## HOUSE OF ASSEMBLY

Thursday, November 14, 1974

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

### BOATING BILL

His Excellency the Governor, by message, informed the House that he had reserved the Bill for the signification of Her Majesty the Queen's pleasure thereon.

### ASSENT TO BILLS

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

Local and District Criminal Courts Act Amendment,

Pyap Irrigation Trust Act Amendment.

### PETITIONS: COUNCIL BOUNDARIES

Mr. Evans, for Mr. NANKIVELL, presented a petition signed by 20 persons stating that they were dissatisfied with the first report of the Royal Commission into Local Government Areas, and praying that the House of Assembly would not bring about any change or alteration of boundaries.

Mr. BOUNDY presented a similar petition signed by 310 persons.

Petitions received.

### PETITION: WANGARY SCHOOL

Mr. BLACKER presented a petition signed by 118 residents of Wangary, Coulta, and Dutton Bay stating that it would be desirable for a teacher's residence to be provided at Wangary, as the unavailability of a married teacher's residence was affecting the appointment of a married teacher and the number of students at the school was increasing, and praying that the House of Assembly would support the establishment of a teacher's residence at Wangary.

Petition received and read.

### DIREK (SALISBURY NORTH) PRIMARY SCHOOL

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Direk (Salisbury North) Primary School.

Ordered that report be printed.

### QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard.*

### STOCK WEIGHTS

In reply to Mr. BLACKER (October 30).

The Hon. HUGH HUDSON: The Minister of Agriculture informs me that it has always been the policy of the Government Produce Department, that the slaughterer (that is, the owner of stock at time of slaughter) is the only person entitled to copies of weight sheets and other details relating to slaughtering operations. These records are necessarily of a confidential nature and are always treated as such. However, if a slaughterer has purchased livestock from a producer or other owner on an "on hooks" or dressed-weight basis, the slaughterer may request that a copy of the weight and grade sheets be made available to the vendor. This is solely a matter between the vendor and the purchaser, and the department would not necessarily know whether any particular line of stock was purchased on an "on hooks" basis or not. In any event such a procedure must be requested and authorised by the slaughterer who would then mail a copy of the appropriate sheets to the vendor or hand them to him personally. My colleague believes that any "on hooks" vendor is entitled to a copy of the weights sheets and, if he requires these, he should make their supply a condition of sale. The Government Produce Department would certainly make such copies available if properly authorised.

### MEAT PRICES

In reply to Mr. RODDA (October 15).

The Hon. HUGH HUDSON: The matter was referred to the Commissioner for Prices and Consumer Affairs who has reported on it as follows:

Meat is not subject to price control. However, wholesale and retail margins have been examined and the following has been established:

(*a*) Wholesale margins: these are dictated by competition. Trading results of major wholesalers for the 1972-73 and 1973-74 financial years have been examined and these showed that profitability was very poor.

(*b*) Retail margins: a check of 69 butcher shops in the metropolitan area was conducted late in October, and the results compared for selected cuts of beef with those of earlier checks in February and July as follows:

| | Feb.74 cents | July 74 cents | October 74 cents |
|---|---|---|---|
| Rump steak..... | 147.6 | 130.7 | 123.5 |
| Rolled rib..... | 86.1 | 78.9 | 72.8 |
| Stewing steak..... | 88.5 | 77.9 | 70.8 |

The price of rump steak has fallen by about 24c, while rolled rib and stewing steak have been reduced by 13c and 18c respectively. The average retail price over all cuts has been reduced by almost 24.2c a kilogram, while average wholesale prices have fallen by 33c a kilogram. The investigation revealed that butchers margins of profit have been increased. Inquiries indicated that higher wages and overhead costs incurred have forced butchers to apply higher margins of profit mainly on their better selling cuts. Financial accounts for butchers for the 1974 financial year have been called up by the branch. Only a small number have been received as yet, but these show profits at a relatively low level.

Statistics for retail butcher shops for an enlarged metropolitan area including Gawler, Elizabeth, Salisbury, and districts south of Adelaide indicate that the number of shops is steadily being reduced. In the calendar year 1971, there were 676 registered retail butcher shops in the metropolitan area; in 1972 there were 641; and there were 621 in 1973. Butchers are having to contend with heavy increases in operating costs that have led to some increase in gross margins. It is considered, however, that there is adequate competition between the various outlets that sell meat to ensure that excessive profits are not made.

### RENTS

In reply to Mr. DUNCAN (October 29).

The Hon. L. I. KING: Since January, 1972, the Prices and Consumer Affairs Branch has investigated 251 complaints regarding refusals by landlords to refund all or part of security bonds lodged by tenants. Of these, 21 complaints, involving a total amount of $1 371, relate to Stewart Richard Madsen or to companies with which he is associated as a director and/or shareholder; that is, Brucandi Properties Proprietary Limited, Esarem Holdings Proprietary Limited, Julieannter Proprietary Limited, Madsen Court Proprietary Limited, and Sam's Investments Proprietary Limited. In the main, the reason given for the failure to refund has been that premises have been left in a dirty condition, and that expenses have been incurred in cleaning. Other reasons have been alleged damage to premises and breaches of agreement. As complaints are not usually made to the branch until some days after the event, it is not possible to establish the situation at the

date the premises were vacated. However, in six of the 21 cases, the branch has been able to negotiate partial refunds totalling $218.

## MINISTER'S ABSENCE

The SPEAKER: Before calling on members for questions, I have been informed that, in the absence of the honourable Minister of Transport on Ministerial duties, any questions that would normally have been directed to that Minister may be directed to the honourable Minister of Environment and Conservation.

## HOUSING

Dr. EASTICK: Has the Minister in charge of housing any evidence to suggest that the recent Budget and post-Budget actions taken by the Commonwealth Government to stimulate the building industry have had any effect on the rate of applications for approval and actual construction of new houses and on loan approvals in South Australia, and will he say how much of the $150 000 000 that the Prime Minister announced this week would be injected into the industry through additional housing loans he believes will be available for South Australian house buyers? When the Commonwealth Treasurer announced the Budget two months ago, he revealed certain policies aimed at stimulating the building industry immediately by way of making more money available for house buyers. He announced that large sums were to be available for, in particular, low-cost housing. However, according to reports coming to my office from various parts of the State, it seems that this supposed stimulus has had no effect whatsoever.

The comment from one land salesman who contacted my office was that as far as he could determine the extra release of Commonwealth moneys for housing had just not reached South Australia. A member of my staff contacted several banks to check this out, including the Mortgage Department of the Savings Bank of South Australia, and the reply given was that there had so far been no change in the amounts for or policy of lending. We have now heard that the Prime Minister will inject an additional $150 000 000 into the economy through additional house loans. I should like to know from the Minister whether he has seen any effect at all from the last such injection of money, and whether he thinks we will see any short-term results of the most recent announcement.

The Hon. D. J. HOPGOOD: It is a little early yet to assess what effect the most recent announcement will have. Amongst his questions, the Leader asked what share of the $150 000 000 this State would get. As yet, I have not received from the Commonwealth Minister (Mr. Johnson) an official communication about that matter. However, I imagine that we will get, on a per capita basis, about one-tenth of the total sum. I cannot give definite information to the House about that matter as yet. For the benefit of the Leader, I point out that it takes a considerable time for any injection of funds into the economy to have much effect on building activity. People have to get the money—

Dr. Eastick: Especially if they announce—

The SPEAKER: Order!

The Hon. D. J. HOPGOOD: —and then contact a builder. They must get building approval through their council, and so on. As yet, I do not think we can say that we have seen the benefit of the measures announced by the Commonwealth Government; we will see it shortly.

Mr. DEAN BROWN: Can the Premier say what action the Government will take immediately to ensure that South Australia does not continue to have the highest housing costs in Australia and the highest rate of increase in housing costs of any State in Australia? In particular, will the Government take action to reduce the cost of living or the rate of increase in the cost of living in South Australia, and review the workmen's compensation legislation in order to help reduce housing costs? Figures released two days ago indicate that South Australia now has the highest price index for housing materials of any State in Australia. Adelaide has a figure of 183.7 compared to the Australian average of 173.9, while New South Wales has a rate of 177.3. These figures indicate that housing in South Australia is the most expensive of any State in Australia, and that South Australia is now running at a rate of 5 per cent above the average for the rest of Australia.

The Hon. D. A. Dunstan: Come now!

Mr. DEAN BROWN: The Premier may laugh, but he should refer to the latest bulletin and analyse these figures. The increase for the last 12 months has been 24.3 per cent, again the highest of any State in Australia. Apparently, reasons for these increases are, first, the high cost of living in South Australia, which on the latest figure is higher than the cost of living in Victoria and, secondly, the effect of workmen's compensation legislation on the cost of housing materials and housing generally. I think the Premier will admit that both those factors must affect the cost of labour in the community and the supply of housing materials. At present there is a housing crisis in this State, one reason for which is the high cost of housing in South Australia.

The Hon. D. A. DUNSTAN: The honourable member ought to do some homework. I point out to him that, when he is dealing with index figures, the base figure of 100 is not an indication that, at the time the base figure of 100 is taken with respect to various States, that implies equality of costs between States. Therefore, to contrast as an absolute figure an increase in an index figure is statistical nonsense, and the honourable member should do a course in basic statistics.

Mr. Dean Brown: It is not.

The Hon. D. A. DUNSTAN: Unfortunately, the honourable member is contrasting the original index figure from which his final index figure has moved as indicating equal costs originally, but that is not true. The figure of 100, which was simply taken as the figure at that time, is the figure from which movement is measured: it is not an absolute figure. To say that the cost of living in South Australia is 5 per cent higher than it is in another State is absolute nonsense. It is not: the cost of living in South Australia in absolute terms is the lowest in this country.

*Members interjecting:*

Mr. Becker: I know it is.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I know the honourable member knows, and I wish he would tell his colleague. As to movement in the cost of building, it is true there has been a movement in that cost that has been higher in South Australia than it has in any other State. The major reason for this move is the increase in price of imported timber. In South Australia a high proportion of housing costs relates to the fact that much of our building is done in timber frame. Overwhelmingly, houses in South Australia are of timber frame, and the cost of imported Oregon has shot up enormously.

Mr. Evans: That's not true.

The Hon. D. A. DUNSTAN: I had a careful report made by the Commissioner for Prices and Consumer Affairs, and it—

Mr. Evans: Timber frame houses are not so many—

The Hon. D. A. DUNSTAN: A large proportion of our houses use this material, and this is reflected in statistics that have been taken in relation to house building costs.

Dr Eastick: Can you table that report?

The Hon. D. A. DUNSTAN: Yes. I will table it for the honourable member and let him have it. The major increase has been caused by the increase in the cost of imported timber, and this has been a significant factor in the increase in building costs. The member for Davenport has told me to control this but, if the honourable member can suggest how I can control the price of imported timber, I should like him to tell me. I do not know.

Mr. Venning: There are Jots of things you don't know.

The Hon. D. A. DUNSTAN: I humbly admit that, but the honourable member seems to be in that category, too. Although the member for Davenport contrasts absolute building costs here with those in other States, the fact remains that our building costs are still the lowest in Australia by far. I suggest that the honourable member work out what has failed in New South Wales and Victoria under Liberal and Country Party Administrations in their not being able to get their building costs down to the same level as applies in South Australia. Instead of getting up in the House and suggesting that I enunciate a policy about which he has no specifics at all, the honourable member should do his homework adequately.

## GILLES PLAINS PRIMARY SCHOOL

Mr. WELLS: Will the Acting Minister of Works seek to have expedited the upgrading of outside areas at Gilles Plains Primary School? Some time ago, when I raised this matter in the House, the Minister of Works told me that the work would be done but that, as an infants school was being built in the area, it was hoped that the upgrading of the primary school area could take place in conjunction with the building of the new infants school. Work on the infants school is nearly complete. As the Gilles Plains school council has contacted me expressing concern about the situation, I respectfully request the Minister to have the work expedited.

The Hon. HUGH HUDSON: I will look into the matter for the honourable member and bring down a reply as soon as possible.

## HIGHWAYS FINANCE

Mr. COUMBE: In the absence of the Minister of Transport, can the Minister of Environment and Conservation give me further details about the Commonwealth Government's method of funding highways in South Australia? My question is supplementary to a question I asked the Minister of Transport recently, when he replied that he was unable to give me details. Since then, at a meeting last Monday at Alice Springs of the Australian Council of Local Government Associations, the Prime Minister stated categorically that the Commonwealth Government had taken over responsibility for all highways in Australia. What is the responsibility to which the Prime Minister has referred? Will the Commonwealth Government take over the actual responsibility of letting contracts for work on these roads, or will funds be made available by the Commonwealth and channelled through State departments, particularly in South Australia, so that the State will carry out the work, using those funds?

The Hon. G. R. BROOMHILL: It will be necessary for me to refer the question to the Minister of Transport for a detailed reply, and I will see that it is forwarded to him.

## LAND TAX

Mr. VENNING: Can the Treasurer say what action has been taken to straighten out the many problems and injustices associated with the new rural land tax assessments and moneys payable thereon? Some time ago a deputation from United Farmers and Graziers of South Australia Incorporated and representatives from the Bute area visited Parliament House and spoke to the Treasurer, following which reports were published in the *Farmer and Grazier.* In addition, I have read recently in the newspaper that United Farmers and Graziers of South Australia Incorporated is telling its members to pay only the amount of land tax they paid last year. Moreover, my colleagues and I are receiving many complaints about increased assessments, some of which are as much as 500 per cent higher than they were last year.

The Hon. D. A. DUNSTAN: In relation to the general provision of land tax in South Australia, the honourable member knows that legislation has existed in this State for many years and that it was introduced by Governments of the Party of which he is a member, providing for periodical land tax assessments. That legislation has not been altered, except to provide two things: first, the aggregation of the total amount of land tax; and, secondly, more frequent assessments in order to get a better periodic valuation than previously.

Mr. Dean Brown: To reap the benefits of inflation.

The Hon. D. A. DUNSTAN: No. The purpose is to get a more realistic valuation at shorter intervals in order to ensure that injustices are not suffered. The member for Davenport was not a member of this place when the Act was amended, of course, and obviously he has a short memory because, when this Government took office in 1970, I cancelled the valuation made by the Liberal and Country League Government in order to take account—

Dr. Eastick: At whose insistence?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I do not care what the Leader says about this, because this Government took responsibility for—

Dr. Eastick: At whose insistence?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The Leader is not in a position to say anything—

Mr. Venning: What are you doing about it now?

The Hon. D. A. DUNSTAN: —because he has not been a member for long and he is wet behind the ears.

Mr. Venning: What about—

The Hon. D. A. DUNSTAN: If the member for Rocky River does not wish me to reply to his question, I will not bother to do so.

Mr. Venning: You can't!

The Hon. D. A. DUNSTAN: It is not much good for the member for Rocky River to sit in his seat and bang the table in front of him.

Mr. Gunn: How do you—

The SPEAKER: Order! I warn the honourable member for Eyre, and any other member who infringes Standing Orders will suffer the same consequences.

The Hon. D. A. DUNSTAN: Land tax administration in South Australia is in accordance with the provisions originally laid down by Liberal Governments with only the alterations that I have outlined, one of which was specifically made by this Government to advantage rural areas in South Australia. As to the deputation to which the

honourable member refers, two matters were raised. The first was that valuations being made took account of a marked increase in the market value of rural land in accordance with recent sales of that land. The honourable member knows that if anyone objects to his valuation he has a right of appeal, and any valuation is re-examined on request. I have not had many appeals in relation to the matters of which the honourable member has spoken, but the deputation cited an anomaly to me regarding valuations in one specific area as against those in a neighboring area: that is, valuations as between the Bute and Kulpara areas. Having asked that details of the specific cases that showed such anomalies be given to me, I received those details only recently, I think last week. I immediately referred that matter to the Valuer-General for re-examination of the valuations that had been cited, and that re-examination will proceed with all speed. I also told the deputation that the Government intended to apply to land tax, as from July 1 next year, the same equalisation procedure as we were adopting in relation to water and sewerage rates. That will apply as from July 1 next year. In the case on any alleged anomalies or unrealistic valuations, we would have an immediate reassessment of the valuation concerned. However, if the valuations are realistic, land tax must be paid at the existing rate. That is the position and, if land tax is not paid in accordance with proper assessment, the normal procedure for enforcement of the land tax will be taken.

## SOFT DRINKS

Mr. LANGLEY: Will the Attorney-General ask the Minister of Health to investigate whether containers of fruit drinks and syrups sold at the door and in shops are labelled to show what percentage of the contents is pure fruit juice and to show what are the other ingredients? It has been brought to my notice that different prices are being charged for many types of drink in various types of container. As the purchaser does not know the quality of the contents of the container, it seems that labelling would help the producer and enable the purchaser to buy the product of his choice.

The Hon. L. J. KING: I will have the matter examined.

## MONARTO

Mr. WARDLE: Will the Treasurer say how much money has been spent on every aspect of the development of Monarto, including the purchase of land, administration, tree planting, etc., since the inception of the development? Further, will he say how much money has been provided by the State Government and how much by the Commonwealth Government, and how much the Commonwealth Government has made available to this State for 1974-75 for this stage of the development of Monarto?

The Hon. D. A. DUNSTAN: As I have not those figures in my head, I will get them for the honourable member.

## EGG BOARD

Mr. ALLEN: Can the Minister of Education, representing the Minister of Agriculture, say when I can expect to receive a reply to a question I asked on September 12 about egg-cooling equipment in country areas? On September 12, nine weeks ago, I asked the Minister of Works a question about the equipping of egg pick-up trucks in the country areas, and the Minister promised to bring down an early reply.

The Hon. HUGH HUDSON: At this stage I cannot say, but I will consult with my colleague to see whether he can expedite the reply.

## RIVER SPEEDS

Mr. ARNOLD: Can the Acting Minister of Works say when the speed restrictions imposed on craft using the Murray River are to be lifted? On August 13, I asked the Minister of Works the same question because these restrictions were having an adverse effect on the tourist industry in the Riverland. The Minister said there were two basic reasons for the river speed restrictions being imposed: first, to stop the wash affecting levees; and secondly, because the floating debris in the river could be a danger to speed boats. I have received further representations from the Berri War Memorial Community Centre and the Berri Water Ski Club seeking the early removal of the speed restrictions, if possible before the Christmas holiday period. Will the Acting Minister of Works discuss this matter with his officers in an effort to have the restrictions removed before Christmas?

The Hon. HUGH HUDSON: It is certainly not possible to remove the river speed restrictions at present, as I am sure the honourable member appreciates. The current peak level has reached only as far as Morgan; it is still a high river and it will remain high, certainly until January. It will probably not return to pool level until about the end of January. I think the restrictions could be removed before the river returned to pool level, but at this stage it will not be possible to say whether they can be removed before Christmas. I will discuss the matter with my officers to see whether I can make a more definite prediction, but I doubt whether that will be possible, because a further modified peak will reach South Australia as a result of the recent heavy rains in the Albury area. As soon as I have the information I will let the honourable member have it.

## WAITE INSTITUTE

Mr. NANKIVELL: Will the Minister of Education make representations to the Commonwealth Minister for Education to have the Waite Agricultural Research Institute recognised as a national research college so that it can be funded independently, as I understand are other such colleges at the Australian National University? The Waite Agricultural Research Institute has always enjoyed a unique reputation (indeed, an international reputation) for agricultural research. Unfortunately because of the present system of funding from funds allocated to Adelaide University it appears inevitable that the institute will probably run down to the level of a university department, in which case it will no longer be able to maintain the position it has enjoyed for the past 50 years. This is an important issue because of the importance of Australian agriculture to certain areas in the Middle East, such as Libya and Tunisia. I believe if the institute became a national research college it could provide valuable assistance to developing countries in the Mediterranean area which enjoy a climate similar to that of Adelaide.

The Hon. HUGH HUDSON: In relation to these matters, the Australian Minister for Education relies to a significant extent on the advice received from the Australian Universities Commission. I spoke to the Universities Commission about this matter three weeks ago, when the commission visited Adelaide. I think it is recognised by the commission that the application of its normal methods of funding relating to Adelaide University could lead to financial difficulties being suffered by the institute, because it may not be appropriate for the institute to be financed as part of Adelaide University on the same basis as are other university departments. The Universities Commission is sympathetic to this point of view and I believe that it will make appropriate recommendations. However, in view of the honourable member's

question, I will mention the matter specifically to the Commonwealth Minister when he returns from overseas and ask him to favourably consider this matter and any recommendations on it that are made to him by the Australian Universities Commission.

## SUBDIVISIONS

Mr. McANANEY: Will the Minister of Environment and Conservation investigate the possibility of speeding up applications for subdivision through the State Planning Authority? Applications generally take about four months to be approved and this, I think, is far too long. I have in my possession application No. 2729, which was lodged on October 15 and which it is expected will not be approved before mid-February, if it takes the normal time to be approved. This applicant wants to build a house and is waiting for the subdivision to be approved. He can get the money from the Savings Bank in mid-December, but he must then wait two months before knowing whether he can build his house. That is far too long for the processing to take. I believe it is the dead hand of bureaucracy that is causing many of these delays.

The Hon. G. R. BROOMHILL: I would be the first to concede that the delays are longer than we would like. Nevertheless, we have taken action to streamline the machinery in order to reduce waiting time as much as possible. There have been other complaints, apart from the one to which the honourable member has referred, in recent months and, when these have been examined, some sound reasons have been found for the delays that have not been the fault of the State Planning Office because sometimes the information required by the office to proceed with the application has not been provided by the applicant. I do not suggest that that is the position in this case, but as the honourable member has been kind enough to refer to it particularly, I will ascertain whether any such circumstance was involved in respect of the application in question. I assure the honourable member that we are doing all we can to streamline the machinery for approvals, because we consider that it is unfortunate that any person should have to wait any longer than is absolutely necessary for such an approval.

Mr. CHAPMAN: Will the Minister arrange for officers of the State Planning Office and other associated departments to expedite land subdivision and resubdivision applications? To assist the Minister I will cite the names of three applicants and the relevant State Planning Office docket numbers. Mr. S. Fartch, of Goolwa (docket No. 5873/73) lodged an application on November 28, 1973 (almost a year ago). I will refer to details that have been submitted to me to show the gross inefficiencies and delays involved not only in the State Planning Office but in other departments, too. On January 29, 1974, the Director of Planning informed the applicant that the Highways Department had approved his plan. In addition, he was told that the Engineering and Water Supply Department had approved the plan subject to satisfactory financial arrangements being made with the local district council in relation to a common effluent scheme. On February 19, 1974, the Public Health Department stated that it wanted allotments increased in size if a connection was not to be made to a common effluent scheme. Subsequently, it was discovered that work on the common effluent scheme would not be going ahead for at least two years and, accordingly, the allotment sizes were increased.

On March 18, 1974, agents, on behalf of Mr. Fartch, paid the E. &W.S. Department $435, the contribution required and, accordingly, the E. & W.S. Department approved the plan. At that stage, the agents for the applicant were given no indication that the Director of Planning might refuse the application, all the other approvals having been given. On July 25, 1974 the agents discovered by chance (following the location of a note in the State Planning Office) that the application might be refused. That was the first indication of such action, and it was eight months after the application was lodged. In September, 1974, Mr. Fartch was informed by the State Planning Office that it could not find his application, so the agents were asked to redraw the plans, which they refused to do, because they believed their client should not be subjected to additional expense. The agents informed the State Planning Office that it was its responsibility to rectify the matter and to redraw the plans accordingly, and eventually this was done. This meant, virtually, that a new application had to be lodged, 10 months after the original had been lost. All authorities subsequently approved the plan again.

It should be borne in mind that the matter had gone to the respective departments twice. However, despite this exercise (which was 12 months old in October last), the State Planning Office indicated to Mr. Fartch that his application for subdivision would be refused after all. This is a classic example of what is happening, and these are the relevant details of the matter on which I hope the Minister will act. I will not proceed in detail with two other examples I have, but I will give the Minister the relevant docket numbers and the names of the persons involved. Another applicant was Mr. Riggs of the hundred of Munno Para, and the relevant details are contained in State Planning Office docket No. 556/73. Without going into detail, I point out that the facts of his application are equally as disturbing as those in the previous example. The third matter relates to Mr. Heaslip, and is contained in State Planning Office docket No. 377/74. In that case, an application was lodged in February of this year and as yet there has not been a satisfactory outcome. I therefore ask not only for co-operation from the Minister's department but also for co-operation from all the other departments involved which are adding to these gross and unreasonable delays.

The Hon. G. R. BROOMHILL: I believe that the remarks I made in relation to the previous question apply equally to this question. I will have the matter examined, but before I do I will examine the honourable member's question, because he has been known to leave out significant facts when he has previously asked other questions of this nature in the House. I will bring down a report in due course.

## AGRICULTURAL OFFICERS

Mr. BOUNDY: Will the Minister of Education ask the Minister of Agriculture what action he is taking to fill the vacant positions of extension officers in regional centres of the Agriculture Department where such vacancies have been caused by the departure of five officers to help the Libyan Government establish a demonstration farm? A report in last Tuesday's *News* states that this team of officers is going to Libya to help establish a farm. Included among the officers listed are Mr. Henry Day and Mr. Trevor Dillon, together with other departmental officers. These are busy men, and their departure must leave a serious gap in the extension field in South Australia. In order to continue to help with farm projects in developing countries and to service adequately our needs at home, there is a need to train additional officers to replace them.

The Hon. HUGH HUDSON: I will refer this matter to my colleague and bring down a reply.

## SCHOOL FIRES

Mr. RUSSACK: Can the Minister of Education say whether the costs of replacing Education Department property destroyed by recent fires are available from a special insurance or replacement fund, and whether such expenditure will interfere with the school-building programme?

The Hon. HUGH HUDSON: I do not think that there is any financial interference. There is no special insurance. The Government used to insure wooden buildings with insurance companies, but it did not take long for it to be discovered that the cost of so doing was well over the losses likely to be experienced. The only possible way in which the school-building programme could be upset by a fire arises from the need to find temporary accommodation, usually transportable classrooms, for the school where the fire has occurred, because that is an absolute need. As a consequence of that, there may be delays that would not otherwise have occurred in providing transportable or temporary accommodation for other schools that require it.

## STATE FINANCES

Mr. GOLDSWORTHY: Can the Treasurer say what steps the Government is taking to provide for effective restraint in controlling escalating wage and salary rises? There have been recent press reports of salary rises granted to South Australian Government employees. A report in the *Advertiser* of November 9 contains an address by the Treasurer to business leaders. Part of the press report of that address states:

Citing the case of recent wage rises to the South Australian Police Force, he said: "We have to put a specific break on escalating wage demands, leap-frogging wage demands, and bring them back to some sort of basis of reality."

I do not know what the reference to the Police Force was, but I think that the recent wage award to the force amounts to about $5 000 000 a year. Since the Labor Party came to office in this State, during those 4½ years there has been an increase of about 20 per cent in the number of South Australian public servants. There have been two major rises in teachers' salaries this year, one earlier this year and one announced this week. In the latter case the Minister of Education entered into a consent agreement with the teachers that will cost the State about $15 000 000 a year. I think that the rise at the beginning of the year was about the same. In citing the case of the police salary increase in order to make his point that the Government must exercise restraint, I would like the Treasurer to say specifically how his Government intends to exercise restraint. The Treasurer's dislike of the Police Force in this State is well known, so this does not seem to me to be a very apt example for him to cite. Be that as it may, there has been precious little evidence of the Government's exercising restraint in making appointments or granting Government salary increases.

I also cite one other instance, namely, that of an orchardist with whom I was speaking last Saturday. He has just become engaged to a nurse, who has recently taken her five weeks annual leave. With leave loading, allowance for overtime work, etc., he estimates, with his fiancee, that her annual leave will cost the Government $1 000. I could cite other cases. I believe that the impact on the State's Budget of salary increases is the most significant factor in our present difficulties. In view of the Treasurer's statement about the salaries of members of the Police Force, can he say what specific steps the Government intends to take to exercise restraint in this area, as there has been precious little evidence of restraint in the 4½ years of this Government's term of office?

The Hon. D. A. DUNSTAN: I reject and resent the honourable member's remarks about my attitude towards the Police Force. Under this Government, the Police Force has had more money for recruitment of extra staff, in accordance with the requirements put to the Government by the Commissioner and Deputy Commissioner in order to be able to provide for the best Police Force in Australia, than has ever been provided by any previous Government in South Australia.

The Hon. L. J. King: And the best ratio of police to population.

The Hon. D. A. DUNSTAN: Yes. The assistance the Government has given the Police Force is appreciated by members of that force; in fact, my relations with the Commissioner and Deputy Commissioner are extremely good, with those gentlemen constantly consulting me. I believe that South Australia's Police Force is running excellently.

Mr. Goldsworthy: That's not the question.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: My remarks in relation to the decision about police wages stem from the fact that the decision of the Conciliation Commissioner recently brought the increase in wages for members of the force during a 12-month period to 55 per cent. Given the increases in the cost of living and even the job re-evaluation process and any increase in general productivity in the community, it is still hard to get to that figure. We did not consent to it. In fact, the award is subject to appeal.

Mr. Goldsworthy: How does the position compare with the position in other States?

The Hon. D. A. DUNSTAN: It is much more than the figure in other States; it is an unusual award, and what has happened is the result of its being an unusual award. Of course, if the appeal court finds that the award is justified and the community should be paying this sum, well and good: we will have to meet it. I was citing this as an increase in wages far outside what could have been justified on the basis of any increase in the cost of living, any normal job re-evaluation, any regard to increases in productivity, or any comparison with salary changes in other States. On this specific instance, the Government has appealed. A decision will be made by the appropriate tribunal, with the Government paying whatever is decided by that tribunal to be proper; it would be unlawful for us to do anything else.

The only reason for there being a consent award before the Teachers Salaries Tribunal was that this was a direct flow-on from decisions already made in relation to the salaries of teachers elsewhere. There was no way of avoiding that; if we had not consented to it, it would have been ordered. The honourable member should know about the move the Government has made in relation to wage restraint. Good heavens, I have talked enough about it at the Premiers' Conference and elsewhere, and it has the support of Liberal Leaders in other States.

Mr. Goldsworthy: What have you done?

The Hon. D. A. DUNSTAN: We have submitted to the Commonwealth Government that we should follow this course: first, we should put a joint application before the Commonwealth Conciliation Commission for wage increases to be restricted to an indexed amount up to 1½ times the weighted average weekly wage. Thereafter, any wage increase should not be a percentage amount but should be a flat rate at 1½ times the weighted average weekly wage

level. The only departure from that should be during a limited period when the court should have the right to deal with anomalies or correct grossly distorted relativities. If that view is accepted by the Commonwealth commission (and it cannot be instructed by any Government to proceed in that way: it has to be a decision by the commission on the basis of a joint application), the State will legislate to provide the same measure in respect of every wage and salary-fixing tribunal in South Australia, and the other States will do the same.

That would be reinforced in two ways to make certain there were no sweetheart agreements or forced agreements outside that area. One way is that the States would pass legislation investing the Prices Justification Tribunal with jurisdiction in the areas in which it does not now have jurisdiction. We would invest the Commonwealth tribunal with State jurisdiction. This would not be a transfer of power to the Commonwealth: that tribunal would become an instrument of the State. This would mean that there would be no problem with regard to the Constitution. The tribunal would then get the power to fix prices in relation to charges for goods or services provided for the public by non-corporate bodies, co-operatives and individuals, as well as fixing prices in relation to goods and services. The tribunal would then be instructed to restrict its consideration of an increase in wage costs to the indexation principle and not to allow as an element of increased cost anything above that.

The other method of reinforcement would be by penal company and pay-roll tax against any company or employer that exceeded the wage indexation principle in its annual wage bill, unless there could be shown to be a change in work structure. I have the support, specifically expressed, of Liberal Premiers in other States to proceed along those lines. I am amazed that the honourable member has not taken the trouble to read what I have said about this, because I have repeated publicly that that has been the submission made by the Government. This is the only way we will get effective wage restraint in this State, and the proposal is supported by the honourable member's Party colleagues in other States.

## STATE FAIR

Mr. DUNCAN: Will the Attorney-General investigate a representation made in a letter issued in connection with the so-called State fair that is being held next Saturday by the Liberal Party of Australia, and ascertain whether a breach of the Misrepresentation Act has occurred? If it has, will he take appropriate action? Recently, parents of children who attend a Saturday morning art class in Adelaide received a letter informing them that the class on Saturday, November 16, would be held at Rymill Park. The letter states:

The children from this class have been asked to paint a mural at Rymill Park as part of the State fair in aid of the Service to Youth Council.

As I had noted a reference in the newspaper to a Liberal State fair to be held on that day, I contacted the Liberal Party State office and was told that the proceeds of the fair were to go to the Liberal Party State election campaign funds. On being told that, I asked whether the Service to Youth Council would benefit in any way from the State fair, and was told that it would benefit only from the proceeds of a car raffle to be held in conjunction with the fair. The proceeds of the fair will wholly benefit the Liberal Party of Australia. This seems to be a clear case of misrepresentation for partisan political purposes—and is all the more repugnant because it is being perpetrated against children who will be the victims of this misrepresentation. I ask the Attorney-General to urgently investigate this matter.

The Hon. L. J. KING: It seems especially unfortunate that parents of children attending an art class are being urged to attend a function represented to be in aid of a voluntary welfare organisation, which is non-political, the Service to Youth Council, whereas in truth and in fact it seems to be a political function arranged by the Liberal Party. I do not know how this came about, and I can only hope for their reputation that those conducting the art class were in ignorance of the true character of the function, but that, having been acquainted by the member for Elizabeth of its true character, those managing the class will at the earliest opportunity (and immediately, because the function is to be held at the weekend) notify parents of the true situation. It would be unfortunate if children were encouraged to attend a Party-political function, believing, because of statements that have been made, that they were attending a charitable function organised to support a wellknown and very praiseworthy voluntary organisation. I think it is not too much to ask, as this situation has arisen, that the Liberal Party should make clear publicly to the people of South Australia that what is taking place on this occasion is a Party-political function and not a function to benefit the Service to Youth Council. It is not only an embarrassment to those who have been misled into thinking—

Mr. Venning: Why don't you—

The SPEAKER: Order! The honourable member for Rocky River is fully aware of Standing Orders, and Standing Order 169 specifies what can happen. It will prevail in regard to the honourable member if he again interjects.

The Hon. L. J. KING: Also, it would be unfortunate from the point of view of the Service to Youth Council, because that organisation enjoys and deserves wide support in the community from citizens of all shades of political opinion and is an entirely non-Party and non-political organisation. It would be unfortunate, as a consequence of all this, if that organisation were to have its support diminished because some people believed that somehow it was associated with a Party-political function that is to be held at the weekend.

## ST. AGNES SEWERAGE

Mrs. BYRNE: Will the Acting Minister of Works obtain a report on what stage has been reached in sewering that section of Tolley Road, St. Agnes, which runs between North-East Road and Smart Road? In the area referred to there are several factories that employ labour. When I last raised the matter I was advised by correspondence (dated May 6 of this year) that a proposal was being examined to provide sewerage for new factory premises being erected and that, in conjunction with the proposal, the Engineering and Water Supply Department would re-examine a full extension to another factory that had asked for the extension originally.

The Hon. HUGH HUDSON: I shall be pleased to look into the matter and bring down a report as soon as possible.

## OPEN SPACES

Mr. EVANS: Can the Minister of Environment and Conservation say how much South Australia will receive of the $9 000 000 that the Commonwealth Government is making available for open space areas? About a fortnight to three weeks ago, the Commonwealth Government

announced that it would make $9 000 000 available throughout Australia for this purpose, and I expect that South Australia will receive at least part of that sum. As there is concern about a buffer zone being provided around Hallett Cove, if the Commonwealth Government cannot see its way clear to purchasing the area in question or buying extra land there I hope South Australia will be able to use the grant to buy extra land required to preserve the area. Many people believe that sufficient land should be purchased in order to protect this area.

The Hon. G. R. BROOMHILL: South Australia will certainly receive at least the normal allocation that would apply to it. I hope that, because of the work we have done preparing a case for finance under the national estate scheme, we will receive more than we would normally receive on a per capita basis. The Commonwealth Government in this case does not simply hand over a sum of money to the State: it requires it to prepare submissions for such financial support. The submissions are examined by the Commonwealth Government and, if it is believed that the projects for which the State requires funds meet the Commonwealth Government's criteria as regards the preservation of the national estates and also meet the requirements of the committee established in relation to this matter, these projects are then funded. South Australia has sent off a considerable list relating to the areas where we believe financial support should be provided, including a proposal for funds to purchase additional land at Hallett Cove.

## PARLIAMENTARY BUSINESS

The Hon. D. A. DUNSTAN (Premier and Treasurer) moved:

That for the remainder of the session Government business take precedence of all other business except questions.

Dr. EASTICK (Leader of the Opposition): The Premier gave notice of his intention to move this motion, which it was thought might have been moved one or two weeks ago. However, in moving the motion the Premier has not indicated how long we can expect to sit from now until Christmas. In the interests of the State, I believe that if necessary we can sit right up until Christmas Eve. I believe the Premier should indicate what the Government's intentions are in relation to this matter. Also, I expect him to tell the House of the Government's intentions regarding making time available for a vote to be taken on the various matters of private members' business that remain. It has been indicated that this will be done. It is possible to do it and, on occasion in the past, time has been made available for limited debate as well as for taking a vote. I ask the Premier to state the Government's intentions in these matters, as he seeks the support of the House for the motion.

Dr. TONKIN (Bragg): It is traditional at a time such as this for the Opposition to lodge a formal protest at the cutting off of time for private members' business, and I lodge that protest now. I know that, inevitably, we will be defeated on this issue, but that does not prevent us from raising an objection and from claiming support for our right to speak. During the previous session, Question Time was reduced significantly.

The SPEAKER: Order! A specific motion is before the House and that does not allow a debate on any other matter. Remarks must be linked with the motion.

Dr. TONKIN: I intend to link my remarks with the motion, and that can be done easily by saying that Question Time has been reduced in such a way that the time for starting private members' business on Wednesday afternoon theoretically has been put back from 4 p.m. to 3.15 p.m. When the Opposition wishes to take time for an urgency motion, that debate ends at 3.15 p.m., not at 4 p.m. Yesterday, private members' business day, when private members on this side were anxious to have their business brought on and debated, it was noticeable that members opposite asked more questions than they normally would ask on any other days. Indeed, the member for Peake broke something of a record by asking two questions on the same day.

Mr. Langley: What about questions on a Tuesday? That's different!

The SPEAKER: Order!

Dr. TONKIN: Wednesday afternoon is traditionally the time for private members' business, and it is interesting to contrast the number of questions that Government members have asked today. I cannot support the motion. On principle, I do not like it. The Opposition is being deprived of its freedom to speak, to express a point of view, and to probe Government activities, as it also does in Question Time.

Mr. MILLHOUSE (Mitcham): The member for Bragg has been foolish in what he has said and I cannot support him. I would not have spoken on this motion if it were not for the foolishness of what he has said. I certainly cannot oppose the motion. On other occasions in past years I have opposed similar motions, but on this occasion it seems to me that the time for private members' business has been extended by two or three weeks compared to the time that we have usually had. Whilst members on this side may complain that we do not get sufficient time to debate matters that we want to bring forward, I put forward two considerations. First, as far as I can recall, the time allowed now is no shorter than it was when the Parties were on sides of the House different from those on which they now sit. Secondly, I have found that there always has been some way in which one can get before this place a matter that one wants to raise. There are always ways to get matters before this House, and not only on Wednesday afternoon.

I think the member for Bragg has been unwise in opposing this motion merely for the sake of opposing it, especially in view of what his Leader has said. On a personal note, I was surprised but pleased when I came back from overseas and found that we still had one Wednesday left for private members' business, and I was certainly able to put yesterday afternoon to good use. On this occasion, I am constrained to support the motion, because I think that members of the Opposition, from whatever Party, have had a fair deal on this matter. I do not want the Government to think that I consider that we have had a fair deal in every way, but we have had a fair deal regarding private members' time in this session.

The Hon. D. A. DUNSTAN (Premier and Treasurer): The time that has been allowed for private members' business during this session is equal to the record allowed in this place for private members' business. I point out that this Parliament allows more time for private members' business than does any other Parliament in Australia.

Mr. Gunn: That's something we should be proud of, isn't it?

The Hon. D. A. DUNSTAN: Yes, I am proud of it, and I do not think that we are reducing the time for private members to get matters before this Parliament. The member for Bragg has complained about the reduction of Question Time, but I point out that the new procedure

for asking questions in this House has enabled questioning of the Government to be much more detailed and effective than it has been previously, and it has been designed to be so. Members now can have many Questions on Notice and they have time in Question Time for supplementary questions. It was necessary to have that arrangement in this Parliament and it gave to private members, including the Opposition, an additional facility that was an improvement regarding Parliamentary business.

Mr. Coumbe: There's not time for one question a day for each member.

The Hon. L. J. King: Is there any Parliament in the world where there is?

Mr. Coumbe: No, but it—

The Hon. D. A. DUNSTAN: The change has meant that questions asked are really designed to test the Government on matters of policy, whereas over a period of years members had taken up time in struggling to find a reason for asking a question.

Mr. Coumbe: The Minister of Education was an expert at that.

The Hon. D. A. DUNSTAN: He is an expert at replying to questions: he does that in much detail.

The Hon. Hugh Hudson: I have never asked more than 11 questions on any one day.

The Hon. D. A. DUNSTAN: I agree with the member for Mitcham (and I am delighted to have an occasion when I can do that) in respect of his disagreement with the member for Bragg. The Government will give time before the end of the session for the taking of a vote on any matters of private members' business outstanding on the Notice Paper, but I give notice that that will require that members merely proceed to take a vote. If there is any attempt to pre-empt the business of the House by proceeding with debate on any matter that is called on, the remainder of private members' business will not be voted on.

Regarding the Leader's question about the sittings of the House, I expect the House to adjourn either at the end of this month or at the end of the first week in December, depending on the business that comes before the House next week. I expect that all Bills that have not been introduced so far will be introduced next week. We will see how long that takes us. Otherwise I expect the Parliament to reassemble at the beginning of the third week in February and to sit until about the end of March to complete the business of this session.

Motion carried.

## HOUSING AGREEMENT BILL, 1974

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to authorise the execution by or on behalf of the State of a supplemental agreement between the Commonwealth of Australia and the States of Australia in relation to housing. Read a first time.

The Hon. D. A. DUNSTAN: I move:

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

This Bill ratifies the supplemental housing agreement, and I seek leave to insert the second reading explanation in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

Members may be aware that on October 17, 1973, there was executed on behalf of this State an agreement with the Commonwealth Government substantially in the form of the agreement set out in the schedule to the Housing Agreement Act, 1973 (1973 volume of the State's Statutes at page 67). Following the meeting of Housing Ministers of the States and Commonwealth held on October 11, 1974, certain variations to that agreement were agreed to. These variations will require the execution of a supplemental agreement substantially in the form set out in the schedule to this Bill. Since the amendments are "textual ones" their effect can be easily seen by reading them in conjunction with the 1973 agreement. Essentially they provide as follows:

(*a*) In the 1973 agreement the ability of a State to allot more than 30 per cent of Housing Agreement funds to the Home Builders Account was contingent upon its having made such an allocation in the two years immediately preceding July 1, 1973. This was a special provision to meet the situation in South Australia which, alone, had consistently allotted more than 30 per cent of total housing funds to the Home Builders Account. At the meeting it was indicated that the Australian Government Minister wished to channel more funds into the Home Builders Account wherever possible. The draft paragraph (*b*) of subclause (3) of clause 9 gives effect to this desire.

(*b*) Clause 10 of the 1973 agreement provided that the Commonwealth Minister would "determine" the amounts to be advanced to States in respect of a financial year. This proposed new subclause (3) enables the Minister to determine an additional amount or additional amounts in respect of a financial year.

(*c*) Subclause (1) of clause 24 originally set the eligibility of an applicant for a loan by having regard to average gross weekly income (inclusive of overtime). The criterion is altered in the supplementary agreement to exclude overtime.

Mr. EVANS secured the adjournment of the debate.

## TARCOOLA TO ALICE SPRINGS RAILWAY AGREEMENT BILL, 1974

The Hon. G. R. BROOMHILL (Minister of Environment and Conservation) obtained leave and introduced a Bill for an Act to approve the agreement made between the Government of the Commonwealth of Australia and the Government of the State for the construction of a standard gauge railway between Tarcoola in South Australia and Alice Springs in the Northern Territory. Read a first time.

The Hon. G. R. BROOMHILL: I move:

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

It seeks the ratification by Parliament of an agreement made between the South Australian Government and the Australian Government on April 10, 1974, for the construction of a standard gauge railway from Tarcoola to Alice Springs. It is the first of two railway Bills that will be introduced in Parliament this session to seek Parliamentary sanction. The second Bill will seek approval for the construction of a standard gauge rail from Adelaide to Crystal Brook. Both Bills have been ratified by the Commonwealth Parliament. Members will be aware of the absolute necessity for the construction of a new standard gauge rail between Tarcoola and Alice Springs to proceed. The heaviest floods recorded in the Eyre Basin are now just receding. At their peak, which lasted three months, the floods almost totally suspended rail services between Adelaide and Alice Springs. Naturally, the isolation of people in Alice Springs by the cutting of the rail link brought about great inconveniences. This particular disruption to the rail service was not the first. In 1966, flood damage created a similar situation.

In 1966, floods and high maintenance costs for the existing narrow gauge track prompted the Commonwealth Railways Commissioner to examine the possibility of constructing a new line on an entirely new route that would not be subject to heavy flooding, causing damage to the rail line. After the one-year study, the Commissioner reported. He put forward three proposals but strongly favoured the route proposed in this Bill. After considerable examination of the merits of the Railway Commissioner's proposal, the Australian Government, in 1970, approved in principle the construction of the line. Negotiations then began with the South Australian Government. The State Government naturally wanted to ensure that the interests of South Australia were protected when it entered into an agreement with the Commonwealth.

Through negotiation with the Commonwealth, we have been given an assurance that the existing Port Augusta to Marree railway line will not be closed, so long as the Port Augusta powerhouse is dependent on coal from Leigh Creek. We have also been assured that the freight rates on this line will be compatible with rates charged on other sections of the Commonwealth Railways system. These two matters were the last of many considered of importance by this Government and did result in protracted negotiations. However, during the negotiations the Australian Minister for Transport (Mr. Charles Jones) was very helpful and the success of the negotiations results in no small way from his understanding the problems of transport. The route of the railway is described in the schedule to the agreement. The new route is 830 kilometres in length, and, as has been mentioned, has been carefully surveyed to avoid areas prone to flooding. The constructing authority for the rail line will be the Commonwealth Railways. In the Bill, provision has been made for the expenditure of $145 000 000. This includes provision of costs for minor design changes and for inflation. The full $145 000 000 will be funded by the Australian Government.

The Commonwealth Railways estimates that the construction of the line will take about five years, and actual construction is planned to begin early next year. Members will be aware of plans for the construction of the Stuart Highway on a new alignment that will closely follow the route of the Alice Springs to Tarcoola railway. Because the highway and the rail line will cross at a number of locations, the Highways Commissioner and the Commonwealth Railways Commissioner will need to consult whenever necessary. Through the co-operation of both parties, it is hoped the best possible crossing protection will be provided. The construction of this rail line is of great significance to South Australia. Besides providing a high-capacity freight-passenger line to the heart of Australia, further benefits will come with the construction of the standard gauge link from Adelaide to Crystal Brook. It is proposed this line will be constructed about the same time as the Tarcoola to Alice Springs line. The advantages to South Australia that will be generated by the construction of these two lines are obvious. Delays in changing freight at Port Pirie and Marree because of different gauges will be eliminated, resulting in faster services. South Australian industry will have easy access to markets and other industries in the Eastern States and the west by being connected to the standard gauge network and, for rail travellers, trips to Western and Eastern Australia will also be far more convenient. I am sure this project will meet with the full approval and support of all members.

Clause 1 is formal. Clause 2 sets out the definitions necessary for the purposes of the Bill. Clause 3, first, approves the agreement and, secondly, authorises the State to do such things as are necessary to carry the agreement into operation. Clause 4 is a normal consent by the State for the Government of Australia to carry out the work. The schedule sets out the agreement, and it is, I suggest, reasonably self-explanatory.

Mr. GUNN secured the adjournment of the debate.

## ADELAIDE TO CRYSTAL BROOK STANDARD GAUGE RAILWAY AGREEMENT BILL

The Hon. G. R. BROOMHILL (Minister of Environment and Conservation) obtained leave and introduced a Bill for an Act to approve an agreement made between the Government of the Commonwealth and the Government of the State for the construction of a standard gauge railway between Adelaide and Crystal Brook and for purposes incidental thereto. Read a first time.

The Hon. G. R. BROOMHILL: I move:

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

It seeks the ratification by Parliament of an agreement made between the Australian and South Australian Governments for the construction of a standard gauge railway between Adelaide and Crystal Brook. It is the second of two Bills seeking sanction by this Parliament to upgrade significantly the State's railway system. The construction of a standard gauge rail line between Adelaide and Crystal Brook has special importance to South Australia. Adelaide at present is the only capital of a mainland State in Australia not connected to the standard gauge network. Obviously this situation has been to the detriment of local industries seeking easy and fast access to markets in other capital cities. As with the Tarcoola to Alice Springs railway Bill, the Australian Parliament has seen the merits of constructing this vital rail link and has ratified the agreement signed between the respective Governments in May this year.

This project has a long history. It dates back to 1949, when the standardisation agreement was finalised seeking to convert the entire South Australian railway system to standard gauge. The first tangible steps towards implementing this pact was in the early 1960's when work began on the construction of the standard gauge rail between Port Pirie and Broken Hill. Then, following in 1964, talks began between the Australian and State Governments to provide a link for the new standard gauge line to Adelaide. After protracted negotiations, the Australian and State Governments jointly appointed a team of constructing engineers, Maunsell and Partners, to examine and determine the most economic method by which Adelaide could be connected by standard gauge to the new interstate railway between Port Pirie and Broken Hill. Following consultation between the Australian and State Governments, agreement was reached on the scope of the project to be planned by the consultants. The principal items of the project examined by Maunsell and Partners, and subsequently included in this Bill, are as follows:

> A new independent standard gauge railway from Crystal Brook to Adelaide; standard gauge lines from Dry Creek to Islington and Gillman yard; standard gauge connections to the Mile End yard; standard gauge facilities at Islington and Dry Creek, including facilities for inwards and outwards freight, vehicle servicing, bogie exchange, and standard gauge access to Pooraka and Islington workshops; standard gauge facilities at Adelaide passenger terminal; standard gauge connection to Wallaroo by conversion of the line between Snowtown and Kadina from broad gauge to standard gauge, and the construction of a new standard gauge line between Kadina and Wallaroo; and standard gauge rolling stock, new and converted, based on expected traffic at the end of the first year of full standard gauge operation.

The construction programme agreed on between the Australian and State Governments will enable limited standard gauge operation to begin within four years of work beginning on the building of the line. It is proposed in this Bill that the work will be carried out by the South Australian Railways and it is expected that the project will take about five years to complete. When the consultants reported in January, 1974, the cost of constructing the main line and branch line was about $81 000 000. In the agreement, the Australian Government is committed to meeting the total initial cost of the project; 70 per cent of the total cost will be regarded as a non-repayable grant, and the State will be required to repay the remaining 30 per cent of the expenditure, plus interest over 50 years. This is in line with other standardisation projects previously undertaken between the State and Australian Governments.

Members will be aware of the tremendous benefits that will be forthcoming when Adelaide is linked to the national standard gauge network. It will result in greater efficiency and lower transportation costs for our local manufacturing industries, on which this State greatly depends for economic stability. The transportation of grain and other rural products from Yorke Peninsula will also be a more efficient operation with the conversion of the line between Snowtown and Kadina from broad gauge to standard gauge and the construction of a new line from Kadina to Wallaroo. The passing of this Bill by Parliament, and another seeking approval for the construction of a line between Tarcoola and Alice Springs, will also greatly improve the attractiveness of passenger travel by rail. Passengers will no longer have to change trains when travelling to Alice Springs or when on the Indian Pacific. It is essential to South Australia's continued well-being that this project go ahead as soon as practicable.

Clauses 1 and 2 are formal. Clause 3 approves the agreement and authorises the State Government to do all things required of it under the agreement. Clause 4 expresses the consent of the State to the carrying out by the Commonwealth of the works contemplated by the agreement. Clause 5 incorporates the projected Act with the South Australian Railways Commissioner's Act, 1936-1973.

Dr. EASTICK secured the adjournment of the debate.

## MINING ACT AMENDMENT BILL

The Hon. D. J. HOPGOOD (Minister of Development and Mines) obtained leave and introduced a Bill for an Act to amend the Mining Act, 1971-1973. Read a first time.

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

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

As it is purely a consolidation measure, I ask leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

Its purpose is to put beyond doubt that all statutory and other references to the Minister of Mines as so designated are to be read and construed as references to the Minister of Development and Mines or other Minister to whom the administration of the Mining Act is for the time being committed. This was the intention when the Ministerial offices of Minister of Mines and Minister of Development were discontinued on October 15, 1970, and the Ministerial office of Minister of Development and Mines was created. However, by section 9 of the Mining Act, 1930-1962, the Minister of Mines and his successors in office had been continued as a body corporate under the name "The Minister of Mines". Section 3 of the Petroleum Act, 1940-1971, also defines "Minister" as the Minister of Mines and that Act contains several references to "the Minister" as so defined. On October 15, 1970, the administration of certain Acts (including the Mining Act, 1930-1962, the Petroleum Act. 1940-1969, and the Petroleum (Submerged Lands) Act, 1967-1969) was committed to the Minister of Development and Mines, and he thereupon became the body corporate that had been continued under the name "The Minister of Mines" by section 9 of the Mining Act, 1930-1962, but whether at the same time the name of the body corporate also became changed to the name of his Ministerial office (namely, Minister of Development and Mines) is not free from doubt.

There is also a reference to the Minister of Mines in section 139 (3) of the Petroleum (Submerged Lands) Act, 1967-1969, and doubts might also well arise in the interpretation of the references to the Minister of Mines in that Act and in the Petroleum Act. This Bill, if approved by Parliament, will remove those doubts. Section 11 of the principal Act, as now in force, provides that the Minister (that is, the Minister of Development and Mines) and the Director of Mines shall each be a corporation sole. The suggested amendment (which is contained in clause 2 of the Bill) adds the following passage to that provision, namely: "and any reference in any Act, regulation, rule, by-law, agreement or in any document or other instrument (whether directly or indirectly) to the Minister of Mines shall, unless the context otherwise requires, be read and construed and be deemed to be and, since the commencement of this Act, to have been a reference to the Minister".

Mr. RODDA secured the adjournment of the debate.

## PUBLIC CHARITIES FUNDS ACT AMENDMENT BILL

Second reading.

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

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

I ask leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

It is mainly in the nature of corrective legislation to facilitate the consolidation of the principal Act and its amending Acts under the Acts Republication Act, 1967. Some of the amendments proposed by the Bill will bring the Act into line with policy already endorsed by Parliament in other legislation. Some are consequential on changes made subsequent to the enactment of the original Act. The Bill also empowers the commissioners to take up, subscribe for or otherwise acquire debentures or shares issued by corporations in which they already hold debentures or shares for any of the purposes authorised by the Act, where the debentures or shares so taken up, subscribed for or acquired are issued by the corporation by way of bonus or the exercise of rights or options by virtue of such holdings. This is a limited power which the commissioners have sought because of opportunities that occur from time to time by virtue of investments held by them and, as the Government considers that it is a proper power to confer on them, the opportunity has been taken to include it in this Bill rather than seek the approval of Parliament for that power in a separate Bill.

Clause 1 is formal. Clause 2 substitutes the expression "one hundred cents in the dollar" for the expression "twenty shillings in the pound" in section 7. Clause 3

amends section 8 of the principal Act. That section deals with the proportion of fees payable to the commissioners that is to be charged against various institutions. Subsection (1) as it stands fixes that fee at one guinea a meeting with a maximum of 26 guineas. These fees, and the basis on which they are to be calculated, have been changed from time to time by regulations made under the Statutory Salaries and Fees Act, 1947, but those changes do not constitute amendments incorporable in the principal Act, and subsection (1) is therefore no longer meaningful. Where similar situations have existed in other legislation, Parliament has endorsed the principle whereby, in lieu of a provision of fixing their fees by Act of Parliament, a provision is substituted providing that members of a statutory body are entitled to receive their remuneration at rates from time to time determined by the Governor and, until the Governor determines otherwise, the existing rates continue to apply. The amendment to section 8 accordingly strikes out subsection (1) and substitutes new subsections (1) and (la) in its place to achieve that result. An amendment on these lines would also facilitate the consolidation of the Act.

Clause 4 amends section 9 to achieve the same result as clause 3. That section deals with the component of the commissioners' fees that is to be charged against income derived from town acre 86 situated in the city of Adelaide. Subsection (1) as it stands provides that, in addition to the fees to which he is entitled under section 8, the Chairman is entitled to fees at the rate of £50 and each member at the rate of £25 a year. These fees have also been changed from time to time by regulations under the Statutory Salaries and Fees Act, and this clause strikes out subsection (1) and enacts two subsections (1) and (la) in its place on the same lines as clause 3. Clause 5 (*a*) is the provision that confers on the commissioners power to take up bonus issues and new issues of debentures or shares to which they may become entitled by virtue of existing holdings of debentures and shares held by them as such. The new provision is so worded that it would validate past acquisitions, if any, of bonus or new issues of debentures or shares as if the power had been conferred on and exerciseable by them when those shares, if any, had been acquired. Clause 5 (*b*) is consequential on the repeal of sections 14 and 15 of the Trustee Act, 1893, and the enactment of sections 20 and 21 of the Trustee Act, 1936.

Clauses 6 and 7 are consequential on the changes of names from the Adelaide Hospital Endowment Fund to the Royal Adelaide Hospital Endowment Fund and from the Adelaide Hospital to the Royal Adelaide Hospital. This Bill does not include any amendments to section 26 altering amounts expressed in old currency to decimal currency and updating the references to the Adelaide Hospital Endowment Fund and the Adelaide Hospital, as that section refers to a payment made pursuant to a 1915 Act, and it now remains in the Act only for its historical value. Clause 8 is consequential on the changes of names from the Parkside Mental Hospital to the Glenside Hospital and from the Northfield Mental Hospital and Enfield Receiving House to the Hillcrest Hospital and Enfield Hospital respectively. Clause 9 repeals and re-enacts the second schedule with a revised and up-to-date list of public charitable institutions.

Mr. WARDLE secured the adjournment of the debate.

## FAIR CREDIT REPORTS BILL

Adjourned debate on second reading.

(Continued from October 31. Page 1843.)

Mr. SLATER (Gilles): I will speak only briefly in support of this important Bill and I am pleased that the two Opposition speakers who have already spoken have given the Bill their support, albeit somewhat qualified. Although I recognise the important role being played in our society by credit agencies that extend credit for insurance and other services, and recognise also their right to obtain information relating to people's creditworthiness so that they can make decisions relating to their business, it is equally important that people who are the subject of a credit report from the agency should have the opportunity to know, especially when they have been denied credit, what information has been obtained, as well as the opportunity to correct any incorrect information.

No doubt there have been occasions in the past when credit references have been erroneous, and the person concerned has had no redress or opportunity of challenging the incorrect information. Clause 8 provides that, where a trader refuses credit, the applicant, may apply to the agency for the disclosure of the files relating to his affairs and, on his *bona fides* being established, the report is to be provided in an intelligible form. The Bill has another important provision, namely, that the person concerned will have the opportunity to challenge the correctness or the completeness of the report.

The Leader of the Opposition, in speaking to the Bill, expressed doubts about several matters, one of which was the definition of credit-reporting agencies. He instanced the exchange of information between various business organisations and retail houses, etc. This happens frequently, I understand, in business and commercial circles. I believe it just as important for the consumer as it is for recognised credit agencies to have access to information provided by these organisations. It is important that these people be encompassed by the legislation. At one time, I was Chairman of a co-operative society that provided credit to members in a small way for them to purchase home furnishings and electrical appliances, etc. I recall that the Secretary-Manager of the society and I often had to decide about a person's creditworthiness, basing our decision on information provided by credit reference organisations.

At such times, I always felt somewhat apprehensive about the basis of the report (how the information had been collected, and so on) and about its general reliability. My greatest concern was whether we were doing justice to the person involved. Occasionally, despite the information we had received from various credit organisations, the Secretary-Manager and I decided to take a risk on a person. In almost every case, such people fulfilled their obligations to the society. Had we refused credit to these people, they would have had no redress with regard to the information we had obtained. No doubt credit organisations will continue to grow. Moreover, their methods of obtaining information will grow, with electronic processes, data banks, and so on being used. As I believe the Bill offers some means of protecting the rights of consumers, I support it.

Mr. EVANS (Fisher): I will support the second reading of this Bill and then see what happens to proposed amendments. I understand that the terms of the Bill are to be extended to deal with rental accommodation and other matters. *I* have no doubt that when legislation such as this is placed on the Statute Book one result is an increase in the cost of goods. According to the philosophy of some people, there is nothing wrong with that. However, I point out that the greater percentage of people in the community are capable of managing their own affairs and making sound judgments. They are able to fight their own battles in cases such as departmental stores' having wrong information about their creditworthiness.

Mr. Payne: What percentage do you reckon can handle their own affairs?

Mr. EVANS: The greater percentage. I do not object to the principle behind the Bill, but the Bill goes so far that a burden is placed on industry. It is no use kidding ourselves: industry does not foot the bill. When applications for price increases are made to the Commissioner for Prices and Consumer Affairs and the Prices Justification Tribunal, all these costs are considered. Costs are added to the price of articles, as well as a small percentage for profit. That is the cost of this legislation that consumers will have to pay.

I think that the terms of the legislation should be modified. There is one industry that should be promoted in the State, as a clientele could be guaranteed. Perhaps people could be trained through the national employment and training system to work in this industry, which is the manufacture of cotton wool. Large quantities of this commodity are needed to wrap around our citizens to protect them from every danger in the community. I believe we are over-protecting people. We are teaching them to believe that they will be protected from their own stupidity to the last degree. No member of the House would object to the principle behind this Bill. However, there is no need for the Bill to be as wide as it is. My vote at the third reading stage will depend on what happens in Committee. At this stage, I support the Bill only in principle.

Mr. BECKER (Hanson): This Bill recognises the fact that in the community today more people know more about one than one knows about oneself. It is frightening to think that organisations daily add to dossiers on each member of the community, recording all sorts of information, particularly information relating to credit ratings. I do not think that just anyone should have the right to judge a person's creditworthiness, as this is a difficult decision to make. It takes many years of training in the banking industry to assess information collected and decide whether a person is worthy of credit. Yet we find credit bureaux operating with personnel from various backgrounds in commerce. They have set themselves up as the decision-makers. These organisations pass on information sought by traders whose officers then have to decide whether they will lend money to various people. The decision involves a person's ability to pay and his integrity.

These people have records of past transactions, but many variables can contribute to a person's ability to make payments. A person may have had to rearrange finance as a result of being retrenched or forced to change jobs, or for some other reason. It is dangerous to have in the community a situation that results in a person's creditworthiness being assessed and his ability to borrow money being determined without his having the right to defend himself from the statements of someone else. Mistakes can be made in assessing creditworthiness, and one must check and recheck any details about a client. Many loans have been refused because someone was not willing to decide whether the person was creditworthy, and many people have suffered from that situation. A bank manager has to decide whether to honour a client's cheque on an overdrawn account, and some damage has been done to the credit rating of members of the community by bank managers who have refused to grant overdrafts because they were unwilling to ascertain details about the client.

Having been involved in banking for 19½ years and having sometimes obtained accounts from other banks at which the manager did not bother to find out details of the client's assets, I know that many people have suffered. No doubt I have made mistakes, too, but I am sure that no bank manager in this State has not made a mistake. I appreciate that the principle behind this legislation will help many people. The responsibility will be placed on people who collate information, and everyone should realise that these collectors of information are in a powerful position.

A fortnight ago a constituent of mine wished to purchase an appliance from the South Australian Gas Company, which uses a credit rating organisation. However, because of a mix-up in names my constituent was given a poor report and could not obtain the appliance. When the mistake was pointed out to the company, it apologised and made a generous offer to my constituent. However, she thought the damage had been done and was no longer interested in the transaction. The credit rating bureau that had made the mistake has not yet apologised, and I was surprised at the attitude of this firm because I would have thought that it was beyond reproach. However, the incident has happened and the mistake has been made. My constituent was most upset, and the Gas Company was placed in an embarrassing position.

I believe that such incidents occur daily. Often one is given different opinions from two or three doctors, and something should be done to protect people who have the right to ask for further opinions. This applies particularly to parents of children who may suffer from various illnesses. There has been too much of the hit-and-miss attitude in the community, especially concerning financial matters.

Another important aspect of this legislation concerns the collating of information with respect to a person's employment. Much practice and skill is needed to be able to report on the ability of a person for an employment assessment. Who is to judge whether Bill Smith is capable of doing a certain job? What right has any employer to store information (and this is being done today) about a person's social habits? However, this occurs in commerce, in industry, and even in the Public Service. What right of defence is there? I believe that this legislation shows the correct approach, but we will have to wait and see whether its details are workable. If this legislation protects the rights of citizens in the community, I believe it deserves our support.

The Hon. L. J. KING (Attorney-General): I agree entirely with the points made by the member for Hanson as to the need for this measure and as to the supreme importance of ensuring that people whose lives may be ruined by reports about them should have the chance to know what is being said about them and to correct it if the information is wrong. That is what the Bill does. It is elementary that people should have this right: if they do not have it, incorrect information may get into the dossier and be communicated from one person to another and from one organisation to another, and virtually every transaction into which that person desires to enter will be frustrated, whether it refers to credit, employment, tenancy, or anything else, because people go to the same organisation and obtain credit reports, and those reports are circulated from one organisation to another throughout the commercial community.

No member has opposed the principle of the Bill, but the Leader of the Opposition said that the right given by the Bill should not apply if a referee had been nominated by the consumer. I ask members to bear in mind that this Bill applies only to credit-reporting agencies, as defined in the Bill: that is, agencies that furnish reports for fee

or reward or those that furnish a report on a regular co-operative basis. That being so, it seems to me that, to insert a provision that the right to have access to the information would not apply if the persons supplying the information had been nominated by the applicant would simply render the whole Bill nugatory. If a person applied for credit and the finance company wished to obtain a credit report through an agency or another finance company, it would simply sign up the person and then get him to nominate the reporting agency, the other finance company, or the bank as referee, so that the person would be deprived (under the Leader's suggestion) of the chance to know what was being reported about him.

The point is not whether a person agreed to have information given about him, because we all agree to that. We all know that, when we apply for a job or for credit, the person to whom we apply is going to find out something about us; there is no mystery about that. It is not a question of something being done without our consent. Whether we know about it or agree to it or not, it is important that we should know what is said about us. I might name the Leader of the Opposition as my referee if I were applying for a job and if I were confident that I would get an excellent report from him. However, he might say something about me which I would not have expected him to say and which would disappoint my expectations as a result. It is important that I should know whether the Leader has given me an adverse report or not, because it would be incorrect and I would then have an opportunity to correct it.

It would render the purpose of this Bill largely nugatory if, simply because I nominated the Leader as my referee, I thereby deprived myself of the right to know what had been said about me. How else could I correct it? It simply would not do to say, where consent is given for furnishing information, that the person giving the consent should thereby deprive himself of the right to know what is the information. The scheme of the Bill is simply that, if a person applies for a benefit (whether in employment or of a commercial kind) and the benefit is refused, and the person refusing the benefit has had in his possession information or a report of a credit nature as defined in the Bill, he should be required to say, "You will not get this benefit and I have had a report about you"; he need not necessarily say that the report was the deciding factor. What he should say is this: "I have had a report about you and I got it from such and such a reporting agency." He is obliged only to disclose the reporting agency. The person being refused the benefit should then have the right to go to the reporting agency and say, "What have you got on your files about me? I want to know, because I want to see whether or not it is accurate." That is what the Bill is all about. It seems to me, therefore, that it should apply whether consent is given or not. If the person refusing the benefit could deprive the applicant of his right to information simply by obtaining his signature on the form stating, "I consent to your obtaining credit information about me from a named reporting agency", that would defeat the purpose of the Bill.

The Leader was concerned about the possible position of doctors and lawyers, particularly in small towns, who might from time to time be asked to supply credit information, presumably about their patients or clients. Such people are involved under the provisions of the Bill as reporting agencies only if they supply information for fee or reward. I assume that no doctor or lawyer would charge for credit information about his own client or patient, or where it was being done on a regular co-operative basis. It would be strange indeed if a doctor or lawyer was operating on a regular co-operative basis for a trade, finance company, or something of that nature, and supplying information about his own clients or patients. I cannot see how that situation could arise. However, it would be as important in that case for the person about whom the information was supplied as it would be in any other case.

The Leader complained that the Bill embraced agencies that supplied information on a regular co-operative basis and suggested that the ambit of the legislation should be confined to agencies supplying reports for fee or reward. The Bill does that, and so it should. It is just as important that a person who is refused a benefit should know that he has been refused the benefit because of information supplied on a regular co-operative basis by another organisation, as it is that he should know whether the information was supplied for fee or reward, because much of the credit information circulated in the commercial community is not supplied for fee or reward but supplied on a regular co-operative basis, and much of it should therefore come within the ambit of a Bill of this kind. I think the Leader referred to retail stores. It is true that many retail stores give information to each other on a regular co-operative basis.

Dr. Eastick: But you interjected and said they would not be involved.

The Hon. L. J. KING: They would most certainly be involved if they were doing it on a regular co-operative basis. At page 1841 of *Hansard* the Leader is reported as saying:

> People concerned believe that the Bill catches traders who give credit references on request if these references are given regularly.

That is true, if they are given the information on a regular co-operative basis. The Leader continued:

> The word "request" is important. The people giving the references do not give them as a matter of service, other than as a service to one of their consumers or clients if that person wants to submit the name of the organisation. The organisations are not in the business of providing references: they are in the business of accepting the responsibility to provide information on request, particularly where they have been nominated by persons seeking credit.

That is where I interjected and asked, "How do you say they come within the definition?" From what the Leader said it does not appear that they come within the definition. If, however, it was said they were doing it on a regular co-operative basis, they would, of course, come within the definition. That was the whole point of my interjection, and both aspects are necessary: it is not simply the regularity of supplying the information; it is the co-operative character of the activity. If I am furnishing a person with information and he is furnishing me with information on a reciprocal basis, we have engaged in a co-operative exchange of information and, in those circumstances, it is important that a member of the public should know what is being said.

I suppose the exchange of information between retailers and finance companies, between finance companies and stores, and between stores and finance companies—

Mr. Gunn: What about banks?

The Hon. L. J. KING: Banks, no doubt, too, are among the most important bodies in the exchange of credit information. To say that the rights are confined to credit bureaux that supply reports directly for fee or reward would deprive people of the opportunity of knowing what is said about them in most cases. This is an important aspect of the matter. One has only to take the example of a retail store. Suppose I bought a washing machine, or

something of that nature, from a retail store (I had better not name the store or someone will say that I am singling out a specific store) in Rundle Street and it turned out that the washing machine was defective. Even though I said I was not willing to pay for the machine, as indeed I would not be, the store might then say that it would not take back the machine, but would issue a summons to obtain the money; I would file a defence, and so it would go on. During all that time I am shown in the records of the store as not having paid the account. There is a big risk that, if information is sought from that store about my record, I am likely to be shown as someone who has not paid his account.

Surely I should be entitled, if that happens, to know that that has been said about me so that, when I apply, say, for tenancy of a flat or for credit elsewhere and I am refused, I will know that a store is saying that I have not paid for a washing machine, because I would want to say, "The reason why I have not paid is that I am disputing the matter in court, because the washing machine was no good." It would be important to me to know that, and to exclude information provided on a regular co-operative basis would deprive people of the opportunity that they ought to have.

The Leader also said that we should exempt credit reports containing information passed between credit providers on a reciprocal basis when that information related solely to transactions or experiences between the consumer and the person making the report, but that would lead to the same problem as I have described just now, because the store to which I have referred, in making the report about me, would be making a report about a transaction between me and that store, and it would be a misleading report. It would be of no help to me for the store to say that I could not have that information because it related only to an experience between the store and me. The very thing I would want to know would be what was being said about our mutual transactions that might be affecting me adversely.

The Leader also said that the only information that it should be necessary to disclose was information that had had a bearing on the decision to refuse the benefit. That would destroy the value of the Bill altogether, because it is impossible to prove that any piece of information has had a bearing on the decision to refuse the benefit. Suppose that I apply to a finance company for credit, I am refused that credit, and the finance company had a credit report about me and does not tell me that. First, I probably would not know that it had the credit report but, if I somehow found out that it did and if I sought to complain about that, under the Leader's proposition I would have to establish that the report that the company possessed had influenced it in its decision.

How could I prove that? The finance company may say, "We did not give you the information, because it had no bearing on our decision." In fact, the company almost would be driven to saying that, but how would I know that that was right? Of what benefit is it for me, knowing that the company has a report, to take the company's say-so that the report had had no bearing on the decision? It seems to me that, if this legislation is to be effective, where a person is refused the benefit and the person refusing the benefit has a report, that fact makes it necessary to disclose the existence of the report and its source so that the person refused may go to the reporting agency and say, "I want to know what you have on your files about me, so that I can check it."

The Leader's final point was that the only information to which the person who is refused the benefit should have access would be information that had been communicated to another party, but I consider that that is wrong. If I am refused a benefit and a reporting agency has supplied information about me, why should I not know whatever the agency has on its files about me? Why should the agency be able to say that it had much information about me but had supplied only certain information and that it would show me only that part? Why should it be able to say that it would not show me the remainder of the dossier? Why should I not be entitled to know all the information that the agency was storing about me? It would be about me and I would be affected by it, so surely I should be entitled to check whether it was accurate.

I have in mind a statement made by the member for Hanson on another occasion that an agency with which he had been associated had dossiers on the staff, containing much information, some of which was of a personal kind. If any of that information was used by way of a credit report regarding the member for Hanson and a benefit was refused, why should not the honourable member be entitled to know everything about him that was in the dossier? Why should he not be told? The information would be about him and, if it was true, what would there be to hide? Why should he not be able to say, "You have put down something about me that is entirely untrue"?

It is all very well to say that it was not used, but it would be in the dossier. The bank would have supplied information about his credit. If some information was used on one occasion, there would be no reason why the other information should not be used on another occasion. Why should he not know what was contained in that dossier? I consider it important not only that we should have legislation of this kind but also that it should be effective legislation, and I ask the House to be wary of attempts to amend the legislation in a way that would draw its teeth.

There is a temptation for politicians to earn public acclaim by saying that they have done something about credit reporting, when they have merely produced a paper tiger, to borrow a term from overseas, that looks worth while but does nothing effective. We ought to be genuine. We either do nothing about credit reporting regarding people who claim that they have a right to check and correct information collected about them, or we give those people certain rights. If we are simply to draw the teeth of the legislation and put up something that sounds like a fair deal but does nothing, I do not want to be associated with it, and the House should not be associated with it.

I ask members to pass the Bill. Amendments will be moved in the Committee stage, but we should adhere to the central features of the Bill, namely, that where a person is refused a benefit and the person refusing the benefit is in possession of a credit report as defined, and the report has come from a credit reporting agency as defined (that is to say, one operating for fee or reward or operating on a regular co-operative basis), the person refused the benefit ought to know that the information exists and also the agency from which it came. He should then be entitled to be given the information that is on the file about him and to correct it if it is wrong.

Dr. Eastick: What about the aspect of using a method that has not been tried, compared to what is in operation in Queensland?

The Hon. L. J. KING: A method is in operation in Queensland. I think the Queensland Act is defective in several respects, but by far the most important of those aspects is that it does not extend to reports submitted on a regular co-operative basis. It is confined to reports furnished for fee or reward and to the credit bureau, co-called, and it therefore applies to only a fraction of the information that is circulated in the community. It is limited to a narrow field. So far so good, but it does not cover nearly all the ground that ought to be covered.

However, the Bill before the House is very much an eclectic Bill. Its provisions have been selected from information obtained from various parts of North America, as well as from the provisions of the Queensland legislation. We have tried to combine the best features of all measures. The inclusion of the agency operating on a regular co-operative basis comes from the Ontario legislation. We have tried to combine the best features of all other legislation, and we have examined not only the legislation but also the reports on which that legislation was based. We have based our Bill on information that we have been able to obtain, including the information that I got in various places on my journey abroad, as to how this type of legislation is working elsewhere.

The thing that comes through so clearly is that, if we are to achieve anything effective at all, we should first ensure that all reports furnished on a regular co-operative basis, as well as for fee or reward, are covered, and we must also ensure that technicalities cannot be used to evade the provisions. An organisation should not be able to say, "We were not influenced by this information; therefore we do not have to supply it." We must ensure that our Bill is effective, and that comes through from an examination of what has been done in other parts of the world. I believe we have gathered together in this Bill the best provisions from the various Statutes in the various parts of the United States and Canada, as well as Queensland, and that this Bill deserves the support of the House.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

Dr. EASTICK (Leader of the Opposition): No indication has been given of the intended date of proclamation of this Bill. Much material would need to be integrated by many organisations so that they could comply adequately with the provisions of the Bill and thereby escape the consequences of not providing all the information that might be on their files. I do not believe this Bill deserves a place on the Statutes of this State but, if it does become law, how much time will elapse between its passage and its proclamation? Many organisations will be put to considerable expense to integrate the material and to comply physically with the requirements made of them.

The Hon. L. J. KING (Attorney-General): I have had no representations from anyone suggesting that time is required to re-organise the system to comply with the provisions of the Bill if it becomes law.

Mr. Coumbe: They would need time.

The Hon. L. J. KING: Very likely, but no-one has approached me on the matter. If I do receive approaches of that kind I will consider them carefully. What the problems are and how long they will take to solve I cannot say.

Dr. EASTICK: I refer not to any specific department store but to department stores in general. Most department stores have branches throughout the suburbs where records are kept of credit ratings of customers who may shop today in one suburb, tomorrow in another suburb, and later in yet another suburb. Such stores also keep employment records, superannuation records and health records if a certificate has been filed, for instance, for non-attendance if the person has been an employee. I make my request on this basis.

It has been represented to me, and I have no doubt as a result of this request representations will be made to the Attorney-General, that some organisations would find it expensive to integrate all the information that might be held in the various branches. It might even be necessary to create a new department. The information required to be made known by a bank would be all that would be known by all its branches. If it was an agency associated with one of the stock firms, the information held within the various branches would need to be integrated if the company was to comply adequately with the demands that might be made upon it.

Mr. Coumbe: What about the T.A.B.?

Dr. EASTICK: Now and again information from the subagencies of the Totalizator Agency Board goes astray and sometimes it is a considerable time before the full facts are known, but that is another story. My case rests on department stores, banks and stock firms.

The Hon. L. J. KING: The Leader surprises me. This Bill has been on the Notice Paper for some time and, even before that, the proposals were communicated to all the people we thought could have any interest in them. To my knowledge, this point has not been made by anyone. It has been suggested that it would require the creation of a new department by the people to whom this information was communicated, but it is unlikely that the people to whom this information was communicated would not object to the legislation on the grounds that the expense involved would be out of proportion to the good that might be done. If any organisation is making reports for fee, reward, or on a regular co-operative basis about a person's credit it is unlikely that it has not got some central file on that person. I cannot conceive that each individual suburban branch of an organisation would communicate to others credit information on a regular co-operative basis without any central file being kept on the person concerned. That would be a haphazard way of doing things and I can only hope, if that is being done, that the practice will be discontinued. If you are purporting to give credit information about someone, you should have a full picture of the person's dealings with you before you start talking about that.

Dr. Eastick: It goes beyond that: it covers every piece of information held on the person.

The Hon. L. J. KING: That is correct, but if you have not got that information about a person in an overall file, should you be communicating information to others about that person? The Leader has mentioned health. Suppose in one file there is a record of a man's payments and another file contains his health record. Does the honourable member think that credit information should be supplied on a regular co-operative basis without someone looking at the other file? The fact that he has not paid may well be accounted for by what is in his health file: he may have been sick during the period in question; he may have had a bout of glandular fever and had not been able to work for four or five months. It would be grossly misleading not to take that information into account. If people are communicating information on a regular co-operative basis without having all the

information in the organisation's possession in a folder which enables the whole picture to be given, they ought to stop doing so.

I am not really impressed by this argument. If people are going to supply credit information that is to have an effect on whether a man is to get a benefit, there should be an overall view of the position and they should be able to show it to him when he comes along and wants to see what they have recorded about him. If what the Leader of the Opposition has said is correct, it surprises me, and I am surprised that I have not heard about it before. However, if a good reason exists for that, I am willing to listen to whether time should be allowed before the Act comes into operation. It surprises me that it should be the problem the Leader thinks it is.

Dr. EASTICK: I assure the Attorney that what I have said is correct. This fact evolved from discussion with people who will be trapped within the provisions of the Bill, who have never set out to be a credit agency and who have never accepted the responsibility of giving total information about any person of whom an inquiry was made, except that directly related to a knowledge of the person's account habits, that is, whether he was a regular trader, a trader on a regular basis, or a trader who traded on 60 days or whatever.

The Hon. L. J. King: What reason have they to store up such information?

Dr. EASTICK: That same organisation, which is suddenly going to be pulled in by the provisions of the Bill, may have employed that person on a part-time or permanent basis. Therefore, in the personnel files of the organisation there is information about him; in the health files, which may or may not be directly related to the personnel files, the organisation may have information about him. Again, in respect of superannuation, which applies to that person as an employee, there will probably be information about him. And so it goes on.

I assure the Attorney-General that this information has been made available by people who will be affected by this legislation and who have never looked upon themselves as credit agencies. Earning no fee or reward, they are normally called upon because a purchaser will nominate their organisation as one that can supply information on someone's trading habits.

The Hon. L. J. King: That's not doing it on a regular co-operative basis.

Dr. EASTICK: Yes it is, if it happens to be between two departmental stores. Obviously, it is on a regular co-operative basis if it happens to be information going to any bank, because the person seeking credit will give his bank as a referee, if asked.

Mr. Payne: The member for Hanson explained that person's position.

Dr. EASTICK: Obviously, a person will be in the same difficulty if he happens to be called on as the only professional person in the community, be he a dentist, doctor, lawyer, or veterinary surgeon who, by virtue of trading over a wide area, is often given as a referee by a person seeking credit. The person gives the information relative only to his credit knowledge of the person seeking credit.

The Hon. L. J. King: If it is only that, there is no element of co-operation. It might be regular, but it's not co-operative, is it?

Dr. EASTICK: The Attorney should clearly define "co-operation". I assure the Attorney that many members of his profession, who have had this information sought from them by persons who now realise that they will be trapped by the provisions, have clearly said that the type of exchange of information I have just outlined will bring the organisation, say, a departmental store, under the provisions of the legislation. Every record such a store has of the person will then need to be integrated and made to comply with the requirements of the legislation.

Mr. Coumbe: What's a regular co-operative basis?

Dr. EASTICK: What is "co-operative" in the sense used by the Attorney?

Mr. BECKER: In the bank in which I worked almost five years ago, we were required to submit a report to our central office on the creditworthiness of each client; that was difficult. I remember one client we had who had never been overdrawn and who had a good credit account number alongside his reference. Nevertheless, the Manager said, "No way in the world." The client never had to borrow, so we did not know his financial position because we did not have any occasion to inquire.

Mr. Payne: A person who pays cash for everything has difficulty in establishing his creditworthiness.

Mr. BECKER: Yes. Even though the client was reputed to be a millionaire, we did not know his real worth. We had no knowledge of his other accounts or the state of them. Generally, inquiries of the bank came from another bank, and we never knew the name of the real inquirer. It was usually $1 000 on demand, $1 000 trading account, or 36 payments of $25 a month.

The CHAIRMAN: Order! What has all this to do with the amendment?

Mr. BECKER: I am trying to link up how the information—

The CHAIRMAN: I point out that we are dealing with an amendment.

Mr. BECKER: Inquiries at that stage concerned the collating and storage of information. That is one point, and I am trying to explain what happened in the bank and how the information was kept at the main branch.

The CHAIRMAN: We are dealing with the time of operation of the Act.

Mr. BECKER: The debate has ranged much more widely than that, and I am trying to clear up the position.

Clause passed.

Clause 3 passed.

Clause 4—"Interpretation."

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

"authorised officer" means a person who is an authorised officer within the meaning of the Prices Act, 1948-1973:

The definition of "authorised officer" is the same as that which appears in the Second-hand Motor Vehicles Act; it means the authorised officer who can carry out the functions, powers and duties of the Commissioner for Prices and Consumer Affairs under this Act.

Amendment carried.

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

In the definition of "the Commissioner" to strike out "the Commissioner for Prices and Consumer Affairs" and insert "the person for the time being holding, or acting in, the office of the South Australian Commissioner for Prices and Consumer Affairs under the Prices Act, 1948-1973".

The amendment is moved simply for the sake of consistency. This is the formula we have used in other Acts, so we may as well be consistent.

Amendment carried.

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

In the definition of "prescribed benefit" to strike out "a benefit of a commercial nature or a benefit in or affecting employment" and insert the following paragraphs:

(*a*) a benefit of a commercial nature;

(*b*) a benefit in or affecting employment;

or

(*c*) a lease of land or premises or a licence conferring a right to occupy land or premises:.

In this amendment we spell out expressly that one of the benefits in question in the Bill is a lease of land or premises or a licence conferring a right to occupy land or premises. The Bill was originally drafted on the assumption that this would be a benefit of a commercial nature and need not be referred to separately. As there could be some doubt about it, I believe we should make clear that the refusal of rights of tenancy is among the benefits covered by the Bill.

Amendment carried.

Dr. EASTICK: I move:

In the definition of " 'reporting agency' or 'agency' " to strike out paragraph (*b*).

Many people in the community provide credit information as a service to clients without fee or reward. This amendment will safeguard their position and achieve the purpose of the Bill as outlined by the Attorney when he introduced it.

The Hon. L. J. KING: I oppose the amendment. To say that it will not affect the purpose of the Bill is wrong. I think that it would remove more than 50 per cent and perhaps 75 per cent of the field of operation of the Bill, as it would confine redress under the Bill to reports furnished by professional credit bureaux that charged for their reports. More than 50 per cent of credit reporting is done by an exchange of information between finance companies, stores, and all types of commercial organisation. If they do this on a regular co-operative basis they should be covered by the Bill. This is not the case of a country lawyer's being asked to furnish reports occasionally: that would not be regarded as furnishing reports on a regular co-operative basis.

The essential element is co-operation between the two business organisations. In other words, if Rundle Street traders have an understanding that they will furnish to one another information about their respective customers, they are doing it on a regular co-operative basis. If finance companies (as they do) have an understanding that they will furnish credit information about their respective customers on a co-operative and regular basis, they are caught by the Bill. The mere fact that, because I am a politician, I might be frequently asked to give information about the credit of people I know does not mean that I am doing that on a co-operative basis. It is important to make that distinction.

Reference was made to defining "regular co-operative basis". The same request could be made in relation to any phrase. As we are dealing with the English language, there is no word that cannot be defined further. In law, we deal in phrases that have general application. I do not think anyone, including the courts, would have serious difficulty in deciding that something was being done on a regular co-operative basis. As with any law, there may be doubtful cases under this legislation; there may be doubt whether the degree of regularity involved amounts to regularity as covered by this provision, or whether the reciprocity amounts to a co-operative basis. In the case of retail stores with an understanding that they will exchange information about their clients, clearly they are operating on a co-operative basis, and people refused credit on the basis of those reports should be entitled to know what is said about them.

Dr. EASTICK: This is the information we have been seeking. Co-operation is related to reciprocity, and if there is no reciprocity an organisation is not covered by the Bill. However, what about the case of a bank that does not seek information from an emporium, whereas the emporium consistently seeks information from the bank? I am told that in many instances there is no reciprocity between organisations. I understand the Attorney to mean that he does not intend the Bill to apply when there is no reciprocity, but I want to be sure about this. I understand the Attorney to have said that for there to be a regular co-operative basis there must be reciprocity. Are we debating an ideology concerned with the fear of the development of a big brother organisation, or are we seeking to help commerce and industry?

The Hon. L. J. KING: I did not say it was a question of reciprocity; it is a question of co-operation. I am surprised to hear the Leader questioning me about the meaning of a word whose meaning is quite apparent.

Dr. Eastick: You said it means "reciprocity".

The Hon. L. J. KING: I did not say that. Reciprocity is an important element in determining whether there is co-operation. I can foresee some circumstances in which reports would be furnished on a co-operative basis, although there would be no reciprocity in the exchange of information. It may be that the co-operation between a store and a bank relates to the provision of credit facilities. There may not be information moving both ways, but there may be a co-operative arrangement with regard to credit facilities. This means that, on one side of the co-operative deal, the bank is supplying information about customers, and on the other side there are the credit facilities.

A used car dealer may operate floor plan finance through a finance company, and there is a co-operative enterprise in that case. Part of the deal may be that the finance company will furnish to the dealer information about the creditworthiness of people involved, or vice versa. There could be situations in which reports were being furnished on a co-operative basis although there was no reciprocity in the exchange of information. It is provided that reports must be furnished on a regular co-operative basis: that is, there must be some sort of understanding between the party receiving the information and the party furnishing it that amounts to co-operation.

The Committee divided on the amendment:

Ayes (15)—Messrs. Allen, Arnold, Dean Brown, Chapman, Coumbe, Eastick (teller), Evans, Goldsworthy, Gunn, McAnaney, Nankivell, Rodda, Russack, Tonkin, and Wardle.

Noes (22)—Messrs. Boundy, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Crimes, Duncan, Dunstan, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McKee, Millhouse, Olson, Payne, Simmons, Slater, Wells, and Wright.

Pairs—Ayes—Messrs. Becker, Blacker, Mathwin, and Venning. Noes—Messrs. Corcoran, Groth, McRae, and Virgo.

Majority of 7 for the Noes.

Amendment thus negatived.

Dr. EASTICK: I move:

In the definition of " 'reporting agency' or 'agency' ", after "traders" to insert "but does not include any such person or body that furnishes consumer reports only with the consent of the persons to whom the reports relate".

This amendment refers to the situation in which people are put forward as nominees or referees on behalf of persons seeking reports.

The Hon. L. J. KING: As I have adequately dealt with this matter during the second reading debate, I oppose the amendment.

Amendment negatived.

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

In the definition of "trader" to strike out "carrying on trade or commerce" and insert the following:

that—

(*a*) carries on trade or commerce; or

(*b*) lets any land or premises:.

This is a consequential amendment on the inclusion of the lease of premises in the definition of "prescribed benefit".

Amendment carried; clause as amended passed.

Clauses 5 and 6 passed.

Clause 7—"Duty of trader to inform consumers of their use of adverse information."

Dr. EASTICK: I move:

In subclause (2) (*a*) to strike out "information" and insert "adverse information by which the trader was influenced".

The Attorney acknowledged that much material was given by people that may not have an adverse affect, but if that information is on the file it should be made available. I believe that, if information has not been used to determine an adverse report, it should not be revealed in the manner as set out.

The Hon. L. J. KING: I oppose the amendment, which would make nonsense of the Bill. It would mean that, if a trader refused a benefit, he would be obliged to disclose the substance of any adverse information by which he was influenced. That would mean that a person about whom a report was made would be denied any benefit, and would be at the mercy of the trader's assessment of what had influenced him. How could a member of the public be assured that he was learning the truth about what was determined regarding whether or not he got the benefit? To put this in the Bill would make it worthless.

Dr. EASTICK: Often, information is called for but is not received until after the decision has been made. The decision is then conveyed to the person concerned and, thereafter, that person seeks redress. That information could not possibly have had any influence on the decision as made known to the inquirer. This will not, therefore, destroy the purpose of the Bill, despite what the Attorney has said.

The Hon. L. J. KING: I do not follow the Leader. Under subclause (2), the moment the trader refuses the benefit, he is obliged to make known the contents of the consumer report that has been in his possession during the preceding six months. There cannot be any question of information coming into his possession after the event. The obligation arises when he refuses the benefit. The situation contemplated by the Leader does not therefore arise.

Dr. Eastick: By the time the further requirement is reached, he has additional information.

The Hon. L. J. KING: But the obligation arises when he refuses the benefit, and he must then tell the person to whom he refused the benefit about the information he had in his possession during the previous six months. Once he does that, it is the end of the matter and he has discharged his obligation. It does not matter what he learnt later on. The situation contemplated by the Leader does not arise.

Amendment negatived: clause passed.

Clauses 8 and 9 passed.

Clause 10—"Qualified privilege."

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

In subclause (1) to strike out all words after "section" and insert "any communication of credit information to a reporting agency, or by a reporting agency to a trader, is protected by qualified privilege".

This is really a drafting amendment, although it makes some difference to the effect of the clause. The privilege that was given by the clause, as drafted, is what is known in law as qualified privilege. However, the privilege would have arisen, as the Bill was drafted, only when a member of the public found out about information pursuant to the provisions of the Bill. It seems anomalous that whether or not the privilege attaches should depend on the way in which the plaintiff in the presumed proceedings obtained the information. It seems to be a more rational approach to cause the qualified privilege to attach to the communication itself.

Amendment carried; clause as amended passed.

Clause 11—"Powers of inspection."

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

In subclause (1) to strike out "any person authorised by him" and insert "an authorised officer"; in subclause (2) (*a*) to strike out "person" and insert "officer"; and in subclause (2) (*b*) to strike out "person" and insert "officer".

These amendments are consequential on the amendment to clause 4.

Amendments carried.

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

(3) This section does not apply in respect of an agency or trader carrying on the business of banking.

The purpose of this amendment should be clear to the Attorney. Subclause (1) allows an inspector or someone acting for the Commissioner to examine a bank's files or records. I believe this is Big Brother at its worst. Why should an inspector have a right to inspect confidential information that a person has stored in a bank? Indeed, this is completely opposed to the pious virtues that the Attorney has been expressing recently regarding rights of privacy. Indeed, it is hypocritical of the Attorney to include in the Bill a clause such as this. I sincerely hope he will display compromise as he normally does and accept my amendment. Otherwise, he will demonstrate that the Government is interested merely in furthering the Big Brother attitude that it has, unfortunately, displayed so many times.

The Hon. L. J. KING: I oppose the amendment. The powers of inspection conferred by the Bill are included for the purpose of enforcing the legislation. Indeed, I do not see how the legislation could be enforced if there were not powers of inspection. I do not know what argument can be made out for banks to be excluded in this respect. The Commissioner must have power to inspect the books and records of organisations in order to enforce the provisions of the legislation.

There seems to be no sound reason why banks should be in a different position if they engage, as they undoubtedly do, in the exchange of credit information or if they refuse benefit on the basis of credit information received from other people. This is something that we must bear in mind: nowadays banks have departed far from the traditional function of banks and are engaging, to an increasing degree, in the field of consumer credit. They are engaged in consumer credit in direct competition with finance companies and retail stores, and it is essential that, if the consumer protection laws are to protect the people of South Australia, the banks be involved in the same rules as apply to other credit providers.

It would be absurd to say that, if a bank refuses a benefit and has received a credit report, the Commissioner for Prices and Consumer Affairs should not have the powers to inspect bank records as he has in respect of other organisations. There is no more a question of privacy in the case of a bank than in the case of other bodies. When the Commissioner inspects a retail store, he ascertains information about people, and that is why the obligation regarding secrecy is imposed on him and his officers. An obligation of confidentiality is imposed on him by this Parliament.

Mr. GUNN: The clause provides that the Commissioner, or someone representing him, may examine information that a bank has about a person's credit. If that is not Big Brother at its worst, I do not know what is. It is deplorable that Government officers should be able to examine confidential documents. The Attorney and his colleagues have been loud in their support for privacy, but they want a Government official to have the right to inspect confidential documents. I hope that this clause is dealt with in another place and that the Government is brought back to reality.

Mr. GOLDSWORTHY: It seems to me, from the explanation given by the member for Eyre, that there is a strong case for the amendment. Too many Government officials are sticking their noses into the affairs of the people. The Valuer-General's department sent out a form that was bigger than an income tax return or a form seeking statistical information so that it could find out whether a person was paying sufficient land tax. The dealings that people have with banks should be their own business.

Amendment negatived; clause as amended passed.

Clause 12 passed.

Clause 13—"Power of Tribunal to enforce compliance with this Act."

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

In subclause (4) to strike out all words after "section" and insert the following paragraphs:

(*a*) the agency shall be guilty of a misdemeanour and liable to a penalty not exceeding ten thousand dollars or imprisonment for two years;

and

(*b*) where the agency is a body corporate, any director or member of the governing body of the agency shall be guilty of a misdemeanour and liable to a penalty not exceeding ten thousand dollars or imprisonment for two years unless he proves that he had no knowledge of, or could not by the exercise of reasonable diligence have prevented, the contravention of the prohibition.

This is a drafting amendment. It has the same effect as the Bill as it now stands, but makes the position clearer technically. The Bill provides for the indictable offence of furnishing a credit report after having been prohibited from so doing by order of the court. This device has been adopted to make it unnecessary to erect an expensive bureaucratic licensing structure. Licensing structures play an important part in many aspects of our life and the licensing of credit bureaux and people providing credit information is recommended in many reports and it has been adopted in parts of North America.

I consider that, if we could do this without a licensing system, it would be desirable to do that, but the corollary was that if there was repeated offending there must be power to prevent the furnishing of further reports. That power has to be effective. So, the indictable offence is created by clause 13 where there is a deliberate continuation of supplying reports after a prohibition. Subclause (5) provides that the procedure prescribed for minor indictable offences under the Justices Act shall apply. When we look at that provision, the way to accomplish that is to make the offence a misdemeanour liable to a penalty, because that automatically gathers up the section of the Justices Act relating to minor indictable offences.

Mr. GUNN: It seems to me that a person will be deemed to be guilty until he is proven innocent. This is a very bad provision: a person has to prove his innocence. I hope the Attorney-General will explain the matter in more detail.

The Hon. L. J. KING: I did not give any explanation of that aspect because it is simply transferring the provision in existing clause 14, as far as it applies to the indictable offence, to clause 13. Consequently, there seemed to be no purpose in explaining it. First of all, it involves the agency itself committing the offence. So, the first step must be for the prosecution to prove beyond reasonable doubt that the reporting agency has committed the offence. Only then does the clause operate. It is perfectly reasonable to say, "It is proved beyond reasonable doubt that the agency itself has committed the indictable offence." Then, the next step is that we must presume, as a matter of law, that those responsible for what the agency does, its directors, are responsible for it. They know what is going on and their organisation has been prohibited by court order from making further credit reports, but it is continuing to do so; that is a reasonable presumption unless they establish that they do not know what is going on.

Mr. Coumbe: What if an officer did it?

The Hon. L. J. KING: If the directors were charged, their defence would be to say that they did not know what was going on. On their inquiring whether further credit reports had been issued, presumably a secretary would say, "That is right. I did it off my own bat." If the directors were wrongly charged, they would give evidence on oath that they had no knowledge of it. They would, of course, know that the credit tribunal had prohibited the reports and that they had given the proper instruction, but that someone had disregarded it.

It is unlikely that, if a company is prohibited from giving further credit reports and the board of directors instructs that this is to be complied with, a subordinate will disobey the order. So, it is a reasonable presumption that, if the company continues to do it, the directors are legally responsible for what is happening in their organisation. If a director is innocent he will not be charged. However, if charges are laid, he makes out a perfectly good defence by saying on oath, "I knew absolutely nothing about this. I knew the court order had been made and I gave instructions that there should be no more reports. I was told there would be no more reports. While I was on a trip to Melbourne, someone did it."

Mr. Coumbe: Would this offence be covered by the Companies Act?

The Hon. L. J. KING: It creates a new offence. There are offences under the Companies Act where a director is criminally responsible for the actions of a company unless he shows that he did not know anything about them; that is a perfectly reasonable provision in a case of this kind. Otherwise it is very difficult, if not impossible, to saddle the individuals concerned with criminal responsibility. It is no use prosecuting the company. What would one get out of that? If the court order is being defied, the people who must be held to account are the directors who control that company.

It is very difficult, if not impossible, to prove affirmatively that a director knew and approved of some action of that kind. How does one do it? By what evidence can one prove that a director knew of an infringement of this kind? It is a reasonable presumption that he knows about it in circumstances like this if he is not willing to deny it. If he denies it and if his denial is believable, he has a defence.

I realise, of course, that this is not the sort of provision we would have if we did not have the situation that the company has to be proved guilty first and then the director is implicated because he is the director of the company that has been proved guilty. Then, he is guilty unless he exonerates himself by saying he should not be held responsible because he did not know anything about it. This is the course taken in the Companies Act, and it is inescapable. We permit limited liability companies to exist, and we must have laws regulating their activities. Those laws must be capable of being enforced, and that can happen only if the directors are held to be responsible; and they are held to be responsible unless they exonerate themselves in the way mentioned here.

Amendment carried.

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

To strike out subclause (5).

This is a consequential amendment.

Amendment carried; clause as amended passed.

Clause 14—"Certain persons to be criminally liable for acts of a reporting agency."

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

To strike out "Where" and insert "Subject to this Act, where".

This is a consequential amendment.

Amendment carried; clause as amended passed.

Remaining clauses (15 and 16) and title passed.

Bill read a third time and passed.

## ADJOURNMENT

At 5.31 p.m. the House adjourned until Tuesday, November 19, at 2 p.m.