene in the prevention of the export of vegetable oil seeds to the oversea markets?

The Hon. T. M. CASEY: I do not know whether I can give those specific undertakings to the honourable member but he has my unconditional guarantee that I would never be a party to what he has suggested may happen—that restriction be placed on oil seeds going from this State anywhere, whether to other States or overseas. He has my unqualified assurance on that.

PORT LINCOLN ABATTOIR

The Hon. R. A. GEDDES: I direct my question to the Minister of Agriculture. There has been a marked increase in the number of cattle on Eyre Peninsula, particularly in the lower part of the peninsula. Is it the Government's intention to have the Government-operated abattoir at Port Lincoln upgraded so that the meat processed there can be sold in the United States of America?

The Hon. T. M. CASEY: No decision has been made regarding the upgrading of the Port Lincoln abattoir to conform to the standards which are laid down by the Department of Primary Industry and which cover the American Department of Agriculture. It would be a very costly operation, as the honourable member no doubt realizes. A submission was made to me only two days ago regarding the future development of the abattoir and I am now studying that report to see exactly what we can do to upgrade the works there. At present, the Government has no immediate plans to upgrade the works to conform to the requirements laid down by the American Department of Agriculture.

ABORTIONS

The Hon. M. B. CAMERON: In view of the speculation that has been appearing in the press lately regarding the number of abortions that have been performed, can the Chief Secretary say whether the correct figures are available now?

The Hon. A. J. SHARD: No. I have heard what the figures may be and I expect that, shortly, a full report will be made available.

DRAFT DODGERS

The Hon. R. C. DeGARIS: Can the Chief Secretary say what is the Government's attitude to the announced intention to establish a refuge for draft dodgers at the University of Adelaide?

The Hon. A. J. SHARD: No.

LAW OF PROPERTY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 8. Page 3666.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of the Bill, which makes some important alterations mainly of a procedural nature but also involving some substantive remedies resulting therefrom to the law of property provisions dealing with foreclosure and the power of sale arising from mortgagees' rights. The Bill also deals with one or two other matters. Clause 3 deals with the new provisions which are, I suppose, really in the nature of evidentiary provisions because they deal with matters of execution and proof of a document known as a deed or indenture. Clause 3 also loosens the requirements in this connection because no longer will deeds or indentures need to be sealed or delivered in order to be thoroughly acceptable legal documents in the sense that all the formalities have been properly complied with.

Actually, documents known as deeds have a very interesting history in our law; they go back almost to the very earliest times. Many hundreds of years ago only a very small percentage of people in the community could read and write; that applied even to the nobility. The custom arose of having a signet, or sometimes a signet ring; instead of placing his signature on a document, a man's consent to its contents was indicated by a seal on the document impressed with his signet. This was the way in which many legal documents were executed; indeed, I believe that the *Magna Carta* was not signed by King John: it was merely sealed by him with his signet.

So, honourable members can see that this question of sealing documents with one's personal seal has had a very long history. The practice arose of requiring the common man to put his finger on a seal as an indication of his consent to the document. The practice has persisted right to the present day that, if a document is executed under seal, a signature is normally accompanied by a wax or paper seal that is fixed alongside the signature. The document is known as a deed or sometimes as an indenture, because of the rather indented edge to the paper used in old documents. The legal effect of this has been that one cannot question the contents of such a deed, as far as consideration is concerned.

For a normal contract to be enforceable, the concept of consideration must arise and be satisfied, but a document executed in the way I have described is deemed not necessarily to require any consideration—the document speaks for itself. Technically, even today, to follow the prescribed procedure thoroughly a man, in addition to putting his signature on a document and sticking on his paper seal, should in front of witnesses place his finger on the seal and say, "I deliver this my act and deed." I believe that this custom is more honoured in the breach than in the observance. However, occasionally some old sticklers for formality insist on this little charade.

All this procedure will be done away with by the sensible amendments in this Bill. The concept of the deed will be retained, and the matters regarding absence of the necessity for consideration still apply, but the formalities (such as sticking on a red seal and the use of the formal wording) will no longer be required: the deed will speak for itself. I think it is sensible that this more modern procedure should be adopted.

The other main sections of the Bill deal with the protection of the mortgagor in certain circumstances. The mortgagor is to be given, under the terms of the Bill, an opportunity to remedy his default within 28 days (which is in 99 cases out of 100 a neglect to pay interest provided under the terms of the mortgage) and if he does that the other rights of the mortgagee are not to be invoked against him. Those rights are, first of all, the right to insist on other covenants of the mortgage coming into effect (perhaps, for instance, the repayment in full of the principal), the right of sale of the property to recover both principal and interest, or, in some cases, at a future period of time the foreclosure on the actual land mortgaged.

There are to be certain restrictions placed on this procedure, but they have very important effects. It is only fair that there should be notice given to the mortgagor, that he should have a chance to remedy the default without the other provisions of the mortgage being invoked against him. The Hon. Mr. DeGaris will recall an instance only a few months ago when he and I were talking about the problem of a man who lost his farm because he could in fact proffer the interest that was due, but it was too late, and the provisions regarding repayment in full of the capital had been invoked against him. His farm was sold at auction and he lost his whole property in that way. These kinds of provision are unfair in many circumstances.

The provision in the Bill that you cannot have your cake and eat it, too, in connection with the procedure for foreclosure is fair. If a man seeks to foreclose he cannot also proceed to invoke any personal covenants against the mortgagor without being prepared to reopen the foreclosure. I do not know that this provision is included other than to clarify the position.

Probably the only substantial extension of the present relief which is available is that in the Bill, which enables the court to give relief against forfeiture of a mortgage in the same way as it can give relief against forfeiture of a lease when the tenant is in default. I do not think this is an unreasonable provision for inclusion in an Act of this kind. All the provisions in the Bill have come from the Law Reform Committee, and when one receives that information from the Minister introducing the Bill one realizes that the matter has been given pretty careful scrutiny by a very

responsible committee. I see no objection to the Bill in any way and it has my support.

The Hon. Sir ARTHUR RYM1LL (Central No. 2): I also support this Bill, for very much the same reasons as have been expressed by my honourable colleague, and with which I agree. There are two subjects dealt with by the Bill. The first relates to the execution of deeds, which has always been a rather extraordinary feature where one is supposed to attest the deed by putting one's finger on the seal and saying, "I deliver this my act and deed." As the Hon. Mr. Potter said, one wonders how many deeds have been properly attested in this way; I would guess more would not than would have been. This merely regularizes a procedure that is rather archaic in these days. By the effluxion of time, such delivery has become unnecessary, and this Bill removes the possibility of one's escaping one's proper obligations because someone else proved that the deed had not been executed in this time-honoured form. If this was the case, an injustice would be done. This provision is, therefore, a move forward.

I should like now to refer to mortgages, the other subject dealt with by the Bill. Many mortgages already include the provision contained in this Bill and, in any case, most mortgagees will observe this sort of practice, even if they are not required to do so by the mortgage deed or instrument. This is a case where proper protection is being afforded to mortgagors, because the only people who will be affected, unlike those affected by the Companies Act Amendment Bill on which I spoke recently, will be those who are callous about the rights or the position of mortgagors. Here again, I think all the provisions of the Bill are reasonable and, indeed, are good. I therefore support the Bill.

Bill read a second time and taken through its remaining stages.

CRIMINAL INJURIES COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 8. Page 3672.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the Bill. The first Bill brought before this Council which provided for a payment by the State for compensation for injuries received as a result of a crime of violence was introduced in 1969. When the Hon. C. M. Hill gave the second reading explanation thereof on November 11, 1969, he said:

> But the criminal law is directed at the protection of society and the reformation of the offender and does not provide the innocent victim of criminal activity with any recompense for personal injury that has been unjustly inflicted upon him.

That was the first time this Council had debated such a measure as this. The Council unanimously agreed with the principle involved in the original Bill, although some speakers thought the Bill was not sufficiently generous. The Hon. Mr. Banfield said, at page 2912 of the 1969 *Hansard.*

> I am disappointed that the maximum amount that can be paid out of general revenue for compensation to any one person is only $1,000.

As the initial legislation was passed almost three years ago and there has been a decline in the value of money since then, one can assume that the honourable member would be bitterly disappointed that this Bill still provides for a maximum amount of compensation of $1,000. As I reread the honourable member's speech, I can only assume that he is in favour of prescribing no limit in relation to compensation paid from general revenue to the unfortunate victim of a crime of violence. He said:

> Why should the court be limited, when the defendant is being prosecuted, to awarding only $1,000?

He later continued:

> I suggest that the court should have the right to decide what amount should be awarded.

I must admit that I am a little on the honourable member's side in this matter, and I assure him that, if he moved an amendment to increase the sum payable to more than $1,000, I would be pleased to give him what support I could.

The Hon. D. H. L. Banfield: I don't think I was supported by the Hon. Mr. DeGaris previously.

The Hon. R. C. DeGARIS: If the honourable member feels as strongly about this matter as he did two years ago, I should be pleased to support him. The Hon. Mr. Banfield and I may get along on this point, if only he would listen to me for a moment. The problem appears to be that, when the court awards compensation, it has regard to the fact that the maximum amount payable under the Act is $1,000. One can understand the court's reasons for this. In other words, it sets compensation for a person who has suffered extreme injury at the maximum of $1,000 and scales it down in relation to other injuries that may be suffered. This is indeed

a valid argument regarding the $1,000 limit, if the court examines a matter in this way.

I have heard of one case in which, had there been a civil action, damages amounting to many thousands of dollars would have been awarded but in which the damages awarded by the court were only about $450. I do not criticize the Government for not increasing the maximum amount of compensation above the 1969 level. I realize that every Government attempts to do the best it can with the resources available to it in the Treasury. Although we may be critical at times of priorities given in relation to the public purse, I do not think any Government sets out deliberately to be miserly. Nevertheless, the intention of the original Bill was that as time progressed the upper limit of $1,000 would be lifted. There is an area here that needs closer investigation. Nevertheless, the Bill does make some minor amendments to the existing legislation, and it should be supported by this Council. Therefore, I support the second reading.

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

JUSTICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 8. Page 3667.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which makes valuable procedural amendments to the principal Act. They are of a kind that I think should have been introduced many years ago. It is interesting to see how many of the old time-honoured procedures that were considered at one time necessary bend to the pressures that develop when population increases and the courts find themselves unable to continue with the same old procedural methods regarded as essential in the past.

The main change that this Bill makes is a change in the procedures adopted by courts when dealing with preliminary examinations prior to committal to another court for trial or sentence. A change was made some years ago in this procedure in charges involving carnal knowledge. The reason why that was adopted was to save the principal witnesses in such cases from having to undergo a double ordeal, that is, before the examining justices in the first instance and later before a jury in a higher court.

That procedure worked well, and I see no reason why the procedure there introduced—the tendering of evidence at the preliminary hearing by means of affidavit—should not also work well here in all indictable offences in future. There are adequate safeguards in the Bill for the production of witnesses at an early stage for cross-examination; that is really the only important element that I think we need to consider, and the Bill takes care of it. The Act will provide for a procedure whereby the evidence to be given at the preliminary hearing shall be given by affidavit, but the defendant can require witnesses to be called for cross-examination if he so requests. This should work well.

The Bill also deals with the problem that arises in courts where the defendant, for one reason or another, does not appear and the case proceeds *ex parte.* The justices or the magistrates have always, in those circumstances, been required to hear evidence sufficient to establish a *prima facie* case against the defendant. That has involved a great waste of time and a consequent waste of money. I say "a great waste of time" because the result is a foregone conclusion where the evidence is not challenged by the defendant and he has not even taken the trouble to appear.

Considerable difficulty in connection with the failure of the defendant to appear was eliminated some years ago when in many cases an opportunity was provided for the defendant to fill in on the back of his summons, or send in by a separate document, his own explanation, which was read by the court. That has worked well and has certainly saved much time and trouble. It is proposed that it be extended to cases where this procedure has not been availed of by the defendant.

I notice (and I commend this) that in these cases the police will forward with the summons, or as part of it, the details of the offence to be alleged in court against the defendant. I know that the Royal Association of Justices has been pressing for some time, in connection with speeding offences, that in the summons a person should not be charged with merely exceeding the speed limit: there should be some indication in the actual wording of the complaint of what the alleged speed was because, unless this indication is given, the speed alleged could be very different from the defendant's understanding of the speed alleged at the time he was stopped by the police.

On many occasions clients have come to me and said, "The police said I was doing 65 m.p.h. but I am certain I was doing only 55 m.p.h.", or something like that. So it is fair and right that the allegations should be contained either in the summons or in the accompanying document so that the person concerned knows exactly what the court will

be told is an ingredient of the charge. I commend that; it is good procedure.

The other matters contained in the Bill are somewhat procedural, too. They do not really call for much comment. They have all arisen from requests that the courts and judges have made from time to time—for instance, the right of the appeal judge to consider all penalties imposed on a defendant, that is, whether he was fined, whether he had his licence suspended or whether he lost so many demerit points. The appeal judge will look at the totality of the punishment. That is a sensible provision, as difficulties in the old wording of the Statute have led to queries about whether this should or should not be done.

Allowing a person the right to be tried by judge and jury for minor indictable offences, as is given to a defendant for other indictable offences, seems to me to be logical. I do not think it will mean that many people charged with minor indictable offences will avail themselves of the extra right given them under this Bill. However, that is merely a matter of comment. As a matter of principle and logic, it is fair that people should be given the opportunity to go before a jury if they want to, however much that privilege will cost them in extra fees to their counsel. If this is the method of trial they seek, that is a matter for their own individual decision; it will not be left to the magistrate to decide in the first instance.

The Hon. Sir ARTHUR RYMILL (Central No. 2): Again I support my colleague's remarks, and, for much the same reasons as he has expressed, I support the Bill. I remember that when I was a junior practitioner in the courts I had to waste hours and hours and many days listening to what were called *ex parte* cases being tried. In these cases the police had to prove a *prima facie* case when the defendant did not appear. Subsequently, the procedure was introduced whereby defendants could plead guilty in writing, but that was not available to defendants in the days to which I have been referring.

That was a step forward, and it saved much time in the courts. If the defendant does not follow that course, the position, until the Bill is passed, is that the police must still prove their case in the defendant's absence by calling evidence. Clause 4 (5) provides that the allegations in the summons in these circumstances shall be such evidence, and why not, because the man has been duly served? If he does not turn up or does not instruct someone to appear for him, there is no reason to go through all this rigmarole. I say that, because I do not ever remember hearing one *ex parte* case tried in which the defendant was not found guilty. Probably my honourable friend has had the same experience because, naturally, the police would not embark on a case unless they had *prima facie* evidence sufficient, if not rebutted, to prove the defendant guilty.

The Bill merely simplifies the procedure and makes it easier and quicker, and it does no harm to the defendant, because ample safeguards in favour of the defendant exist in the legislation. If something happened or got through whereby an injustice was done, the defendant could still lodge an appeal. Clause 5 requires the defendant to be provided with a further notice if his driver's licence is in jeopardy, and so on. Although the Bill deals with other matters, my colleague has canvassed them adequately. Suffice it for me to say that it is a good Bill that should work well in practice and be of benefit to the courts and, indeed, to all concerned.

Bill read a second time and taken through its remaining stages.

PLACES OF PUBLIC ENTERTAINMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from. March 8. Page 3673.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I have not yet completed all the research I would like to do on this Bill. Nevertheless, I am prepared to speak to it and to support the second reading, but I may have some questions to ask the Government in Committee. The first part of the second reading explanation deals with the provisions relating to the imposition of entertainment tax, and states that the Bill is to overcome certain deficiencies in the operation of its regulatory provisions. I have not yet checked this out, but it appears to me that entertainment tax at no time existed. That appears to be the reason for this Bill. What will happen to the few dollars collected as entertainment tax while it was in operation? Will this be refunded to the people from whom it has been collected, namely, people in the entertainment field, or will it be refunded to the patrons? That, too, I have not yet checked out.

The Places of Public Entertainment Act, which has always caused considerable comment, is somewhat complicated. From memory, I think that there was no need for a place to become a registered place of public

entertainment but, once it became registered, all the regulations and laws applied to it. No Sunday entertainment was allowed except in a place registered as a place of public entertainment. On many occasions this matter became extremely complex to administer. Clause 5 deals with the question of exemptions being allowed in respect of ovals, sports grounds and racecourses. New section 4a deals with the areas in which exemptions can be given. At first glance, this provision seems to be a little more sensible than the corresponding provision at present in the principal Act. New section 5 clarifies the exemptions in regard to churches and places of public worship.

Actually, we should be looking at a totally new concept in regard to places of public entertainment. The question of safety should be taken into account and all the present provisions should be up-dated. We are still attacking the problem in a piecemeal fashion. Of course, I realize it is easy to say that, but I do so constructively—not as a criticism of the Government. This legislation is largely outdated and unable to fulfil its proper function in giving a complete safeguard to people who use any venues of public entertainment. I have previously spoken in this Council in a similar fashion. Most honourable members who have had anything to do with administering the legislation will be inclined to agree with my view.

The Bill also seems to place a tremendous amount of discretionary power in the hands of the Minister. Right through the Bill we see provisions granting such discretionary power—for example, the Minister can grant exemptions to places of public entertainment, the Minister can say that a licence no longer exists for various reasons, and the Minister is empowered to grant Sunday permits for the conduct of prescribed entertainments (that provision having been amended three or four years ago). I believe it is time that we reviewed the whole concept and brought down legislation covering the whole question of control of places of public entertainment. We must realize that the term "places of public entertainment" covers a pretty wide area—not only theatres but also hotels, racecourses, pop festivals, etc. I raise no objection to the matters in the Bill but I may discuss some matters further during the Committee stage. I support the second reading.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

MISREPRESENTATION BILL

Adjourned debate on second reading.

(Continued from March 8. Page 3676.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill because, basically, I support any legislation that is designed to deal with people who are guilty of misrepresentation in one form or another. However, there are one or two aspects of the Bill, particularly in Part II, that cause me a little concern at present. In spite of the fact that the Hon. Mr. DeGaris modestly claimed he did not really understand the subject, it was clear that he had done much research into the matter before he made his speech. I congratulate him on pointing out some of the interesting aspects of the expansion of the remedies available at common law contained in Part III along with the amendment of the Sale of Goods Act in Part IV. I do not really know that I can add a great deal to what he said, except to support him by saying that I believe that this is an expansion of the remedies available at common law that is justified.

There are three types of misrepresentation which are known to the common law and which have been developed over many years in the civil side of our courts' jurisdiction. Those types of misrepresentation are innocent misrepresentation, fraudulent misrepresentation and another category that could be called negligent misrepresentation. The last type does not really concern us very much because it is a separate concept in itself and arises only in fairly limited circumstances. The main two types of misrepresentation that will be affected, as far as remedies are concerned, by Part III of the Bill are innocent misrepresentation and fraudulent misrepresentation.

Innocent misrepresentation occurs where a statement is made that is incorrect but is made innocently, a typical case being where a representation is made that a motor car is a certain model or has done a certain number of miles when, in fact, an error was quite innocently made and perhaps the car was the previous model or perhaps the number of miles was incorrect. In these circumstances the law has always allowed, and will continue to allow, the person who discovers the misstatement to seek a rescission of the contract and to be put back into the position he was in before he made the deal. That has always been a fair method of doing it, but the granting of damages by the court, which will now be permitted under this Bill as an alternative remedy, seems to me to be just as fair a

method of dealing with the transaction as the rescission method. Obviously, a man can be compensated by monetary damages for innocent misrepresentation.

Damages and rescission of the contract for fraudulent misrepresentation were always available at civil law. Misrepresentation, of course, is the making of a statement not necessarily knowing that it was false, although this arises in quite a great majority of cases. The statement could also be one made carelessly or recklessly by a person not caring very much whether it is true or false. This is a concept of misrepresentation known to the law and where the remedies can apply. The Bill will make it possible for the court, at its discretion, either to grant damages or to rescind a contract, or both; indeed, it is on this aspect, as the Hon. Mr. DeGaris said, that some of the criticism of a similar Bill introduced in England has arisen.

I think most of this criticism has been from academic legal writers, and indeed the Hon. Mr. DeGaris, in quoting the points of criticism yesterday, was referring to textbooks written by academics, by and large, on the matter. I suppose this kind of thing is inevitable. The principal criticism these academics make is that it is all left to the court, the court would have to exercise its discretion, and there are no rules which can apply to how the court is to exercise discretion in any given situation. Often, I think, legal textbook writers are seeking the impossible in the law, namely, a crystal clear exposition of what the law is and how it will be applied in every circumstance. Unfortunately, there is a great deal of difference between theory and practice—and that applies to politics perhaps more than to anything else.

It must be recognized that in all cases involving fraud and misrepresentation each case has its own unique set of circumstances and it is not always possible to make comparisons between one case and another. Lawyers follow the system of precedents very much, and one is always seeking to find a case which is almost exactly the same as a previous case which was neatly and precisely decided by another court. Often one seeks in vain as the circumstances of one's own case are so different (perhaps only marginally different) as to pose a completely new set of problems. I think it can be safely left without difficulty to the court to exercise its discretion in applying these additional remedies, and as to how and when and to what extent to apply them.

Probably not sufficient time has elapsed in England since this law came into operation for a series of rules to have evolved on how the discretion of the courts will be exercised. The discretion must not be exercised capriciously, but in a judicial fashion, and it sometimes takes time for the judges to work out rules as to how their judicial discretion is to be exercised in certain cases. I fancy that is one reason for some of the criticism quoted yesterday, arising from academics and perhaps arising a little prematurely.

I have no real problem about Part III of the Bill. I think the requirement set out there is a good one, and also I commend the section dealing with the exclusion clauses, although again this may involve some difficulties for the court as to the extent to which the provisions excluding or restricting liability may be held to be a factor for consideration when the matter comes before the court. I do not think the proposed amendments to the Sale of Goods Act are in any way objectionable. The acceptance of goods by a buyer and the point at which the property in this case is deemed to pass to the buyer is an area which has given trouble in the past, and the suggested amendments could only clarify the position and do not pose any difficulties.

At first sight, Part II causes me some concern. It appears that the committee responsible for this amendment has endeavoured to wrap up in one lengthy clause some of the salient points contained in the English legislation known as the Trade Descriptions Act, which was passed in 1968, and which is a whole Act in itself.

The Hon. R. C. DeGaris: And a pretty lengthy one, too.

The Hon. F. J. POTTER: A fairly lengthy one, indeed. On a close examination it seems that someone has gone along, almost like a magpie, and picked out little bits here and there and put them all together in one little nest in the shape of clause 4. I am not sure that, in doing this, a very satisfactory amalgamation has been achieved in one or two respects. Another thing that causes me a little uneasiness is that in his second reading explanation the Minister said that Parts II and III had come from the Law Reform Committee established by the Government, but the other matter of Part II had come from another commitee set up originally under the chairmanship of Mr. Justice Zelling (or Mr. Zelling, Q.C., as he then was). I wonder whether this Part has gone through the processes of both committees. Looking at Part II, the concept is

that there shall be criminal sanctions (that is, a penalty) imposed upon persons who, in the trade or business, make a misrepresentation.

The Hon. Mr. DeGaris said that he considered this covered all types of misrepresentation, both innocent and fraudulent. If that is so, we should take a pretty careful look at this Part in the Committee stage. I would not like to see a criminal penalty imposed upon a person who is guilty merely of an innocent misrepresentation. I am not sure whether this would happen, as it seems to me that the clause talks about misrepresentation. However, subclause (4), which defines it, provides as follows:

For the purposes of this section, a representation constitutes a misrepresentation if it is false in any material particular.

If one examines the provisions of the English Trade Descriptions Act, from which this concept was taken, one will see it provides that a statement is a misrepresentation if it is false to a material degree. I should think there is a difference between the definition in this Bill and that contained in the English Act, because it seems to me that an innocent misrepresentation is obviously a false one even though innocent, and it may be held to be false in a material particular in some circumstances. It may be a material particular in the circumstances of an individual case where, say, the wrong model of a motor vehicle was given. The English wording of "false to a material degree" seems to go deeper than the wording contained in this Bill. Will the Minister explain in Committee why this departure from the English verbiage was made and say whether he considers the present way in which misrepresentation is defined is sufficient in the circumstances?

The Hon. R. C. DeGaris: I am a little unsure of your reasons why you consider that innocent misrepresentation may be false.

The Hon. F. J. POTTER: I am saying that only representation that is false in any material particular is covered by this clause. If innocent misrepresentation is misrepresentation that can be said to be false in a material particular, it is also actionable under this definition.

The Hon. A. J. Shard: Are you sure you two agree?

The Hon. F. J. POTTER: I think I have convinced the Leader on this point. This is not a matter that one can immediately see clearly without carefully examining the definition. Perhaps I should show briefly how carefully the English Act has spelt out this matter. The Trade Descriptions Act is indeed an odd kind of title for an Act in which one would expect to see this kind of provision. Section 14 of that Act provides as follows:

It shall be an offence for any person in the course of any trade or business—

again one can see where little passages have been taken from this Act and included in our Bill—

(*a*) to make a statement which he knows to be false; or

(*b*) recklessly to make a statement which is false;

as to any of the following matters, that is to say—

(i) the provision in the course of any trade or business of any services, accommodation or facilities;

(ii) the nature of any services, accommodation or facilities provided in the course of any trade or business;

(iii) the time at which, manner in which or persons by whom any services, accommodation or facilities are so provided;

(iv) the examination, approval or evaluation by any person of any services, accommodation or facilities so provided; or

(v) the location or amenities of any accommodation so provided.

One can see, incidentally, how that provision would have covered precisely the case of which His Honour Mr. Justice Zelling complained, when he said he had no law to apply, namely, the case involving the misleading statements made to a man who booked through a travel firm for a holiday in Cyprus. The English legislation goes on to provide:

In this section "false" means false to a material degree.

Another section deals with false misrepresentation as to the supply of goods or services, and it provides as follows:

If any person, in the course of any trade or business, gives, by whatever means, any false indication, direct or indirect, that any goods or services supplied by him or any methods adopted by him are of a kind supplied to or approved by Her Majesty or any member of the Royal Family, he shall, subject to the provisions of this Act, be guilty of an offence.

The Act continues on and spells out, in respect of a whole series of instances, where the misrepresentation is to apply. It deals, first, with false or misleading information as to price of goods; false representations as to Royal approval or award; false representations as to supply of goods or services; and false or misleading statements as to services. Therefore, the English legislation deals with that whole series of transactions, which, one realizes,

relate mainly to goods or services. This is a unique aspect of the English legislation.

The Hon. Mr. DeGaris referred in his speech to the problems that arise where a corporation is guilty of an offence under this Act. He said that certain injustices might be visited upon the directors of companies who might unwittingly be involved in an offence. This matter is also covered by the English Act, and one sees instantly how in that legislation the matter is spelt out far more carefully than it has been spelt out in subclause (5) of the Bill, which provides as follows:

> Where a body corporate is guilty of an offence under this section, each member of the governing body of the body corporate who knowingly authorizes, suffers or permits the commission of the offence shall be guilty of an offence and liable to a penalty not exceeding $500.

I should like now to examine the way the English legislation deals with the matter. Section 20 thereof provides as follows:

> Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent and connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

I should think that that wording would be nearer to doing the kind of justice that the Hon. Mr. DeGaris would seek. Again, I ask the Chief Secretary whether he will ascertain why we must depart from the carefully considered wording of the English Statute. I also draw the Minister's attention to the definitions under the English Act, which are set out in section 24, as follows:

> In any proceedings for an offence under this Act it shall, subject to subsection (2) of this section, be a defence for the person charged to prove—
>
> (*a*) that the commission of the offence was due to a mistake or to reliance on information supplied to him or to the act or default of another person, an accident or some other cause beyond his control; and
>
> *(b)* that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

There are also one or two other procedural matters in that section that I think it would be advantageous to have incorporated in such a defence clause.

At this stage I do not want to be taken as opposing the idea of criminal sanctions being invoked, in some circumstances, for misrepresentation, but it should be stressed that we are really transporting into the criminal jurisdiction, which applies an entirely different standard of proof in its determinations, concepts that were developed in our civil jurisdictions in connection mainly with matters of contract. When this is done, when a civil jurisdiction makes its determination on standards of proof that are not as high as and are quite different from standards that are applied in our criminal courts, we must be careful in what we do or in what we say we want done. Consequently, if we extend criminal sanctions against all types of innocent misrepresentation, that is going too far.

There is also the matter raised yesterday by the Hon. Mr. DeGaris about what happens when a person is prepared to make restitution for any statement that turns out to be incorrect. Although I cannot see that such an act will constitute any proof against a person of having made a false representation in the first place (and that was the fear that I think the Hon. Mr. DeGaris expressed) nevertheless, although I do not share his fear on that, there is the matter that arises of what happens anyway in the case of a man who does make restitution. Is he to be proceeded against willy-nilly, notwithstanding the fact that he has made restitution? In this respect, the civil courts always recognize a restitution that has been made. In fact, there could be a plea, as the Hon. Sir Arthur Rymill would know, of *restitutio in integrum.* That was always recognized in civil law. When we try to transform it into a different jurisdiction, we run up against these problems.

With these remarks I support the second reading. Honourable members have had some indication that in the Committee stage we should have some explanations from the Minister, and we in no way commit ourselves not to consider further amendments in the light of such explanations as may be given to us.

The Hon. C. M. HILL secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL

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

INHERITANCE (FAMILY PROVISION) BILL

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

MOTOR VEHICLES ACT AMENDMENT BILL (LICENCES)

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

COMPANIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 8. Page 3677.)

The Hon. H. K. KEMP (Southern): I do not wish to delay the Council on this matter. My purpose in speaking is purely in order that the Bill may be held over for further consideration outside this Chamber. My interest in this legislation attaches chiefly to the co-operative movement, members of which have undertaken to study the Bill, but they have not yet been able to give me any opinion on it. I do not know how long it will take for that opinion to be given. There is an added reason to ask for a further adjournment, namely, so that the remarks made yesterday by the Hon. Sir Arthur Rymill and by the Hon. F. J. Potter earlier may be fully considered.

The Hon. R. A. GEDDES secured the adjournment of the debate.

PHARMACY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 8. Page 3680.)

The Hon. G. J. GILFILLAN (Northern): I support the Bill, which was explained fully by the Hon. Mr. Cameron, the first speaker in the debate yesterday. The Bill, which amends the Pharmacy Act, appears to have the full support of those most closely connected with the profession of pharmacy. It does a number of things, which have already been outlined. Yesterday, the Hon. Mr. Cameron asked an important question regarding section 31, now amended by clause 10 of the Bill. Section 31 covers the situation satisfactorily where a pharmacist who is the owner of a business dies and leaves his business to his widow, who can carry on the business for six months without having a pharmacist in charge, provided that medicines are not dispensed. After that six months, she can carry on with a registered pharmacist as manager.

However, clause 10 will make this provision impracticable if the precise wording of section 31 is adhered to because section 31 uses the term "executor or administrator". I believe that difficulty could arise once the estate has been wound up and the beneficiary ceases to be an executor or administrator. I look forward to hearing from the Minister on this matter because, by inserting the new clause, it will make the wording in section 31 most important. The need to register premises and to meet certain requirements is, if administered with discretion, imperative in these days when drug problems are prevalent in the community, when many crimes are committed, and when pharmacies are entered and drugs are stolen.

It is only fair and proper that these premises should have some reasonable safeguard against offences of this kind. I fully realize that it is impossible to make them absolutely secure, as has been shown by other crimes in which even premises of maximum security have been broken into. However, reasonable care should be taken in the pharmacy field. New section 25a (2) provides:

> . . . where that business is under the constant supervision and management of a registered pharmaceutical chemist and the name of that registered pharmaceutical chemist is kept painted or affixed in a conspicuous position in letters easily legible on the outside of the premises where that business is carried on.

I am concerned about the words "kept painted or affixed". If the name of the registered pharmaceutical chemist is displayed clearly, would that not be sufficient? Some pharmacies in the metropolitan area are conducted after normal trading hours by several chemists who own the business together and provide an after-hours service on a roster system. Difficulties could arise in such circumstances if the letter of the law was insisted on. Perhaps the situation could be covered if the chemists hung a plate inside the window, the name of the chemist being on the plate. Since the words "kept painted or affixed" occur in another provision in the Bill, perhaps there is a good reason why this requirement is made.

The Hon. A. J. Shard: I will get an answer.

The Hon. G. J. GILFILLAN: I believe that this Bill was not introduced for the purpose of stopping tax evasion, as was suggested in a press report today; rather, it was introduced to bring pharmacies under proper control. Like many other forms of business, some partnerships may gain tax benefits, but I do not believe that the prime purpose of the Bill is to deal with such matters. However, if one read a report in today's newspaper, one could gain the impression that that was the purpose of the Bill. Of course, any savings made through stopping tax evasion would accrue to the Commonwealth Government. I support the Bill.

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.

SOLICITOR-GENERAL BILL

Adjourned debate on second reading.

(Continued from March 8. Page 3670.)

The Hon. F. J. POTTER (Central No. 2): I support the Bill, which defines the duties of the Solicitor-General and transfers the office from the Public Service Act to a class of its own. The Solicitor-General will, to all intents and purposes, except perhaps from the viewpoint of salary, be almost analogous to a Supreme Court judge or a District Court judge. This is an administrative matter. I notice that the second reading explanation refers to the fact that most other States have provided for the office of Solicitor-General in this way. I suppose the attitude is that, what the other States do, we should eventually do. I do not object to the idea that the Solicitor-General should virtually be a barrister or counsel available to the Government and that he should not, in the full sense, be a public servant subject to the Public Service Act.

One is tempted to say that, once new policies are introduced, they are carried on down the line. The availability of non-contributory pensions has spread, and I do not know how far it will spread in the future. We started with non-contributory pensions for the Supreme Court judges. Such pensions have now been provided for Local and District Criminal Court judges, and they have been extended to the Licensing Court. Now, a non-contributory pension will be provided for the Solicitor-General, and I do not have the slightest doubt that one of the objects of the magistrates in wanting to be taken out of the Public Service is the hope that they will be added to the list of those receiving non-contributory pensions. And so it goes on. I wonder whether there will ever be non-contributory pensions for everyone in the Public Service. Evidently the Government thinks that the concept is good and is willing to foot the bill. Perhaps someone will say something about this matter when the Estimates are dealt with. I have a feeling that the practice may stop when large groups could be involved. I notice that the Solicitor-General's salary is still to be fixed by the Government, not by Parliament. The matters dealt with in this Bill are primarily matters relating to how the Government wants to administer parts of the Public Service. For a long time the functions of the Crown Solicitor, as he was once called, and the Solicitor-General, as he is now called, have been regarded by any Government as vital.

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

HIGHWAYS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 8. Page 3671.)

The Hon. C. M. HILL (Central No. 2): I support most of the clauses in this Bill. It is evident that, as our traffic increases and as the operations of the Highways Department increase, there must be changes concerned with modern highways development. Designing and constructing modern highways has now become a science, and naturally the law must be changed, on the one hand, to prevent delays in construction of the best possible roads and, on the other hand, to protect adequately individuals who are inevitably affected by questions of acquisition as a result of road-widening, etc. Sundry matters under this general heading have arisen in the Bill.

The procedure for the closing of roads has been streamlined and the method of compensation of people injuriously affected by the proclamation of controlled-access roads has been altered. I commend the Government for the system now introduced, which is much fairer than that which applied previously. Another machinery measure deals with the acquisition of land for road widening where that land is either unimproved or vacant land, on the one hand, or improved property, on the other.

There are also procedures concerning the means of access to controlled-access roads. All these matters arise as times change, and the Highways Department must be able to provide for the people of South Australia proper roads to meet the demands of motorists.

In my view the major problem in the Bill concerns the power given to the Commissioner of Highways to operate sea transport services. I do not want to confuse honourable members and give the impression that I have changed my views regarding the Kangaroo Island ferry, a Bill concerning which was introduced and passed in this Chamber last year. I wholeheartedly support the principle, approved by the Kangaroo Island Transport Committee, of providing a ferry service from a point near Cape Jervis to a point near Penneshaw.

That is a ferry service, and, in keeping with the principle that the Highways Department should control and manage ferries elsewhere in the State (for example, those on the Murray River), so a ferry service should be implemented to Kangaroo Island from the mainland: that service would traverse, in general

terms, the narrowest point of Backstairs Passage.

I thought that matter was over and done with, and I have been waiting to hear more of the progress in planning and carrying out that work, but it seems that something has gone wrong. We know that the *Troubridge* with, I understand, its ancillary facilities, was purchased by the Government, and we know from public announcement that the Government intends to continue the transport service to the island by the *Troubridge.*

I have no objection to that move to serve the island in that way, even with the *Troubridge* operated as it has been until recently by the Adelaide Steamship Company. I always imagined that was a temporary measure until the approved ferry service was introduced. However, the Bill introduces an entirely new concept and seeks to give the Commissioner of Highways (and I stress this point) the power, with the approval of the Minister, to establish and maintain a sea-going transport service anywhere in South Australian waters. If the Bill passes, any shipping service can be owned and managed by the State Government—totally managed by the Minister of Highways.

When we refer to expenditure on work carried out by the Commissioner of Highways we immediately highlight the fact that the money involved is Highways Fund money. It is fair to say that it is motorists' money, made up from contributions from licence fees, registration fees, and the ton-mile tax paid by road hauliers, as well as money from the Commonwealth Government under the Commonwealth Aid (Roads) Act.

When the Government says, in effect, that it wants to use the motorists' money to implement sea-going services, it is about time the people were fully informed of what the Government intends to do with this money. The specific project the Government has in mind at the moment is to run the *Troubridge* on the old route and to re-establish the sea link with Port Lincoln.

What will inevitably happen if this occurs, and if the State runs a freight service by sea to Port Lincoln, is that some show will have to be put up to make it pay. Then it will not get any business, and the freight rates will be reduced to the point where the business of the road operators serving Eyre Peninsula will be most seriously affected by this State competitor. We would then see the road transport industry on Eyre Peninsula, established by free enterprise, and established very efficiently, suffering from this gigantic and unbeatable competitor.

Why is there a need for such a proposal to be contemplated and for the *Troubridge* to go to Port Lincoln? Undoubtedly, when the road operators will be either forced out of business or forced to reduce their operations, inefficiencies will compound.

The Hon. A. F. Kneebone: Don't you believe in competition?

The Hon. C. M. HILL: I believe in fair competition, with both operators making their business pay. The same trend will occur as occurred in the operations of some sections of the South Australian Railways which is, in effect, a transport authority run by the State. I see some parallel between the continuing and increasing losses of the South Australian Railways as a State transport authority and the inevitable losses that will start and worsen when the Commissioner of Highways runs his shipping service from Port Adelaide to Port Lincoln.

This Parliament should not permit such a state of affairs. Inevitable losses of this kind should be nipped in the bud in the knowledge that, after deep investigation into the question by an independent committee, and in the knowledge that the area is served adequately and well by road transport, the people in the area do not want it.

The plan should be stopped now, otherwise the people's money (and not all the people's money, but specifically the motorists' money) will be used for subsidy, and a most inefficient operation will undoubtedly flow. That plan can be stopped now, but if the Bill passes in its present form it will not be stopped.

The Commissioner of Highways will be authorized by this Bill to use motorists' registration and licence fees to plug the financial losses that such a scheme must incur. This is indeed a serious matter.

The inquiry into the continuation of the service to Kangaroo Island and Eyre Peninsula and the general need especially to provide transport to Kangaroo Island was set up some years ago. It comprised highly-skilled and dedicated men who carried out their inquiry and brought down their report which was presented to me a few days before the last election and which was, naturally, passed on to the incoming Government, which approved it.

In its conclusions, the committee dealt with the general need to serve Kangaroo Island and

to link it up with a ferry service across Backstairs Passage. Dealing with the service to Eyre Peninsula, it said:

It is considered that no special action is necessary to ensure that the transport needs of Eyre Peninsula will continue to be adequately served.

Later, the report states:

The rapid growth of road transport to Eyre Peninsula and the simultaneous decline in the importance of sea transport between Adelaide and Port Lincoln are possibly reflected in the remarkable fact that, of some 25,000 to 30,000 people living on lower Eyre Peninsula, only eight responded to the committee's publicly advertised invitation to submit evidence. There could be some justification for believing that it is a matter of indifference to the Peninsula community at large whether the *Troubridge* sinks or swims. This situation is in marked contrast with that on Kangaroo Island.

The committee went over there, setting aside three days to hear the views of the people in the area, but I believe it completed its work in three hours. That the present Government accepted the report, which did not favour this route to Port Lincoln, is evidenced by a cutting from the *Advertiser* of Friday, June 26, 1970, headed "State to run Kangaroo Island ferry twice daily", part of which is as follows:

Mr. Virgo said Cabinet has decided to adopt the report and recommendations of the Kangaroo Island and Eyre Peninsula transport committee.

It is therefore evident that at that time the Government was willing to go along with the committee's recommendations. Further evidence of that was the Highways Act Amendment Bill, which was introduced into this Council last year and which specifically dealt with this matter, giving the Commissioner of Highways the right to use Highways funds for the purpose.

I now return to the matter of the Government's having no right to use Highways funds for this purpose. I am not dogmatic about using these funds in the future for some socially necessary public transport service, as I think the day will come, especially in regard to the installation and construction of a modern rail rapid transit service to serve metropolitan Adelaide, when I will see merit in some of this money's being channelled into such a venture.

After all, motorists can pay their fees and use their cars for recreational, pleasure and social purposes. If an adequate public transport service is provided, they can use it to commute to their work in the city. Here we have a different kettle of fish altogether, where a motorist, who pays the Government licence fees to enable him to drive his motor car around Elizabeth or who lives at Tea Tree Gully and must register his car, then finds that the net proceeds of his money are being channelled to subsidize an unwanted sea transport service from Port Adelaide to Port Lincoln. That is carrying the matter too far, and I believe it should be stopped.

The Government is running at its usual form in treating motorists in this way. I have been upset over the last two years about the way in which the present Government has, generally speaking, treated motorists in this State. I recall when I was Minister in charge of this department being criticized in this Council and accused of having plans to increase licence fees and motor registration fees, but these fees were not increased during the two years the Liberal Government was in office between 1968 and 1970.

However, when the present Government came into office, licence fees increased by 50 per cent, registration fees by 20 per cent, and stamp duty on transfers of motor cars increased. That would not have been so bad if we could see some real progress, with motorists being given adequate road facilities in this State. However, we have had two years of hedging, messing and talking, with experts being appointed and brought out here, but with very little action taking place.

I was upset recently when I read the annual report of the Metropolitan Transportation Committee for the year ended June 30, 1971, which was tabled in this Chamber last week. I was anxious to see how the co-ordination of all our transport departments was proceeding in this State. Honourable members will recall that the committee comprises the heads of all departments involved in road transport matters in this State; I refer to the Commissioner of Highways, the General Manager of the Municipal Tramways Trust, the Commissioner of Railways, and so on.

I wanted to see what progress in its second year of office the present Government was making in the co-ordination of transport so that motorists could see that plans were well in hand to overcome the traffic snarls and congestion from which they are now suffering and which are becoming worse as time goes by. The conclusion drawn in the report is as follows:

During this year of operation, the role of the committee as a valuable focus for co-ordinating the various transportation agencies as stated in the conclusions of last year's report was not realized.

I found that the committee had held only one meeting in the whole year, the purpose of

which was to have some discussions with Dr. Breuning, who, honourable members will recall, was brought out here at the public's expense of over $10,000 to make a report, which the Government accepted. Honourable members will also remember that that report did not favour continuing with the proposal for the rail rapid transit system in this State. Motorists have every reason to tell the Government that it must call a halt to wasting their money in providing a shipping service to Port Lincoln, as this Bill will permit.

This is, of course, a Socialistic measure. The facility to which I refer is a State-owned transport facility. This is understandable, because the Government believes that there should be as many State transport facilities as possible. So I stress the point that the general machinery measures in the Bill are needed.

Compensation is dealt with in the Bill and, in my view, this change is fair and just, but the one point in the Bill to which I take strong objection is the proposal for the Government to run the *Troubridge* service from Port Adelaide to Port Lincoln. Whilst I will support the second reading so that the Bill can go into Committee, I object to that part of it and will vote against that part when the time comes.

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

ADJOURNMENT

At 4.32 p.m. the Council adjourned until Tuesday, March 14, at 2.15 p.m.