LEGISLATIVE COUNCIL

Wednesday, October 17, 1973

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

QUESTIONS

BUILDING COSTS

The Hon. R. C. DeGARIS: I seek leave to make a short statement before asking a question of the Chief Secretary, as Leader of the Government in the Council.

Leave granted.

The Hon. R. C. DeGARIS: The Chief Secretary may have to refer this question to one of his colleagues in another place. Figures released by the Commonwealth Bureau of Census and Statistics show that the price of building materials in South Australia increased by 8.4 per cent in the 12 months to July last. The rise in the month of July alone was 2.8 per cent, compared with rises of 1.8 per cent in Melbourne, 1.3 per cent in Sydney, 1.2 per cent in Hobart and 1 per cent in Perth. As South Australia is the only State with price control legislation, can the Chief Secretary say whether any investigation has been made into these price rises in South Australia and, if one has, will he say what has been the cause of this rise in South Australia? Also, the 15 per cent rise in the cost of house building in South Australia has been comparatively higher than that elsewhere in the Commonwealth in the past few months. Will the Chief Secretary ascertain whether this matter, too, has been investigated and, if it has, what effect the Government's policy has had on the increase in house building costs in South Australia?

The Hon. A. F. KNEEBONE: The Leader's questions concern the Minister in charge of price control in South Australia, to whom I will direct the questions, and bring down a reply as soon as it is available.

SHACKS

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

Leave granted.

The Hon. M. B. DAWKINS: About a week ago I asked the Minister a question regarding people who have commenced spending money on shack sites, either having commenced to build on the site or having purchased materials for that purpose. The Minister was kind enough to give me a reply to that question, which concluded:

Those people who spent money and procured materials and had permits to build prior to the date of the policy announcement should write to my department about it.

To a certain extent I was pleased to receive that answer from the Minister. In his preamble to that statement the Minister said that due consideration was being given to the matter. A day or two later, the following statement, apparently made by the Minister of Works, appeared in the *Advertiser:*

People who had spent money on equipment and materials to prepare for building shacks should apply to the Engineering and Water Supply Department for compensation.

There has been some confusion, because the reply I received was broadcast by the Australian Broadcasting Commission and this other reply was published in the press. People have contacted me asking whether they should apply to the Engineering and Water Supply Department and asking which was the correct reply. Although I have a pretty good idea which was the correct reply, I ask the Minister to clear up the matter.

The Hon. A. F. KNEEBONE: I, too, noticed the statement in the press; a reporter has made an error in regard to this matter. The Minister of Works, who represents me in another place, made a fairly lengthy statement on the matter. The press statement was taken out of context; my colleague was referring to the Lands Department when he referred to "the department", but apparently the press took it the wrong way and referred, completely incorrectly, to my colleague's own department. It has evidently got across to many people that they should write to the Lands Department, because I am receiving letters every day about the matter.

The Hon. M. B. Cameron: How many letters?

The Hon. A. F. KNEEBONE: Quite a number. Today I am having prepared a press statement covering all the details of the matter, so that there will be no confusion, and I hope the press will not take matters out of context. I hope the press will publish the whole statement, so that people can get the true story; that is preferable to cutting down the statement and giving only parts of it. The statement will be distributed later today.

RAILWAY SLEEPERS

The Hon. C. R. STORY: I seek leave to make a short statement before asking a question of the Minister of Forests.

Leave granted.

The Hon. C. R. STORY: I noted in the press that the Commonwealth Government intends to let contracts for a great quantity of cement sleepers for the railway line to Alice Springs. Has the Minister had any discussions regarding that matter, and have those discussions been unfruitful? We have good quantities of red gum and radiata pine, which has proved quite successful when properly treated and has stood up to some very heavy traffic. A few years ago we appointed a forestry officer in the Upper Murray. I wonder whether a survey has been done on the possibility of our taking up at least part of the contract that is about to be let. There are thriving forestry industries at Paringa and in the South-East. Will the South Australian Government consider asking the Commonwealth Government to reconsider its decision?

The Hon. T. M. CASEY: I do not think it would be feasible at this stage to ask the Commonwealth Government to look at the whole question, since a contract has already been announced. This matter was taken up at a meeting of the Forestry Council, as the honourable member would know, by Western Australia, because that State's jarrah and karri industries would be appreciably affected by any contract let for cement sleepers. So, I make that point for the honourable member's benefit. Regarding wooden sleepers in this State, I remind the honourable member that we can and do cut a large quantity of radiata pine sleepers from the softwood plantations, but only the outside trees are taken, and these are not numerous. This matter has been discussed with the Railways Department, which takes quite a quantity of sleepers of the softwood type from us. They are used only on certain straight tracks

because they are unsuitable for use on curves and bends. So, there is no disruption to that industry from the railways point of view. On the hardwood side, particularly as regards Paringa, I will ascertain what the position is and whether the Railways Department is still taking sleepers from that area to replace worn and damaged sleepers on its tracks, and I will inform the honourable member of the situation as soon as possible.

FILMS

The Hon. V. G. SPRINGETT: Has the Chief Secretary a reply to my recent question about films for educational purposes?

The Hon. A. F. KNEEBONE: The South Australian Film Corporation is a statutory body set up to establish a film industry within South Australia. It receives no direct grant from the Government for the production of information films. Each department must allow for such films in its annual budget. Therapeutic films on alcoholism made in the local environment are currently being considered, as it is thought that they would be more credible than the imported films presently in use. The Public Health Department has acquired films on smoking and drugs from the Commonwealth Film Board, using Commonwealth funds, and no local production is contemplated at this stage.

WATER FILTRATION

The Hon. A. M. WHYTE: Has the Minister of Agriculture, representing the Minister of Works, a reply to my question of October 9 about water filtration?

The Hon. T. M. CASEY: My colleague has informed me as follows:

The ability of fresh-water mussels to remove suspended solids from water is well known, as is the nutrient uptake by aquatic plants. The large-scale utilization of these potentials is a unique and novel suggestion. It is the application of the above abilities of mussels and aquatic plants in a large scale that would provide many practical problems, but at the moment it would appear that such problems have not been overcome. If Mr. Liens and other appropriate officers from the Commonwealth Scientific and Industrial Research Organization have information available which could indicate that there is a practical application of the concepts as stated by Mr. Liens, my colleague would be very pleased to receive such reports and evidence.

RURAL RECONSTRUCTION SCHEME

The Hon. M. B. CAMERON: I seek leave to make a statement prior to asking a question of the Minister of Lands.

Leave granted.

The Hon. M. B. CAMERON: My question relates to a subject which in former days was raised at frequent intervals in the Council, namely, the rural reconstruction scheme. It seems that there have been some alterations in attitude towards the scheme. Will the Minister ascertain how many people have applied for money from the rural reconstruction authorities, how many people have been successful, and how many people have been unsuccessful within the last year?

The Hon. A. F. KNEEBONE: I will try to get the figures for the honourable member as soon as possible.

INDUSTRIAL LAND

The Hon. C. M. HILL: Has the Minister of Lands a reply to my question of October 4 regarding the method by which his department fixed the market value of the industrial land at Regency Park?

The Hon. A. F. KNEEBONE: I understand the honourable member asked me to give the comparable prices of land on which the basis of the valuation was fixed. A schedule has been prepared of sales that the Land Board considered in fixing the prices for industrial land at Regency Park. As it is a rather lengthy schedule I ask leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

SCHEDULE OF INDUSTRIAL LAND SALES

Sale	Date	Vendor	Purchaser	Sec.	Hundred	C/T	Area (acres)	Price $	Per Acre $
1	4/9/70	Dimet Corrosiar	Transpec	484	Port Adelaide	3623/7	2.06	40 000	19 417
2	30/12/71	N.Z.L. Holdings	Sands & McDougall	1 000	Port Adelaide	2362/59	5.79	57 937	10 000
3	9/4/73	W. Haughton & Co.	Roche Brothers	954 Lots	Port Adelaide Town	3809/51	9.00	76 000	8 444
4	2/4/73	Galvanising Holdings	K.Q.I.L. (Trading) etc.	50-59 Sec.	Wingfield Hundred	1592/46	2.50	94 278	37 711
5	1/5/73	Hines Metals	Sims Consol	220	Port Adelaide	401/204	4.75	111 500	23 474
6	9/2/72	T. V. Westwood	Slater Walker Fin.	96	Adelaide	2271/161	3.22	80 000	24 845
7	23/9/71	P.G.H. Pty. Ltd.	Minister of Lands	46	Adelaide	2385/147	0.84	30 000	35 714
8	16/11/72	Commissioner of Highways	S.A. Housing Trust	95	Adelaide	3237/142 143	2.06	63 500	30 825
9	2/9/72	Allen Realty	Wood, Mason, Cold Storage Pty. Ltd.	95	Adelaide	3946/141	2.77	85 000	30 700
10	22/12/69	G. Satari	Cottees Foods	96	Adelaide	2732/154	2.85	72 000	25 263
11	18/7/72	Colton Palmer Preston	Permanent Trustee	389	Yatala	282/71	2.00	150 000	75 000
12	7/9/70	—	Fricker Bros.	398	Yatala	3726/154	4.44	90 000	20 270
13	17/11/69	Cargo M. T. C.	O. S. Nilsen & Co.	398	Yatala	3006/145	3.42	58 000	16 960
14	3/2/71	Est. A. M. Bennett	Abel Lemon & Co.	161	Yatala	1538/160	1.50	42 000	28 000
15	19/12/69	L. S. R. Emerton	Wytkin Invest.	153	Yatala	847/138	2.00	50 000	25 000
16	27/1/72	Wytkin Invest.	Copper & Assoc. Mineral Exploration	153	Yatala	847/138	2.00	59 000	29 500
17	18/4/72	E. D. B. Keele	ABA-Greigy Aust. Ltd.	412	Yatala	3679/112	1.08	33 000	30 556
18	27/4/72	Croydon Timber & loinery	Simpson Pope	395	Yatala	2845/83	4.50	123 000	27 333
19	26/1/70	Wattyl (S.A.) P/L	Sunbeam Corp.	153	Adelaide	3709/80	1.44	47 000	32 639
20	30/9/70	C.T. West Torrens	S.A. Plywoods	153	Adelaide	3729/85	4.00	120 000	30 000
21	24/9/70	C.T. West Torrens	Aust. Conf. Assoc.	153	Adelaide	3729/86	5.41	162 187	30 000
22	4/12/72	S.A. Housing Trust	Esso Aust. Ltd.	154	Adelaide	3772/29	2.39	86 000	36 037
23	15/12/70	Wilkinson & Co.	I. & E. Fabian	42	Adelaide	3248/95	2.18	55 000	25 215
24	15/12/70	J. & E. Fabian	Rapid Metal Dev. Pty. Ltd.	42	Adelaide	3747/199	1.02	28 500	27 941
25	18/6/73	Preston Holdings	Accident Insurance	195	Port Adelaide	1976/21	4.22	46 500	11 090
*26	1972	West Lakes	Various				1.00	—	19 000
							1.20	—	21 000
							1.20	—	17 300
							2.00	—	16 000
							2.90	—	16 000
	1973	West Lakes	Various				7.50	140 000	18 666

* (Sales reported by transfers not registered.)

GOVERNMENT ADVERTISING

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to asking several questions of the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: It has been drawn to my attention that the Premier has justified his use of public funds to advertise his views of the Government's legislation on land price control and the Land Commission Bill by claiming that a group that has been expressing views through the media has employed a public relations consultant to assist in presenting its views. My questions are: first, how many public relations officers, press officers or similar officers are employed by the Premier's Department; secondly, how many press officers, public relations officers or similar officers are employed to assist other Ministers; thirdly, what is the cost of these officers to the State? Finally, if the Government proposes to continue this practice will it reconsider providing equal sums of money in future for publicizing, by advertisement, the opinion of the Opposition in another place and decisions of the Legislative Council, so that people can have a balanced view placed before them, rather than only the opinion of the Government?

The Hon. A. F. KNEEBONE: I will refer the honourable member's question to the Premier and bring down a reply as soon as possible.

PETRO-CHEMICAL PLANT

The Hon. A. M. WHYTE: I understand the Chief Secretary has a reply to the question I asked recently regarding the petro-chemical industry at Redcliffs.

The Hon. A. F. KNEEBONE: The minimum amount of ethane required for the proposed petro-chemical complex at Redcliffs is 335 000 tons (340 360 t).

CHRISTIE DOWNS RAILWAY

The Hon. C. M. HILL: I understand the Minister of Health has a reply from the Minister of Transport concerning the question I asked about the Christie Downs railway.

The Hon. D. H. L. BANFIELD: With reference to the construction of the Christie Downs railway, the Engineering and Water Supply Department has been engaged on earthworks and drainage between Port Stanvac and Beach Road, Christie Downs, since December, 1972. Up to the end of August, 1973, some 520 000 cubic yards (398 565 m^3) of earth had been handled, work completed on a major culvert in Christie Creek and concrete work partly completed on a rail bridge at Lonsdale. Other minor works have been carried out north of Port Stanvac on culverts and embankments. The cost of the work handled by the Engineering and Water Supply Department up to the same date, including all materials, has been $658 000. The following works are still to be carried out by the Engineering and Water Supply Department under current authorities: earthworks, Port Stanvac to Marino Rocks; bridges, O'Sullivans Beach Road, Flaxmill Road, and Elizabeth Road; platforms, Hallett Cove and Lonsdale. Subject to legislation being approved by Parliament, earthworks for the terminal south of Beach Road, Christie Downs, will also be executed by the same authority.

PRICE CONTROL

The Hon. R. C. DeGARIS: I understand the Chief Secretary has a reply to the question I asked recently on price control.

The Hon. A. F. KNEEBONE: There could, of course, be differences of opinion between the Commissioner and the Prices Justification Tribunal. However, as previously indicated it is anticipated that liaison with the tribunal will resolve most problems. Should this not be the case and the tribunal nominates a price which is below the level approved by the Commissioner, either of the following courses could be adopted by the firm:

(i) the company could decide to abide by the tribunal's decision; or

(ii) it could elect to ignore the tribunal's decision after the statutory time had elapsed and adhere to the maximum price fixed by the Commissioner. In these circumstances no offence would be committed against South Australian law.

If the tribunal nominated a price in excess of that approved by the Commissioner then the latter price would have to be observed for all sales in South Australia, otherwise an offence would be committed.

DRINK CONTAINERS

The Hon. C. M. HILL: I seek leave to make a statement before asking a question of the Minister of Agriculture, representing the Minister of Environment and Conservation.

Leave granted.

The Hon. C. M. HILL: There was a report in an Adelaide paper of October 15 concerning deposits on cans and the oversea trip of Dr. W. G. Inglis, the Director of Environment and Conservation, in which it was stated that Dr. Inglis had just returned from a study of drink container deposit systems in the United States and Canada. The report later continues (and, incidentally, this deals with a reply to a point raised by the Minister as a result of the trip made by Dr. Inglis) as follows:

The manager of can manufacturers J. Gadsden Proprietary Limited, Mr. R. A. Cruickshank, said today button-top cans seemed the answer to environmental problems associated with ring-pull cans. But the new-type can had not been evaluated. He said: "We've been looking at this sort of can for over 12 months. Dr. Inglis did not have to go overseas to find out about the new cans—we could have told him all about them in Adelaide".

This report has raised questions in the public mind as to the wisdom of the oversea trip to which I have referred, especially as public funds were involved. I therefore ask the Minister to ascertain the reasons for the oversea trip by Dr. Inglis, the cost involved, and whether a report, or at least a summary, of Dr. Inglis' findings as a result of the trip could be brought down.

The Hon.. T. M. CASEY: I will refer the honourable member's question to my colleague.

WHEAT

The Hon. G. J. GILFILLAN: I seek leave to make a statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. G. J. GILFILLAN: As most honourable members are aware, we are hearing alarming reports of rust in wheat crops throughout the State. In some districts harvesting has commenced, and I understand that the bushel weight is down to as low as 48lb. (21.77 kg). As honourable members are also aware, the sale of wheat is controlled by the Wheat Board, and it is illegal for one to sell wheat other than through the board. As this matter involves a State Act of Parliament under the Minister's control, will the Minister take up, as a matter of urgency, the question of disposing of this wheat in the coming season?

The Hon. T. M. CASEY: I shall be happy to do that for the honourable member.

LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 10. Page 1140.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I rise to support the Bill, the second reading explanation of which was remarkably short, not giving much information to honourable members. It was as follows:

It is to give the same right and privileges to the Bavarian International Festival Committee at Mount Gambier for the supply of liquor as amendments made in 1972 to the Licensing Act gave to the Cornish Festival Committee and as are enjoyed by the Hahndorf Schutzenfest Committee. The object of this festival is to serve as a tourist attraction, all profits going to local nominated charities. I seek the support of this Council in having this desired amendment to the Act considered favourably.

The manner in which we are approaching the matter of special licences is indeed antiquated. Since the Licensing Act was completely reviewed in 1967, several amendments have been passed concerning the special licences given to certain organizations. Section 18 deals with special licences for the Barossa Valley Vintage Festival and for the Schutzenfest festival at Hahndorf. That provision was passed in 1967, since which three additional amendments have been passed. One was passed in 1969 giving a special licence to the Wine and Brandy Producers Association of South Australia for premises at the showgrounds. In 1971 a further amendment granted a special licence to the Adelaide Festival of Arts, and in 1972 another amendment gave a special licence to the Cornish Festival. Now, the Council is considering giving a special licence to the Bavarian Festival in Mount Gambier.

If we are not careful, the Act will be filled up with provisions regarding special licences to various organizations and festivals in South Australia. There is no need for me to say any more. I do not think the Council will disagree with my statement that this is an antiquated approach regarding special licences. Although I support the second reading, I will in Committee move a general amendment to overcome the problem of having constantly to amend the Act to give special licences to certain organizations. I am certain that honourable members will agree with the intention of that amendment.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Special licences."

The Hon. R. C. DeGARIS (Leader of the Opposition): I move to insert the following new subsection:

(2f) Notwithstanding any other provision of this Act, but subject to this section, a licence may be granted by the court to any body or authority administering a festival that is, in the opinion of the court, of substantial historical, traditional or cultural significance, authorizing it, subject to such conditions as the court thinks fit and specifies in the licence, to sell or supply liquor of any kind and in any quantities to the public during the continuance of the festival at such times over such a period not exceeding three days (which may include a Sunday) and at such places as the court thinks fit and specifies in the licence.

My amendment overcomes the foolish way of approaching special licences that we find at present in section 18 of the principal Act. My amendment provides that authorities administering festivals may apply to the court for a special licence.

The Hon. A. F. KNEEBONE (Chief Secretary): At this stage the Government opposes the amendment. We have in mind inserting a provision of this nature when the principal Act is next amended. The Government believes that a general provision of this nature should be discussed with all interested authorities and parties before it is put on the Statute Book. For this reason I ask honourable members not to support the amendment at this stage.

The Hon. Sir ARTHUR RYMILL: I regret to say that a similar kind of statement was made to me about a private member's Bill that I introduced a few years ago; the Government said that it would bring in legislation that would embrace the matter dealt with in my Bill and that my request would be considered at that time. Consequently, I dropped the matter. However, when the general Bill came along there was no mention of my proposal. In the circumstances, perhaps the Chief Secretary will forgive me for being sceptical about these things. I support the amendment, but I believe it ought to be tightened up a little. I suggest that after "significance" in the amendment the words "as to warrant the grant of such a licence" be inserted.

The Hon. R. C. DeGARIS: The honourable member's suggestion is sound. I believe that there should be some general power existing in the legislation now, even though the Government may intend to introduce a more comprehensive provision later. There are several references in the principal Act to festivals that may be granted special licences, but Parliament should not be deciding such matters: the Licensing Court should decide them. There are a number of festivals in South Australia that have not yet applied for licences—for example, the Tunarama Festival at Port Lincoln and the Coober Pedy Opal Festival. In the end we will have a Licensing Act filled up with festivals wanting special licences.

The Hon. A. F. Kneebone: We are not opposing the amendment in principle, but we believe we ought to talk to the authorities concerned.

The Hon. R. C. DeGARIS: Do we talk to the authorities about the Bavarian Festival and the Cornish Festival? Of course not! No-one will oppose granting them licences. We do not want a situation where we have a series of amendments granting special licences to every festival in South Australia. This matter should be handled by the court; my amendment provides for that, and it also provides for reasonable control. I appreciate that the Chief Secretary has said that the Licensing Act will be reviewed, but we have no guarantee that that will happen in the next one or two years. I cannot see why my amendment should not be accepted in the meantime as a reasonable approach.

The Hon. R. A. GEDDES: I support the principle of the amendment. However, the amendment does not provide that all profits are to go to locally nominated charities. Is it fair for the court to decide where the profits should go? Or, should Parliament decide that matter? Should we not spell out the fact that the profits should go to local charities?

The Hon. R. C. DeGARIS: There is no mention in the principal Act of the question of charities. Section 18 (1) of the principal Act provides:

Notwithstanding anything in this Act contained, but subject to this section, a licence may be granted by the court once in every calendar year to the Barossa Valley Vintage Festival Association Incorporated authorizing the said association to sell or supply liquor of any kind in any quantity to the public at such times during a period not exceeding three days excluding Sundays at any one time upon such conditions as the court shall approve.

New subsection (2e) provides:

Notwithstanding any other provision of this Act, but subject to this section, a licence may be granted in each year by the court to any body or authority administering the Bavarian International Festival authorizing it, subject to such conditions as the court thinks fit and specifies in the licence, to sell or supply liquor of any kind and in any quantities to the public during the continuance of the Bavarian International Festival at such times over a

period not exceeding three days (which may include a Sunday) and at such places, as the court thinks fit and specifies in the licence.

The Bill does not provide that money shall go to charity: that aspect was merely mentioned in the second reading explanation.

The Hon. R. A. Geddes: As window-dressing.

The Hon. G. J. GILFILLAN: I support the principle contained in the amendment. It will not interfere with the powers contained in the Bill. The organizations that already have this right under the Act will have the right preserved. The amendment will merely allow the court to consider special circumstances. Parliament does not sit throughout the year, and an increasing number of districts within the State will soon be celebrating their centenary. If the Government finds that the legislation is inadequate, it can be further amended.

The Hon. C. R. STORY: I support the amendment. When the licensing legislation that became the principal Act was before the Council, we talked with people in the industry and with others concerned for a considerable time before the legislation was passed, and it was expected that one or two groups might require special treatment. As the Leader has pointed out, many people will want a special licence. As the amendment is a wise one, I support it.

The Hon. Sir ARTHUR RYMILL: If this amendment (and, indeed, my amendment) are carried, it will still be open to the Government to amend the legislation further. I believe that my amendment would tighten up the situation so that a festival of little importance would have no hope of getting a licence, whereas a festival of major importance (such as those which already have licences) would be able to obtain one from the court. I move:

That the amendment be amended by inserting after "of" third occurring the word "such" and by inserting after "significance" the words "as to warrant the giant of such a licence,"

The Hon. Sir Arthur Rymill's amendment carried.

The Hon. A. F. KNEEBONE: Although we have now cleared up the amendment, I still oppose it. If the court refuses to grant an application, honourable members will still be approached by their constituents in the same way as the member for Mount Gambier in another place was approached by the Bavarian Society to introduce this Bill. I am sure that, because of the amended amendment, many people will still be turned away, and the same procedure will continue. I am opposed to amendments of this kind being hurried through Committee without our being able to talk with the people in the industry to see what should be done. As the Hon. Mr. Story has said, when the licensing legislation was originally before the Council we talked with people in the industry and with others concerned for a considerable time before the Bill was passed. I believe (and the Government believes) that we ought to discuss this matter with people in the industry before the amendment is passed. Therefore, I oppose the amendment.

The Hon. R. C. DeGARIS: It is interesting that the Minister was expressing the Government's view, when it was actually the Hon. Mr. Creedon who moved the Bill.

The Hon. A. F. Kneebone: This is an amendment that affects the principal Act.

The Hon. R. C. DeGARIS: Perhaps the Hon. Mr. Creedon would have a different view from that held by the Government. I have already had discussions with members of the industry, and I know their views. I ask the Minister what discussions the mover of the Bill in this Chamber had with members of the industry with regard to a festival in Mount Gambier. Also, what discussions were held with the Wine and Brandy Producers Association relating to the Royal Adelaide Show? There were no more discussions then than there have been in this matter. I believe that this amendment at least supplies a need in legislation until the Government redrafts the whole section.

As the Honourable Sir Arthur Rymill said, the provisions will be of some assistance, but if an organization such as the Wine and Brandy Producers Association wants a special licence it can. still go through the same process as has applied previously. Although this is slightly restrictive, I believe it is good. I do not want within the next 12 months to have to consider half a dozen amendments before the Government amends the whole Act. I cannot see why the Government opposes this change which, I believe, is reasonable.

The Hon. Sir ARTHUR RYMILL: I thought this clause was more or less designed to protect members from having to introduce amendments in favour of a festival or similar event, because members, if this clause is passed, can then say, "Well, there is a provision in the Act and if your festival or event lines up with the requirements of the Licensing Court you are entitled to such a licence, but, if it does not, you are not." In that sense, this is a good amendment. I do not remember all the other organizations that have received special licences under a clause similar to that which we have in the Bill, but I can recall two of them: the Adelaide Festival of Arts and the Schutzenfest at Hahndorf.

The Hon. A. F. Kneebone: Don't forget the Cornish festival, too.

The Hon. Sir ARTHUR RYMILL: I am not familiar with that festival. The two to which I have referred would, in my opinion, readily be able to obtain a licence under this clause. The Adelaide Festival of Arts is certainly of such a substantial cultural significance as to warrant a licence. The Schutzenfest is certainly of substantial traditional significance, and possibly a historical significance in a broad sense (maybe not in Australia but it is a hand-down of the culture of another country). The wording of this clause, while protecting against minor shows getting a licence, will allow the giant of a licence and will ensure that organizations that are worthy of licences will be able to get them direct from the court.

The Hon. B. A. CHATTERTON: When the Leader spoke about the alternative that festivals would still have of getting a private member's Bill introduced, did he mean that if this amendment was passed the organizers of those festivals would be able to do that if they failed to get a licence under this amendment?

The Hon. R. C. DeGARIS: I know of no restrictions on the rights of anyone to approach people in regard to the Statutes of this State. If the court found that certain festivals did not fall within the scope of this amendment, there would be nothing to stop the organizers from approaching a member of Parliament, the Government or anyone else.

The Hon. C. M. HILL: I suggest that the Government hold the matter over for a few weeks to enable discussions to be held with people in the industry. Perhaps after such discussions we would all find some common ground. Would the Minister consider that?

The Hon. A. F. KNEEBONE: I am not aware of any urgency in regard to this festival, but I believe that the organization of this festival may be delayed if we hold the measure over for a considerable time.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with an amendment. Committee's report adopted.

CRIMINAL LAW (SEXUAL OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 10. Page 1141.)

The Hon. V. G. SPRINGETT (Southern): Just over a year ago a Bill was introduced into this Chamber concerning an amendment to the Criminal Law Consolidation Act, and relating to homosexuality. In due course that Bill became an Act of Parliament. Today we have before us another amendment to that Act and also amendments to the Police Offences Act. The subject of today's Bill is essentially the same as that of last year's Bill: it relates to the question of homosexuals and their behaviour. Last year's amendment made it possible for not more than two homosexuals, in private, to practise their personal form of sexual behaviour.

However, last year's Act still left them as miscreants in society and as offenders against the law. I do not intend to repeat all I said last year, but 1 will reiterate one or two points. I said:

> Throughout history, civilizations and empires have sustained themselves by making laws and by establishing moral codes. If those laws were removed, society would become a ready prey to anarchy and even to revolution. If we remove the moral struts, society would readily sink to subhuman levels.

I reaffirm that belief. I then went on to say:

> The subject of sexual behaviour is a vast one about which successive authors have written volumes. There is, I venture to suggest, nothing more personal, intimate and private than the physical relationship that exists between two persons within the privacy of their own home. Yet at the same time nothing is more blatantly exploited, crudely publicized, cheapened and degraded for monetary gain than this same intimate act.

I still agree with that statement. This is apparent to anyone with eyes to see the considerable variety of salacious publications that are available. As the law stands, homosexual acts between males are always an offence. Yet with females, to whose behaviour we give the separate name of Lesbianism, it is not an offence in itself. Is there any other part of the criminal code where we have one Jaw for the male and another law for the female in connection with the same act?

It is laid down that a male charged and found guilty of an offence shall get a certain punishment as decided by those trying him, whereas a woman guilty of the same offence shall get no sentence for committing her crime, just because she is a woman. Indeed, she does not even get tried for the offence. Extenuating circumstances may lead to variable sentences for the same offence, but they are not based upon mere anatomical differences.

We proudly say that all offenders stand equal before the law, but I suggest that in this sort of case all offenders do not stand equal before the law, just because of their sex. Throughout history the homosexual group (and I use that term to refer essentially to men only) has included many outstanding persons. Successive decades of society have benefited from their contributions. The passage of time has enabled all of us, whatever we have felt about modern deviants from our normal heterosexuality, to recognize and accept their work for what it is, and we are grateful for their contributions to society's progress. Today's practising homosexuals vary from all strata of society, and this has always been the case.

The Hon. T. M. Casey: Have you any figures to show how many people are involved?

The Hon. V. G. SPRINGETT: It is impossible for one to say this exactly. Some people are not afraid to admit these practices, whereas many are. However, the figures that have been published suggest that probably in the past, as now, about one in 20 practise homosexual behaviour. Some people regard homosexuals as being sick, others regard them as sinful, and yet others regard them as plain wicked folk who should be put away.

There is much talk in certain circles about the cures that are available for homosexuals. Those who have to deal with them (and I am thinking not just of the local scene, which is our prime concern, but of colleagues whom I know abroad and who deal daily with this problem) are more pragmatic about the possibility of cure. They say that those who can be cured and changed to heterosexual behaviour are few in number. Therefore, what are we trying to treat? It is not a disease of the body or the mind for which there is a specific remedy. So much is talked about curing these people, but do any of us try to change a left-handed person into one who uses his right hand?

The Hon. Sir Arthur Rymill: They used to, and I am one of the victims, if I am a victim.

The Hon. V. G. SPRINGETT: So am I. Do we try to cure am albino who lacks pigment in his skin and eyes? It is part of his makeup and part of him. As Sir Arthur Rymill said, people used to try to cure left-handedness. Indeed, the honourable member said he was one of the victims.

The Hon. Sir Arthur Rymill: I was cured completely.

The Hon. V. G. SPRINGETT: I was cured not completely but only partially. I notice that the Hon. Mr. Burdett is left-handed and, if he is cured, I am only half way there. I am naturally left-handed and, as a child, I (as did Sir Arthur Rymill, judging by the standards of the time) received many a rebuke, both verbally and with a ruler, at school to break me of this bad habit!

The Hon. Sir Arthur Rymill: When I said I was cured, I meant that my right eye is my master eye, so everything lines up.

The Hon. V. G. SPRINGETT: That is splendid. Today, we call these measures stupid, and we accept the left-handed person for what he is: just different from the more numerous right-handers. We therefore finish up with the trilogy that has been referred to this afternoon: one remaining left-handed, one becoming right-handed, and the other being ambidextrous. Many of the people who seek medical help do so because of the distress they experience by being different in an extensively heterosexual culture. They do not like being looked upon as abnormal persons. Furthermore, as I said last year, do any of us like to be the butt of jokesters just because of a defect in our physique or personality? I am sure that many a homosexual person would agree that those words represent his views of society.

Even though these folk may want to change, very few achieve it, given the best will in the world and the most sympathetic of therapists. Religious bodies and denominations of various kinds seem to be divided on this whole subject, judging by the correspondence I have received. Their approach to the affair naturally carries the imprint of religious principles and dogma. Without in any way seeking to override or abrogate the natural role of the church, in affairs of spirit, I refer to the following extract from the Wolfenden report:

> A true Biblical attitude, taking into account modern psychological understanding, would be to recognize the homosexual as a sinful person like the rest of us, and someone who is especially in need of the therapeutic help of the churches fellowship. The church should encourage the treatment of those who may be helped by treatment.

One of the matters usually referred to when dealing with this subject is the question of crimes of assault against females of all ages. Crimes with and without sexual

components are proportionately less frequent by homosexuals than by the heterosexual group. There is no reason why they should not be, because fundamentally all homosexuals find females of any age less attractive than they find males. Many authorities suggest that the risk to a female from heterosexuals is much greater than from homosexuals. However, I agree that there are circumstances in which young boys are at greater risk from homosexuals. My informants tell me that the publicity given to such cases tends to distort the true picture of its incidence in society. I remind honourable members that blackmail is unduly prevalent in a group of homosexuals. I quote from my speech last year on the same subject, as follows;

> A former Lord Chancellor of England was impressed by the fact that nearly 90 per cent of blackmail cases in one year were those in which the person being blackmailed had been guilty of homosexual practices with another adult person. Risk of blackmail will not be removed by this Bill (assuming it is passed by both Houses and becomes law in due course).

In discussing the Bill today, I think there will be cases of blackmail still, but although there may be cases, the law can take its place in protecting the person who has not already been labelled a criminal before he comes to the law.

This Bill is just and compassionate, and deals with sexual offences as they apply to all society, and surely that is true justice. What any two people do sexually in private is their business, as long as we protect other members of society from being disturbed and influenced by them, particularly if they are not old enough or fit enough to protect themselves. More and more, legislation is tending towards sociology and the emphasis on the rights of the individual. In no way, as I see it, does this Bill condone or give its blessing to homosexuality or indecency or to any other offence against public behaviour.

The Hon. Sir Arthur Rymill: Clause 29 differentiates between *homo sapiens* and other animals: will you deal with that point?

The Hon. V. G. SPRINGETT: Yes, later. This Bill removes the unfair burden of criminality from a group of folk of both sexes for what their homosexual make-up causes them to be and to do. I would go as far as to say that if honourable members cannot support this Bill, would it be unreasonable to suggest that it should be re-written once again and bring into the criminal code fornication, cohabitation, and Lesbianism, and any other form of deviancy of which society disapproves but which is not legislated for? Clauses 7 to 28 involve almost entirely the changing of "female" to "person", so that justice and fairness is available to all people of both sexes, and charity is shown to all. Unnatural offences are dealt with in clauses 28 and 29.

His Hon. Sir Arthur Rymill: Clause 29 refers to an animal; not to *homo sapiens.* Is that excluded under the Acts Interpretation Act?

The Hon. V. G. SPRINGETT: I will ask my legal friend to advise me on that matter and he may give me better advice than I can give myself. As I read clauses 28 and 29, a sentence of up to 10 years is imposed if the act is achieved and five years if it is attempted, but I would not mind if the penalties were the same. Children of both sexes are protected, and the penalties for sexual offenders vary with the age of the child and the type of offence, even extending to a life sentence for an offence against children under the age of 12 years.

The Hon. Sir Arthur Rymill: When you refer to unnatural offences, do you regard the homosexual act as being different from what you referred to previously?

The Hon. V. G. SPRINGETT: Yes.

The Hon. Sir Arthur Rymill: Medically?

The Hon. V. G. SPRINGETT: 1 mean sociologically too.

The Hon. Sir Arthur Rymill: Can you explain that, because I find it difficult to understand?

The Hon. V. G. SPRINGETT: As I understand it (and have accepted through the years) and having worked with some of these people, homosexuality involves the practice of relationships with one of the same sex. No-one can talk about unnatural practices between the same sex. Abduction, protection of mentally abnormal youngsters, and children in brothels—all these things make it clear that it is not the intention of those who introduced the Bill that there should be greater licence and freedom for people who cover up the breaking of the law, but it will be the means of protecting the comparatively small minority that at present suffer for something which, in modern society, they should not have to suffer. Clauses 33 to 35 make appropriate amendments to the Police Offences Act regarding soliciting, so that the Bill is not restricted to males only, but to females and all persons concerned with these habits. Nowhere does the Bill condone offences, nor does it leave children unprotected. It provides penalties for offences that merit them. A communication I have received states:

> If we need a law for homosexuals and not against them, we submit that an excellent first step would be to repeal a law which makes homosexual acts between consenting adults a felony. "Compassion", we agree should be shown to those who need and seek help but compassion is not a term of imprisonment.

I support the Bill.

The Hon. J. C. BURDETT (Southern): In opposing the Bill, I am sorry that I have to disagree with members who support it and, particularly, with the Hon. Mr. Springett who helped me so much to become a member and who has helped me so much since I have been here. I support the principle that the criminal law should not persecute consenting adults who practise homosexuality in private. I feel sorry for them, and I believe they should be helped and not ostracized by society. However, the persecution of the criminal law was removed last year, as the Hon. Mr. Springett said. Section 69 of the 1972 amending legislation provides a defence to which I shall refer. True, the crime of sodomy remains on the Statute Book, but it is a defence for the defendant to show that the act was committed in private between consenting adults.

To be practical about this I ask: how many prosecutions are likely to occur now? Indeed, how many prosecutions were likely to occur before, in the case of homosexual acts between consenting males in private? At present is it conceivable that the Crown will prosecute, when it is a defence to show that the act was committed between consenting males in private? I would challenge those honourable members who have supported this Bill to bring forward one case of a male who has been prosecuted since the passing of the 1972 amending legislation in respect of a homosexual act committed in private between consenting adults. It is the function of Parliament to prevent people from being unjustly victimized by the criminal law, and I suggest that that function was performed last year. However, it is not the function of Parliament to change the attitudes of society; that is the function of society itself.

It is pathetic sometimes to hear people put forward permissive views, whether in relation to homosexual acts or other matters: they seem to think that the putting forward of those permissive views is new and that there

will be a continuous progression toward more permissiveness. There is nothing new under the sun. There have been other occasions in history when permissive views on homosexuality and other matters have prevailed, and the pendulum has always swung back. One such period was the period of the decline and fall of the Roman Empire, when homosexual practices were particularly rife. Another period was the Restoration period in England, and the pendulum swung back, and it will swing back again toward traditional views on moral behaviour. Indeed, I believe that the pendulum is swinging back already.

The spirit of this Bill is to equate homosexuality and so-called heterosexual offences, but I suggest that that is something that one cannot do. Some of the things that I shall mention are unpleasant, but that is in the nature of any Bill dealing with matters of this kind. All civilized, cultural, ethical and religious codes regard sodomy as a heinous offence. This applies to the Judaistic and Christian codes and to the code of Hammurabi. I suggest that this is an unnatural offence. Sexual functions were created by nature, Providence or the Creator (whichever you prefer) largely for the purpose of procreating the species. People who argue against that view sometimes refer to the fact that homosexuality in the animal world, apart from *homo sapiens,* is common, and that is true. However, I suggest that in the animal world there is no evidence of enjoyment on the part of the servient animal; rather, it always tries to escape. Also, in the animal world at present homosexuality is always a substitute for sexual intercourse with an animal of the opposite sex. In his second reading explanation the Hon. Mr. Chatterton said:

As I said before, the Bill provides a code of sexual behaviour that rationalizes the law in this area as between males and females and removes several anomalies that exist at present.

I suggest that, far from rationalizing the law, there is a degree of irrationality in this Bill and that, far removing anomalies, the Bill creates more anomalies than it removes. The Hon. Sir Arthur Rymill and the Hon. Mr. Springett have already referred to bestiality. This Bill expressly preserves the crime of buggery with animals. The term "buggery" was taken to include sodomy and bestiality—that is, intercourse with other persons of the same sex and also intercourse with beasts. The original legislation was so cast that it was necessary for the draftsmen of this Bill to consider what they would do about the crime of bestiality—whether they would leave it there or repeal that crime also. And they have specifically left it there. Clause 29 provides:

Section 69 of the principal Act is repealed and the following section is enacted and inserted in its place:

69. (1) Any person who commits buggery with an animal shall be guilty of a misdemeanour and liable to be imprisoned for a term not exceeding 10 years.

So, mercy and charity are to be shown to the person who has homosexual inclinations and who carries out homosexual acts with consenting adults in private, but mercy and charity are not to be shown to the person who has an inclination to have intercourse with animals. It is popular in these days to talk of victimless crimes, and it is said that homosexuality is one of them when it occurs between consenting adults in private. Apart from the possibility of cruelty to the animal concerned, bestiality is another victimless crime. I believe that people who commit homosexual acts and acts of bestiality are people with abnormal tendencies and desires. They are to be pitied, but it is curious that one offence has been specifically retained, whereas the other has been made legal.

When we consider these victimless crimes, what does the future hold? Laws that tend toward permissiveness always go further. Wedges have a habit of having thin ends. If this Bill is passed, it will not be very long before bestiality and some other so-called victimless crimes, some of which I shall enumerate later, will also be removed from the Statute Book. If that is what honourable members want, doubtless they will vote for the Bill. However, I warn them and make a firm prognostication that, if the Bill is passed, it will be only a question of time before these other acts will be made legal. Last year a Bill was introduced, as I understand it, to make it not illegal to perform homosexual acts between consenting adults in private. Now, this Bill seeks to equate (which I say cannot be done) homosexual and so-called heterosexual offences. Where will we go next year, and the year after? It is my firm belief that, once we start with this permissive legislation, we will not stop until we have gone much further than we intended in the first place.

I next refer to the crime of incest in two connections; this has not been covered by the Bill. Section 72 of the Criminal Law Consolidation Act provides:

(1) Any persons being related, either as parent and children or brother and sister, who unlawfully intermarry with each other, or who commit fornication or adultery with each other, shall be deemed to be guilty of incest.

(2) Any person convicted of incest shall be guilty of a felony, and liable to be imprisoned for any term not exceeding seven years.

This crime, which remains on the Statute Book, may well be a victimless crime; this is another inconsistency. Supposing an adult male (perhaps one who has had a vasectomy or who for some other reason cannot produce progeny) has intercourse with his adult sister in private, he would be committing a felony and would be liable to be imprisoned for a term not exceeding seven years. Why is that so very different from some of these other so-called victimless crimes? Will we see (and I think we will if the Bill is passed) some attempt in the future to make incest no longer a crime? I believe that bestiality and incest should remain as crimes.

I point out another anomaly: it is an offence for an adult male (and it will still be, even if the Bill is passed) to have intercourse in private with his adult sister. He would be committing a felony and be liable to be imprisoned for a term not exceeding seven years. If an adult male has intercourse with his adult brother in private, he will, if the Bill is passed, not be committing an offence. Is that removing anomalies and rationalizing the law?

I refer next to the action of slander. Most honourable members probably know that the law on defamation is divided into two branches: libel and slander. With some apparent exceptions, libel consists of defamatory matter of a written nature, and slander consists of defamatory matter that is spoken. In the law on slander, an action cannot be taken unless either some actual monetary damage is done to the plaintiff or the slander falls into certain categories. If it does not fall into certain categories, no action can be taken for slander unless actual monetary damage can be proved—and very often it cannot be proved. One of the categories into which slander may fall (and, if it does, action can be taken) is the allegation of a criminal offence subject to imprisonment. If I made a slanderous statement calculated to cause someone else fear, hatred, ridicule or contempt, that is slander; but an action could not be brought against me unless the plaintiff could prove actual monetary damage or that it fell into categories, such as allegations of incompetence in one's profession, public office, and so on. But the category that

applies here is an allegation that the plaintiff has committed a criminal offence punishable by imprisonment.

As the law stands now, if a person is accused of homosexuality, falsely or correctly, an action in defamation in slander can be brought against the accuser even in the absence of proof of monetary damage. Of course, such an allegation can rarely be proved. Homosexuality is, under the law of 1972, a criminal offence punishable by imprisonment. However, if the Bill is passed, that will no longer be the case: the person correctly or falsely accused of homosexuality will not be able to bring action unless he can prove actual monetary damage. So, this Bill is the taking away of a protection from a person either falsely or correctly accused of homosexuality.

In summary, I applaud the principle of protecting from legal persecution persons who commit homosexual acts between consenting adults in private, because I believe in not casting them out from society but in doing everything possible to help them. In the first place, these people are in no great danger of prosecution, and in the second place, 1 think that I have stated examples which show that, in the nature of things (and one cannot pretend that two things which are not the same are the same), one cannot equate homosexual and other sexual offences. For those reasons, I oppose the Bill.

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

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL

In Committee.

(Continued from October 10. Page 1140.)

Clause 4—"Caging of animals."

The Hon. R. A. GEDDES: New section 4 (2) provides:

> This section shall not apply to the keeping or conveying of any animal . . .
>
> (*b*) while that animal is being shown for any period not exceeding in aggregate 12 hours in any period of 24 hours for the purposes of any public exhibition or competition other than for the purpose of sale.

My concern is that at the Royal Adelaide Show, which runs for a week, and at many country shows, which run for two days, what will the position be regarding stud stock, particularly sheep, birds and cattle that are tethered, where it would be impracticable to exercise them? At the Royal Adelaide Show, in the sheep classes, stud stock are shown and judged and stock for sale are kept in close quarters, particularly the merino rams; they would not be able to be exercised within the meaning of the legislation.

The conditions provided at the Royal Show do not, in my opinion, give reasonable opportunity for exercise for rams. The difficulty of exercising animals relates particularly to sheep because of the pride that their owners have in them. The main difficulty in exercising stock, is a lack of space. Has the sponsor of this Bill considered this, because it appears to me that hardship could occur to people who desire to show their stock? Authorities such as the Royal Agricultural and Horticultural Society will be in great difficulties in trying to provide amenities that comply with the Bill.

The Hon. C. W. CREEDON: When dealing with a matter such as this I believe that common sense should prevail. The Hon. Sir Arthur Rymill mentioned last week that there have never been any prosecutions under measures such as this. This sort of practice has been allowed to pass previously in the interests of society. It was never intended that action should be taken against people in those circumstances.

The Hon. R. A. GEDDES: That is what worries me, because once legislation is passed it becomes law, and officials or inspectors read the Act in the way it is written.

The Hon. R. C. DeGaris: And that has happened and action has been taken accordingly.

The Hon. M. B. Dawkins: It is not a matter of what is intended, it is a matter of what is there in the Act.

The Hon. R. A. GEDDES: I agree that common sense should prevail. I ask the Hon. Mr. Creedon to consider this matter, because this Chamber cannot afford to subscribe to the theory that, when a law does not satisfy, people should break it, a theory that has been advocated by some other members of his Party. The Committee must consider the actual wording of the Bill before it, because that is what is relevant. Leaving aside the Royal Adelaide Show, people at some of the two-day country shows, where there are even fewer facilities available for the exercise of stock, have got to confine animals in small areas because the organizers cannot afford larger ones, and if the animals are taken out of those areas they are often left in open spaces.

The Hon. C. M. HILL: The matter raised by the Hon. Mr. Geddes may be covered in the new amendment that the Hon. Sir Arthur Rymill has on file. If the animals and birds to which the honourable member has referred could be deemed, while at these shows, to be undergoing examination, then it would seem that they may be excluded. I do not know whether the Hon. Mr. Creedon will agree that animals and birds would be under examination in those circumstances. However, they would certainly be under examination during judging, and I suppose that many of the public would examine stock at these shows, too.

The Hon. Sir ARTHUR RYMILL: Before I move my amendment I indicate that I agree entirely with the general tenor of this Bill, because I believe it is a good Bill and, consequently, I have tried to confine my amendment to what I regard as the minimum requirements. However, I feel very strongly indeed that the amendments that have been drafted for me are entirely necessary to enable existing practices of animal husbandry to continue. This applies particularly to putting livestock in pens at saleyards and shearing sheds overnight or for longer periods. It is often necessary to keep stock in these enclosures to prevent them from getting wet or having them on hand for dehorning, branding and other tasks. None of these practices is inhumane, and it seems that there are no practical alternatives. Stockowners, when it rains during the shearing season, put as many sheep as they can in available accommodation so that the stock will not get wet and so that shearing can continue. If stockowners were subjected to the requirements of new section 5b it would be utterly impossible to fulfil the requirements even in the most enormous shearing sheds. With your permission, Sir, I move the following amendments:

After new section 5b (2) (*b*) to strike out "or"; and in paragraph (*c*) after "undergoing" to insert "examination or" and to strike out "by a veterinary surgeon".

Paragraph (*c*) will then read ". . . while that animal is undergoing examination or treatment". This is essential when one is trying to crutch many sheep, or putting them in a sheep shower. In other words, livestock are being treated for the purposes which I mentioned and are necessarily often treated by people other than veterinary surgeons.

The Hon. C. M. HILL: I am not concerned with the intent of the amendment, because I agree that some improvement is necessary, but it is being left very wide. Many people could keep animals or birds in cages or pens that do not conform to the standards (if the standards are introduced) and the owner could, of course, claim that the animal or bird was being kept in that way for examination. There would be no time limit on that. Judging by this amendment, it is a means by which many people could overcome the commission of an offence when, in practice, they might well be committing one. The word "examination" has a wide meaning, and this will be a means by which certain people will escape from the matter.

The Hon. A. J. SHARD: There is substance in the Hon. Mr. Geddes' suggestion, because difficulties are involved that it will not be easy to overcome readily. I therefore suggest that progress be reported to give those concerned more time to examine the matter.

Progress reported; Committee to sit again.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (QUEENSTOWN)

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

MURRAY NEW TOWN (LAND ACQUISITION) ACT AMENDMENT BILL

Bill recommitted.

Clause 10—"Attribution of price for land"—reconsidered.

The Hon. J. C. BURDETT: I move to insert the following new paragraph:

(ab) By striking out the words "Valuer-General" and inserting in lieu thereof the word "Committee".

This matter was omitted in the amendment which I moved and which was passed yesterday. It is purely formal and consequential, and will enable the committee appointed as a result of the passing of my amendment yesterday to be a substitute for the Valuer-General.

Amendment carried; clause as amended passed.

Bill reported with a further amendment. Committee's report adopted.

NURSES' MEMORIAL CENTRE OF SOUTH AUSTRALIA, INCORPORATED (GUARANTEE) BILL

Second reading.

The Hon. D. H. L. BANFIELD (Minister of Health):

I move:

That this Bill be now read a Second time.

For some time a body, now known as the Nurses Memorial Centre of South Australia, Incorporated, has been working on plans for the development of an area owned by it at Dequetteville Terrace, Kent Town. The development proposed is in the form of a building which will be the headquarters of the nursing profession in this State and which will also serve as a war memorial to all nurses who gave their lives in the service of their country. The centre will comprise a four-storey office building with an attached multi-purpose hall, seating 270 people, with stage projection facilities and a function room. Appropriate car parking facilities will also be provided.

The Government is minded to give a project of this nature its support and, in earnest of its intentions, it proposes to guarantee the repayment of up to $548 000 to be borrowed by the memorial centre on the security of the land and buildings comprised in the project. This short Bill is intended to provide for such a guarantee and is in the usual form of such a measure. This Bill has been considered and approved by a Select Committee in another place.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the Bill, and I ask the Minister of Health to tell the Leader of his Party in another place that members of this Council, in proceeding with this matter forthwith, are showing that they are anxious to get on with the work before them. The Bill, which has been reported on by a Select Committee, authorizes and empowers the Treasurer to guarantee the repayment of a sum not exceeding $548 000 to be borrowed by the memorial centre on the security of the land and buildings comprised in the project.

This matter has a long history. The Nurses Association acquired a property in Dequetteville Terrace some years ago. However, that site was required for road purposes under the Metropolitan Adelaide Transportation Study plan. Because of the publication of that plan, the property was sold by the association. However, at some later stage the property was no longer required for road purposes, so the memorial centre could have been built on the site, as was originally intended. Following the sale of the property after the publication of the M.A.T.S. Report, another property, on the corner of Capper Street and Dequetteville Terrace, was purchased for this purpose. The association once again experienced difficulties because of the Government's announcement that high-rise development would occur in the area, for which purpose the site was to be acquired at one stage by the State Planning Authority.

The Government then offered the association the choice of 10 or 12 sites on which its centre could be built, none of which was as suitable as the property on the corner of Capper Street and Dequetteville Terrace. An interesting point is that only two of the properties offered to the association at that time were owned by the Government. In other words, it offered properties that were not Government properties. I dare say there would have been acquisitions, compulsory or otherwise. This raises another problem to which I have previously referred, the question of the Government's use of compulsory acquisition techniques. Again, the Government has changed its mind about high-rise development in the Dequetteville Terrace area, and the Nurses Memorial Centre will take shape there. I have no objection to the Bill, which has been considered and approved by a Select Committee in another place. 1 support the second reading.

The Hon. C. M. HILL (Central No. 2): I rise to speak on this Bill because reference was made to the Metropolitan Adelaide Transportation Study plan. The proposed Modbury Freeway was to run through the eastern suburbs to the Brownhill Creek valley, but that proposal was not agreed to by the previous Government or by Parliament when Parliament approved certain sections of the M.A.T.S. plan. Since the Labor Government came to office in 1970, it has approved an alternative route which will not cut through suburbs; however, it will adversely affect the eastern park lands of the city of Adelaide.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank the Leader and the Hon. Mr. Hill for their contributions to the debate. The Leader has asked me to convey to the Premier the fact that this Council is anxious to assist the Government in connection with this Bill. Such co-operation does not occur often, but it does occur occasionally, and this is one occasion. The Government will take notice of it, because of the rarity of such occurrences. So, doubtless the Premier will become aware of what has happened today. True, over the years the

Hon. Mr. Hill stuck by the M.A.T.S. committee. He said that it did a marvellous job, and that everything in it would be carried out, but somewhere it came unstuck.

The Hon. C. M. Hill: I did not say "everything".

The Hon. D. H. L. BANFIELD: It was going to cut a freeway through the eastern side of the city, and that was one thing that the honourable member could not accept.

The Hon. C. M. Hill: One of several.

The Hon. D. H. L. BANFIELD: He could not countenance this, because it would cut through his district. He has never explained completely how the committee that drew up the M.A.T.S. plan could go so far astray in relation to that matter when it did a good job in other areas!

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

MONARTO DEVELOPMENT COMMISSION BILL

In Committee.

(Continued from October 16. Page 1230.)

Clause 39—"Power of Governor to dispense with compliance with Act or by-law, etc."

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

In subclauses (1) and (2) to strike out "proclamation" wherever occurring and insert "regulation".

Yesterday it was suggested that control by regulation was a better approach in connection with this clause, and I am willing to go along with that idea. My amendments will achieve that aim.

The Hon. M. B. CAMERON: Yesterday I expressed doubt about the idea of just changing "proclamation" to "regulation". Regulations may be brought forward just before a break in Parliamentary sittings, and the regulations could be in force for a considerable period, before Parliament could consider them. I suggest that, because of the doubts raised, the entire clause should be struck out.

The Hon. A. F. KNEEBONE (Minister of Lands): I still oppose the amendments, for the reasons I gave yesterday.

The Hon. C. M. HILL: It has been contended that the commission may proceed during a period when Parliament is not sitting and that several months may elapse before a regulation can be considered: as a result, the commission may gain some special advantage. In principle, I agree with that but, when we look at what will happen in the practical sphere at Monarto, and if we accept that the Acts that the commission will want to suspend, vary or dispense with will be Acts dealing with the physical construction of improvements or projects in the city, not much advantage would be gained by the commission.

In other words, if the commission knew that a regulation could be disallowed within, say, between four and six months, it would be doing a foolish thing, because it might have to scrap expensive plans; it might even be forced to stop construction if the regulation were disallowed.

The Hon. M. B. Cameron: Why not take it out altogether?

The Hon. C. M. HILL: The Committee should consider two alternatives, namely, taking out the clause altogether or following the procedure which provides Parliament with a complete check by regulation. Having considered the two alternatives at length, I favour the latter.

The Hon. M. B. CAMERON: I do not support the provision regarding proclamation, because I believe that Parliament should have some control. Therefore, I will support the amendments and vote against the whole clause, which, I think, should not appear in the legislation. If we must have the clause, I prefer that the matter be dealt with by regulations.

The Committee divided on the amendments:

Ayes (12)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill (teller), F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Majority of 6 for the Ayes.

Amendments thus carried.

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

To strike out subclause (3).

This amendment is consequential on the amendments that have just been accepted. As regulations will now apply, the subclause is redundant.

Amendment carried; clause as amended passed.

Remaining clauses (40 and 41) and title passed.

Bill reported with amendments. Committee's report adopted.

ADJOURNMENT

At 4.33 p.m. the Council adjourned until Thursday, October 18, at 2.15 p.m.