HOUSE OF ASSEMBLY

Wednesday, November 17, 1971

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2 p.m. and read prayers.

ADELAIDE FESTIVAL CENTRE TRUST BILL

His Excellency the Lieutenant-Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

QUESTIONS

FREEWAYS

Mr. HALL: Now that Executive Council has substantially approved the freeway routes under the Metropolitan Adelaide Transportation Study proposals, I ask the Minister of Roads and Transport whether the Government will quickly clarify its plans and policies regarding their use. As a member of Executive Council, the Minister would know of this approval, having agreed to it; he would also know of the concern in the community about the future plans to be produced of the freeway routes, which the Government has renamed transportation corridors. To illustrate the concern of the public, I will quote from an article which, referring to the decision of Executive Council, states:

Actually the report that Executive Council has approved a plan only adds confusion about the final set-up. The freeways might have been given the official rubber stamp of approval, but the precise streets and housing areas that will have to make way for the corridor system have yet to be spelt out. The Transport Minister (Mr. Virgo) says that this detailed planning will not be completed before 1982, and until this happens people living on corridor routes will not know exactly where they stand. The uncertainties do not end with the main freeways.

The article concludes as follows:

It is hoped that there will be much more light thrown on the final form of our transport set-up well before 10 years has passed.

In addition to the confusion to which I have referred, I refer to the State Planning Authority's opinion that the transportation corridors will not be required substantially for other than single vehicular use in the next 20 years. The great problems, such as the Hindmarsh interchange, remain unsolved in people's minds. I have previously told the Minister that this tremendous uncertainty and lack of planning mean that councils and private industries cannot plan ahead, because they do not know what the Government intends. No doubt we are all pleased to see confirmation of the freeway routes, although the Minister has changed their name to transportation corridors. Whatever they are called, those involved in planning will be pleased to see this confirmation. Therefore, I have asked this question to seek further information from the Minister to clarify what the Government intends with regard to the use of these freeway routes.

The Hon. G. T. VIRGO: I think I should again draw the Leader's attention to the fact that neither the Government nor the State Planning Authority has confirmed the freeway routes despite the wishes of the Leader and other people who desire to destroy the city of Adelaide.

Members interjecting:

The Hon. G. T. VIRGO: I know that the member for Alexandra does not like that; he wants to get his pigs to market. The Government and I are not prepared to destroy Adelaide merely at the whim of the member for Alexandra or his pig friends.

Mr. Goldsworthy: Talk a bit of sense.

Mr. Coumbe: That's uncalled for.

Mr. Venning: Answer the question.

The SPEAKER: Order! The honourable Minister is replying and interjections must cease.

The Hon. G. T. VIRGO: The member for Alexandra has never made any secret of the fact—

The SPEAKER: Order! The honourable member for Alexandra did not ask the question. The honourable Leader of the Opposition directed a question to the honourable Minister of Roads and Transport. It is not possible for me to hear every interjection. I ask the honourable Minister to refrain from answering interjections and to answer the question directed by the honourable Leader.

The Hon. G. T. VIRGO: The Leader has raised in the House on numerous occasions the question of the freeway routes that his Government desired to inflict on the people of South Australia. He has been supported by his colleagues. Members opposite, including the Leader, have never made any secret of the fact that they desire these freeway routes for numerous reasons, including the fact that the Opposition represents pig farmers, sheep farmers and other farmers of the State. Members opposite cannot deny that they have advocated these views in support of these people. I do not know how members opposite could object to a statement of that kind, when

it is their own statement that I am repeating. I think the best I can do now is refer the Leader to the statement I made on January 29. I now repeat for the Leader's benefit that this statement has been made many times in the House and this matter has been debated in the House but, regrettably, it obviously has not sunk home. The statement is as follows:

Because it expects better modes of travel to be available within the next 10-year period, the Government will not implement the decisions made by the previous Government to construct the freeways and expressways proposed in the M.A.T.S. plan which are within the built-up areas and where substantial demolition of private property is involved.

There is no need for me to do more than repeat, and repeat again, the policy of this Government, which is diametrically opposed to the policy the Leader followed as the Premier leading a former Government. We have made our position clear. The fact that the press has now decided to publicize this matter is, I think, an indictment of the press, because the matter was decided by Executive Council on November 11, and it took not only the press but the Leader until now to wake up that anything had happened. The matter that has been gazetted is a decision of the State Planning Authority, which has determined that certain routes shall be reserved as transportation corridors for the future use of the metropolitan area, and this is exactly what has happened. The decision which has been made and which is now belatedly reported in the press is exactly the same as the one that was made by the State Planning Authority some months ago. It was only last Thursday week that the decision was confirmed. The position is clear to all people who want to understand it: it is confusing only to those such as the Leader who wish to confuse the issue. I have no doubt that he will be followed by the Deputy Leader, who will try to confuse people even more.

Mr. MILLHOUSE: I should like to ask the Minister a question, as he has anticipated. Will he say what is the significance to landholders in the vicinity of the transportation corridors of the approval by Executive Council of supplementary development plan No. 1? I have listened with attention to the answer given by the Minister to a different question (but one on the same topic) asked of him earlier by the Leader. However, I was not able to follow what the Minister said. I note that, in the leading editorial in the *Advertiser* this morning, the writer canvasses the fact that people still do not know how they will be affected. Lines are now drawn on the map of the metropolitan area which some of us call freeways and others call transportation corridors, but the precise pieces of land which are covered are apparently still not known, thus leaving people in the vicinity in a state of uncertainty about what is to happen. Large amounts of money have been spent by this Government and preceding Governments on acquiring land in the metropolitan area for future transportation purposes. Last year this amounted to $3,487,000 for a number of routes which are called in the Auditor-General's Report interchanges, freeways, and connectors, etc. I have no doubt that the Highways Department is the biggest landholder in the metropolitan area.

The SPEAKER: Order! The honourable member is commenting.

Mr. MILLHOUSE: I therefore ask the Minister whether, at the umpteenth attempt, he will clarify the situation.

The Hon. G. T. VIRGO: Like the honourable member for Mitcham, I hope that by this, the umpteenth attempt, he will at least comprehend what is the policy of this Government, because it is obvious that it has never sunk in—

Mr. Millhouse: I am not the only one, you know.

The SPEAKER: Order!

The Hon. G. T. VIRGO: I agree with the statement by the honourable member that he is not the only one: I think it has not sunk in regarding his colleagues sitting on each side of him. However, the general public (and these are the people that this Government is concerned about) has allowed it to sink through: that is, that we are not going ahead to desecrate the metropolitan area with freeways in built-up areas as the honourable member's Leader and other former Cabinet colleagues desired to proceed with—

Mr. Hall: That is not the question. We want to know what you are going to do.

The SPEAKER: Order!

The Hon. G. T. VIRGO: I will try to reply to the member for Mitcham and ignore the Leader, who should not be interjecting, anyway, under Standing Orders. The question asked was what was the significance to landholders of the Executive Council's approval of the transportation routes contained in the amendment to the development plan? Again, I regret to tell the House that, obviously, the member for Mitcham has never got around to reading the statement which I issued, on behalf of the Government, on January 29

and to which I have referred when replying to the Leader's question. If the member for Kavel is asking, by interjection, that I read the statement, I shall be delighted to do that. I think it replies to the question that the member for Mitcham has asked. Referring to the State Planning Authority's plan, the statement is as follows:

This plan will shortly be put on public display and be subject to public submissions. These corridors would not be required for at least 10 years, if even then, and no restriction will be placed on home alterations or improvement or the sale of any home by any of these future transport corridors. However, if any owner whose home is on one of these corridors chooses to sell his home and is unable to do so, the Highways Department will be a willing buyer, without asking for the proof of hardship that was required by the previous Government. The department will also continue to purchase vacant allotments along these routes.

I went on in that statement to deal with the unsatisfactory financial return that obtained under the existing legislation when people decided to dispose of their houses.

Mr. Hall: What about business interests, in the long-term?

The Hon. G. T. VIRGO: I suggest that, if the Leader wants to probe that question further, you would be gracious enough to give him the call later, Mr. Speaker. Perhaps at this stage he will be courteous enough to let me concentrate on replying to the question that his Deputy has asked. The member for Mitcham said that he could not follow the present position, and he then referred to the editorial in the *Advertiser,* which apparently states that people still do not know who will be affected and how. It is not within my province to accept any responsibility for, or to apologize for or to criticize, what the *Advertiser* may see fit to write in its editorials. However, I think the House should be aware of one factor, and that is that I am reasonably certain that the report on page 1 of this morning's *Advertiser* is not a faithful report of what had been submitted to that newspaper.

Mr. Hall: Well, you tell us now.

The SPEAKER: Order! Interjections are out of order.

The Hon. G. T. VIRGO: True, the Auditor-General's Report states that during last financial year $3,487,000 was spent on acquiring certain routes, freeways, interchanges, expressways, etc., in association with the M.A.T.S. plan. Again, this is an internal matter, and I am not responsible for what the Auditor-General puts in his report. He submits a faithful report to this Parliament. However, this policy, which has now been adopted by the State Planning Authority, was gazetted by Executive Council on November 4, 1971. This report covers the period from July 1, 1970, to June 30, 1971.

The Hon. D. N. BROOKMAN: What plans has the Minister for coping with the obviously huge increase in traffic between now and the time when only the detailed planning of the transport policy will be completed, which I understand from the Minister will be about 1982? The number of motor vehicles used in the Adelaide metropolitan area has been increasing enormously and the number of traffic problems is increasing rapidly. What does the Minister intend to do about this problem which, if not dealt with effectively, will create chaotic conditions for industry as well as for private motorists by 1982?

The Hon. G. T. VIRGO: I strongly recommend that the member for Alexandra follow the example set by the member for Davenport and see the chaotic conditions that prevail in oversea countries which have followed the pattern that was proposed by the former Government for implementation in Adelaide. Then, the member for Alexandra would see chaotic conditions with a capital "C". The policy of the Government, which has been enunciated more often than I care to remember, is that we are concentrating to the maximum extent on the upgrading of our arterial road system, which is far from inadequate, particularly if we upgrade it to the standard we desire. Then it will be capable of carrying much more traffic than is currently possible. Many questions on this matter have been asked by members of the Opposition. Indeed, the member for Torrens has asked numerous questions in relation to the upgrading of arterial roads, particularly regarding one road in his district. He has presumably realized the desirability of following the policies that we have adopted and are following. I have said that the Government desires to upgrade and to improve the public transport system vastly. Bearing in mind that this matter involves financial arrangements, I hope that there will soon be a better appreciation of providing finance than that which currently obtains. I was heartened when, before the 1969 Commonwealth election, the then Prime Minister said that, if required, the Commonwealth Government would provide the States with money for public transport. However, we have not yet had any implementation of that statement but,

of course, that Prime Minister has been sacked.

Mr. COUMBE: I seek information from the Minister regarding the freeway or high-speed corridor system involving my district, and I ask the question on behalf of my constituents. As I am not a member of Executive Council, I can be guided only by what I read in the press or in the *Government Gazette.* Will the Minister say what are the State Planning Authority's recommendations, now that those recommendations have been agreed to or endorsed by Executive Council, concerning those routes that will pass through Walkerville and Gilberton, especially the North Adelaide connector and the Hindmarsh interchange?

The Hon. G. T. VIRGO: The State Planning Authority, in considering this matter, published its recommendations, which were subject to comment for a period before a final decision was made. It is not possible in the House to describe this information, but the honourable member can obtain the details if he cares to seek them from the State Planning Authority, at whose office the supplementary plan is now available. If it will help him, I shall obtain a copy of the supplementary plan and see that it is forwarded to him.

Mr. EVANS: As the Minister has stated that it is not Government policy to build freeways through built-up areas, I ask whether this means that no demolition will take place in built-up areas on the freeway routes as drawn and approved by the State Planning Authority.

The Hon. G. T. VIRGO: One is always a little doubtful about the purpose of a question asked by the member for Fisher but—

Mr. Hall: Come off it; it's a straightforward question.

The Hon. Hugh Hudson: You wouldn't know whether or not it was straightforward.

The SPEAKER: Order!

The Hon. G. T. VIRGO: I am sure that the member for Fisher is capable of asking questions without his Leader propping him up, as he likes to do.

Mr. Goldsworthy: You aren't capable of replying without an insult, are you?

The Hon. G. T. VIRGO: If the member for Fisher is referring to those freeways within the built-up areas referred to in the M.A.T.S. plan, excluding the South-Eastern Freeway, the reply is that we will not be proceeding with any of these freeways where substantial demolition of private property is involved. Had the honourable member listened to what I told the Leader, he would have heard that. However, for his information I repeat that the Government will not implement—

Mr. Goldsworthy: We couldn't hear you.

The Hon. G. T. VIRGO: The reason why members do not hear is that there are continual interjections from rude members such as the member for Kavel. If they will keep quiet, I am sure the member for Fisher will be able to hear what I say.

Members interjecting:

The SPEAKER: Order! Interjections must stop. It is not possible to hear either questions or replies. The honourable Minister of Roads and Transport.

The Hon. G. T. VIRGO: Included in the reply I gave the Leader was the following statement, which I repeat for the information of the member for Fisher:

> The Government will not implement the decisions made by the previous Government to construct the freeways and expressways proposed in the M.A.T.S. plan which are within Adelaide's built-up areas and where substantial demolition of private property is involved.

I think that is a clear statement in simple English that I believe any member of the public should and would be able to understand.

Dr. TONKIN: Was the Minister at the meeting of Executive Council when it approved the supplementary development plan that has been adopted by the State Planning Authority?

The Hon. G. T. VIRGO: To the best of my knowledge, the answer is "Yes".

Mr. HALL: Will the Minister disregard references to a plan prepared by the Government I led and answer my question on the basis of the report which was gazetted on November 4 and which he and his Government approved? Will he say whether or not demolition will take place in the path of the transportation corridors, which have been approved by him and his Government in built-up areas, after the expiration of the 10-year stay he has placed on freeway development? Hitherto, in reply to every question from Opposition members the Minister has relied, with descriptive emphasis, on a plan proposed by the previous Government, and this seems to inhibit his replies. I therefore put my question to him on the basis of a plan he has approved.

The Hon. G. T. VIRGO: The very purpose of the policy the Government is following in this regard makes a clear "Yes" or "No" in reply to the question impossible. I would have

thought that the Leader, from the statements I have made not only this afternoon but repeatedly in reply to questions and in debates that have taken place on this subject, would acknowledge that the Government's policy is that we believe that better forms of public transport will be available. If the Leader is not interested in my reply but would rather talk to the member for Fisher, I am happy not to continue.

Mr. Hall: Don't be silly.

The Hon. G. T. VIRGO: If, on the other hand, the Leader is interested in the reply, I am happy to provide him with this information.

Mr. Nankivell: You're replying to the House.

The Hon. G. T. VIRGO: If the member for Mallee wants me to reply to the House, he should hop back into his seat.

The SPEAKER: Order! I will not permit Question Time to be used for interjecting and debating. Honourable members are required to ask their questions and to refrain from interjecting, and the Minister should reply to the question.

The Hon. G. T. VIRGO: The public statement I have made on the Government's behalf is to the effect that we will not proceed with the building of the freeways and expressways within the built-up areas of Adelaide as was proposed (and I shall not refer to the Party that proposed it, because I would be ignoring the Leader's request). We will not proceed with the building of these freeways for at least 10 years, and we may not proceed with them even then. At this stage, we have stated publicly that we believe that better forms of public transport will be available. We do not believe that Adelaide should be committed irretrievably to the building of these freeways, as was proposed, and we are following that policy.

To clarify the position, may I say that where people wish to expand or develop their properties, they are free to do so. However, if they wish to sell, the Government is a willing buyer if they are having difficulties in this regard. This question calls for exactly the same reply as I have given at least three times this afternoon. Obviously it has not hit home but I hope, as a result of what I have now said, that it will do so.

Dr. EASTICK: Where in the world has the Minister seen (or where has he been advised by his officers) freeways that are built only in open country, having no relationship to similar facilities in built-up areas? At least twice this afternoon, the Minister has indicated that it is the policy of his Government not to proceed with freeways or expressways except in open country and certainly not in relation to the plans that were previously accepted by the Hall Government. Are the Minister and the Government firmly of this opinion and will this be the basis of the method of construction the Minister will follow? If it is the basis of his method, what use will the freeways and expressways be in isolation?

The Hon. G. T. VIRGO: The purpose of freeways and expressways is to connect city with city. This has been adequately displayed in a number of places and it has certainly been strongly stated by me on numerous occasions. I have seen the position overseas, particularly in the United States of America, where many cities have extensive freeway systems. Not only have they built the freeways to connect outlying areas to the city or to connect city to city: they have also brought the freeways into the city. Today, in the United States, transportation authorities, including the people responsible not only for the provision of public transport but also for the provision of private transport and roads, are asking whether they can dig themselves out from the mess they have created after two decades of reckless concrete pouring. If the honourable member wants Adelaide to follow the mistakes made by the United States in city after city, I suggest that he blindly follow his Leader, who wants to do just that. However, if the member for Light would like to see Adelaide retained in its present form of having something to offer to the people as a place where they enjoy living and want to go on living, I suggest that he ought to follow this Government's policy.

Mr. McANANEY: I wish to ask the Minister about the missing link (and I am not being personal) on the South-Eastern Freeway, where it ends in the Hills and does not connect with the city. Despite this, the Minister has claimed that the idea was that freeways would run between city and city. I am speaking not on behalf of the 20 pig farmers in my district but on behalf of about 5,000 employees, most of whom vote for me. At present there is a fast freeway that will cope with four or five times the amount of traffic that the road from Crafers can carry. Will the Minister explain what will happen about the section between Stirling and Adelaide, as it affects people who will be brought rapidly to this dead end at Crafers?

The Hon. G. T. VIRGO: I do not know how the honourable member travels to Adelaide: I thought he came down on the South-Eastern Freeway. Only last Wednesday I was in the Adelaide Hills, when I had the privilege of opening the Highways Department facilities at Murray Bridge, and I did not have any difficulty after leaving the freeway to come down on a divided road to what is commonly called the old gum tree.

Members interjecting:

The Hon. G. T. VIRGO: As I recall, the speed limit on that road varies between, I think, 55 m.p.h. (certainly, 50 m.p.h.) and 40 m.p.h., and I would describe the road as a fairly high-speed means of transport for private vehicles. After one leaves the freeway, one travels on a divided road that has at least two carriageways: I am not sure that there are not three in parts. Certainly, there are two lanes all the way down and, to the best of my knowledge, these are more than adequate to meet the need. When one comes to Glen Osmond Road at the old gum tree, or the toll house, whichever way we may describe it, one is then within the arterial road system of the city of Adelaide. If the member for Heysen is advocating that the Hills freeway should be extended down on the route that his Leader suggested and should run through the District of Mitcham, and the District of Bragg (previously this was part of the District of Burnside), and that we should knock down many of these nices houses, as well as cut the agricultural college at Roseworthy in half—

Members interjecting:

The Hon. G. T. VIRGO: If the honourable member is advocating that, let him stand up and be counted on it, because the member for Mitcham used his position in Cabinet to make sure that his Government said that it was deferred. Much double talking is going on here, and some members should stand up and be counted, so that we know where they stand.

Mr. McANANEY: On a point of order, Mr. Speaker. According to Standing Order 126, the Minister has to reply to a question, not debate it. I do not know what he has been doing for the last few minutes, but he certainly has not been replying to the question or trying to do that. I raise this as a point of order, under Standing Orders.

The SPEAKER: The Standing Order does provide that, and it also provides that honourable members shall be heard in silence. I found it most difficult, because of the noise and shouting that was going on in the Chamber, to hear the Minister of Roads and Transport, and I will not give rulings in the dark.

Mr. MILLHOUSE: Can the Minister say what use the Government intends to make of the land which has been purchased for the purpose of transportation corridors? In explaining a previous question, I said that the Highways Department must now be the largest holder of land in the metropolitan area. As I understand the position, the Government is willing to continue buying houses along the various routes, and one presumes that these houses are to be let, but this is one of the matters on which I hope the Minister will enlighten me. If these houses are to be let, will the Minister say who is to fix the rent and what is to happen to the rents thus collected? That is the sort of information I should like the Minister to cover in his reply.

The Hon. G. T. VIRGO: I have previously been asked a virtually identical question in the House and have, in fact, provided the House with details concerning the amount of rent the Government is receiving from properties that have been acquired. I regret that I cannot give the honourable member this information offhand but, if he cares to look in *Hansard*—

Mr. Millhouse: Is it paid into general revenue?

The SPEAKER: Order! There must be one question at a time.

The Hon. G. T. VIRGO: Obviously, it—

The SPEAKER: Order! The Minister is out of order in answering interjections. He must answer questions, not interjections.

The Hon. G. T. VIRGO: Thank you.

The SPEAKER: The honourable member for Alexandra.

Mr. Millhouse: He hadn't finished answering, I don't think, Sir.

The Hon. D. N. BROOKMAN: On a point of order, Mr. Speaker, I think the Minister had not finished replying to the question. I suggest that you stopped the Minister in order to explain that he should not reply to the interjection, but you then called on me to ask the next question. I suggest that you would have asked—

The SPEAKER: What is the point of order?

The Hon. D. N. BROOKMAN: The Minister had not finished his reply, and was standing up to complete it, but you stopped him.

The SPEAKER: I understood that the Minister had finished. I stopped him from answering interjections, which are out of order. For the benefit of the member for Alexandra,

I point out that Ministers are subject to the same treatment from the Chair as that received by any other member of this House. If I consider that a Minister or anyone else is out of order, I will, under Standing Orders, exercise my authority as Speaker of the House and make the person concerned resume his seat. I cannot uphold the point of order.

PRIVATE HOSPITALS

The Hon. D. N. BROOKMAN: Has the Premier a reply to the question I recently asked about private hospitals and nursing homes?

The Hon. D. A. DUNSTAN: Legislation will be introduced during this session.

APPRENTICES

Mr. WELLS: Can the Minister of Labour and Industry supply the House with further details of an interesting scheme, which I read about in the press last Wednesday, in which grants are made to needy apprentices by a foundation that has been set up by a wealthy builder?

The Hon. D. H. McKEE: I am glad to tell the House about this scheme. I have received a report on its institution from the Apprenticeship Commission. The scheme to which the honourable member has referred is the Madin foundation. It has been a long time in the planning stage, and what it aims to do is help apprentices at a time in their life when, although they might have youth on their side, it can still be a bit of a battle to make ends meet. Mr. Madin, who I understand is a semi-retired builder, is now living at Surfers Paradise; he knows the building trade well. He has for some time thought that diligent conscientious apprentices needed more encouragement. He wanted to help and, in consultation with the Apprenticeship Commission and with the support of master builders, he devised this scheme whereby apprentices in the building trade worthy of encouragement could get financial assistance for the purchase of tools of trade and textbooks.

Mr. Madin has, I think, been working on this idea for several years. He has contributed $5,000. He has had some difficulties with the technicalities of getting his foundation properly established as a recognized charity. He has so far obtained clearances for gift and death duties, but whether the Commissioner of Taxation will take any slice of the foundation funds is still being decided. Mr. Madin has decided to start on a small scale this year by awarding initial $20 grants to one apprentice in each of the seven different trades within the building industry, such as bricklayers, carpenters, plumbers, etc. But we have been assured that this is only a start. Mr. Madin has told us he has big ideas for expansion, and he wants to help selected apprentices through their education to relieve them of the considerable financial burden that this can entail. His aim is to assist the honest, sincere lad who wants to get ahead, and the Apprenticeship Commission is naturally right behind him. Mr. Madin sees his foundation, which is public and open to contributions from anyone, as developing to its full potential in, say, four to five years. In conclusion, I point out that this is the sort of public support from industry and management that we like to see, to help ensure the best results from our industrial trade training.

MOUNT GAMBIER COURTHOUSE

Mr. BURDON: Has the Attorney-General a reply to my recent question concerning the courthouse at Mount Gambier?

The Hon. L. J. KING: The planning of a new courthouse for erection at Mount Gambier has been delayed pending a decision on the size of the building and number of courtrooms needed. The probable future work load for the courts complex has now been determined, and sketch plans for the new building are at an advanced stage. It is expected that a proposal will be placed before the Public Works Committee early in the new year, with the objective of achieving occupancy by August, 1974.

KINDERGARTENS

Mr. KENEALLY: Will the Premier, in his capacity as Minister in charge of the activities of the Housing Trust, ask the trust to help groups wishing to establish kindergartens in what are essentially Housing Trust areas? In Whyalla Stuart and Augusta Park (Port Augusta), which are primarily Housing Trust areas, committees are trying to raise funds to establish kindergartens. However, as it is difficult to raise sufficient money in such areas, I ask the Premier whether or not the trust can provide some practical assistance in this regard.

The Hon. D. A. DUNSTAN: I will refer the matter to the trust and report to the honourable member.

TEA TREE GULLY SUBSTATION

Mrs. BYRNE: Will the Minister of Works investigate the means by which small children

have entered the Electricity Trust's Tea Tree Gully substation property, and will he immediately take action to have their entry prevented before a fatality occurs? A constituent has informed me that he has observed small children playing on this property, on which is a sign "Danger: 60,000 volts". This morning, I inspected the substation, which is situated at the corner of Hancock and Lokan Roads, Redwood Park, and which faces Argyll Crescent. The substation is surrounded by a high fence topped with barbed wire and, although the three gates on the property have spikes on top, in regard to the gate facing Argyll Crescent there is a space of about 8in. between the bottom of the gate and the ground, and this must be the place of entry to this dangerous property.

The Hon. J. D. CORCORAN: I will take the matter up immediately with the Electricity Trust and have the necessary modifications made in order to prevent children from gaining access to this property. I thank the honourable member for drawing my attention to this matter.

HOMEGIENE

Mr. LANGLEY: Will the Attorney-General investigate the door-to-door selling of a product of Holiday Magic, or of one of its subsidiary companies, the product being known as "Homegiene", which is an aerosol spray pack? In the case that has been brought to my attention, when the salesman called at the house he stated that he was from the Home for Incurables, and the woman to whom he spoke offered him a donation instead of buying the product. As the donation was refused, she bought the product, thinking that it was providing work at the home and that the home was receiving the profit. When the woman's husband came home in the evening she told him about the transaction and, on contacting the Public Relations Officer at the Home for Incurables concerning this sale, he received a reply contradicting what the salesman had said. The Home for Incurables is well run and is held in high esteem by the people of South Australia; in addition, it receives support from various charities, but in this case its good name could be at stake. If I give the Attorney-General the letter I have received regarding this matter, will he investigate it?

The Hon. L. J. KING: If the honourable member will give me details, I shall ask the police to look into the matter.

ALCOHOLISM

Mr. FERGUSON: Can the Minister of Aboriginal Affairs say what effect alcoholic liquor is having on Aborigines in South Australia? During my weekly stay in the city for Parliamentary reasons, I continually meet people who live in the North, some of whom are proprietors of hotels. When I discuss this matter with them, I find that a common statement they make is that "the grog is absolutely killing the Aborigines in the North". As I believe that these people, who live constantly among Aborigines in the North, should appreciate what effect alcoholic liquor is having on the lives of Aborigines, I ask the Minister whether there is any truth in their statement.

The Hon. L. I. KING: Alcoholic liquor taken to excess has an adverse effect on people of all races, including the European and Aboriginal races. I have no doubt that there are problems with liquor in relation to Aborigines, as there are problems with liquor in relation to other people. The Aborigines have suffered a great deal in our society. As a result of the way society has treated them, many are under-privileged. Therefore, many of them suffer the problem of coping, a problem that under-privileged people have. For many people, coping with liquor is difficult, and this applies to all races. The ability to cope with liquor is often proportionate to a person's adjustment to life. Therefore under-privileged people have greater difficulty in this regard than other people have. I believe that the solution to the problem of drinking amongst Aborigines, as well as to the problem of drinking amongst under-privileged sections of the white community, is largely to remove the causes of alcoholism. Although I do not under-rate drink as a problem amongst Aborigines, I am certain that the way to tackle it is to remove the obstacles and handicaps which exist and which prevent the full adjustment of Aborigines to the society in which they are forced to live.

EVICTIONS

Mr. WRIGHT: As Minister in charge of housing, will the Premier consider authorizing an investigation by the Housing Trust for the purpose of providing houses for people who are either being evicted or being threatened with eviction from their houses by landlords who require the properties for redevelopment and as a means of financial gain? At the outset, I point out that I do not criticize officers of the trust who have in all ways treated me courteously as they have attempted to assist me with many problems I have raised

with regard to housing. I believe that the situation is desperate, especially in the metropolitan area of Adelaide where much redevelopment is taking place. In the four months that I have been a member, I have had to try to assist about 60 people who were cither being threatened with eviction or were being evicted. In nine out of 10 cases the people concerned are elderly and have been living in the metropolitan area for some time. Because many are age pensioners they cannot meet the high rents demanded by landlords in the outer metropolitan area. I consider that urgent attention is needed in this area, and the only authority available to give it is the Housing Trust.

The Hon. D. A. DUNSTAN: I will examine the matter for the honourable member and get a report.

SEARCHLIGHT

Mr. WELLS: Will the Attorney-General investigate the people responsible for the distribution of a publication called *Searchlight,* which I consider to be disgusting and extremely pornographic, with a view to prosecuting if it is found that the laws of the State have been contravened? I came into possession of the first copy of *Searchlight* as the result of an irate constituent of mine knocking at my door early in the evening and telling me that he had found the copy of this rag in the satchel of his schoolboy son. It is thinly disguised as a sporting paper because it features one or two sporting articles.

The Hon. L. J. KING: My attention has been drawn to this publication, which I understand is published in New South Wales, and several issues have now appeared. As the early issues brought protests from members of the community, I took this matter up with the New South Wales Chief Secretary to ascertain the attitude of the authorities in that State to the publication. I was told that the authorities there were keeping a close eye on the publication and would consider prosecuting if they considered that a conviction was likely to be obtained for publication of obscene or indecent material. Since then, additional issues of *Searchlight* have been published and I have received further complaints. The complaint from the honourable member's constituent is obviously along the same lines as complaints that have been received in my office. I think I have seen three issues of this publication, which is obviously offensive to a great many people. The question whether a prosecution for obscenity would succeed is a difficult one to answer and, obviously, the New South Wales authorities have also found it a difficult question to answer. Apparently, the paper is for sale to all members of the public and can easily be taken into people's homes where, obviously, it can come into the possession of young people, as has been suggested by the honourable member in his question. I believe that this matter calls for close scrutiny. Obviously, the publication is sailing close to the legal line of what constitutes an obscene or indecent publication. This means that those vendors, booksellers and others who sell this publication are inevitably running a serious risk because sooner or later an issue will transgress the line, there will be a prosecution, and these vendors will find themselves defendants to a prosecution for selling obscene or indecent material. The situation is being watched both in New South Wales, where the paper is published, and in South Australia, where the paper is sold. I hope that those who stock and sell this publication will bear in mind that they run the risk of being involved in handling a publication that is obviously sailing close to the line and that, if a prosecution takes place, they will not complain that they have not been warned.

EARTH-MOVING WORK

Mr. GOLDSWORTHY: Has the Minister of Roads and Transport a reply to my question regarding tenders for machinery for earth-moving work?

The Hon. G. T. VIRGO: The Highways Department has, for some time, considered that tenders received by councils for the hire of machinery have been influenced to some degree by the maximum rates set out by the department and previously supplied to the Earthmoving Contractors Association. In order to encourage truly competitive tendering, it has been decided to restrict the issue of the department's schedule of rates to local government authorities in future. Mr. Allen, Secretary of the Earthmoving Contractors Association, was informed of this by me in a letter dated October 29, 1971.

A.N.Z. BANK BUILDING

Mr. BECKER: Will the Premier say whether there is a deadline for negotiations between the Government and the owners of the A.N.Z. Bank building and, if there is not, how long he expects negotiations to continue

before a satisfactory settlement figure can be arrived at?

The Hon. D. A. DUNSTAN: The Government has not set a deadline, although it could do so under the provisions of the Compulsory Acquisition of Land Act. I expect that a conclusion will be reached soon.

MORPHETTVILLE PARK SCHOOL

Mr. MATHWIN: Has the Minister of Education a reply to my recent question about the conversion to a kitchen of a cloakroom at the Morphettville Park Primary School?

The Hon. HUGH HUDSON: I am pleased that the honourable member has asked this question, because I realize that the many reporters in the press gallery have been waiting for this reply. The Public Buildings Department states that funds are at present being sought to enable the conversion of the cloakroom to a kitchen to proceed. It is expected to be completed early in 1972, and I hope that that information gets full headlines.

BEEF ROADS

Mr. ALLEN: Has the Minister of Roads and Transport a reply to my question about the possibility of a beef road grant being made for the Marree-Oodnadatta road?

The Hon. G. T. VIRGO: Some years ago, when the South Australian Government decided to approach the Commonwealth to have certain roads in the pastoral areas of South Australia included for consideration for construction as beef roads, an assessment was made of the roads most likely to qualify for assistance. At that time, the Birdsville track was selected as the road where the best case could be made for assistance, and the South Australian Government then proceeded with a detailed investigation into the economic advantages to be gained compared to costs of upgrading the road. This investigation showed that an expenditure of about $9,000,000, in providing a sealed road, would result in a favourable benefit-cost ratio. However, despite protracted negotiations with the Commonwealth, an amount of only $1,000,000 was made available under the State Grants (Beef Cattle Roads) Act, 1968, to South Australia for upgrading the Birdsville track. Although the closure of the narrow gauge railway between Marree and Oodnadatta will undoubtedly result in increased cartage of beef cattle on the road between these two towns, it is doubtful whether this road will reach the importance of the Birdsville track in this regard. Accordingly, a benefit-cost ratio for improvements to the Marree-Oodnadatta road would not be as favourable as for the Birdsville track. In view of the fact that South Australia did not receive all the finance considered desirable to improve the Birdsville track, it would probably be futile to approach the Commonwealth now for funds to improve the Marree-Oodnadatta road as a beef road. It is also understood that the Commonwealth does not intend to continue giving financial assistance for beef roads after the expiration of the current agreement in June, 1974. However, the proposed construction of the Commonwealth railway between Tarcoola and Alice Springs, and the closure of the existing narrow gauge railway between Marree and Alice Springs, will have some effect on road-usage patterns in the northern pastoral areas. For this reason, the Highways Department will carry out an investigation into the effects of the changed pattern to determine whether any approach to the Commonwealth for assistance for certain roads can be justified.

ROAD TAX

Mr. WARDLE: Will the Minister of Roads and Transport consider exempting export flour from road tax? The proprietor of the Mannum flour mill has gained more and more export orders from Indonesia and he is about to go to Indonesia again to seek further orders. It is to this person's credit that he is finding his own markets for flour in Indonesia. The abolition of road tax would assist this country industry in the face of intense competition.

The Hon. G. T. VIRGO: I am prepared to have a look at this, but I am extremely doubtful that I would be able to comply with the request.

The Hon. J. D. Corcoran: It is constitutionally impossible.

The Hon. G. T. VIRGO: I am informed that it is constitutionally impossible, and if that is so it takes the matter outside my jurisdiction. Even if it were not constitutionally impossible, I think it would be highly dangerous to select one industry out of many for this type of concession. However, I will consider the matter.

LAKE GILLES NATIONAL PARK

Mr. GUNN: Can the Minister of Environment and Conservation say whether negotiations are still taking place for the purchase of land adjacent to Lake Gilles near Kimba? One of my constituents has been asked to sell some of his land so that the national park in that area can be enlarged, and he has

asked me to inquire what plans the Government has on this matter.

The Hon. G. R. BROOMHILL: I shall be pleased to take up this matter with the Director of National Parks and to bring down a reply for the honourable member.

OPEN-UNIT CLASSROOMS

Mr. VENNING: Can the Minister of Education say whether open-unit sections in new and replacement schools have been built as a matter of expediency or whether they are considered desirable compared to the normal type of construction? I understand that this type of construction is going out of fashion in America.

The Hon. HUGH HUDSON: The honourable member's understanding is incorrect. There has been no expediency in the introduction of open units into primary schools in various places in South Australia. It is considered a desirable policy directed particularly at securing a student-centred education. One of the main advantages of an open unit is that a tremendous variety of groupings can take place, and this greatly assists the introduction of team teaching in primary schools and enables a specialization for the individual teacher that was not possible under the previous arrangements. To a very significant extent, the individual student is encouraged to work alone and to solve problems on his own in a way that could not take place previously. I do not think the honourable member can be aware (but the member for Kavel could inform him) that one of the criticisms that has been made of Government education systems throughout Australia has been the tendency to spoonfeed and coach students rather than create a learning environment where students can learn for themselves to a great extent, and learn how to study. This is the basic philosophy behind the approach that has been adopted in other countries, and South Australia is leading the field in this type of education in Australia. It is basic to a system that aims at education rather than public instruction.

LERP

Mr. NANKIVELL: On October 5, in reply to a question, the Minister of Environment and Conservation said that he would ask the Minister of Agriculture to consider providing financial assistance for Dr. White of the Zoology Department of the Adelaide University. Can the Minister of Environment and Conservation say whether he did contact the Minister of Agriculture and what action, if any, has been taken to assist Dr. White, who is researching the insect lerp. As the Minister of Works would know, this insect is making an impact on a large area of the South-East extending from south of Keith to Willalooka. It is defoliating the trees and spoiling the aesthetic value of the landscape. Despite assurances that these trees might recover, I suggest to the Minister, if he is interested in preserving the things that exist now, that some action should be taken to solve this problem.

The Hon. G. R. BROOMHILL: I recall undertaking to raise this matter again with the Minister of Agriculture following the honourable member's question. I know that this was done, and I believe a report is being prepared at the moment. This is a matter that many people, including members of Parliament, have referred to me. It is a difficult problem to solve, but I will see whether I can hasten the reply that is being prepared.

PORT AUGUSTA BRIDGE

Mr. KENEALLY: As a result of the Port Augusta City Council's decision that the existing Great Western bridge should be demolished when the new structure is completed, can the Minister of Roads and Transport now say whether the Government will accept responsibility for the demolition? Although numerous questions about this bridge have been asked of the Minister previously, the Minister has been unable to explain just what would be the Government's policy until the council had made a decision. The council has now stated that in its view the bridge should be demolished, and in view of the statement to the council by the Commissioner of Highways that he would recommend that the Government pay the demolition costs, I ask this question of the Minister.

The Hon. G. T. VIRGO: I am pleased to hear that the council has now made a decision in this matter, and I am sure that it will help us in considering what should be done. My recollection of previous questions that have been asked about this matter is that the ownership and control of the bridge is vested in the Port Augusta council and that it is therefore completely the council's responsibility. However, I will examine the matter, including the statements that I understand the Commissioner of Highways has made to the council, and bring down a considered reply for the honourable member.

FESTIVAL CENTRE

Mr. COUMBE: Has the Premier a reply to my recent question about the festival centre and the rise and fall clause of the contract?

The Hon. D. A. DUNSTAN: I have received the following letter from the Town Clerk:

As a result of increases in costs of labour and material and idle plant due to strikes, the increase in the cost of the theatre under the rise and fall clause of the contract has amounted to $178,000.

JUVENILE OFFENCES

Dr. TONKIN: Can the Attorney-General say whether the Juvenile Court magistrate has offered any explanation or comment to him regarding the reported big increase in the number of juvenile court hearings during the past year? I understand from the report that the Social Welfare Department has been involved in 6,560 hearings during the year and that this represents an increase of 1,115. This does not necessarily represent an actual increase in crime: it may represent an increased rate of detection, or it may cover multiple offences committed by one person. Presumably, the magistrate must have formed some impression and view that would be of interest to the community and the department. I realize that the Minister has not released the magistrate's report, but perhaps he will indicate the magistrate's views on this matter.

The Hon. L. J. KING: I will consider the matter.

PRISONERS AID ASSOCIATION

Mr. EVANS: Has the Premier a reply to a question I recently asked about the Housing Trust's providing a house for use by the Prisoners Aid Association?

The Hon. D. A. DUNSTAN: Although a similar question was previously asked by the member for Mawson, I point out that the Trust receives many social welfare requests each week from organizations like the Prisoners Aid Association and it is unable to comply with many such requests without being unfair to the many ordinary applicants who are waiting for houses. In addition, the trust is required to let its houses to people of limited means and, therefore, can deal only with actual families; thus, even if it had accommodation available, it could not let, say, two houses directly to the Prisoners Aid Association for its own use. The Prisoners Aid Association has made, and I presume will go on making, direct representation to the trust for specific families, and the trust will try to help wherever possible, while still having in mind the many other welfare requests mentioned above, the many medically supported applications, and ordinary applicants who are waiting their turn. The only other solution would be for the Government out of separate funds to request the trust to build houses for the Prisoners Aid Association which it would administer. At this stage we have not been able to provide that sum for the Prisoners Aid Association.

BOOK RELEASE

Mr. BECKER: Can the Minister of Education say whether the Sun paperback book *Sir Henry, Bjelke, Don Baby and Others* is being recommended for high school students studying English and Economics? I understand that this book is to be released on Friday, and advance copies have been perused by several members of the front bench.

The Hon. HUGH HUDSON: Having seen a copy of this book, I understand the honourable member's concern. Unfortunately from his own point of view, He did not get a guernsey, although some of his more distinguished colleagues did. I understand the honourable member's desire to procure wide publicity throughout the South Australian education system through what has been said in that book about members on both sides and, on behalf of members who gained a guernsey in that book, I thank the honourable member for his consideration. He will appreciate, of course, from controversies that have arisen previously in South Australia in this regard, that the prescribing of books in schools is not my prerogative, and that previously, in relation to other books, I have said that I would not interfere in any way with the procedures of the department. Unless the honourable member wishes to take up the matter with officers of the department, I cannot assist him in the matter.

MILANG RAILWAY

Mr. McANANEY: I understand that the Minister of Roads and Transport has a reply to my recent question about the Milang railway. I hope that, in giving that reply, he is able to keep on the track.

The Hon. G. T. VIRGO: I regret to inform the honourable member that I cannot keep on the track with this reply, because it concerns the Milang railway, and he was involved in having its operation cease. However, I can get him on to the track by informing him that an Act to provide for the discontinuance of the railway line between Sandergrove and Milang was assented to on October 29, 1970.

MILLBROOK SCHOOL

Mr. GOLDSWORTHY: Has the Minister of Education a reply to my recent question concerning the Millbrook Primary School?

The Hon. HUGH HUDSON: As the result of a request from the Education Department, the Public Buildings Department has engaged consultants to prepare designs and an estimate of cost for additional toilet accommodation for female staff at the Millbrook Primary School, and also to provide a report and make a recommendation on the upgrading of the existing facilities. On receipt of this report, funds will be sought to enable work to proceed as quickly as possible. With regard to the poor soakage capacity of the present septic system, the District Building Officer has arranged with the Headmaster to be informed when the septic tank needs pumping out. This arrangement has proved satisfactory and is relieving the problem.

PINNAROO SCHOOL

Mr. NANKIVELL: Will the Minister of Works ascertain whether a tender has been let for the building of proposed new change-rooms and toilet block at the Pinnaroo Area School and, if it has, when it is expected that this work will be completed?

The Hon. J. D. CORCORAN: I will do that.

SUNNYSIDE SWAMP

Mr. WARDLE: Will the Minister of Environment and Conservation have an officer of his department investigate whether the pumping of saline water to a portion of the swamp known as Sunnyside is having a detrimental effect on the remainder of the swamp? The Minister will be aware of the swamp known as Sunnyside on the north side of the Murray Bridge township, and he will also be aware that private developers have developed a portion of that area. All the salt water channels are directed to the bank of the area, and the salt water is pumped from these channels and not out into the open stream, as is so often the case, but against the bank of the reclaimed area. I ask that this be investigated to see whether the saline water will cause much of the reed and other growth in the water to die.

The Hon. G. R. BROOMHILL: I shall be pleased to have the matter investigated and to confer with the Minister of Works on the activities mentioned.

AGRICULTURAL MACHINERY

Mr. VENNING: Has the Minister of Roads and Transport a reply to the question I asked on November 9 about agricultural machinery?

The Hon. G. T. VIRGO: I think if the honourable member carefully reads the letter which was sent by the Acting Secretary of the Road Traffic Board to the United Farmers and Graziers of South Australia Incorporated he will note that the board's refusal to issue permits for over-dimensional containers applies to such containers only when they are loaded. The point missed by the honourable member is that there are available a number of types of equipment that are termed bulk seed and super bins that can also be used as field bins for grain. These vehicles are equipped with much heavier axles than was previously the case, and they can be towed with a load. Several such bins are, I understand, up to 10ft. or 12ft. in width and can carry substantial loads whilst being towed. It is because of the availability of this relatively new equipment that the board has decided on the policy outlined in its letter. Clearly, many prime movers used to tow such bins would not have sufficient braking efficiency to control such heavy loads on the road.

Whilst it is not intended to allow loaded bins over the width referred to earlier to travel on roads, the board will still consider applications for permits for the conveyance of such bins while empty. By subjecting these field bins to permit control, positive safety measures can be implemented by means of escorts where necessary, alternative routes prescribed and suitable hours of travel laid down. It does not necessarily follow that the Road Traffic Act should be amended to include field bins in the definition of "agricultural machine" simply because the Motor Vehicles Act now provides exemption from registration for these vehicles. The fact that we now include them as farm implements to bring about this exemption is pure expediency. We could easily have created a section on its own for exemption from registration of field bins without calling them farm implements. I see no reason why the Road Traffic Act, in the interests of road safety, should not place limitations or controls on the use of any vehicle, irrespective of requirements to register or otherwise under the Motor Vehicles Act. Every owner has a duty, in registering a vehicle or using an exemption from registration, to see that his vehicle complies with the provisions of the Road Traffic Act. I see no difference in this respect between a field bin and any other vehicle.

ONE STICK BAY

Mr. KENEALLY: Can the Minister of Roads and Transport say whether there have been any recent developments in relation to the request by owners of shacks at the One Stick Bay area of Port Augusta that the access road be upgraded? The Minister will be aware that I have corresponded with his department about the matter and that a petition has been presented. My question is prompted by a report in the Port Augusta *Transcontinental* indicating that the Highways Department has pegged out a new road which had been investigated by a departmental officer and was regarded as satisfactory.

The Hon. G. T. VIRGO: As all sorts of negotiation have been taking place with regard to this road, perhaps it would be safer for me to get a report.

COURT JURISDICTION

Mr. MILLHOUSE: Can the Attorney-General say whether the Government intends to alter the limits of jurisdiction of the Local Court? When the previous Government brought in the Bill altering the arrangements and jurisdiction of the Local Court, the ceiling was fixed at $8,000 for actions other than those involving motor cars, for which the ceiling was $10,000. That happened two years ago and in the meantime the value of money has dropped. I remind the Attorney that, since the present Government came into office, part of the jurisdiction that would be exercised by Local Court judges has been taken away from them and transferred to the Industrial Court, although I understand that, because of the lengthening of the lists and the greatly increased complexity of the procedures under the new workmen's compensation legislation, the Industrial Court is now seeking the services of one of the judges to assist. Nevertheless, up to the present there has been a net loss of work to the Local Court, and therefore the judges are not as heavily committed as they were.

The SPEAKER: Order! The honourable member is commenting.

Mr. MILLHOUSE: Yes. However, there is one other point that I desire to put in explanation of the question. Every time proceedings are commenced a decision has to be made as to which court the proceedings should be brought before—the Local Court or the Supreme Court. There is always the danger that a claim may be under-estimated and proceedings taken in the Local Court. As the claim turns out to be above the limit, it should have gone to the Supreme Court. As far as I know, there is no way in which actions can be transferred from one court to another.

The SPEAKER: Order! The honourable member is going beyond the bounds of explanation.

Mr. Millhouse: I was not, but I have finished now.

The Hon. L. J. KING: The position at present is that the judges of the Local Court of full jurisdiction are fully occupied with work on their own list and also with the work of clearing the backlog in the magistrates' lists. There is no indication at present that the judges of the Local Court are likely to suffer from a want of work. Indeed, the reverse may be the case. One of the problems that has confronted practitioners in this area is that it is difficult for them to make use of the interim damages legislation under the present system because, at the time when they should be issuing the writ shortly after the accident has occurred, in most cases they cannot know whether the ultimate amount will be beyond the jurisdiction of the Local Court. I intend to introduce an amendment to the Act as soon as practicable (and that will now be in March) to provide that, where the solicitor certifies when he institutes proceedings that on his then state of knowledge and belief the action will be within the jurisdiction of the Local Court, and where he then seeks a declaration of liability and an interim award of damages in the Local Court, that determination will be binding if the action is ultimately removed to the Supreme Court. I believe that this will make the interim damages legislation scheme much more workable than it has been in the past.

As there may be other problems associated with the removal of causes from one court to another, I have had this examined at the same time as the interim damages problem. I am awaiting a report on that, especially on the matter that may lead to some amendment that extends beyond the limited question of declaration of liability and the interim damages award. Reverting to the main part of the honourable member's question, as it seems to me that there is presently a satisfactory balance between the work and jurisdiction of the Supreme Court and the work and jurisdiction of the Local and District Criminal Court, I do not see any present need for an alteration in the jurisdiction of the Local Court.

PUBLIC SERVICE STAFF

The Hon. D. N. BROOKMAN: Can the Premier say why there has not been the normal number of resignations by public servants at this time of the year? A report in this morning's *Advertiser* states that South Australian Government departments expect only one-tenth of their normal intake next January, and the key to the situation appears to be that there has not been the normal number of expected resignations. Will the Premier comment on the reasons for this and say whether it is due to the Public Service being more attractive or whether there has been a significant tightening up in employment opportunities so that public servants are remaining in their jobs?

The Hon. D. A. DUNSTAN: Generally, in Australia at present (and this is occurring in every State) a mood of pessimism prevails because there has not been sufficient stimulus given to the markets for Australian products. In consequence, people are more cautious, and this is exemplified by the fact that savings bank deposits are now at a record high level. As a result, people are not being as adventurous, and this is reflected in the general employment pattern in every State. What had previously been happening in the Public Service was that officers in the junior clerical grades left the service every year to take positions in banks and insurance companies, but that has not happened to the normal extent this year. Certainly, other factors are involved: for instance, conditions for public servants are certainly more attractive now than they were before this Government took office.

Mr. Millhouse: Not as a result of this Government!

The Hon. D. A. DUNSTAN: On the contrary.

Mr. Venning: The proof of the pudding is in the eating.

The Hon. D. A. DUNSTAN: If the honourable member reads the *Public Service Review,* he will see that pointed out. Conditions of public servants have improved markedly under the present Government. In addition, the conditions for married women have improved, particularly in respect of the provision of accouchement leave, which has meant that married women and women who become pregnant while in the service may now be retained. However, the main factor is that there has not been a movement into commerce at the normal rate.

The Hon. D. N. Brookman: Do you agree that South Australia is still an island of progress?

The Hon. D. A. DUNSTAN: We are still better off than are the Liberal States of Australia.

SCHOOL FANS

Mr. GUNN: Can the Minister of Education say why schools that have recently had fans installed in the classrooms have not had fans installed in the staff rooms? Recently, I visited a large school in my district and was told by staff members that the school had recently had new fans installed in every classroom (and staff members were pleased about this), but the staff room, which is occasionally used as a classroom, has been excluded.

The Hon. HUGH HUDSON: First priority for the installation of fans is given to rooms where maximum occupation is involved, namely, the classrooms. However, if there is a school where a staffroom is occasionally used for classroom purposes, there is a case for the installation of a fan, and I shall be pleased to look into this matter if the honourable member gives me the details. Regarding staff rooms generally, I am examining the possibility of installing fans in such rooms where they are part of a timber building. We have a generalized programme directed at improving staff accommodation in schools, and the introduction of fans in rooms that will be used for three years or longer could well be part of that process.

COORONG

Mr. RODDA: Has the Minister of Environment and Conservation or his department made any studies as a result of the extremely wet year we are experiencing in the South-East and the consequent run-off into the Coorong? Has the Minister examined the advisability of having the South-Eastern waters channelled into the southernmost part of the Coorong? As the Minister is well aware, the Coorong has deteriorated in quality, and perhaps as a tourist attraction, as a result of the strong smells that emanate from certain sections of it, and this suggests pollution. This year we have experienced a normal rainfall (something we have not had for a long time) and surplus water is available. We have artificially channelled, for one reason or another, the regular source of water from this wonderful waterway, which is part of the State's heritage. Can the Minister say what he is doing or intends to do to restore this asset to its natural state?

The Hon. G. R. BROOMHILL: I have replied to similar questions asked by the member for Mallee in recent months. However, I am pleased to see that at least one other Opposition member is showing concern, as is the Government, about the Coorong, which is an area of importance to this State from the point of view of tourism. I told the House recently that one of the first jobs that I would be allocating to the environment committee, after it had submitted its final general report, which is expected to be available late this year or early next year, would be a study of the Coorong and its problems in order to ascertain what must be done to ensure that the Coorong is improved. However, a current examination is being made by officers of the Fisheries and Fauna Conservation Department on the effects of this year's substantial rainfall to see what freshening effect it has had on the Coorong. I understand that initial studies indicate that a substantial improvement has taken place.

MINISTERIAL STATEMENT: DEEP SEA PORT

The Hon. J. D. CORCORAN (Minister of Marine): I seek leave to make a Ministerial statement.

Leave granted.

The Hon. J. D. CORCORAN: As I have now tabled the report on the proposed new terminal facilities to serve the central grain areas of South Australia, I believe that I should make a statement. Before I proceed, I point out that the member for Rocky River earlier this afternoon told me that he would ask a question about the matter. Had he asked that question before I tabled the document, I would have replied to his question in the following terms. The report of a committee appointed in August, 1970, to investigate and recommend the best location for a bulk grain loading berth for large grain vessels to serve the central grain areas of the State has been received and considered by the Government. The essence of the committee's recommendation is that there is not sufficient justification to proceed with such a proposal. In a most comprehensive report, the committee says that if such a berth was to be constructed it should be located at Ardrossan, but because of the relatively small tonnages of grain and salt the port could be expected to handle there was not sufficient justification to proceed with the proposal in view of the heavy additional capital and operating costs involved. However, the development of new industries in the area could strengthen the case for a super port. Although the committee examined the case for upgrading facilities at all existing terminal ports and considered development of a new site, it reports that the selection of a site soon narrowed to a choice between Ardrossan and Wallaroo. In the view of the committee, the cost advantages in favour of Ardrossan far outweighed the considerations which may otherwise have suggested Wallaroo as the logical choice.

However, the provision of facilities at Ardrossan would still cost about $8,250,000 to cater for ships of 65,000 dead-weight tons or about $6,700,000 for ships of 45,000 dead-weight tons. The annual operating costs for facilities at Ardrossan were estimated at $670,000 to cater for ships of 65,000 dead-weight tons and $555,000 for ships of 45,000 dead-weight tons. This is equivalent to 9.5c and 8c respectively a bushel of wheat on the present average annual throughput of 190,000 tons of grain and salt.

The committee estimated the cost of facilities at Wallaroo at $18,000,000 to cater for ships of 65,000 dead-weight tons or $12,750,000 for vessels of 45,000 dead-weight tons. The annual operating costs at Wallaroo were estimated at $1,500,000 for ships of 65,000 dead-weight tons or about $855,000 for ships of 45,000 dead-weight tons. This is equivalent to 17c and 13c respectively a bushel of wheat on the present annual throughput of 180,000 tons. The report points out that the large difference in capital costs between Ardrossan and Wallaroo is caused entirely by the amount and cost of dredging at Wallaroo. Cabinet has accepted the committee's recommendation.

At 4 o'clock, the bells having been rung:

The SPEAKER: Call on the business of the day.

CIGARETTES (LABELLING) BILL

Returned from the Legislative Council without amendment.

CONSTITUTION ACT AMENDMENT BILL (MEMBERS)

The Hon. L. J. KING (Attorney-General): I move:

That Standing Orders be so far suspended as to enable me to introduce a Bill and move the second reading forthwith.

The Bill I seek to introduce amends the Constitution Act and is designed to facilitate dealings by members of Parliament with Government instrumentalities. It has special urgency,

and the reason why I seek the indulgence of the House in this way is that the State Government Insurance Commission will begin doing business with the public next January and some members of the House may wish to do business with that office. As the Constitution stands at present, there are doubts about whether they can do this without being liable to forfeit their seats in this Parliament. Therefore, it is desirable that this Bill pass through both Houses of Parliament before we adjourn for Christmas.

Motion carried.

The Hon. L. J. KING obtained leave and introduced a Bill for an Act to amend the Constitution Act, 1934, as amended. Read a first time.

The Hon. L. J. KING: I move:

That this Bill be now read a second time.

It is designed to enable members of Parliament, without risk of forfeiting their seats, to enter into, and enjoy the benefit of, certain contracts and agreements with the Government where the members do not receive more favourable terms than would be given to members of the public.

Section 49 of the Constitution Act at present provides, *inter alia,* that any person who directly or indirectly, for his use and benefit or on his account, undertakes, executes, holds or enjoys in the whole or in part any contract, agreement, or commission made or entered into with or from any person for or on account of the Government shall be incapable of being elected, or of sitting or voting, as a member of Parliament during the time he executes, holds or enjoys any such contract, agreement or commission or any part or share thereof, or any benefit or employment arising from the same.

Section 50 of the Act renders void the seat of any member of Parliament who so enters into, accepts, undertakes or executes any such contract, agreement or commission. Section 51 contains a list of exemptions from the application of sections 49 and 50. Because of the provisions of sections 49 and 50, there are a number of contracts, agreements and commissions which members of the public can enter into with or accept from the Government, but if they were even in the ordinary course of business entered into or accepted by a member of Parliament, he could lose his seat in Parliament.

While the Government acknowledges the need for the stringent provisions of sections 49 and 50, it also recognizes that in some areas members of Parliament should not be precluded from dealing with the Government and its instrumentalities in the ordinary course of business like any other member of the public, and this Bill extends the exemptions contained in section 51 to the following:

(a) contracts or agreements in respect of any bet made with the South Australian Totalizator Agency Board:

(b) contracts or agreements to participate in any lottery or for the purchase of any ticket in a lottery conducted by the Lotteries Commission;

(c) contracts, agreements and commissions made, entered into or accepted in respect of policies of insurance issued by the State Government Insurance Commission or in respect of any loan made by the South Australian Superannuation Fund Board;

(d) contracts or agreements with the South Australian Housing Trust for the sale, purchase or letting of land or with the State Bank and Savings Bank of South Australia in respect of any loan;

(e) contracts, agreements, advances and payments under certain specified Acts;

(f) royalties and commissions paid by or on behalf of the Government in respect of mining or quarrying activities on land;

(g) guarantees or contracts, agreements, payments or conditions relating to guarantees under the Homes Act; and

(h) payments made by the Government to members of Parliament out of moneys received from any insurer in respect of policies of insurance relating to those members.

Clause 2 of the Bill gives effect to those proposals. Clause 3 clarifies section 52 of the principal Act without in any way altering its meaning or intention.

Mr. MILLHOUSE secured the adjournment of the debate.

HIRE-PURCHASE AGREEMENTS ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Hire-Purchase Agreements Act, 1960-1966. Read a first time.

The Hon. L. J. KING: I move:

That this Bill be now read a second time.

The effect of this short Bill is to resolve a possible conflict between the Door to Door Sales Bill and the Hire-Purchase Agreements Act. Honourable members will recall that,

under the Door to Door Sales Bill, consideration cannot pass from the purchaser until the cooling-off period has expired. However, section 47 of the Hire-Purchase Agreements Act enjoins the owner of goods to be the subject of a hire-purchase agreement to obtain the statutory minimum deposit on entering the agreement with the hirer.

Accordingly, this Bill provides in clause 4, by an amendment to section 47 of the Hire-Purchase Agreements Act, that compliance with the Door to Door Sales Act, when appropriate, will not render a hire-purchase agreement void. Finally, by clause 3 a provision has been inserted in general terms to ensure that operation of the Door to Door Sales Act is not modified by reason of the provision of the Hire-Purchase Agreements Act.

Mr. MILLHOUSE secured the adjournment of the debate.

METROPOLITAN MILK SUPPLY ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the Metropolitan Milk Supply Act, 1964-1967. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

This short Bill is intended to resolve an administrative problem in relation to an aspect of the terms and conditions of the service of the Chairman of the Metropolitan Milk Board and inferentially other officers and servants of the board. It is the desire of the board that the previous service of any such persons with the Public Service, where that service is continuous with service with the board, should be recognized for the purposes of long service leave and sick leave. Already the reverse of this situation is the case: that is, if a person having service with the board obtains employment in the Public Service his service would for the purposes mentioned above be regarded as service with the Public Service. Advice from the Crown Solicitor suggests that there may be some doubt as to the powers of the board in this matter and accordingly this Bill is introduced so as to set those doubts at rest.

I shall now explain the details of the Bill. Clause 1 is formal. Clause 2 formally provides for the determination of the terms and conditions of the Chairman and other members of the board and then specifically provides for the recognition of previous service in the Public Service in the case of the Chairman of the board. Clause 3 makes similar provision in the case of officers and servants of the board.

The Hon. D. N. BROOKMAN secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 16. Page 3027.)

Mr. MILLHOUSE (Mitcham): I do not oppose this Bill, which was brought in hurriedly only yesterday. I understand that the Government is anxious to have it passed before the House adjourns at the end of next week. The Bill deals with a couple of matters, the first of which relates to the imposition of the death sentence on the conviction of a person for the crime of murder. I agree with the Attorney-General that the present procedure, irrespective of whether the penalty is to be carried out or not, is out of date and should be altered. I desire to make only one point: that while it may be the policy of the present Government to invariably commute the death penalty, this Parliament has on a number of occasions rejected the abolition of the death penalty, and the policy of this Government may not be the policy of future Governments. Therefore, the reasons given by the Attorney-General in his second reading explanation are not precisely the reasons for which I support the Bill.

The second matter deals with the commutation of the death penalty itself. If it is considered necessary to do this, I suppose it should be done, but I do not believe that, having done it, we would be any better off than if we did not do it. I was a little perplexed by the drafting in clause 3 of the Bill. Clause 3 inserts the following words after "death" in section 303:

> or, instead of pronouncing sentence of death, order sentence of death to be entered of record.

That is a strange turn of phrase which I must say I queried at first, but after diligent search I now notice that it does appear in section 301 (1) of the Act and I hope that the Attorney-General has checked to see that it fits properly into section 303.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Sentence for murder."

The Hon. D. N. BROOKMAN: What would be the position in the event of the death penalty being restored by a subsequent Government?

The Hon. L. J. KING (Attorney-General): Not at all. It is unnecessary for the judge to pronounce formal sentence of death. Instead of reciting the harrowing and gruesome words, he may simply record the death sentence and that will have the effect of the sentence of the court. The position is exactly the same: it is the sentence of the court that the prisoner die according to law. That means that, unless the Governor in Council intervenes to commute the penalty, it would be carried out in the normal way, and the effect of this is simply to make it unnecessary for the judge to recite the words in court. The legal effect is precisely the same.

The Hon. D. N. BROOKMAN: What exactly will the judge say in court? I am less concerned about the harrowing effect of just telling a man he will be hanged by his neck until he is dead when he knows he will not be executed. Is it perhaps the judge's feelings we are worrying about?

The Hon. L. J. KING: The judge will choose his own words. I think he would address the prisoner thus: "The law requires me to record the sentence of death: I now formally record the sentence of death" and that will be that. As to not being concerned about the pronouncement of the sentence of death, I do not know whether the honourable member has ever been present at a pronouncement of the death sentence in circumstances where the sentence might well have been carried out, but I have been. Indeed, I have had the unfortunate experience of being present when the sentence has been passed upon my client. It is the sensibilities of the judge that are in question, because the judges have held the view very strongly that they should not be called upon to go through the procedure of sentencing a man to death in open court, using the time-honoured formula and knowing that whilst the present Government holds office the sentence will certainly not be carried out and that, even under the Government of which the member for Alexandra was a member, it was unlikely to be carried out. There has not been an execution in South Australia since 1964 and it does credit to the Government of which the honourable member was a member between 1968 and 1970 that it did not carry out the death sentence. I am happy to pay that tribute to that Government and to the humanity of its members.

I think it is easy to understand how the judges can ask why they should be called on to go through this gruesome ritual knowing that the sentence will not be carried out. In such circumstances why should they not be in the position of simply recording the sentence of death? Apart from that, even if the sentence has to be carried out, what is gained by the gruesome, spine-chilling business of the pronouncement of the sentence of death in the open court? The judges have rebelled against this for many years. In my first years at the bar, a judge donned the black cap before pronouncing the sentence of death and this added something to the macabre atmosphere of death. For some years this has not been done, but the judges are still required by law to pronounce the words. It does nothing that cannot be done far more satisfactorily by the provision which is included in this clause, and that is simply to enable the judge to say, "I now formally record the only sentence which the law permits me to pass for this crime, namely, the sentence of death."

The Hon. D. N. BROOKMAN: I have no objection to the passage of the clause but I do point out to the Attorney-General that from time to time there are crimes in this community so horrible that many people in the community would be offended if the law was not put into effect, and I believe that could well happen again. I believe that the penalty of death should not be completely removed and my questions were designed to ensure that there was no impediment to the reinstatement of the practice should the occasion ever occur when the Government deemed it advisable.

The Hon. L. J. KING: There is no legal impediment. As to the statement that some future Government may order the execution of a person in South Australia, my only comment can be "God forbid!"

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

SECONDHAND MOTOR VEHICLES BILL

In Committee.

(Continued from November 16. Page 3079.)

Clause 4—"Definitions."

The Hon. L. J. KING (Attorney-General): I move:

To strike out the definition of "commercial vehicle" and insert the following new definition:

"commercial vehicle" means a vehicle constructed or adapted solely or mainly for—

(a) the carriage of goods;

(b) the carriage of persons exceeding ten in number;

or

(c) industrial or agricultural use,

but does not include a vehicle, being a derivative of a passenger vehicle, commonly called a utility:.

The purpose of this amendment is to make clear what is comprised within the term "commercial vehicle", which vehicle is excluded from the operation of the Bill. The expanded definition is the result of consultations that have taken place with representatives of the trade and those knowledgeable in the business of used cars, and I think it produces a more satisfactory definition than that included originally.

Mr. EVANS: I move:

To amend the amendment by inserting after "utility" the words "or panel van".

Having referred to this matter during the second reading debate, I have also discussed it privately with the Attorney-General.

The Hon. L. J. KING: I am willing to accept this amendment to the amendment. True, the member for Fisher spoke to me about this matter yesterday, and I have since had the opportunity to satisfy myself that the expression "panel van" is capable of a precise meaning, as it is a term sufficiently clearly understood in the trade to be applied by the courts, if necessary. I think that panel vans, like utilities, should come within the protection of these provisions, because they are frequently bought by members of the public whom this Bill is intended to protect.

Amendment as amended carried.

The Hon. L. J. KING: I move:

In the definition of "dealer" after "person" to insert "other than a financier".

The purpose of this amendment is to make clear that a financier or finance company is not required to discharge the obligations imposed by this Bill, and other amendments will subsequently complete this scheme of amendments. The Bill is designed to attach certain responsibilities to dealers in motor vehicles, but finance companies, because of the way in which they arrange their transactions, often carry on the business of both buying and selling motor vehicles. The nature of the security they often take is a chattel mortgage or bill of sale, and this means that the title to the car in question passes from the dealer to the finance company and that, in law, the finance company has really bought the car from the dealer. The dealer then sells the car to the customer and takes a mortgage or bill of sale back as its security.

In the hire-purchase transactions, the finance company purchases the vehicle from the dealer and hires it to the customer with an option to purchase; so that, under the terms of the definition as it stands, the finance companies could be caught. It is not certain that this would be so, because it is not certain that it could be said that finance companies were carrying on the business of buying and selling, but it might well be held that the provisions of the Bill would apply to finance companies. This was obviously not intended, and it would be simply inappropriate to apply many of the provisions of the Bill to finance companies rather than to persons dealing in motor vehicles.

Amendment carried.

The Hon. L. J. KING: I move to insert the following definition:

"financier" means a person whose ordinary business is not that of buying or selling secondhand vehicles but who carries on or acts in that business only for one or more of the following purposes, that is to say—

(a) for the purpose of the hiring, under a hire purchase agreement, of the vehicle bought or sold;

(b) for the purpose of effectuating a security over the vehicle bought or sold;

(c) for the purpose of the hiring, where the right to purchase the vehicle is not included in that hiring, of the vehicle bought or sold;

or

(d) for the purpose of disposing of vehicles acquired by him in connection with the purposes referred to in paragraphs (a), *(b)* or (c) of this definition.

This definition is inserted consequentially on the previous amendment.

Amendment carried.

The Hon. L. J. KING: I move to insert the following definition:

"model designation" in relation to a vehicle of a particular model, means the words or symbols (if any) applied by the manufacturer of that vehicle to identify a vehicle of that model:.

The purpose of inserting this definition is that I intend to move subsequently to amend clause 23 to substitute for the requirement that notice given to the purchaser should contain the year of manufacture the requirement that it should contain the model designation or the year of first registration. This amendment arises from submissions made on behalf of the trade that in some cases it is not possible to state accurately the year of manufacture, and that it would therefore be wrong to impose an obligation which carries penal consequences when the requirement is impossible to meet in certain cases.

Mr. MILLHOUSE: I do not oppose the amendment, but when I first looked at the definition I thought it meant that the name

of the model had to be given (Ford Fairlane, for instance). Nothing refers to the date.

Mr. EVANS: I believe that the amendment clearly states what is required, and I think that people in the trade will realize this. I also believe that the Prices Commissioner will interpret it in the way the Attorney has explained. In the case of a Holden, it would mean FJ and so on.

Mr. MILLHOUSE: I should still like the Attorney to say what he thinks.

The Hon. L. J. KING: I substantiate what the member for Fisher has said. I am told that all motor vehicles bear indelibly implanted on them somewhere the model designation, which signifies the sort of particularity referred to by the member for Fisher. Unless this is deliberately erased, it is available for inspection. Every dealer knows where to look for it and can so state with certainty the model designation.

Amendment carried.

The Hon. L. J. KING: I move:

In the definition of "sell" after "hire" to insert "or the hiring of that vehicle".

The intention was to exclude "hiring" in the definition of "sell" where it did not amount to a hire-purchase agreement. In the original Bill, the definition was confined to the ultimate hire and the reference to hiring of the vehicle was not included.

Amendment carried.

The Hon. L. J. KING: I move:

In the definition of "sell" after "offer" fourth occurring to insert "or hiring".

This is a consequential amendment.

Amendment carried.

The Hon. L. J. KING: I move:

In the definition of "trade owner" to strike out "dealer" and insert "person"; and after "vehicle" third occurring to insert "or for the purpose of the hiring of that vehicle where the right to purchase that vehicle is not included in that hiring".

The provisions of this Bill are intended to apply to people who buy vehicles for use, that is, consumers. A person who buys a vehicle for resale is engaging in business or in speculative transactions, and it is not reasonable that he should be able to rely on protective provisions designed to protect consumers. Originally the exclusion from the exemption was designed for dealers. There is no reason why, if it is a business transaction, the fact that the purchaser is not a dealer should give him protection under the Bill. An astute business man who does not happen to be a dealer in motor vehicles may nevertheless seize the opportunity to buy and sell at a profit. If he does that, it is a business transaction and the protective provisions of the Bill are not appropriate. The second amendment extends the exclusion to a trade owner if he buys for the purpose of reselling or for the purpose of hiring it for profit. It comes to the same thing: it is a business transaction.

Amendments carried.

The Hon. L. J. KING: I move to insert the following definition:

> "year of first registration" in relation to a vehicle, means the year in which that vehicle was first registered under the provisions of any Act or law, whether of this State or elsewhere, for the time being in force relating to the registration of vehicles.

I have already explained the need for this definition when explaining the necessity for including the definition of "model designation".

Dr. EASTICK: Although I accept this amendment, I ask the Attorney whether he has taken heed of the fact that it is not uncommon for dealers or for persons with a new car franchise to use vehicles as demonstration models, those vehicles being used with trade plates. This could extend over a period of months and could well cover the months of, say, November, December, January and February. Even though this definition will cover most vehicles sold, some manufactured in 1970 would be first registered well into 1971. I do not ask that an alteration be made, but I ask whether this problem was considered in the drafting.

The Hon. L. J. KING: Yes, it was. Of course, this was why the original Bill provided for the year of manufacture as being the real information that the purchaser needed. It was only when I was persuaded that it was not practicable to require information on the year of manufacture (because it might not always be possible to provide) that it was necessary to look round for alternatives. The alternatives that have been arrived at require the model designation and the year of first registration to be stated. I agree that a situation could arise where the year of first registration did not give the complete information that one would like a purchaser to have. However, the year of first registration combined with the model designation takes it a stage further because, if in the meantime there is a model change, at least the purchaser has the model designation and the year of first registration. The situation can arise when a model remains the same where the year of first registration would not tell the purchaser the year of manufacture. This provision is

the closest we have been able to get. In the absence of something better, I believe that the Committee should accept this approach.

Amendment carried.

The Hon. L. J. KING: I move to insert the following new subclause:

(1a) For the purposes of this Act, where a dealer sells a secondhand vehicle to a financier in the expectation that the financier will sell that vehicle to a third person and the financier so sells that vehicle to that third person, that dealer shall be deemed to have sold that vehicle to that third person.

Its purpose is to ensure that, in a transaction where the actual sale is by the finance company to the customer (because of the form of the security documents), the dealer nonetheless will have to discharge the obligations created by the Bill. It is simply a means of ensuring that the mere form of finance and security arrangements do not defeat the objects of the Bill.

Amendment carried.

Mr. CARNIE: What does the Attorney-General intend to do regarding the change in title of the Prices Commissioner to the South Australian Commissioner for Prices and Consumer Affairs as this relates to this legislation?

The Hon. L. J. KING: When the amendments were drafted and placed on file, the Bill to alter the Commissioner's title had not been passed. It has still not been assented to, and I do not think it would be practicable to change his title in this Bill now. I think the Bill that alters the title provides that wherever the term "Prices Commissioner" is used in legislation it will mean the Commissioner for Prices and Consumer Affairs.

Clause as amended passed.

Clause 5 passed.

Clause 6—"The Board."

Dr. EASTICK: Will the board have teeth so that it will be able to take specific action and provide the service for the public that it is said it will serve? I take it that the Land Board and the Land Agents Board are in the same general pattern as is this board. If an individual fails to comply with certain rules and regulations set out in an Act under which he is licensed and this involves someone in a loss, the loser must take civil action. Will this board be able, without a person having to take civil action, to recoup him for any financial loss?

The Hon. L. J. KING: No. The board has disciplinary powers conferred on it by the Bill, and a dealer may appeal to the Local Court against an order of the board. There is no question of conferring on the board the power to make an award of damages against the dealer, because this would be an exercise of judicial power and would, in effect, be turning the board into a court. I strongly oppose conferring on a board power to affect the rights of the parties in that way, without the protections a court can afford. The proper tribunals to judge between claims of citizens as to debt, damages or property matters are the courts, and the law provides the safeguards that are applied by the courts. I do not think it would be appropriate to confer on an administrative tribunal the power to make money awards against a dealer.

Dr. EASTICK: Is it the practice in other fields that the board's decision has any weight in any subsequent court action taken by the aggrieved person? I appreciate that the board's decision might be open to challenge, but are members of the community, generally, protected in respect of moneys that have been taken from them by persons who have been registered by the board?

The Hon. L. J. KING: No. Regarding land agents, several provisions, particularly the trust account provisions, exist regarding money. It did not seem appropriate to include that type of provision in this Bill, because the secondhand dealer is not an agent but is dealing as an adverse party in the transaction with the customer. The situation here is not analogous to that of a land agent, who is an agent and, therefore, obligations appropriate to agents with regard to handling the principal's money must be included. The licensing intended by the Bill is designed not to enforce civil rights or to provide protection with regard to money (which, after all, once paid to the dealer is the dealer's own money) but to ensure, first, that those who engage in the business of buying and selling secondhand cars are fit and proper persons, that they can be trusted to discharge their obligations under the Bill and that they have the financial capacity to do so. It is also designed to ensure that they maintain proper standards and are appropriately dealt with, if they do not preserve those standards, by being delicensed and, therefore, unable to carry on in business. Where loss is occasioned to a member of the public by some act or omission by the dealer, the appropriate step is for the member of the public to institute legal proceedings. If the remedy sought by the member of the public is one conferred by this Bill, provision exists for arbitration by the Prices Commissioner, with the agreement

of both parties, but the ultimate arbiter, if one is needed, must be the properly constituted court.

Clause passed.

Clause 7—"Composition of the Board."

The Hon. L. J. KING: I move:

In subclause (4) to strike out "he may, by notice in writing given to the Minister appoint a person as his deputy to act for him" and insert "the Minister may, by notice in writing given to the secretary to the board, appoint a person as the deputy of that member to act for that member"; and in subclause (5) to strike out "appoints a deputy" and insert "has a deputy appointed to act for him."

These amendments result from consideration of the suggestion by the member for Fisher during the second reading debate that perhaps it is undesirable for a member of the board to have power to appoint his own deputy and that it may be better for the Minister to retain the power to appoint a deputy if one is needed. The honourable member has persuaded me of the validity of this point.

Amendments carried.

Mr. EVANS: Can the Attorney tell me why the Chairman of the board must be a legal practitioner? Perhaps a person other than a legal practitioner could be a capable Chairman.

The Hon. L. J. KING: I think it important to bear in mind the functions of this board. It will not only license used car dealers: it will also delicence, inquire into conduct, and make findings about that conduct. Members of the legal profession have the professional training to assess evidence and determine guilt or innocence. They are trained in weighing evidence on the sort of complaint that will be made, deciding the weight to be given to explanations, and assessing any other evidence. I consider that it is important, not only for the protection of the public but also for the protection of the dealer who is accused, that the Chairman should have the professional training that qualifies him to appreciate what is relevant and discard what is irrelevant, to assess the credibility of witnesses and the value of evidence, and to make a wise, reasonable and impartial decision. The legal profession is the profession in the community with the training that qualifies it for this task, hence the requirement that the Chairman of the board be a legal practitioner.

Clause as amended passed.

Clause 8 passed.

Clause 9—"Casual vacancy in office of member."

Mr. EVANS: Under this clause, a member of the board may be absent, without the Minister's leave, from four consecutive board meetings. I should like the Attorney to say why provision has been made for four consecutive meetings. This is an important board, expected to carry out an important activity in the community. If a member is to be absent for even two meetings, why should he not obtain the Minister's leave? A member may be absent without the Minister's consent from four meetings, attend a meeting, and then absent himself from another four meetings without leave.

The Hon. L. J. King: That would be his last term of office.

Mr. EVANS: Why can we not provide for fewer absences than four?

The Hon. L. J. KING: One could choose any number, perhaps five or three, and I suppose it is a matter of choosing what seems to be a reasonable number of consecutive meetings. When replying to the second reading debate, I said I thought that a provision regarding two meetings, as suggested by the member for Fisher, was too few, because a member could miss two consecutive meetings accidentally. For example, perhaps he may not be notified of one meeting or he may note the meeting on a wrong page in his diary, or something like that: he may have purchased a secondhand car just before a meeting and something untoward may happen on the way to the meeting.

One does not want regular application to the Minister for permission. I think it is demeaning to a member of a board of this kind to tell him that he must get the Minister's leave every time he will miss a meeting. I consider the provision regarding four meetings to be reasonable. The penalty of forfeiture of a place on the board is automatic if a member breaches this provision. If a board member was thoroughly irresponsible and adopted the course of conduct to which the member for Fisher has referred (and I would hope that the people I would appoint to a board of this kind would not behave in that way) he would not be re-appointed. However, it is assumed that only responsible people will be appointed.

Clause passed.

Clauses 10 to 15 passed.

Clause 16—"Powers of Board in dealing with applications, etc."

The Hon. D. N. BROOKMAN: Can the Attorney say whether the provision to require the attendance of any witness applies in the case of all boards? I know that it applies in one other case, which I think is that of the Builders Licensing Board. Someone ought to have regard to the number of organizations

which we establish and which have power to compel the attendance of witnesses. This is a fairly wide power that normally is the prerogative of courts, Royal Commissions, and other types of inquiry, and I do not think it is desirable for statutory boards to have this power unless it is absolutely necessary. Will the Attorney-General say what are his views on this matter? Would he limit this power under general conditions or is there some other way which could slightly limit this power?

The Hon. L. J. KING: I think that it is essential that any board or tribunal exercising disciplinary powers, at any rate of this kind, should have power to compel the attendance of witnesses, because it may be impossible to arrive at the truth of the matter without this power. It is quite wrong for Parliament to confer on a board a power that could deprive a man of his licence (which means his livelihood in this case) unless at the same time it gives power to the board to obtain evidence to enable it to arrive at a fair decision. It would be unthinkable that a man could be deprived, on a partial presentation of facts, of his livelihood and his right to carry on business, whereas all the time he was saying that Joe Blow had information and documents which would clear him entirely but he would not come to court and the board was powerless to direct his attendance. The same applies on the other side of the coin: it would be unthinkable that a villain would be allowed to carry on his depredations on the public simply because a vital witness who could prove his villainy was unwilling to give evidence.

I believe that, where we are dealing with boards with serious disciplinary powers, the power to compel witnesses to attend is vital. I am sure that a board with a legal practitioner as Chairman would not use irresponsibly the power to compel the attendance of a witness. It would ensure that a witness had vital evidence before requiring his attendance. A witness whose evidence might be sought before a board is in a better position than witnesses whose evidence is sought before a court, because in a court of summary jurisdiction any justice of the peace can issue a summons to a witness compelling his attendance before the court. The justice, who may know nothing of the facts or circumstances of the case, could be very easily persuaded that the witness had material evidence to submit, whereas the board would know something about the inquiry and who might have information and therefore be in a far better position to refuse to summon a witness where it considered he could not possibly have any material evidence to give.

Mr. EVANS: The penalties applicable to any person contravening this section are either too high or too low. The maximum fine is $200, whereas the maximum imprisonment is six months, or both penalties can be imposed. I do not think there is a true comparison, and I wonder whether the Attorney-General has considered making the penalty three months imprisonment or changing the fine to $400?

The Hon. L. J. KING: I would not be against having a maximum fine of $400, although I believe that, if a threat of a fine of $200 will not compel a person to attend the board, refrain from interrupting its proceedings, and producing the books and documents as required, it is not likely a threat of a higher fine would have that effect. Only the threat of imprisonment is likely to have an effect on that person's mind. If a court trying a person for an offence against this provision concluded that it was so serious that it required a fine of more than $200, I should have thought that the court would think that some term of imprisonment was called for. That would be likely to occur only in a serious case in which perhaps a person, who obviously had information that would convict a secondhand car dealer, was in some way a collaborator of the offender and would not give evidence, or something of that kind. I would not oppose providing for a fine of $400, but I cannot really see any cogent reasons for altering the existing fine.

Clause passed.

Clause 17—"Application for licence."

The Hon. D. N. BROOKMAN: I move:

In subclause (1) (*c*) after "Act" to insert "but he shall not be compelled to disclose to the board his total assets and liabilities".

If it is not absolutely necessary (I am convinced it is not) to know a person's total assets and liabilities, Parliament is, under this clause, imposing an unjust provision on the trade. We need only provide that the board shall be satisfied that the person concerned has sufficient material and financial resources available to him to enable him to comply with provisions of the Bill. I could satisfy myself now about the qualifications of certain secondhand car dealers whom I know, without knowing their total assets and liabilities, and I have not the slightest doubt that the board would also be able to satisfy itself in this respect. I am afraid that, because of the Government's policy on other matters, the present provision will mean that the board will demand a person

to disclose his total assets and liabilities, not once but probably every 12 months.

Mr. McRae: And so it should be.

The Hon. D. N. BROOKMAN: The member for Playford has an opportunity to supplement his argument if he wishes. If a person can obtain a licence under whatever conditions the board stipulates, it should be unnecessary for him to have to specify his total assets. Regarding the type of form to be completed under other legislation, the person concerned merely answers a question to the effect that he can put up a bond involving a certain sum. If the board has any doubt, it has ample power to test the information given. In the relevant regulation under the Builders Licensing Act, the form for an application by an individual to renew a licence under that Act is as follows:

Financial standing (not to be answered by applicants for renewal of a general builder's licence (manager) or restricted builder's licence (manager).

Set out your net worth as follows:

Total business assets.....
Total personal assets.....
Total assets .....
Less Total business liabilities.....
Total personal liabilities.....
Total liabilities .....
Net worth .....

Contingent liabilities or arbitration pending (give details) .....

There is no guarantee that the provisions with which we are dealing will follow that form, but they will probably follow it, because the Government vociferously defended that form previously, and it will defend prescribing a similar form here. Although the member for Playford has broadly hinted, by way of interjection, that that is what will happen, I am more concerned than apparently he is to see that the privacy of people in the community is respected. I agree that certain people (for instance, the Deputy Commissioner of Taxation) have a right to study a person's affairs in detail, and no-one can logically object to that course. However, the power at present provided in this clause should be limited to those cases where it is absolutely necessary that the details concerned be disclosed.

Where a question can easily be answered to show that the person concerned can meet a certain financial requirement, there is no need for a full disclosure of his assets and liabilities. Too many people in the community may have information about the affairs of the people concerned, and I wish to ensure that the present unnecessary provision does not apply. The Government can make regulations under a later clause prescribing the type of form to which I have referred. In moving this amendment I am safeguarding the privacy of people in the community where it is necessary to do so. True, if a person is going to turn out to be a swindler or give the board cause for suspicion, the board has many powers to help it find this out. However, in the case of most secondhand car dealers, there will not be any doubt whatever. Therefore, this amendment will be fair to secondhand car dealers and will safeguard the public. It will also prevent yet another intrusion into the rights and liberties of the community.

Mr. BECKER: The Attorney-General is obviously sitting on the fence waiting for the argument to be developed. This clause is another interference with the privacy of citizens. The provision is ridiculous; it has no point. The member for Unley may giggle, but I am sure that he would not like a public servant to know the full details of his financial affairs. Under the clause an applicant for a licence must disclose full details of his assets and liabilities. As a banker who has had to help value the assets and liabilities of a client, I assure the Committee that that is not an easy job. That was my job as a banker and I had to assess the position of a client before the bank would lend the client money.

The CHAIRMAN: The honourable member must confine his remarks to the amendment or he will be out of order.

Mr. BECKER: Any so-called full statement of assets and liabilities submitted by an applicant would not be worth the paper on which it was written. A person should have trade references from a banker and from other reputable business people. It is useless to ask a person to disclose everything he has, if a week later his position can change completely. A person's financial statement is confidential. Banks deal with these matters with some secrecy, but I do not know what is the position with regard to the Public Service. The less other people know about a person's financial affairs the better.

The Hon. L. J. KING: There is no provision in this clause that requires anyone to disclose his total assets and liabilities; a person is merely required to satisfy the board that he has sufficient resources. The member for Alexandra fears that regulations may be made, as in the case of the Builders Licensing Act, that require an applicant for a dealer's licence to disclose his assets and liabilities. At this stage, I do not know whether that will be so. I suppose that I shall have some part in the framing of the regulations, and I shall be

guided greatly by the views of members of the board as to what is needed in this case. It is possible that what is appropriate in the case of a builder may not necessarily be appropriate in the case of a used car dealer; the circumstances are not necessarily identical. However, it may well be that it will be found necessary to require applicants to state their assets and liabilities.

Without having considered the form the regulations will take, I can see great difficulties in approaching this matter without knowing what are the full assets and liabilities of an applicant. The member for Alexandra concedes that it is important that the board be satisfied that an applicant has the financial capacity to discharge his responsibilities under the law, but he asks why it is necessary for a person to disclose his total assets and liabilities. He says that it should be sufficient for a person to disclose an excess of assets over liabilities. However, the difficulty is that the board must consider the fitness of an applicant, having regard to all factors. An excess of assets over liabilities that may be sufficient in one case may not be sufficient in another case. It may depend on the nature and extent of the business carried on, the suitability of the applicant and so on.

The nature of the assets would be important. For instance, $50,000 worth of book debts might not be attractive, whereas $50,000 invested in real estate might be attractive. Much could depend on the history of the individual. A man who has all his connections in South Australia may need only to show that he has realizable assets, because it is unlikely that he would go away. However, more permanent assets may be required of a person from another State or overseas. I find it difficult to understand how a board could assess the suitability of an applicant for a dealer's licence without knowing the nature of his assets and liabilities. The disclosure of financial position is a price people have to pay for a licence to engage in certain types of activity which experience has shown are likely to result in loss to the public. If regulations can be prescribed that make it unnecessary for total assets and liabilities to be disclosed, I shall be happy with that decision. I do not think we can afford to write into the Bill a prohibition against the board's requiring to know total assets and liabilities. It may be necessary for the board to have this information in certain cases, if not in all cases.

Mr. MILLHOUSE: As that explanation has done nothing to allay my fears, I am now confirmed in my support of the amendment. One of the greatest problems that has arisen in the case of builders licensing has been the determination of the board to seek information of the same nature as we are inviting this board to seek. I suppose a case could be made out for knowing anyone's financial situation, even that of a member of Parliament, a doctor or a lawyer. Here, we are applying this provision to secondhand car dealers, as the Government is attempting to do to builders, who thought that they were getting something they liked. This provision is so wide that the board would be justified in saying that it could not be satisfied as to an applicant's sufficient material and financial resources unless a full disclosure of them were made. This will mean that another set of officials will be prying into people's business affairs.

Mr. VENNING: I support the amendment. One day an applicant might be financially sound, whereas in a week's time he could be far from financially sound. Perhaps a better way of ascertaining that he is financially sound would be to check with a firm with which he has dealt for many years.

Mr. EVANS: I support the amendment. The problem with the builders licensing legislation was that builders were asked to disclose their total assets at the outset. If a secondhand car dealer can establish that he is financially sound without disclosing his total assets, that should be sufficient; but it would be unjust for the board to ask at the outset for the applicant to disclose his total assets. It should be sufficient for an applicant to prove that he has sufficient assets to carry on in his business.

The Hon. D. N. BROOKMAN: I have no doubt that, when the regulations are promulgated, that provision for a complete disclosure of total assets will appear on the prescribed form. It will be bureaucratic idiocy if a secondhand car dealer is required to submit a statement of his total assets, and this will be one further intrusion into the privacy of people.

The Committee divided on the amendment:

Ayes (18)—Messrs. Allen, Becker, Brookman (teller), Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, and Millhouse, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (25)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McKee,

McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Majority of 7 for the Noes.

Amendment thus negatived; clause passed.

Clause 18 passed.

Clause 19—"Licences generally."

Mr. EVANS: Why has subclause (4) been included? I thought that the provisions of that subclause would be taken for granted. Can the Attorney explain the position?

The Hon. L. J. KING: Perhaps, if I were the Parliamentary Counsel, I might have taken it for granted, too, but I am a slip-shod sort of person and the Parliamentary Counsel is not. He makes sure of these things. Probably, if the provision were not included, I think it might be regarded as implied in the other provisions that while a person is disqualified he cannot get a licence. However, no harm is done by having the provision included.

Clause passed.

Clauses 20 and 21 passed.

Clause 22—"Prohibition on dealing in secondhand vehicles unless licensed."

The Hon. L. J. KING: I move:

In subclause (1) after "person" to insert "other than a financier".

This amendment is consequential on the earlier provision designed to ensure that the obligations intended to be imposed on a dealer do not fall on a person whose only part in the transaction is that of a financier.

Amendment carried.

Mr. EVANS: A person working only in the area of motor wrecking may have difficulties in defining the faults that may be in a vehicle or in giving any guarantees. The Motor Vehicles Act defines a motor vehicle, and we are dealing here with people who buy or sell motor vehicles. Can the Attorney-General explain the position of a motor wrecker who sells an incomplete vehicle for a price higher than the amount fixed?

The Hon. L. J. KING: I do not think that there is any doubt that, to be a motor vehicle, it must be a condition whereby it is capable of being used as a vehicle; that is to say, something that will travel along. The fact that it was temporarily unable to travel because it had a mechanical fault would not mean that it was not a motor vehicle, but if it was in a wrecked condition so that it was not capable of being used as a vehicle, in my view it would not be a motor vehicle. It would be something different, just a wreck, and would not be subject to any of the provisions of the law relating to a motor vehicle, such as registration. The wrecker who merely deals in unroadworthy wrecks that cannot be rendered roadworthy by simple expedients is not dealing in motor vehicles. If the wrecker sells vehicles for use as vehicles, he comes within these provisions, and I think he ought to.

Mr. VENNING: Can the Attorney-General say whether a person, particularly a partner, who advertises his car for sale in, say, the *Stock Journal* comes within the terms of this legislation when he is selling a car?

The Hon. L. J. KING: No. The Bill applies only to dealers, who are defined as persons who carry on the business of buying or selling motor vehicles. A person who buys a vehicle for use in his business is not carrying on the business of buying.

[*Sitting suspended from* 6 *to* 7.30 *p.m.*]

Clause as amended passed.

Clause 23—"Particulars to be displayed."

The Hon. L. J. KING: I move:

In subclause (1) to strike out "person" and insert "dealer".

The purpose of this amendment is to make clear that the obligations imposed by this clause apply to dealers and not in relation to private sales of used motor vehicles.

Amendment carried.

The Hon. L. J. KING: I move:

In subclause (3) to strike out paragraph (*e*) and insert the following new paragraph;

(*e*) the year of first registration of the vehicle and the model designation (if any) of the vehicle;

I have already explained the purport of this amendment when explaining the amendment to the definition clause.

Amendment carried.

The Hon. L. J. KING: I move:

To strike out subclause (5) and insert the following new subclause:

(5) In any proceedings for an offence that is a contravention of subsection (4) of this section where the contravention consists of a false or misleading statement as to—

(*a*) the year of first registration of the vehicle;

or

(*b*) the model designation of the vehicle,

it shall be a defence for the defendant to prove that—

(*c*) he took reasonable steps to ascertain the year of first registration or, as the case may be, the model designation of the vehicle;

and

(*d*) to the best of his knowledge and belief the statement made as to the year of first registration or, as the case may be, the model designation, was a true and accurate one.

This is consequential on the alteration of the obligation that existed in the Bill as introduced (to provide information concerning the year of manufacture) to providing information concerning the year of first registration and the model designation.

Amendment carried; clause as amended passed.

Clause 24—"Obligations of dealer."

Mr. MILLHOUSE: I move:

In subclause (1) after "section" to insert "and section 24a of this Act".

I refer members to the first of the amendments standing in the name of the member for Fisher, who has allowed me to move the amendment in this form. This amendment is essential to new clause 24a, which I desire to insert in the Bill. During the second reading debate I canvassed the matter of having some exception in the Bill regarding those people who, because of their own skills, experience and knowledge, did not need its protection. I think I cited the example of a motor mechanic who might want to buy a used motor car but who did not need to have a warranty from any person: he is capable of inspecting the vehicle and of coming to his own conclusion on it, assuming (as I think it is reasonable to assume) that he has a proper opportunity to inspect the vehicle. It seems to be unreasonable to force the protection of the Bill on a person in that position, and to force it on him at a cost to himself. Even though I support the principles of the Bill, I am confident that it must add to the cost of used motor cars and to the cost of a specific used motor car.

The provision that I intend to insert provides that a prospective purchaser who has inspected may go away and, not earlier than 24 hours after he has inspected the vehicle, may sign a notice releasing the dealer from the obligations under clause 24. He must then sign that notice in the presence of a prescribed witness. The prescription of the witnesses will be left to the Government by regulation, and I hope that the prescribed witness will not be anyone who may be regarded as tame, so far as the dealer is concerned. I have in mind a police officer, a member of the legal profession, a clergyman, a bank manager, or someone who has no connection with used cars or any specific used car dealer but who is in some other responsible full-time occupation and who would act as the witness regarding this notice of release.

I believe that these things are necessary to safeguard the exception which, as I think I have said, is desirable, and to avoid any possible abuse. But, if there is a separation in time and space from the execution of the notice of release, that will be a safeguard. A time of 24 hours should be enough for a person with mechanical knowledge to make up his mind whether he wants to take the vehicle without the safeguards provided by the Bill. A salesman may say that a person can have a vehicle more cheaply if he is prepared to sign a notice releasing the dealer from the obligations under the Bill. If the purchaser has to spend some time before signing the notice, this cooling-off period, which is similar to that provided in the Door to Door Sales Bill, will give him the chance to change his mind. The amendment, which is simple and desirable, contains sufficient safeguards against abuse.

Mr. EVANS: I support the amendment. I had an amendment similar to this, although I had not included the cooling-off period. I believe it is unjust not to give to a man who is qualified to know about motor cars the opportunity of contracting out of the warranty, thus saving himself the extra expense added by the dealer to allow for the warranty. People who would take this risk would understand the situation. If they have to obtain a signature from someone other than a person in the trade, they would have to think about this matter in the 24-hour period. This amendment would help people who work in the motor car industry and who do not have much money, the people the Labor Party says it represents. If in future complaints are made that the Bill is not working properly, we have the power to pass regulations to tighten the legislation.

The Hon. L. J. KING: I oppose the amendment. I consider that contracting-out clauses defeat the purpose of consumer protection legislation. In many areas we find that commercial organizations are able to escape their obligations, even under ordinary law, by inserting in contractual documents some exclusion of their obligation. Consumer protection legislation is designed to protect people who largely lack the advantages, sophistication and legal and technical knowledge that commercial organizations possess. If consumer protection legislation is to be effective, it is important that we make it impossible for dealers to avoid their obligation. I realize that the member for Mitcham has included safeguards in his amendment, but I think that it would be naive to think that they would be effective in protecting a consumer against an unscrupulous dealer.

It is naive to think that, because there is an interval of 24 hours or the waiver has to be signed at a place other than the dealer's premises, the influence of a salesman would be lost. A persistent salesman will still have an effect on a purchaser. The fact that a prescribed person must witness the signature adds little. A dealer or salesman who sets out to sell a vehicle free of the obligations under the Bill has many methods by which he can persuade an unsuspecting purchaser to waive his rights. He will persuade him that the vehicle is exceptional and free of defects. He will say that the warranty makes the sale price of a vehicle higher and that a vehicle can be purchased more cheaply if the warranty is waived. That sort of persuasion is extremely effective notwithstanding that 24 hours is allowed, that the purchaser signs the waiver on premises other than the dealer's premises, and that some witness is present when the waiver is signed. This would provide a means for unscrupulous dealers to get around the protections that the Bill is designed to provide for the purchasing public. Any consumer protection legislation of this type will be rendered ineffective if there exists a contracting-out condition of the kind included in the amendment.

Contracting out is not entirely prohibited by the Bill. I do not doubt that there are exceptional cases in which a person with genuine knowledge and experience freely wishes to buy a vehicle, taking the risk on himself. No doubt such cases will exist genuinely and apart from any undue or unscrupulous persuasion by the dealer or salesman. It is for that reason that clause 37 has been framed so that, in the exceptional case of a purchaser who has the necessary knowledge and experience and who wishes to enter into a contract at arm's length with a dealer and relying on his own judgment, it is open to the dealer and the purchaser to approach the Prices Commissioner to obtain the necessary consent. The Commissioner, being responsible for the administration of the legislation, would doubtless provide the machinery for that to be done readily and reasonably speedily. This means that an independent authority would be able to judge whether it was a genuine arm's length transaction or a facade.

If a certain dealer is exploiting this situation as a means of evading the provisions of the Act, the Commissioner would be able to judge it and to know that that dealer was getting people to sign away their rights in this way: in such a case he would be unlikely to grant the necessary consent. The Commissioner would also be able to judge the case of an honest dealer who was genuinely entering into a transaction with a person who was able to judge for himself, and he would grant his consent in those circumstances. A greater protection than that provided by the member for Mitcham is provided in clause 37. The amendment makes the effectiveness of the waiver depend on certain mechanical conditions such as a separation in time of 24 hours, and a separation of space in that the signing of the waiver must be at a place other than at the dealer's premises. The safeguard provided in the Bill as it stands is for the very authority charged with the administration of the Act to judge whether the transaction is really an independent transaction in which the protective provisions of the Bill could reasonably and properly be waived. For those reasons I ask the Committee to reject the amendment and to rely on the provisions in clause 37 to enable the kind of transaction to which the member for Mitcham has referred to be given effect to.

Mr. EVANS: The Attorney has said that the Commissioner has the power to waive the rights of those who wish to have them waived. I believe the Attorney-General has become divorced from the practical application, because this legislation has State-wide application. If the client of a Port Lincoln dealer wishes to waive his rights, is this to be done by telephone or by correspondence? I am sure that a telephone call would not be acceptable to the Attorney-General, so a delay could result. Most people in rural areas have a greater understanding of the mechanics of a motor vehicle than do most city people. Students in technical and area schools are taught the mechanics of motor vehicles to help them in their life on the land, and they are the ones who will be penalized more than other people if we have only clause 37 to permit a person to opt out. The Attorney-General has said that many people without legal or technical knowledge need to be protected, but many people have technical knowledge and therefore do not need protection, so they should not be forced to pay for it.

If any one dealer made a practice of doing this, Parliamentarians or the Prices Commissioner would receive complaints. If the clients were satisfied with opting out and found that they could obtain a fair deal, we would not receive complaints. The amendment provides that the prescribed person who signs the paper to give the buyer the opportunity to opt out

must make him aware of what he is doing. I do not believe that it is right for the Attorney-General to prejudge what people will do. To prove that the industry can act with reason and restraint, we should accept the amendment. The Attorney-General knows that, regardless of what we do now, certain loopholes will have to be closed in the future. However, we may be trying to close loopholes that will not exist.

The Hon. L. J. KING: Restraint and responsibility have not been the mark of the type of dealer who has occasioned the introduction of this legislation. I do not believe that members of the rural community need less or are entitled to less protection than the Bill provides. I believe the Prices Commissioner is capable of assessing the situation in the country as well as in the city.

Mr. Evans: But there will be a delay.

The Hon. L. J. KING: There will be a delay and, if there is a genuine transaction in which a person acting on his own independent judgment waives his rights under the Bill, there ought to be a time delay. The member for Mitcham recognized this, and placed the delay at 24 hours. Doubtless, the delay will be somewhat longer under the procedure laid down in the Bill. Nothing will persuade me that delay of a matter of days is a bad thing in a transaction of this kind. As a purchaser who waives his rights to protection under the Bill must act on his own independent judgment and be deprived of the protection that other members of the community will have under the Bill, there ought to be a delay for him to think the matter over and for the Prices Commissioner to assess the situation. The Commissioner can inquire in country areas as well as in the metropolitan area. He can communicate with the police and other persons to find out the situation.

It is extremely important that citizens in country areas should have the protection of this Bill and should not be in a position where they may be persuaded to waive their rights under it. My experience has been that residents of country areas are no less liable than are residents in the city area to be over-persuaded by unscrupulous salesmen, not only about motor cars but also in other areas. It is a sad fact that many frauds in South Australia have taken place at the expense of residents in country areas, particularly primary producers. In many ways they have lost hundreds of thousands of dollars by being made victims of the unscrupulous and fraudulent in all types of transactions.

I do not understand why an honourable member should consider that his country constituents are done a disservice because we insist that the protection of this legislation should extend to them. I do not think there is any reality in the fears expressed by the member for Fisher. The times when a member of the public should be able to deprive himself of the protection of this Bill should be rare and, when they did exist, clause 37 would provide for the Commissioner to give his consent.

That is the only assurance we can have that the right to waive the protection given by the Bill will not be used to exploit unfortunate people who need protection more than does any other person. The very people most likely to be exploited by unscrupulous dealers or salesmen are the people who are easily persuaded to sign away their rights. This is as much the case (sometimes it is more the case) in country areas as in the metropolitan area.

Mr. MILLHOUSE: The fundamental difference in outlook between the Attorney-General and members on this side is that the Attorney assumes that all used car dealers are crooks. That is the assumption behind everything he has said on the subject in this place.

Mr. Langley: Not every member.

Mr. MILLHOUSE: I do not know what that means. I am referring to the Attorney-General and I have not included all members opposite, although I believe that I may well have done so. We on this side do not believe that that is the position. We believe that probably most used car dealers are honest and honourable. This legislation is necessary because transactions of this kind are peculiarly open to cheating, but not everyone who engages in these transactions will cheat. There should be some means of contracting out of the provisions of the Bill in the proper case, and my amendment provides that.

However, we can argue until the cows come home, because the Attorney has stated his position and that is the position of the Government and every other member opposite. The Attorney even had to say that the waiver provided for in clause 37 could be given reasonably speedily. He used that phrase deliberately, because he knows that it would take the Prices Branch a long time to reach a conclusion. Who has ever heard (and I say this advisedly but, I hope, without showing a lack of charity for anyone) of a Government department acting speedily in these matters, even more so, as the member for Fisher has

said, when it comes to dealing with people in the country?

How will an officer of the Prices Branch decide whether to recommend a waiver for a person in a country town? That would take weeks to do, and I do not know how it would be done. Must we wait until he has inspected the car or interviewed the parties or the dealer? It does not matter in what country area the person is living, although perhaps in the larger centres the officer may be able to act through someone else. The Attorney overlooked the important point about what will happen to the vehicle in the meantime. If another person wants to take the car, will he wait, out of consideration for the first person who is trying to arrange a waiver? That is a fatal objection to the Attorney's argument. Commercial transactions do not wait in this way. The object is to turn over one's stock quickly.

Members interjecting:

Mr. MILLHOUSE: Members opposite, who have been denying that they are antagonistic to car dealers, are now proving what I said to be right. They are as suspicious as they can be and will not grant any good faith to these people.

Mr. Crimes: Not if they don't deserve it.

The CHAIRMAN: Order! I cannot allow an open debate on the Bill generally when we are dealing with an amendment to a clause. The honourable member for Mitcham, in speaking to his amendment, must realize that he is dealing with an amendment to release a proposed purchaser. The debate must continue on the lines of that amendment, not on the lines of a general debate on the Bill as it affects secondhand car dealers.

Mr. MILLHOUSE: I got into that because—

The CHAIRMAN: The honourable member must get out of it, because I have ruled it out of order.

Mr. MILLHOUSE: I was answering the arguments put by the Attorney-General opposing the amendment.

The CHAIRMAN: Order! I let the Attorney-General go beyond the latitude of the amendment because he was countering the amendment by referring to a later clause by way of explanation. However, I cannot allow an open debate on the Bill generally.

Mr. MILLHOUSE: In any case, I have made the point that a delay is fatal to the Attorney's argument. That is unanswerable, because a delay cannot be tolerated. It would mean that would-be purchasers would run the risk of losing the transaction if someone else wanted to buy the vehicle. The Attorney cannot give us any idea of how the Commissioner will operate any waiver. I do not believe the scheme will ever work. The only way it can work is along the lines of this amendment Although I have little hope that it can be successful no matter what we say, I believe it is a sound amendment that has sufficient safeguards to avoid the dangers referred to by the Attorney.

The Hon. L. J. KING: The member for Mitcham has somewhat disappointed me because, prior to his rising on this last occasion, I was reflecting on how well he was directing his attention to the issue before the Committee and how he had managed to avoid some of his normal debating tactics. However, he has reverted to the tactic of placing something in my mouth that I did not say and then he has proceeded to demolish it. This is a well known tactic, but it is singly out of place in this debate.

The honourable member chose to say that I had said or implied that all used car dealers were crooks, and I need hardly say that I did not say or imply that. Indeed, I said the reverse. It is a pity that the honourable member should be so devoid of genuine argument on what is an important topic as to have to resort to the type of debating tactic that we should both have left behind at university. The honourable member made some comment about the difficulty of the Prices Commissioner giving a decision within the time, and he went so far as to ask whether anyone had ever known a Government department that could act expeditiously in that way. I point out, however, that the office of the Prices Commissioner has over a period of years developed a high standard of efficiency and expeditious attention to complaints in the consumer area and I think that every member, including the honourable member for Mitcham, has used the facilities that the office of the Prices Commissioner provides—

The CHAIRMAN: Order! We are discussing an amendment and the Attorney must confine his remarks to that amendment.

The Hon. L. J. KING: I thank you for that ruling, Mr. Chairman, but I draw your attention to the fact that the burden of the honourable member's argument was that his amendment was necessary because the provision which made the waiver dependent on the consent of the Prices Commissioner would be ineffective. I am rebutting that argument in my remarks and I trust that I will not stray

from what is relevant and appropriate in presenting that argument, but I am sure that you will correct me if I do so trespass.

Experience has shown that the Prices Commissioner is well able to handle expeditiously the sort of responsibility that is imposed on him by the provisions of this Bill in relation to the waiver. Therefore, the amendment sought to be made by the honourable member for Mitcham is unnecessary. I stress that the amendment is not only unnecessary, but it would open a loophole that would render the provisions of this Bill ineffectual because the unscrupulous type of salesman or dealer would exploit it to avoid the provisions of the Bill altogether. If members are sincere and genuine in their desire to see placed on the Statute Book an Act that will provide effective protection for the public in relation to the purchase of used cars, they will not agree to an amendment that will strike at the foundations of the whole legislative scheme provided in this Bill.

The honourable member claimed that under the scheme presented in the existing Bill there would be delay that would make this type of arrangement ineffective. The question was asked whether a dealer, if another purchaser came along, would hold the vehicle or sell it. Although I do not know what he would do, I know that this Bill should give every encouragement to dealers to observe the provisions of the measure. It is not our business to create opportunities for dealers to evade these provisions.

The Bill is introduced deliberately to provide protection for members of the public in their transactions with dealers in relation to used cars, and our business is to see that the provisions are effective. It is not our business to provide exemption and exclusion opportunities that will defeat the purpose of the Bill. If it means that in certain cases there is some delay in carrying a transaction into effect because the dealer does not want to observe the provisions of the Bill that is, so far from being a matter for criticism, a desirable situation. I think that the situation in which the protective provisions of this Bill should be capable of waiver should be exceptional, and it is desirable that a period should elapse before such a waiver provision becomes binding on the parties. I ask the Committee to reject the amendment.

Mr. CARNIE: I think the Attorney-General has once again shown that he is out of touch with reality. A person in the city who decides that he wants a used car without a warranty can apply to the Prices Commissioner and submit his case in a matter of hours but, in the case of country people, this could take up to 10 days, and these people would be disadvantaged.

The Hon. L. J. King: By being given an opportunity to think it over?

Mr. CARNIE: They would be disadvantaged by being forced to have an opportunity to think it over against their wishes. Some people are capable of making up their own minds and they are having protection forced on them, whether they want it or not.

The Hon. L. J. King: They are the people who complain about the bad cars they are sold.

Mr. CARNIE: In that case, no-one would have any sympathy for them. If I make a wrong decision, it affects no-one but me.

Mr. Crimes: Perhaps you can afford it.

Mr. CARNIE: Whether or not they can afford it, people will buy shares, bet on race horses, and—

The CHAIRMAN: Order! The honourable member is out of order. I warn honourable members that, unless they obey the authority of the Chair, I will have to deal with them in the correct manner as provided in Standing Orders. The honourable member's remarks are out of order. I have repeatedly stated in this Committee that we are dealing with an amendment and that members must relate their remarks to the amendment. The honourable member for Flinders.

Mr. CARNIE: I think I can link up my remarks, because I am referring to the right of people to make up their own minds regarding financial matters, and I think that what I have been saying is relevant to the clause.

The CHAIRMAN: If the honourable member wants to take exception to the ruling of the Chair, he has the right to do so. I think the remark he made indicates that he was taking exception to my ruling. If the honourable member continues along these lines, I will have to rule his remarks out of order.

Mr. CARNIE: Mr. Chairman, I will accept your ruling. I strongly support the amendment.

Mr. HOPGOOD: The whole concept of this legislation is that we are trying to protect people from themselves. If people had the opportunity and knowledge and, in some cases, just took the trouble to inquire about many of their purchases, much of the consumer protection legislation which we are introducing, and which I applaud, would not be necessary,

and I think this measure comes into that category. As the member for Flinders brandishes the banner of freedom here and says that he believes he should approach the vendor in a situation of complete freedom and be allowed to make his own decisions, I believe that the honest thing for him to do in this case is not to mess around with amendments but simply to throw out the Bill completely, because—

The CHAIRMAN: Order! I have repeatedly told the Committee that we are dealing with an amendment. The honourable member cannot refer to the Bill generally; he must confine his remarks to the amendment.

Mr. HOPGOOD: Thank you, Mr. Chairman; as ever, I defer to your knowledge of the Standing Orders of this place. What is the situation where a person with knowledge of the mechanical operations of the motor car waives his rights under the proposed clause, but nonetheless something goes wrong, because the vendor is still able to trick him? What redress has he? His redress is that which at present exists under the operations of the Prices Branch, and members will be aware just how ineffective many of those operations happen to be. I simply instance one case where one of my constituents bought a motor car that was later found to be defective, but he had absolutely no redress because the vendor was no longer selling motor cars: he was selling cooked chickens. That is the sort of situation confronting the purchaser who waives his rights under the amendment. He would not have the sort of protection given by the Bill, which is being introduced because the present arrangements are not satisfactory.

Mr. McANANEY: The member for Mawson has said that the Bill will have no effect if the amendment is included. The Bill is designed to give much protection to purchasers, but there is a limit on how far we can go in protecting them. Surely it is reasonable for someone to be able to opt out of a warranty under the conditions provided in the amendment.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, and Millhouse (teller), Mrs. Steele, Messrs. Tonkin and Venning.

Noes (25)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McKee, McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Majority of 8 for the Noes.

Amendment thus negatived.

Mr. EVANS: I move:

In subclause (1) (a) to strike out "five" and insert "two".

In dealing with this amendment, I will also refer to other amendments which I have on file and which depend on this amendment. In clause 24, I intend to change the warranty period from 5 000 km to 2 000 km and the time from three months to one month, and in paragraph (e) to strike out the reference to $500 or other such amount as is from time to time prescribed and to insert a reference to one-third of the standard price of the vehicle at the time it is sold. This means that the trade would be giving an unconditional guarantee to the purchaser of the motor vehicle for 2 000 km or one month on any vehicle sold at a price in excess of one-third of its original price. I also intend to move that clause 25 be struck out so that a dealer need not state the things he thinks are wrong with a car and how much those defects will cost to repair; nor will the dealer have the chance to opt out of repairing any fault that is found in the vehicle over the first 2 000 km or within one month, whichever first occurs.

I believe this would be a better guarantee for the purchaser. Forcing the dealer to state the faults in any part of the car of which he may have knowledge and telling him that if he has not stated any fault that occurs within the first three months or the first 5 000 km is unsound and leaves the way open for the unscrupulous purchaser to take the dealer for a ride. I believe my amendment is more sound, because the dealer cannot opt out. If clause 25 is deleted and if we reduce the warranty period, it will give fairer protection for the public.

Mr. GOLDSWORTHY: Reputable dealers in the trade would be happy to avoid the provisions of clause 25, which they consider to be unworkable. It is impossible to accurately say what are all the possible areas of fault in a vehicle without pulling it down completely. These dealers consider that it would be a less expensive process to give a guarantee for a shorter time and a shorter distance. The amendment would give members of the public a generous guarantee and enable them to have repairs effected at no expense to themselves. This alternative provision will provide the same cover. With the Bill as it stands, it would be necessary to complete an extensive

examination of a vehicle if the list of defects had to be detailed and the cost of repairing them given. I support the amendment.

The Hon. L. J. KING: I do not understand the motives behind the amendment, but they certainly have nothing to do with protection of the public, because the reduction of the warranty from three months to one month and from 5 000 km to 2 000 km represents a substantial reduction in the protection to the public which the Bill gives. What renders it somewhat sinister is coupling this with a desire to strike out clause 25, which relates to the disclosure of defects. It seems to involve a gamble on the dealer's part because, even though he has a vehicle which is defective and which he knows to be defective, he might be willing to gamble that it will last for a month or for 2 000 km before the defect shows up.

The amendment amounts to a direct repudiation of the recommendations of the Rogerson report. The Rogerson committee considered these matters carefully and they have since been re-examined. If members of the pubic are to have really effective protection against being sold defective vehicles, the statutory warranty must last for at least three months, because many of the most serious defects existing in a vehicle at the time of sale may become apparent for the first time long after one month has expired.

An attempt to limit the warranty period to one month is to expose the public to the serious risk of being sold defective vehicles. In some if the most defective vehicles, the most serious latent defects do not become apparent for some time, so even three months may be too short a period. One month and 2 000 km is so tight a line as to render the protection afforded by the Bill largely illusory in the case of many of the serious defects.

The antipathy to clause 25 is difficult to understand, because the clause provides that the dealer may exonerate himself from the obligation under the Bill to warrant a certain defect by disclosing it honestly and candidly to the purchaser and to estimate the cost of repairing it, but he does not have to do this. All these arguments about the difficulty of knowing whether a defect is present in a vehicle is beside the point, because the dealer does not need do this if he is prepared to stand behind his vehicle for three months. If, on the other hand, he is prepared to say, "I know there is a defect in that vehicle," and will not stand behind the vehicle, he is at liberty to disclose candidly and honestly to the purchaser that the defect is there, so that the purchaser will know that he is buying a defective vehicle. I do not understand what can be objectionable in that, and I question strongly the motives behind this amendment. It seems to me that its only effect can be to seriously diminish the protection that the Bill gives the public. It strikes at the foundations of the measure.

Mr. MILLHOUSE: I do not like the way in which the Attorney-General has opposed this amendment, by impugning the motives of the member for Fisher and suggesting that there is something sinister in the amendment. That is not the case. I, too, oppose the amendment, not for the reasons the Attorney-General has given for opposing it but because the recommendations in the Rogerson report are reasonable. I think that 5 000 km is a fair distance for a vehicle to run in relation to defects showing up.

The Hon. D. N. BROOKMAN: I support the amendment. I have said that the legislation is good in so far as it provides for licensing and gives considerable protection against defects. However, we should not provide insurance for everyone who buys a motor car. I think a distance of 2 000 km or a period of one month is reasonable. Many people, after entering into what is the fairly big transaction of buying a motor car, lose enthusiasm because of the heavy repayments, and so on. The Bill is so open to fraud that we are taking a big step forward and, in this instance, it is wildly experimental.

We assume that every member of the public with whom a dealer has business is honest and that the legislation will make every dealer honest, but that is nonsense. Members of the public have not a wonderfully clean record in buying or selling motor cars. The member for Fisher considers that, if a person who buys a motor car gets through one month, that is reasonable protection. The warranty under all conditions, apart from the few exceptions in the Bill, for 5 000 km will increase the price of secondhand motor cars, and no-one wants that. We are making dealers insure against loss.

The Committee divided on the amendment:

Ayes (15)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans, (teller), Ferguson, Goldsworthy, Gunn, Mathwin, and McAnaney, Mrs. Steele, Messrs. Tonkin and Venning.

Noes (27)—Messrs. Broomhill, Brown, and Burden, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Hall, Harrison, Hopgood, Hudson, Jennings,

Keneally, King (teller), Langley, McKee, McRae, Millhouse, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Majority of 12 for the Noes.

Amendment thus negatived.

Mr. EVANS: I move:

In subclause (2)(e) to strike out "five hundred dollars or such other amount as is, from time to time prescribed" and insert "an amount prescribed in relation to that vehicle".

I believe that the amount of $500 is too low, and I do not believe that the provision in the Bill is practicable. For example, most second-hand motor cycles would be sold for much less than $500. I believe it is wrong to have an arbitrary figure, for I believe that it should be related to the original price of the vehicle (in this case, one-third of that price). Motor cycles and motor scooters, the price of which may be as low as $200, or less in some cases, can be covered by the amendment.

However, as the Bill stands, practically all those who deal in motor cycles can act outside the measure, and I believe that the existing provision in the Bill is unwise and unnecessary. Under the existing provision, a motor car that was sold at a high price, say, 14 years ago might still bring $500 today, but it could be a complete wreck. On the other hand, as a small Honda vehicle that might sell for under $500 might still be in reasonable condition at present, it would be more satisfactory if the provision related to one-third of the original price. If the Attorney-General thought that 25 per cent of the original price was acceptable, I would agree.

The Hon. L. J. KING: There are obvious arguments of the kind adduced by the member for Fisher for accepting a percentage of the new price, but careful and deep reflection has convinced me, those advising me, and the Government that this is really an impracticable approach to the situation. There is no such filing as a new price, as a matter of law; list prices are more or less observed in the trade but are by no means universally observed. New vehicles are sold at various prices, but what is really critical is that it is of the utmost importance that members of the public should clearly and definitely know whether they are buying a vehicle with or without the protections of the Bill. It is unreal to think that members of the public can familiarize themselves, when they are buying a vehicle, with what was the new price and whether the price they are being asked to pay represents one-third of the new price or some other percentage of it. The unscrupulous used car salesman will be easily able to inculcate in the mind of a purchaser the notion that he is buying a vehicle with the protections of the Bill whereas, in fact, he is not.

If the Bill provides that a person buying a vehicle for more than $500 gets the protection of the Act but that a person buying a vehicle for less than $500 does not get the protection, that is something that everyone knows and has clearly in mind; otherwise one opens the road for abuse and creates much confusion. This being a consumer protection measure, it has to be made as simple and as easily understood as possible, and for the benefit of everyone in the community it is important to have a fixed sum. The advantage of having a definite figure far outweighs the disadvantages that have been referred to.

Mr. CARNIE: I support the amendment. I disagree with the Attorney-General that the advantage of having a fixed sum of $500 outweighs any disadvantages. Although new vehicles are not always sold at the list price, there is a standard list price for any vehicle, and I believe it would be easy to arrive at one-third of that price.

Mr. GOLDSWORTHY: I support the amendment. The Attorney-General said that it would complicate things for the general public. A fairly simple solution to this problem would be to make it mandatory that vehicles for sale have on them a notice stating that a warranty applies. It is not good enough to take this sum of $500 merely because it is simple to do so. It is unrealistic to have the same sum of $500 applying in the case of a motor cycle which cost $600 and also in the case of a motor car which originally cost $6,000. There is no relationship between the mechanical condition of a nearly new motor cycle and that of a motor vehicle that is nearly worn out.

Dr. EASTICK: Last evening, the Attorney said that people would not be aware of the sum involved. Surely it would be simple to have included in the transfer papers that pass between the seller and buyer a statement of the list price of the vehicle and a sum representing one-third of that price. If the seller knowingly put an unrealistic list price in the transfer document, he would be guilty under other provisions of the Bill. It would be simple to acquaint potential purchasers with what represented one-third of the price involved. I find the Attorney-General's argument hollow.

The Committee divided on the amendment:

Ayes (16)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe, Eastick, Evans

(teller), Ferguson, Goldsworthy, Gunn, Hall, Mathwin, and McAnaney, Mrs. Steele, Messrs. Tonkin and Venning.

Noes (26)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McKee, McRae, Millhouse, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Majority of 10 for the Noes.

Amendment thus negatived.

The Hon. L. J. KING: I move:

In subclause (3) to strike out paragraph (a) and insert the following new paragraph:

(a) the sale of a vehicle where the proposed purchaser has been in possession of that vehicle for a period of not less than three months immediately preceding the day of that sale.

The first part of the amendment is the omission of the provision in the existing Bill that the section does not apply to or in relation to the sale of any vehicle at a genuine public auction, and the second part is to substitute another exclusion. The public auction provision was originally included in the Bill because it was thought that there might be occasions when sale by public auction by a dealer ought to be excluded. However, on reflection I think it is clear that any sale of a motor vehicle incidental to a genuine public auction (for example, a clearing sale) would not involve a dealer, because the principal and not the auctioneer is the vendor. So, if a motor vehicle was sold as part of a general auction, it would not come within the provisions of the Bill, and there is no need for the exclusion relating to public auctions. It is undesirable that dealers should be given the opportunity of avoiding the provisions of the Act by selling cars at public auction, because the same kind of situation arises at an auction sale as arises at any other type of sale. If dealers sell vehicles at public auction, they should be subject to the same obligations as if they are sold by private treaty.

The second part of the amendment provides that the section shall not apply to the sale of a vehicle where the proposed purchaser has been in possession of the vehicle for not less than three months immediately preceding the day of that sale. The reason for the insertion of this provision is that a situation can arise in which a purchaser actually has possession of a vehicle for three months. The basic protection afforded by the Bill is that the dealer shall warrant the condition of the vehicle for three months after sale, the reason being that we are giving three months for defects to become apparent, and to enable the purchaser to become aware that he has bought a defective vehicle and to pursue his remedy.

There are perhaps rare situations where a purchaser actually takes an option to purchase a vehicle and has possession of it for three months. He does not need the additional three months, because he knows the vehicle which has been in his possession and he has had the opportunity to observe its defects. A more common situation than that is that of the purchaser who leases or hires a vehicle, has had it in his possession for an extended period, and then buys the vehicle. The vehicle has been in his possession for three months, and very often longer, and he is better able than anyone else to know what its defects might be. Where the purchaser has had the vehicle in his possession for three months, it seems to be unnecessary to give him the additional protection provided in the Bill, and it would be unreasonable to expect the vendor dealer to warrant for an additional three months a vehicle that had been out of his possession for three months and in the purchaser's possession for three months.

Mr. EVANS: Can the Attorney-General say what is the position where a body such as the Electricity Trust or a company sells vehicles by tender? Would it be contravening the Act, or would it still be allowed to carry on such a practice? Also, if a company such as Elder Smith-Goldsborough Mort Limited wished to dispose of some of its used vehicles by auction or by tender, could the company use one of its own auctioneers or must it call tenders? Would it be contravening the Act? The same position could apply to Chrysler Australia Limited, who might sell some of its staff vehicles. Are such companies obliged to become licensed dealers?

The Hon. L. J. KING: The types of organization to which the honourable member has referred are not dealers under the Bill, and therefore are not affected by its provisions. They can sell their vehicles by private treaty, by tender or at auction, or in any way they please.

Mr. EVANS: "Dealer" means a person who carries on or acts in the business of buying or selling secondhand vehicles. How does the Attorney-General say that, because a person operates in a minor way in buying or selling vehicles, he is not obliged to be licensed?

The Hon. L. J. KING: If a person is engaged in the business of buying or selling vehicles, he is a dealer within the meaning of the Act. He may have other businesses but, in order to come within the definition, of "dealer", he must be engaged in the business of buying or selling vehicles. If he merely buys or sells vehicles as an incident to carrying on some other business, he is not a dealer.

Amendment carried; clause as amended passed.

Clause 25—"Excluded defects."

The Hon. L. J. KING: I move to insert the following new subclause:

(3) If in any notice referred to in subsetion (1) of this section the amount estimated by the dealer as the fair cost of repairing or making good any defect is less than the amount of the fair cost of repairing or making good that defect the purchaser may sue for and recover the difference between those fair costs as a debt due to the purchaser from the dealer.

The clause as drafted provided that where a dealer disclosed a defect to the purchaser and assigned a cost of repair to that vehicle, and the cost of remedying the defect did not exceed the cost assigned, the Act did not apply in relation to the defect. The result was that if the dealer disclosed the defect and assigned a cost of remedying the defect, but the cost of remedying exceeded the estimate made by the dealer, the defect would come within the provisions of the Act and the dealer would be liable to remedy the defect. The amendment provides that the dealer is liable only for the excess over the estimate he has placed on the defect. I think the amendment is probably a fairer amendment from the dealer's point of view. There is a strong argument for the original provision as an incentive to dealers to be frank in their disclosure and not try to get away with the lowest sum they can put on a repair to induce a sale. However, on reflection, and considering everything that has been said by the trade, that may operate in an unduly harsh way, and the amendment mitigates that harshness considerably.

Mr. EVANS: I oppose the clause, and the amendment does little to improve it.

Amendment carried.

Mr. EVANS: The clause gives a dealer the opportunity to state what parts he thinks have a fault and to state a fair price for repairing them, and that will give him an opportunity to opt out of that part of the guarantee, but I oppose the clause because of the unknown factors. It is not easy (sometimes, it is impossible) to assess how a new owner will handle a vehicle. The dealer is liable even though the faults are created by negligent use by the new owner, and I object to that. Negligent use is often difficult to prove and there is no protection for a dealer against an unscrupulous purchaser.

Clause as amended passed.

Clause 26—"Disputes."

Mr. EVANS: As clause 25 remains part of the Bill, there is no point in my moving the amendment that I had on file.

Clause passed.

Clause 27 passed.

Clause 28—"Reference of a dispute to the court."

The Hon. L. J. KING: I move:

In subclause (1) after "that court" to insert "and upon such an application being made the court shall hear and determine the matter as expeditiously as possible".

In some ways, the amendment is rather curious, but the trade put to me as a matter of importance that the court should determine matters under this legislation as expeditiously as possible. I hope that courts deal with all matters expeditiously, having regard to the rights of other litigants before the court. However, if this amendment reassures the people who may be involved in litigation, I am pleased to move it.

Amendment carried; clause as amended passed.

Clause 29—"Rescission of sale."

The Hon. L. J. KING: I move:

In subclause (1) to strike out "(a)"; and to strike out paragraph *(b)*.

The clause deals with the conditions under which a contract for the sale of the used car may be rescinded. Paragraph (a) as it stands provides that this may be done where the vehicle purchased is substantially different from the vehicle represented in a notice under clause 23. In other words, where a vehicle that is so different as to be radically different from the vehicle represented and no question of removing defects can put the purchaser in the position that he would have been in if he had brought a vehicle free of defects, rescission is the only remedy that can put him in that position.

The clause provided the further ground for rescission that, in the interests of either the dealer or the purchaser, the sale of the vehicle should be rescinded. This was intended to cover a situation that may not fall within paragraph (a), but where the Commissioner may realize that it was in the interests of one or both parties that the sale should not go on. The difficulty about the clause as it stands is

that it provides no criteria or guidelines on which a court can act, and it would be extremely difficult for a court to know in what circumstances it is expected to agree to an application for rescission. On reflection, I consider that type of provision undesirable, and I consider that Parliament should indicate the principles on which a court is to act in rescission. Therefore, the court is confined to the grounds set out in the original paragraph (a).

Amendments carried.

The Hon. L. J. KING: I move:

To strike out subclause (4) and insert the following new subclause:

(4) Where there is a collateral credit agreement associated with a sale of a secondhand vehicle that has been rescinded under this section the obligations and rights of the purchaser under that agreement shall, by force of this section, be transferred from the purchaser to the dealer and subject to this section may be enforced by or against the dealer in all respects as if he were the purchaser.

It is really a drafting improvement and its effect is to render unnecessary the order of the court directing that, on a rescission, the obligations of the borrower under the collateral credit agreement shall be transferred to the dealer. In effect, the financier would have the same rights against the dealer as he would have had against the purchaser had the contract remained in force. As the Bill was originally drafted, this would have required an order of the court to bring this about consequent on an order for rescission. This simplifies the matter by making the transfer operate by force of the section itself.

Amendment carried: clause as amended passed.

Clauses 30 to 34 passed.

Clause 35—"Certain misdescriptions prohibited."

The Hon. L. J. KING: I move:

In subclause (1)(a) to strike out "or" second occurring; and in subclause (1) to insert the following new paragraphs:

(c) state or represent as the year of first registration of the vehicle other than the actual year of first registration of the vehicle;

or

(d) state or represent as the model designation of the vehicle a model designation other than the actual model designation of the vehicle.

Whereas originally the clause prohibited under penalty the practice of altering the odometer and misrepresenting the year of manufacture, as amended it now also prohibits under penalty the misrepresentation of the first year of registration and the model designation.

Amendments carried.

The Hon. L. J. KING: I move:

In subclause (3) (a) to strike out "or"; and in subclause (3) to insert the following new paragraph:

or

(c) the statement or representation as to the year of first registration of the vehicle or as to the model designation of the vehicle.

These are really consequential amendments relating to the first year of registration and the model designation.

Amendments carried; clause as amended passed.

Remaining clauses (36 to 41) passed.

New clause 38a—"Disclosure by member of board."

Mr. GUNN: I move to insert the following new clause:

38a. A member of the board shall not otherwise than in the exercise of his powers, duties or functions as such a member, disclose any information that has come to his knowledge in his capacity as such a member:

Penalty: Five hundred dollars.

I move to insert this new clause, because the Attorney-General would not accept an amendment moved earlier by the member for Alexandra and because I am concerned that confidential information given by an applicant to the board might be disclosed to the public. I see no reason why members of the board shall not be compelled not to disclose such information.

Mr. Jennings: I thought you didn't believe in compulsion.

Mr. GUNN: I do not, but I believe in protecting the rights of individuals who are forced to disclose details of their personal affairs. As such people as officers of the Taxation Department cannot disclose confidential information—

The CHAIRMAN: Order! The honourable member cannot introduce any new subject matter.

Mr. GUNN: As I need say little more about the matter, I hope the Attorney-General will be gracious enough to accept the amendment.

The Hon. L. J. KING: Although I do not know that the amendment is really necessary, I understand the reason for it. I think we all agree that members of the board ought not to disclose information. I hope that it is not necessary for an offence to be created under penalty of a fine, but if the amendment allays anyone's fears it is acceptable.

New clause inserted.

Title passed.

The Hon. L. J. KING (Attorney-General) moved:

That this Bill be now read a third time.

Mr. EVANS (Fisher): Although I have accepted the principles of the Bill from the outset, I believe that it now goes too far, and I am disappointed that the Attorney-General and the Government have not been willing to accept certain amendments that we on this side consider to be reasonable and desirable. It is through compromise that we enact good laws, but there is no compromise in respect of the Bill as it leaves this Chamber. I think the measure has gone as far as possible in trying to protect the buyers of motor cars from themselves, but it does not protect the second-hand car dealer from the unscrupulous purchasers in the community, who I trust are in the minority. If there is an opportunity for the Bill to be amended in another place, I hope that that opportunity will be taken. I support the Bill, hoping that it will be modified before it becomes law.

Bill read a third time and passed.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Returned from the Legislative Council with an amendment.

PLACES OF PUBLIC ENTERTAINMENT ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Places of Public Entertainment Act, 1913-1971. Read a first time.

The Hon. L. J. KING: I move:

That this Bill be now read a second time.

It makes several miscellaneous amendments to the Places of Public Entertainment Act designed to remove the provisions relating to the imposition of entertainment tax, and to overcome certain deficiencies in the operation of its regulatory provisions. The first major amendment empowers the Minister to grant exemptions from the provisions of the Act and regulations in respect of ovals, sportsgrounds or racecourses. Many such places of public entertainment throughout the State technically should be licensed, but have in fact never been licensed and were never intended to be licensed. The power of exemption will make it possible for the Act to be administered according to its terms. A further amendment is designed to clarify the existing exemptions in the principal Act in respect of churches and places of public worship, and of public entertainment conducted by or for the purposes of a religious body, or a university, college or school.

More adequate control over the conduct of public entertainment is included in the principal Act. The Minister is empowered to cancel a licence if he is satisfied that the proprietor of the place of public entertainment is not a fit and proper person to hold the licence or that offences are habitually or frequently committed against the principal Act, or against any other Act or law in the place of public entertainment. Further, the Minister is empowered to direct the Commissioner of Police to prevent the conduct of public entertainment in contravention of the principal Act, or any other Act or law. The Bill empowers the Minister to grant a Sunday permit for the conduct of public entertainment of a kind prescribed in section 20 to the proprietor of an exempted place of public entertainment. At present these permits can be granted only in respect of a licensed place of public entertainment. Finally, the Bill provides for the appointment of a chief inspector of places of public entertainment and provides for the licence fees to be fixed by regulation.

Clause 1 of the Bill is formal. Clause 2 provides for the new Act to come into operation on a day to be fixed by proclamation. Clause 3 makes some necessary amendments to the definition section of the principal Act. It also inserts a new subsection providing that the provisions, which are to be repealed by the Bill, dealing with entertainment tax, are to be deemed never to have had any operation or effect. Clause *4* repeals portion of section 4 of the principal Act dealing with entertainment tax. Clause 5 inserts new section 4a in the principal Act. This new section enables the Minister to grant exemptions from the provisions of the Act in respect of ovals, sportsgrounds and racecourses.

Clause 6 repeals and re-enacts section 5 of the principal Act. The existing provision has not proved easy to interpret. The new provision follows substantially the same principles as the existing provision without, it is hoped, raising the same difficulties of interpretation. The new section grants an absolute exemption from the operation of the Act in respect of a church or place of public worship. It also provides that a licence is not required for the purpose of entertainment conducted by, or solely for the purposes of, a religious congregation, body, or denomination, or a university, college, school or other educational institution. Of course, if a theatre or hall belonging to a church, university or school is used by an

outside body for public entertainment not strictly connected with the church, university or school, the theatre or hall would have to be licensed for the purposes of that entertainment.

Clause 7 provides that licence fees for places of public entertainment are to be prescribed. The present remission of four-fifths of the licence fee for places of public entertainment owned by councils or institutes established under the Libraries and Institutes Act is retained. Clause 8 increases the fee payable on submission of plans for a place of public entertainment to $15. Subsection (2a) which provides for an additional fee on approval of the plans is removed.

Clause 9 repeals and enacts new sections 16 and 16a of the principal Act. Provision is inserted in new section 16 empowering the Minister to cancel a licence if the proprietor of a place of public entertainment has committed an offence against the principal Act or is not a fit and proper person to be the proprietor of a licensed place of public entertainment, or if offences against the principal Act or any other Act or law are habitually or frequently committed in the place of public entertainment. In the event of the cancellation of the licence, the proprietor may appeal to a local court of full jurisdiction. New section 16a empowers the Minister to direct the Commissioner of Police to prevent the conduct of a public entertainment where the Minister is satisfied that the entertainment would involve a breach of the law.

Clause 10 makes a number of amendments to section 20 of the principal Act. The power of a court to cancel a licence on convicting the proprietor of an offence against the Sunday entertainment provisions is removed as this power will now be exercisable by the Minister under section 16. Provision is inserted in subsection (4) enabling the Minister to grant a permit under the section to the proprietor of an exempted place of public entertainment. A provision is inserted requiring payment of a fee of $5 for a permit in respect of Sunday entertainment.

Clause 11 increases the fee payable for a permit to conduct public entertainment on Good Friday and Christmas Day to $5. Clause 12 empowers the Minister to appoint a chief inspector of public entertainment and such inspectors of public entertainment as he thinks necessary for the proper administration of the Act. It is felt that the increasing complexity of the administration of the Act justifies the appointment of a chief inspector. Clause 13 repeals the provisions imposing an entertainment tax.

Clause 14 makes a consequential amendment in view of the repeal of the entertainment tax provisions. Clause 15 repeals section 31 of the principal Act. This section provides that there is to be no appeal from a decision of the Minister. In view of the fact that new section 16 confers a right of appeal from a decision of the Minister to the local court, section 31 becomes inappropriate. Clause 16 removes the present statutory schedule of fees for licences. As I have previously stated these fees are in future to be prescribed.

Mr. MILLHOUSE secured the adjournment of the debate.

SOUTH AUSTRALIAN RAILWAYS COMMISSIONER'S ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 11. Page 2963).

Mr. COUMBE (Torrens): Having studied the Bill carefully, I believe it is important and far-reaching in its implications. As I said when speaking to an earlier measure, this is one of a triumvirate of Bills by which the Minister seeks to bring under his control the three major transport bodies in South Australia (as he stated in his meagre second reading explanation): the Municipal Tramways Trust, the Transport Control Board, and the South Australian Railways Commissioner's Department. We are now dealing with the third of these Bills. The Minister's explanation takes up barely one column of *Hansard,* and the explanations of the other Bills concerned in this matter did not give many details, either.

In his explanation of this Bill, the Minister said that it followed the recommendation of the Transport Policy Implementation Committee. That is high-sounding title for the committee, which is the Minister's brain child. No doubt it is filling in its time well. The Minister further said:

> I commend this Bill to members for the same reasons previously given with respect to the Bills relating to the Municipal Tramways Trust and the Transport Control Board.

In each of the explanations relating to those Bills, he said that the legislation was introduced for the same reason as he was bringing in this Bill. That is the type of explanation we have been given. The explanation continues:

> Given the power of overall control sought by this Bill, the Government believes that it will be better equipped to put into effect its policies for the improvement of the whole transport service in this State.

In one of the other explanations, the Minister makes a slighting remark to the effect that anyone with any intelligence would understand the purpose of these Bills. As my Party officially supports the appointment of a Director-General of Transport and as we have urged that this appointment be made as soon as possible, I support this Bill at the second reading stage, but I have circulated amendments that I believe will improve the Bill. The Bill is important in more ways than one. The original Act is very old, having been originally framed specifically so that the Railways Commissioner would be removed from pressure that might be brought to bear on him by members of Parliament and other interested people. He was set up as a body corporate, as is provided in section 87.

The Act has been amended several times. Personally, I should have thought that new section 95a of the amending legislation of 1965, which was introduced by the Walsh Government, might have given the Minister sufficient power. However, the Minister has apparently thought to delete that section and replace it by new section 6a. I believe we should examine the merits and disadvantages of the Bill, and I have studied it and have done research on it. I found when studying the Bill (and members might be astounded to realize it) what responsibility the Commissioner has to various other bodies. The power given to the Commissioner under the Act is that he shall supervise the railways of South Australia, the accommodation thereto, and maintain them in a state of efficiency, and he shall see that persons travelling on the railways are carried without negligence.

However, I then studied in what way he is responsible to other bodies. I found that he is responsible to the Governor (and we all know what that means), to the Miniser, to the Parliament of the State and, in some cases, to the Transport Control Board. We all know of the operations of the Public Works Committee. Before a line can be closed, the proposed closure must be investigated by the board and referred to the committee for investigation and report, and before any new line can be constructed the committee must report on the project. So we get these four bodies, anyway, to which the Commissioner is primarily responsible.

Then I find that the Commissioner is also responsible, subject to Parliament or to the Minister, for the letting of contracts and for the purchase of materials, and this is done primarily through the Supply and Tender Board, which is under the control of the Minister of Works. The Commissioner is also responsible for the construction and closing of railways, the cessation of passenger services, the operation of road passenger services, the acquisition or disposal of land, and the fixing of rates and fares. Of course, any regulations are subject to disallowance by this House or by another place.

Therefore, several restraints are placed on the Commissioner, apart from those provided for by section 95a, which was introduced by the Walsh Government and which provides that the Minister may at any time direct the Commissioner on a matter of policy, and the Commissioner shall give effect to that direction. But where such direction adversely affects the accounts of the railways, the amount of such loss, if certified by the Auditor-General, shall be paid to the Commissioner. On the question of policy, my learned friends on both sides who have been having a fair play today would agree with me that the word "policy" has many meanings and the courts have interpreted it very widely. What the Minister now intends to do by the Bill (and, after all, the only operative clauses are clause 4 and clause 11, the latter of which repeals a section, whereas all the other clauses are statute law revision or machinery clauses) is put the whole of the railway system of South Australia under the Minister's control. So that there shall be no misunderstanding of what the Government intends in this matter, new section 6a provides:

> Notwithstanding any other provision of this Act, the Commissioner and the officers and employees of the Commissioner are subject to the control of the Minister and, in the exercise of the powers, functions, authorities and duties conferred or imposed on the Commissioner or any officer or employee of the Commissioner by or under this Act or any other Act, the Commissioner or that officer or employee, as the case may be, shall—
>
> not may—
>
> comply with the directions, if any, given by the Minister.

So that provision is all-embracing in its implications. It means that the Minister can now direct anyone in the Railways Department, but whether or not he will do this I do not know. I should imagine that a responsible Minister who is well versed in administration and management would protect the Commissioner. What we are concerned about, and what any courts of law will take into consideration if any dispute arises in relation to this or any other legislation, is what is actually provided in the Bill.

The Bill provides that the Minister may direct the Commissioner, an officer, or an employee to do anything, but what does it really mean? It means, in effect, that if the Minister ever wanted to, he could bypass the Commissioner, go down the line and say to a stationmaster, "You are going to be downgraded and transferred from Port Pirie to some remote place on the West Coast." I hope the Minister would never dream of doing such a thing, because the member for Port Pirie would object immediately. The Minister can direct any officer or employee to do anything.

The Hon. D. H. McKee: I think you're exaggerating.

Mr. COUMBE: No. I invite the Minister to read the Bill.

The Hon. D. H. McKee: I have read it.

Mr. COUMBE: Has the Minister studied it?

The Hon. D. H. McKee: Yes.

Mr. COUMBE: Notwithstanding any other provision in the Act, any officer or any employee of the Commissioner shall comply with the Minister's directions. Therefore, if the Minister wanted to he could say to any officer or any employee, "You do that," or "Don't do that." That is how the Bill reads, but that is not how the Public Service is run, nor is it the way that proper administration is applied. If the Minister were to direct the Commissioner, it would be another matter. Although I cannot canvass it now, an amendment that I shall move later will clarify this position and help the Minister to get out of the dilemma in which he now finds himself. We must remember that all railway employees are in a somewhat different position from that of public servants, just as the members of the teaching profession and of the South Australian Police Force are in a different position from that of public servants. They work under various Acts, awards and conditions. Of course, the Railways Commissioner has powers different from those of many other officers in the Public Service. For instance, the principal Act sets out provisions regarding examinations for promotion and matters regarding suspension and the appeal board.

All these matters obviously have been written into the principal Act to protect the officers and employees concerned. There is provision for an appeal, of course, to the Commissioner, and no officer may dismiss an employee until the matter has been referred to the district or divisional officer, the head of the section, or to the Commissioner. In addition, the Minister is in a different position from that of most other Ministers who control departments under the Public Service Board. The Railway Commissioner and his officers deal with personnel and industrial matters, and the Commissioner has his own industrial advocate. As members know, the Commissioner is the respondent to the awards that apply to railway employees.

The Minister may nor may not wish to direct the Commissioner on an industrial matter, and that is for the Minister to decide. He could intrude into that sphere if he wanted to do so. Our railway system operates under the control of the Commissioner and responsible officers, and I object to the Minister's seeking to control not only the Commissioner but also the officers and employees. It is futile for the Minister to postulate to this House in his second reading explanation that having control of officers and employees in any way affects the co-ordination of transport facilities in this State.

That is the kernel of this meagre description by the Minister. He says he wants this Bill and two similar measures passed so that we can co-ordinate transport in this State, and I have already said that I support that broad principle. The Minister has assured us that the Municipal Tramways Trust Board will continue. The Minister should have control if he wishes to have it and he should pass that control to the Commissioner, who is a most responsible officer and one of the most senior in this State.

The Hon. D. H. McKee: No-one has denied that.

Mr. COUMBE: I am just making the point.

The Hon. D. H. McKee: You don't have to, because no-one has denied it.

Mr. COUMBE: However, the Minister of Roads and Transport also wants to control the officers and employees in the Railways Department. He does not seek control of the officers and employees of the Municipal Tramways Trust: he wants control of the board, and he will recall that I have supported him in it. If the Minister wants the House to agree to the overall principle of a system of transport co-ordination in this State, it will be better if he puts forward a reasonable suggestion that we can approve whereby control is given to the head of the department or the organization, just as in the case of the M.T.T. I do not think anyone would cavil at that.

Other members have canvassed the future of our railway system, and the deficits referred to by the Minister should concern this House

and the general public. We should strive to get a more efficient service from the railway system. I do not expect the deficit to decrease and I do not think the Minister expects it to decrease spectacularly in the next few years. Because we must live with it, we must see that the railway system works to the best of its ability and at maximum efficiency.

One of the duties that section 87 of the principal Act gives the Commissioner is the duty to supervise the railways, maintain them efficiently and see that persons travelling on the railways are carried without negligence. Let us consider the officers whom the Minister is trying to catch within his net, such as the Chief Mechanical Engineer at the Islington Railway Workshops, the Chief Engineer of the whole department (Mr. Bridgland), and the various divisional, clerical, administrative and traffic officers. We also know of the various employees throughout the State and the responsible work they do.

It is ludicrous to say that the Minister, as provided for in clause 4, should have control in this way and to say that these officers and employees shall or shall not do certain things. If the Minister wants to proceed with this Bill, he should make provision to give his direction to the Commissioner, who would then issue that direction to the appropriate officer or employee. That is a commonsense approach, but that is not what the Bill provides.

As a legislator, I am concerned to see that the Bill leave this House in correct form and in Committee I will try to remedy what I consider to be a defect. Already much of the Commissioner's responsibility is subject to oversight by this Parliament and Government authorities. In addition, the regulations that the Commissioner may make under this Act about such matters as qualifications and duties of employees, speeds of trains, and fares and freight charges, must come before this Parliament and be subject to disallowance. There is already a fair amount of control. I referred earlier to section 95a, which provided for some direct control to be exercised by the Minister, but part of that reflected in this way: that where the Minister gave a direction that affected the accounts of the railway system (and this is very important), the amount of that loss, if certified by the Auditor-General, must be paid to the Commissioner.

Each year this Parliament must find much money for railway accommodation and also for funding the deficit, both in the Loan Estimates and in the Revenue Budget, and this is probably one of the larger sums with which this Parliament is concerned. It is important that every member of this House take note of the clauses of this Bill and that they give the Bill the consideration to which it is entitled. Although the Commonwealth Railways on some of its sections is doing better than we are, in most parts of the world railway systems, in common with many other forms of public transport, are finding difficulty in paying their way. In many of these countries valuable experiments have been carried out on railway transport. Some members have travelled both by underground and by elevated railway and, although I have not seen the high-speed train in Japan, I believe that the Minister may have had that advantage. French engineers have also made great advances in their systems and have designed trains that travel at fantastic speeds between cities. The French have a long history of innovation on railways and they were one of the first nations to introduce electrification on railways.

Experiments have also been carried out on mono-rail systems and, although these are not innovations which we are currently considering or which may even come here, when we look at the transport proposals that have been partly disclosed by the Minister today, and in recent months, we find that we may have an underground railway in the city, perhaps beneath King William Street or in some other part of the city. Let us not laugh at the rapid transit system, for there is merit in a scheme whereby people can use public transport to advantage. One of the disadvantages of the Adelaide railway station is that it is a dead-end station, unlike most other terminal stations. If we can afford it and can establish an underground railway in this State, it will be a great step forward.

This is an area where the Minister may wish to give a direction to the Commissioner, but he would not be giving instructions to an officer or an employee. The Minister would not, for instance, be telling a man putting in a dog spike or tightening up a bolt on a rail what he should do or whether or not he should stop work. However, that is how the Bill reads, and I think it is too silly. I do not think the Minister meant it to be that way, and I will seek to provide that the Minister shall have control over the Commissioner, so that, following the Minister's instruction (if the Minister gives an instruction), the Commissioner will be carrying out the duty in question. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Commissioner and his officers and employees are subject to control of Minister."

The Hon. D. N. BROOKMAN: I move:

After "6a" to insert "(1)"; and after "Act" first occurring to insert "other than the provisions of subsection (2) of this section".

It is reasonably well-established Labor policy to bring Government and semi-government organizations all under Ministerial direction, and that policy has not altered much over the years. This Bill seeks to establish control over the activities of the Railways Commissioner. I will not argue the general principle whether or not the Railways Commissioner should be controlled, other than to say that I think it would be better had we received really good arguments in favour of establishing this control. However, I think it is important that the Railways Commissioner should continue to report to Parliament in the way in which the principal Act has always provided in sections 21, 22 and 24. We do not want to see those sections altered in any way as a result of Ministerial control. The Government has at times caused reports to be altered. Indeed, the Premier is reported in *Hansard* as saying recently, dealing with the juvenile court, that he had asked the magistrate to reconsider the contents of his report, because he (the Premier) would not be willing to publish it if it came to him in its existing form.

The CHAIRMAN: Order! The honourable member must link his remarks to the clause.

The Hon. D. N. BROOKMAN: This is what the whole thing is all about. In fact, the Premier earlier this session announced that he had previously asked an officer who was making a report to him—

The CHAIRMAN: Order! I cannot allow a debate along those lines. There is no relationship between the honourable member's remarks and the amendments. The honourable member is dealing with a different matter and must link his remarks to the clause.

The Hon. D. N. BROOKMAN: If the Premier had not said it, I would not have dreamed that it would be likely to happen here. I naturally want to ensure that in future legislation we do not provide that the Minister can, when exercising new controls over such officers as the Railways Commissioner, alter or cause to be altered the Commissioner's report to Parliament.

The CHAIRMAN: The honourable member can debate the matter along those lines, but not on the lines he was following before.

Mr. Millhouse: He was only saying—

The CHAIRMAN: Order! The Chair gives the ruling on these matters, not the member for Mitcham. The honourable member must link his remarks to the amendment.

Mr. Millhouse: I thought he needed help.

The CHAIRMAN: There is no need for the member for Mitcham to help anyone. The honourable member for Alexandra.

The Hon. D. N. BROOKMAN: I cannot see how it can be argued that my remarks are not related to the amendments but, whether or not they are related, I point out that the Minister, whilst exercising control over the activities of the Railways Commissioner, should not be entitled to alter, or cause to have altered, reports that may be made to Parliament. That is what my amendments provide.

The Hon. G. T. VIRGO (Minister of Roads and Transport): I have no intention of altering or causing to be altered any report that the Commissioner currently makes. In the past these reports have been laid on the table, and they will be laid on the table in future. I accept the amendments, if that will satisfy the fetish the honourable member seems to have about the intention of the Government.

The Hon. D. N. BROOKMAN: I am happy that the Minister has at last said something that pleases me.

Amendments carried.

Mr. COUMBE: I move:

In new section 6a to strike out "and the officers and employees of the Commissioner are" and insert "is".

If the Minister wishes to co-ordinate transport and if he is to have a Director-General of Transport, he will exercise control through the Commissioner who, after all, is in the position of a director; this is the normal practice in Government departments. I am sure that the Minister did not intend that he should be able to direct the officers and employees. Part III of the Act deals with various matters such as the inspection of officers, cases of misconduct, the constitution of an appeal board and so on. Part IIIA relates to the Railways Officers Classification Board. These matters are rightly under the jurisdiction of the Commissioner and should not be under the direct control of the Minister. However, as the Bill stands, the Minister could directly intrude into a matter concerning conduct or misconduct, appointment, promotion or demotion of officers or employees, or in matters relating to the classification board. I believe he would want

to exercise control in relation to co-ordination of transport, in conjunction with the Tramways Trust and the Director-General of Transport. As these matters have nothing to do with the co-ordination of transport systems, I think it would be a mistake for the Minister to get involved in them. Railways employees and officers are different from ordinary public servants in that various rights and appeal provisions are protected by Statute.

The Hon. G. T. VIRGG: I cannot accept the amendment, which would destroy the concept of the Bill. The clause inserted in the Tramways Trust legislation and the clause in this Bill have been compared and found to be different. The reason is that the structure of the Tramways Trust legislation and this legislation are different. Therefore, to achieve the same objective we have had to write in different provisions. Under this clause, the Minister does not intend to give a book full of instructions to the Commissioner, but will require him to carry out his duties in accordance with the terms of the Act. The Minister will give directions only in those areas where he considers it necessary and desirable in the interests of achieving co-ordination of transport or the efficient operation of transport systems. It is principally a matter of the determination of policy. If members care to check the South Australian Railways Commissioner's Act they will find numerous sections which vest a power in officers other than the Commissioner. Section 39 is a typical example: under this section the head of the branch may in a prescribed manner deal with a person guilty of misconduct, and section 53 vests the Chief Engineer with certain powers. It would be an ironical situation if we inserted a clause which provided that the Minister could direct the Commissioner to do certain things but that the officers in his employ would be completely free to do the things they chose to do.

Mr. Goldsworthy: Fair go! Surely you are not serious?

The Hon. G. T. VIRGO: I suggest that members read the Act, because it gives those officers statutory powers. The Commissioner does not have the authority to issue a direction contrary to the statutory powers in the Act, and that is a ludicrous position. The member for Torrens made great play of the fact that he did not think that the Minister would want to direct the Commissioner regarding the appointment of officers. The honourable member must have had a change of heart in the past two years, because as a member of a former Government he attempted to require the Commissioner to submit to Cabinet the applications for about 20 top positions in the railways to enable Cabinet to make the appointments. The Commissioner took the matter to the Crown Law Department and, subsequently, the Minister was ruled out of bounds. I oppose the amendment.

Mr. COUMBE: If anything, the Minister is supporting my argument. The Act provides that the Commissioner is in charge of the railways of this State. By this clause, the Minister may direct the Commissioner and certain officers who, incidentally, are appointed by the Commissioner and are responsible to him. If at any time the Commissioner wishes to demote any officer, an appeal can be lodged with the appeal board. I think the amendment would support the Minister and strengthen his case in the future. For the Minister to suggest that he has to direct certain officers of the department other than the Commissioner does not go down with me. The correct way that this public undertaking should be run is for the Commissioner to be the chief executive officer or director and for the officers under him to be responsible to him. If the Minister wishes to give directions, he should give them to the director; that is the normal way in which a Minister works, and that is the way it should be. The amendment does not remove any rights or privileges of the railways staff. If the Minister disagrees to the amendment now, he might change his mind later.

Mr. McANANEY: If the Minister is correct in what he has said, surely what is wrong with the railways is that different people are running different sections. A good director must have the ability to delegate authority to the people under him, but the director is always in control. I am all for co-ordination provided that it is carried out efficiently, but it will be a rabble if the Minister has authority to be able to tell the Commissioner and people under him what to do. The Minister is probably used to the system in the Labor Party—

The CHAIRMAN: Order! The honourable member must link his remarks to the Bill.

Mr. McANANEY: It is business practice that the man at the top is not bypassed when giving instructions to someone farther down the line. If what the Minister has said is correct, the Act should be amended as quickly as possible so that there will not be so many problems in the railways. I support the amendment, and I think the Minister would be wise to accept it.

Mr. COUMBE: The Minister said that certain officers were not responsible to the Commissioner.

The Hon. G. T. Virgo: I said that certain officers had statutory powers vested in them by the Act.

Mr. COUMBE: All right, but the Act gives the Commissioner over-riding powers. Section 87 takes in just about everyone in the railway service, from the Chief Engineer to the boy who puts the grease on the wheels. It covers maintenance of the railways and accommodation for them, and ensures that persons travelling on the railways are carried safely. The head of an organization should be responsible for those under him, as applies in the Public Service.

The Hon. G. T. VIRGO: The section of the Act to which the honourable member has referred deals with maintenance of the railways, but other sections of the Act provide for various heads of departments to perform many other activities, as a statutory requirement. Whether the Commissioner should have complete and unfettered control over his officers is a completely different matter. The point made by the member for Heysen may be valid: the Act may need amendment to change the present position, but the honourable member's Party was in office for long enough to do something about that. I will concern myself with the way in which the Act is written now. Whilst it gives statutory powers to officers other than the Commissioner to do certain things, it would not be possible to give effect to the intention of the Bill if the amendment was incorporated, as we would have the ludicrous position whereby the Commissioner was subject to direction in certain areas but we would not be able to extend that direction to a further area if such extension was thought desirable.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allen, Becker, Brookman, Carnie, Coumbe (teller), Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, Millhouse, and Nankivell, Mrs. Steele, Messrs. Tonkin and Venning.

Noes (23)—Messrs. Broomhill and Brown, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Simmons, Slater, Virgo (teller), Wells and Wright.

Majority of 6 for the Noes.

Amendment thus negatived.

Mr. COUMBE: As a result of the division just held, I will not persist with my second and third amendments on the files. However, I move:

In new section 6a after "by the Minister" to insert but no direction shall be given by the Minister to the Commissioner in relation to the powers, functions, authorities and duties conferred or imposed on, or exercisable by, the Commissioner under Part III or Part IIIA of this Act".

I believe it would be beneficial if the Minister were divorced from the powers and functions, etc., referred to.

The Hon. G. T. VIRGO: In this case, I think it would have been far better for the honourable member to oppose Ministerial direction outright. Does he believe that the Minister, who may desire that a certain person be appointed because of some specific expertise that he may possess, should not have authority to tell the Commissioner that he requires that person to be appointed? Last week Opposition members agreed, scarcely without opposition, to give blanket approval to Ministerial direction within the Tramways Trust, but they are now arguing that it should be piecemeal direction.

Mr. Coumbe: It's a slightly different set-up.

The Hon. G. T. VIRGO: The only difference is caused by the different terminology of the principal Acts in question. The existing provision merely means that, if the Minister considers that it is in the interests of the Railways Department that, say, a certain appointment be made, he has power to issue directions in that regard.

Amendment negatived.

The Hon. D. N. BROOKMAN moved to insert the following new subsection:

(2) Subsection (1) of this section shall not be construed as affecting, limiting or restricting the powers, duties or functions conferred or imposed on the Commissioner by section 21, 22 or 24 of this Act and those sections shall apply and have effect in all respects as if subsection (1) of this section had not been enacted and, without limiting the generality of the foregoing, the Minister shall not alter or cause to be altered a report referred to in any of those sections.

Amendment carried; clause as amended passed.

Remaining clauses (5 to 17) and title passed.

Bill read a third time and passed.

PUBLIC SERVICE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 11. Page 2962.)

Mr. MILLHOUSE (Mitcham): I support the Bill.

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

SUPERANNUATION ACT AMENDMENT BILL

His Excellency the Lieutenant-Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

Adjourned debate on second reading.

(Continued from November 16. Page 3030.)

Mr. HALL (Leader of the Opposition): I support the Bill. I accept the Treasurer's second reading explanation as far as it goes. The Treasurer is reticent about one aspect, and that is how much this will cost the State. It is traditional that the Treasurer does not say much about costs; the cost to the State is considered to be a minimal part of financial provisions that the Treasurer brings to the House. His explanation states:

> First, provision is made to supplement by 5 per cent all pensions having a determination day, as defined, that occurred on or before June 30, 1970, and, secondly, an attempt has been made to afford some financial relief to certain advanced age contributors.

The explanation goes on to say that it is intended to enable contributors of advanced age, whose additional units would otherwise be very costly, to take up units at one-quarter of the normal rate. How much will this cost? Although the second reading explanation sets out the ideal behind the legislation, there is the usual lapse about cost. The cost can simply be met by adding to the $25,000,000 extra that the Government has levied in taxation in its two years of office.

It is a fairly well recognized fact throughout the industrial and commercial community that the advantage in relation to wages and conditions is fast settling in favour of the Public Service. This is causing concern to industry and commerce, as it is losing employees to the Public Service. This matter is of nation-wide concern. The one thing in which I am interested, in supporting the Bill, is how much it will cost the community.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Advanced age contributors."

The Hon. D. A. DUNSTAN (Premier and Treasurer): The cost of this provision will depend on a number of factors, all of which are variable. Consequently, it is impossible to make an absolutely accurate forecast on this matter. Given increases in wage levels, which have not occurred, and depending on what decisions are made by contributors, it could cost as much as $200,000, although it is not expected to cost that much; it could cost less than $100,000.

Mr. Hall: This is the additional units?

The Hon. D. A. DUNSTAN: Yes.

Mr. Hall: What about the 5 per cent increase?

The Hon. D. A. DUNSTAN: From memory, because I cannot find the accurate figures from the actuary, I believe that that will cost about $100,000. I point out that, with regard to the adjustment, this is a principle which we have now provided in all pension schemes and which will become an automatic part of the superannuation scheme once the new system is brought in, I hope by the end of next year. The Government's view is that in all pension schemes to which the Government contributes there should be automatic adjustments to maintain the value of pensions. Indeed, this point of view was strongly expressed by Opposition members only a short time ago in relation to the Police Pensions Fund.

Mr. HALL (Leader of the Opposition): No matter how desirable these things may be the community must be able to pay for them. Is this the trend with most other State Governments?

The Hon. D. A. DUNSTAN: Yes, adjustments have been made in a number of other State Government areas to provide some allowance for the change of the actual money value of pensions. With regard to advanced age contributors, the scheme adopted here, which was discussed with the superannuants and with the Public Service Association, is based on the situation in Victoria. Although it is not exactly the Victorian scheme, it is close to it. Before the last election, this Government pledged that we would do as well as other Government pension schemes in Australia. These interim amendments are an endeavour to bring what is a somewhat outmoded pension scheme into line with the best of the schemes in other States, pending the full revision of the scheme that will take place when it is reported on by the Public Actuary next year.

Clause passed.

Remaining clauses (7 to 11) and title passed.

Bill read a third time and passed.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

His Excellency the Lieutenant-Governor, by message, recommended to the House of Assembly the appropriation of such amounts of

money as might be required for the purposes mentioned in the Bill.

Adjourned debate on second reading.

(Continued from November 16. Page 3030.)

Mr. HALL (Leader of the Opposition): As with the Bill we have just debated, the Treasurer has ignored the financial implications of this Bill to the fund or to the State, whichever the case may be. He has failed to give the House any background of what it will cost the fund or the people, and this is not good enough. However, we have become used to his ineffectual second reading explanations, but this is not good enough in relation to a disbursement that affects members in relation to what they must pay into the fund. An additional payment is to be made to the fund by contributors on behalf of deceased contributors who are no longer contributing. What does it all mean financially?

The Hon. D. A. DUNSTAN (Premier and Treasurer): About $3,000.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Supplementation of certain pensions."

Mr. HALL (Leader of the Opposition): Will the fund be capable of withstanding the annual payment to pensioners, or those dependants entitled to pensions, of the additional $3,000?

The Hon. D. A. DUNSTAN (Premier and Treasurer): Yes, because the fund is very buoyant.

Clause passed.

Title passed.

Bill read a third time and passed.

STAMP DUTIES ACT AMENDMENT ACT, 1971, AMENDING BILL

Adjourned debate on second reading.

(Continued from November 16. Page 3031.)

Mr. HALL (Leader of the Opposition): In his second reading explanation the Treasurer said that it now transpires that Victoria has not altered the rate of duty payable on bills of exchange, with the unfortunate result that the market for commercial bills on a short-term basis, which has recently developed in South Australia, may possibly be diverted to Victoria with its lower rate of duty. In the second reading debate yesterday, I said it was obvious that the government had not recognized that some other avenues of our taxation had been raised above those in Victoria. In this instance, we have seen another reversal of Government policy before it could be put into effect, and this is something we have come to regard as a normal occurrence in this House, especially this session, as the Government has apparently been unable to assess fully the legislation it has introduced.

This Bill has the same fault as the other two Bills to which I have just spoken, namely, that no basic financial assessment has been made of the sum involved. As I understand it, the legislation previously passed to double the rate of 5c on every $50 to 10c on every $50 was part of the Treasurer's budgetary calculations. He will not collect anything additional as a result of this Bill, and he has just spent about $250,000 on the other two measures with which we have dealt. If we spend another $250,000 on those two Bills, how much are we not getting under this Bill? How will the Budget be affected? In other words, how much are we down tonight?

The Hon. D. A. DUNSTAN (Premier and Treasurer): The loss to Government revenue as a result of this measure will be about $44,000.

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

REGISTRATION OF DOGS ACT AMENDMENT BILL

Returned from the Legislative Council with amendments.

FILM CLASSIFICATION BILL

The Legislative Council intimated that it had agreed to the House of Assembly's amendments to the Legislative Council's amendments Nos. 6 and 7 without any amendment, had disagreed to the amendment to amendment No. 8, and did not insist on its amendment No. 5, to which the House of Assembly had disagreed.

ADJOURNMENT

At 11.42 p.m. the House adjourned until Thursday, November 18, at 2 p.m.