LEGISLATIVE COUNCIL

Thursday, November 15, 1973

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

ASSENT TO BILLS

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

Companies Act Amendment,
Electoral Act Amendment (Commissioner),
Monarto Development Commission.

QUESTIONS

SOUTH-EASTERN DRAINAGE

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to directing a question to the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. R. C. DeGARIS: Recently at a meeting of United Farmers and Graziers of South Australia Incorporated at Kalangadoo, several topics were discussed and several resolutions passed concerning matters under the Ministerial control of the Minister of Works. I ask the Minister of Agriculture to draw to the attention of the Minister of Works the following resolutions:

1. That the South-Eastern Drainage Appeal Board notify the appellant of its decision and state whether it was a majority or unanimous decision, also indicating by description the portions of land, if any, that are ratable, in the same terms and at the same time as it advises the drainage board of its decision;

2. That, when the South-Eastern Drainage Appeal Board decides only portion of the land is ratable and the appellant is dissatisfied with the Valuer-General's determination of the unimproved land value of that ratable area, then the appellant has the right of appeal to a higher authority;

3. That the South-Eastern Drainage Board pay interest on drainage rates it has collected in excess of the final drainage rate which may not be known for several years until an appeal is finalized and a refund made of the excess rates;

4. That due to the number of anomalies which have occurred in drainage rating of drains under the South-Eastern Drainage Board, this meeting feels that drainage rates should be abolished in the South-East;

5. That before legislation is introduced into Parliament the people affected by such legislation be given time and the opportunity to study, understand and comment upon it;

6. That a feasibility study be undertaken to ascertain the possibility of recharging the underground reservoir of water in the South-East and elsewhere in the State; and

7. That progressive reports by the Water Resources Committee be tabled and made available in anticipation of a new Water Resources Act.

The Hon. T. M. CASEY: I shall be happy to refer those questions to my colleague and bring down replies.

ETHIOPIAN FAMINE

The Hon. M. B. CAMERON: I seek leave to make a short statement before directing a question to the Chief Secretary.

Leave granted.

The Hon. M. B. CAMERON: My question concerns the offer of 33 medical students who have volunteered to go to Ethiopia to treat the famine victims. The Commonwealth Government has indicated that it will be assisting with material aid, so it finds itself unable to assist in financing the students' air fares. This morning a constituent rang me and offered $100 towards the air fares of the students. As the students are South Australians and I am sure all honourable members support their intention and their commendable action in volunteering their services, and as it would be most unfortunate if their purpose were frustrated through lack of transport, will the Government set up an appeal fund to raise money for these air fares and will the Government consider subsidizing the fund on a $1 for $1 basis?

The Hon. A. F. KNEEBONE: It is not clear what the Commonwealth Government has done in relation to assistance in this matter. For that reason, the matter is being considered and further information is being sought on what the Commonwealth Government will do before the State Government makes any decision.

RESEARCH ASSISTANT

The Hon. C. M. HILL: Has the Chief Secretary replies to the questions I asked last week about the appointment of a research assistant to the Premier?

The Hon. A. F. KNEEBONE: The, honourable member asked several questions on this matter, and I have the following information: The office of research assistant is a Ministerial appointment and is not subject to the Public Service Act. The answers to the specific questions of the honourable member are:

(1) No.
(2) No.
(3) No.
(4) Twenty applications were received from persons resident in South Australia in answer to the call for applications made through the press.

NATIONAL SONG

The Hon. M. B. DAWKINS: Recently, I asked the Chief Secretary a question about a national song following the use of a tune from New South Wales that does not have universal acclaim in this State. Has he a reply?

The Hon. A. F. KNEEBONE: The honourable member said he had been present on a recent formal occasion when *Advance Australia Fair* had been played. I was present on that occasion, too. The use of the song *Advance Australia Fair* at a recent function organized by a Government department was not the result of dictation or persuasion from Canberra.

WILLS ACT

The Hon. F. J. POTTER: I seek leave to make a short statement before asking a question of the Minister representing the Attorney-General.

Leave granted.

The Hon. F. J. POTTER: For many years in cases where solicitors are appointed as executors, or a solicitor is appointed as one of the executors, of a will, a deduction has not been allowed for succession duty purposes of the fees charged by the solicitor in connection with proving the will and his work on the estate. This policy was adopted on somewhat theoretical grounds: the solicitor, having been appointed an executor, was regarded as being some kind of beneficiary under the will, and these deductions were not allowed unless there was a specific clause in the will permitting the solicitor to make the usual legal charges.

As a result, it has been somewhat common for solicitors, in drawing up wills of which they are appointed executor or one of the executors, to have included in the will a clause specifically allowing them to make charges for their legal services in connection with obtaining probate and administration of the estate. I now refer to new section 17 (1) of the Wills Act Amendment Act, 1972, which provides:

No will or testamentary provision therein shall be void by reason only of the fact that the execution of the will is attested by a person, or the spouse of a person, who has or may acquire, in terms of the will or provision, any interest in property subject thereto.

My attention has been drawn to the fact that difficulty has been encountered in cases where wills include a clause allowing a solicitor to make a charge for his services, and where it so happens that the solicitor was one of the witnesses to the will, he is regarded as a beneficiary and the provision applies to him. In obtaining probate, the matter has to be referred to a judge for a formal order. It seems to me that this situation was probably not intended. Will the Chief Secretary take up these questions with the appropriate Minister or Ministers; first, will he ascertain whether or not it is possible to allow a deduction for succession duty purposes of legal fees charged by a solicitor who happens to be an executor of the will, irrespective of whether there is formal permission in the will or not; secondly, will the Government consider a further amendment to the Wills Act to exempt a solicitor, who happens also to be a witness to the will and an executor, from the rather stringent provisions now required under the Wills Act and the Rules of Court made thereunder?

The Hon. A. F. KNEEBONE: I shall be happy to convey the honourable member's questions to my colleague and bring down a reply as soon as it is available.

PAMPHLETS

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

Leave granted.

The Hon. R. C. DeGARIS: I know that probably other honourable members have been approached with the complaints that I shall refer to. Also, there was a letter in this morning's *Advertiser* concerning this matter. The complaints relate to pamphlets handed out to teenagers entering schools last Friday. The pamphlets advocate indiscriminate sex, the naturalness of homosexuality, and the overthrow of authority. I am certain that honourable members would share my view and the view expressed in the letter in the *Advertiser* on this matter. Will the Minister of Education examine the position and, if necessary, take whatever action is required to prevent this type of activity outside schools?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring down a reply.

READING PROBLEMS

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply from the Minister of Education to my recent question about reading problems?

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

The purpose of the survey to which the honourable member referred in his question was to discover in some detail the extent of functional illiteracy among secondary students in some schools and to alert teachers to the fact that some secondary students have severe reading problems.

The fact that the survey showed marked differences between some schools was expected. In one metropolitan boys technical high school 33 per cent of the first-year boys, according to the test, had reading ages below 10 years, whereas metropolitan high schools had only 1.3 per cent of such children. The inference drawn by the honourable member that the results of the survey indicated a clear difference between the abilities of the various schools to provide reading instruction is understandable but not justified.

There will of course always be differences between the quality of teaching in different schools and by different teachers. However, the problem lies deeper than this. Not the least of the factors likely to advance or impede reading ability is the sociological background of the student. Children attending a school in any neighbourhood that is socially and economically deprived will probably have lower average reading ages than their contemporaries in areas not similarly deprived.]n addition, there arc problems with large non-English migrant populations. When these factors are combined the problem is compounded.

Also, because of the raising of the leaving age and the present policy of promotion through primary school many children in these areas who either left before secondary school or were much older on transfer are now in secondary schools. This increased considerably the number of poor readers in secondary schools.

Administrators and teachers are well aware of the reading problems in primary schools. Steps already taken to remedy things include the establishment of the Reading Centre that acts as an inservice training centre for teachers of reading and trains advisory teachers in reading. Displays and advice on reading materials are offered and a classification unit course on reading has begun. The centre is available for teachers to visit and seek advice. It is being expanded to increase the number of advisory teachers.

Professor Downing, a reading expert from the United Slates of America, visited the centre a short while ago. He stated that he believed that within the next five years it would have particular significance far beyond South Australia.

If obtainable, advisory teachers in reading will be appointed to some country regions in 1974. Considerable quantities of reading materials, such as laboratories and kits, are to be made available from available Commonwealth and State funds. Also, approval has been given for the widening of the availability of reading materials under the free book scheme.

Remedial teachers have been appointed in a number of schools of special difficulty, although this is not believed to be the final answer to reading problems. It is considered that reading difficulties should be tackled through better training and support of class teachers. The availability of pre-school education in some of the lower socio-economic areas is expected to assist with the pre-school language development so essential to successful teaching of reading.

MURRAY RIVER

The Hon. J. C. BURDETT: Has the Minister of Agriculture a reply from the Minister of Marine to my question of November 6 regarding restrictions on the speeds of boats using the Murray River?

The Hon. T. M. CASEY: My colleague has informed me that the Government is aware of the situation and it has decided to restrict temporarily the maximum speed of boats on the Murray River to 8 km/h. The restriction will apply to the entire length of the Murray in South Australia, with the exception of Lakes Bonney, Alexandrina and Albert. This decision has been publicized in the press.

HOUSE BUILDING COSTS

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to the question I asked some time ago regarding house building costs in South Australia?

The Hon. A. F. KNEEBONE: Figures released by the Commonwealth Statistician regarding the prices of house-building materials show percentage variations over specified

periods of time. Month by month comparisons can tend to be misleading; for example, between June and July, 1973. Adelaide housebuilding material prices rose by 2.8 per cent as against the average of 1.8 per cent for six capital cities, whereas between May and June, 1973, the figure for Adelaide was 1 per cent and for the six capital cities it was 1.9 per cent. The longer-term figures of 8.4 per cent for Adelaide as against the average for the six capital cities of 7.3 per cent for the period July, 1972, to July, 1973, are more meaningful indicators. However, an investigation regarding why the percentage increase for Adelaide was higher revealed that building material prices in Adelaide in the base year of the price index (1966-67) were, in the main, below prices in other capital cities, some substantially so.

This situation helps to explain the trend in recent years for the percentage increase in prices in Adelaide to be somewhat higher. It does not necessarily mean that actual monetary increases have been greater, nor does it mean that South Australian prices of the various materials are higher than those in other States. The investigation also indicated that building materials represented about 40 per cent of the price of a new house (excluding land) and that over half of the materials used were produced outside of South Australia. Consequently, effective control that can be exercised on these items is limited. Building materials produced in this State represent less than 20 per cent of the total price of the house. A number are under control and in most cases prices are well below other States. Although the 15 per cent increase in total house-building costs mentioned by the Leader has not been the subject of investigation, a recent Australia-wide survey by the *Australian* in July, 1973, indicated that building costs overall were 5 per cent to 6 per cent less in Adelaide than they were in Sydney and Melbourne.

TRAFFIC LIGHTS

The Hon. Sir ARTHUR RYM1LL: I seek leave to make a statement before asking of the Minister of Health, representing the Minister of Transport, a supplementary question to the one I asked some lime ago about traffic lights.

Leave granted.

The Hon. Sir ARTHUR RYM1LL: The Hon. Mr. Gilfillan yesterday sought from the Minister, on my behalf, the reply to my question. The last paragraph of the reply suggests that I did not ask my question satisfactorily, or that it was misunderstood, because the reply states:

> The signal operation at the intersection of King William Street, Currie Street and Grenfell Street was checked by the Adelaide City Council, which advised that there were no reported faults on October 4.

I never suggested there was a fault in the lights, only that there was a fault in the system used. The reply continues:

> The Fire Brigade also advised that the signals were operating correctly at the time it proceeded through this intersection shortly after 2 p.m.

I never suggested otherwise and, again, it was the system I was worried about, not its operation. The main part of the reply includes a statement (I am talking about stationary signals, and not flashing lights, as were previously used) as follows:

> On many occasions the fire units were confronted with queues of stationary vehicles on each approach to an intersection.

This is absolutely correct, but will the Minister of Transport's department consider the introduction of flashing green lights, where vehicles are required to be moved out of the way, and flashing red lights, where vehicles are to be held up? As a result, people would know that something different was happening and they would not fall into the error of driving into the area, as so many motorists did on the occasion that I referred to, because they thought something went wrong with the lights. We who were observers knew that nothing had gone wrong with the lights, and I did not suggest that for a moment.

The Hon. D. H. L. BANFIELD: I appreciate that the honourable member did not make any suggestion that there was anything wrong with the lights. I am sorry that someone in the department construed his question in this way, but I will refer the question to the Minister of Transport once again and bring down a reply as soon as possible.

PARLIAMENTARY PAPERS

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

Leave granted.

The Hon. R. C. DeGARIS: Following the gazettal of regulations under the Underground Waters Preservation Act, considerable discussion has taken place in some organizations on the need to keep people informed of what is contained in such regulations. It has also been suggested that people should be informed of the Government's intention in introducing such regulations. One organization has suggested that all Government and non-government schools (primary and secondary), institutes, town or regional libraries, and councils should be supplied with copies of *Hansard* and other relevant Parliamentary Papers (including Bills and regulations) free of cost. Will the Minister of Agriculture refer this matter to his colleague, the Minister of Education, to see whether this request can be met?

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

MINISTERIAL STATEMENT: HAIL DAMAGE

The Hon. A. F. KNEEBONE (Chief Secretary): I seek leave to make a statement.

Leave granted.

The Hon. A. F. KNEEBONE: Following the deputation which waited on the Deputy Premier yesterday, Cabinet has further considered representations made on behalf of growers by the Hon. Mr. Dawkins and Mr. Hall, M.P. It has been decided that advances that are made to these growers to assist them to overcome the effects of storm damage will be on an interest-free basis for one year, and the question of the interest rate that will apply after the expiration of the first year will be reviewed in the light of individual circumstances and experience during that period. If the financial situation of growers, either individually or collectively, indicates that a further concession is desirable, I will be willing to give sympathetic consideration to the question at that time.

Loans will be repayable over a period of up to 7 years, depending on individual circumstances and requirements, and this term will also be the subject of a review where individual circumstances indicate the need. I point out that in previous instances of disasters of this nature, in which we have carried out the same sort of operation, sympathetic consideration has been given to the matter and, if necessary, the terms of loans have been extended.

I point out that, in terms of the Act under which assistance is provided for natural disasters of the type now being considered, no advance can be made unless I can be satisfied that the primary producer concerned

is in necessitous circumstances, mainly because of the natural calamity concerned, that the advance is necessary for him to continue in the business of primary production, that he has no other source of funds available to him for that purpose and that, given the advance, he has a reasonable prospect of being able to continue in the business of primary production. In view of the foregoing conditions, those farmers who have sufficient financial resources to be able to reinstate themselves would not qualify for assistance, nor would those who cannot, show reasonable prospects that, with the assistance available, they would be able to continue in their business. This is laid down in the Act, and for that reason I have drawn the attention of certain people to these conditions.

TRAVELLING STOCK RESERVES: RIDLEY

The House of Assembly intimated that it had agreed to the Legislative Council's resolution.

TRAVELLING STOCK RESERVE: PARNAROO

The House of Assembly intimated that it had agreed to the Legislative Council's resolution.

FLINDERS UNIVERSITY OF SOUTH AUSTRALIA ACT AMENDMENT BILL

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

ROSEWORTHY AGRICULTURAL COLLEGE 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 represents a further step in the Government's programme of improving the status of colleges of advanced education. Its purpose is to provide the Roseworthy Agricultural College with an autonomous administration in which both staff and students of the college will participate. The Bill thus confers on Roseworthy the same kind of status as that enjoyed by the other colleges of advanced education in this State. The Bill contemplates that the college will continue, as it has in the past, practical agricultural operations. This is, of course, vital if the students of the college are to obtain adequate experience in the techniques of agriculture and also in the application of the principles of economy and business management that are so necessary if primary production is to be carried on economically and to the public benefit.

The Bill also contemplates further expansion in the functions of the college. The Government believes that the Roseworthy college is the appropriate institution to provide instruction not only in the science and techniques of primary production but also in the techniques involved in processing the produce of primary production for various commercial purposes. In this regard the college is already well known throughout Australia for its oenology course. The Bill provides for the constitution of a governing body consisting of 16 members. In accordance with the policy of the Government, the governing body is to contain some members drawn from the academic staff of the college, the students of the college and the ancillary staff (that is, other employees) of the college.

Other members will be drawn from associated institutions and from relevant sections of the community. There is to be a Director of the college who will be responsible to the council for the management and administration of the college. The council is empowered to make statutes and by-laws governing the administration of the college and the conduct of students, staff and other persons while on the college grounds.

The effect of the various provisions of the Bill is as follows: clauses 1 and 2 are formal. Clause 3 provides for the repeal of the Agricultural College Act, 1936-1940. Clause 4 contains a number of definitions required, for the purposes of the new Act. Clause 5 provides for the Roseworthy Agricultural College to continue in existence. It provides also that the college is to be a body corporate with full legal capacity to enter into contracts and incur other legal rights or liabilities.

Clause 6 sets out the functions of the college. It is to provide advanced education and training in the theory, management and practice of primary production, in the methods of marketing the produce of primary production, and in the nature and management of industrial processes involved in agricultural processing industries. Il may also provide advanced education and training in such other fields of knowledge and expertise as the council nay determine after consultation with the Board of Advanced Education. The college is empowered to conduct research into the theory and practice of primary production, the marketing of agricultural products, and into agricultural processing industries. The college is empowered to provide post-graduate or practical courses for the benefit of those engaged in occupations for which the college provides education and training. The college is empowered to cary on the business of primary production to market agricultural products and to engage in any agricultural processing industries to the extent that the council considers necessary or desirable for the purpose of performing its primary function of providing advanced education and training.

Clause 7 empowers the college to confer degrees, diplomas and other awards accredited by the South Australian Board of Advanced Education. The college may also award scholarships to students of the college. Clause 8 prohibits the college from discriminating against or in favour of any person on the ground of sex, race, marital status, or religious or political belief. Clause 9 provides that the college is to be managed and administered by a council constituted of 16 members. Clause 10 provides for the appointment of a President and Vice-President of the council. Clause 11 deals with the terms and conditions upon which the members of the council shall hold office. Clause 12 deals with the conduct of business by the council. Clause 13 provides that an act or decision of the council shall not be invalid by reason of vacancies in its membership. Clause 14 provides for the council to be the governing authority of the college and empowers it to dp all things necessary for the proper administration of the college.

Clause 15 provides that, in the exercise of its powers and functions under the new Act, the council should collaborate with the South Australian Board of Advanced Education, the Education Department and the Further Education Department, the Agriculture Department, the Australian Council on Awards in Advanced Education, the Australian Commission on Advanced Education, and any other body with which collaboration is desirable in the interests of promoting the objects of the new Act. The college is empowered to make arrangements with the Agriculture Department which will conduce to the proper instruction of students of the college or the efficient conduct of business in which the college is engaged. Clause 16 deals with the internal organization of the college. Clause 17 provides for the appointment of the Director of. the college. Clause 18 deals with the formation of a students' representative council.

Clause 19 provides for the vesting of property in the college. Clause 20 provides for the transfer of staff from the Public Service to the employment of the college. A working party is now preparing a basis upon which present staff will have the right of individual determination as to whether they wish to transfer from Public Service employment to college employment or to remain with the Public Service and leave the college. The basis for staff transfer will be identical with that which operated successfully when the former teachers colleges became colleges of advanced education. Clause 21 empowers the council to make statutes dealing with the administration of the college. Clause 22 empowers the council to make by-laws. Clause 23 deals with various ancillary matters affecting statutes and by-laws.

Clause 24 provides for the council to make a report upon the administration of the college in each year. Clause 25 provides for the college to keep proper accounts of its financial affairs. Clause 26 is a financial provision. Provision is made for the annual costs of operating the college to be met by the Treasury. The Bill also provides that part of the net income arising from the sale of farm produce shall remain with the college to assist in further development. Clause 27 enables the college, with the approval of the Treasurer, to borrow money for the purpose of its functions under the new Act. Clause 28 exempts the college from gift duty, land tax, and rates under the Local Government Act. Clause 29 provides that the Public Service Act is not to apply to the college or any employee of the college in his capacity as such.

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

EGG INDUSTRY STABILIZATION 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.

Honourable members may be aware that there has been a significant expansion of the production of eggs throughout Australia since 1965, when the Commonwealth hen levy scheme was introduced. The effect of this expansion may be seen by the fact that between 1965 and 1972 the number of leviable hens in Australia has increased by 37 per cent, and in South Australia by 36 per cent.

The hen levy scheme was introduced to provide for the equalization of domestic and export returns. As a result of the implementation of the scheme, State egg marketing authorities were able to pay attractive prices to producers, and these pricing policies, combined with technological advances in management and production, gave rise to a period of comparative high profitability within the industry. It was in this period that the expansion to which I have referred occurred.

This expansion persisted despite warnings given by the Australian Agricultural Council as early as 1967 and repeated on a number of subsequent occasions. When lhe expansion resulted in more eggs being produced than could possibly be absorbed in the domestic and export markets, the surplus production was processed into egg pulp. However, following the contraction of oversea markets, it became impossible to sell all of the surplus egg pulp within a reasonable time following manufacture. As a result, increasingly large quantities of pulp had to be field for extended periods, and considerable storage costs were incurred. This resulted in acute financial difficulties for the State marketing authorities. To meet this situation prices to producers had to be sharply reduced, and eventually reached levels that were uneconomic for many egg producers.

These developments gave rise to strong representations from the relevant industry organizations throughout Australia for the introduction of some form of production control. Agreement in principle between the various States of the Commonwealth as to the introduction of these controls has now been reached. Controls such as these can operate effectively only on an Australia-wide basis, and agreement between the States was expedited by a decision of the Commonwealth Government to provide finance to assist in the disposal of surplus egg pulp on condition that all States agreed to implement production controls. The Government's announcement that it would introduce legislation to effect these controls or “demand supply management”, as it should more accurately be called, was made in April of 1972. At the same time it was announced that the “cut-off” date for the purposes of the assessment of quotas would be March 2, 1972, and the period for the establishment of base quotas would be the 12 months ended March 2, 1972. This Bill proposes the implementation of controls; it follows in broad outline the principles adopted in New South Wales and Victoria and has been prepared after consideration of submissions made by all of the relevant poultry industry bodies.

I draw honourable members’ attention to a most important feature of this legislation—the provisions of clause 49. Briefly, this clause provides that if, before the Act is substantially brought into operation, the Minister receives a petition signed by not less than 100 persons who are eligible to vote at an election under the Marketing of Eggs Act, 1941-1972, praying that a poll be held to determine whether or not the Act shall be brought into force, the substantial bringing into operation of the Act shall be delayed. Provision is made in this clause for the holding of such a poll and, if the majority of persons voting at the poll indicate that they do not wish the Act to be brought into substantial operation, that will be the end of the matter. Thus, in the manner set out in the foregoing it is provided that this Act shall come into operation only if it is the desire of the producers in the industry.

Clauses 1 to 3 are formal. Clause 4 sets out the definitions necessary for the purposes of this Act. Clause 5 exempts from the application of the Act persons who or partnerships which do not own or keep 20 hens. Such persons and partnerships do not pay hen levy to the Commonwealth, and will accordingly not be affected by this Act. In addition, certain educational institutions will also be exempted from the operation of the Act. Clause 6 constitutes a poultry farmer licensing committee. This committee will consist of the three persons appointed by the Governor to the South Australian Egg Board. Honourable members will recall that this board consists of three persons appointed by the Governor and three persons elected. Clause 7 is quite formal and provides for meetings, etc., of the licensing committee. Clause 8 is again a formal provision that provides that no act or proceeding of the licensing committee shall be invalid only on the ground of a vacancy in the office of a member of the licensing committee. Clause 9 provides for the appointment of persons employed by the board as inspectors for the purpose of this Act. Clause 10 gives power of entry and inspection to the inspectors. I point out that this power cannot in the terms of the measure be exercised in any place used for residential purposes without the consent of the occupier of those premises.

Clause 11 entitles the inspector to demand the name and address of a person suspected of having committed an offence under this Act. Clause 12 provides for certain offences in relation to impersonating inspectors, etc. Clause 13 provides for the division of poultry farmers into two categories—group I and group 11. The criteria for inclusion in group I are set out in subclause (1) *(a)* of this clause, and group II will comprise any licensees who do not fall within the group 1 category. In broad terms, group I poultry farmers will be those poultry farmers who have an established business and were engaged in the production of eggs before the "cut-off" date—that is, March 2, 1972. Group II poultry farmers are poultry farmers who do not fall into the group 1 category. In addition, this clause provides that a poultry farmer who would otherwise be a group I poultry farmer may, within the period fixed by subclause (3) of this clause, elect to be treated as a group II poultry farmer. This election is provided for because it may be of advantage to a group I poultry farmer in certain circumstances to have his base quota calculated in the manner provided for by clause 20 in lieu of the manner set out in clause 19. At this stage. I must emphasize that it is of paramount importance that those poultry farmers who, in terms of this measure, are likely to be group I poultry farmers carefully consider their position and, if they desire to make an election, ensure that it is made within the lime set out in subclause (3). It will be quite impossible for any late elections to be considered.

Clause 14 makes it an offence to keep hens without being the holder of a licence under the Act. This clause is subject to certain exceptions, which are set out therein. Clause 15 provides for the grant of annual licences and, in summary, provides that every poultry farmer as defined who applies for a licence and pays the fee demanded shall be entitled to the grant of a licence. I draw honourable members' particular attention to subclauses (6) and (7) of this clause, which provide for a day on or before which applications must be made for a licence for a particular licensing season. Clause 16 sets out certain formal requirements for a licence. Clause 17 provides for the fixing of an annual licensing fee, and the Government has in mind that this fee will be 1c for each hen that may be kept pursuant to the licence. Clause 18 sets out the circumstances, under which a licence may be cancelled, and subclause (2) of this clause provides that, in the case of a less serious offence, the licensing committee may reduce the hen quota of a licence holder. All these decisions of the licensing committee are subject to appeal.

Clause 19 and the clause next following are commended to honourable members' close attention. Clause 19 provides that the base quota of a group I poultry farmer shall be a number equal to the highest number of hens in respect of which the poultry farmer paid hen levy during the year concluding on May 2. 1972. Clause 20 provides that the base quota of a group II poultry farmer is a number equal to the average number of hens on which he paid hen levy during the period of one year concluding on June 29, 1973, unless the group II poultry farmer has been in business for a lesser period, in which case it will be based on the average number of hens kept during that lesser period. Provision is also made in this clause to cover the case of a group II poultry farmer who acquired the property of a person who, had the measure been in force at the relevant time, would have been a group I poultry farmer; in that case, the group II farmer is entitled to have the base quota that the group I poultry farmer would have had. In addition, certain elections are provided for by this clause to mirror the elections provided under clause 13 adverted to earlier.

Clause 21 is formal. Clause 22 provides for the establishment of a State hen quota for each licensing season. Clause 23 provides for the fixing of the hen quota for each poultry farmer. Briefly, this figure is arrived at by dividing the hen quota by a figure representing the total of all the base quotas fixed by the licensing committee and multiplying the result by the base quota of the particular poultry farmer. It will be seen that, as the State hen quota rises or falls, so will the number of hens that may be kept by the poultry farmer rise or fall. The State hen quota is, of course, the maximum number of hens that may be kept in this State in respect of any licensing season. Clause 24 provides for the establishment of hen quotas in subsequent licensing seasons, and the principles applied will be similar to those mentioned in relation to clause 23. Here, I draw the attention of honourable members to the maximum limitation of 50 000 hens that may be kept by any poultry farmer. At present in this Slate numbers of this order are not kept by any poultry farmer, and it is the intention of the Government that agglomerations such as this will not be permitted to occur.

Clause 25 will enable hen quotas to be traded, and this clause sets out the circumstances in which they may be traded. The approval of the committee is necessary for any such trading, and I draw honourable members' particular attention to subclause (3), which is intended to prevent the concentration of production in any particular area of the Stale and also to prevent the concentration of production in a few hands. Clause 26 is a machinery provision. Clause 27 provides for the recalculation of hen quotas upon a trading referred to in clause 25. Clause 28 provides that the licensing committee may grant a licensee a permit that authorizes him to keep hens for human consumption.

Clause 29 provides for a Poultry Farmer Licensing Review Tribunal to hear and consider appeals under the Act. Clause 30 provides for the manner in which the tribunal is to be constituted. Clauses 31, 32 and 33 are machinery provisions, and clause 34 provides that the decision of the review tribunal shall be final. Clause 35 sets out the provisions relating to appeals against decisions of the licensing committee and the powers of the tribunal in relation thereto. Clause 36 provides for payment of members of the licensing committee and the review tribunal and all other costs of administration of the Act to be made by the South Australian Egg Board.

Clause 37 provides that costs recovered under the Act shall be payable to the board. Clause 38 provides for the keeping of records by certain persons, and clause 39 relates to the provision of information by applicants for licences. Clause 40 provides for the surrender of a licence on its cancellation. Clause 41 provides that a member of the licensing committee shall not exercise his vote in respect of a matter in which he has a financial interest. Clause 42 provides for an annual report by the licensing committee, and subclause (2) provides that the report shall be laid on the table of this Council. Clause 43 empowers the Minister to require further information on the workings of this Act.

Clause 44 is a general penalty provision. Clause 45 is a formal provision. Clause 46 imposes a certain liability on persons concerned in the management of a corporation in respect of an offence committed by the corporation. Clause 47 is a general suspending provision and is intended for use should the demand

for eggs suddenly increase to the extent that controlled production may, temporarily, not be required. Clause 48 is a formal regulation-making power. Clause 49 provides for a poll on the question of whether or not this Act is to come into substantial operation; it has already been discussed. Clause 50 provides for polls on the continuation of the Act and is generally self-explanatory. Clause 51 is a formal provision.

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

FILM CLASSIFICATION ACT AMENDMENT BILL

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

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

The Film Classification Act has now been in operation for about two years. The present amendments are designed to assist in overcoming a few practical problems in its administration that have arisen over that period. The first amendment makes it an offence for an adult person to assist a child aged between two years and 18 years to gain admission to the exhibition of a film to which a restricted classification has been assigned. This will enable a prosecution to be launched against an adult person who may moially be the real offender in this kind of offence. The Bill gives an exhibitor greater power to requiie evidence of age from a person who seeks admission to a theatre in which a film to which a restricted classification has been assigned is being, or is about to be. exhibited.

The Bill seeks to give appropriate legal effect to the classification assigned to a film. It is clearly ludicrous that, where a film has passed the censorship authorities established under the national scheme of film censorship and a classification has been assigned, the exhibitor of the film may have to face further challenge to his right to exhibit the film in the courts. The Bill therefore provides that, where a classification ha; been assigned to a film in accordance with the principal Act, it shall not be an offence to exhibit the film in accordance with that Act. The final amendment deals with the problem of the exhibition of R classification films in drive-in theatres. The amendment provides that where, in the opinion of the Minister, the exhibition of a film can be viewed from a place outside the theatre in which it is being exhibited, Lhe Minister may, by order, prohibit the exhibition of R classification films in that theatre.

Clause I is formal. Clause 2 makes it an offence for a person to assist a child to obtain admission to a theatre in which an R classification film is being, or is about to be, exhibited. It also empowers the exhibitor or an employee of the exhibitor to obtain evidence of age from a person seeking admission to the theatre. Clause 3 prevents further legal challenge on grounds of censorship where a film has been classified by the appropriate authorities, and it also enables the Minister to prohibit the exhibition of R classification films in certain drive-in theatres.

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

URBAN LAND (PRICE CONTROL) BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendments.

Consideration in Committee.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That the Council do not insist on its amendments.

Another place has rejected *in toto* the amendments made by this place. The reason for the other place's disagreement is that the amendments destroy the effectiveness of the legislation. I strongly opposed the 36 amendments that this place made to the Bill, and for me to repeat my attitude to the amendments would not have much effect on honourable members. In my opinion, the best way to deal with the problem is for us to take the necessary steps that will lead to a conference, at which the managers can see whether it is possible to reach a reasonable compromise. Without doing that, I cannot see that we could reach agreement with the Opposition. As I realize that I will be unable to achieve what I wish in this matter, I think the best thing for me to do is to deal with the amendments *in toto.*

The Hon. R. C. DeGARIS (Leader of the Opposition): I am pleased to see that the Chief Secretary is a realist.

The Hon. A. F. Kneebone: As I have always been.

The Hon. R. C. DeGARIS: The Council has tried to protect not only the public of South Australia from an irrational approach but also the Government from its own lack of understanding of the problems. The Government attempted in its advertisement some time ago to convince the people of the State that it was interested mainly in providing an increased supply of serviced urban blocks to the community so that the price escalation would be contained. Yet. the effect of the proposals in the Bill as it came to the Council would have had the opposite effect in many respects. Honourable members understand that land price control allows undesirable practices to develop, and no-one in the community wants to see that happen.

The Government's policy speech at the last election advocated the establishment of a Land Commission (which has already been established by legislation) and provided that, if that did not work, the Government would consider the question of urban land price control. However, if the Government uses the powers available to it in the Land Commission Bill and makes a concerted effort to overcome the bottlenecks in certain Government departments in relation to the provision of services and urban blocks, I believe there is no need to proceed with the urban land price control legislation. As I have already pointed out, the ills that come from such legislation have been experienced before (and honourable members will understand what I mean when I say that). We have gone along with the Government to exercise certain price control to overcome the problem it has highlighted, namely, the speculation in urban blocks, but I do not think that that is the main problem.

The controls which the Bill in its original form would have placed on the community would only add to the lack of supply of blocks within the next year or two years, and this would add nothing to the Government's slated policy. What the Council's amendments do is virtually to concede more than the Government required in its policy speech. I refer to the Speechley report, which has largely been overlooked in the framing of this legislation. If one reads the report carefully, one will find that the Bill in its present form (with the Council's amendments) fits almost perfectly into the philosophy expressed in the report, which the Government commissioned and which was brought down only last April. I believe it is reasonable to expect that the Government would have made some attempt to accept the Council's amendments. However, I accept the Chief Secretary's viewpoint that there are probable areas of compromise. I believe that the Bill as it left the Council interprets

accurately the philosophy contained in the Speechley report and more than fairly interprets the Government's stated intention at the last election. Therefore, I oppose the motion.

Motion negatived.

Later:

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council agreed to a conference, to be held in the Legislative Council committee room at 2 p.m. on Tuesday, November 20, at which it would be represented by the Hons. J. C. Burdett, B. A. Chatterton, Jessie Cooper, R. C. DeGaris, and A. F. Kneebone.

The Hon. A. F. KNEEBONE (Chief Secretary) moved:

That Standing Orders be so far suspended as to enable the conference to be held during the adjournment of the Council and that the managers report the result thereof forthwith at the next sitting of the Council.

Motion carried.

LEAVE OF ABSENCE: HON. C. R. STORY

The Hon. R. C. DeGARlS moved:

That one month's leave of absence be granted to the Hon. C. R. Story on account of illness.

Motion carried.

WHEAT DELIVERY QUOTAS ACT AMENDMENT BILL

The Hon. T. M. CASEY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Wheat Delivery Quotas Act, 1969, as amended. Read a first time.

The Hon. T. M. CASEY: I move:

That this Bill be now read a second time.

It proposes two changes of great significance in the principal Act, the Wheat Delivery Quotas Act, 1969, as amended. First, it proposes that nominal quotas may be established for certain production units from traditional wheatgrowing areas from which for one reason or another wheat was not produced and delivered to a licensed receiver during the "prescribed period", that is, the five consecutive seasons concluded on September 30, 1969. Secondly, it will permit farmers to trade in wheat delivery quotas by making such quotas or portions of quotas transferable, with the approval of the advisory committee.

I now explain the Bill in detail. Clauses 1 and 2 are formal. Clause 3 is consequential upon an amendment effected by clause 7. Clause 4 amends section 19 (*a*) by striking out a reference to bushels, in pursuance of the policy of converting to the metric system of measurement. It also amends section 19 (*b*), by ensuring that the penalty for making a false or misleading statement in an application under section 19 will apply equally to a false or misleading statement in an application made under proposed new section 24g, which deals with applications for special nominal quotas. Clause 5 provides that a person who would otherwise be allocated a wheat delivery quota for a quota season may request the advisory committee not to allocate such a quota for that season. Such a request will not prejudice the right of that person to be allocated a wheat delivery quota in respect of subsequent quota seasons.

Clause 6 provides for the establishment of special nominal quotas in respect of production units adverted to above. A production unit will qualify under this provision if wheat was produced and delivered from it during two or more of the 10 consecutive seasons that concluded on September 30, 1964, this period being the period immediately preceding the period on which wheat delivery quotas were originally based. The highest special nominal quota that can be allocated under this section is 109 tonnes or approximately 4 000 bushels. The method of calculating the special nominal quota is set out in proposed subsection (4). Upon establishment, special nominal quotas will be regarded as ordinary nominal quotas established under section 24a of the Act.

Clause 7 provides for transfer of quotas on a season to season basis; in short, only the right to deliver wheat for a particular season can be transferred. With one exception, a wheat delivery quota increased as a result of an approved transfer will for all purposes be regarded as a wheat delivery quota allocated in respect of a production unit. The exception is that where all the wheat from a production unit delivered in respect of a season is less than the amount by which the wheat delivery quota for that production unit was increased by way of a transfer of a quota, then the difference between the amount of the increase and the amount actually delivered will not be taken into account in determining the short-fall of that production unit. Clause 8 provides for the exception adverted to in relation to clause 7.

The Hon. G. J. G1LFILLAN secured the adjournment of the debate.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

In Committee.

(Continued from November 14. Page 1764.)

Clause 2 passed.

Clause 3—"Public Trustee to be under control of Governor, etc."

The Hon. R. A. GEDDES: The Committee will recall that I asked yesterday why, after all these years, it has been found necessary to provide in the Bill that the Public Trustee is an instrumentality of the Crown, bearing in mind that he has been such for many years. Can the Chief Secretary now answer that question?

The Hon. A. F. KNEEBONE (Chief Secretary): I am informed that the Public Trustee has always been considered to be an instrumentality of the Crown. However, as some doubts have been raised about the matter, this provision has been included in the Bill to clarify the situation.

Clause passed.

Clause 4—"Expenditure of moneys from common fund in the purchase of certain real property."

The Hon. R. A. GEDDES: Under my proposed amendment. any construction undertaken on behalf of the Public Trustee would, if it cost more than $300 000, have had to be referred to the Public Works Standing Committee for investigation. However, I have been told, since talking with the Parliamentary Counsel today, that this would not be a practical approach, as the Public Trustee would be using trust funds. As a trustee of the common fund, the Public Trustee is obliged to ensure that any investment he makes is a sound one, and to make the Public Works Committee adjudicate on such matters would merely frustrate not only the construction of the department's building but also future developments relating to deceased estates. I do hot therefore intend to move my amendment.

Clause passed.

Title passed.

Bill read a third time and passed.

LAND AND BUSINESS AGENTS BILL

Adjourned debate on second reading.

(Continued from November 14. Page 1758.)

The Hon. F. J. POTTER (Central No. 2): My remarks on the Bill at this stage will indeed be brief because, first,

I support the Bill and, secondly, the overwhelming majority of its provisions are long overdue. It was always a source of amazement to me that exactly 12 months ago the Government decided that it would not give way on the contentious issue regarding similar legislation that previously went to a conference and, as a result of that attitude, which was a deliberate attempt to gain some political advantage out of the Bill, the whole measure had to be laid aside. I greatly regretted that at the time, and I hope that that situation does not arise again, because we in this State need the provisions regulating land and business agents.

The contentious issue in this Bill (contained in clause 61) is the question of licensing land brokers and the work they will be allowed to do. Clause 61 still remains, but the Government has softened its approach to it. However, the provision contained in that clause does not go far enough. I will not say much about the clause at this stage, because I have somewhat of an ambivalent attitude towards the work done by land brokers. It is my experience that the land-broking profession has served the South Australian community well. No great criticism can be levelled against the work done by land brokers. It certainly cannot be said that the professional fees they charge are in any way unusual, which is somewhat of a contrast to the situation that exists in the eastern States, where this kind of work is within the sole province of solicitors.

When this Bill was introduced previously, one or two instances were dragged out of cupboards and exhibited to this Chamber as being illustrations of some of the difficulties and conflicts of interest in which land brokers had found themselves. The one or two instances referred to were unusual and arose out of exceptional circumstances, but were by no means representative of the conduct of land brokers as a whole and, because of that, were not persuasive, as far as I was concerned, in trying to curtail land-broking work. This Bill, i believe, tries to curtail their work. In my experience as a solicitor (and I believe all legal practitioners would say the same) the real problem in this field arises in the drawing up of contracts by land agents and land salesmen. Solicitors are constantly confronted with problems where contracts are drawn so loosely that the rights of the parties are difficult to interpret. In the last two or three weeks I have been approached by people in my district with two contracts containing terms that were ambiguous. In such cases it is difficult to know exactly what are the rights of the parties—something which I consider most unfortunate.

The Hon. Mr. Hill said that he feared the Government would, at some stage or another, introduce an amendment to make it compulsory for solicitors to be the only people involved in the preparation of contracts for the sale of land. It that provision is introduced by this Government I will find it difficult to vote against it, because I believe that is one area in which we need proper control. Indeed, this matter causes much trouble and makes people incur greater costs than any other single thing of which I know. The work of the land broker is in a different category and it cannot be claimed that in this State they have in any way failed the public in carrying out their duties.

I agree with other honourable members that this is a Committee Bill. There was a lengthy debate in this Chamber about 12 months ago on a similar Bill, and I do not believe that any good will come from reiterating the arguments that other members and I put before the Council on that occasion. In fact, in the speeches made by honourable members to this Bill, all the relevant points were covered and all the difficult matters contained in the Bill were adverted to. When this Bill was debated during the last session I moved several amendments, and I will move them again in the Committee stages of this Bill.

I hope that when this Bill gets into the Committee stage we shall find a solution to the difficult problems contained in clause 61 and the one or two matters mentioned by the Hon. Mr. DeGaris in connection with the requirements of contracts and the need to disclose unnecessary details. All these matters were dealt with on the last occasion and were the subject of amendments. A conference was held regarding the Bill but, unfortunately, we were unable to get beyond clause 61 at that conference and, because of disagreement on the principle involved in clause 61, none of the other matters received real consideration. I hope this situation will not arise again; I support the second reading and believe in many ways that this is one of the most important Bills that the Government has introduced this session. Also, I hope that this time it will not founder.

The Hon. J. C. BURDETT secured the adjournment of the debate.

COMMERCIAL MOTOR VEHICLES (HOURS OF DRIVING) BILL

Adjourned debate on second reading.

(Continued from November 14. Page 1759.)

The Hon. M. B. DAWKINS (Midland): As the previous speaker said, in referring to the Land and Business Agents Bill, that he would be brief I, too, indicate that I will be brief in debating this Bill, because it has been dealt with very well by my colleagues, the Hon. Mr. Whyte and the Hon. Mr. Hill. Therefore, there is no need for me to reiterate, at any length, what they said, although some things were said to which I shall refer later. The Bill, as the title suggests, is "An Act to provide for the control and regulation of the hours of driving of drivers of certain motor vehicles, and for other purposes." I underline that "certain motor vehicles" should be emphasized, and I will refer to those words again.

With some reluctance I support the Bill, because, it involves further record-making and book-keeping for many people. Nevertheless, this provision has been accepted in other Stales, but that does not necessarily mean that it should be accepted here. It is reasonable, for the sake of safety on our roads, that drivers should not drive for very lengthy periods. This happens particularly with transport drivers who drive until they are literally "dead on their feet". This is not good for them or for the public safety. It is necessary for these people to have adequate rest, but whether the hours specified in this Bill are the most advantageous might be open to debate and could be the subject of further attention in Committee.

I accept the introduction of this Bill in general terms, although, as I have indicated, I believe that the Bill needs attention in Committee because some improvements are required. The Hon. Mr. Whyte referred to clause 3 and raised the definition of "commercial motor vehicle". He indicated that the unladen weight, which is now written as "four tonnes" should be "five tonnes", which is a good point and something with which we should proceed. After all is said and done, this Bill is needed to deal with commercial transport in particular and not with smaller private trucks. The other matter to which the honourable gentleman referred in that definition was the next to last line, which contains the words:

... to be used for the carriage of passengers or goods for hire or reward or in the course of any business or trade.

The original Bill contained these words:

. . . intended to be used for the carriage of passengers or goods for hire or reward in the course of any business or trade.

The word "or", where it occurs for the third time in the first quotation, was not in the Bill as originally presented. I have already indicated that I intend to move for the deletion of that word, because I believe that small two-letter word (although it seems popular to refer to four-letter words nowadays) makes all the difference in that its inclusion brings into the dragnet all and sundry, when the provisions of the Bill should refer only to the commercial transport that sometimes exceeds the normal and sensible limits of hours of driving.

One other clause I must mention in a brief examination of the Bill is clause 6 (5), which refers to fines. Tn speaking to another Bill yesterday, I said I believed that the maximum fine under that measure was excessive and could well be halved. I believe the Hon. Mr. Whyte made a similar comment when speaking to this Bill, and I agree that the penalty (although I know it is a maximum penalty) of $500 or imprisonment for six months is excessive. Certainly the latter penally, imprisonment for six months, should be deleted completely and the maximum fine should be halved. I thought the Minister was rather modest in his explanation of clause 7. It is perhaps an unusual characteristic for him.

The Hon. T. M. Casey: Oh!

The Hon. M. B. DAWKINS: T have never seen the Minister embarrassed in my life, except just the other day, but that is quite by the way. In his explanation the Minister said:

Clause 7 imposes on the owner of a motor vehicle the duty of obtaining from his drivers the duplicate copies of every record made by them.

That is a very moderate description of the clause, which does rather more than that. It provides that the owner of a commercial motor vehicle:

. . . shall obtain from every person whom he causes or permits to drive the motor vehicle every page marked "duplicate" in each authorized log-book that has been or should have been completed by that person and shall, for a period of not less than three months, retain those pages in chronological order at the place of business from which the motor vehicle normally operates.

I believe that is rather an unreasonable requirement. People who have many trucks on the road would need two or three more safes or cabinets in which to retain all these duplicates for a period of at least three months. I do not believe that is a reasonable or even a necessary provision. Clause 10 deals with offences against the Act. Subclause (1) states:

A person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence against this Act.

Subclause (2) provides:

A person who causes or permits any other person to drive a motor vehicle in this State in contravention of any of the requirements of this Act shall be guilty of an offence against this Act.

I do not believe that is a reasonable proposition, because the person or firm owning the trucks has no control over the driver once he is cleared from the depot to travel perhaps hundreds of miles. If the driver does something that contravenes the Act, why should the owner immediately become liable for the offence when at the lime concerned he had no control over the driver? Why should he be guilty of the offence? In this case the driver should be held responsible, not the owner; the driver is in control of the vehicle and he is the person doing right or wrong or committing sins of omission and he is, therefore, the person who should be liable to prosecution.

I do not believe log-book inspections should be carried out within a radius of 25 miles from the General Post Office. This could cause problems if. log-books were inspected in heavy traffic. This situation (that is, non-inspection of log books) already applies in other States—perhaps by a gentlemen's agreement, or perhaps it is written into their Acts; I am not sure. However, it is the case, I believe, in New South Wales, where the distance is 40 miles (64 3 km) from the G.P.O. and in Victoria, where the distance is 35 miles (56.3 km). There is no unnecessary holding up of traffic by big trucks being stopped for log-books to be checked within the outer areas of Melbourne or Sydney.

The Hon. R. A. Geddes: Instead of a 25-mile (40.2 km) radius, do you think it would be better to have a time limit?

The Hon. M. B. DAWKINS: That is a possibility. I thank the honourable member for that interjection. I think the possibility of 45 minutes or an hour might be a better idea than the mileage which I suggested. Reasonable provision should be made for the driver to proceed to his residence or to complete his journey if he is within a few miles of his destination. It seems completely unreasonable that, if a driver has completed his period of driving, he must, after unloading, stop within a few miles of his destination, or his home and stay there for a number of hours.

The Hon. T. M. Casey: Do you suggest a period of grace?

The Hon. M. B. DAWKINS: I think a period of grace should be granted to enable the driver to complete his job or to proceed to his place of residence, if that is within a reasonable distance. The Government would do well to look at that suggestion.

The Hon. T. M. Casey: You get a period of grace in hotels under the Licensing Act, don't you?

The Hon. M. B. DAWKINS: L think the Minister of Agriculture, who has wide experience in these matters, would be a far better judge of that that I. When he has had wide experience I am always pleased to acknowledge it. This is one of the instances (I was going to say one of the few instances) in which he has had wide experience. With those few comments, and with the aim of getting the Bill into Committee so that it can be further examined and improved, I support the second reading.

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

SOUTH AUSTRALIAN MUSEUM BILL

Adjourned debate on second reading.

(Continued from November 14. Page 1762.)

The Hon. R. A. GEDDES (Northern): I support the principle of the Bill. The Hon. Mrs. Cooper made an excellent speech yesterday and her preliminary remarks were most interesting. She spoke of the early history of the principal museum in Adelaide, which was started in about 1838. The speech makes excellent reading and emphasizes the wisdom and sound common sense of our forefathers in planning to record knowledge in a central place such as the Adelaide Museum. Many of our country areas at present are celebrating the centenary of their establishment. The people in the country, too, have at last awakened to the need for the preservation of historic relics in humble and

simple museums in country towns, which record what their forefathers did in opening up the country.

On that theme, it is sad to realize that it has taken us all so long to appreciate what has happened in the past, and therefore many records and relics have been lost, either through carelessness or by the effluxion of time, and are no longer to be found. The museum in Adelaide has made a successful attempt to preserve many things that a museum should preserve, and to collate material and arrange it in its correct order. This makes the museum the most fascinating teaching area that we could have anywhere in South Australia. There are some anomalies in the Bill which I wish to mention. The first is the reference by the Minister in his second reading explanation, when he said:

The timeliness of introducing this new Bill is emphasized further by the recent arrival of the museum's new Director.

I understand that the museum's new Director has been here for over two years, so how new is "new"?

The Hon. T. M. Casey: He was appointed by the Department of Environment and Conservation.

The Hon. R. A. GEDDES: So he was there before, but the Director was a member of the department, and no reference is made to his being a new member. Perhaps it is because he is a public servant that he does not come within the ambit of the Minister's reference. Clause 8 provides:

(1) A member of the board appointed by the Governor shall be appointed for a term of four years.

Then subclause (2) provides:

The Governor may appoint a suitable person to be a deputy of a member of the board, and such person, while acting in the absence of that member, shall be deemed to be a member of the board

No reference is made to what happens if the deputy becomes mentally or physically incapacitated or neglects his duty or is guilty of any dishonourable conduct. The Governor may remove only an appointed member of the board: there is no reference to what happens to the deputy who is appointed. May we take it that the deputy may commit any of the cardinal sins and still remain a deputy on the board?

The Hon. T. M. Casey: What about clause 8 (3)?

The Hon. R. A. GEDDES: That states that the Governor may remove an appointed member of the board, and that refers to clause 8 (J).

The Hon. T. M. Casey: Yes.

The Hon. R. A. GEDDES: That refers to a permanent member of the board appointed by the Governor, who shall be appointed for a term of four years, but subclause (2) provides that the Governor may appoint a deputy, and subclause (3) has no reference to a deputy's removal: that applies only to appointed members. Will the Minister look into that matter? We do not want a Bill that gives immunity to one section of the board and not to the other. Another anomaly is to be found in clause 12. In his second reading explanation the Minister said quite clearly:

The Director of the museum shall attend at every meeting of the board

The Bill contradicts that, for it states:

The Director shall, unless excused from attendance by the board, attend every meeting of the board.

The Hon. D. H. L. Banfield: You are getting a little technical, aren't you?

The Hon. R. A. GEDDES: That may be so, but let us get the second reading explanation in line with the intention of the Bill. Do not pull the wool over our eyes. Last night, I was talking to a member of the public about another Bill before Parliament, and he said, "That Bill is all right. I heard the Deputy Premier in another place giving the second reading explanation and, in it, he said certain things." But those things that the Deputy Premier said in his second reading explanation are not in the Bill. When I read the second reading explanation of this Bill, I thought how ridiculous it was that the Director must attend every meeting. Let us get things right.

The Hon. R. C. DeGaris: Or it could be the other way around, that the common sense in the second reading explanation is not in the Bill!

The Hon. R. A. GEDDES: Clause 13 provides:

(1) The functions of the board are as follows: (*a*) to undertake the care and management of the museum.

In this technical and technological age, with the potential growth of Monarto, and the possible need for the formation (to get some population there) of a museum staff, in view of this provision in the Bill the Government should look to any other museum where the State provides the principal funds for its operation, and that museum, too, should come under the cate and control of the Museum Board.

The Hon. R. C. DeGaris: Perhaps the new museum could be moved to Monarto.

The Hon. R. A. GEDDES: It was suggested yesterday that the Public Trustee could move his premises to Monarto. After all, there is huge activity in the Adelaide Hills, so perhaps we can examine that point later. Paragraph (*c*) of clause 13 (1) provides:

to carry out, or promote, research into matters of archaeological, anthropological, biological, geological and historical interest in this State.

I ask these questions in all sincerity: does that mean that the Museum Board can operate only in this State? Does it mean that it can collect material only in South Australia? Does it mean that it can collect material that appertains only to South Australia? Does it preclude the board or its staff from going to the Northern Territory to obtain the types of geological and historical specimens that can be examined from a scientific or teaching point of view when put in the museum? Does it mean that, with the Commonwealth Government's control of our coastline, the Museum Board or its staff cannot collect fish from the seas because those seas belong to the Commonwealth and not to the State? Does it mean that the board cannot collect sea shells from the sea-shore?

What does "in this State" mean? As the report from Dr. Grenfell Price said, some of the New Guinea specimens we have are among the best in the world. Does it mean that in future a person will be restricted if he desires to conduct research in connection with another part of Australia or another country? South Australia led the world in connection with Antarctic research. As a result of Sir Douglas Mawson's exploits, the museum has valuable displays of items collected in Antarctica. Surely we should not make a teaching unit so narrow that its scope is limited by lines on a map when, really, there is no boundary in the realms of science and learning. Clause 14 almost makes me wonder about the futility of Parliament. Clause 14 (3) provides:

The Director and other officers appointed under this Act shall be officers of the Department of Environment and Conservation.

For many years, certainly since 1939, the Director and officers were part of the Public Service called the Museum Department. Then, without any "by your leave" or advice to Parliament, on December 23, 1971. a notice appeared in the *Government Gazette* proclaiming that the office of Director of the Museum Department be abolished and

declaring that an additional department of the Public Service to be known as the Department of Environment and Conservation be formed. Section 15 of the Museum Act, 1939, provides:

(1) There shall be a department in the Public Service called "The Museum Department".

That provision, which had not been amended, was completely ignored. The *Government Gazette* did not repeal the old Act, but section 15 was changed by the stroke of a pen in Executive Council.

The Hon. T. M. Casey: This is in 1973.

The Hon. R. A. GEDDES: The notice in the *Government Gazette* appeared in 1971, and the Museum Act was passed in 1939. It is ludicrous to have an Act of Parliament if Executive Council can remove the degree of independence that should surely be possessed by the museum, one of lhe finest scientific and educational centres that the world has ever had. I support the second reading of the Bill, but there is room for amendments to be made to it during the Committee stage.

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

ROAD TRAFFIC ACT AMENDMENT BILL (WEIGHTS)

Adjourned debate on second reading.

(Continued from November 14. Page 1765.)

The Hon. C. M. HULL (Central No. 2): As is my custom, I shall endeavour to be very brief. This Bill is the second measure dealing with road transport control that is before the Council. The Minister and the Hon. Mr. Dawkins have adequately explained the Bill, which covers three matters—speed limits of heavy vehicles, gross vehicle weights as these apply to heavy vehicles, and the braking requirements for heavy vehicles. As this last-mentioned matter will be covered by regulation, honourable members can wait until the regulations have been tabled before closely examining that feature of the Bill.

Speed limits have been a controversial issue for many years. I note with interest that, since 1956, there has been little change in speed limits. These have been fixed at between 20 miles an hour (32.19 km/h) and 30 miles an hour (48.28 km/h) for heavy vehicles, and the Bill increases the limit to 80 km/h for vehicles whose laden weight exceeds four tonnes. Regarding passenger vehicles, the limit has been increased to 90 km/h; T believe that this is equivalent to about 50 miles an hour (80 km/h) for heavy vehicles.

People interested in the transport industry have discussed this matter since the Bill was first introduced. Although I believe that the new speed limit is reasonable, I admit that some case could be made out favouring a slightly greater increase than the Bill provides. I ask the Minister, when replying, to say whether the Australian Transport Advisory Council has made any recommendation on this point, because, if it has, honourable members should bear this in mind before they finally decide on this aspect of the Bill.

Another matter covered by the Bill is gross vehicle weights; this is contained in clause 10. The gross vehicle weight, which will be set out by the Registrar of Motor Vehicles on the registration certificate, will be arrived at by him after he has consulted an advisory committee. There is a belief, I understand, that the maker's gross axle weight figure might be the one that the Registrar will automatically accept, but this is not so. Tn many cases lhe maker's estimate is somewhat conservative and it may well be that, if the Bill passes, some truck owners will find that the official gross vehicle weight is higher than the maker's figure.

The Bill also provides for a 20 per cent tolerance above the relevant weight limit the Registrar determines. In his second reading explanation the Minister said that in other States the tolerance varied between 10 per cent and 20 per cent. It is at least pleasing that, considering the figures in other States, the Minister has accepted the highest possible one.

Also, the Minister has included a power to exempt from the requirements those who, for example, might be carrying grain or other primary produce, so that, in cases where there is only a slight element of road safety risk and where the terrain is relatively level, it may be possible for exemptions to be obtained by those who, I think, could put up a good case for them.

I ask the Minister to consider the matter involved in clause 9 regarding the weighing of heavy vehicles in regard to their axle weights. I have been informed by people in the industry that, where there are twin axles or axles which are close together and where they are weighed separately, mainly because of the uneven surface of the approach to lhe weighing machine or, in some cases, because of the surface on which the wheels stand, the aggregate weight in cases where the axles arc weighed separately could exceed the weight recorded if the two axles were weighed at lhe one time and in the one process.

Road safety is not involved here, and some unfairness could result. I ask the Minister to consider a proposal whereby, in cases where the axles are relatively close together, they could be weighed as twin axles. If that is done, I think a fairer result would apply.

The Hon. D. H. L. Banfield: Could the reverse result occur?

The Hon. C. M. HILL: No; it always seems to work the way I have mentioned. I think, in the main, that the points raised so far in this debate will be fully discussed in Committee. As the Bill is principally a Committee Bill, I support the second reading so that it can reach the Committee stage.

The Hon. A. M. WHYTE secured the adjournment of the debate.

MOTOR FUEL DISTRIBUTION BILL

Adjourned debate on second reading.

(Continued from November 14. Page 1763.)

The Hon. G. J. GILFILLAN (Northern): This Bill has been well covered by previous speakers. I recall, in particular, the speech made by the Hon. Mr. Geddes, who made considerable research into the impact the Bill will haye. Some people who will be affected by the Bill are unaware of exactly what it provides. It sets up an administration board, a judge as an appeal board, and the machinery for inspectors and other staff members who will be required to administer this comprehensive piece of legislation. As the Minister has said in his second reading explanation, this legislation will remain as an emergency measure that can be brought into being at any time by proclamation should the oil companies not carry out their present voluntary system of containing the escalation of petrol resale outlets.

I am concerned at the total number of powers the Bill contains. Perhaps we are becoming conditioned by the present Government to this excessive form of control in every part of business and private life throughout the community. The Bill has been introduced with the explanation that it is consumer protection, whereas I

believe that, in many instances, it could have the reverse effect and could lead to the creation of shortages in some instances and unfairness in others. This, in turn, could lead to the introduction of amending legislation to try to correct anomalies that occurred.

The powers contained in the Bill are far reaching when one considers that the offences, if they occur, would be minor as regards the well-being of and law and order in the community. The Bill will mean that the petrol reseller will require an additional licence. Although the licence is for the premises, in most instances where contracts are drawn between the oil companies and the resellers the lessee is responsible for paying all licence fees. Although at present the licence is estimated to cost about $100 (this will be prescribed later by regulation), a service station proprietor must obtain several other licences. This will still be necessary, as clause 5 provides:

Nothing in this Act shall limit or restrict the application or effect of—

(*a*) the Inflammable Liquids Act, 1961;

or

(b) the Industrial Code, 1967-1972.

The average service station proprietor must take out licences under many Acts. For instance, he must obtain a licence to store flammable fuel; he must comply with the provisions of the Industrial Code; he must register his workshop as a shop; and I understand (although I could be corrected on this point) that he must have a licence under the Early Closing Act, as most service stations in the metropolitan area remain open until 6 p.m. This is indeed an additional burden for the service station proprietor.

I am concerned about clause 17, under which the board may summon any person and force him to produce any documents or papers. I can see no limit on the board's powers in this respect: it may even be possible for it to insist on an oil company's producing details of its whole operation. The board will have wide powers, in that it can take away one's licence, and heavy penalties may be incurred. I have referred to oil companies because, if details of a company's operations became known to its competitors, that could be damaging to that company.

Equally important, or perhaps even more important because of the more limited resources at their disposal, are the small people who are trying to make a living out of running a service station and supplying petrol to the public. I know from experience that these people, who are most obliging and willing, provide a worthwhile service to the community. Although it has been suggested that this Bill is intended to protect the lessees of petrol stations from unfair leases and unfair competition, the proprietors of smaller service stations will still be placed in an awkward position, especially when an inspector, who does not need a warrant but needs merely the authority under the Act, can enter their premises and demand any information from any person present.

The principles contained in this Bill go too far. This is not an emergency measure, as it is intended not to proclaim it at present but merely to hold it in abeyance in case it should be required. I have no doubt that the threat of proclamation will have a salutary effect in relation to any departure from the voluntary system under which oil companies are now operating. I cannot see why a Bill conferring such tremendous powers should be passed at a time when there is no real need for it. I agree with the Hon. Mr. Geddes that the Council should not pass the Bill.

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

PYRAMID SALES BILL

Adjourned debate on second reading.

(Continued from November 14. Page 1767.)

The Hon. J. C. BURDETT (Southern): I support the second reading. I agree with the Hon. Mr. Potter that pyramid selling must be stopped, and I agree with the principle of the Bill. The difficulty in all legislation of this kind is to strike effectively at the evil without also catching innocent, legitimate operators who do not deserve to have their operations declared illegal. On the one hand, we must ensure that the dishonest or objectionable operator cannot, by slightly changing his procedures, avoid the provisions of the legislation, and, on the other hand, we must not prevent legitimate businessmen from carrying on their businesses.

The Hon. Mr. Potter referred to the difficulty that the public would have in recognizing a pyramid seller. Indeed, the Government seemed, understandably, to have some difficulty in doing so. The term "pyramid seller" is, after all, a vague and popular term. Where in my remarks I may appear to be critical of the Bill, I do not intend to criticize its draftsman or the Government. The Government is to be congratulated on tackling the problem, because it is making a sincere attempt to strike at the evil without casting too wide a net. The evil in pyramid selling seems to be where people are induced to pay to an organization considerable sums of money basically for the privilege of joining the organization in the expectation of making considerable profits. "Pyramid selling scheme" is defined to mean the following:

Any trading scheme, which is or is intended to be carried out wholly or partly within the State and by which—

(*a*) goods or services are to be provided by a person;

(*b*) the goods or services so provided are to be supplied to or for other persons under transactions effected by participants in the scheme;

(*c*) the transactions, or most of the transactions, by which those goods or services are to be supplied to consumers are or are to be effected elsewhere than at premises at which any promoter or participant effecting transactions pursuant to the scheme normally carries on business;

and

(d) the prospect is held out to some or all of the participants of receiving payments or other benefits in respect of one or more of the following:

(i) the introduction or participation of other persons who become participants;

(ii) the promotion, transfer or other change of status of participants within the trading scheme;

(iii) the supply of goods or services to other participants;

(iv) the supply of training facilities or other services for other participants;

or

(v) transactions effected by or on behalf of other participants under which goods or services are to be supplied pursuant to the trading scheme.

In many respects this does not sound much like pinpointing a pyramid selling scheme. This definition would catch many existing direct selling organizations the operations of which are harmless. In many cases, organizations making direct sales of household appliances, cosmetics, kitchenware and other goods operate with the greatest integrity.

True, direct selling in itself is open to certain abuses. However, we already have on the Statute Book the Door to Door Sales Act, which legislates against these abuses. Direct selling can be advantageous to the public. It can reduce overheads and the prices at which goods can be sold to the public. It seems likely that we will see more

direct selling in the future. Indeed, it is even possible that some retail stores will, in order to reduce overheads, have to resort to direct selling. So, the definition in the Bill catches many legitimate operators who should not be caught. It is also curious that, on the other hand, it lets out some of the real pyramid sellers who would be able to operate outside the definition, although in a limited way, from their own premises. Where a definition catches people who ought not to be caught there is obviously a choice of two remedies: (1) to amend the definition so that such persons are not caught, or (2) to provide exemptions. This Bill was amended in another place to provide for some sort of exemption which, I presume, was to give an exemption to operators of the class to which I have been referring.

In clause 7 (7), exemptions are granted purely at the discretion of the Minister, and there is no guarantee that people who deserve such protection will get it. The Minister might, at times, find it difficult to grant exemptions to a legitimate operator because he might fear that granting the exemption might act as a deterrent in the case of a real pyramid seller, which is not a true or complete exemption from all the provisions of the Bill. The only effect of subclause (7) is that it is a defence to a prosecution to show that payment was an approved payment. The operator is still, by definition, a pyramid seller.

Clause 8, which gives a right of action to recover money, will still apply. I have looked at the Victorian legislation because it contains an almost identical definition of "pyramid seller" to that contained in this Bill. The exemptions contained in clause 8 are again at the discretion of the Minister, but are wider because it is preferable to protect these people, as an exempted scheme is exempted from the provisions of the legislation, although an operator, who is no longer a pyramid seller, will not suffer any disability at all.

I understood that legislation was to be introduced in the Western Australian Parliament but, because of certain doubts about the provisions of the Bill, it will not be proceeded with. It seems to me that the correct procedure would be, if possible, to amend the definition so as not to catch operators whose practices are unobjectionable. I have looked at a suggested amendment, which intends to achieve this by amending paragraph (*d*) of the definition of "pyramid selling scheme" as follows:

a person who is or intends to be a participant in the scheme is induced to make any payment (other than the payment of a fair and reasonable price for sales demonstration equipment and material purchased and necessarily required for use in making sales and' not for re-sale) to or for the benefit of any of the promoters of or participants in the scheme by the holding out of the prospect to such person of receiving payments or other benefits in respect of one or more of the following:—

(i) the introduction or participation of other persons who become participants;
(ii) the promotion, transfer or other change of status of participants within the trading scheme;
(iii) the supply of goods or services to other participants;
(iv) the supply of training facilities or other services for other participants;
or
(v) transactions effected by or on behalf of other participants under which goods or services are to be supplied pursuant to the trading scheme:

That amendment seems to have merit. At this stage I do not necessarily foreshadow that I will move it in the Committee stage; however, I should like to consider the matter further when the Bill is considered then.

During the Hon. Mr. Potter's speech yesterday the Hon. Mr. DeGaris asked whether the Bill applied to goods only and was told that it also applied to services. The Hon. Mr. DeGaris then went further and referred to matters such as mind improvement courses. Mind improvement courses are merely services within the meaning of the Bill, and would be caught if the method of operating fell within the ambit of the Bill. Another section of the Bill deals with referral selling, which is listed as an undesirable trading practice in clause 9.

Referral selling is a practice that is truly objectionable. Examples of that practice, that I have heard about, relate to a company that sells certain kinds of cladding for housing. The consumer is told by the company that to affix the cladding to his house will cost about $3 000, and when he indicates that he cannot afford that amount he is told not to worry about it, but he is then asked to sign an unconditional contract to pay the sum of $3 000 for cladding used on his house. However, he is told that if he erects a notice on his property and allows people to inspect his house, as a result of which sales are made, he will receive substantial discounts that may amount to $2 000, leaving him only $1 000 to pay. In fact, he is led to believe all this in fairly strong terms.

Often, of course, this is not the case. I understand that in this kind of referral selling many innocent people are led into substantial financial obligations which they cannot afford. To use the same language that the Hon. Mr. Potter used yesterday regarding pyramid selling, "This kind of operation is almost criminal." However, I suspect that this clause could also catch unobjectionable practices, such as party selling, and travel and theatre schemes, but that is a matter of opinion. I have received, as no doubt other honourable members have also, numerous contacts from people who are engaged in apparently legitimate practices and who could be caught by the definition of "pyramid selling" if this Bill were passed. On the face of it, many of these people seem to carry on legitimate businesses, which are not objectionable, but which would be caught by this definition. However, regarding referral selling I have had no contact at all, and suspect that this is because many of the businesses that might be caught under this legislation have not realized that they might be caught.

The Hon. R. C. DeGaris: Clause 9 catches a few legitimate people, too.

The Hon. J. C. BURDETT: They are just the people it docs catch. I do not intend moving any amendment regarding clause 9. I have thought about it, but it would be very difficult, in the case of referral selling, to continue to strike at the dishonest operators (because that is what they are) if we ruled out all possibility of catching some legitimate operators. I support the second reading.

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

SNOWY MOUNTAINS ENGINEERING CORPORATION (SOUTH AUSTRALIA) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 14. Page 1769.)

The Hon. I. C. BURDETT (Southern): I support the second reading of this Bill. The Hon. Mr. Gilfillan yesterday gave the background of the Bill and of the operation of the Snowy Mountains corporation. There is no need for me to go into it again. I support his statement that the Snowy Mountains corporation has functioned well, to the great advantage of this State and the Commonwealth. The only reason why I looked closely at the Bill was to satisfy myself that it was not another aspect of the

Commonwealth Government, with its centralist approach, trying to gain more powers and chisel away our State rights. I am satisfied that is not the case.

It is true that the Commonwealth Act that has made this Bill necessary does give the corporation wider and more flexible powers, but it does not seem to me that that in any way impinges upon the sovereignty of this State because there are no powers of compulsion, or anything of the sort; they are simply extended powers to carry out the work of the corporation. There seems to be nothing objectionable in, the Bill, and I support its second reading.

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

ADJOURNMENT

At 4.54 p.m. the Council adjourned until Wednesday, November 21, at 2.15 p.m.