LEGISLATIVE COUNCIL

Thursday, October 24, 1974

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

ASSENT TO BILLS

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

Appropriation (No. 2),
Road Traffic Act Amendment (Crossings),
State Bank Act Amendment.

QUESTIONS

COMMUNITY HEALTH CENTRES

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

Leave granted.

The Hon. R. C. DeGARIS: On Tuesday last I directed the following questions to the Minister:

First, can the Minister of Health say what the Commonwealth-State arrangements are in connection with capital and maintenance contributions toward the establishment of community health centres; secondly, are centres selected for establishment by the Commonwealth or by the State; and, thirdly, when the centres are completed, who will control their operation?

In reply to those questions, the Minister seemed to be badgered by interjections regarding the Commonwealth Government or the Australian Government. I do not think he fully answered the questions. Would he now like to answer them fully?

The Hon. D. H. L. BANFIELD: It is fair to say that, when giving the answer as to which Government I was dealing with on Tuesday, I got side-tracked. The position is that 75 per cent of the capital cost of health centres is financed by the Australian Government and 25 per cent by the State Government. As I said on Tuesday, 90 per cent of the maintenance cost is paid by Australian Government money and 10 per cent by State Government money. Regarding the matter of selection, the Government makes recommendations to the Australian Government on where these centres will be established and, indeed, we work harmoniously with that Government. As I also said on Tuesday, a final decision is made on the basis of need. I hope that clears up the matter.

VIRGINIA FLOODING

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

Leave granted.

The Hon. C. R. STORY: My question concerns the Primary Producers Emergency Assistance Act. Will the Minister of Lands say whether I am correct in assuming that people who have applied for assistance under that Act in relation to the recent flooding that occurred at Virginia have not until now been able to obtain assistance except by way of loans made on a 101 per cent bank interest rate, which is the ruling rate under the fund? I remember when this legislation was promulgated that the main object was to have a pool of money for emergencies such as the one to which I have referred. Although I do not know exactly how many people are involved (there seems to be an unspecified number of them), I have the names of five people who, together, have lost about 140 glasshouses, their top soil, all their crops and the work put into the preparation of those crops. Most of these people are in debt and have exhausted all the forms of finance that could have been available to them. I understand that a grant cannot be made from the fund until damage worth $1 200 000 is caused in a disaster. Otherwise, loans only can be made.

There is a provision in the legislation enabling the Treasurer to make certain recommendations regarding such emergencies. Will the Minister of Lands say whether the facts that I have outlined regarding the Act are correct and whether the Government is at present investigating the problem being experienced in the Virginia area? Also, will he ascertain whether the Treasurer is willing to exercise any powers that he may have under the Act in order to alleviate the great hardship which these people are suffering and which has been occasioned through no fault of their own? There is some shadow of doubt whether the Government may not be in some way responsible because of its flood mitigation on the upper reaches of the river.

The Hon. A. F. KNEEBONE: Generally speaking, the points raised by the honourable member are correct. The Primary Producers Emergency Assistance Act provides that an applicant for assistance must have suffered loss through an emergency and that his application for financial assistance must have been rejected by other sources of finance. The qualifications provided for under the Act are about the same as those referred to. Under the Act it is possible subsequently (not at the time of the application but, say, 12 months afterwards) for the Minister to have discretion to review the interest rate. What I have said is along the lines of what the honourable member said. I am not aware of the number of people who have applied for assistance. Last year, when the same glasshouses were damaged as a result of a violent hailstorm, a number of people were assisted. On that occasion my department sent officers there who were able to speak the language of some of the people in the district, so that those people could understand what was involved. The department has done its utmost on every occasion to assist primary producers, and it will do so on this occasion. As the honourable member has said, there are qualifications; if people qualify under the Act, they will receive assistance.

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

Leave granted.

The Hon. M. B. CAMERON: My question is supplementary to the question asked by the Hon. Mr. Story and concerns vegetable growers at Virginia. As the Minister and all honourable members are aware last year growers in the Virginia area suffered much damage to their glasshouses from hailstorms and several growers obtained loans from the Government under the Act referred to by the Hon. Mr. Story and the Minister. One person has approached me who obtained an interest-free loan for the first 12 months and who now finds himself completely devoid of income because of the flooding of his glasshouses, which has washed away his crop. I believe other growers are in the same position. Will the Minister consider the possible deferment of interest payments by these people who have borrowed money last year to replace their glasshouses?

The Hon. A. F. KNEEBONE: I will look at the matter to see what can be done.

GAWLER RIVER FLOODING

The Hon. C. M. HILL: On October 8, I asked the Minister of Agriculture a question about Gawler River flooding. Has he a reply which will satisfy me and which

will probably have some connection with the question just asked and the reply just given?

The Hon. T. M. CASEY: My colleague, the Acting Minister of Works, states that heavy rains occurred throughout the South Para catchment area on Thursday, October 3, and in the early hours of Friday, October 4. On Thursday morning, the South Para reservoir held about 90 per cent of its full capacity but by late afternoon, with continuing rain, the District Councils of Barossa and Munno Para were informed as a precautionary measure of the possible filling of the South Para reservoir. By 8 a.m. on Friday morning the reservoir was approaching its full capacity and it was necessary to progressively open the spillway gates to pass a portion of the flood. The remaining councils in the area affected by the South Para and Gawler Rivers were informed of this development by the Engineering and Water Supply Department's office at Elizabeth. At the same time, a major flood had developed in the North Para River. An operational headquarters was set up in the office of the Engineer for Water Supply at 12 noon and close liaison maintained with the Police Department throughout the rest of the afternoon and evening. At 12.30 p.m. the South Australian Fruitgrowers' and Market Gardeners' Association was informed of the flood situation. Other interested parties were kept informed of the flood situation as required. As the Acting Minister of Works has stated in other replies on this matter, the North Para River contributed the bulk of the water, which caused the flooding in the lower reaches of the Gawler River. In fact, the operation of the South Para reservoir gates served to mitigate the total flooding of the South Para River. My colleague considers that the spillway gates at South Para were operated correctly throughout the period.

WILLIAMSTOWN SCHOOL CROSSING

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

Leave granted.

The Hon. M. B. DAWKINS: Honourable members may know that the road to Williamstown from Gawler divides the Williamstown school from the playing area annexed to it. The approach coming from Gawler to the town is such that the crossing is a dangerous one for children. For a long time now, representations have been made to try to arrange for an under-pass so that the children can safely cross the road from the school to the playing area. I understand that the very considerable delay has occurred because there has been much discussion as to whether the Education Department, the Highways Department, or the district council should look after the financial side, or what proportions of the cost should be allocated to each. This does not lessen in any way the danger to children crossing that road. Will the Minister ascertain from his colleagues what progress has been made in this matter?

The Hon. D. H. L. BANFIELD: I shall refer the honourable member's question to my colleague and bring down a reply when it is available.

SCHOOL TRANSPORT

The Hon. A. M. WHYTE: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture, representing the Minister of Education.

Leave granted.

The Hon. A. M. WHYTE: In South Australia we have a Government that is committed to giving equal opportunity in education to all children. It has also paid some lip service to the old cry of decentralisation. However, in many areas in the outback today neither domestic help nor tutors suitable for children are available. Because of the mail situation, which has resulted in irregular delivery of correspondence lessons, many children, even at the age of seven years, have had to be boarded away in the city, a long way from home. I believe more help could be given in this situation than is being given at present. My question relates to the subsidising of vehicles where people are forced to take their children to school. In South Australia an allowance is made of 80c a day for a vehicle, regardless of how far that vehicle travels. In New South Wales, the subsidy is 80c a child, which is more realistic than the South Australian figure.

The Hon. D. H. L. Banfield: It depends how many children travel.

The Hon. A. M. WHYTE: It depends mainly on how many children can be taken in one car. However, the New South Wales subsidy is 80c a child, whereas the South Australian figure is 80c a car. This situation is anomalous when we consider that the Commonwealth Government is subsidising schooling throughout the Commonwealth to a point, I believe, where many Aboriginal children attending primary school in Alice Springs are picked up by Commonwealth cars and taken to school. Will the Minister take up this matter with his colleague in another place with a view to having this anomalous situation rectified?

The Hon. T. M. CASEY: I shall draw the attention of my colleague to the honourable member's question and bring down a reply when it is available.

GLADSTONE GAOL

The Hon. R. A. GEDDES: On October 8, I asked the Chief Secretary a question regarding plans for the future use of Gladstone gaol. Has he a reply?

The Hon. A. F. KNEEBONE: The Gladstone gaol will be closed as recommended in the Mitchell report released in July, 1973. At this time the future use of the building is undecided.

MONITORING SERVICE

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply, which, I think, was broadcast on radio last Friday, to my recent question concerning the Parliamentary Library and the media monitoring system?

The Hon. A. F. KNEEBONE: I had the reply to the honourable member's question last Friday, but it was not in line with what the honourable member heard on the radio. Questions have been asked in this Council and in another place recently about this matter, and I point out that following a request from honourable members over a period in relation to the media monitoring system, consideration has been given by the Government to means of helping honourable members, other than members of the Cabinet, to obtain information as to what has been said on programmes on air or on television of which there is a recording. In consequence, the Government has indicated that it is willing to place in the Parliamentary Library facilities for playing audio and video tapes, and that a schedule of tapes that have been recorded will be provided each day for the Parliamentary Library. The Premier's suggestion to the Library Committee is that the Librarian may then, on an approach being made by an individual member, ask for the tape concerned from the media monitoring unit at the State Administration Centre and that the tape will be forwarded to Parliament House so that the member may play it over if that is required. This will be done as speedily as possible. If the tape is being used at the time, it cannot be sent to Parliament House, but as soon as it is available, it will be sent.

PRISONS ACT AMENDMENT BILL

The Hon. A. F. KNEEBONE (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Prisons Act, 1936-1974, and the Prisons Act Amendment Act, 1954. Read a first time.

The Hon. A. F. KNEEBONE: I move:

That this Bill be now read a second time.

It amends the principal Act by way of corrective legislation to facilitate consolidation under the Acts Republication Act, 1967. Clause 2 of the Bill strikes out the definition of "comptroller" in view of the change of title from Comptroller of Prisons to Director of Correctional Services. This change had been effected by proclamation under the Public Service Act on April 11, 1974, and, in consequence of that change, the references in the Act to the comptroller are no longer meaningful. The definition of "Assistant Director" is added as there are now a number of Assistant Directors. The definition of "Deputy Director" has been inserted as section 7a of the Act already provides for a Deputy Comptroller and new section 7a proposed by this Bill provides for the appointment of a Deputy Director and Assistant Directors for the purposes of the Act. This is not inconsistent with appointments already made by the Public Service Board. The definition of "Director" is inserted in place of the definition of "comptroller".

Clause 3 (*a*) is consequential on the change of title from "Comptroller of Prisons" to "Director of Correctional Services". Clause 3 (*b*) repeals subsection (2) of section 6 as it relates to acts done prior to the first appointment of a comptroller and is no longer relevant. Clause 4 is consequential on the change of title from "Comptroller of Prisons" to "Director of Correctional Services". Clause 5 repeals section 7a and re-enacts it in a form consistent and in conformity with existing policy. Clauses 6 and 7 are consequential. Clause 8 repeals section 12 and re-enacts it without in any way altering its effect but omitting the reference to the second schedule, which is to be repealed by clause 38 of this Bill. The second schedule contains a list and descriptions of prisons in existence when this Act was first enacted. That list is out of date because of the closure of some prisons and the establishment of others by proclamation and, this process being a continuing one, no useful purpose will be served in perpetuating that schedule. Section 12 is accordingly repealed and replaced by a new section, which has the same legal effect as the present section but is more meaningful.

Clause 9 makes an amendment to section 14 which is consequential on the enactment of section 82 of the Community Welfare Act and sections 55 and 70 of the Juvenile Courts Act. Clauses 10 to 25 are consequential. Clause 26 (*a*) and clause 26 (*c*) are consequential. Clause 26 (*b*) makes a conversion to decimal currency. Clauses 27 to 29 are consequential. Clauses 30 to 35 make conversions to decimal currency. Clause 36 (*a*) is consequential. Clause 36 (*b*) is consequential on the enactment of the Community Welfare Act. Clause 37 substitutes the word "dollars" for the word "pounds" in section 67. Clause 38 repeals the second schedule for the reason given in the explanation of clause 8.

Clause 39 repeals subsections (2) and (3) of section 3 of the Prisons Act Amendment Act, 1954. Subsection (2) of that section was a transitional provision that dealt with persons who had been detained in prison at the commencement of the 1954 amending Act by virtue of the provisions of section 77a of the Criminal Law Consolidation Act or section 122a of the Maintenance Act, 1926-1952 (as it then was called). There are now no prisoners in prison who had been detained since the commencement of that 1954 Act under either of those provisions, and that subsection is therefore no longer relevant. Subsection (3) of that section was also a transitional provision which had validated certain regulations relating to earnings or gratuities of prisoners, which had been made before the passing of the 1954 amending Act. Those regulations have since been replaced by regulations made in 1959, and subsection (3) therefore now serves no purpose. The repeal of subsections (2) and (3) of the 1954 Act is necessary for removing from the Statute Book two provisions which had not been given a "home" in the principal Act and which are now no longer meaningful. If they were not repealed, it would be necessary to include the 1954 amending Act (which is now exhausted) as a separate Act in the new edition of consolidated Acts.

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

WHEAT INDUSTRY STABILISATION BILL

Read a third time and passed.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Read a third time and passed.

HEALTH AND MEDICAL SERVICES ACT AMENDMENT BILL

Read a third time and passed.

BUILDERS LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 17. Page 1562.)

The Hon. A. F. KNEEBONE (Chief Secretary): I should like now to reply to some of the matters raised by honourable members during the debate. Regarding the Hon. Mr. Burdett's comments on the Bill, I would be interested to learn how the licensing of builders has contributed to cost increases, when the fee for licensing is only $20 a year for a general builder's licence and $8 for a restricted builders licence. Possibly the honourable member is implying that the activities of the Builders Licensing Board have generated a more responsible attitude on the part of some builders who now find that poor workmanship is no longer acceptable. Regarding the harassment of builders, responsible builders have nothing to fear from the Builders Licensing Board.

As to the tribunal's having power to investigate of its own motion, similar powers to investigate and discipline of its own motion are contained in the Land and Business Agents Act and the Legal Practitioners Act, and are vested in many other disciplinary boards. If this power is removed, the Builders Licensing Board must necessarily assume the position of prosecutor in every instance, and this will impose an additional administrative burden on the board. Concerning complaints to be made within two years of the completion of building work, the Bill provides that the board may investigate, and it is reasonable that it should be left to the discretion of the board to determine whether the nature of the complaint warrants its attention within a certain time. Regarding the two-year period, matters relating to the structural stability of a building often need more than one sequence of seasons to manifest themselves in all their seriousness; I refer, for example, to footing failure, roof spread problems, inadequate damp-proofing, and so on. It has been the board's policy in the past to require that complaints be lodged promptly, and it has not pursued matters where, because of circumstances of use, lack of maintenance or the lapse of time, it has not been possible to determine with accuracy the responsibility of either party.

The board intends continuing to evaluate the merit of each complaint on this basis.

The honourable member referred to the composition of the tribunal. This proposal presumes that none of the lay members will be actively engaged in the building industry, whereas it is possible that some (possibly all) of the lay members may be members of the Master Builders Association of South Australia, the Housing Industry Association or the Australian Institute of Building. However, as a matter of principle, it is most undesirable that specific organisations, having a vested interest in the protection of their members, should have the right of representation on the tribunal other than in the circumstances previously enumerated.

The suggestion regarding trivial complaints and the power to levy costs against the complainant is not favoured, as no account is taken of the board's procedures in dealing with complaints. The licensee is first given the opportunity to state his case in writing before any action is taken on a complaint by the board. If in the course of the first exchanges of correspondence it is established that the complaint is trivial, the board takes no further action. It should be noted, however, that few complaints coming before the board are wholly without substance, although many deal with minor defects. I should mention that, in the board's opinion, a minor defect is one that has no bearing on the structural stability of the building.

The Hon. Mr. Hill raised some matters, including representation on the tribunal. I have already dealt with that matter when replying to a similar point raised by the Hon. Mr. Burdett. Regarding the right of representation of builders when they are being interviewed by the board concerning their affairs, under the previous legislation the licensee had the right of legal representation where the board held a formal inquiry that could have resulted in the loss of a licence. However, the board has adopted the practice of having informal discussions with builders where the circumstances of the complaint warrant such action, rather than a board of inquiry being constituted. As a result of these discussions, the board has frequently requested the builder to seek professional advice before attempting rectifications. However, in the board's view, a competent licensee should be capable of discussing technical matters without the assistance of an architect or engineer.

The Hon. Mr. Hill also raised the point of complaints having to be lodged within two years. This matter was also answered when I replied to the question raised by the Hon. Mr. Burdett. The board has for some time investigated the merits of various indemnity schemes in other States and overseas. Before the introduction of this Bill, an *ad hoc* committee made up of members of the Builders Licensing Board and the State Government Insurance Commission was set up to investigate the feasibility of such a proposal for this State. This committee has held several meetings and will report its findings when a conclusion has been reached. It is, therefore, inappropriate that the concept be dealt with at this point of time by hasty legislation without the benefit of that committee's report. I thank honourable members for the manner in which they have dealt with the Bill, which I commend to them.

Bill read a second time.

The Hon. C. M. HILL (Central No. 2) moved:

That it be an instruction to the Committee of the Whole on the Bill that it have power to consider new clauses relating to the establishment of a fund to compensate home builders against losses incurred through breaches of contracts by licensed general builders.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Arrangement."

The Hon. C. M. HILL: I move the following suggested amendment:

After "PART IIIB—THE BUILDERS APPELLATE AND DISCIPLINARY TRIBUNAL" to insert "PART IIIC—THE BUILDING INDEMNITY FUND".

The substantive amendment comes later. Mr. Chairman, what procedure would you prefer me to adopt in these circumstances?

The CHAIRMAN: I think the various parts are related. If the other amendment is not agreed to, there is no point in carrying this amendment. I will therefore let the honourable member speak to his other amendment.

The Hon. C. M. HILL: My other amendment is to clause 14. It deals with a proposed building indemnity fund. I mentioned this proposal during the second reading debate, and I have listened with interest to the Chief Secretary's detailed reply, for which I thank him. I refute the suggestion that my proposal is an example of hasty legislation; I think "hasty legislation" was the term that the Chief Secretary used. This Bill has been before honourable members for two or three weeks, and I assure the Chief Secretary that representations have been made to some honourable members by various associations and institutes connected with building. I know that honourable members have given the matter much thought and have had detailed discussions on it. I therefore do not believe it can be said that this proposal is an example of hasty legislation.

The proposal is that a levy be made upon licensed general builders and provisional general builders. It does not involve restricted builders' licences: it deals only with the main contractors. During the second reading debate I said that I thought an amount not exceeding $5 would be appropriate. I have since further considered the matter, and I regret to say that the estimate I gave earlier of the number of houses completed in the private sector annually was incorrect. The figures supplied to me were for approvals granted. I have therefore included in my amendment provision for a sum not exceeding $10. The number of houses completed in the private sector in 1970-71 was 6 353; in 1971-72, it was 6 956; and in 1972-73, it was 7 530. I have not been able to obtain the figures for the year ended June 30, 1974, but honourable members can see that we are dealing with between 7 000 and 7 500 houses, if one takes those years as a guide. Actually, the number of completed dwellings that would be affected by this measure would be less than the number mentioned, because some private houses are completed by house-owners, and a licensed builder is not involved.

It would appear that about $70 000 would be obtained in the first year if $10 was fixed by the board, which has a discretion to fix a sum less than $10 if it wishes. The board could vary the total sum at its disposal in accordance with the need it foresaw for the use of the funds. If there was a heavy call on the indemnity fund in one year, the maximum amount could be levied in the following year; that discretion is being left to the board. The board's purpose is to satisfy those people who have genuine claims for damages or compensation against a builder who either holds a licence or formerly held a licence.

The proposal will particularly concern cases where the insolvency of builders is involved. However, it will involve not only the area of insolvency; a builder may voluntarily surrender his licence and disappear to another State or elsewhere. In such a case, a house-owner may have a genuine case for a claim because of faulty workmanship, and it may be completely impossible to find the offending

former builder. In such circumstances, the claimant can lodge a claim with the board. Claims must be lodged within 12 months of the default upon which the claim is based. This refers only to private dwellings.

A proposal of this kind, to set up a fund that could help people with limited finance, would be a genuine example of how Parliament should approach consumer protection in its true form. It is not any compensation to a young married couple who have worked hard to obtain a block of land and to save a deposit for their house if they find that, having suffered loss or damage because of faulty workmanship or because of a builder's insolvency, under the present legislation all they can be told is that it will not happen again through the same builder when any other person wishes to build a house; that is not real compensation. If it costs a young couple $1 000 to remedy poor workmanship, negotiate a new contract, and have their house completed, surely those people ought to be able to lodge a claim somewhere and obtain compensation; that can be done under my proposal.

The Hon. J. C. BURDETT: I support the amendment, and I commend the Hon. Mr. Hill for moving it. This is an example of the best form of consumer legislation, because it gives a real benefit without setting up a lot of red tape. I resent any suggestion that the proposal was hastily conceived, because I know the amount of work that the Hon. Mr. Hill put into it. If, as the Chief Secretary has said, the board is considering some sort of fund and if it ever comes up with a better scheme, the legislation can be amended.

The Hon. A. F. KNEEBONE (Chief Secretary): I oppose the amendment, for the reasons I gave in my reply to the second reading debate. I would very much prefer that we get a report from the committee in connection with this matter before we decide on a proposal like this. The Hon. Mr. Burdett said that the amendment was not hastily prepared, but I do not think I said that it was: I said that the committee was investigating the matter and that we did not want to rush into legislation before we had the committee's report. A committee is looking into the matter, and I would prefer to wait for its report. We have been criticised previously for bringing in legislation and then, within 12 months, having to amend it. I do not wish to incur such criticism on this occasion. I oppose the amendment.

The Hon. C. M. HILL: The amendment does not cover all the contingencies one could foresee. I have not endeavoured to cover them all, because I believe this should be looked at in the first instance by the board. I refer particularly to restricted builders' licences and damages coming into that area. If the board wishes to widen the scope of its proposals it will, through this committee, look at the whole matter of tradesmen with restricted builders licences who do work in the housing sector—for instance, the painting of rooms, the mending of plumbing, the installation of ceilings in existing houses, and so on. I did not attempt to cover such work; to have done so would have widened the whole volume of activity in compensation.

Many details in these areas remain to be looked at. I am pleased to hear that the committee is sitting and I shall be pleased to hear of its findings on areas wider than those covered by the amendment. However, the amendment is a start. It is indisputable in principle. I do not think it would give the board cumbersome and detailed work requiring more staff, as the other proposal would if we were to enter the area of restricted builders' licences. A great opportunity remains for the proposed committee to expand upon this area, to the general benefit of consumers. However, as a start, this provision is extremely worth while.

The Hon. R. C. DeGARIS: I support the concept on which the Hon. Murray Hill has worked in this amendment. It has not been an easy one for him to work on. The Bill has been before the Council for about three weeks, and I know how much work he has done to reach this point. There may well be minor amendments later, but I do not think that affects the present position. It is not a question of hasty legislation. The concept has been well thought through and very well presented.

I suggest to the Chief Secretary that the Government should accept the amendment to allow the House of Assembly to examine it and, if necessary, refer the amendment to the board or committee for its opinion. It would be rather foolish, when we have an excellent concept to be built into legislation, to lose it and not be able to get it back before the Council until the 1975 session. If the opportunity is not taken now, that will be the position. Anyone who has been a Minister knows the great difficulty in getting legislation through Cabinet and finding a place in the Government's programme to get it before Parliament. I would not take it that the Government would be committed by an acceptance of the amendment, but with the work done on it and the sound principle involved I think it should go to the Assembly. Even if the Government holds it up for three or four weeks to get expert opinion, it would be better than holding it back for a further 12 months.

The Hon. A. F. KNEEBONE: I represent the Minister whose responsibility this Bill is. I have discussed the matter with him, and I have expressed his views. I cannot go along with what the Leader said, and I am still committed to the course of action I indicated. The Hon. Mr. Hill indicated that his proposition does not fully cover the situation. I should prefer to wait for the committee's report. I have no doubt that every effort will be made, as soon as a report is received, to prepare suitable legislation. If the committee makes a recommendation for a sound scheme covering the whole field rather than part of it, that would be a better course of action, rather than introducing a measure that is only a first step. I still oppose the amendment.

The Hon. R. C. DeGARIS: Perhaps the Hon. Mr. Hill could comment further. Does he consider, for example, that there is a need for the whole field to be covered with an amendment? Will he say whether the first step covers the major part of the problem?

The Hon. C. M. HILL: My amendment is complete in itself, and it deals with cases where the losses are the greatest possible losses. If and when the Government takes the matter further it will examine the separate area involving restricted builders licences. My amendment is based not on jobs done, but on the basis of houses completed. Consideration must be made of the difference between those licensees operating in a big way and those operating in a smaller way.

I do not believe the Council Committee should pass judgment merely to the satisfaction of a group of consumers especially in respect of claims for only $10, at least until the opinions of the board have been made known about all the complexities and the increased staff required to handle the proposal. My amendment deals with completed houses. I believe there will not be many claims made as a result of this amendment, but those occurring will be in cases where extreme hardship has been suffered, and where consumers need compensation against tradesmen of all kinds in the building industry.

The Hon. R. C. DeGaris: That's a separate problem altogether.

The Hon. C. M. HILL: Yes, it is. The levy and the degree of compensation to be permitted is a different matter, and I am pleased to hear that this will be looked into, although it will require much work to be done by the board and the department. It may be necessary to call on the Consumer Protection Branch rather than the licensing board to administer such a fund. There is a difference between these two areas and the Minister's point is not valid, especially when he said that I admitted that there was more work to be done regarding my proposal. True, work is to be done concerning consumer protection within the total building industry, but further investigations are not needed on the basis of compensation in respect of completed houses.

The Committee divided on the amendment:

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

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

Majority of 6 for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 4 to 13 passed.

Clause 14—"Repeal of sections 18 and 19 of principal Act and enactment of Parts IIIA and IIIB in their place."

The Hon. J. C. BURDETT: There are a number of amendments to this clause on file in my name. Subject to your guidance, Mr. Chairman, they all appear to me to be separate amendments, so I shall deal with them in that way. First, I move:

In new section 18 (2) to strike out "two years" and insert "one year".

Despite what the Minister has said in reply to the second reading debate, it seems to me that two years is too long a period within which a complaint must be made if the holder of the builders licence has carried out building work other than in a proper and workmanlike manner. Surely it is not asking too much to expect the consumer to make such a complaint within 12 months after completion of the work that he claims has been carried out other than in a proper and workmanlike manner.

The Hon. A. F. KNEEBONE: As I have said previously, sometimes it takes more than the seasons of one year to reveal work not carried out in a proper and workmanlike manner. Several things can come to light in a period extending beyond one year: for instance, footing failures, roof stress problems, and mixtures not properly made up, as a result of which some cracking may take place after a period of one year. Things like that can come to light as the result of work not being carried out in a proper and workmanlike manner, but one year is not sufficient time to enable these things to be revealed. I ask the Committee not to support the amendment.

The Hon. J. C. BURDETT: Another thing, which has not been so far mentioned, is that many of the amendments proposed by this Bill will considerably increase building costs, which increases will, of course, be passed on to the public. Under the proposed new section as it stands, to a certain extent it almost requires the builder to be the insurer of his work for two years and, if he has to make sure that he has covered himself, to that extent it must increase costs. One year is adequate; it is a full season, and it will not put the builder to the great expense of virtually insuring his work for a period of two years.

The Hon. A. F. KNEEBONE: I submit it would be a protection for the bad builder, too.

The Hon. C. M. HILL: In metropolitan Adelaide there is some very bad building soil, commonly known in the trade as Bay of Biscay soil. With changes in climatic conditions, such as an unexpected drought or continual heavy rain for several months (similar to what we are experiencing at the moment) new or nearly new houses can settle further; there is no question about that. That happens in Adelaide but not in other cities of Australia. In fact, our soil is one of the worst building soils in the world. A builder working in this environment must, therefore, protect himself against such contingencies, and the standard of his work must be both high and expensive. That will increase the cost to the house owner, unreasonably so.

In these circumstances, faulty workmanship will show up within 12 months and any faults that show up after 12 months are no reflection on the builder. There may be unexpected and unusual movement of the soil because of drought, which causes the soil to become dry. In and around the foothills there can be movement of footings and cracks in walls. If it is claimed that that is because of bad workmanship, it is difficult to refute that allegation. Yet, if that builder endeavoured, as the Hon. Mr. Burdett suggested, to insure himself against that happening, the cost of those footings could be twice as much as the cost of footings installed, to a good standard, by a registered builder elsewhere.

Perhaps the Government does not object to a builder's having to insure himself for two years; perhaps it says, "If this is to be, it is to be." The question is, "Whom is the Government really trying to help with registration?" People are battling today to find sufficient money to build houses. The monetary consideration is crucial. It really is a matter of balance.

The Hon. T. M. Casey: Is it not much better to have a well constructed house than one that is not well constructed?

The Hon. C. M. HILL: Yes, but what does the Minister really mean by "well constructed"? I am talking about the situation in the market. We should see that the right balance is struck so that the house owner obtains a well constructed house, at the same time not being forced to pay more for it than he need. I believe the 12-month period is in the best interests of the consumer.

The Hon. A. F. KNEEBONE: I cannot agree with what either of the two honourable members has said. Some honourable members are afraid that the work that will be done on these buildings will be of such a poor standard that it will not stand up to criticism for more than a year. In this respect, I refer to, say, painting. I have painted my own house with good paint, which has lasted for four or five years. On other occasions I have called in someone to paint for me and have paid a good price for that work to be done. However, within 18 months the painting has had to be done again. I ask honourable members not to support the amendment, as it will only encourage shoddy work to be done and, indeed, it will allow a builder to think that, as long as he can get past the first 12 months, he will not have to make good any faulty work that he does.

The Hon. J. C. BURDETT: It should be remembered that the ordinary, civil remedies will still apply in any event so that, if faulty workmanship was detected after one or two years, civil proceedings could still be taken.

The Hon. A. F. Kneebone: What do you think the board is for?

The Hon. J. C. BURDETT: I do not oppose the concept of the board. However, when a complaint is made and

dealt with almost in a *quasi* judicial way, it seems to me that the period should be restricted, and this is what the amendment does. Previously, there was no restriction at all.

The Hon. T. M. Casey: It seems to me that it would be even more justifiable in those circumstances.

The Hon. J. C. BURDETT: No. Previously, there was no restriction, but the Government saw fit to impose one, for which I compliment it. However, I consider that 12 months is a sufficient restriction.

The Hon. A. F. Kneebone: You may as well cut it out altogether.

The Hon. J. C. BURDETT: No.

The Committee divided on the amendment:

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

Noes (7)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), Sir Arthur Rymill, and A. J. Shard.

Majority of 5 for the Ayes.

Amendment thus carried.

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

(6) Before the Board orders the holder of a licence to carry out remedial work under this section it must—

(*a*) allow him the opportunity to make representations personally or by counsel to the Board; and

(*b*) satisfy itself that it will be reasonably practicable for the holder of the licence to comply with the terms of the proposed order.

None of my amendments seeks to take away any protection for the consumer. However, they do seek to give reasonable protection to the builder as well. Under the Act, a builder has the right to be represented by counsel when appearing before the board. The Bill takes that right away from him in relation to appearances before the board but gives it to him in relation to appearances before the new appellate tribunal. In the ordinary, run-of-the-mill work of the board, I do not object to the builder's being deprived of his right to representation by counsel. However, when the board is going to order him to do certain remedial work, it seems to be a complete denial of justice for him not to be permitted to do what the amendment seeks to allow him to do, namely, make representations personally, or through counsel, to the board. Remedial work might cost thousands of dollars; it could be a major matter. It could be just as important to him as a court order in a substantially similar case.

It is therefore wrong that an order could be made without his having the right to make representations to the board through counsel. The board will have expert assistance and, in effect, the consumer gets the benefit of the board's expert assistance. It is therefore improper that a builder can be ordered by the board to carry out expensive and extensive remedial work without his having the right of representation by counsel. The second part of the amendment is designed to cover the following kind of situation; perhaps a builder may be ordered to carry out remedial work, but the consumer may refuse to give him access to the property to do the work. The provision states that there must be an architect's certificate. My inquiries indicate that architects may be unwilling to examine the matter to see whether they will give certificates. I cannot see why there should be any objection to the second part of the amendment.

The Hon. A. F. KNEEBONE: I referred to this matter in the second reading debate. Under the previous legislation, the licensee had the right of legal representation where the board held a formal inquiry that could have resulted in the loss of a licence. However, the board has adopted the practice of having informal discussions with builders where the circumstances of the complaint warrant such action, rather than a board of inquiry being constituted. The board tries to be as informal as possible, for the benefit of the builder, but the honourable member is trying to make the matter as formal as possible, through his proposal for legal representation. The board always carries out its duties fairly in this respect. The board suggests obtaining professional advice if it believes that a person needs it; the board adopts that policy rather than suggesting legal representation on every occasion. I therefore oppose the amendment.

The Hon. J. C. BURDETT: The Chief Secretary has overlooked the fact that the Bill in its present form does not allow any right of representation before the board at all. In the past, the board may have suggested legal representation, but that will not be possible under the Bill in its present form. It takes away the right of legal representation altogether. If my amendment is carried, it will not stop informal discussions. It does not provide in all cases for the builder to have the right to be represented by counsel; it relates only to the situation prior to a builder's possibly being ordered to carry out remedial work.

Amendment carried.

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

18b. (1) Where, in the opinion of the Board, a complaint has been made under this part against the holder of a licence—

(*a*) frivolously or vexatiously;

or

(*b*) for some ulterior purpose,

the Board may order the complainant to pay to the holder of the licence a sum, fixed by the Board, to compensate him for the time, trouble and expense incurred by him as a result of the complaint.

(2) A sum that a person is ordered to pay under subsection (1) of this section may be recovered from him summarily by the person in whose favour the order has been made.

In the second reading debate several honourable members said that sometimes the procedure under the legislation had been abused by consumers, and there has been ample evidence of that. Sometimes consumers have made complaints that are not genuine but simply for the purpose of delaying final payment, because the consumers have got into financial difficulties. My amendment does not give the same sort of right to costs as applies in a civil court, where costs normally follow the event. My amendment does not mean that a consumer should be frightened to complain because he is frightened of paying the costs. If he makes a complaint that is not held to be justified he will not be ordered to pay costs unless the board is of the opinion that the complaint was made frivolously or vexatiously or for some ulterior purpose. In other matters we have been able to trust the board, and I think we can trust it in a matter such as this. I would not want to see anyone inhibited from making a genuine complaint because of the fear of having to pay costs. However, under the amendment there need be no such fear. If a complaint is made for a valid reason, whether or not the board upholds the complaint the complainant need not feel that he will be victimised.

The Hon. A. F. KNEEBONE: The amendment will have the effect that the Hon. Mr. Burdett says that it will not have. Many people are scared by what they see in legislation. If they read the amendment they will be

deterred from complaining, because they may fear that the complaint will be judged to be frivolous or vexatious. I therefore oppose the amendment. When a complaint is made, the licensee is given the opportunity to state his case in writing before any action is taken by the board. If, in the first exchange of correspondence, it is established that the complaint is trivial, the board takes no further action. Very few complaints are made to the board that are wholly without substance, although many deal with minor defects. People should think seriously before complaining, but it is for the board to judge whether or not complaints are frivolous on the explanation in writing by the person against whom a complaint is made. The only cost involved is that of typing a letter and posting it to the board. The board makes up its own mind now on whether a complaint is frivolous, and I cannot see how the amendment will help anyone. I would prefer not to have it in the Bill, and I oppose it.

The Hon. J. C. BURDETT: I do not think we can worry about what people might think about the words in the Bill and whether or not they might be frightened by them. We can worry only about whether legislation is good legislation. I am sure the amendment could be of great help to people, mainly because it would deter those who would make complaints to delay making payment. In many instances, considerable cost could be incurred. In a case, for example, where an application had been made to have remedial work carried out and where the builder was entitled to representation, there could be considerable expense.

In other cases, where the matter had gone through the initial stage and the builder had had to go to some trouble in his own defence, expense could be incurred. It is important, if this legislation is to work properly, that the Government must have the confidence of the building trade as well as of the consumers. From the contacts I have made, I am sure that the whole of the Act, as amended, would be much more acceptable to builders and they would be willing to co-operate to a much greater degree if the amendment was accepted.

Amendment carried.

The Hon. J. C. BURDETT: I move:

In new section 19 (2) (*b*) to strike out all the words after "members" and insert:
as follows—

(i) two shall be persons with wide knowledge of, and experience in, the building industry appointed by the Governor on the nomination of the Minister;

(ii) one shall be a person with wide knowledge of, and experience in, the building industry appointed by the Governor on the nomination of the Master Builders Association of South Australia Incorporated;

and

(iii) one shall be a person of wide knowledge of, and experience in, the building industry appointed by the Governor on the nomination of the Housing Industry Association.

This amendment is designed to ensure that at least two members of the board have some knowledge of house building, because most complaints will be in relation to house building. Otherwise, it would be possible to have board members who were wholly academic or had no knowledge of house building. We hope that will never happen, and I understand it is likely that the initial appointees will be people from the house-building sphere, probably appointed in co-operation with the organisations mentioned.

In my view, the amendment does not entirely restrict the choice of the Government, because, of the four board members, only two could be nominated by the organisations. Although the present Government is willing to be reasonable, sensible, and co-operative in this matter, that situation may not always apply with future Governments. We are bringing in legislation, providing by law for the future. This should be written into the Bill.

The Hon. A. F. KNEEBONE: I am opposed to the principle of the amendment, because it is most undesirable that specific organisations should have the right of representation on a tribunal where, through a section of their members, such organisations would have a vested interest. It would be their members, after all, against whom most complaints would be made. I will not accept the principle of specific representation.

The Hon. Sir ARTHUR RYMILL: I voted against the Hon. Mr. Burdett's first amendment, because I was persuaded by the Chief Secretary's argument. Since then, however, he has not had as much success in swaying my mind, as I have supported the other two amendments. This amendment would ensure a much more balanced committee than would otherwise exist. The two members to be nominated by the Housing Industry Association and the Master Builders Association would be a minority of the committee, but their appointment would ensure that aspects relative to their attitude in the industry would be fully reported to and canvassed by the committee. I support the amendment.

Amendment carried.

The Hon. J. C. BURDETT: I move:

In new section 19j (1) to strike out ", or of its own motion,".

I covered this aspect, as did the Hon. Mr. Gilfillan, in the second reading debate. The Bill provides that the board may act on complaints or of its own motion, and it also provides that the new appellate tribunal can act on the complaint of the board and hear appeals, or act on its own motion. I agree that the board should be able to act on its own motion, because it is the licensing authority and should be able to make any inquiries it wishes. However, I maintain that it is not proper for a *quasi* judicial tribunal, such as the appellate tribunal, to act of its own motion. The appellate tribunal is composed of a person holding judicial office under the Local and District Criminal Courts Act, and four members, and it is there to deal with matters brought before it in the same way as applies to a court. The court does not initiate action of its own motion, and it is clear to me in principle that this tribunal should not be able to do that.

The Chief Secretary has mentioned that some professional disciplinary bodies can act of their own motion. He mentioned the Legal Practitioners Act, but he would be aware that, under that Act, the situation is entirely different, because the disciplinary body is the council of the society; it is not a *quasi* judicial body. It is quite proper that that body should be able to act of its own motion. The appellate tribunal is set up to hear appeals and complaints brought to it from the board or appeals made by intended parties. It seems to me quite improper that that body should be able to act of its own motion. That could lead to a situation, for example, where the board, perhaps being overworked, might tell the appellate tribunal to handle a few matters. In that situation, instead of being a disinterested body aloof from the ordinary working of the Act, the appellate tribunal would become involved in the work of the board. That would be undesirable. The amendment is sound in principle.

The Hon. A. F. KNEEBONE: The Minister desires the clause to remain in its present form, for the reasons

I have already given. This will keep the matter in line with other disciplinary boards and other Acts that provide that the board can act of its own volition. The Hon. Mr. Burdett has said that this is a different type of tribunal, but I believe it could be advantageous for the tribunal to act not only in respect of recommendations of the board but also of its own motion when something comes to its notice that needs to be done. For those reasons, I oppose the amendment.

The Hon. Sir ARTHUR RYMILL: I support the amendment. I agree with the Hon. Mr. Burdett that this is an unusual provision in respect of an appellate tribunal. There may be other instances where this power exists, but I cannot see that it is a proper thing for an appellate tribunal to interfere of its own volition where the matter is already capable of being dealt with by the authority to which the appeal would normally lie.

Amendment carried.

The Hon. J. C. BURDETT: I move:

In new section 19k (4), after "Court", to insert "unless the appellant, in the instrument by which the appeal is instituted, elects that the appeal be heard and determined by a single judge of the Supreme Court".

This is a simple amendment. The Bill provides for an appeal from the appellate tribunal only to the Full Court of South Australia. Honourable members will be aware that it is expensive to appeal to the Full Court, and a person could be up for some hundreds of dollars, or even thousands of dollars, just for the transcript, which must be prepared for each of the judges. An appeal to the Full Court is a heavy-handed procedure. Certainly, I do not want to take away this right of appeal given by the Bill to the builder. He can go to the Full Court if he desires, but, by this amendment, he will have a right to a much less expensive form of appeal, namely, a single judge.

The Hon. A. F. Kneebone: Is that a high enough authority?

The Hon. J. C. BURDETT: I believe it would be; I believe that a single judge is more suited to hear appeals, because of the nature of the matter. It is a practical matter, and a single judge would be more suitable than the Full Court. Under my amendment, a builder would have a right to appeal to the Full Court, or he could have the cheaper, more summary and appropriate remedy of appealing to a single judge of the Supreme Court.

The Hon. Sir ARTHUR RYMILL: The Hon. Mr. Burdett has made a clear and good case. He is not taking away the right the Bill as drafted gives the appellant; this amendment gives the appellant a cheaper form of proceeding, which I believe will be just as satisfactory in normal cases and which could be even more satisfactory.

The Hon. A. F. KNEEBONE: The Chairman of the tribunal is also a judge.

The Hon. J. C. Burdett: But not of the Supreme Court.

The Hon. A. F. KNEEBONE: A single judge of the Supreme Court is only slightly higher. I am informed that most appeals from local courts go to the Full Supreme Court, rather than to a single judge. For that reason, I still oppose the amendment.

The Hon. J. C. BURDETT: If the builder believes he will get better justice by going to the Full Court, under this amendment he can still do so.

Amendment carried.

The Hon. C. M. HILL moved to insert the following new Part:

PART IIIC
THE BUILDING INDEMNITY FUND

19m. (1) There shall be a fund entitled the "Building Indemnity Fund".

(2) The fund shall be maintained and administered by the board.

(3) The fund shall consist of all moneys raised by way of levy under this Part.

19n. (1) The board may, by notice published in the *Gazette,* impose a levy upon the holders of general builders licences and provisional general builders licences.

(2) A levy imposed upon a person under this section shall be an amount fixed by the board in the notice published under subsection (1) of this section (not exceeding ten dollars) for each dwellinghouse constructed by him.

(3) Where a levy has been imposed under this section, a person liable to the levy shall on or before the first day of February and the first day of August in each year pay to the board the amount payable by him in consequence of a levy under this section in respect of dwellinghouses completed by him during the preceding period of six months.

19o. (1) The board may apply moneys from the fund in satisfaction or partial satisfaction of claims approved under this section.

(2) Where a person lodges with the board a claim in the prescribed form and satisfies the board by such evidence as it may require—

(*a*) that he has a claim for damages or compensation against a person who holds, or formerly held a general builder's licence, or a provisional general builder's licence in respect of domestic building work that he has performed, or has contracted to perform; and

(*b*) that by reason of the insolvency of the person against whom the claim lies, or for any other reason, he (the claimant) is unlikely to obtain, satisfaction of his claim,

the board may approve the claim as a claim against the fund.

(3) No claim shall be lodged with the board under this section—

(*a*) in respect of an act or default that occurred before the commencement of the Builders Licensing Act Amendment Act, 1974; or

(*b*) in respect of an act or default that occurred more than one year before the date on which the claim is lodged with the board.

(4) The board shall fix a day in each half-year as the day for payment of claims approved by it during the preceding period of six months under this section and on that day the board shall—

(*a*) apply moneys from the fund in full satisfaction of those claims; or

(*b*) where the amount standing to the credit of the fund is insufficient fully to satisfy those claims—apply moneys from the fund to satisfy those claims to such extent as the amount of the fund allows.

(5) In this section—

"domestic building work" means building work in relation to a dwellinghouse or its *curtilage:*

"half-year" means the period commencing on the first day of January and ending on the thirtieth day of June in any year and the period commencing on the first day of July and ending on the thirty-first day of December in any year.

Amendment carried; clause as amended passed.

Remaining clauses (15 to 19) and title passed.

Bill reported with amendments. Committee's report adopted.

BOATING BILL

Consideration in Committee of the House of Assembly's amendments.

(For wording of amendments, see page 1648.)

(Continued from October 23. Page 1648.)

Legislative Council's amendment No. 9:

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

That the House of Assembly's amendment to the Legislative Council's amendment No. 9 be agreed to.

The House of Assembly saw fit to amend our amendment, because it wished to bring the length of the boat up to 3.048 metres, which is 10ft. That was the previous intention, and I ask the Committee to agree to the amendment.

The Hon. J. C. BURDETT: I support the House of Assembly's amendment. I think I did my homework better than the Government did on this occasion. True, 3 m is less than 10ft.; it is about 9ft. 10in.

The Hon. T. M. Casey: Actually, it is 9ft. 10½in.

The Hon. J. C. BURDETT: All right. I made wide inquiries and found that the so-called 10ft. boat measures 10ft. around the gunwale (or around the edge, to use the landlubber's term). It is not the waterline or overall measurement. Through the good graces of the Prices and Consumer Affairs Branch, I have found that most so-called 10ft. boats are 9ft. 2in. in length, so the amendment that the Legislative Council made would have been adequate to cover the 10ft. boat. I looked up several advertisements; the Prices and Consumer Affairs Branch decided it was not fair to refer to a "10ft. boat" when it was not, so it made it obligatory to insert the actual overall measurement in the advertisement. I think everyone in the past who bought a 10ft. boat knew what it was, and I believe this was a piece of red tape masquerading as consumer protection. I was able to look up some advertisements and find out the actual boat measurements. Therefore, although I was on the Select Committee, I did not raise this matter, because, unlike the Government, I had done my homework and found that, apart from one make of boat, none of them had anything like a 10ft. overall measurement. So this amendment is not really necessary, but I was in favour of more than 3 m anyway, so, if we can stretch the exemption a little, I agree.

Motion carried.

House of Assembly's consequential amendment to clause 35:

The Hon. T. M. CASEY moved:

That the House of Assembly's consequential amendment to clause 35 be agreed to.

Motion carried.

Legislative Council's amendment No. 19:

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

That the House of Assembly's amendment to the Legislative Council's amendment No. 19 be agreed to.

Honourable members will recall that, when we inserted our amendment, we were looking at the case where a boat was slowing down and the anchor had to be thrown out, the operator of the boat then virtually taking control of the craft. The other place has seen fit to include a provision that the person who takes over the wheel of the craft carrying the person registered to operate the craft who is throwing out the anchor should be of or above the age of 12 years.

The Hon. Sir ARTHUR RYMILL: This seems to me to be a wonderful mix-up, because I understood that the speed of ships was measured in knots, not in miles an hour. In our madness for the metric system, we now have kilometres an hour. Anyone navigating a ship would find it difficult to work out the speed in kilometres an hour, because all the navigational devices and aids are in knots. This provision illustrates that this metric business can get beyond all reason.

The Hon. J. C. BURDETT: The matter raised by the Hon. Sir Arthur Rymill was considered by the committee, much evidence having been given regarding it. It was suggested by most experienced persons that the Bill should have used the terms "nautical miles" and "knots" instead of "kilometres" and "kilometres an hour". It was pointed out, correctly (and I had this confirmed recently), that in navigation the terms "nautical miles" and "knots" are being retained. A nautical mile is a minute of longitude, so there is virtually a grid over the whole world. I thought there was some merit in retaining the traditional unit of length and speed in seafaring matters. However, it would not be appropriate to upset this amendment on that point, as the remainder of the Bill uses the terms "kilometres" and "kilometres an hour" throughout.

Motion carried.

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL

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

PYAP IRRIGATION TRUST ACT AMENDMENT BILL

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

PRIVACY BILL

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

ADJOURNMENT

At 4.35 p.m. the Council adjourned until Tuesday, October 29, at 2.15 p.m.