HOUSE OF ASSEMBLY.

Wednesday, September 5, 1962.

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

QUESTIONS.

FISHERIES BOOK.

Mr. JENKINS: A few days ago the Minister of Agriculture was good enough to let me know that a book was now available at the Government Printer's entitled *The Marine and Fresh Water Fishes of South Australia.* Having in mind the importance of the fishing industry to our economy and the value of the identification of fish species, can the Minister say whether this (in my opinion) very good book is recognized officially and whether, when the biological research on crayfish now being undertaken is completed, such information will be embodied in a similar publication?

The Hon. D. N. BROOKMAN: I think the departmental authorities would completely endorse the publication of this book by Mr. T. D. Scott, of the South Australian Museum. It replaces a previous publication written, I think, in the 1920's which has long since gone out of print and which is, in any case, scientifically obsolete. The publication of this book is quite an event as regards fishing information because it provides information not to be found elsewhere in Australia. It deals with all the cold-water species (most of the commercial fish), and all varieties in this book are caught in waters off the South Australian coast. I believe that the information in the book is up to date and large orders have been placed by other States for it. The author has spent three years in the museum compiling this information, and the department will certainly use that book when seeking technical information required on fish varieties.

HOUSING TRUST ACT.

Mr. LOVEDAY: Has the Acting Minister of Lands a reply to the question I asked yesterday about amending the Housing Trust Act to permit the trust to buy certain business sites and land in Whyalla?

The Hon. D. N. BROOKMAN: I said yesterday that I would try to get a reply for the honourable member today. I made an effort this morning but unfortunately I have not yet obtained a statement from the Housing Trust. However, I am confident that I will have some reply for the honourable member when the House next meets. His suggestion would involve amending the Act to enable the Housing Trust to take over areas in subdivisions in the Whyalla district and to erect shops and commercial premises thereon. Any report I receive from the trust will only partly answer the question, because the question involves Government policy: whether the Government would amend the Act. That matter would be considered after receipt of a report from the Housing Trust. Whilst I will have that report when next we meet, I do not know whether I will have the complete answer to the question, but I will try to have a complete answer as soon as possible.

POTATO BOARD LICENCE.

Mr. DUNSTAN: I am concerned about a situation facing a firm of fruit suppliers in my district—Tailem Fruit Supply—that provides employment in the Kent Town area. This firm applied for a licence from the Potato Board a considerable time ago. For a long time no action was taken by the board one way or the other on the application and the firm could not get a reply. This firm has introduced to South Australia new methods of digging and planting potatoes that are of great advantage to consumers. Finally the application for a licence was refused. I understand that conversations were then had with the Minister about it, but up to the present no final decision has been made on whether or not this firm is to get a licence, although it is hard to see the grounds upon which a licence could be refused. Can the Minister of Agriculture say what the position is at present and when we can expect some news as to whether this firm is to get a licence from the Potato Board, because it will seriously affect the employment of many operatives in my district if it does not finally get a licence?

The Hon. D. N. BROOKMAN: The board gave a decision on this matter. It refused a licence to this firm. I understand that the application was made in the name of a person. Possibly the firm may be in some way different, or perhaps the application was lodged by a member of the firm. I should like to reserve my reply and to check with the Potato Board on this point. As I understand it, an application was made for a licence and it was refused, and that decision has been transmitted to the firm.

Mr. DUNSTAN: When the Minister gives a further reply will he also ascertain the reasons for the refusal?

The Hon. D. N. BROOKMAN: I will ask the Chairman of the Potato Board for a comment, and, as I said before, I will check the name of the firm involved.

SPRAYS.

The Hon. B. H. TEUSNER: Following on recent questions directed by me to the Minister of Agriculture concerning the banning of certain cattle and sheep sprays in New South Wales, has the Minister any further information on what action is being taken in this State?

The Hon. D. N. BROOKMAN: The Director of Agriculture reports:

All chlorinated hydrocarbons used for the external treatment of cattle and sheep (including the five named by Mr. Teusner) have already been refused registration by the Stock Medicines Board for the current financial year. This means that they can no longer be supplied or used for this purpose. This action was taken following a decision of the Agricultural Council after the discovery of residues in animal tissues at slaughter. Similar action is being taken in other States.

PARKSIDE TRAFFIC LIGHTS.

Mr. LANGLEY: Now that tenders have closed for the installation of traffic lights near Parkside schools, will the Minister of Works ascertain from the Minister of Roads the commencing date of this work?

The Hon. G. G. PEARSON: I will refer the honourable member's question to my colleague and bring down a report.

RED HILL ELECTRICITY SUPPLY.

Mr. HALL: Has the Minister of Works a reply to my query concerning the Red Hill electricity extension?

The Hon. G. G. PEARSON: The Chairman of the Electricity Trust reports that rural extensions are carried out in order of priority and it has not been possible to include this group in the construction programme for 1962-63. The £1,250,000 included in the trust's capital estimates for rural extensions for this financial year covers the amount of work the trust is aiming to achieve. This work is limited not by finance but by ability to carry out the work, particularly the technical aspects of design and lay-out of the distribution mains for the individual rural groups.

UNDALYA BRIDGES.

Mr. FREEBAIRN: Will the Minister of Works inquire from the Minister of Roads when the road bridges at Undalya will be completed?

The Hon. G. G. PEARSON: Yes.

ALCOHOLICS CENTRE.

Mr. HUGHES: In view of the statement by the advisory committee that the chapel should be given priority because the treatment programme is vitally concerned with the spiritual welfare of alcoholics, and the repeated statement by the Sheriff and Comptroller of Gaols and Prisons (Mr. Allen) that the chapel plays a prominent part in the rehabilitation of alcoholics, will the Premier, when he examines the reports in connection with the Government's proposal to build a £869,000 centre for the treatment of alcoholics and finds that the erection of the chapel is to be deferred, see that the proposed chapel is included in the initial building plan to enable a valuable contribution to be made toward the rehabilitation of patients?

The Hon. Sir THOMAS PLAYFORD: The plans in connection with this matter are before the Public Works Committee at present.

GYPSUM.

Mr. BOCKELBERG: Can the Premier say whether further development is likely to take place regarding the gypsum deposits at Penong?

The Hon. Sir THOMAS PLAYFORD: I can give the honourable member some general information, although nothing specific at present. Two firms have gypsum deposits at or close to Penong, but neither firm has been working those deposits very actively. Some time ago I had a meeting with representatives of the Colonial Sugar Refining Company who stated that they would be willing to go into extensive workings on Eyre Peninsula provided that suitable transportation arrangements could be made for the carriage of the gypsum to the Thevenard bulk handling facilities. In accordance with that, I had some discussions with the Railways Commissioner, and the Treasury provided £30,000 in the Supplementary Estimates last year for rail conversion work to enable a special rate to be provided. The company states that the special rate that has been provided is satisfactory, and that it intends to go ahead with large-scale production. Since that time, the other company—I think it is called the Waratah Gypsum Company—has informed me that it intends to expand its work on Eyre Peninsula. This will lead to a further question fairly soon. If large-scale production proceeds, I believe it will be necessary to re-lay the railway line in a more direct route from

the gypsum deposits to the harbour. I think almost 25 miles of line is now wasted because of the present circuitous route. I know that the Railways Commissioner is examining this question. This work would be contingent on large-scale production making it economically worth while.

POWERHOUSES.

Mr. McKEE: Has the Premier a report on the investigations into Port Pirie's claims regarding a site for the proposed new powerhouse?

The Hon. Sir THOMAS PLAYFORD: No, Mr. Speaker.

GAUGE STANDARDIZATION.

Mr. QUIRKE: Have you, Mr. Speaker, anything further to report following the question asked yesterday in this House concerning replies given by Senators to the resolution passed in this House on rail standardization?

The SPEAKER: I have to report to the House that I have this day received a letter addressed to G. Combe, Clerk of the House of Assembly:

Commonwealth Parliament Offices,
King William Street, Adelaide,
September 5, 1962.

Dear Sir,

On Monday, August 27, 1962, I received a communication from you concerning the resolution passed in the State House on Thursday, August 23. I regret the delay of one week in answering your letter, but since most of that week was occupied by the sittings of the Senate, this is the first opportunity I have had to deal with correspondence. It is regrettable that the contents of your letter had already been made known to me by way of an amendment to a censure motion moved by the Opposition in the Senate Chamber, but I thank you for the formality of an official notification.

Yours sincerely,
Nancy Buttfield, Senator.

Further, I understand that some other Senators have stated that they have not received a letter from me as Speaker, having received a letter from the Clerk of the House, but to say that that is a quibble would be, I think, the understatement of the year, because the Clerk always acts as secretary to the Speaker. Other Senators have said that they have received no letter at all from this Parliament. This letter, dated August 23, went to all Senators, addressed to their Commonwealth offices in Adelaide, and if any of the Senators have not received this letter I think it is time that they shook up their Commonwealth secretarial services.

ELECTRICITY EXTENSIONS.

Mr. JENKINS: Has the Premier a reply to the question I asked recently in relation to the electricity extensions to Currency Creek and Hindmarsh Island?

The Hon. Sir THOMAS PLAYFORD: The Chairman of the Electricity Trust reports:

The sum of £1,250,000 included in the Electricity Trust's capital estimates for rural extensions covers the amount of work the trust is aiming to achieve during the financial year. This work is not limited by finance but by ability to carry out the work. For example, there is a shortage of the technical staff required to design and lay out the distribution mains for the individual rural groups. The capital estimates allow for starting the Currency Creek extension in this financial year, but this will still depend on the rate of progress achieved during the year on extensions of higher priority. It will not be possible to start the extension to Hindmarsh Island during this financial year.

RABBIT DESTRUCTION.

Mr. HARDING: My question relates to the inefficacy of myxomatosis owing to the run of dry seasons and the present method of poisoning rabbits with oats treated with 1080. I understand that a member of the Vermin Branch of the Lands Department recently attended a field demonstration given by the Victorian Lands Department in the Ouyen district. I understand also that after considerable research and practical experience the Victorian department considers that carrots treated with 1080 are far more acceptable and destructive to rabbits than are oats. The cost of a bag of carrots in Victoria is about 30s., the same as a bag of oats. Will the Minister of Agriculture say whether research is continuing in this State into the use of 1080 for the destruction of rabbits? Is he aware that in some districts in this State there are enough rabbits to build up to plague proportions if not checked by the landholders?

The Hon. D. N. BROOKMAN: This is a matter for the Minister of Lands and, as I am acting in that capacity, I can tell the honourable member that I am aware of the recent visit of a Vermin Branch officer to Victoria. I also know a little about the comparative effects of oats and carrots. The authorities in this State hold a definite view that a bait of carrots with 1080 is more effective than one of oats treated with 1080.

Mr. Quirke: It is less destructive to bird life, too.

The Hon. D. N. BROOKMAN: It probably is. In any case, where carrots are available

oats are not used, and even in areas where rabbits could never have tasted carrots they still prefer them to oats. On the other hand, a few problems must be sorted out before the use of carrots can be permitted within this State. For one thing, 1080 is a particularly deadly poison to human beings, it is difficult to trace in analyses, and the Health Department is insistent (I think rightly) that its mixing with bait for rabbit poisoning shall not be done by unqualified persons. That brings one to the point that oats can be mixed and be kept for long periods in properly sealed containers, so they have the advantage as they can be used over a long period, whereas carrots, of course, are perishable and must be mixed with poison just before they are used. Incidentally, it was not just a field demonstration in Victoria; it was a large campaign to eradicate rabbits in an area extending, I think, well over 100 miles into the north-west corner of that State. The inspector who visited Victoria examined the campaign in detail and made several observations on it, but he wishes to go back later to see its effect. He saw the campaign begin but he has not seen the results. We are naturally interested in the use of carrot bait, but this will require the training of people to mix 1080 with carrot baits. That is what is proposed in future.

NORTH-EAST ROAD.

Mr. LAUCKE: Will the Minister of Works obtain a report from the Minister of Roads on proposals for the progressive widening of the Main North-East Road, the main access road to Tea Tree Gully from the metropolitan area, as this work has become urgent because of greatly increased traffic on that road?

The Hon. G. G. PEARSON: Yes.

COOKE PLAINS ELECTRICITY SUPPLY.

Mr. NANKIVELL: Will the Minister of Works ascertain from the Chairman of the Electricity Trust whether a tender has been let for the construction of what is known as the Cooke Plains No. 1 single wire earth return line and, if it has, when it is expected that the work will commence?

The Hon. G. G. PEARSON: I will ask the Chairman of the trust for a report.

WOOL AUCTIONS.

Mr. FREEBAIRN: It has been reported recently in the press that the Japanese Wool Importers Association is planning to eliminate competition between Japanese woolbuyers at Australian wool auctions. As I represent a large woolgrowing district that could well be affected by this move, will the Minister of Agriculture investigate this matter?

The Hon. D. N. BROOKMAN: I shall inquire about this. I suggest that the honourable member go to the Agricultural Bureau oration this evening, when Sir William Gunn will be the speaker and may mention this matter. In any case, I shall be talking to Sir William Gunn and, if I have time, I shall ask him this question.

ROAD TRAFFIC REGULATION: SPEED LIMIT.

Order of the Day No. 1: Mr. Millhouse to move:

That regulation 54E in respect of speed through Brown Hill Creek National Pleasure Resort, made under the Road Traffic Act, 1934-59, on April 11, 1962, and laid on the table of this House on April 18, 1962, be disallowed.

Mr. MILLHOUSE (Mitcham): I have pleasure in reminding the House that yesterday there was laid on the table a revocatory regulation made in Executive Council last Thursday, as a result of which the motion standing in my name is superfluous. I therefore move that this Order of the Day be read and discharged.

Order of the Day read and discharged.

MAINTENANCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 29. Page 764.)

The SPEAKER: Before this debate proceeds I have had a cursory glance at this Bill and I doubt whether it is in order. The print of the Bill reached me only this morning and I have had insufficient time to study it to determine whether it is within Standing Orders or whether it should be ruled out of order. I shall allow the debate to proceed until I have had sufficient time to determine whether it is within Standing Orders or whether it should be ruled out of order.

The Hon. Sir THOMAS PLAYFORD (Premier and Treasurer): I thought that one or two of the provisions of this Bill might be examined to see whether they were in accordance with the Constitution Act. Because of the brief time available to me to study the Bill, I do not go so far as to say whether its provisions are in order or not. However, one or two provisions seem to me to be contrary to the Constitution Act, and I believe that the designer of the Bill probably overlooked something in preparing one provision.

But I am going to ask the House to reject the Bill on a totally different ground altogether from the grounds mentioned so far.

If I may, I shall set out in some detail my objections to the Bill, and particularly the action that I think should be taken in these matters. The Bill appears to me to make five chief amendments to the present legislation. First, it abolishes the Children's Welfare and Public Relief Board and in lieu of it provides for a Minister of Social Welfare who takes over the property, powers and functions of the present board. The Bill also provides for a Social Welfare Advisory Council to advise and report to the Minister. Secondly, as the Leader stated, the Bill makes different provisions relating to public relief. Thirdly, it provides for blood tests in affiliation proceedings. Fourthly, it empowers attachment of earnings to satisfy maintenance orders. Fifthly, it provides that magistrates may commit juveniles for fixed periods instead of a period expiring on the age of 18 years. I deal with these headings in order.

Regarding abolition of the board, clauses 3 to 6 abolish the Children's Welfare and Public Relief Board and provide that there shall be a Minister of Social Welfare and a Director and Department of Social Welfare. The Minister takes over all the property, powers and functions of the board and it is the duty of the Director under the direction of the Minister to carry the provisions of the Act into operation. There is provision for the appointment of a Social Welfare Advisory Council consisting of up to 10 persons holding office for terms appointed by the Minister but not exceeding in any case three years. The Minister is to act as Chairman and the Director of Social Welfare as Secretary to this council which has the function of advising the Minister on any alterations in practice and procedure and to report on any matters referred to it by the Minister. As the Leader explained in his second reading explanation, the object of these amendments is to place full responsibility on the Minister for the administration of the Act rather than upon an appointed board, for the proposed Social Welfare Advisory Council will have purely advisory functions; the administration of the Act and exercise of the powers and functions under it will become the responsibility of the Minister and the department.

I do not know whether honourable members have ever stopped to consider what this would involve in actual practice as regards the Minister. The thousands of matters that come before the department could not be dealt with by the board making recommendations to a Minister or making decisions on them, the Minister having personally to be responsible for every one of these investigations. The functions of the advisory council seem to me rather superfluous, but the first thing I would say in connection with this matter is that in practice no Minister could possibly carry out the functions proposed under this Bill; he could only carry on the purposes of the Bill by delegating authority in practice. I understand that this Bill is supposed to be moulded (I stress that word) on the Victorian Act, but to suggest that the Victorian Minister could or does take a personal responsibility in respect of the investigation of and decision on every individual case obviously is to suggest something not feasible. In fact, some welfare officers would spend all their time investigating these cases.

Before commenting on the proposals further, I should perhaps mention that the mandatory requirement of the new section 6, that there shall be a Minister of Social Welfare, runs counter to the Constitution Act. I shall quote the Constitution Act and the clauses of the Bill in this connection. I shall not debate the matter because, on an entirely different ground, this would be capable of amendment and would not be inherently impossible of achievement. But, as a matter of interest, I quote the clause of the Bill because it seems that the Bill in its design completely overlooks the prerogative of the Governor. He seems to be entirely forgotten in this matter. The Constitution does give the Governor certain powers and obligations. Clause 6 (1) of the Bill as introduced by the Leader provides:

> There shall be a Minister of Social Welfare (in this Act called "the Minister"). The Minister shall be a body corporate and by the name aforesaid shall have perpetual succession and a common seal.

So that this Bill in itself directs that there shall be a Minister. It is a mandatory provision as the word "shall" is used. We see also that section 65 of the Constitution Act reads:

> (1) The number of Ministers of the Crown shall not exceed eight.
>
> (2) The Ministers of the Crown shall respectively bear such titles and fill such ministerial offices as the Governor from time to time appoints, and not more than five of the Ministers shall at one time be members of the House of Assembly.

I think that the provision I last referred to is probably a contravention of the Constitution but I am going to ask the House to defeat this Bill not on that ground but upon more

cogent grounds. Another way in which it runs contrary to the Constitution is that, in my opinion, this Bill probably appropriates money. Be that as it may, I shall not debate this provision other than to say that it provides that the Governor "shall" and not that he "may", which is an interesting inclusion in such a Bill. I express no view on the policy question of whether the legislation could be better administered directly by a Minister than as at present by a board appointed by the Government. However, I do not believe it would be feasible for a Minister to take the direct responsibility for investigating these cases. The Leader of the Opposition obviously wants a Minister to be directly responsible for the supervision of and decisions on every case.

I have doubts about other provisions, but I am not going to go into them at any length. This matter has been, and is at present, the subject of conferences between the States. As a matter of interest, a conference of Attorneys-General will be held next Friday in Brisbane—and I understand the Commonwealth Government will be represented at it—and one matter to be considered relates to what amendments should be made to the legislation to make it more uniform and more effective. In view of the ease of travel between States it is essential to have some readily exercisable powers over maintenance orders affecting people in other States. I understand that Queensland will place a draft Bill before the conference on this question, and under those circumstances I believe it is essential that we take no action to amend the law on an aspect that may more readily be solved by all of the States conferring with the object of achieving uniformity.

I refute any suggestion that the standards of relief that have been granted in South Australia are inferior to those that have been granted in other States. In fact, the opposite is true. South Australia grants relief in many cases that would not be subject to review in other States. Two of the other States do not grant relief for unemployment, and one of those States is the large and wealthy State of New South Wales.

Mr. Coumbe: Which Party is in power there?

The Hon. Sir THOMAS PLAYFORD: The honourable member is trying to entice me into a political discussion. He wants me to say that a Labor Government is in power in New South Wales, but I am not debating this matter from a political viewpoint because the other State that does not provide unemployment relief is Queensland where, of course, the Country Party is in power. From time to time we carefully analyse what assistance is provided in other States and I have here a summary prepared by Treasury officials. Members will appreciate that in the consideration of cases many personal qualifications intervene and it is almost mathematically impossible to reduce the position to shillings and pence. The latest information available reveals that New South Wales rates do not include a special rent provision. Without a rent provision the South Australian rates are somewhat lower, but with the rent provision they are higher. In New South Wales there is no subsidy for unemployment. Western Australia makes a much lower provision for rent. The South Australian rates, where there is no rent payment, are lower than in Western Australia, but they are generally higher where there is a rent payment. I emphasize that this Bill has been modelled on Victorian legislation, but the Victorian rates are generally below those in South Australia. The Queensland rates are below those of South Australia, particularly when rental allowances are payable with our rates. In Queensland no provision is made for supplementary unemployment relief. Tasmanian rates are significantly below our rates both with and without rental subsidies.

Although the Government welcomes the opportunity of considering with other States a uniform approach to the basic legislation, we would not be prepared to rely solely upon the unemployment relief provided by the Commonwealth, and if uniformity meant that we would have to discontinue giving relief in cases of hardship arising from unemployment we would not accept uniformity. On other general questions, particularly relating to maintenance orders where there is an advantage in obtaining assistance from other States and in affording other States assistance, there is virtue in uniformity.

I do not believe that there is any need for this Bill, which has been introduced by the Leader of the Opposition on a policy question rather than on a question of necessity. The Opposition has always been opposed to the work of boards; it prefers—and this is a question of policy obviously—that the work should be undertaken by a Minister directly responsible to this House, but I point out that ultimately the Government is responsible for the administration of the department under the existing set-up. If there is any case of hardship, honourable members immediately bring it

to the House and the Government never refuses to examine it or to answer questions upon it. However, in the detailed administration I suggest that it is not a case where we can, by regulation, as proposed by the Leader of the Opposition, set out certain rights, because every individual case has peculiar factors associated with it and those individual factors have to be considered if we are to have a proper administration of the department.

Under those circumstances I ask the House not to pass this Bill. I assure the House that the Government of this State is prepared to co-operate with other States in getting satisfactory legislation which would have some uniformity of administration, but I want to say in connection with that that we would not be prepared to adopt some scales that other States are at present using. In particular, we would not be prepared to drop the assistance that we are giving today in certain cases involving unemployment and in which cases other States are not giving assistance at all. I hope the House will not pass this Bill.

Mr. DUNSTAN (Norwood): This is an occasion when we have listened to a speech from the Premier that was ill-considered and ill-prepared. He had given very little thought, obviously enough, to this measure and done very little research on it. Regarding the merits of most of the Bill's provisions, the Premier dismissed them with an airy wave of the hand, without a single specific mention. Let us get down to the few things that the Premier did say. First, he raised some doubts as to whether this measure was in order because he said that it might offend against section 65 of the Constitution Act, in which the number of Ministers of the Crown is specified. The section goes on to say:

> The Ministers of the Crown shall respectively bear such titles and fill such Ministerial offices as the Governor from time to time appoints.

The Constitution provides for the number of Ministers and says that their titles and the offices that they shall fill shall be designated by the Governor. This Bill in no way alters that provision. It in no way trenches upon that at all; it simply provides that one portfolio to be allotted to one shall be the Ministry of Social Welfare, and that the Minister of Social Welfare so appointed by the Governor in Council under the Constitution shall bear the title of Minister of Social Welfare and shall be a body corporate with a common seal. That is entirely in accordance with the existing provisions in relation to Ministers in South Australia. I refer the Premier to the Ministers' Titles Act of 1944, which sets forth that the previous titles of Ministers shall be changed and that certain Ministers shall bear certain titles. The people who are to bear those titles are still to be designated by the Governor in Council in accordance with the Constitution. The numbers of those Ministers are designated as bodies corporate with a common seal. There is a separate Act relating to the Minister of Lands, who is similarly designated and is to be a body corporate with a common seal, and in no way does that trench upon or contravene the Constitution.

This is perfectly proper procedure. All that the Bill provides is that there is to be a portfolio with a certain title, and that the person designated by the Governor under the Constitution shall bear that title and be a body corporate with a common seal. The numbers of other Ministers are so designated and provided for by other Acts extant upon our Statute Book at the moment. This specific matter was raised by me with the Parliamentary Draftsman, both in relation to this Bill and in relation to our preparation of a Bill to provide for a Minister of Welfare for Aborigines. There is nothing unconstitutional about the procedure at all; it is perfectly proper. The Premier's objection was something he thought up on the spur of the moment as something to say about the Bill.

Let me turn to a few other things the Premier said. He said that we should not concern ourselves with the provisions of the Bill relating to matters other than the change in the form of administration, because there is an interstate conference taking place on Friday to discuss some uniform maintenance provisions. There have been numbers of interstate conferences by Attorneys-General on numbers of subjects, and many of those conferences have as yet come to no binding conclusions. This State has been involved in conferences relating to restrictive trade practices legislation for a long time, and only last year the Attorney-General told another place that this State did not intend to take any such action as was suggested in relation to restrictive trade practices and that it was not necessary.

How are the people of this State to know that something is going to be done about the vital and urgent questions which are covered in this Bill—questions which have been raised time and again in the courts and by social workers who have protested that people are suffering from hardships because of the lack of these provisions? Yet the Premier says,

"Let us go to some conference", and out of that will come (he seems to be confident) some uniform legislation. We have no guarantee that this State will agree to a uniform Bill and even if it does agree to some uniform Bill at some time in the future—

Mr. Shannon: We would have still less guarantee that this would be uniform.

Mr. DUNSTAN: I do not suggest this is going to be uniform, but I do suggest that if this Bill were passed the provisions for maintenance and child welfare in South Australia would be much more similar to those of other States than they are at present. This Bill would achieve uniformity much more adequately than the existing legislation. I am not suggesting that we have completely altered this Act to bring it into line with the Victorian child welfare legislation. In order to do that we would have to go through a mammoth series of amendments, abolishing the Maintenance Act altogether as it stands. When this matter was investigated by the Labor Party committee that was responsible for recommending this draft to the Labor Party, we examined that proposal and we considered that it was unnecessary, that there were certain vital and urgent measures which could be adequately dealt with by an amendment to the Maintenance Act in this form, and that this was the easiest and most rapid and effective way of doing something for people under a disability at present. That is why this measure has been introduced in this way.

If at some future time this Government comes back to the House with a proposal for uniform legislation, that should be examined on its merits, but what is to happen in the meantime? The Premier says that none of the suggested provisions are necessary in the meantime. In a little while I will get down to a few cases to show just how necessary they are. The Premier very carefully did not deal with any of those cases referred to by the Leader of the Opposition in explaining this Bill: he just dismissed them with a wave of the hand, and said nothing further on that subject. He then said that, in respect of relief, this State did a better job than the other States, and that, taking rent into account, public relief in South Australia was higher, for instance, than in New South Wales. One thing the Premier very carefully did not talk about was the fact that public relief in South Australia is generally regarded as a repayable loan. Unlike New South Wales, where public relief is granted as permanent assistance, in this State it is regarded as a repayable loan, and this State spends less per capita on public relief and child welfare than any other State in the Commonwealth. It has been so consistently ever since the war. That is how much better off our poor people are!

Let me give the figures from the last Commonwealth Grants Commission report available. The whole field of the work done in respect of children's welfare and public relief shows the following per capita expenditure: New South Wales, 19s. 6d.; Victoria, 19s. 2d.; Queensland, 18s. 1d.; Western Australia, 22s. 9d.; Tasmania, 28s. 2d. The average for the whole of the Australian States (including this State, which brought the average figure down) is 19s. 2d., whereas the figure for South Australia is only 13s. 6d.

Mr. Heaslip: Other institutions are doing the work of the Government here.

Mr. DUNSTAN: The member for Rocky River says there are other institutions doing the work of the Government here.

Mr. Heaslip: Not institutions—the parents.

Mr. DUNSTAN: If the honourable member thinks the parents of South Australia are doing a better job in looking after their children than are the parents in other States, he knows little or nothing about the position facing many parents in this State. He is still living out in the back-blocks if he thinks that that is the position here. There is not a metropolitan member who has not had continuous protests from the poorer people of his district about the consideration they receive in the public administration of this State. Widows and deserted wives come to me in my district protesting about the kind of administration they are suffering. Many cases have been instanced by members on this side, but they have been airily dismissed by the Government with the words, "Ah, that's the policy of the board!"

We all know how in certain circumstances public relief is cut off for many poor people. If the honourable member pays no attention to this state of affairs, then he and others of similar opinions are heartless. He is not interested in the ordinary problems affecting the poorer people of this community. I shall give the honourable member some instances in a few moments. It is not true that South Australia is more generous in child welfare and public relief than are the other States. Here in South Australia we are grossly underspending on this score and have consistently

done so. When the matter of the repayment of public relief and recovery of public relief by the Government was raised here originally, the Premier said he did not know whether it was going on, although it was mentioned in the Auditor-General's report. When he made an investigation and found out it was going on, then the Government only encouraged it, and larger and larger sums have been recovered by way of repayment of public relief from the poorer people of this State. The Premier says, "Oh, well, you cannot set out by regulation what the entitlement to public relief may be, because every individual case differs." Under the Commonwealth Social Services Act the basis of the assessment is carefully provided not by regulation but in the Act itself. Everybody knows what the basis of entitlement is.

That does not mean to say that each case is not individually assessed. Of course each case is individually assessed, and that would still be necessary. But we should know the basis upon which public relief is to be supplied. We should do what the Commonwealth Government has done and tell the people here what should be the basis of entitlement to public relief and child welfare payments in this State. The Premier then says, "Oh, well, if you change the form of administration, here is the poor unfortunate Minister who is going to be over-loaded and required personally to investigate every single case."

The Bill does not provide for that but it provides that the Minister shall be responsible to Parliament and shall be the head of his department, as every other Minister is required to be. Does every question addressed to the Minister of Works or to the Minister of Agriculture reach them personally? No; but there are certain things that the Minister must approve.

The Hon. G. G. Pearson: No decision is taken in my office that I do not see myself.

Mr. DUNSTAN: I do not imagine that the Minister decides whether a repair is going to be made to a water service in my district. I am certain he does not. I am not suggesting that he would decide on rapid repairs in emergency cases in my district. That such decisions are made promptly in my district I appreciate but I am sure that such relatively small matters do not all reach the Minister's desk.

The Hon. G. G. Pearson: If a main is replaced I have to approve, even though it be small.

Mr. DUNSTAN: If the Minister has to set the seal upon some departmental recommendation, the Bill will not affect the Minister under this new regulation, but the Minister will not have to investigate each case personally.

The Hon. G. G. Pearson: The Minister would have to read a report on each case before he could sign it.

Mr. DUNSTAN: I should rather the Minister did it than the board should do it. But in this Bill we have provided that the Director shall in certain cases make the decision. The Minister does not see everything that comes into his department, even though the Premier has suggested that everything that comes into the department will be a matter that has to be investigated by the Minister.

Mr. Lawn: The Minister approves but he does not investigate.

The SPEAKER: Order!

Mr. DUNSTAN: But I suggest to the Minister of Works that, while he may make the decision about the replacement of a main, he certainly does not make a decision about individual connections.

The Hon. G. G. Pearson: Yes, in many cases I do.

Mr. DUNSTAN: Individual connections?

The Hon. G. G. Pearson: The honourable member is very hard pressed to get out of it.

Mr. DUNSTAN: I am not. The Minister is now trying to squirm his way out of the fact that he asked me to put to him cases where he did not have to make a decision himself. Now he says that things are not the same. The fact is that the administration of this department, as proposed by the Opposition, will be no different in basis from the administration of other departments where a Minister is responsible to Parliament for the running of his department. There is not the slightest reason why that should not be the case here. If the Minister for Social Services in the Commonwealth Government can be responsible to the Commonwealth Parliament for the running of his department, why should not the Minister of Social Welfare in South Australia be directly responsible to Parliament for the running of his department? If the Minister for Immigration in the Commonwealth Parliament can be responsible to the Commonwealth Parliament for the immigration cases dealt with by the Immigration Department, why should not the Minister of Social Welfare in South Australia be responsible to this Parliament for the individual cases with which his department has to deal?

That is the ordinary process of responsible Government. This business of foisting onto boards the responsibility for administering a vital department of State is a means of evading Parliamentary responsibility. What happens now in many cases in relation to the Children's Welfare and Public Relief Board is that the Minister does not take personal responsibility for the decisions of the board at all. He gets up in this House and reads out a reply from the Chairman of the board. If we want to change that we have to get a resolution passed through both Houses of Parliament to alter the position. That is not ordinary responsible Government. The creation of boards in South Australia for the purpose of evading Ministerial responsibility to this Parliament has gone on far too long. Far too many boards in South Australia are buckpassing authorities. We cannot get directly at individual cases, and we do not want a continuation of the Children's Welfare and Public Relief Board, which is not a satisfactory form of administration. Why should a part-time board of people engaged in other activities be responsible for the day to day administration of that department?

The Hon. G. G. Pearson: They are not.

Mr. DUNSTAN: The same number of cases go to the board as would go to the Minister under this proposal.

The Hon. G. G. Pearson: Your proposition does not take into consideration any delegation of powers.

Mr. DUNSTAN: Yes, it does.

The Hon. G. G. Pearson: No, it does not.

Mr. DUNSTAN: With great respect, I do not know whether the Minister has read the Bill.

The Hon. G. G. Pearson: The point you are attacking—

Mr. DUNSTAN: Wait a moment! The Minister simply has not read the Bill.

The SPEAKER: Order! This is not a private conversation between the member for Norwood and the Minister.

Mr. DUNSTAN: The Premier said so little on this matter and talked in terms of generalities that when I am replying to him the Minister of Works tries to justify what the Premier said, but he has obviously not read the Bill any more than apparently the Premier has. Clause 7 of the Bill states:

For the purposes of this Act there shall in accordance with the Public Service Act, 1936-1960, be appointed a Director of Social Welfare and such other officers and employees as are necessary.

Clause 8 (1) states:

It shall be the duty of the Director under the direction of the Minister to carry into operation the provisions of this Act.

The Minister claims that there is no delegation. What nonsense!

The Hon. G. G. Pearson: I did not say anything of the sort!

Mr. DUNSTAN: A few moments ago the Minister said that there was no delegation.

The Hon. G. G. Pearson: I said that what you said did not admit of any delegation.

Mr. DUNSTAN: I was speaking to the Bill in the fond belief that the Minister had done his job as a member of this House and had read it before he opened his mouth about it. Let me turn to the general provisions of the Bill, apart from the proposals relating to administration. The first provision relates to public relief available to any poor persons. As things stand at present, the board may afford relief to destitute and necessitous persons. The amount of relief, the manner of affording relief, and the basis upon which it shall do so is nowhere prescribed. It is entirely within the discretion of the board.

Let us see just how that discretion is exercised at the moment. The board's attitude is that it will make up a certain amount in cases where families are receiving Commonwealth unemployment relief: the amount is about £2 4s. 6d. to an unemployed father of a family with children. Certain widows are given specific weekly assistance for children in their care. Deserted wives are given a small amount of maintenance each week for their children and, in certain cases, for themselves. Where any of these people are paying rent, they are given a rental allowance. However, if they have become unemployed or deserted and are in a house that they are purchasing, although to keep a roof over their heads they need to go on making payments, assistance is not given to them for that purpose.

What happens when there is a change in their circumstances? If an unemployed family has a motor car, for instance, the relief ends. If a friend of the family puts into the house of a person on relief a television set—even though the family makes no payment for it and it has been put there to assist a family with children—as soon as that television set appears in the house the relief is cut off. If people give food to a family on relief, the relief is cut off. People in poor circumstances and in need of relief cannot reasonably for the most part keep body and soul together in any sort of decency and comfort on the amount of relief

afforded. If someone gives them assistance, it is shocking to cut off their relief in those circumstances, but that is done continually. I have had complaint after complaint not only from the people who have been dealt with in this way but from people within the department who protest at having to administer these provisions. Officers of the department have come to me in great personal distress over the decisions they have had to enforce. These decisions are entirely within the discretion of the board and this is the type of discretion the board exercises with the approval of the Government.

But it does not end there! The Government then seeks, under another provision, to recover relief. Relief may be recovered from relatives even though those relatives have had no direct responsibility for the person on relief for a considerable time. These relatives have responsibilities of their own for which they are fully committed. Nevertheless, if the court finds, as a matter of fact, that a relative can afford to pay the relief—and that means afford in the same manner as a court assesses an order or an unsatisfied judgment summons, which is how the court has interpreted this section—then that relative is required to repay public relief to the department, and summonses are issued for the repayment of public relief. A legal practitioner recently complained to me that a woman in dire financial difficulties, who was pregnant and unable to go to work, was summoned by the Children's Welfare Department and made to go into court to say whether she was able to repay the public relief she had received previously. Full information was given to the department, yet the department insisted on bringing that woman, in her condition, into the court and cross-examining her until she was in tears and hysterical in the court. I can give the name of this case to the Government. This is the sort of thing that is going on under the present administration.

I believe that public relief should be repayable in South Australia only if the court is satisfied that special reasons make it just for the repayment to be demanded, and that the court should have to be satisfied not only that the person can afford to repay public relief but that special reasons exist which justify the repayment. Generally speaking, public relief is regarded as a social assistance which should be given outright to people in difficult circumstances. Enormous hardship is involved when poorer people start to get some sort of income again after a period of difficulty and of paying off the bills which they have inevitably run up in that period of difficulty and are then required to repay the public relief as a first charge.

The provisions of clauses 7 and 8 of the Bill will ensure that this Parliament prescribes the conditions upon which public relief will be given in general cases. Each case will still have to be assessed in the light of those conditions the same as each case is assessed for Commonwealth social service benefits, but this Parliament will be able to lay down the conditions. Secondly, the court on any complaint made for the repayment of public relief shall have to be satisfied that special reasons justify that repayment. Regarding the provisions relating to relief in respect of children and people who have children in poor circumstances in their custody, the Premier said not one word specifically. At the moment those provisions are restricted to the female parents or guardians of children in difficult circumstances financially. There is not the slightest reason why that should be confined to the female parents or guardians. At times at present the male parent or guardian may well be in difficult circumstances, and I have instanced cases under the present Act where relief under those provisions cannot be given to such a person.

We believe that this is a necessary and urgent amendment to be made. We provide for a proper investigation here, and we also provide in these amendments that any adverse decision by administration on an application for relief for a child and the person who has that child in his or her custody may be appealed against to the court, and that the maximum amount of relief shall be prescribed, again by regulation, so that we will have Parliamentary authority for it and Parliamentary scrutiny. I believe that that is a necessary provision, in view of the case about which I have spoken earlier, in the present administration of public relief.

We also provide that there will be an end to something that has caused great hardship indeed in South Australia over a long period in the case of deserted wives. Many deserted wives have to go for considerable periods without maintenance from their errant husbands. To get a maintenance order in a contested case is a long business at present in the maintenance court in South Australia. Very few contested maintenance cases go through in under three months. That is how difficult it is. Even in uncontested cases it is necessary to make an appointment with the prosecuting officer, to make out the complaint, to find the husband,

and then to get the case on in the court, and a person is lucky if he can do that within two months.

Mr. Bywaters: Very often it takes a long time to find the husband.

Mr. DUNSTAN: Yes. In the intervening period the poor unfortunate woman who may have small children to care for is on public relief, which is no great sum for all the Premier's vaunting of it. With the amount paid by South Australia in public relief, how anybody can exist on it beats me completely. After a period there has built up a debt for public relief, and what happens when the maintenance order comes through? No maintenance order in South Australia is a generous amount to provide for a wife and child. If a man, for instance, leaves a wife and three children and he is on £15 a week, the chances of the wife's getting an order for more than £6 a week for the maintenance of herself and children are remote. That woman has to keep herself and three children on £6 a week. Then what happens? The department deducts some of the first payments in repayment of public relief and continues to deduct moneys. I have had cases in my district where those specific sums were involved.

I believe that the department should have no authority to deduct, from maintenance payments made to it under the terms of a maintenance order, moneys for repayment of public relief. The moneys in the department's hands are trust moneys for and on behalf of the wife and children for whom the maintenance is paid, and it is completely wrong for the department on its own say-so simply to deduct amounts from those maintenance moneys which it has in hand, yet that is done. We believe that moneys should be deducted only on the order of the court when on a complaint the department has been able to show that repayment of public relief should be made, that it is just for it to be made and that it can be made without hardship, because a deserted wife and children should not have to suffer hardship because of repayment of public relief.

Although these cases have been going on for many years now, although they have been written up by social worker after social worker in South Australia, although these matters have been set forth in the newspapers in this State, and although individual cases have been cited in this House and to the board, the Premier simply says that there is no necessity for the provisions in the Bill. That is all the answer he makes. The very citing of instances of this kind ought to make members feel something about these people. Do the hardships of these people mean absolutely nothing to the Government, and if we are to wait for a uniform Bill at some time in the far distant future, what is to happen to these people in the meantime? Is this sort of thing to be allowed to go on? Are we to have the cases such as the one cited by the member for Murray (Mr. Bywaters), where a man was in gaol for a period; his wife and children were on public relief while he was in the gaol, and when he came out of the gaol (and they in the meantime, of course, had run up debts in order to keep themselves) and obtained employment the department was into him for the repayment of public relief? What sort of assistance for rehabilitation of himself and his wife and children was that?

Mr. Hutchens: It was driving him back to the gaol.

Mr. DUNSTAN: That is in effect what it was doing, and encouraging him to a life of crime. That is the sort of thing the Government is prepared to countenance. It is going on, yet the Premier says there is no necessity to do anything about it. Let me turn to some other provisions of this Bill. The Premier says that there is no necessity to do anything about the provisions concerning blood tests, but many major cases in the world have shown that a grievous wrong has been done because a blood test has not been admitted in evidence. Probably the most famous case in this regard was that of Charlie Chaplin. The blood test in that case proved conclusively that the child of whom the court found he was the putative father could not have been his child; it was a sheer physical impossibility because the blood test showed a blood incompatibility. The girl who said he was the father obviously committed perjury before the court. That was a case where a great artist was driven into bitter exile as a result of a signal injustice done.

Mr. Quirke: He has gone a fair way towards making up for it!

The SPEAKER: Order! There is nothing in the Bill relating to that.

Mr. DUNSTAN: I think one can be thankful that he has now at least found some sort of consolation. That he was able to do so does not mean that other individuals in this State less fortunately placed, financially or otherwise, may not suffer from some signal injustice because there cannot be admitted in evidence the result of a blood test.

Mr. Bywaters: It does not take away a wrong, does it?

Mr. DUNSTAN: No. A blood test may be conclusive of one thing only: the incompatibilities of blood relationship. The proposal in this Bill is much less wide than the law that now exists in New South Wales. Under the New South Wales provision, any extant affiliation order may be re-opened on the demand of the defendant (and that can go back for 16 years or so) and the defendant may demand that before the order is confirmed in future a blood test be taken. If the woman refuses to have herself and the child submitted to a blood test, the order is cancelled. The proposal of the Opposition in this case does not go as far as that. The Maintenance Act as it now stands is in a very difficult position about proof: the onus of disproving paternity falls heavily upon the defendant, and anyone accused in an affiliation case is in grave difficulties. Why should he be unjustly condemned for want of a simple test of this kind if he is prepared to undergo it? All we propose is that in future cases the defendant may say to the court, "I ask for a blood test; I am not the father in this case."

Mr. Quirke: That blood test cannot prove that he is the father.

Mr. DUNSTAN: That is true, but it may prove that he is not. That is the only thing it could do, but that might prevent injustices in many cases, because it is all too easy under our present provisions for a young woman, if she has been out with a man at any time, to proceed to foist on him the responsibility of the confinement costs and future maintenance of a child who has possibly been begotten by someone else.

Mr. Hutchens: She may accuse the one who is best able to pay.

Mr. DUNSTAN: I do not know about that, but if she has been involved with a married man she may accuse a single man, who has a hard job to disprove the case because it is his word against hers.

Mr. Lawn: She may not make a claim so quickly if she has to undergo a blood test.

Mr. DUNSTAN: That is true. Why wait for some uniform provision and perhaps the same provisions as are contained in the New South Wales Act, which will foist on the courts a whole series of cases dating back about 16 years? Why not provide that any person from now on will have at least this protection? What harm can there be to justice? The Premier said this was not necessary. He also said it was not necessary to allow magistrates the right to say that people shall be committed to institutions under the Maintenance Act for a lesser period than until 18 years of age. As the law stands, if a magistrate commits a child to an institution he can do so under the Maintenance Act only until the age of 18, so if he thinks a boy needs a period in an institution he has two courses open to him: he can remand him there for a limited period (and it is only a limited period) or he can make an order that he be kept there until he is 18. Mr. Scales has drawn attention to this on numerous occasions. Mr. Johnston, one of the senior magistrates in this State who is in charge of all country and suburban courts, has on many occasions said from the bench that the discretion of magistrates is hopelessly and unduly hampered because they cannot commit for specific periods. The courts have asked for this provision time and time again, yet the Premier says it is not necessary! I wonder how much attention the Government is giving proposals introduced by a responsible Opposition on this occasion.

These proposals were not lightly drawn up, nor were they drawn up in any sort of Party spirit. The Premier said that the Labor Party had introduced this on a matter of policy. How can he say that our introduction of a Bill to give the right to have blood tests or to give magistrates the power to commit for specific periods is a matter of Party politics? The reason why the Opposition introduced it was that reform of this department and the administration of this Act is long overdue. It is not the case only with this department; it is the case with many others. The fact is that many departments in this State are suffering from a hardening of the arteries because of the longevity and age of this Government.

Mr. Lawn: And if this Bill is defeated, the Government will probably introduce a similar measure next session.

Mr. DUNSTAN: Yes, that has been the pattern in the past. In this case, after much investigation, we have carefully designed provisions to cope with many existing anomalies. The Premier gave it scant attention and treated this House with signal discourtesy; he just waved the matter aside and did not concern himself with it.

Mr. Hutchens: He admitted that he had only a cursory look at it.

Mr. DUNSTAN: Yes, and from the nature of the interjections made by the Minister of Works it was obvious that he had not read the Bill. We must return to an effective and responsible administration of this department, which is concerned with the needs of the people for whom it has been set up. We must see to

it that people suffering under the anomalies dealt with by this Bill should not have to suffer from those anomalies any more, and that the hardships detailed in the speeches made by the Leader and by me and to be detailed by others who will follow me will be dealt with immediately. Where this Parliament can remove hardship from the poorer people of this State, it should do so at the earliest possible moment. Considerations of Party politics should not be allowed to intervene. If we are not here to do something positive for the welfare of the people of this State, who have elected us as their representatives, in God's name why are we here!

Mr. HUTCHENS secured the adjournment of the debate.

HIRE-PURCHASE AGREEMENTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from August 29. Page 783.)

Mr. BYWATERS (Murray): Last week I had almost completed my remarks on this Bill, but I should like to refer to one or two points to which I drew the attention of the House, particularly in relation to clause 4. All honourable members on this side, and possibly some opposite, have had much to do with the "floor plan" scheme and the problems that arose this year in relation to a certain company that went insolvent and left behind it a trail of debts. The hire-purchase company, in endeavouring to get some of its money back, went again to the people who had already bought their wireless sets or refrigerators and almost demanded that this money be paid. In fact, it used bluff to encourage the people to pay money they had already paid. I know of instances where people were so worried by this problem that it caused a division in their homes.

In one case concerning a constituent of mine, both he and his wife were confronted with an account for the purchase of a refrigerator that was already paid for. They were told that under the law they had not paid for it but that, if they agreed, they could pay half of the amount, which would be taken as full settlement. This caused the couple some consternation. The husband said he did not think it was right and he would withhold payment until he had had some advice; but the wife said, "What if we go to court? The gentleman who has called on us has said that not only shall we have to pay the whole amount but also we shall have the court costs against us." Because of this she was scared and was inclined to pay half the amount of what had been paid in full.

A heated argument developed in their home. This should not be allowed to happen when people are being bluffed or threatened: "If you do not pay half, we shall go for the full issue and not only shall we win the case but you will be obliged to pay our costs as well as your own." It could cost them an extra £100 or £150. This problem had to be faced by many people. Some people fell for that line of argument and paid rather than go to court. But, in one instance, a man decided to do something about it. He went to the firm concerned and said he could not afford to pay half; he had spent nearly all his money, but he could afford to pay only a little. He went to the hire-purchase company and said he could not afford to pay the £80 demanded. It agreed to settle for as little as £15—but still it was £15 that should not have been paid. Our information was that there was no need to pay under the Sale of Goods Act; it was not the law and there was no need to pay it at all. But there was a doubt because it was suggested to these people by their solicitor that they make a test case of it. That would be sufficient, in itself, to incur further debt.

This clause is essential to make sure that these firms cannot demand money by way of threat and bluff, as has been done. It also provides that, where a person demands money which he has no right to demand, he can be prosecuted and be guilty of an offence. I hope for the sake of the people whom I and others represent that this thing will never happen again and that people will have this protection which, as is being claimed, is there, but about which there seems to be some doubt. I hope this clause will be passed, either as it is or in an amended form, because it is most important for the whole Bill.

The Premier has stated that he will oppose clause 3 entirely because he does not agree with it and that, if it is still in the Bill, he will oppose the Bill on third reading. I hope that that will not be necessary and that this clause will pass and become law. In saying that I have in mind the actions of unscrupulous people who have gone out of their way to make people's lives a misery. This business has been a worry and concern to them.

Mr. SHANNON (Onkaparinga): On general principles, this type of legislation applies to those people the Opposition says it represents—those who because of needy circumstances find it necessary to secure goods on credit or do without them. It seems to me

that, from a policy point of view, it would be wise to give opportunities to people seeking to buy goods and not having the ready cash to pay for them, with certain safeguards now available under the Hire-Purchase Agreements Act. Although one section of the Act could be improved, this Bill will create more difficulties for both parties—those merchandising the goods and those wanting the goods—and will probably result in fewer sales and consequently greater unemployment in these retail houses. That is the obvious answer.

If sales decline, that in turn has a damaging effect upon another section of the community. It is a cumulative matter and one that cannot have a beneficial effect on the community at large. However, it could have a damaging effect on a section of the community that is least able to bear the restrictions the Bill imposes. Hardship cases are generally used as arguments for this type of legislation. I have had experience of hardship cases and realize that frequently people are foolishly led astray because they have not accepted advice and have thought that they could look after themselves. They have entered into contracts to purchase articles that they could not afford and it has led them into financial difficulties.

One of the foolish things Parliament sometimes tries to do is to pass legislation to protect these people. It is foolish trying to save a fool from his folly. We will always have foolish people and, unfortunately, sharpshooters who take advantage of them. I do not know how to protect a fool from the smart man, and I am sure that the House does not know. However, we are frequently invited to try to cure the ills of the foolish person by creating a state of affairs that makes it more difficult for sensible people to trade. After all, no matter what legislation we pass, astute legal practitioners soon find loopholes in it. If we adopted the Opposition's suggestions in this Bill, we would not cure all the ills. If the Bill became law, I am sure that next session hardship cases would still be brought forward for the Prices Commissioner to investigate.

I do not doubt the Opposition's honesty of purpose in introducing this legislation. It believes that there are loopholes in the present law that enable smart salesmen to cash in, but I am equally certain that the Opposition has not fully examined the difficulties it will place in the way of most people who want to do business on credit and who should be permitted to do so. Frequently such trading is their only means of securing goods which they could and should enjoy and for which they can pay as they use them. One feature of present-day trading is that a person can pay for an article as he uses it. If this Bill did not restrict that opportunity I might not be so worried about it. I believe, however, that the Bill will affect the fluidity of sales and will slow down business. I think we would be well advised to accept the "floor plan" provisions. I can discover no opposition to them inside or outside of Parliament. However, I have yet to be convinced of the value of the other major provisions.

I can remember, when I first entered this Parliament, being told by Mr. Richard—later Sir Richard—Butler, "Shan, old man, be careful of hard cases: they make bad laws." The longer I am here, the more I am convinced that that was sound advice. New members are frequently approached by persons with grouches because people think that they can be more easily influenced than the old stagers. To try to legislate for hardship cases that will always arise in our society can result in grave injustices and disservices to the vast majority of people in a community. That is my reason for opposing the major part of this Bill. I support the second reading, and will support the third reading if the Bill deals with "floor plan" sales only.

Mr. LOVEDAY (Whyalla): Both the Premier and the member for Onkaparinga said it was not desirable to place new hurdles or restrictions in the way of trade and they expressed the fear that this Bill would do that. I suggest that actually the more we secure confidence in credit and hire-purchase arrangements the better will industry work. We are concerned with removing the abuses that are current in that industry at present and we seek to do so by means of this Bill. Although it has been suggested that some new means will be found of getting around the various provisions regarding credit facilities if the Bill is passed, the more the holes are plugged the more difficult it becomes to find a new hole to get through. True, some new form of evasion may be discovered, but the more difficult we make it to evade the law, the fewer cases we will have of evasion.

Mr. Quirke: It could give a purchaser a greater sense of security.

Mr. LOVEDAY: Yes, it will necessarily give the person who is dealing with any credit arrangement a feeling of security when he makes a contract. The member for Onkaparinga (Mr. Shannon) said it was impossible

to protect fools from their folly, but is it a case of protecting fools from their folly? Is it not a case, in the main, where persons have confidence tricks played on them when they believe that the other person is dealing legitimately? Is it not a fact, too, that many of these people have possibly neither the education nor the opportunity to ascertain the loopholes and the flaws in the contract they are asked to sign? Do they always understand the conditions to which they are agreeing? I submit that they do not. It is a question not of protecting fools from their folly, but of making sure that the contracts and the arrangements they have put before them are reasonably honest contracts into which they can go with confidence.

I think that is the real attempt that we are making in this Bill. As the last speaker said, we recognize that it is impossible to protect fools from their folly, but we say that the law should make it impossible, as far as we can provide, for the confidence man to come along with a document or a suggested arrangement that can lead the customer into serious trouble. That is all we are endeavouring to do in these circumstances. Every time we attempt to improve the law regarding credit facilities or hire-purchase it is remarkable what tenderness is displayed towards these organizations. We find today that these organizations are making handsome profits, building up bigger assets in a shorter time than almost any industry or so-called industry—and they call themselves an industry—in this country. The assets the hire-purchase organizations have built up in a very short time can be described only as fantastic. That is shown by the way capital is flowing in that direction rather than in other directions that should have a far higher priority.

If by the measures we are introducing here we affect the profitability of some of these credit enterprises, are we doing anything to the detriment of the community? I suggest that the contrary is the case. In fact, if these credit organizations were not so profitable, it would be greatly to the benefit of the community, because capital would then start to flow in those other directions where it is so much more required.

I think I am right in saying that the Premier stated that while he was not at all keen on two of our proposals he favoured one of the others but strongly objected to the fourth. He gave his reasons for that. However, it is apparent from the speeches from the Government side that there is no strong objection to at least three of the four proposals, and those are the proposals which, if they are put into effect, will have a wide beneficial effect on the people of this State. I do not suppose there is a member who has not had brought to him cases similar to those that have been mentioned, first by the Leader and then by the member for Norwood (Mr. Dunstan). We are all conversant with cases that have occurred as a result of the "floor plan" method of finance and as a result of hire-purchase contracts entered into before the operation of the 1960 Act. We are all familiar with cases of that character. The arrangement suggested in this Bill will, we believe, eliminate these bad practices on the part of people interested in putting it over the consumer.

Mr. Bywaters: The Premier has admitted that.

Mr. LOVEDAY: Yes. I think I have covered the main points, but I wish to mention one or two aspects of credit facilities. The Bill refers to sales on credit with the exception of lay-by, budget account, monthly account, and any sales where no extra charges are made. It has been suggested that this is the faulty part of the Bill, and that if the provisions we suggest regarding credit sales became law, very serious effects would ensue particularly to firms acting in a large way with small accounts where credit sales are made available. However, I point out that lay-by, budget account, monthly account, and any sales where no extra charges are made are excluded from these provisions. We are all aware that people who make those purchases and have a monthly account get a discount, provided the account is paid within 30 days—in fact, in many instances where the account is paid within 60 days. This indicates that these firms are doing sufficiently well out of their business to give these discounts, and that they can afford to do so; in other words, they could make these credit sales available up to 60 days without charging interest and still do very well. Therefore, the provisions of the Bill are by no means as far-reaching as some speakers would have us believe.

Mr. Quirke: Sixty days is cash these days.

Mr. LOVEDAY: Yes. There is not the slightest doubt that there has been much exaggeration about what is called the adverse effects of this fourth part of the Bill. I believe that all members, if they examine these four proposals, will agree that three of them are most desirable and that there is some element of doubt only regarding the fourth one. We on this side have no desire to make it difficult for people to purchase things, but I think we should stop and think about how easy it should be to purchase various commodities.

At present we are going further and further along the path whereby people are being enticed to mortgage their future earnings to such an extent that we must eventually reach what I have previously in this House termed saturation point. This mode of living must have some eventual repercussions to the individual and to the whole economic system.

I said earlier that the diversion of capital that could go in other directions is caused by the tremendously high profits made by many credit organizations, and I consider that no tenderness should be displayed towards those organizations. We are always told that we must not touch these organizations because such a move would affect employment, but I suggest that is the wrong view. In fact, those organizations can get on well with less profit than they are getting today, and I am sure that their activities are not going to dry up if their profits are reduced slightly; indeed, it is questionable whether their profits would be reduced even with this Bill, because we are only getting at the practices that can be described as dishonest—so-called smart practices. We are trying to protect the consumer from the abuses of the system.

I believe that hire-purchase organizations generally would be happy to see most if not all of these sharp practices eliminated, for that would give the public much greater confidence in their businesses and in this type of contract. Anything that will protect the consumer in this way will mean that what he saves will be spent in more legitimate and safer channels, and it will be to the benefit of the consumer, the producer and the person engaged in any form of honest business. I hope this Bill will receive the full support of members on both sides and that we shall give these provisions a fair trial because, although there may be some abuse of these credit facilities and the evasion of the provisions of this Bill, I am sure that we shall plug up more holes that need plugging and will leave less scope for the confidence trickster to work on the consumer than hitherto.

Mr. Quirke: Any evasions would have to be deliberate.

Mr. LOVEDAY: They would have to be deliberate and obviously it would be more complicated and difficult in every way to get around the law in regard to these credit facilities. The sooner we tighten up, the sooner we shall show that we will not tolerate any abuses of a system already open to much criticism. I support the Bill.

Mrs. STEELE (Burnside): The changes envisaged by the sponsor of this Bill are too sweeping but I am interested in certain aspects of clause 4, because of a case that came to my knowledge. When members considered the Hire-Purchase Agreements Act in two sessions of the previous Parliament, we felt we had closed any loopholes there might have been through which unscrupulous dealers might have found ways and means of exploiting the situation or taking advantage of people purchasing goods from them. As the honourable member for Onkaparinga (Mr. Shannon) said a few moments ago, it would not matter how much we tried to protect people: there would always be other means of finding ways of getting round the law. Unfortunately, there are good and bad dealers, and often the good ones suffer because of the actions of the others. However, it is essential that we maintain economic confidence in the community. We do not want to impose restrictions or act in any way that would tend to make the people in the community feel the economy was being restrained. We have to remember also that, as a result of the financial action taken by the Commonwealth Government, hire-purchase companies were hard hit by the credit squeeze.

This Bill arises from a number of cases brought to the notice of honourable members. The day on which the first question was asked in this House by the member for Murray (Mr. Bywaters), I had brought to the notice of the Premier and the Attorney-General a case somewhat different from those mentioned in the House. A constituent of mine and his wife had purchased for cash a washing machine from a company that had subsequently gone into liquidation. As a result, some 12 months after they had purchased the washing machine, they received a letter from a finance company informing them that the machine that they fondly believed was their own property was in fact the property of this finance company, that on payment of half the original cost of the machine it would consider the whole matter closed and the man and his wife could also consider that the machine belonged to them; and that, in default of meeting this claim by the finance company, it would have no alternative but to take court action. Fortunately, the man concerned brought the case to me and I took it up. It was referred to the Crown Solicitor's Department, which made various investigations. This went on over a long period and only a few days ago I was informed by the Attorney-General that the case had been

dropped, that the company did not intend to prosecute in the case it had said it would take to court.

Until then I had not known of the existence of this so-called "floor plan". There was also pointed out to me at the same time a similar case, this time involving a car sale. The person concerned had purchased a car under the "floor plan" system and two years later had been told by the finance company that his car would be repossessed, he would be asked to pay the amount of depreciation over the period, and that he would be sued for possible loss of sale. So I think action is most necessary to protect people in this field.

When I looked at the Bill I thought that these types of cases to which I have referred were not covered. I asked the Parliamentary Draftsman, who said they were covered in clause 4, which enacts new section 46c. This Bill also restricts several acceptable practices, which I do not think is desirable. However, I support the provision that restricts the practice of this "floor plan" contract. I do not think that the "floor plan" system is in the interests of the finance companies, because repossessed goods are an embarrassment to everyone. But it is a good thing that these cases are brought to the notice of honourable members and, in turn, to the notice of the House so that the whole subject can be ventilated. This gives members a chance of knowing what is going on in the community, and in this House it gives them an opportunity to express their opinions. At the same time it gives the public an opportunity to be put on their guard against similar practices.

Much about the same time, we purchased a refrigerator and, when the cash sale to which I have referred was brought to my notice, I remember wondering whether the refrigerator for which we had paid cash did indeed belong to us. We were relieved to find that the company from which we had purchased it did not operate on this "floor plan". Any other comments I may have I shall leave until the Committee stage.

Mr. HUTCHENS (Hindmarsh): I support the Bill. I am not opposed to hire-purchase. I believe it is necessary in modern society. It should be regarded as the less fortunate man's overdraft. The Premier said that it was extremely desirable not to place new hurdles or restrictions in the way of trade and he referred to economic restrictions—the credit squeeze—and said that it was undesirable to do anything to hamper the progress of industry in this State. It is not our intention to do so. We encourage the development and expansion of industry. The Premier quoted the following extract from the Prices Commissioner's report on this Bill:

1. Clause 3 relating to credit sales should not be allowed.
2. Clause 4 dealing with new section 46a relating to bills of sale not in registrable form should be dealt with in conjunction with the Bills of Sale Act.
3. Clause 4 dealing with new section 46b relating to excessive charges should not be allowed.
4. Clause 4 dealing with new section 46c concerning wholesale "floor plan" finance should be accepted.

Almost every member who has spoken has supported the provisions relating to "floor plan" sales. Those who have had experience of this system of trading could relate similar instances to those referred to by the member for Burnside (Mrs. Steele). Many unfortunate cases have been brought to my notice. Over five years ago I brought to the attention of this House a case involving a constituent of mine. He went into a second-hand car lot, was offered a trade-in price for his own unencumbered vehicle, accepted it and paid the balance on the purchase price of another vehicle. Eighteen months later bailiffs came to repossess the car he had purchased. They said that he was up for £800. He came to me and, as it was a new experience to me, I referred it to the fraud squad. The man still has that car, but the dealer who sold it to him served a term of imprisonment. The dealer was apparently the scapegoat for a finance company. I am convinced that possibly the wrong man was imprisoned.

Recently I was approached by a young couple regarding another incident arising from a "floor plan" sale but, as they resided outside my electorate, I refused to do anything. They then approached a member opposite, who has done everything possible to save those young people from the position they are in. This couple, embarking on a business life, visited a car sales lot in Adelaide and paid £1,200 cash for a car. That car has been taken away from them and now, three years later, they are going to court over it. Members will say that that was not better trade practice, and I agree.

The members for Murray, Burnside and Norwood have referred to another company. I have had experience of that company. An unfortunate migrant, unaccustomed to our

methods of trading, was visited by a smart salesman one evening and was persuaded to sign a contract to purchase a television set for £117. During the daytime the salesman worked for a reputable Rundle Street firm. The migrant visited the Rundle Street store to make his first payment and was informed that the contract had nothing to do with that firm. This was a fortnight after signing the contract. He immediately communicated with the salesman and said, "Take the set away. You have sold it to me under false pretences." The set was taken away, and, presumably, returned to a firm that has since gone insolvent. Twelve months later this migrant received an account for £192. He then approached me. I communicated with the finance company and acknowledged that the migrant had had the use of the set for a fortnight and by mutual agreement the company agreed to settle for £10.

Mr. Quirke: Any reputable firm will give a fortnight's free trial of a television set.

Mr. HUTCHENS: Yes, but in this case an agreement had been signed. The original cost was £117, but the account was for £192. That was an excessive charge. It has been suggested that the credit system should be permitted to continue. The member for Mitcham (Mr. Millhouse) said that there were means of "avoiding" not "evading" the law. I find it difficult to understand this splitting of hairs. However, he said that there were means of getting around the law. The member for Burnside said that we thought we had tightened up all aspects of this law on the last occasion we considered it. We had agreed that the hire-purchase system was desirable and that both parties to a contract should be protected. I believe that they should be protected. We believe that in order that people may live in keeping with present standards the hire-purchase system should be permitted. However, the fact remains that these organizations, for the benefit not of the purchaser but of financiers generally, use all the methods open to them to escape the hire-purchase provisions.

It was frankly acknowledged by the Premier that under the credit budget system few firms are charging as much as 15 per cent, and I believe that is true. Most people operating the budget system are charging nothing like 15 per cent, and we are not worried about those people at all. The people we are worried about are those that are getting around the hire-purchase agreements. That brings me to the question of unregistrable forms of bill of sale, which is another way of getting around the provisions. Just recently an unfortunate lady in my electorate entered into a bill of sale type of agreement to purchase a television set, and strangely enough the company—a large company in South Australia—that negotiated what it said was a sale subsequently sold out to another company that had precisely the same board of management. I do not know just what is involved, but something is behind it.

Following the alleged non-ownership of the goods in question, this lady was asked to produce the document, and when she did so she was told it was worthless and was asked to hand back the television set. This lady is a poor old spinster. She was so scared that she went to the Police Department, which in turn sent her to me. Finally, the matter is being investigated by the Prices Department. However, in the meantime the suggestion is that this lady should sign some other document. She was asked to sign a promissory note, but she was worried about it because she heard about another lady down the street to whom the same thing had happened, and a firm was suing her and threatening repossession.

All these things are done in an endeavour to defeat the expressed desire of this Parliament to protect the people who wish to purchase under a credit system known as hire-purchase. We do not wish to stop hire-purchase: in fact, many members support hire-purchase organizations. We know that at least two members on this side have served on the board of management of a hire-purchase company, and one member is still serving. We also know that under the hire-purchase system firms can compete freely and at the same time make a reasonable profit while serving the community.

Mr. Jennings: In a mass production age hire-purchase is necessary.

Mr. HUTCHENS: Exactly. We believe that any credit required can be provided under the terms of the hire-purchase agreements legislation. This would adequately safeguard both parties; prosperity would continue; industry would not be hampered; and a standard of living in keeping with the times would be enjoyed by all sections of the community. Therefore, I give my whole-hearted support to the Bill.

Mr. QUIRKE secured the adjournment of the debate.

LOCAL COURTS ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

METROPOLITAN DRAINAGE WORKS (INVESTIGATION) BILL.

Received from the Legislative Council and read a first time.

MENTAL HEALTH ACT AMENDMENT BILL (No. 1).

Received from the Legislative Council and read a first time.

ELECTRICITY (COUNTRY AREAS) SUBSIDY BILL.

Returned from the Legislative Council without amendment.

MENTAL HEALTH ACT AMENDMENT BILL (No. 2).

Received from the Legislative Council and read a first time.

MINES AND WORKS INSPECTION ACT AMENDMENT BILL.

Received from the Legislative Council and read a first time.

ADJOURNMENT.

At 4.41 p.m. the House adjourned until Tuesday, September 18, at 2 p.m.