HOUSE OF ASSEMBLY

Tuesday, November 18, 1969.

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

PETITION: COLEBROOK HOME

Mr. EVANS presented a petition signed by 40 persons who strongly objected to the decision not to grant a licence to Colebrook Home to enable it to care for more than four children under the age of 12 years and to deny it the renewal of the lease of the premises and grounds. The petitioners prayed that the South Australian Government would be guided by the recommendation of the Parliamentary Select Committee on the Welfare of Aboriginal Children that the home should be encouraged to expand its activities.

Petition received.

QUESTIONS

HILLS SUBDIVISION

The Hon. D. A. DUNSTAN: There is in this morning's paper a letter from persons interested in the Adelaide Hills development and maintenance of the 1962 Metropolitan Development Plan, protesting that the State Planning Authority is allowing councils to evade the provisions of the 1962 proposals by proceeding to call a subdivision of land a resubdivision and that, in consequence, land is being divided into much smaller allotments than was intended under the plan, as the plan had to preserve certain areas of minimum size allotments varying from 10 to 20 acres. I ask the Attorney-General what is exactly the position in this matter: is the State Planning Authority allowing councils to do this, and will the Government ensure that the provisions of the 1962 plan and proposals, which have been adopted by this House as the basis for the plan for Adelaide, are insisted on by the State Planning Authority?

The Hon. ROBIN MILLHOUSE: Although I am sure that the Minister has seen the letter, I will discuss the question with him as a matter of urgency and give a reply to the Leader as soon as possible.

FOOT-ROT

Mr. RODDA: There was an announcement this morning that a vaccine had been developed to control and prevent foot-rot. While in this State at present only a limited number of flocks is infected by foot-rot and under quarantine, and while the legislation introduced to control this scourge has been effective generally, there is still an incidence of the disease. Will the Minister of Lands ask the Minister of Agriculture what supplies of this new vaccine are available and how they will be supplied to landholders?

The Hon. D. N. BROOKMAN: Yes. Having read about the vaccine in this morning's newspaper, I imagine that the disease is extremely resistant to vaccination because it attacks the horn of the hoof, neither of which is in close contact with the bloodstream. As I know that people have been working on the vaccine for a long time, it will be interesting to find that there is an effective vaccine. As the honourable member has said, the incidence of the disease in South Australia has been reduced to an absolute minimum since the disease was made notifiable in about 1957. Although obviously reinfection occurs from time to time, in the last few years the disease has never had the widespread effect on the sheep population that it used to have. I will obtain all the information available on the matter.

TOTALIZATOR AGENCY BOARD

Mr. CLARK: Representative groups in Elizabeth have told me that, as Elizabeth is now a large city, they believe there should be in Elizabeth additional Totalizator Agency Board facilities. Will the Treasurer ask the Chief Secretary to consider having provided an additional T.A.B. agency (or more than one additional agency) in the city of Elizabeth?

The Hon. G. G. PEARSON: Yes. As I know that the board considers this sort of matter of its own volition, the honourable member may make representations to the board, if he so desires. Notwithstanding that, I will refer the matter to the Chief Secretary, who will probably call for a report.

TAXI-CAB BOARD

Mr. JENNINGS: I was approached recently by a constituent who does not mind his name being referred to (he is Mr. Campbell) and who lives at Pooraka in my district. He is a British migrant who has lived in Australia for about seven years, for five of which he has been an inspector of the Metropolitan Taxi-Cab Board. During this time, Mr. Campbell became aware that the conditions under which he was working were not comparable with those generally applying in respect of similar positions in South Australia. He joined the Federated Clerks Union of Australia with a view to asking it to approach the board to get an agreement or an award

for inspectors employed by the board. I have copies of letters from the Secretary of the union and the Secretary of the board, showing that after some negotiation the board said, "We don't want anything to do with you and we will not permit you to be on our premises or to interview our employees." Soon after this Mr. Campbell had to go to hospital. He had taken no sick leave during the five years that he had been employed by the board and, whilst he was in Daw Park Repatriation Hospital, apparently he told a person there that he considered that he was being badly treated by the Metropolitan Taxi-Cab Board. His friend then said, "I know someone very prominent in Government in South Australia who would certainly have this matter investigated for you." Being desperate, Mr. Campbell said he would appreciate his friend's doing anything he could. The result was that soon afterwards Mr. Campbell received a brief letter. I am sure that, as all members know the writer of the letter, they will be amply rewarded by the humour in it. The letter states:

Mr. W. H. Stewien, of Avenue Range, came in to see me yesterday to explain a problem you are having with the taxi control board. I would like to come out to see you but I am jammed up with work in my new job in the Premier's Department. Would it be possible for you to call in to see me? I am on the 11th floor of the new State Government office block alongside the Reserve Bank in Victoria Square. My phone is 28 3663. Yours sincerely John Freebairn, Parliamentary Under Secretary to the Premier.

Of course, as we would expect, nothing was done, and soon after Mr. Campbell was dismissed from the employment of the board. When he telephoned the member for Light (as we should start calling him now), on July 2, the honourable member said, "Well, we will have to do something about this," but nothing has been done. The man, who is 52 years old, is still unemployed and, as he needs a reference to get another job, he is having extreme difficulty getting employment. Will the Attorney-General take up with the Minister of Roads and Transport the way in which Mr. Campbell has been treated by the board and also the general attitude of the board to its inspectors? It is alleged (admittedly, by Mr. Campbell) that their duties include providing cups of tea for board members, cleaning the Secretary's car, and similar matters, which they do not think are the proper and legitimate jobs of taxi-cab inspectors.

The Hon. ROBIN MILLHOUSE: I will look into the matter.

HILLS HORTICULTURAL ADVISER

Mr. GILES: About three months ago we were extremely sorry that Mr. John Steed, who had been Horticultural Adviser in the Hills area, left to go to Renmark. Mr. Steed had been extremely valuable to our industry. On September 18, I asked the Minister whether this gentleman could be replaced, and on September 30 he told me that action was being taken to recruit an appointee to the vacant position, but, as far as I am aware, no qualified person has been appointed. As I realize that qualified people are difficult to obtain, will the Minister of Lands ask the Minister of Agriculture what progress has been made in finding an appropriate person for this position?

The Hon. D. N. BROOKMAN: I will inquire of the Minister.

EMPLOYMENT

Mr. McANANEY: In this morning's *Advertiser* appear employment figures that continue to reflect the favourable employment situation in Australia. Will the Attorney-General, representing the Minister of Labour and Industry, comment on the South Australian figures?

The Hon. ROBIN MILLHOUSE: I have prepared some comments on this matter as a result of an item which appears on the front page of this morning's paper and which does not give an altogether clear picture of the position in this State.

Mr. Clark: Nor is it a favourable picture.

The Hon. ROBIN MILLHOUSE: That is so, whereas it should have given a favourable picture. The report in this morning's *Advertiser* of the statement by the Commonwealth Minister for Labour and National Service (Hon. B. M. Snedden) on the employment situation for October, 1969, gives a somewhat misleading impression of the South Australian situation. When compared with the situation in October, 1968, the latest figures give no reason for gloom. There are over 1,100 fewer persons registered with the Commonwealth Employment Service than for this time last year. There are over 800 more vacancies available and the number of persons receiving unemployment benefits has decreased to about half the number it was this time last year. The October, 1969, figures for registered unemployed, vacancies available and unemployment benefit recipients are the lowest for October since 1965.

The impression is also given that this State's position is much worse than that of the other States. However, the percentage of the South

Australian work force registered for employment is less than 1 per cent, and it is generally considered that such a percentage represents the portion of the work force which finds it difficult to get employment or which frequently moves from job to job. The South Australian labour market is in a tight situation where the excess of persons registered over vacancies available is fairly small; in fact, the gap is the smallest since 1965. In Victoria, New South Wales and Western Australia the labour market situation is one of "over-full employment," with the number of vacancies available exceeding the number of persons registered.

MOUNT GAMBIER DEVELOPMENT

Mr. CORCORAN: Has the Attorney-General, representing the Minister of Local Government, a reply to my question of November 11 about development plans for Mount Gambier?

The Hon. ROBIN MILLHOUSE: I take it that the honourable member will convey the reply to his colleague the member for Mount Gambier.

Mr. Corcoran: No; it is my district—around the Blue Lake.

The Hon. ROBIN MILLHOUSE: Arrangements have been made for the Highways Department District Engineer to confer this week with the landholders affected by the proposed road around the southern side of the Blue Lake, Mount Gambier.

MOUNT GAMBIER RAIL SERVICE

Mr. BURDON: Over a considerable period, representations have been made to the Railways Department by various people with a view to providing a weekend rail service from Adelaide to Mount Gambier. Although there is now a night service leaving Mount Gambier and arriving in Adelaide on Saturday morning, returning to Mount Gambier at about 7.45 a.m. on the Monday, suggestions have been made that a rail service leave Adelaide for Mount Gambier on Friday evening and return late on Sunday afternoon. Not only would this provide a service to the people who, working or studying in Adelaide, might wish to return home more often, but it would also provide a means for people to travel to the South-East, particularly during the summer, to see, for instance, the Blue Lake. The lake has performed its annual miracle of turning blue and is now in its full glory.

Mr. Corcoran: It's in my district, too.

Mr. BURDON: No, I suggest that it is in mine. Will the Attorney-General ask the Minister of Roads and Transport to see whether this suggested service can be implemented?

The Hon. ROBIN MILLHOUSE: I must confess that I am now thoroughly confused as to whose district the Blue Lake is in, as both members seem to claim it. With my usual courtesy and efficiency, I shall be happy to help both of them, and I will get a reply for the member for Mount Gambier.

SNUGGERY CROSSING

Mr. CORCORAN: The Attorney-General may recall that this session I have asked him to refer to the Minister of Roads and Transport several questions about the dangerous railway crossing on Highway No. 1 at Snuggery, which, for the Attorney's information, is in my district. The Minister's last reply to me stated that the point about the danger had been well taken but that money could not be provided this financial year to carry out the necessary work, although the matter had been referred to the appropriate committee for decision. Recently I have received a petition signed by 205 persons and stating:

We the undersigned electors of the District of Millicent in the House of Assembly in the State of South Australia consider that the railway crossing at Snuggery, on Highway No. 1, presents a grave danger to the travelling public and urge that immediate steps be taken to: (*a*) provide for the illumination of this crossing at night, and (*b*) install as soon as possible thereafter effective warning devices and lights at this crossing.

I agree with the points made by the petitioners. Since the Minister's reply was given me, several people have told me that they have narrowly escaped serious accident. Because of the danger at the crossing and as this petition, which I shall be pleased to give to the Minister, has now been forwarded to me, will the Attorney-General again ask his colleague whether funds cannot be made available immediately to illuminate this crossing at night time?

The Hon. ROBIN MILLHOUSE: Yes.

MOUNT GAMBIER TOURISM

Mr. EVANS: I was fortunate to be in Mount Gambier at the weekend and I believe that it is a beautiful city and that the member for Mount Gambier should be proud to represent such a beautiful area.

Mr. Burdon: He is.

Mr. EVANS: I believe that Mount Gambier may not be advertised enough as a tourist attraction. I have heard it called the "City of Roses" and I was truly amazed at the roses growing within the city. Mount Gambier

really is beautiful with the roses flowering at the same time as the Blue Lake normally changes its colour to a more brilliant shade of blue. Will the Minister of Immigration and Tourism, through his department and the local council of that city, see whether more advertising cannot be done in this State and in Victoria to try to promote Mount Gambier as a tourist attraction, because I believe it has the potential and that not enough may have been done to promote it at the time of the year when its assets are to be seen to their best advantage?

The Hon. D. N. BROOKMAN: I agree with the honourable member and with the member for Mount Gambier as to the quality of Mount Gambier as a place to visit. It is extremely popular and the local council is pursuing an energetic programme to make the town even more popular. I shall be visiting Mount Gambier within a few weeks to open a new tourist office and, as I shall be the guest of the local council, I shall have an opportunity to discuss the problems of the district.

RAILWAY ECONOMIES

Mr. EVANS: Has the Attorney-General, representing the Minister of Roads and Transport, a reply to my recent question about railway economies?

The Hon. ROBIN MILLHOUSE: The departmental computer can be programmed to cover a multitude of operations, including engineering. Indeed, it is already being used for that purpose, principally in the matter of critical path analysis, which operation is primarily the concern of engineers. It is also being currently programmed to cover certain maintenance procedures and, in addition, train operating statistics which are of direct concern to the engineering branches as they provide essential data for maintenance and capital works programmes.

LAND ACQUISITION

Mr. HUDSON: Last year I asked a series of questions about railways land between Marion Road and Brighton Road in the suburbs of Sturt, Seacombe Gardens, Dover Gardens and South Brighton. I asked the Minister of Housing how much of this land could be obtained from the Railways Department by the Housing Trust. As I understand that some progress has been made in this matter, will the Minister ask the trust how much of the land has been purchased from the Railways Department and for what purposes the trust intends to use it?

The Hon. G. G. PEARSON: In response to the honourable member's question some time ago, I think I did tell the House what had been done up to that time. I think I said that the Railways Commissioner had offered at least part of this land, if not all of it, to the Housing Trust, but that not all of it was suitable for the trust's use. The trust had considered acquiring the land it had been offered and was using as much of it as it could. That may not be strictly correct, but it is as I remember it. I will ask the General Manager of the trust how much of the land has been offered to the trust and how much of it has been used by the trust and for what purpose.

WATER SUPPLIES

Mr. ALLEN: The editorial in the *Northern Argus* of Clare of Wednesday, November 5, headed "State's Liquid Gold", refers to the State's water supply generally. The Editor concludes his comments by saying:

> In the midst of summer, homes on the higher slopes of the hills, around the town, and in the more densely populated Housing Trust areas, are during peak hours of the late afternoon, left with taps that do nothing else but gurgle and blow hot air. This could be disastrous if fire broke out during this period. Clare now has two large storage tanks to the east and west of the town: investigation is quickly needed by the Engineering and Water Supply Department to gauge the needs of critical periods of draw-off, and provide some solution to this problem, in the form of additional storage. Perhaps the member for Burra, Mr. E. C. Allen, who has always been more than ready to help, will be able to lend his weight to any investigation that will lead to a satisfactory solution.

I believe that the Editor has issued a challenge, which I am happy to accept. Will the Minister of Lands, representing the Minister of Works, obtain from the Engineering and Water Supply Department a report on the supply of water at Clare during peak periods?

The Hon. D. N. BROOKMAN: I will consider that question fully and do everything possible to meet the situation that is being complained of. I agree with the Editor that the honourable member would be the right man to take up this matter, and I thank him for drawing my attention to it. Unless this State backs the Dartmouth plan—

Members interjecting:

The Hon. D. N. BROOKMAN: —the liquid gold will be in shorter supply than solid gold.

The SPEAKER: Order! The Minister is not allowed to reflect on a decision of this House.

The Hon. D. N. BROOKMAN: Mr. Speaker, I regret to have to say that I have not in any way referred to a decision of this House.

The SPEAKER: The honourable Minister referred to Dartmouth.

The Hon. D. N. BROOKMAN: The honourable member has referred to a shortage of water in the Clare district, and this district is just as seriously affected by the Dartmouth or Chowilla proposal as is any other part of the State. Although I will do everything I can to meet the situation at Clare, I must reiterate that, unless this State can be given water from Dartmouth, it may not be possible to do everything that is required in the various parts of the State.

Mr. EDWARDS: Has the Minister of Lands, representing the Minister of Works, a reply to the question I asked last week about water storages on Eyre Peninsula?

The Hon. D. N. BROOKMAN: The storage on November 17 in the Tod reservoir was 1,805,000,000gall. With regard to water supplies in county Buxton, water is being carted to Kimba from one of the water conservation supplies and not from Whyalla. Storages in the water conservation supplies in county Buxton are normally read at monthly intervals. The combined storage at the end of October was 40,185,000gall. This will meet all demands during the summer months without any further intakes that may be received during this period. The water level of the Uley-Wanilla Basin is slightly below the level before the start of pumping in 1948, while the level of the Polda Basin is slightly above that in 1962 when pumping first commenced. In both cases this is mainly attributable to the above-average rain in 1968 and the negligible amount of pumping during 1968-9 because of the filling of the Tod reservoir in 1968.

SOLOMONTOWN BEACH

Mr. McKEE: Last week the Treasurer, representing the Minister of Marine, replied to a question that I had asked about the swimming area at Solomontown. Since the retaining wall was constructed, there has been a growth of seaweed in the impounded area. Although the departmental engineer who inspected the site seemed to think that nothing could be done to eradicate the weed, it is the opinion of certain people who are familiar with the area that, as this weed has grown there only since the wall was constructed, the effect of the sun would be to kill the weed if the area could be drained periodically. Will the Treasurer see whether this matter might be reconsidered and possibly some thought given to installing sluice gates in the retaining wall so that the area would be drained from time to time?

The Hon. G. G. PEARSON: Having been Minister of Marine when this project was carried out, I am sorry that the honourable member should find it necessary or desirable to say that the problem had occurred only since the retaining wall had been constructed. Having approved the project without consulting the then Treasurer of the day, I got into a little trouble for committing him to the expenditure without his prior approval, and I am sorry that further trouble has now been caused. I appreciate the point made by the honourable member, who discussed this matter with me after I replied to him the other day. I think he would appreciate that constructing gates in the wall would be costly and that, unless we were sure that it would solve the problem, it would not be a good thing to spend the money. As I think the opinion of a person who is perhaps expert in weed and algae growth ought to be obtained before a decision one way or the other is made, I will bring the matter again to the department's notice and suggest that possibly further investigations be made before it is finally decided not to accede to the honourable member's request.

RIVERLAND CANNERY

Mr. ARNOLD: The Riverland cannery at Berri has received a summons for allowing some of the waste water from the factory to return to the river. In the canning process, the cannery uses up to 2,800,000gall. of water a day, and about 2,200,000gall. of this leaves the cannery after the processing operation, being disposed of on lucerne beds and in evaporation ponds. The cannery, having spent about $40,000 in trying to cope with the waste water, has asked the Engineering and Water Supply Department for technical assistance, whenever this matter has been in dispute, to try to solve the problem. Will the Minister of Lands, representing the Minister of Works, see whether the Government, in its efforts to foster country industries and to promote decentralization, can make technical assistance available through the department to try to help this industry solve its problem in disposing of waste water? As the canning season is only a month or two away, and as this year's harvest is potentially greater than last year's,

with the result that the problem may be greater than it was last year, will the Minister treat this matter as urgent?

The Hon. D. N. BROOKMAN: I will look at the matter urgently and give the honourable member a considered reply as soon as possible.

MEAT INDUSTRY

Mr. WARDLE: Has the Minister of Lands obtained from the Minister of Agriculture a reply to a question I asked recently about a report on the meat industry?

The Hon. D. N. BROOKMAN: My colleague states that the honourable member has been wrongly informed regarding the Meat Industry Advisory Committee's report. He did not receive it several weeks ago as stated. He will study the report as time permits and make recommendations to Cabinet as to future action that should be taken in regard to it.

ADELAIDE BUS TERMINAL

Mrs. BYRNE: Has the Attorney-General obtained from the Minister of Roads and Transport a reply to my question of October 15 about the condition of the country bus terminal on North Terrace, Adelaide?

The Hon. ROBIN MILLHOUSE: My colleague is conscious of the fact that the conditions which exist at the country bus terminal on North Terrace, Adelaide, are not of a very high standard. In this regard the Transport Control Board has had discussions with private bus operators who intend to build a new passenger terminal which will provide for the requirements of the longer-distance services. The country bus owners held an option over a vacant site in Flinders Street but, because they were unable to obtain the necessary approval from the Adelaide City Council to erect a bus terminal on this site, further investigations have been made, and it is understood that a suitable site west of King William Street within the city area has been located and negotiations are proceeding with a view to arranging an option to purchase. If a satisfactory option can be arranged, the Transport Control Board will be approached during the option period for approval to utilize the area as a bus terminal subject to the Adelaide City Council's approving plans and specifications. It is pointed out that the final decision on the erection of a new bus terminal is with the bus operators who will be using the terminal, but I assure the honourable member that every encouragement and help is given in matters of this nature.

DENTAL CLINICS

Mr. CASEY: In the absence of the Premier, has the Treasurer a reply to my recent question about dental treatment for children in the outback who take correspondence courses?

The Hon. G. G. PEARSON: The Director-General of Public Health reports:

Every effort is made, and will continue to be made, to give treatment by dental therapists or dentists, as may be required, to these children. The services are limited in quantity and distribution, but a very good beginning has been made. There were some delays in the early weeks of operation of the Peterborough clinic (which opened in September) and the requests for service exceeded the help available, but the situation has improved in recent weeks, and appointments are being made for more children from outside the Peterborough area.

CREAM

Mr. BROOMHILL: On November 12, I asked the Minister of Lands, representing the Minister of Agriculture, a question about the consistency of cream in this State. I pointed out that, although I believed that the South Australian cream was superior to Victorian cream, the fact that artificial thickeners were used in Victorian cream made that cream appear to be better. A report of this question that appeared in the *Advertiser* on the following day tended to give the impression that I had suggested that Victorian cream was superior to South Australian cream whereas, in fact, I had suggested the reverse. Has the Minister of Lands obtained from his colleague a reply to my question whether or not cream producers in Victoria are taking unfair advantage in terms of section 92 of the Commonwealth Constitution and adding to their cream artificial thickeners that are not added in South Australia?

The Hon. D. N. BROOKMAN: My colleague states:

The apparent difference may be caused by a different method of processing, but in the Metropolitan Milk Board's opinion it is more likely to be the result of ageing owing to the elapsed time involved in transportation from Victoria and distribution to retail outlets in South Australia. In general, it can be said that fluidity in cream is a sign of freshness as cream does increase in viscosity during storage. South Australian cream will attain a viscosity equivalent to that of Victorian cream after storage in the refrigerator. There are three types of cream available in the metropolitan area from South Australian processors: scalded cream (not less than 48 per cent butterfat); rich pure cream or rich cream (not less than 48 per cent butterfat); and standard cream (not less than 35 per cent butterfat). In each case the actual butterfat content is considerably in excess of the legal minimum. Scalded

cream and rich cream do not contain any thickening agents and may be labelled "pure". Standard cream or cream (as it is commonly referred to) may contain very small amounts of approved harmless thickening agents (less than 1 per cent). Metropolitan Milk Board analysis indicates that all South Australian cream complies in full with existing quality standards.

DONKEY RACE

Mr. LAWN: A report at page 4 of this morning's *Advertiser* refers to a picnic held at Naracoorte over the weekend. Headed "Donkey", it states:

"They're off" roared the crowd, and they very nearly were—the riders, not the mounts, in a weekend Gallop Poll, a donkey derby, part of the Naracoorte Apex picnic races. The riders included Mr. Allan Rodda M.P., Naracoorte's mayor, Mr. W. H. Hoole, and A.L.P. Parliamentary contestant Mr. R. J. Jordan.

No need for a whip for Allan Rodda: he is Government Whip in the House of Assembly. He was presented with a carrot as a donkey inducement. "You'll get the donkey vote," someone yelled. His donkey went into a circular waltz, tried to rub him off on the rails, then took off at such a rate that Mr. Rodda had to stuff the carrot in his mouth and hang on with both hands.

I understand that the member for Victoria and the donkey whirled, twirled, and waltzed so much that, at the conclusion of the race, the judge could tell the honourable member and the donkey apart only by observing which one had the carrot in his mouth. Can the member for Victoria say whether that is so?

Mr. RODDA: It is so. This was not a publicity stunt, as some people may think. Had I known then as much about donkey racing as I know now, I would not have been such a willing jockey. I was indebted to the member for Onkaparinga (Mr. Evans) for giving me a carrot. The animal seemed to be such a stubborn beast that, whilst the bridle was on, we could not get going but, once we took the bridle off, it was a case of my having to hang on, so I put the carrot in my mouth, not the donkey's. I had the majority of the Government at heart and, although it was a rather dangerous situation, we did get to the post first. It was pure bad luck that the Labor contestant (Mr. Jordan) got pushed off his donkey by some people who, I think, must have mistaken him for me. I believe that the police had to intervene to stop a fight, but eventually we got past the post.

MARGARINE

Mr. FREEBAIRN: Last week, when asking the Minister of Lands, representing the Minister of Agriculture, a question about the margarine quota, I expressed concern that the quota for table margarine manufactured in South Australia had not been changed for about 13 years, although the population had increased by about one-third during that period. As the Minister, with commendable promptness, has said he has a reply, will he now give it?

The Hon. D. N. BROOKMAN: The Minister of Agriculture states that the matter of table margarine quotas is reviewed annually by the Australian Agricultural Council, which will meet next in Sydney in February, 1970. Any recommendations from that meeting will be referred to Cabinet by the Minister.

DESALINATION

Mr. HURST: A report in this morning's *Advertiser* states that a desalination plant installed in an Adelaide glass factory at a development cost of $80,000 can purify 450 gallons of water a day to a saline content of one part a million. The report also states that two more units will be installed, at a cost of $3,000 each. Will the Minister of Lands, representing the Minister of Works, find out whether these additional units will produce the same quantity of purified water (namely, 450 gallons a day) as the first unit?

The Hon. D. N. BROOKMAN: Although I did not hear all that the honourable member said in his question, I understand that the initial quality of the water has a big bearing on desalination, and I am not sure of the details of quality in this case. I will get as much information as I can for the honourable member.

COUNTRY COURTHOUSES

Mr. NANKIVELL: Has the Attorney-General a reply to my recent question about the improvement of court facilities at Lameroo and Keith?

The Hon. ROBIN MILLHOUSE: It is agreed that court facilities at Lameroo and Keith are inadequate. Representations are being made to the Minister of Works to have a courtroom and other court facilities incorporated as part of the new police station building that it is proposed to erect at Lameroo. As regards Keith, consideration is being given to the extension of the existing building to provide a separate courtroom and waiting room.

ELIZABETH OCCUPATION CENTRE

Mr. CLARK: Has the Minister of Education a reply to my question about the desirability of carrying out, during the school vacation, the

work on the provision of toilet facilities at the Elizabeth Occupation Centre?

The Hon. JOYCE STEELE: The Public Buildings Department states that every possible alternative has been examined to advance the commencement and completion dates of the new toilet facilities. The most expedient manner of undertaking the work is by Public Buildings Department labour, as previously planned. Because of the commitment of other urgent works, it will not be possible to commence work on site before January 17, 1970. Action will be taken to complete the work in the shortest possible time, and every care will be taken to cause as little inconvenience as possible during building operations.

DUCK SHOOTING

Mr. RODDA: Has the Minister of Lands a reply from the Minister of Agriculture to the question I asked on November 11 about duck shooting at Bool Lagoon?

The Hon. D. N. BROOKMAN: The Minister of Agriculture states:

A joint research project has been undertaken by the Fisheries and Fauna Conservation Department and Wildlife Division of Commonwealth Scientific and Industrial Research Organization to study food preferences and the breeding cycle of certain species of water birds at Bool Lagoon and in the Coorong area. The programme provides for the collection of monthly samples of small numbers of birds, which will be examined and analysed by the C.S.I.R.O. Wildlife Division at Canberra. It is hoped that the knowledge gained from the project will make a valuable contribution to management programmes for water fowl in South Australia. I emphasize that the shooting of birds for these purposes is being strictly supervised and controlled by Commonwealth and State wildlife officers, and the numbers of birds thus taken are limited to the minimum necessary for this research. Neither I nor the Director, Fisheries and Fauna Conservation, was aware of any controversy over the project.

PORT PIRIE ABATTOIRS

Mr. McKEE: Has the Minister of Lands a reply from the Minister of Agriculture to my inquiry during the Estimates debate and to my recent questions about the Port Pirie abattoirs?

The Hon. D. N. BROOKMAN: The Minister of Agriculture states:

I have conferred with the Metropolitan and Export Abattoirs Board on the inquiry raised by the honourable member during his remarks in the Estimates debate. As he is probably aware, the board had expressed its concern many times at the large quantities of meat entering the metropolitan abattoirs area from various sources, and it has emphasized the adverse effects which these imports have on the operations of the Gepps Cross works, where a large capital sum is invested in buildings, plant and equipment. The board points out that, if a permit were granted for carcasses slaughtered at Port Pirie to be brought into the metropolitan area, a precedent would be created which would make it difficult for the board to refuse similar applications from other people who have properties near a meatworks. It, therefore, is not prepared to permit small farmers' lots slaughtered outside its area to be brought in.

DARLING RIVER

Mr. McANANEY: On the weekend before last, Mr. Speaker, I watched your half-hour television programme with admiration, but at times with some amazement as you claimed that the Chowilla dam was necessary to take the overflow water from the Darling River. Have you, Sir, read the figures I gave you showing that in the last four years there had been a total flow of only 600,000 acre feet from the Darling to the Murray River, and that this year there had been a flow of only 18,000 acre feet from the Darling to the Murray River?

The SPEAKER: I am gratified that the honourable member enjoyed the programme, but he should have listened to it more intently, because the information that I had received from Renmark this year was that about 8,000,000 acre feet had flowed over the Goolwa barrages.

Mr. McAnaney: My question was about the Darling River.

The SPEAKER: Had Chowilla dam been built now we would have stored that water for future use in South Australia. I have seen the figures supplied by the honourable member in respect of the Darling River, but the flow on that river is at present decreasing. The honourable member seems to have overlooked the fact that Chowilla dam would block water flowing from the Hume reservoir as well as water from the Darling system. In future, in my opinion for what it is worth, we will need both dams. If we can secure both dams, we must retain the flow from Dartmouth. Indeed, I agree with all the arguments in favour of Dartmouth. However, if we obtain the flow from Dartmouth only, without Chowilla dam being built, water stored at Dartmouth will be necessary to flow not continually but frequently, according to the experts, from Albury to Mildura in order to keep the river free of salt slugs. If the view of the experts is that the water from Dartmouth has to flow continually to

release salt slugs between Albury and Mildura, when South Australia needs 1,500,000 acre feet of water in dry years the water will not be there for our use.

ALDGATE JUNCTION

Mr. EVANS: Has the Attorney-General a reply from the Minister of Roads and Transport to my recent question about the Aldgate junction?

The Hon. ROBIN MILLHOUSE: The junction of the Mount Barker and Mylor roads in Aldgate has been investigated by the Highways Department several times. Two problems of west-bound through traffic on the Princes Highway, of having to make a fairly sharp right turn at the bottom of a steep hill, and confusion as to right of way, exist at this point. A satisfactory solution is difficult because of the proximity of the railway, various buildings, and topography. In fact, vehicles proceeding towards Mylor from Adelaide do have right of way. In about two years' time. all through traffic now on the Princes Highway will be diverted to the new South-Eastern Freeway, and the conditions at this junction will alter fairly significantly. However, even then for more local use the junction will still not be wholly satisfactory. On this basis the junction has been included in departmental design programmes for the conditions that will then exist.

PARINGA PARK SCHOOL

Mr. HUDSON: On Saturday, when attending the opening of the new guide hall at Brimble Street, North Brighton, I noticed that the land reserved for the new Paringa Park Primary School building had been cleared of all vines and pegs placed on it. As several local people are concerned about what might be occurring at this site, I contacted the department yesterday in order to obtain information. As I understand that the Minister of Education has this information available today, will she please give it to the House?

The Hon. JOYCE STEELE: In a manner typical of the Education Department, the reply was put into my case this afternoon. Although no indication can be given as to when a replacement primary school for Paringa Park will be built, it is likely that investigation and design will proceed during the current financial year. A survey of the land is necessary and, as it was covered with vines, the land had to be cleared before an accurate survey could be undertaken. This is the first stage in the plan to replace the school and is the reason for the clearing of the block.

TAILEM BEND SILOS

Mr. WARDLE: My question concerns the proposed silo storage space of about 2,500,000 bushels to be built at Tailem Bend. At present, although there is some silo storage space in the area, farmers' trucks are obliged to traverse a crossing in the centre of the town and negotiate several streets before arriving at the silo. With the building of the extra storage space in Tailem Bend, will the Attorney-General, representing the Minister of Roads and Transport, inquire whether the Railways Department will install a crossing about three-quarters of a mile north of the town where the present silos are situated (it is assumed that the new silos will be in that vicinity) so that all traffic coming to the silo area will not have to go through the town area but can come from north or south on the highway and cross to the unloading area at the silos?

The Hon. ROBIN MILLHOUSE: Yes.

FLUORIDATION

Mrs. BYRNE: Provision has been made in the 1969-70 Loan Estimates for $185,000 for the installation of fluoridation equipment. Can the Minister of Lands, representing the Minister of Works, say whether any of the water supplies serving the metropolitan area have been fluoridated and, if they have, from which reservoirs? If they have not, what stage has been reached in the installation of the fluoridation equipment?

The Hon. D. N. BROOKMAN: No water has been fluoridated, but fluoride will be added comparatively soon. I cannot say yet whether it will be added this calendar year or early in the new year, but I imagine that probably it will be added first at Happy Valley reservoir or one of the other southern reservoirs. However, I will obtain the necessary information and, when the time comes, I will announce it, but it will not be done without a public announcement being made by me.

BOLIVAR EFFLUENT

Mr. GILES: Last Friday, the Munno Para District Council held an inspection day at its experimental farm at Brook Road, Virginia, that uses the effluent water from the Bolivar treatment works. Has the Minister of Lands further information from the Public Health Department whether this experiment has been given a clearance so that an extension

of the irrigation can be carried out for the growing of vegetables and fodder for stock? At the experimental station I saw successful crops of tomatoes, potatoes and onions and was told that the growers were extremely happy with the results.

The Hon. D. N. BROOKMAN: The whole question of the use of this water is being examined closely. I will obtain a report for the honourable member.

BRIGHTON HIGH SCHOOL

Mr. HUDSON: Has the Minister of Lands, representing the Minister of Works, a reply to my question of November 13 about the new assembly hall at the Brighton High School?

The Hon. D. N. BROOKMAN: As has already been announced by the Minister of Education, this project is being proceeded with. It is normal procedure, for Loan subsidy works, for school councils to lodge their share of funds with the Education Department following the calling of tenders but prior to the acceptance of a tender. The Government has now approved of funds for the project and it is intended to call tenders within the next two weeks. As it will be some weeks before the Public Buildings Department will be able to recommend acceptance of a tender, it is considered that satisfactory arrangements could be made at that time with the school council regarding payment of its funds to the Accountant, Education Department.

BROMPTON SCHOOL

The Hon. C. D. HUTCHENS: I have received a letter from the Brompton Primary School committee regarding difficulties over the building of a shelter shed and toilet block at the school. Rather than bore the House with the details of this matter, if I give the Minister of Lands, representing the Minister of Works, a copy of it, will he have this matter investigated and obtain a report? I do this, because I believe that there has been some misunderstanding.

The Hon. D. N. BROOKMAN: I will examine whatever correspondence the honcurable member gives me and go into the matter thoroughly.

BORDER SIGN

Mr. EVANS: At the weekend, while travelling from Nelson (Victoria) to Mount Gambier I was disappointed to notice the condition of the sign at the border that tells travellers that they must not bring into South Australia plants, fruit or stock without first having them inspected. As a tourist attraction, the sign could perhaps be classed a disgrace, and as a source of information it is not very useful. Will the Minister of Lands, either as Minister of Immigration and Tourism or in his capacity as the representative of the Minister of Agriculture, have this sign inspected and replaced or repaired so that it will be more presentable to the travelling public?

The Hon. D. N. BROOKMAN: I will refer the question to the Minister of Agriculture and see that the sign is attended to and made clearer and readily understandable. As the honourable member appreciates, the wording must be expressed in uncompromising terms because it is an extremely important sign. That sign and the signs on the other main roads leading from the Eastern States and from Western Australia have done much to keep this State free from fruit fly and other plant diseases.

BRIGHTON INFANTS SCHOOL

Mr. HUDSON: At the Brighton Infants School, until last year, there was a regular expansion in the number of enrolments, and I believe that 1968 enrolments were the highest on record. This year there has been a decline in enrolments and a further decline is expected next year. This morning some parents told me that the school had been disestablished of its infants headmistress because enrolments had declined at the school for some years. The parents are concerned about the disestablishment of the headmistress, first, because the quality of the infants mistresses at Brighton Infants School has been very high; secondly, because the infants mistress contributes considerably to the organization of the infants school and to the general quality of the work; and thirdly, because the infants school (as the Minister of Education would know from her visit last Saturday afternoon) is completely separate in location from the primary school. These parents are concerned that the decision may have been based on incorrect information as to the pattern of enrolments: parents know that, although enrolments declined this year and are expected to decline next year, they had not been declining before this year and that they had, in fact, been expanding. Will the Minister personally check the enrolment figures in respect of the infants school to determine whether or not the position of the infants mistress should be reconsidered?

The Hon. JOYCE STEELE: As recently as Saturday afternoon I visited the Brighton

Primary School for the purpose of opening a new swimming pool and I took the opportunity to inspect the whole school. I certainly had not the information the honourable member has in his possession today, but I should be surprised if the enrolments projected for the infants school by the department proved incorrect. I will take the matter up and try to get the information required.

ROAD WIDENING

Mrs. BYRNE: With the advent of the Tea Tree Plaza Myer shopping centre it will be necessary to widen certain roads in the immediate vicinity to solve future traffic problems. One such road to be widened is Smart Road and it is intended that a widening of 17ft. be effected on the northern side and 20ft. on the southern side where such widening has not already been taken through subdivision. In the case of the properties situated on the corner of Reservoir Road and Smart Road considerably more widening will be required which will probably affect the whole of the properties concerned. The acquisition of this land for road widening will be discussed with the property owners by the Property Officer of the Highways Department. As some of the land affected already has houses erected on it, will the Attorney-General ask the Minister of Roads and Transport whether the Highways Department has examined all aspects, such as the width of footpaths, median strips, etc., before deciding to acquire the land? In other words, will the Minister ensure that no properties are acquired unless such acquisition is absolutely unavoidable?

The Hon. ROBIN MILLHOUSE: Yes.

SCHOOLS MEMORANDUM

Mr. HUDSON: I refer to a memorandum circulated to heads of departmental schools and relating to information being sent home with children to parents at the request of school committees. The circular states:

> Nevertheless schoolchildren should not be used to act as postmen for conveying controversial information, whether political or not, to their homes. This must apply from whatever source the material comes. I know that you agree with me on this matter and will act accordingly.

The instruction in this memorandum clearly suggests to departmental heads that no controversial material, from whatever source it comes (and I take that to mean whether it is political or not), shall be sent home with children to parents. I have been told that this could create an impossible situation for parents' committees because parents' committees often discuss controversial issues about which parents must be informed. The normal and simple way of doing this is to send a note home with the children. For example, the word "controversial" could apply to the proposed banning of the sale of sweets at a school canteen, as this is always a matter of great controversy within any school.

The SPEAKER: Order! The honourable member is debating the question.

Mr. HUDSON: I am trying to explain it.

The SPEAKER: The honourable member is going into too much detail.

Mr. HUDSON: In order to ask the question I must explain, if I can, that the words "matters of a controversial nature" can be given a wide interpretation.

The SPEAKER: Quite so, and that is debating the question.

Mr. HUDSON: It is most difficult to ask the question without getting across to the Minister of Education the kind of example involved, and I want to make only the briefest reference to things such as the sale of sweets, sex education lectures, or other such issues which affect the running of the school and which may be completely controversial as far as the school is concerned. If this instruction were interpreted literally by headmasters, they would have to ensure that nothing in relation to that controversial issue was sent home to parents with their children, even though the parents might be vitally interested in a matter to be discussed at the parents' committee meeting. Therefore, will the Minister examine the memorandum and ensure that the kind of interpretation put on it is not so restrictive as to make valueless the general functioning of school committees in relation to important matters that can turn out to be controversial matters?

The Hon. JOYCE STEELE: The circular to heads of schools draws attention, of course, to the problem that arises as a result of children being used as postmen to take home information to their parents. The whole point is that it is left to the common sense of heads of schools to use their discretion as to the kind of information sent home with the children, and the memorandum is not sent out with the intention of preventing children from taking home news of school committees. As it says, it relates to things that may be of a controversial or political nature and also to the point that the children may be used by bodies outside the schools for taking home information to their parents.

The Hon. R. R. LOVEDAY: The Minister will recollect that, when Minister of Education, I took strong exception to the Commonwealth Government's forwarding pamphlets on the Vietnam war, putting that Government's side of the case to our schoolchildren. I take it from the Minister's reply to the member for Glenelg that she will take the objection that I, as Minister, took to such pamphlets on the Vietnam war being distributed to our schools. Will the Minister say whether that is so?

The Hon. JOYCE STEELE: Last week I had in my bag some information on the very matter the honourable member has raised. As I do not have it in my bag now, I should prefer to refer to it, giving the honourable member a reply to his question perhaps tomorrow.

Mr. HUDSON: I was pleased to hear the Minister say that the question of what could be sent home with children was a matter for the discretion of individual headmasters. That is helpful, but I point out that that is different from the impression created by the circular, which states that schoolchildren should not be used to act as postmen for conveying controversial information, and that this must apply no matter from what source the material comes. There are clearly controversial issues about which, as the Minister has just recognized, it is completely legitimate for headmasters to send material home with the children. After discussing the matter with the Director-General, will the Minister consider sending out a further memorandum to clarify the difficulty that I believe exists regarding the memorandum that has been circulated?

The Hon. JOYCE STEELE: I ask the honourable member to put that question on notice.

WALLAROO HOSPITAL

Mr. McKee, for Mr. HUGHES: On behalf of the member for Wallaroo, who is absent because of sickness, I ask the Minister of Lands, representing the Minister of Works, whether he has a reply to the honourable member's recent question about the Wallaroo Hospital.

The Hon. D. N. BROOKMAN: On October 23, 1969, it was stated that a recommendation was expected to be made for the acceptance of a tender within 10 days. The appraisal of the tenders for this work has taken a little longer than expected. It is now expected that a decision will be made by next week whether a tender is acceptable for recommendation. After examination by the Auditor-General, the recommended tender would then be submitted to me, as Minister, and then by me to Cabinet.

WALLAROO HARBOUR

Mr. McKee, for Mr. HUGHES: Has the Treasurer, representing the Minister of Marine, a reply to the question asked recently by the member for Wallaroo about the Wallaroo harbour?

The Hon. G. G. PEARSON: With reference to the proposed drilling operations at Wallaroo harbour, it is hoped to sink the boreholes at Wallaroo early in the new year.

PERSONAL EXPLANATION: AUSTRIAN CLUB

The Hon. C. D. HUTCHENS (Hindmarsh): I ask leave to make a personal explanation.

Leave granted.

The Hon. C. D. HUTCHENS: On Friday, November 14, on the Australian Broadcasting Commission's channel 2 *Today Tonight* programme, two members of the Austrian Club were interviewed concerning the refusal of the Hindmarsh council to grant permission to use property at Nos. 11-17 Torrens Road, Ovingham, as a community centre. At the conclusion, the interviewer said that members of the Hindmarsh council had declined to be interviewed, because a member of Parliament had been contacted and had said that the Austrian Club had no further interest in the area.

Having shown an interest in this matter, and having spoken to members of the council and a member of the club and another most interested person before and since the declining by the council of the application, I make it clear that never have I made any such statement, for I know the opposite to be the position. Because of the reports that have been made to me regarding my interest in this affair (some not complimentary to me) I state faithfully my attitude and make my actions clear in regard to the whole affair. On learning that the application had been forwarded to the council and knowing the Austrian community to be from a land of a well established and advanced culture, and being enterprising, co-operative, honourable and, in fact, lovable people, and considering that the town and the district would gain much from their activities, I approached members of the council and expressed these views, but in reply some members pointed out that the

area concerned was zoned as "residential" and that several previous applications had been rejected.

On learning during the afternoon of November 3 that it was to be recommended to the council that the request of the club be granted, I tried to contact both councillors of the Bowden Ward. Unfortunately, I was able to speak to one only. However, when the subject matter was brought forward it was said that Councillor Gubbins, in opposing the recommendation, had spoken in unfavourable terms about the new citizens of this country. Following this, a most honourable gentleman, who, by virtue of his office, has a keen interest in retaining the good relationship between the Australians and all Austrian folk, called on me expressing the deep concern of the members of the Austrian Club at these unfortunate remarks, and explained that they must have been intended to apply to the Austrian community as no others were being considered. Further, the council had supported by a majority the rejection of the application, and it was considered that the council was a party to the unfortunate remarks.

It was with confidence that I was able to say that this was not so and, in trying to establish this point, I arranged a meeting of the gentleman who came to see me and the President of the club with the Mayor of Hindmarsh and me, so that the attitude of the Hindmarsh council to the application could be explained. The Mayor (Mr. Paterson) stated what I considered to be an unlimited expression of appreciation in respect of the new citizens. From a close and long association with the Hindmarsh council, which has a large proportion of new citizens as residents, I say that, with the full support of the council, the present Mayor, Mr. A. Paterson, like the two past Mayors (namely, Mr. A. E. Turnbull, O.B.E., 14 years in office, and Mr. A. E. Greenshields, seven years in office) have at all times, in the clearest possible terms, expressed their appreciation of the presence of new citizens and their willingness to help them, in every respect, to find happiness in an active life in the land of their adoption.

Nevertheless, I acknowledge that the council has declined, because of zoning restrictions, to grant permission to the Austrian Club to conduct a community centre. Without going into detail, I admit that this decision is its own business with which I do not intend to interfere. However, I regret that, at present, it does not seem that the Austrian Club will be able to function in the district, for I am convinced that the area in which this club is eventually established will be the richer. Last evening I attended a meeting of members of the Hindmarsh council, at which it was made clear that any words used by a member were not intended to reflect upon any section or group of people. Councillor Gubbins said that if his words were framed in a manner that might have led to their being misinterpreted, he deeply regretted it.

LAMEROO AREA SCHOOL

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Lameroo Area School.

Ordered that report be printed.

PETROLEUM (SUBMERGED LANDS) ACT AMENDMENT BILL

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

UNDERGROUND WATERS PRESERVATION BILL

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

GIFT DUTY ACT AMENDMENT BILL

The Hon. G. G. PEARSON (Treasurer) obtained leave and introduced a Bill for an Act to amend the Gift Duty Act, 1968. Read a first time.

The Hon. G. G. PEARSON: I move:

That this Bill be now read a second time.

I had hoped that copies of the Bill would be available for all members by now, but I apologize for their not being available. The Bill is designed primarily to deal with three particular problems which have arisen and which require some clarification. In all three cases the problems were seen when the principal Act was before Parliament as a Bill and several amendments were accepted at the time in an endeavour to deal with them, but experience and expert comments have suggested that the amendments may not have been completely effective in dealing with all aspects of the problems. I now explain the three problems.

First, subsection (17) of section 4 prescribes in effect that if a debt is permitted by a creditor to remain overdue without his taking reasonable steps to collect it, then interest at 5 per cent per annum thereon shall be regarded as a gift. The difficulties appear to arise in that, whilst it was not intended that this provision should apply unless and until the debt actually became due and payable, it could

be held that a debt payable on demand should be construed as being due and payable without the making of a formal demand.

Secondly, section 18 relates to a disposition of property with a reservation by the donor of a benefit which may subsequently be converted to a gift and is, accordingly, to be dated back to the time when the earlier disposition was made. It was not intended that an ordinary arrangement whereby a disposition was made which included payment by way of giving a mortgage which would be subsequently repayable should be regarded as a reservation of benefit. Notwithstanding some fears that such a mortgage arrangement might be treated as a reservation of benefit, it has, in fact, not been treated as such. However, the matter should be completely clarified.

Thirdly, the matter of controlled companies was introduced to ensure that persons who used a private company so as to make dispositions which would undoubtedly be gifts if made by direct means, should pay duty just as the persons acting without such an intermediary arrangement are required to pay duty. The provisions were inevitably complex as they were dealing with a process which was in any case complex. An amendment made in Parliament to the original Bill in this regard, whilst substantially securing its primary purpose, is shown, upon experience, to require further adaption to cover abnormal cases and ensure equity.

Apart from these three primary problems, it has occurred, as will invariably be the case with entirely new legislation, that further clarification in wording and in administrative detail are shown by experience to be desirable. I turn now to the provisions of the Bill. Clause 2 makes a number of miscellaneous amendments. Paragraph (*a*) involves a re-wording of the definition of controlled company to make the meaning clear in itself without necessary reference to the subsequent definition of a subsidiary. Paragraph (*b*) is consequential on clause 2 (*d*), which strikes out an unduly wide definition given to "shares" for all purposes of the Act. Paragraph (*c*) makes it clear that a dividend is a disposition of property though it may not be immediately or even eventually paid in cash. It is quite common with private companies particularly for dividends to be left indefinitely in a loan account or re-invested in the company. This definition is necessary to clarify difficulties arising in interpretation of section 4 (12) of the principal Act, and it is consistent with the definitions and approach in the Commonwealth Income Tax Act.

Paragraph (*d*) eliminates the very wide definition of shares, which has been found inappropriate for certain sections of the Act where a narrower interpretation was obviously required. Subsequent amendments spell out the matter when a wider application is necessary. Paragraph (*e*) simply eliminates an unnecessary word.

Paragraph (*f*) eliminates a paragraph which gives an extremely wide meaning to the expression "related persons" for the purposes of determining what is a "controlled company". Representations have been made by solicitors and accountants that, by virtue of this particular paragraph, they find it most difficult to determine whether or not a company is likely to be ruled to be a controlled company. Without this paragraph, it is considered, the definition of related persons will be wide enough to cover all reasonable circumstances and to avoid any extensive avoidance of gift duties through the device of private family companies.

Paragraph (*g*) makes a verbal amendment to secure consistency. The amendment is also consequential on the deletion of the definition of "share". Paragraph (*h*) strikes out a portion of subsection (11) (*a*) in one of the difficult provisions dealing with controlled companies. This portion was originally enacted so that the Commissioner could identify a donee to whom he could have recourse for recovery of duty if for some reason a controlled company which was the actual donee could not be proceeded against. For instance, the company may be registered outside the State. However, as proceedings will in most cases be against the donor and as this clause might be capable of inequitable application in cases not contemplated by the original legislation, it has been decided to delete that portion of paragraph (*a*).

Paragraph (*i*) aims to clarify subsection (12) of the section, which has given a good deal of difficulty in interpretation to solicitors, accountants and taxpayers. The intention of the subsection was simply to distinguish in paragraphs (*a*) and (*b*) between share issues on the one hand and other company dispositions on the other hand (whether they be by dividend, interest or otherwise). The use of the words "payment of money" in paragraph (*a*) might be construed either widely, as was intended, or restrictively. Clearly, if it is given a restrictive meaning, then gifts may be made through controlled companies in a variety of ways by which the effective donors

may hope to avoid duty as for instance by a credit to a loan account.

Paragraph (*j*) makes an amendment which is repeated in a number of other cases. It has been submitted that through giving the Commissioner a discretion the taxpayer could have his rights of appeal to a court restricted. Although it may make administration rather more difficult, the Government has agreed to remove the Commissioner's discretion where it may be regarded as a discretion to impose duties. Where, however, it amounts to a discretion to relieve from duties it will be allowed to remain.

Paragraphs (*k*) and (*l*) deal with a point which may be thought to arise out of a reported decision by the courts that has been construed to suggest that the powers of a governing director in relation to the determination of dividends may be upset if used in certain ways. However, if those powers are expressed as given by the constitution of the company and they are actually used to make a gift and their use is not upset by court action by the shareholders, it is clearly proper that the gift should be dutiable. It is obvious that very often the shareholder would not wish to upset such a disposition, for he would clearly gain by letting it stand.

Paragraphs (*m*) and (*n*) clarify an amendment made when the principal Act was under consideration to ensure its equitable working. The basic concept in subsections (12) and (13) of section 4 is that, if a governing director has complete and overriding powers within a private company, all the property is deemed for the purposes of this Act to be his. By virtue of his powers, the property in the controlled company is effectively his, and in most cases will have come from him in the first instance. If he uses the special power to dispose of company property to himself, this is accordingly reckoned not to be a gift; but if he uses the power to divert property to someone else that is ordinarily reckoned to be a gift coming from him. However, it was recognized when the principal Act was before Parliament that, in some cases where such a power is possessed, the governing director does not use it, except to ensure a pro rata dividend distribution in relation to shareholdings. In such case it was thought fair not to consider a pro rata distribution as a gift.

The reasonable approach is that the governing director and the company must choose their positions under the Act and reasonably adhere to them. Either the special power may be used to make other than a pro rata distribution or it may not. It should not be permitted to change ground each month, week, or day. As some longer time factor must be applied, a fair period would seem to be that elsewhere used in this Act, that is, three years. If a governing director does not use the special power and has not used it in the last three years to arrange other than a pro rata distribution, then the particular distribution will not be considered a gift, but if he has so used the power during the three years to make a different sort of distribution then the provision should apply that all distributions except those to himself should be regarded as gifts. This would apply unless, of course, it can be shown that the beneficiaries in some other way gave adequate consideration, when the distribution would not be regarded as a gift.

Paragraph (*o*) clarifies section 4 (15) of the principal Act by stating its provisions in positive rather than negative form. Paragraphs (*p*), (*q*), (*r*) and (*s*) clarify the relevant provisions by referring to "paid-up" shareholdings and "paid-up" capital rather than using the less precise terms. Paragraph (*t*) relates to the particular matter to which I referred earlier when collection of debts may not be pursued. To remove any doubts it introduces a new subsection (17*a*) which sets out directly and precisely that though a debt is payable on demand it shall not, for the purposes of the Act, be regarded as due and payable unless directly and specifically demanded. Subsection (17) in the principal Act has always been interpreted in this manner, and the amendment will remove all doubts.

Clause 3 provides for exclusion from duty of any gift where both the property and the donor are outside Australia even though the donee is a South Australian resident, except where the location of either is arranged for the specific purpose of avoiding duty. The exclusion is consistent with the provisions of the Commonwealth Gift Duty Act. There have been submissions that a like exclusion should be applied if both donor and property are outside the State of South Australia. However, this is not practicable, for it is so easy for the donor to move his residence within Australia, particularly if the donor is a company or a trust, and relatively easy to move the location of personal property, particularly if it consists of liquid funds or investments. Of course, provision is made for rebate of duty to the extent that duty is payable to another State, but there are certain

locations in Australia, including Canberra, where State duties are escaped.

Clause 4 deals with a peculiar situation in that remissions or deductions provided in section 11 of the principal Act are applied to individual cases that may be arranged to recur at short intervals. Section 11 (2) was proposed by the Leader of the Opposition and accepted by the Government to give a special deduction of $4,000 in the value of a gift, which comprised an interest in the matrimonial home, given by one spouse to another. Assuredly, the Leader never contemplated, nor did the Government, that such gifts should be repeated time and again over short intervals and thus receive the benefit of repeated deductions. Obviously, it was intended that this would be governed by the general principle that all gifts over the preceding and succeeding 18 months would be considered in this case, too. However, the wording elsewhere in the Act does not ensure this, and it is, accordingly, necessary to safeguard against a taxpayer's taking improper advantage of a technicality. The proposed amendment does this.

Clause 5 is consequential on the deletion of the definition of the term "shares". Paragraphs (*a*) to (*g*) of clause 6 amend subsections of section 14 of the principal Act relating to exemptions from duty of retiring allowances, bonus, sick, and comparable payments, which are not excessive. The purpose of the amendments is to eliminate the specific discretion granted to the Commissioner so as in no way to impede any rights of objection or appeal, and so as to widen the criteria to be considered when determining whether or not the payments may be excessive. Paragraphs (*h*) and (*i*) raise the exemption in relation to insurance policies from $200 to $500 in a year and make the exemption apply to all policies for the benefit of the family of the insured person. The $200 exemption was derived from the Commonwealth Act and has not been altered for many years. An exemption of $500 is reasonably consistent with a comparable provision in the Income Tax Act, which provides an exemption of $1,200 in a year, but that figure of $1,200 includes also insurances and superannuation for benefit of the taxpayer himself.

Paragraph (*j*) has been introduced to make it quite clear that when a retiring gratuity or bonus or similar payment is found to be excessive, the amount dutiable is limited to the extent to which it is excessive. The original provision could be construed to make the whole amount dutiable in such circumstances and this was obviously neither intended nor equitable. Clause 7 intends to re-state entirely the provisions of section 18 of the original Act, to spell out precisely that a genuine mortgage does not constitute a reservation of benefit for purposes of the Act. As I have said earlier, the present provision has been administered as it was intended and as I still believe it properly means. However, it has been decided, in the circumstances, to clarify the position.

Clause 8 is a simple clarification, indicating that the returns by donors and donees shall be in a manner approved by the Commissioner. The word "form" in the original Act could be taken to have a more restricted meaning than the word "manner". Clause 9 simplifies the provisions of section 20 of the principal Act by removing the Commissioner's discretion to approve of the valuer, and by requiring a proper valuation to be made by a competent valuer. Clause 10 re-enacts section 25 (2) of the principal Act by a straightforward rather than a complex provision.

Clause 11 deals with a circumstance that is, as yet, hypothetical. It has, nevertheless, been submitted with considerable concern by some solicitors and agents that certain sections of the Act, and in particular paragraph (*f*) of the definition of "disposition of property", may tax as gifts some dispositions that may be made at a person's expense and quite contrary to his intention. It is, unfortunately, not possible to restrict the application of the Act to gifts made with the express intent of the donor, for to do so would be to open wide an avenue for avoidance. This could occur by persons arranging their circumstances to make it seem that theirs was neither the action nor the intent. In particular, this can be arranged through private companies and trusts. However, it is recognized that under the Act as it stands there is the theoretical possibility that a donor may, in an extraordinary case, be made liable for duty upon a gift that he neither knew of nor intended, and even for one he knew of and actually opposed though unsuccessfully. Accordingly, in clause 11 a new section 28a is inserted, which will relieve the donor from paying the duty in such circumstances should they occur, but, of course, the donee who receives the benefit in those circumstances would have no case for likewise being relieved.

Clause 12 intends to double the time within which gift duty must be paid, and the time when the Commissioner is empowered to levy additional duty for late payment. It is thought reasonable to make this extension, as some

time is necessarily involved in collection of all relevant facts in complex cases. I point out, however, that the provision in question does not make the levying of additional tax compulsory, and the Commissioner has power to remit where appropriate. Clause 13 makes specific provision for a right of appeal against additional duty levied for late payment when the amount is $100 or more.

Clause 14 makes it clear that rebates for gift duty paid in another State or elsewhere extend also to stamp duties paid on any document effecting the gift. Clause 15 eases the penalties that may be imposed by the Commissioner arising from failure to give adequate information to an amount "not exceeding" rather than an amount "equal to" the amounts specified. Clause 16 re-enacts section 43 of the principal Act so that the more severe court penalties of $10 a day for delay in furnishing returns and information shall be applied only when the offence is a breach of a specific court order to furnish the return or information. This provision is consistent with a provision in the Income Tax Act. Clause 17 is another provision that arises directly from the elimination of the wide earlier definition of "shares".

I have purposely explained this Bill in great detail for, as the principal Act is a taxing Act and a new one, it has naturally brought in its earlier stages much professional and public comment, and also some criticism. The Government and its advisers have given much attention to the comment and criticism. We have examined many individual cases both actual and hypothetical. We have had conferences with solicitors, accountants, and other persons able to offer help. We have received, examined, and personally discussed with their authors some detailed written submissions and comments. This Bill is the outcome of a great volume of activity on those submissions, discussions and examinations. The Government believes the proposed amendments will make the Act an efficient and equitable measure, and I commend the Bill to members.

Mr. HUDSON secured the adjournment of the debate.

AGENTS BILL

The Hon. ROBIN MILLHOUSE (Attorney-General) obtained leave and introduced a Bill for an Act to consolidate and amend the law relating to certain kinds of agent; to repeal the Land Agents Act, 1955-1964, and the Business Agents Act, 1938-1963; and for other purposes. Read a first time.

The Hon. ROBIN MILLHOUSE: I move:

That this Bill be now read a second time.

Its purpose is to consolidate and amend the law relating to land agents and business agents. The present Land Agents Act was enacted in 1955 when the licensing and registration of land agents and salesmen became vested in the present Land Agents Board. The Business Agents Act was enacted in 1938. With the passage of years and the increasing complexity of administration, it has been found that both Acts are deficient in a number of respects, particularly with regard to the nature and degree of control that may be exercised with a view to preventing malpractice in transactions relating to the acquisition or disposal of land or businesses. The present Bill provides that all present land and business agents should be brought under a common administration and that the supervision and granting of licences should be undertaken by a board constituted in the same manner as the present Land Agents Board. Thus the board will be empowered to deal with complaints that it frequently receives involving the activities of business agents in respect of which the board has at present no authority to make inquiries and take action.

In line with the practice in other States, it is proposed that there should be one type of licence to cover land and business agents and one type of registration to cover salesmen who act in relation to the sale of land or the sale of businesses. In addition, the Bill provides for a general improvement in the standard of qualifications and experience to be required of future agents and salesmen. At present, the only qualification for a salesman is that he should be a fit and proper person. Although some applicants have undergone a short course relating to their work, many have insufficient experience or knowledge properly to perform their duties. There are numerous part-time salesmen whom the board is obliged to register under the present legislation and who are not subject to proper supervision.

It is intended that all salesmen and registered managers of companies that hold licences should be employed on a full-time basis. This will result in the standard of the service to the public being raised, enable stricter control over the activities of these people and greater security of employment to the salesmen themselves. Experience has shown that a greater control over directors and principal officers of companies holding land agent licences

is most desirable. Although the Act at present provides that a company holding a licence must have a nominated registered manager who is required to hold the same qualifications as a licensed land agent, it has been found that the existing provisions allow completely unqualified persons to form and control a company and employ a dummy registered manager who has no effective control over the company's business as a land agent. The Bill seeks to remedy this situation and generally to exert greater control over corporations and corporate officials.

During the last three years, in particular, the board has received a considerable number of complaints for conduct which, although undesirable, is not expressly or impliedly prohibited by the Land Agents Act or regulations. Such conduct is pursued by a small proportion of land agents and business agents and often causes hardship to members of the public. The Bill provides safeguards in relation to such practices and conduct and provides for the making of a code of conduct to be observed by agents and salesmen and, in fact, all persons playing a direct role in a business conducted in pursuance of a licence. The present system of fidelity bonds insuring the public against malpractice is thought to be quite inadequate in regard to present requirements. It is proposed that a fund be set up from the interest on a proportion of the moneys held in land agents' trust accounts, along the same lines as has been provided in relation to legal practitioners, and that the moneys so obtained should operate as a fidelity fund to be administered by the board and used in payment of claims where an agent or his employee has misappropriated or misapplied trust moneys.

The Bill provides for the preservation of the rights of existing land agents and business agents but, in order to avoid an inordinate number of people obtaining registration under the comparatively easy provisions of the existing legislation and then obtaining automatic registration under the provisions of the present Bill, it has been thought desirable that those business agents or business salesmen who did not hold licences on October 1 of this year should not automatically be entitled to an agent's licence. As the present qualifications required under the Land Agents Act with regard to land agents and registered managers are comparatively satisfactory, it has not been thought necessary to make similar provisions limiting automatic licensing of land agents or registered managers who first obtain licences or become registered between introduction of this Bill and the time when it comes into operation. The Land Agents Board has unanimously recommended the provisions contained in this Bill and considers that on its implementation the standard of service to the public will steadily improve and the number of cases in which members of the public have valid complaints against land and business agents and their employees will be considerably decreased.

The provisions of the Bill are as follows: Clauses 1 to 3 are formal. Clause 4 repeals the Land Agents Act, 1955-1964, and the Business Agents Act, 1938-1963. Clause 5 enacts transitional provisions. A licence under the Land Agents Act, in force immediately before the commencement of this Act, and a licence granted under the Business Agents Act, before October 1, 1969, and in force immediately before the commencement of the new Act, are continued in force as licences under the new Act. A certificate of exemption under the Land Agents Act continues in force for the period for which it was granted, but it is not proposed to continue with these certificates under the new Act, as they enable unqualified persons to practise as agents. The rights of registered managers, registered salesmen and licensed business salesmen are preserved under subclauses (3) and (4). The members of the present Land Agents Board continue in office for the balance of their respective terms as members of the new board. Under subclause (8) persons licensed or registered under the Act are required, for a limited period, to pay $20 a year for the credit of the consolidated interest account. This will assist in establishing as quickly as possible a substantial balance in this account from which the public is to be insured against malpractice. As an additional safeguard, the Governor is empowered under subclause (9) to make regulations providing that the present fidelity bond provisions of the Land Agents Act will apply *mutatis mutandis* for a limited period while the balance of the consolidated interest account is being increased to a substantial figure.

Clause 6 contains a number of definitions necessary for the purposes of the new Act. Part II (clauses 7 to 12) deals with the constitution of the new Agents Board. The board is constituted in the same manner as the present Land Agents Board. Part III (clauses 13 to 19) deals with the licensing of agents. Clause 13 provides that no person is to carry on business as an agent, or to receive commission for services as an agent unless he is

duly licensed. Clause 14 provides for the manner in which an application for a licence is to be made. Clause 15 sets out the qualifications required for a person to be licensed. He must be over the age of 21 years, be a fit and proper person to be licensed and must have one or other of the qualifications set out in subclause (2). These qualifications are that he should have been licensed or registered as a manager under the repealed Acts or that he has prescribed educational qualifications and two years' practical experience in the business of an agent, or other satisfactory practical experience.

Clause 16 deals with the qualifications of a corporation to be licensed. All persons who are in a position to direct or control the affairs of the corporation are required to be fit and proper persons. A corporation that was not licensed at the commencement of the Act, that is to say, a corporation that was not licensed under the repealed Acts and whose licence was not therefore continued in force under the new Act as a licence under the new Act, must be controlled only by persons licensed or registered as managers under the Act. The directors of a corporation that has been previously licensed are given three years to obtain appropriate qualifications. Under subclause (3) the board is, however, enabled to grant exemptions from these requirements in appropriate cases. Clauses 17 and 18 deal with the renewal of a licence. Clause 19 empowers an unregistered person to carry on an agent's business for a limited period where the agent has died.

Part IV (clauses 20 to 28) deals with the registration of salesmen. Clause 20 prevents a person from acting as a salesman unless he is properly registered. Clause 21 prevents the employment of a salesman on other than a full-time basis except where the board approves part-time employment. Clause 22 prevents a salesman from being in the employment of more than one agent at the same time. Clause 23 grants an exemption in respect of persons employed at a branch office of an approved stock and station agent. This exemption is along similar lines to those existing at present in the Lands Agents Act. Clause 24 provides for the manner in which an application for registration is to be made. Clause 25 sets out the qualifications for registration. Clauses 26 and 27 provide for the renewal of registration. Clause 28 deals with the surrender of a certificate of registration and requires a salesman to notify the board of changes in his employment.

Part V (clauses 29 to 34) deals with the nomination and registration of managers. Clause 29 provides that a licensed corporation or a licensed agent who is resident outside the State must have a registered manager in control of his business. Clause 30 deals with the manner in which an application for registration as a manager is to be made. Clause 31 sets out the qualifications for registration as a manager. These qualifications are exactly the same as those required of a licensed agent. Clauses 32 and 33 deal with the renewal of registration. Clause 34 deals with the surrender of a certificate of registration and requires a registered manager to give notice of any changes in his employment.

Part VI (clauses 35 to 46) deals with the manner in which the business of a licensed agent is to be conducted. Clause 35 requires an agent to give notice of the commencement or termination of his business. Clause 36 requires an agent to have a registered office. Clause 37 enables an agent to register a branch office of his business and requires him to register any such office after the expiration of six months from the commencement of the new Act. A registered branch office must be managed by a registered manager. Clause 38 requires an agent to exhibit at his office the name or style under which he carries on business. Clause 39 requires an agent to keep a record containing prescribed particulars as to his employees. Clause 40 deals with advertisements in relation to the sale or disposal of any land or business. The advertisement is to contain the name of the agent and the address of his office. An advertisement is not to be published unless the owner of the land or business has previously consented in writing to the transaction. Clause 41 prevents the preparation of legal instruments by unqualified persons.

Clause 42 requires an agent to account for moneys received by him. Clause 43 makes it an offence for an agent to render a false account with knowledge of its falsity. Clause 44 requires an agent to supply any party to a transaction negotiated by an agent with a true copy of any offer, contract or agreement signed by him. Clause 45 is designed to prevent an agent or the employee of an agent from secretly purchasing any land or business that the agent has been commissioned to sell. Where land is purchased, and the agent or his employee has an interest in the purchase, the principal must give his consent in writing. If he does not do so, the agent or employee is guilty of an offence and liable to repay to

the principal any profit derived from any dealing with the land. Clause 46 prevents an agent from sharing his commission with unqualified persons who are not in his employment and not subject to the sanctions of the Act.

Part VII (clauses 47 to 49) deals with subdivided land. Clause 47 prohibits certain kinds of inducement that may be offered to prospective purchasers in order to encourage them to speculate in subdivided land. A contract for the sale of subdivided land is required to contain certain specified information, and, if it does not, it is to be voidable at the option of the purchaser. Clause 48 provides that, if undue persuasion is proved in relation to the sale of subdivided land, a contract for the sale of the land is to be regarded as voidable and any purported affirmation of a voidable contract, induced by undue persuasion, is to be void. Clause 49 prevents any person from contracting out of the provisions of the Part.

Part VIII (clauses 50 to 62) deals with trust accounts and the consolidated interest fund. Clause 50 requires an agent to pay moneys received by him in his capacity as an agent into a trust account. Clause 51 provides that a bank is not to be deemed to have notice of any specific trust to which trust moneys are subject. It is not, however, relieved from liability in negligence. Clause 52 requires an agent to invest a prescribed proportion of the balance of his trust account in an interest-bearing trust security. Clause 53 requires an agent to pay annually to the board all interest and accretions on moneys invested under clause 52. This income is to be paid into the consolidated interest fund. Clause 54 exempts the agent from any liability for anything done in compliance with Part VIII.

Clause 55 defines "fiduciary default" as any defalcation, misappropriation or misapplication of trust moneys and provides that the consolidated interest fund is to be held and applied for the purposes of compensating those who suffer loss from such fiduciary defaults. Clause 56 provides for the publication of a notice fixing a date on or before which claims in respect of an agent under Part VIII must be made. Clause 57 provides that a dissatisfied claimant may appeal to the Supreme Court and that court may allow his claim and order the board to deal with it pursuant to Part VIII. Clause 58 empowers the board to require the production of any documents that it may require for the purposes of determining a claim. Clause 59 sets out the manner in which a claim is to be dealt with and the amount that may be applied towards satisfaction of the claim. Clause 60 subrogates the board to the right of any person to whom it has made a payment, against any person who was legally liable to that person for the fiduciary default. Clause 61 is a financial provision stipulating that the moneys required for the purposes of the Part are to be paid out of the consolidated interest fund. Clause 62 requires the board to keep proper accounts.

Part IX (clauses 63 to 70) deals with investigations and inquiries by the board. Clause 63 provides that the board may, upon the application of any person or of its own motion, inquire into the conduct of a person licensed or registered under the Act. Subclause (2) provides that if, in the opinion of the board, proper cause exists for disciplinary action, the board may reprimand the person in relation to whom the inquiry was conducted, order him to pay the costs of the inquiry, fine him not more than $100, or disqualify him temporarily or permanently from holding a licence or registration under the Act. Subclauses (3), (4) and (5) set out the grounds for disciplinary action. Clause 64 requires the board to give notice of an inquiry to the persons affected thereby.

Clause 65 invests the board with certain powers that it requires for the purposes of an inquiry. Clause 66 empowers the board to make orders for costs and deals with the recovery of costs. Clause 67 permits an appeal to the Supreme Court from an order of the board. Clause 68 enables the board or the Supreme Court to suspend the operation of an order of the board pending determination of an appeal. Clause 69 empowers the secretary to obtain reports from the Commissioner of Police that may be necessary for the purposes of the Act. Clause 70 enables a person authorized by the board to inspect accounts relating to trust moneys and other documents relating to the conduct of the business of an agent.

Part X (clauses 71 to 87) contains miscellaneous provisions. Clause 71 deals with the registers to be kept by the secretary. Clause 72 provides for the annual publication in the *Gazette* of the names of persons licensed or registered under the Act. Clause 73 deals with the manner in which legal proceedings are to be taken by or against the board. Clause 74 is an evidentiary provision. Clause 75 provides that a person shall not be entitled to be simultaneously licensed and registered under the Act. Clause 76 provides that a court before which a licensed agent or registered salesman or manager is convicted of an

offence involving dishonesty may order the cancellation of the licence or registration or reprimand the convicted person. Clause 77 makes it an offence to make a false representation with a view to inducing a person to buy any land or business.

Clause 78 provides for a statement to be given by an intending vendor of a business that is to be sold for a total consideration of less than $30,000 or any other prescribed amount. This is to ensure that intending purchasers of these businesses have proper information in relation to turnover and other relevant matters. Clause 79 deals with offences by corporations and the officers and servants of corporations. Clause 80 deals with offences committed in relation to partnership business. Clause 81 provides for the summary disposal of offences. Clause 82 provides that where a person has been reprimanded three times within a period of five years his licence or registration shall be cancelled.

Clause 83 provides that nothing in the new Act is to prejudice any civil remedy against an agent. Clause 84 prevents any person from contracting out of a remedy for fraud or misrepresentation in transactions relating to the acquisition or disposal of any land or business. Clause 85 provides for service by post. Clause 86 is a financial provision. Clause 87 empowers the Governor to make regulations. In particular he is empowered to prescribe a code of conduct to be observed and obeyed by persons licensed or registered under the Act.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

LAW OF PROPERTY ACT AMENDMENT BILL (COURTS)

The Hon. ROBIN MILLHOUSE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Law of Property Act, 1936-1966, as amended. Read a first time.

The Hon. ROBIN MILLHOUSE: I move:

That this Bill be now read a second time.

This short Bill has the effect of increasing from $2,500 to $8,000 the limit of jurisdiction of local courts of full jurisdiction conferred by section 105 of the principal Act in relation to questions between husband and wife as to title to or possession of property. The provisions of this Bill are consequential upon and consistent and in line with the increase of jurisdiction proposed in the amendments to the Local Courts Act contained in the Local Courts Act Amendment Bill, 1969, and it is intended that these Bills will become law on the same day.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL (DEPENDANTS)

The Hon. ROBIN MILLHOUSE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Workmen's Compensation Act, 1932-1966. Read a first time.

The Hon. ROBIN MILLHOUSE: I move:

That this Bill be now read a second time.

It is to some extent the result of discussions with bodies interested in workmen's compensation and effects certain amendments to the principal Act which appear desirable. Clauses 1 to 3 are formal. Clause 4 provides a definition of "disease" and a definition of "injury" which includes a "disease", as defined, and these definitions are derived from the comparable legislation of New South Wales and Victoria. In combination they have the effect of somewhat enlarging the area of compensable injuries, since apart from (*a*) a disease which in itself resulted in an injury, that is, a coronary occlusion; and (*b*) diseases of an industrial nature covered by Part IX of the principal Act, a disease was not of itself compensable previously. Clause 5 by re-enacting section 4 of the principal Act recasts the basic liability provision by making a causal connection between the employment and the injury the determining element, that is, the employment must be a "contributing factor" to the injury.

Proposed new subsection (2) of new clause 4 merely adapts the provisions relating to journeys and attendances to fit in with the new basic liability provision. Proposed new subsection (3) is a transitional provision and provides that liability incurred before the commencement of this Bill will be determined under the principal Act as then in force. The increased maximum payments, however, will apply to such injuries. Clause 6 is consequential on clause 5. Clause 7 removes the limitation of $110 which excluded persons earning above this amount from being classed as a "workman" for the purposes of this Act. Clause 8 effects the following amendments:

(*a*) it provides for a payment of $9 a week if the workman has a dependent mother. Previously such a payment was only available for a dependent wife;

(*b*) it raises the maximum compensation for a workman with dependants from $32.50 to $40;

(*c*) it raises the maximum compensation for a workman without dependants from $22 to $27;

(*d*) it makes it clear that the total liability of the employer for weekly payments under the section shall not exceed $12,000 in any case; and

(*e*) it raises the minimum payment for total incapacity from $12 to $15 a week.

Clause 9 amends section 24a of the principal Act to make it clear that an order under that section which in effect deems partial incapacity to be total incapacity if the worker is genuinely unable to obtain work shall apply, of itself, only to the calculation of weekly payments. Clause 10 effects certain decimal currency amendments. Clause 11 permits the arbitrator in suitable cases to regard "deemed" total incapacity pursuant to section 24a as total permanent incapacity in fixing the lump sum payment and changes an inappropriate reference to "disability" to "incapacity" since the expression "disability" does not appear in this context anywhere else in the Act. Clause 12 removes the limitation of 12 months on the bringing of actions for injury otherwise than under this Act. The normal period of limitation will now apply to such actions, provided notice is given within six months of compensation being received or the failure to give that notice is excused on the grounds set out. I am sure that this particularly will be greatly welcomed. Clause 13 is consequential on clause 12. Clauses 14 and 15 make certain consequential alterations to Part IX of the principal Act. Clause 16 increases the fine for not insuring a workman from $10 to $100.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

WORKMEN'S COMPENSATION ACT AMENDMENT BILL (COURTS)

The Hon. ROBIN MILLHOUSE (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Workmen's Compensation Act, 1932-1966. Read a first time.

The Hon. ROBIN MILLHOUSE: I move:

That this Bill be now read a second time.

It is consequential on the Local Courts Act Amendment Bill, 1969, and is designed to amend the Workmen's Compensation Act so as to provide for all arbitrations under that Act to take place before an arbitrator who is a judge as defined in the Local and District Criminal Courts Act. The reason for the change is to be found in the progressively larger amounts involved in workmen's compensation matters which accordingly, it is felt, should now become the responsibility of a judge. The Bill also provides that the several duties and functions at present vested in a special magistrate (besides his duties and functions as an arbitrator) shall also be performed by a judge as defined in that Act. Clause 2 of the Bill provides for its commencement on a day to be fixed by proclamation. This will enable the Local Courts Act Amendment Bill and all associated Bills to become law on the same day.

Clause 3 inserts in section 3 of the principal Act the definitions of "judge" and "local court". These definitions are in line with the definitions in the Local Courts Act Amendment Bill. Clause 4 is a transitional provision whereby all proceedings commenced before an arbitrator or a special magistrate before this Bill becomes law and not finalized are to be continued and finalized as though this Bill were not enacted. Clauses 5, 6 and 7 are consequential on the principles underlying the Bill. Clause 8 amends section 40 of the principal Act by providing that every matter which is to be settled by arbitration under the Act is to be settled, in accordance with rules of court, by a single arbitrator who shall be a judge. The clause also makes other consequential amendments to the section. Clauses 9 to 30 are consequential amendments. Paragraphs (*a*) to (*d*) of clause 31 are consequential amendments. Paragraph (*e*) of clause 31 inserts in section 112 a new subsection which confers a rule-making power by which certain duties and functions placed upon judges may be delegated to special magistrates.

The Hon. D. A. DUNSTAN secured the adjournment of the debate.

CORONERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 12. Page 2963.)

The Hon. D. A. DUNSTAN (Leader of the Opposition): I support the Bill.

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

BUILDERS LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 13. Page 3020.)

Mr. WARDLE (Murray): I have listened with great interest to what members on both sides have had to say about the Bill. Some rather extravagant statements have been made, particularly by the members for Edwardstown

and Glenelg. Contrary to what both those members have said, I believe most builders have good reputations and are in the industry to stay there, having given all their working lives to the industry. I believe that, as they want to stay in the industry, they do a good tradesmanlike job.

Mr. Lawn: Oh yeah?

Mr. WARDLE: Yes. Having been associated for at least 15 years with the work of builders and having supervised the building of houses, garages and so on, I am satisfied that most builders do not want to build something shoddy or cheat the public, yet the two speakers to whom I have referred seem to believe that such things happen frequently. I believe that, if such a thing happened, it would be the exception rather than the rule. The speeches to which I have referred would make one fear all builders. Certainly the building fraternity would not accept what those members said as a true picture of their capacity as builders and of their intentions. I believe most builders are honest, conducting their business affairs with the intention of staying in the building business.

The member for Glenelg referred to section 8 (11) of the Building Act which deals with applications made to councils in respect of alterations to existing buildings and the erection of certain types of building, but the assumptions made by the honourable member were not based on actual practice. If he knew the inside working of councils he would know that they were only too eager to get every available cent from fees paid on building applications, so any council would be unlikely to grant many exemptions, thus depriving itself of the building fee payable. In practice, councils require a permit, and extract a fee for practically every building, except those referred to in the Act, such as glasshouses, aviaries and buildings of that type which, by resolution of a council, may be exempted. By resolution of the council in one area in my district, glasshouses have been exempted, although this is not the case in the other council area. From year to year, the policy of councils in this regard has changed. However, I do not believe a discussion on this section of the Building Act has much to do with this Bill. The present Bill deals with a dwelling into the ownership of which people have placed their life savings. The member for Glenelg has made an issue of something that is trivial and has little to do with what we are discussing at present. I think that the sum of $500 provided in the Bill is too high.

Mr. Lawn: Did you say "too high" or "too low"?

Mr. WARDLE: I think the sum is too high, and I will discuss it further when we deal with it in Committee. If we are to make the licensing of builders work, the sum of $500 is too high. Depending on the size of the house, the whole building (except, perhaps, the masonry) can be sublet and not covered by the provision regarding $500. One of the most unfortunate aspects of the building trade at present is price cutting by subcontractors, which leads to poorer workmanship, and the position is probably at its worst in the case of Housing Trust houses. It seems that a contractor who lets subcontracts tends to employ people who will continually cut prices and the subcontractor offsets one builder against another, making each more competitive and reducing the subcontracting price below reasonable wages.

This action does not stabilize the industry or improve workmanship. Work carried out at less than a reasonable wage is often done hurriedly, not expertly, so that the person carrying it out can be paid and can then carry out another subcontract. I support the deletion of provision for the advisory committee, because I do not consider such a committee necessary. Doubtless, the board will appoint various committees to help it in case of appeal or objection. In the case of the Building Act, an advisory committee of experts is necessary to help in appreciating the detail of the legislative programme. However, there would not be so much work for an advisory committee in terms of this Bill and, even if such a committee were appointed, it would not ensure that houses of poor standard were not built. Many builders may build as many as four houses before having difficulties about cracking or obvious problems.

I have noticed over the years that reputable builders get into difficulties over houses for no apparent reason. In one case a corner of a house that had been built by a reputable builder dropped and it was found that the cause was that part of the foundations had crossed an old cellar that had been filled in. This problem had not been detected when the foundations were put in but the corner subsided when the house settled and the foundations took the weight. This happens in areas where the soil is poor, and there are many reasons why foundations crack.

Obviously, a builder who normally does a good job will not be delicensed because of something which happens outside his control

or which is out of the ordinary so far as he is concerned. Without the provisions for an advisory committee, the Bill contains ample machinery for dealing with those who build without good workmanship and use materials in such a way as not to provide a substantial building. Several members who have spoken in the debate have not complimented councils on the important work that councils do regarding building. Members seem to forget that councils require plans and specifications to be lodged and that a penalty is provided for a person who builds without submitting plans and specifications or without getting the council's approval. It seems from some speeches that councils have never acted regarding poor buildings. However, council inspectors have often required walls to be replaced or additional timbers to be placed in the roof and many other constructional defects to be rectified. I believe that house owners owe much to council inspectors, and that the standard of building generally has been raised because of the supervision exercised by these inspectors.

The Hon. R. R. Loveday: It is impossible for them to do the job adequately.

Mr. WARDLE: I realize that these inspectors are extremely busy and may not have the time they would like to devote to inspecting houses. Unfortunately, some of the inadequate buildings, particularly Government buildings, do not come under the jurdisdiction of council officers. An inspector would often like to exercise control in respect of materials and the way they are being used to construct Government and semi-government buildings, but he has no authority. However, I believe that these inspectors have done much to raise the standard of building in this State. When clause 16 is discussed in Committee, I intend to move that the amount of $500 be reduced.

Mr. LANGLEY (Unley): This Bill does little to enhance the livelihood of builders and building tradesmen and to ensure that house buyers will be protected in the future. The legislation was passed by both Houses in 1967 to enable a house purchaser to ensure that his house had been properly built. Most people have to outlay much money to buy a house, and it is little consolation to them to know that this outlay may not be protected as well as it should be. Two main sections of the principal Act are amended by this Bill: one dealing with the appointment of an advisory committee is being deleted, and the maximum amount allowed for the cost of each trade is being increased. Because these amendments take the teeth out of the Act, I disapprove of them and I hope that clauses 3 and 16 will be amended. The slogan of this Bill could be said to be "Down to a price and not up to a standard". House purchasers are entitled to have an excellent standard of workmanship in the house they buy, and everyone in the building trade wants licensing introduced so that the public will be protected. It has been many years since legislation of this kind was introduced. In 1939, talks were held with the then Government to induce it to introduce a Bill for the licensing of tradesmen.

Mr. Broomhill: The move wasn't successful then.

Mr. LANGLEY: True, and it was many years before similar legislation was introduced, in 1967. This type of legislation had been necessary before that, because in the years immediately after the Second World War there was a terrific boom in house building and much shoddy workmanship was evident. Soil content and other factors must be considered. I am sure that many dishonest practices have been carried out in building construction and that most members have had people complain to them about fly-by-night painters and so-called tradesmen who have charged exorbitant rates or obtained progressive payments far in excess of the value of the work they have done. Some of these workmen have also asked for the full price for a job that has been only partly done and have promised to return to finish it, but they have not returned. Trusting people, including the aged, are the ones most affected by such practices. People are sometimes deprived of their life savings by workmen who do not turn out work of the required standard. Such dishonest builders and building tradesmen will lose their licences and their livelihood. We must ensure that building construction work is carried out to the required standard, and the $500 limit is too high.

Mr. Broomhill: Everyone thinks that.

Mr. LANGLEY: Yes. If they do not think it there is something the matter with them, because it is the house builder we are trying to help.

The Hon. R. R. Loveday: Even the Minister doesn't believe his own statements about that.

Mr. LANGLEY: I do not think that he does or that he appreciates that the building trade has changed over the years.

Mr. Broomhill: The Bill will destroy the Act's intention.

Mr. LANGLEY: I think so. Will the limit of $500 still mean that the Prices Commissioner can investigate work done in the

building industry? If someone sees me about a building matter, I take the case to the Prices Commissioner, and I appreciate his investigations to ensure that something is done. Some people who have been dishonestly treated by builders say, "I have been touched; I will not be touched a second time," and do not always take their case to the Prices Commissioner. With today's construction methods there would not be a single person who would have to be licensed under the present legislation. In the building of a house the tradesmen, such as foundation contractors, bricklayers, carpenters (first fixing), roof tilers, sheetmetal workers, plasterers, ceiling fixers, electricians, concrete layers, carpenters (second fixing), and painters, are more or less the hub. These people would not have to be licensed, as the work they do would not exceed $500.

Today, the building of houses is mostly on a labour-only basis, whereas many years ago the builder had people working for him on day labour, together with his own tradesmen. Under labour-only, which has been the trend for some years, the builder supplies all the materials and gets the discounts. He also supplies the plumbing and electrical requisites, such as the hot water system, complete toilet, bath and basin, the electric light fittings and wiring, and, in some cases, the cupboards to be fitted by the carpenter. There would be inbuilt furniture, sink and drainboard, and the carpentry work would be less nowadays than years ago when all these things would have been done by the builder himself.

A person can now go along to a timber yard with a plan for a house and have the timber cut ready to be fitted at the house site, thereby saving a considerable sum. The same can be done in the case of door and window frames, which are all supplied by subcontracting. Seldom would the value of any of this work exceed $500 in the one sector. Carpenters, who are the people most likely to control the building of a house and who do most of the work, fall into two categories today: the first fixer, and the person who does the second and final fixings. I am sure that none of these people would receive as much as $500 for the labour involved. I am sure that this provision in the Bill is not what the people of the State require. The days of a builder being a builder only have passed in respect of the building of houses. The present limits in the Bill are innocuous. The $500 provision would mean that almost all building tradesmen working on house building would not have to be licensed.

Painting is a job that can be done either very well or not so well. As a recognized tradesman, the painter is part and parcel of house building, but these days, with the advent of the big painting manufacturers, anyone can go along and get colours mixed to his requirements. However, there is skill in the way paints are used, the number of coats that are used, and what type of paint is put on woodwork and guttering. I am sure we have all seen paint work peeling off a house only a few months after it has been completed, usually because, as the painter worked down to a price and not up to a standard, he did not apply the correct type of paint or did not apply it correctly. It would be better if one could go to the person concerned afterwards and say, "You are a licensed painter but you have not done the job properly. There is a reason for it and you will have to ensure that you do better work in the future."

Mr. Clark: Everyone should know this.

Mr. LANGLEY: I agree, but they undercut and in the end they do not do the job properly.

Mr. Broomhill: Sometimes paint is supplied to the painting subcontractor and he has to use it whether it is good or bad.

Mr. LANGLEY: Yes, but the painter is paid for what he does. A painter is not only a painter: if he is fully qualified, he can hang paper and do other jobs that are useful to builders. The legislation gives every avenue for builders and building workers in the building trade to obtain a licence and a permit to work. We now have licences for plumbers and electricians and I do not know whether any members have had any more troubles since the House passed the Bills to license plumbers and electricians. We all have had complaints about these two trades, but now the complainants can go to the licensing committee and state their complaints. After all, when these people are issued with a permit they have to give an assurance that they will do the work correctly. I do not think anyone ever wants to take away anyone's livelihood, but we want to ensure that the work is done properly and to give the tradesman the opportunity to show his skills.

The people who are in the building trade at the moment know that in the future they will be privileged to hold a licence and they will be pleased to have the prestige of a licensed builder. I am sure that any man with a builder's permit will be very good because there are 10 trades and most people will take a section that suits them. I think

it will stop a lot of people that are fly-by-night and the people who cannot deliver the goods. I think the member for Stirling (Mr. McAnaney) mentioned that the member for Onkaparinga (Mr. Evans) built a house. I congratulate him if he did that but I am not too proud to say here—

Mr. McAnaney: He asked other trades to come in and do the job: he used subcontractors.

Mr. LANGLEY: Well, what is wrong with that? He should know what type of trades they were. Most likely he did know, but what about the other people who do not know? What hope have they got? I admire the member for Onkaparinga for doing what he did and under this Bill there is nothing to prevent a man from building his own house. I should be happy to have a builder's licence if I were good enough. I could say, "I have a builder's permit to be a bricklayer or a bricklayer-tiler, or a bricklayer-plasterer-tiler", which is not beyond the scope of some people. There is more to the building trade than just building houses; much renovation work is done and many additions are made to houses.

Mr. McAnaney: Much of that work would not cost anywhere near $500.

Mr. LANGLEY: I guarantee that no-one would get $500 in one specific trade. Even if it involved an outlay of $2,000, that sum might cover several trades, and you would expect that these jobs would be done properly. However, under the Bill anyone can do the work and that should not be allowed. What is important is not the price but the quality of the work, and we should ensure that the builder is able to carry out the job to the best of his ability. Most people do get a good job done. The painting of a house with one coat would not cost $250 so I asked a painter today how much it should cost and he said, "Only $150." The addition of three or four rooms to a house would not come within the scope of the provisions of the Bill. Many small jobs would not cost even $100; a person would come in one day and finish the job in a few days, but in a couple of weeks the whole thing could flop. We should tighten the provisions of the Bill as much as we can so as to protect both the customer and the builder. We must protect both parties in this case and I only hope that members will ensure that people are not allowed to do a job without a guarantee and just move away: that is not fair to anyone.

Although I agree to the composition and function of the board, I believe the advisory committee would have been of great benefit. As I read the provision, I do not think any member of the board will be a builder or tradesman. The advisory committee would help the board because it could include people well versed in various trades. People who know the trade could help a person who was called before the board. I would not like to be called before the board but, if I were, I should like to have someone there who knew the true position as a result of his experience. People who appear before the board can lose their means of livelihood. If the advisory committee were retained, it would provide help similar to that available in the case of electricians, and people appearing before the board would receive a fair go. I hope the advisory committee will not be lost.

Mr. McAnaney: Would a builder on the board be able to help his colleagues?

Mr. LANGLEY: I am not sure what trades would be represented; there might be a carpenter. Years ago a carpenter was more or less the main tradesman on the job, and he still holds an important position. However, I do not think the builder would cover every trade, and help through the advisory committee would be advantageous. As the member for Stirling has said, few builders in the true sense are building houses at present, building taking place mostly through subcontracting. However, in the case of large buildings, although the position is not the same as it was in the past, builders these days have a certain number of fully-paid tradesmen on their staff. They employ tradesmen such as labourers, carpenters and riggers, but many other facets of work on a building are sublet.

The case of a large building is different from that of a house. Builders tender for the contract to build a large building and, when the contract is let, a certain sum has to be put forward to ensure that the job is done properly from the point of view of the builder and the person for whom the building is being built. For large buildings, there is a works director and a foreman, and the architect also supervises the work. When a section of the work goes wrong, the person concerned is asked what should be done and someone is made available to do the job, so that work progresses. What do we have in the case of a house? I agree that councils do a good job, but can they supervise all the work on renovations and on new houses in their districts? Of course not. Most builders would be pleased to have licensed workmen on the job. A large building takes much planning, and there are many worries until it is finally

completed. There is no doubt that we should ensure that all sections of the building industry, whether large or small, are licensed.

The provisions of clause 16 also affect the building trade. I have had personal experience of being mixed up in housing schemes. Many aspects of this are not conducive to the cause of house building. In this clause we find one of the most flagrant of all actions in the building code. The way a thing can be overcome is just by a person's sending a letter to anyone and asking that person to build a home. That is not within the ethics of the building industry, but I am sure that has been going on for some time. If we do not license people soon we will find that more and more shoddy work is carried out.

The member for Murray said that there was no shoddy work around. However, as a result of the lack of supervision and of price cutting, some shoddy work has been done. Much shoddy workmanship on a house can be hidden. It is important that the foundations of a house are laid correctly. I have known rods to be pulled out of a house. Although I do not say it is still going on (I have moved away from the building trade a little), I have seen a builder say to a person, "I can get the job done $8 or $10 cheaper." The price is then hawked around in the various trades and in the end the tradesman cannot carry on any longer, as he does not get his wages out of it. I agree with the member for Murray and other members that the builder or tradesman should get a fair return for doing work in building houses. Although these people know the correct price, they cut down and a person who will not contract for that lower price is out of work. Some of the many bankruptcies in the building trade have been caused by undercutting. Licensing of builders will improve their prestige and stabilize prices so that justice will be done to all concerned.

Recently, I read in the *Advertiser* that one firm was building many houses on a labour-only basis. These people buy the land and rely on tradesmen to build the houses, without supervision. If a house cracks after two years or three years, the builder cannot be traced. This does not apply in all cases, but in many cases the lowest price is accepted and the house is built down to a price, not up to a standard. I hope the House will realize that the effect of the Bill can be nothing but detrimental. The purchase of a house is a person's biggest investment and surely he needs as much protection as skilled workers can give him, and surely he should be able to expect that the house will remain in a satisfactory condition for many years. Recently, when I was at the house owned by the mother of the member for Frome, a man who claimed to be a tiler and plasterer was doing work that was an utter disgrace to the building trade and, as his work would cost less than $500, he would not have to be licensed under this legislation. Although it may be said that this is an isolated case, what can happen to one person can happen to other people.

Mr. McANANEY (Stirling): I support the Bill as it stands. The Opposition has put on an act in criticizing the measure.

Mr. Lawn: Do you say we're only putting on an act?

Mr. McANANEY: Yes. We must analyse the changes that are being made to the legislation introduced by the Labor Government. The member for Glenelg has spoken about sharks and shoddy buildings, and the member for Edwardstown, in his inimitable style, has been abusing all builders and building tradesmen, saying that they are a lot of crooks and no-hopers. Do we say that there are many crooks and no-hopers among the builders and tradesmen? We must be fair, instead of abusing one section of the community for political gain. Opposition members have been crying about builders, but we must see what alterations are made. Prefabricated buildings for factories and other purposes will be exempted but plans must be submitted to the appropriate council for checking as to stress and strain, and the joists will be able to be inspected to ensure that they are up to specification. The member for Glenelg has spoken of the shoddily built factories around Adelaide but, although I agree that some of the old buildings are in a shocking state, I believe that the new buildings are up to standard.

I support what the member for Murray has said about building inspectors. Recently, I had to spend a morning trying to find a building inspector so that I could take him to Victor Harbour to see the pouring of the foundations of a building. Such an on-the-spot inspection is of tremendous value. If councils are not doing this we should strengthen the Building Act to ensure that these inspections are being made. Most buildings about which complaints have been made are built on unsuitable soil. It has been claimed that, because of the cost factor, a satisfactory foundation cannot be laid, but, before land is subdivided, soil tests should be taken so that the required foundation can be put down. Around Adelaide there is much

good land on which houses can be built at a cost satisfactory to those who cannot afford a better house. Many people wish to live in the area east of Adelaide where an expensive foundation is required, and they must be prepared to pay for it. Recently, I visited an Education Department building at Strathmont in which the floors were wavey and one window level had dropped 9in., so that much money had been wasted in erecting this building. The soil should have been tested before this type of building was erected so that adequate foundations would be provided.

Mr. Broomhill: Shouldn't this be done with houses?

Mr. McANANEY: That is my point: if a builder is registered he has to ensure that the foundation that is nominated in the specification is laid, and that it will be suitable on the specific type of soil. The Building Act should provide for a soil test before a permit is issued to build a house in certain areas.

Mr. Lawn: Do you think a house should be built to specifications?

Mr. McANANEY: The other amendment in this Bill is to enable a person to build a house for his own use provided he keeps it for a certain period.

Mr. Broomhill: What is the period?

Mr. McANANEY: The honourable member can read the Bill.

Mr. Broomhill: I want to know if you have read it.

Mr. McANANEY: Apparently, no Opposition members have read it, because they say that the Government is destroying the Act. If a person, having taken a risk and built a house, sells it within two years, a sensible buyer will want to know who built it. If the seller cannot say that it has been built by a registered builder he will have to take less for it, especially if he is trying to sell it to an intelligent buyer. Should we, as Parliamentarians, provide legislation to protect people who are not willing to help themeslves? A balance can be reached in which protection can be given in certain circumstances, provided that the buyer shows some sense in his attitude.

This Bill provides for builders to be registered, and an intelligent buyer will make the necessary inquiries about the person who built the house. If the registered builder subcontracts to those who are not registered, the builder and the owner must take the responsibility for any defects. How can a group of subcontractors get together to sign contracts to build a house at more than the cost of the individual trades, as shown in clause 16? It cannot be done under these provisions.

Mr. Lawn: I can tell you how it can be, but can you tell me where it provides that a person has to live in a house for two years?

Mr. McANANEY: I should be pleased to listen if the member for Adelaide has any constructive criticism. A person can build his own house at his own risk, but it may mean financial loss to him if he wants to sell it in the future. Many Government members agree that the sum of $500 allocated to individual trades may be too much, but the Bill does register tradesmen.

Mr. Lawn: You've got the message now, have you, the same as the member for Murray?

Mr. McANANEY: We always listen to sensible criticism. Perhaps this is not an extremely important matter, because the Bill provides for people to be registered as builders and tradesmen. It does not compel them to register, but they can if they wish. They should be proud to have this opportunity, and if they are good tradesmen no doubt they will become registered. People have the right to go to a licensed builder if they want to, and sensible people will exercise this right. In this way we are protecting them. A person would be silly if he did not go to a licensed builder with a good reputation. Before my son, who was at the time 21 years of age, signed a building contract, he inspected six houses that had been built by a certain builder.

Mr. Lawn: You are supporting shoddy building.

Mr. McANANEY: No; we are protecting those people who want protection. Only a foolish person would go to a builder or a tradesman who had no qualifications. A building contractor can subcontract to people who do not necessarily have licences. The contractor is the person who is responsible; because he will be in trouble if the house is not up to standard, he will see that his subcontractors do their work well. It has been said that some subcontractors are forced to cut prices, but that is ridiculous. Admittedly, between 1965 and 1968, when there was much unemployment and a slump in the building industry, some prices were cut. At present, however, when there is full employment and a demand for labour, the worker gets the highest possible wage and the highest possible standard of

living. If everyone is working we get maximum production.

I do not believe that this Bill will destroy the intention behind the principal Act. As a building is being erected, people can see whether the terms of the contract are being carried out. Anyone who looks after his own affairs intelligently will go to a licensed builder. The figure of $500 in respect of individual trades could possibly be reconsidered. I support the Bill.

Mr. LAWN secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

ELECTORAL ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's message intimating that it insisted on its amendments Nos. 1 to 9, to which the House of Assembly had disagreed.

The Hon. ROBIN MILLHOUSE (Attorney-General) moved:

That disagreement to amendments Nos. 1 to 9 of the Legislative Council be insisted on.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Dunstan, Hudson, McAnaney, Millhouse, and Wardle.

Later, a message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 7.45 p.m.

[*Sitting suspended from 6 to 7.45 p.m.*]

At 7.45 p.m. the managers proceeded to the conference, the sitting of the House being suspended. They returned at 11.44 p.m. The recommendations were as follows:

As to amendments Nos. 1, 2 and 4: That the Legislative Council do not further insist on its amendments.

As to amendment No. 3: That the Legislative Council insist on its amendment No. 3 and that the House of Assembly do not further insist on its disagreement thereto; that the Legislative Council make a further amendment to the Bill on page 5, line 36 (clause No. 19) by inserting after "years" the passage "or any person who is an elector of the Commonwealth"; and that the House of Assembly agree thereto.

As to amendments Nos. 5, 6, 7, 8 and 9: That the Legislative Council do not further insist on its amendments but make the following amendment in lieu thereof:

Page 8 (clause 25)—Leave out lines 10 to 37 and insert in lieu thereof the following:

"25. Amendment of principal Act, s. 86—Preliminary scrutiny of postal ballot-papers. Section 86 of the principal Act is amended—

(*a*) by striking out the passage "subsection (2)" and inserting in lieu thereof the passage "subsection (4)";

(*b*) by striking out paragraphs (*a*) and (*b*) and inserting in lieu thereof the following paragraphs—

(*a*) examine the signature of the elector or the authentication on each postal vote certificate and examine the signature of or the authentication in respect of the same elector on the application for that certificate and allow the scrutineers to examine such signatures or authentications:

(*b*) if he is satisfied that the signature on the certificate is that of the elector who made the application or that the authentication on the certificate relates to the elector in respect of whom the application is authenticated as the case requires and if he is also satisfied that the envelope bearing the certificate—

(i) was received by him, any returning officer, any assistant returning officer or any presiding officer prior to the close of the poll;
or

(ii) bears a post mark disclosing a date not later than the polling day

accept the ballot-paper for further scrutiny but, if not so satisfied, disallow the ballot-paper without opening the envelope in which it was contained:"

and that the House of Assembly agree thereto.

ADJOURNMENT

At 11.47 p.m. the House adjourned until Wednesday, November 19, at 2 p.m.