## LEGISLATIVE COUNCIL

Wednesday, March 15, 1972

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

### QUESTIONS

### ABORTIONS

The Hon. C. R. STORY: I seek leave to make a statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. C. R. STORY: This morning's *Advertiser* contains a report by the Abortions Advisory Committee which suggests, as one of its recommendations, that provision be made for some independent type of hospital and that it be established at one of the State's teaching hospitals. Will the Chief Secretary tell honourable members the Government's attitude toward the recommendation and whether it would fit in with Government policy? Will he also tell honourable members of any matters in addition to the report (which is headed, in part, "Abortions soar")?

The Hon. A. I. SHARD: I make it abundantly clear that the Government as such has no policy on the abortion laws. I remind honourable members that the legislation was introduced as a result of a motion moved by a private member. As regards the suggestion for an independent type of hospital, which would amount to an abortion clinic, the Government has not considered such a suggestion. The committee's report was received late Monday morning and made available on Tuesday, and Cabinet has not yet considered it.

### RURAL CO-OPERATIVES

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

Leave granted.

The Hon. L. R. HART: During the last election campaign the Deputy Leader of the then Opposition, Mr. Corcoran, enunciated the Labor Party's rural policy at a meeting at Gawler, where he said that a Labor Government would set up a section in the Agriculture Department to encourage and advise on group buying co-operatives. Such co-operatives would be guaranteed by the State Bank in return for a small insurance fee. He said that such co-operatives in England had markedly assisted in keeping costs down for groups of farmers. Can the Minister say what progress has been made in developing the section in the Agriculture Department to which I have referred?

The Hon. T. M. CASEY: There has been a good deal of publicity regarding the committee that was set up; it was not set up within the Agriculture Department, but it was set up with departmental officers and, I think, representatives from the United Farmers and Graziers and the Stockowners Association, which organizations specifically asked that their representatives be permitted to sit in at committee meetings. The Committee is still holding meetings. I have had one discussion with it, but it has not yet brought down its final report.

### GRAIN POISONING

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply to my recent question about mercuric dusting powder being used to treat seed grain?

The Hon. T. M. CASEY: A two-day conference of Commonwealth and State officers has been convened by the Commonwealth Department of Primary Industry to discuss the prohibition of the use of HCB and organomercury fungicides as bunticides after 1972. The meeting will be held in Canberra on March 28 and 29. At this meeting the results of current trials in search of economic alternatives will be discussed and future trial work planned. This topic is of vital importance to studies in contamination of our environment by HCB and mercury, about which disturbing press reports from overseas have appeared recently. As the problem directly affects also the marketability of our wheat and other products, I have approved of the attendance at the conference of a senior officer of the South Australian Agriculture Department, Dr. A. J. Dube, Senior Plant Pathologist in the Agronomy Branch.

### EDUCATION FINANCE

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

Leave granted.

The Hon. M. B. DAWKINS: According to a report in the press last week, when there was considerable publicity about the Commonwealth Government's making money available for education, South Australia has a relatively poor record in connection with using such money; I believe that South Australia's record is the second poorest in the Commonwealth. The figure quoted was $4,500,000, of which South Australia has spent only about 9 per

cent up to the present. If that is correct, will the Minister of Agriculture ask his colleague (who has from time to time complained of lack of Commonwealth money) whether the Government will expedite the use of money for the purposes for which it was allocated?

The Hon. T. M. CASEY: I shall refer the honourable member's question to my colleague and bring back a reply as soon as possible.

## WHEAT OWNERSHIP

The Hon. R. A. GEDDES: Can the Minister of Agriculture say who owns that portion of over-quota wheat that has been delivered to an official silo—the grower, South Australian Co-operative Bulk Handling Limited, or the the Australian Wheat Board?

The Hon. T. M. CASEY: That is a very good question. I will not reply off the cuff, but I will get a definite ruling on this once and for all to clarify the matter. I would say offhand (and do not take this as gospel) that once wheat is delivered to a silo it becomes the property of the Australian Wheat Board. Nevertheless, I will check this for the honourable member and let him have the information as soon as possible.

## MENINGIE SCHOOL

The Hon. M. B. CAMERON: Has the Minister of Agriculture received from his colleague, the Minister of Education, a reply to the question I asked regarding the lagoon near the Meningie Area School?

The Hon. T. M. CASEY: My colleague reports as following:

The lagoon to which the honourable member refers is located mainly on section 330, which is park land under the control of the District Council of Meningie. The District Clerk, in response to a telephone call, said that while he cannot speak for the council he felt it would be loath to have the lagoon filled in because it is a repository for storm water which is drained into the lagoon. So far as he was aware no complaints concerning it have been brought to the attention of the council. The lagoon has been part of Meningie township as long as there has been a town and children have grown up to live with any hazard which this might represent, in the same way as living with the hazards of Lake Albert on the western side of the town. An inquiry made of the school reveals that the problem is not regarded as serious. In the circumstances it is not proposed to take any action to empty or to fill in the lagoon.

## SHEEP DIP

The Hon. D. H. L. BANFIELD: I seek leave to make a brief explanation before directing a question to the Minister of Agriculture.

Leave granted.

The Hon. D. H. L. BANFIELD: I was concerned this morning to receive from a friend in Victoria information to the effect that a grazier he knew had suffered severe losses in his stud sheep flock as a result of using a new type of dipping compound marketed under the name of "Jet-Dip". I was informed that the losses amounted to the death of 160 stud ewes and several rams (one valued at more than $2,000), and about 2,000 ewes were rendered barren. In addition to that, lambs bom after the dipping were either stillborn or died soon after birth. Can the Minister say whether this dipping compound is available for use in South Australia; and will he take up with his department the advisability of having this compound thoroughly tested to ensure its safety for use by sheep producers in South Australia?

The Hon. T. M. CASEY: I am concerned about this report, if it is true. I will definitely follow it up. I will take up the matter with the department, as recommended by the honourable member.

## AMOEBIC MENINGITIS

The Hon. M. B. CAMERON: Has the Chief Secretary a reply to my question on investigations for amoebae in the water from the Tailem Bend to Keith main?

The Hon. A. J. SHARD: Supplies throughout the State are being examined, but priority is rightly given to those areas where 10 years experience shows the disease has occurred. No reports have yet been received of examination of the supply referred to. When they are received, the honourable member will be advised. Any supply where there is evidence that additional chlorination would be an effective safeguard will be speedily dealt with.

The Hon. M. B. CAMERON: Has the Minister of Health a reply to my recent question about publicity on the dangers of amoebic meningitis?

The Hon. A. J. SHARD: The Department of Public Health keeps in close touch with local boards of health on many matters through its quarterly publication of *Good Health,* through circular bulletins on specific subjects of immediate concern, and by direct liaison of officers. Senior officers have been in constant touch with local officers in the towns where amoebic meningitis has occurred and in many other centres. A circular to all local boards is being prepared and will be circulated this week. It will set out what is known of the nature and the areas of occurrence of the disease and the amoeba; known and suspected factors in causing the

disease in those rare people unfortunate enough to be affected; special precautions that the Government is taking and that individual householders are being advised, to take, both in towns where the disease has occurred and more widely; and the general nature of continuing investigations of this problem.

While the content of this circular has not been finalized, it will indicate that there have been 14 confirmed cases of amoebic meningitis in Australia in 10 years. One has been in Queensland, and 13 in South Australia, and these 13 have all been fatal. They have been confined to Port Augusta (eight cases), Port Pirie (three cases) and Kadina (two cases). They have occurred in young people and in the summer season and often, but not always, under heat-wave conditions. The only likely mode of entry of the amoeba to the brain is through the nose and the nerves of smell. Once entry has been gained, the disease has been rapidly fatal in every case except one, and it is most unlikely that lesser degrees of infection with recovery are occurring.

All amoebae, including this one, live in water and in wet earth. They have been found in water drawn from mains taps in northern towns and in Adelaide, in rainwater tanks, in paddling pools into which dirt has been carried on feet, and in casual water in creek beds. To remove this creature from the environment altogether would not be feasible. The amoeba is destroyed by salt and by chlorine. The Government has already acted to increase the level of chlorine in water supplied to towns where the disease has occurred. Householders have been advised to add salt to swimming and paddling pools. These measures will substantially reduce the risk of amoeba being present in significant numbers in water that people use for personal purposes. The disease cannot be caught through the skin or by swallowing affected water. Avoidance of entry of fresh unchlorinated water into the nose is the main contribution individuals can make to their own safety. Water from other sources of supply is being progressively tested, and if there is the least reason to extend additional chlorination to other areas this will be done without delay.

## BOLIVAR EFFLUENT

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. M. B. DAWKINS: Honourable members will recall the situation at Bolivar and the urgency of using the very large quantities of effluent now running into the sea, as well as the soil tests which the Minister was able to institute under the supervision, I believe, of Mr. Bill Matheson of the Agriculture Department. Some little time has elapsed since the soil tests were commenced. Is the Minister yet in a position to report any progress?

The Hon. T. M. CASEY: No, I cannot report progress, because I have not received any official information in this respect. Realizing that the Hon. Mr. Kemp is keen to visit this area, I am willing to accompany him and any other honourable member on an inspection of the area when the Council prorogues to see what the situation is.

## CROP DAMAGE

The Hon. H. K. KEMP: I seek leave to make a statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. H. K. KEMP: Yesterday, I received a worrying report of damage that is being caused in the early germination of clover and lucerne in the Mallee districts by the Sitona beetle. Apparently this beetle which, I believe, is new to Australia—it has only been known here for seven years—is having a disastrous effect on urgently-needed pastures. We have no effective chemical control of this beetle, and we certainly have little knowledge of how to combat a dangerous, fast-spreading, insect pest. Can the Minister of Agriculture say whether this matter has been referred to the Agricultural Council for the purpose of searching for some means of biological control or a remedy in the countries of its origin. Obviously, we have no other possible means of defence.

The Hon. T. M. CASEY: I am pleased to be able to inform the honourable member that I took up this matter at a meeting of the Agricultural Council and informed it of the detrimental effect that this beetle is having throughout the agricultural districts of South Australia. The Commonwealth Scientific and Industrial Research Organization has shown much interest in the matter. Indeed, only yesterday morning I sent a letter to C.S.I.R.O., outlining all the problems associated with the weevil. As a result of indications given at meetings of the Agricultural Council, I hope that C.S.I.R.O. will take up the matter as an urgent one and try to formulate some type of control.

## CAR THEFTS

The Hon. L. R. HART: On March 7, I asked the Chief Secretary whether the Government would consider, as a matter of urgency, the need for amending legislation to tighten the laws relating to car thefts. Has he a reply?

The Hon. A. J. SHARD: The Attorney-General reports that the Government does not intend to introduce legislation to amend the law relating to illegal use of or stealing motor cars. The penalties prescribed by Parliament are both severe and adequate. When a person takes a car from the owner with the intention permanently to deprive the owner of its use, he is guilty of larceny (guilty of stealing the car). The maximum penalty for that crime is five years imprisonment. When a person has no intention of stealing the car and no intention of depriving the owner permanently of its use, but simply wants to go for a drive and then abandon it, he is guilty of illegal use of a motor car. The penalty for illegal use of a motor vehicle is, for a first offender, a maximum of 12 months imprisonment. For a second offence, the minimum punishment is three months imprisonment, and the maximum is two years imprisonment. Of course, the presiding magistrate has power, under the provisions of the Justices Act, to reduce the maximum penalty, as he has with all other offences. The court may, in addition to imposing these penalties, order the offender to pay to the owner of the vehicle that has been illegally used such sum as the court thinks proper by way of compensation for any loss or damage suffered by the owner.

It seems to me that those penalties prescribed by Parliament are both severe and adequate, and this is also the opinion of the Commissioner of Police. The continued prevalence of the offence perhaps illustrates the futility in many cases of relying on severe punishment as a means of deterring people from committing an offence, and this applies particularly to illegal use. This offence will not be stopped by calling it by another name or by increasing the penalties the courts may impose. What is needed is research into the problem of why a certain class of young person is impelled to illegally use motor vehicles. Research is going on in both Victoria and South Australia in an endeavour to find the answer to this question.

## GOYDER DISTRICT

The Hon. D. H. L. BANFIELD: I address my question to the Hon. Mr. Cameron. In the event of the Liberal and Country League withdrawing Mr. Hall's name as its candidate for Goyder in the next election, as Mr. Hall has resigned as Leader of the Party, will the Hon. Mr. Cameron now allow the Hon. Mr. Dawkins to contest a plebiscite for Goyder in the event of another content arising? I understand that it was as a result of his influence that the Hon. Mr. Dawkins did not contest the previous preselection.

The PRESIDENT: Does the Hon. Mr. Cameron wish to reply? Call on the business of the day.

## ADELAIDE BY-LAW: PARKLANDS, RESERVES, ETC.

The Hon. F. J. POTTER (Central No. 2): I move:

That by-law No. 19 of the Corporation of the City of Adelaide in respect of parklands, reserves, etc., made on March 29, 1971, and laid on the table of this Council on November 16, 1971, be disallowed.

Honourable members will recall that, in the Subordinate Legislation Committee's report tabled yesterday, it was stated that the Adelaide City Council asked that this by-law be disallowed so that it might be redrawn.

Motion carried.

## WILLS ACT AMENDMENT BILL

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

*That this Bill be now read a second time.*

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

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

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

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

## STATUTES AMENDMENT (LAW OF PROPERTY AND WRONGS) BILL

Second reading.

The Hon. T. M. CASEY (Minister of Agriculture): I move:

*That this Bill be now read a second time.*

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

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

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

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

The common law tends to place a woman in an unfavourable position in regard to certain questions of property ownership arising between husband and wife. Thus, where a husband makes an allowance to his wife for the purpose of defraying domestic expenses and the wife manages to make savings from that allowance, the money saved is regarded as belonging to the husband unless the wife can prove that the savings were intended to constitute a gift. This seems to be an unfair penalty upon a wife who, by her good housekeeping, manages to make economies in domestic expenditure. The Bill accordingly improves the position of a married woman by providing that such moneys are to be regarded as belonging to husband and wife in equal shares unless there is evidence of some contrary agreement.

In the eighteenth century it was felt that, if a married woman were free to dispose of her own separate property, there would be a danger that she would yield to her husband's powers of persuasion or coercion, to her own detriment. In order to meet this difficulty Lord Thurlow, in the case of *Pybus v. Smith,* invented the doctrine of restraint upon anticipation. Under this doctrine, if separate property were given to a married woman without power of anticipation, she was disabled, while she remained married, from alienating the property or anticipating the future income, and could only receive each payment of income as it fell due. If a

testator or settlor attempted to impose this kind of restraint on the enjoyment of property by a man, it would be considered void as being repugnant to the nature of the property. In modern times this protection for a married woman against her husband seems unnecessary and may result in injustice to the creditors of a married woman. Accordingly, the Bill invalidates any restraint against anticipation.

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

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

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

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

Finally, the Bill abolishes some outmoded actions at common law. The first of those is the action for seduction. From the outset, legal protection of the parental relationship has been founded upon the principle of compensating for the parent's pecuniary loss. In the Middle Ages, there was a writ of trespass for the ravishment of a ward, which protected the parent's interest in the marriage of his heir—a feudal incident of considerable value. The claim of a parent as such received no remedy and the claim was not available for the abduction of a child other than the heir because a parent's proprietary rights did not extend to other children. At a much later stage, the courts evolved a remedy by applying the writ appropriate to the master-servant relationship to the parent-child relationship. Thus, in cases of seduction, the essence of the action is the financial loss suffered by the father. He cannot claim damages on the sole basis of the seduction. He must show that, as a result of the seduction and the consequent alienation of his daughter's affections, or her confinement, he has lost the services that he would otherwise be entitled to expect. Once he has established that, he may then claim exemplary damages for the mental distress and dishonour that he has suffered. This is all very antiquated and unreal in the social conditions of today. It is considered that the criminal law now provides adequate sanctions against seduction in appropriate cases. There seems no need for the civil remedy, which is accordingly abolished by the Bill.

Finally, the Bill abolishes the actions for enticement and harbouring. Under these actions a husband can proceed against a

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

The provisions of the Bill are as follows. Clauses 1 to 4 are formal. Clause 5 removes any doubt that a married woman may appoint an agent to act on her behalf. Clause 6 makes an amendment consequential upon the enactment of new section 110 in the principal Act. Clause 7 provides that for the purpose of acquiring an interest in property a husband and wife are to be treated as separate persons. Clause 8 makes a drafting amendment to the principal Act. Clause 9 makes a consequential amendment. Clause 10 provides that money saved or property acquired out of a domestic allowance is to belong to husband and wife in equal shares in the absence of an agreement to the contrary. Clause 11 abolishes restraints on anticipation. Clause 12 is formal.

Clause 13 enacts new sections 32 to 35 of the principal Act. New section 32 abolishes the barriers to actions in tort between spouses, subject to the exceptions to which I have referred above. New section 33 allows a wife to seek damages for impairment to the matrimonial consortium resulting from injury to her husband. New section 34 enables a person to claim damages where injury to his spouse eliminates or reduces the participation of that spouse in a family business. New section 35 abolishes the actions for seduction, enticement and harbouring.

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

## UNORDERED GOODS AND SERVICES BILL

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

The Hon. A. J. SHARD (Chief Secretary): I move:

*That this Bill be now read a second time.*

This Bill, which represents a further development of the legislative scheme intended to provide adequate and proper protection for consumers, deals with an aspect of mass selling practices sometimes called inertia selling. In its crudest form, the vendor sends, usually by post, an article of usually little intrinsic value to a person together with an account for a somewhat inflated price. In a remarkably large number of cases the recipient of the unordered goods will simply pay the account; in others a further demand for payment will be made, which is again sometimes met. In short, the vendor relies on the unwillingness of the recipient to take the time and trouble to return the goods or to arrange for the vendor to collect them. In fact, this practice is not common in this State at present and it is hoped that the passage of this legislation will ensure that it does not become of concern to the public here.

However, at least two related practices have become quite common and have given rise to many complaints. The first of these relates to entries in so-called business or trade directories. Here a business firm receives a document which looks remarkably like an invoice and which sets out a charge for a directory entry; often the general design of the document gives the impression that it emanates from a reputable directory publisher or agent. In a sufficiently large number of cases to make it profitable for the promoters, a payment is made in response to the false invoice.

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

I will now deal with the Bill in some detail. Clauses 1 and 2 are formal. Clause 3 sets out the definitions necessary for the purposes of the Bill. I draw honourable members' attention to subclause (2) of this clause which recognizes the practice of reputable selling organizations, such as large retail stores, of sending the nearest comparable goods when the goods actually ordered are not in stock. These similar goods will not become unordered

goods for the purposes of this Act. Subclause (3) of this clause is intended to ensure that "order forms" supplied by the vendor of the goods, as far as possible, will be plain and unambiguous. Subclause (4) provides appropriate exemption provisions to ensure desirable flexibility in the application of the measure.

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

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

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

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

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

Clause 11 makes it a specific offence to complete an order in the name of another person. These so-called "hoax orders" are an inconvenience both to the person who receives the unordered goods and to the supplier who supplies them, and it is hoped that the existence of a provision of this nature will go some way towards discouraging the practice. Clause 12 gives further effect to the principles set out in the Bill by ensuring that certain legal actions for the recovery of money not lawfully due cannot be maintained. Clause 13 seeks to impose on those responsible for the management of companies a degree of direct personal liability for the acts of those companies.

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

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

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

## MOCK AUCTIONS BILL

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

The Hon. A. J. SHARD (Chief Secretary): I move:

*That this Bill be now read a second time.*

In the past 12 months numerous complaints have been received by the Commissioner for Prices and Consumer Affairs from people who claim to have been duped at what appear to be somewhat curious auction sales. These "auction sales" have in the past been conducted by promoters who spend quite short periods, usually a day or two, at each location. By the time complaints about their activities come to the attention of the authorities the promoters are usually far away. However, at least one promoter has set up an establishment in Adelaide on a more or less permanent basis and his particular activities have given rise to a considerable number of complaints.

Basically these "auction sales" are conducted in the following manner: (*a*) public attention is attracted by the giving away of a number of small and inexpensive items; (*b*) bids are then called for lots at the auction and at the conclusion of each sale or series of sales a considerable portion of the amount bid is refunded to the successful bidder; and (*c*) finally, auction sales are conducted, with the bidding limited to those who have previously participated or shown their willingness to participate in previous sales. At these sales the full amount of the highest bid is taken by the promoter and the goods bid for are handed over but no refund is made to the bidders.

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

This promotion, which bears the hallmarks of a somewhat shabby confidence trick, does not even possess the virtue of originality, since in England in 1961 it was found necessary to pass an Act, the Mock Auctions Act of that year, to proscribe these practices. It would appear that the authorities there came to the conclusion that, reprehensible as the practices may be, there was nothing intrinsically unlawful in them. In spite of a warning in the daily press, the number of people who attend and bid at these auctions shows no sign of decreasing and, regrettably, the number of people who soon realize that they have been duped also shows no signs of diminishing. The disturbing feature of these activities is that they tend to bear most hardly on those who are less well endowed financially and those with little understanding of the ways of the world.

Accordingly, this Bill seeks to prohibit these so-called auctions and in form and substance follows closely the English Statute adverted to earlier. Clauses 1 and 2 are formal. Clause 3 sets out the definitions necessary for the purposes of the Bill. Honourable members will note that for a Bill of this size these provisions are a little more extensive than is perhaps usual. The purpose of these extensions to definitions is to aid in making clear the situation that the Bill purports to remedy.

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

of bodies corporate will themselves bear direct responsibility for the criminal acts attributed to the body corporate. Clause 6 provides that the existence of this measure will not affect other remedies open to parties who suffer loss by reason of activities of the kind prescribed. Clause 7 provides for summary proceedings. Clause 8 is a general regulation-making power with a specific power to prescribe goods as being goods to which the measure will apply.

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

## STATUTES AMENDMENT (MISCELLANEOUS PROVISIONS) BILL

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

## COMMERCIAL AND PRIVATE AGENTS BILL

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

The Hon. T. M. CASEY (Minister of Agriculture ): I move:

*That this Bill be now read a second time.*

It provides for the licensing and control of various classes of agent. The principal classes of agent with which it deals are the following: firstly, commercial agents, that is to say, those agents who collect debts, repossess goods subject to hire-purchase agreements and bills of sale, execute any legal process for the enforcement of judgments or orders of courts, and distrain goods for the purpose of recovering rates, taxes and other moneys; secondly, inquiry agents, that is to say, those agents who obtain information relating to personal character or actions, obtain evidence for the purposes of legal proceedings and search for missing persons; thirdly, loss assessors, that is to say, those agents whose function is to investigate loss or injury involving claims for damages under motor vehicle insurance policies or claims for workmen's compensation; fourthly, process servers, that is to say, those agents who serve writs, summonses and other legal process; and, finally, security agents, that is to say, those agents who guard property or keep property under surveillance on behalf of other persons. The Bill provides for the additional subclasses of agent, namely, commercial subagents who act on behalf of commercial agents and security guards who similarly act on behalf of security agents.

It will be obvious from the foregoing description of the various categories of agent with which the Bill deals that these agents deal in delicate areas of human relationships or in matters in which personal danger to themselves and other persons may arise. In some areas of these activities, opportunities for fraud or undue influence abound. It is therefore clearly a matter of grave public concern that those who operate in these areas should meet high standards of personal honesty, restraint and discretion. There is at present no effective legislation regulating the conduct of these agents. The Bailiffs and Inquiry Agents Licensing Act does provide for the licensing of bailiffs and private inquiry agents. The Attorney-General is empowered under that Act to refuse or cancel a licence. However, as there are no effective provisions for the investigation of misconduct, the present legislation has proved to be very inadequate.

The present Bill overcomes the inadequacy of the existing legislation by setting up a board to act as a licensing authority. The function of the board will be to investigate all applications for licences, to investigate complaints regarding the conduct of licensed agents and, if necessary, to implement disciplinary action. A commercial agent is required by the Bill to enter into an appropriate fidelity bond and to pay into a trust account all moneys recovered on behalf of other persons. The Bill includes various other provisions designed to ensure that the conduct of the agents to which the new Act will apply will conform to standards that will be acceptable to the community.

The provisions of the Bill are as follows: Clauses 1 and 2 are formal. Clause 3 deals with the arrangement of the new Act. Clause 4 provides for the repeal of the Bailiffs and Inquiry Agents Licensing Act, 1945. It also contains transitional provisions. A person licensed under the repealed Act is not required to be licensed under the new Act until six months after its commencement, or until the expiration of the term of his present licence, whichever first occurs. A person who is required to be licensed in respect of an activity to which the repealed Act did not relate is also given a grace period of six months to obtain the necessary licence. Clause 5 contains a number of definitions necessary for the purposes of the new Act. The most important of these are the definitions of the various categories of agent to which I have previously referred.

Clause 6 gives certain exemptions to persons who might otherwise be required to be licensed. These exemptions apply to police officers, public servants, legal practitioners, accountants, sheriffs and court officers, trustee companies, building societies, friendly societies, insurers

and persons employed in secretarial or clerical duties on behalf of an agent. The Governor is empowered to exempt persons of specified classes from the provisions of the new Act. Clause 7 provides for the constitution of the Commercial and Private Agents Board. The board is to consist of four members. Clauses 8 to 11 deal with various matters incidental to the constitution of the board. Clause 12 provides that the board may, with the approval of the Minister, employ legal practitioners to assist it in the performance of its duties and functions. Clause 13 provides for the appointment of a Registrar of Commercial and Private Agents.

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

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

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

Clause 31 makes it an offence for an agent to enter or remain on any premises, or land forming the environs of any premises, without an express or implicit invitation from an occupant of the premises. Clause 32 makes it an offence for an agent to carry on business in any name other than the name in which he is licensed. Clause 33 makes it an offence for an agent to attempt to obtain business by false or misleading representations. Clause 34 provides that any advertisement published in connection with the business of an agent (except an advertisement relating solely to the recruitment of staff) must specify the name in which the agent is licensed and his registered address. Clause 35 requires an agent to display a notice at his place of business setting out his name, the kind of licence he holds, and other prescribed information. Clause 36 provides that the board may reduce an agent's charges where it considers them excessive.

Clause 37 requires an agent to produce his licence on demand by the Registrar or any other authorized person, or on demand by any person with whom he has dealings as an agent. Clause 38 requires an agent to have a registered address. Any legal process or other document may be served upon him at his registered

address. Clause 39 provides for investigations by the Registrar into matters subject to inquiry by the board. Clause 40 provides that the Commissioner of Police shall at the request of the Registrar make any investigation relevant to any matter before the board. Clause 41 provides for the board to make inquiries into the conduct of a licensed agent. Where the board finds proper grounds for disciplinary action in accordance with subsection (3), it may reprimand the agent, fine him or cancel his licence. Clause 42 requires the board to give an agent proper notice of an inquiry into his conduct and to afford him an opportunity to make out a defence to any allegations against him. Clause 43 invests the board with certain powers necessary for the proper conduct of an inquiry. Clause 44 enables the board to make orders as to the manner in which the costs of an inquiry are to be borne. Clause 45 enables an agent to appeal to the Supreme Court against any order of the board.

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

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

## SWINE COMPENSATION ACT AMENDMENT BILL (DISEASES)

Returned from the House of Assembly without amendment.

## CATTLE COMPENSATION ACT AMENDMENT BILL (DISEASES)

Returned from the House of Assembly without amendment.

## EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 14. Page 3791.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): We received the second reading explanation of this Bill yesterday. In essence,. I think it is a Committee Bill because the various clauses relate to diverse matters which must be individually scrutinized and debated. I find that the second reading explanation (I am not being critical in saying this) is not tremendously informative about details, but I suppose if it was it would be a lengthy speech. It is for us as members to examine the individual clauses, compare them with the existing law and try to make a judgment on whether the provisions of the Bill are reasonable and whether they will be helpful to this cause.

At first blush, the Bill appears to me in general to be a reasonable piece of legislation, but I believe, as I have already indicated, that each clause will need fairly deep consideration and a little, though not much, time spent on it, because it is not a lengthy Bill, like one or two others we have had to deal with, although it is of some complexity. In the practice of the law I have had some bitter experiences that make me feel that the wisdom of centuries and matters of experience, tried and tested in the courts of law for years, should not be lightly altered. One finds in our law the aggregation and accumulation of knowledge of learned people for many years; on the other hand, we are living in an age of great change and, of course, the legislation must move ahead. I think I may safely say that never before has the human race been confronted with such changes in so short a time: things are changing almost from day to day or from hour to hour. This takes keeping up with, but it is our job to do our best to cope with that.

Having made those general remarks, I would now like to deal briefly with some of the more important clauses of the Bill which, as I have said, is of a diversified nature. Each clause virtually deals with something different from the other clauses. Clause 4 relates to "electric telegraph" and "telegraph station", both of which are defined by section 4 of the Act and which appear to me to be now defined to make the definitions more definitive in the light of what has happened. If the clauses mean what I think they mean at first glance, one can only wonder why these alterations could not have been made earlier, because they seem to bring the matter up to date.

Clause 5 again, I think, is an attempt to modernize section 8 of the Act in relation to oaths and affirmations, but more particularly the latter. I want to scrutinize these clauses more carefully because, of necessity, I have not had time to do so. I think that, on the face of it, these clauses are a move in the right direction.

Clause 6, although it does not mention it specifically, amends section 9 of the Act relating to Aborigines and, again, it is probably an attempt to modernize the Act. Clause 7 makes what appears to me to be a relatively minor alteration to evidence from children under the age of 10 years. It relates to section 12 of the Act, and seems to put that section in more modern language but, on the face of it (because these clauses will need careful weighing), it does not appear to me to be vastly different from the present legislation.

Clauses 8 and 9 make consequential amendments, as stated in the second reading explanation but, here again, they will have to be carefully scrutinized. Clause 10 purports to extend the present law under section 45 of the Act relating to bills of lading to make similar provisions in relation to the transport of human beings as well as goods. This is some departure, and whether bills of lading in relation to goods can be likened to persons stretches the imagination to some extent. However, I think that, when we have had a chance to scrutinize the Bill more carefully, we may find some reasonable analogy in this matter.

New section 45a relates to the admission of business records. The second reading explanation states that safeguards are inserted (and I think they probably are), but I think that we will have to scrutinize the safeguards, because the traditional laws of evidence of British countries provide all the safeguards in the world. This is why hearsay evidence is normally excluded in the courts and why the experience of years has shown that no evidence other than the best evidence available shall be admitted.

I think, in essence, that the proffering to the court of an apparently genuine docket to be admissible in proof without further evidence is probably a good thing, provided that adequate safeguards exist for disproving it. Normally, someone must testify to the genuineness and faithfulness of the document, and that person must be available for cross-examination so that the court can be completely satisfied. Here again, I think that the legislation is probably a move in the right direction, provided that safeguards are adequate to enable any document not provable to be capable of being challenged in a manner not too complicated or too difficult for the other party. Part VIIA of the Bill reproduces the substance of the legislation submitted to us previously with regard to computer evidence or evidence provided by the mechanical or electrical processes of a computer. However, a computer is only as good as the information fed into it; it is no better or no worse, as long as the computer is a properly operating one.

I recall that, when this legislation was last submitted, the Hon. Mrs. Cooper moved an amendment which I thought was a reasonable one and which provided that documents or written evidence fed into a computer should be kept for a reasonable time before being destroyed, so that anyone who wished to challenge the computer's dictates would have a chance to do so. I still think that her amendment was a reasonable one. I have not yet been able to obtain a copy of the previous Bill but I assume that, from the second reading explanation, either Part VIIA is of the same substance as that previously submitted to us or is at least substantially the same. I would like to check up on this matter. In the meantime, I consider that the Hon. Jessie Cooper's amendment, which was whittled down to the absolute minimum requirements, was good, and I still believe that it ought to be incorporated in this Bill. I cannot quite recollect what happened to the previous Bill. I do not think it was actually rejected by the other House; I have the impression that it simply did not pass.

The Hon. A. J. Shard: I will find out.

The Hon. Sir ARTHUR RYMILL: We have had so many Bills before us recently that I think I may be forgiven for not clearly recollecting the fate of each of them. However, my memory suggests to me that the Bill was not completely acceptable to the other House but. on the other hand, it was not so unacceptable that there might not be some common ground between the Houses on this matter. This is something that we can go into.

The penultimate clause, clause 15, says, in effect, that any question as to the effect of evidence given with regard to the law of another country shall, instead of being submitted to a jury, be decided by the judge. This seems terribly sensible on the face of it, because apparently the law is silent on this matter at present and therefore such a matter has to go to a jury in jury cases. I believe

that for a long time South Australia has probably made less use of juries than has any other State in the Commonwealth. Consequently, clause 15 may not make a vast amount of difference to our law. We seldom, if ever, hear of civil cases being tried by a jury in South Australia.

The Hon. A. J. Shard: There was one recently.

The Hon. Sir ARTHUR RYMILL: I think the Chief Secretary is correct. I remember that in my articled clerk days a jury of four sat on a civil case in the Supreme Court and, even then, it looked rather strange. However, juries sit on civil cases extensively in other States, and they are used in all criminal cases of any magnitude. I imagine that the law of another country would seldom come into account in a criminal case; it would be mainly in civil cases that it would come into account. I therefore think that the enactment of clause 15 would not be of any great effect in this State; nevertheless, it is probably a proper clause. I say all these things subject to further consideration because, as I said at the beginning, these clauses need much thought; they deal with very important matters.

I know full well that the laws of evidence are probably the greatest protection that any citizen in the State has, whether in a criminal case or in a civil case. Thus, I feel a fairly deep responsibility in trying to understand properly the full effect of the clauses. One has to put the clauses alongside the facts that can happen and try to envisage how they will work in actual practice. The final clause repeals the second schedule to the principal Act; that schedule relates to Aborigines and is probably also outmoded. I welcome this legislation, which is some sort of challenge to an honourable member, especially a former lawyer, to try to do his best to interpret it and consider whether it is satisfactory. The amendments seem reasonable but they need very careful consideration so that we can understand exactly what they will mean when they are translated into effect in the courts of law of this State. I support the second reading.

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

## MOTOR VEHICLES ACT AMENDMENT BILL (LICENCES)

Adjourned debate on second reading.

(Continued from March 14. Page 3794.)

The Hon. C. M. HILL (Central No. 2): I support the second reading of this Bill. In almost every session we find a Bill to amend this principal Act. In some respects this is quite understandable, because the controls and regulations concerning motor vehicles must be kept up to date and, of course, the position in regard to motor vehicles is changing all the time.

One of the major provisions in this Bill extends the system of drivers' licences; that provision is long overdue. For several years I have been keen to see a change in the system, because it has become apparent that there is a need for special licences for drivers of very heavy vehicles, particularly semi-trailers and large passenger buses. It is, therefore, a very worthwhile change to have such a special licence for drivers who are concerned with these vehicles.

The Hon. C. R. Story: Do you think there are too many categories?

The Hon. C. M. HILL: This is a point which must worry any honourable member who reviews the Bill. We do not want unnecessarily to make our legislation more and more complicated and reach the point where the individual has great difficulty in understanding the law. It might have been possible to introduce changes so that just one further category of driver's licence was introduced.

The Hon. M. B. Dawkins: Do you think three categories would be sufficient?

The Hon. C. M. HILL: It might be, but I was interested to read the second reading speech of the Minister highlighting the point that the Government was endeavouring to seek uniformity with interstate practice in our system of licensing. While I never rush in to agree that we should have uniformity in all fields with interstate practices, I think in the general area of road traffic and motor vehicle requirements a very strong case could be made out for uniformity, particularly regarding traffic rules, traffic laws, and so on. They should be the same in each State, because we travel between the States quite frequently and it is ridiculous, in a country such as Australia, to cross a border and find different speed restrictions, different road signs, different traffic aids, and so on.

The Government, in introducing the new range of five classifications for licences, is endeavouring to follow recommendations of the Australian Transport Advisory Council, and in view of that important aspect of uniformity regarding motor vehicle and traffic matters I do not oppose the introduction of the five classifications listed in the Bill.

The changeover to the system of different classifications is where some difficulties might occur. It will not be an easy administrative matter to change, within 12 months of the proclamation of this Bill, so that we all have a new classification of licence. I was interested to read that portion of the Minister's explanation that deals specifically with this point. He said that the remaining class A licence holders (that is, those who have not passed a test) would convert automatically to class 1, but that any person who required endorsement for a class of licence over and above those automatic conversions would be required to pass a test or to present satisfactory evidence of experience and competence.

This changeover will affect particularly those people in the country who drive their own trucks for use on their farms and in their country work, as well as driving their own private cars. Those who obtained licences before 1960 did not have to pass a test to hold their present licence, and we must rely upon a good deal of common sense and co-operation from senior officials in the Motor Vehicles Department if these people are to obtain a new licence without a great deal of red tape and practical examination.

I have had some close experience with the officers of the department concerned, and I have a high respect for their efficiency and their dedication. I am sure they will be able to carry out this task of changing over the system without a great deal of disruption or criticism, but I issue a warning that, unless the changeover is tackled with a great deal of proper planning, and unless there is some efficient continuity in the department, the situation might arise in the next 12 months where a great deal of criticism will be levelled at the department and also at the Government. I stress the point that, particularly concerning country people who drive both trucks and cars, the department must make every possible endeavour to see that the changeover to the new system will carry through without great difficulties to such people.

The Hon. M. B. Dawkins: Do you foresee the possibility of some lag in the time with country people trying to transfer from one class to another?

The Hon. C. M. HILL: Some lag might occur. It will be up to the department and to the Government. The Government must accept final responsibility, but unless detailed and proper planning is carried out and a great deal of efficiency shown in the changeover there may be a serious lag developing. The Government has a clear responsibility to see that no-one is inconvenienced by such delays as might occur.

We must never reach a position where people are not granted new licences and are therefore forbidden by law to drive their own vehicles in the course of their every-day work, such as farming and other occupations associated with work in the country. I hope there will not be any trouble, but I make that point. Obviously, the Hon. Mr. Dawkins is very interested in this side of the matter, too. There may be trouble along the line, and everything possible to avoid it should be done at this stage.

The other aspects of the Bill are not quite so important as the changes in the various classifications of licences. I see, with some regret, that the Government intends to cause manufacturers of number plates to be licensed. To my mind, it seems quite ridiculous to introduce such a law. Surely we have people in private enterprise who are capable of producing car number plates to the specifications quite clearly laid down in the Act. We are taking Government interference and control too far when the Government sees a need to license those who make number plates.

Perhaps a worse feature is that, under the provisions of the Bill, any number plates required for vehicles newly registered after the date of proclamation must be purchased from such manufacturers. Here we see a quite ridiculous state of affairs where the farmer with a tractor or trailer, having purchased it from his local dealer in his own country area, must make some contact with a licensed manufacturer (in all probability, someone in the city) to obtain number plates for the trailer.

The Hon. T. M. Casey: Wouldn't the dealer do that for him if he were a competent dealer?

The Hon. C. M. HILL: I am thinking of a man who might want to paint his own number on his tractor. He cannot do that any more. The Government is restricting that man's individual right to put his own number on his trailer or tractor. It says, "You must go to a manufacturer who is licensed and you must purchase a number plate from him." It seems just another stage in this continuous flow of restrictions being heaped upon us by legislation introduced by the present Government.

I support the approach of setting up a small consultative committee. In licence problems regarding tow-truck operators, as well as other

licence problems, the responsibility has rested quite heavily on the shoulders of the Registrar of Motor Vehicles to come to a decision in these matters, when he has to judge the character of the applicant or the appellant. It is fair that in future he will be able to seek the advice of the consultative committee. I regret that there is no provision in the Bill regarding the compulsory use of reflectorized number plates, which the previous Government decided to introduce. Indeed, I think September, 1970, was set as the date for the introduction of these plates, which are undoubtedly a major safety factor as a means of reducing the number of road accidents and, indeed, our road toll.

When the present Government came into office after that decision had been made, it decided not to continue with the proposal. Of course, it was the right of that Government to make that decision. However, it later announced that it intended to introduce a provision regarding the compulsory use of reflectorized number plates, but time went on and nothing was done.

On November 16, 1971, I asked a question about this matter and, because the Council had adjourned over the Christmas period, I received a letter dated December 14, 1971, in which I was told that the Government had changed its mind once more and had decided not to proceed with the idea. I hope the Government will keep this matter under review in future, as I believe the introduction of reflectorized number plates will reduce the number of accidents and deaths on our roads.

My last point relates to clause 20, which is a rather strange provision. It lays down provisions that will be required when the hours of driving legislation is passed by Parliament. It seems to me that the Government is beating the gun by introducing this amendment at this stage.

After all, Parliament has not yet passed the hours of driving legislation and, if I can interpret the great ground swell of public objection that is developing in opposition to the legislation, it seems foolish to anticipate that that measure will pass and, therefore, start laying down penalties and demerit points in relation to offences that will be involved with that legislation.

I support the Bill generally, and am pleased to see that at long last those who have the onerous responsibility of driving semi-trailers, passenger vehicles and heavy commercial vehicles generally will in future have to hold a separate licence. That is indeed a proper step. I support the second reading.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

## PLACES OF PUBLIC ENTERTAINMENT ACT AMENDMENT BILL

(Second reading debate adjourned on March 14. Page 3798.)

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

## HIGHWAYS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 14. Page 3804.)

The Hon. V. G. SPRINGETT (Southern): In rising to speak to this Bill, I am reminded that the provision of roads is absolutely vital before anything can be done regarding the development of any area. I was told years ago that the opening up of any district depended, first, on the engineers and, secondly, on the doctors. No matter how healthy people are, if they cannot travel from one part of the country to another an area cannot be developed. A large proportion of South Australia's capital must be and, indeed, has been spent on highways. One of the most impressive things to people coming to this State for the first time (and to me some years ago) was the standard of the roads that one found in South Australia and their quality compared with those of some of the other States at that time. What strikes me as being most important in this Bill is the situation in which Kangaroo Island finds itself and the influence and effect that this Bill and legislation effecting a ferry service to Kangaroo Island will have. We must remember that the people over there are an island people whose almost every domestic commodity must be brought in by sea. Every trade item and all parts to maintain commercial exchange must be brought to the island.

The maintenance of their livestock and crop production depends largely on the importation of fertilizers and all the things that go with the sustenance of farm life. In return, the sale of produce from the island needs essential shipping to the mainland. Consequent upon this relative isolation and separateness of the island from the mainland, we must face the fact that freight charges make practically every item and all goods going into and out of the island that much dearer. The cost is high compared with similar costs on the mainland where transport is but a little problem. When I say that I mean those parts of the mainland where transport is a

little problem, because obviously there are parts where transport is an expensive item on the mainland.

If we add to the freight charges to Kangaroo Island the cost of services requiring mainland visits, such as a dental service, life is expensive for the Kangaroo Islanders. The *Troubridge* has been an invaluable and vital link between the mainland and the island. Other smaller vessels have plied their way reasonably cheaply between American River and the mainland, carrying goods within their capacity and limit. I hope this Government will do all it can to ensure that its own (dare I call it) merchant navy, the *Troubridge,* sees to it that costs are kept as low as possible. I often feel there is a tendency for Governments to claw into situations to recoup losses, not by efficiency but by putting pressure and expensive charges on alternative openings where those charges can be made. Obviously, we must accept the fact that the mainland to Kangaroo Island run will not be a financial bonanza for the Government (we know that), but the same is true of provisions made in many areas by the Government.

We must accept that we live as a community and as groups and that in some things there are losses for some groups and in other things there are losses for other groups. We recognize that in practically all spheres some groups have to rely on subsidies of some sort. The tragedy with Governments often is their tendency to estimate their desires, their expected needs and what they will accept as a mean and then to tax the people to meet the bill afterwards. Too seldom do Governments follow the normal policy of family life of recognizing the amount of money available and then cutting one's coat according to one's cloth.

I respect the Kangaroo Islanders, their doggedness, their cheerfulness and their pride in their island as well as in the State of which they form part. I trust the *Troubridge* will continue to sustain satisfactorily adequate commercial, domestic and recreational services between the mainland and the island. At the same time I refer to the problem (to which the Hon. Mr. Hill referred yesterday) of extending the service to include a run to Port Lincoln, because of a problem that can emerge, in a case of robbing Peter to pay Paul, of reducing the financial burden on the *Troubridge* run, thus aggravating the financial toll on the road service, as the Hon. Mr. Hill suggests, and making it harder for people to bring their goods by road from the peninsula. In helping the Kangaroo Islanders, unnecessary difficulties may be in store for another part of the State. I hope the Government will give considerable thought to the matter before doing something that will add hardship to one part of the mainland in dealing with the problems of the Kangaroo Islanders.

I know there are many other parts of this Bill about which other honourable members are concerned but I shall do no more than re-emphasize the recognition of the need for an efficient and competent ferry service running between Kangaroo Island and the mainland, but not necessarily between other parts of the mainland. I support the Bill.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

## ADJOURNMENT

At 4.18 p.m. the Council adjourned until Thursday, March 16, at 2.15 p.m.