HOUSE OF ASSEMBLY

Tuesday, November 16, 1971

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

QUESTIONS

FISHING REGULATIONS

Mr. HALL: In view of the several complaints that spear-fishermen have made to me that they have heard that individual fishermen are to be charged a licence fee of $5, will the Premier say whether this amount will be included in the fisheries regulations for such licence?

The Hon. D. A. DUNSTAN: I am not aware of it, but I will get a report for the Leader.

Mr. GOLDSWORTHY: Several constituents have told me that they are concerned about various rumours concerning the contents of these regulations. As I cannot reassure them, because the regulations have not been made public, I ask the Minister of Works when they will be finalized and tabled in the House.

The Hon. J. D. CORCORAN: I will obtain a full report from the Minister of Agriculture, who is responsible for the administration of the Fisheries Act; but, as I understand the situation, the Minister intends to have the Act proclaimed on December 1, and the regulations will flow from that proclamation. I think I saw a recent report in my local newspaper stating that amateurs would not be required to apply for a licence under the new regulations and that they should not concern themselves until further instructions had been issued. However, in future, instead of applying for a licence (which was necessary previously), they will be required to register the device they will use, for instance, a beach seine net or craypot. My understanding of the situation concerning the question asked today by the Leader of the Opposition about spear guns is that only those with an explosive head will be required to be registered, the registration fee being $1.

Mr. Goldsworthy: Do you know what is the fee for craypots?

The Hon. J. D. CORCORAN: I understand it is 50c. As a result, I think the average amateur fisherman will be required to pay a little more than the previous licence fee of $4. In other words, for the normal amount of equipment to be registered, the fee would probably amount to $5 or $5.50. The idea of this is to improve the method of identification: each item registered will have a registration number, and this will enable inspectors readily to check that number in order to ascertain who is the owner and to attend to any possible breach of the regulations. In addition, this will be far more helpful from a statistical point of view within the Fisheries and Fauna Conservation Department.

As many amateurs fear that, because a licence is not being issued, they will be prevented from doing certain things that they could do in the past, I agree that it is necessary that information be given on this matter, for that fear is unfounded. Those who use a dab net, a line from a jetty, or a rod, will not be required either to register the device they use or to apply for a licence. The honourable member will recall that only two types of licence are now to be issued (A class and B class licences), and this matter was dealt with when the Fisheries Bill was considered previously. The A class licence really applies to those people engaged in the prawning and crayfishing industry, and the B class licence applies where fish are being sold. In my district, crayfish are readily available but, if no B class licence were issued, scale fish could not be caught and sold by anyone, and it is therefore necessary for these licences to be issued. However, I will obtain a report for the honourable member, bearing in mind that other members are also interested in the matter.

The Hon. D. N. BROOKMAN: Has the Minister of Works a reply to the question I asked some time ago about netting on the north coast of Kangaroo Island?

The Hon. J. D. CORCORAN: Following the honourable member's inquiry, the Minister of Agriculture took up the matter with the Director of Fisheries and Fauna Conservation, who considers that it would be unreasonable to deny to commercial fishermen the use of nets, as this is a traditional and acceptable method of catching fish. The Director claims that the resident inspector of fisheries and fauna has been actively policing the existing regulations, particularly within the sanctuary area at American River, and his reports do not substantiate allegations of widespread use of nets in these waters. Where evidence is available, prosecutions have been and will continue to be launched against offenders, but obviously the extensive length of coastline of the island creates difficulties for the inspector in detecting all breaches. Under new regulations to be introduced shortly, the use of nets by non-commercial fishermen will be

brought under stricter legal controls. Furthermore, the practice of relating areas in which nets are controlled to high and low water marks will be discontinued and instead the depth of water in which the net is used will be the significant factor.

PATAWALONGA LAKE

Mr. BECKER: I ask my question of the Premier, although it also concerns the Minister of Works, who has jurisdiction over works on the Sturt River and Patawalonga basin, and the Minister of Environment and Conservation, who is concerned with matters of pollution. Further, the matter is of extreme importance regarding public health. Will the Premier take immediate action to clear the Patawalonga Lake and basin of accumulated debris, rotting animal carcasses and general pollutants, all of which represent a health hazard and which have resulted from recent rains? I understand that the present condition of the Patawalonga Lake and basin is the worst it has ever been. Residents who have lived in the area for more than 20 years have told me that the pollution of the lake and basin has reached such an extreme stage that many fear for the health of people living near the lake and those who use it for recreation purposes. I have been told that they believe the shocking condition of the basin is a direct result of the effects of the south-western suburbs drainage scheme and that urgent action must be taken. Yesterday I made an extensive inspection of the basin with a photographer from Smedley Press who has given incredible examples of the pollution present. I wish to hand to the Premier these photographs showing the pollution of the lake. The photographs show rotting animal carcasses of a cat, a rat, and the remains of a dog, and they also show general pollution along the foreshore of the Patawalonga Lake, as well as the amount of pollution and debris under the Anderson Avenue bridge, extending out to about 10ft. in width. The pollution of the Patawalonga basin is being caused by a large amount of rubbish and debris that has collected there and cannot be removed by a general flushing of the lake. The people in my district are most concerned and demand that Government action be taken on this matter urgently.

The SPEAKER: Order! The honourable member is a little wide of explaining the question. The honourable Premier.

The Hon. D. A. DUNSTAN: The honourable member should be aware (I should have thought he would be) that the Patawalonga basin is under the control not of the Government but of the Glenelg council.

Mr. Evans: What about the drainage?

The Hon. D. A. DUNSTAN: As the honourable member would know, there is a joint operation concerning the south-western suburbs drainage scheme, into which the Government has put considerable money, but, to my knowledge, there has been no request to the Government from the Glenelg council or from the local board of health in Glenelg, which has jurisdiction in the matter of any pollutant in the area, for any assistance from the Government in this matter.

Mr. Becker: Do you intend to take any action?

The Hon. J. D. Corcoran: There was an announcement about this.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I will refer the honourable member's statement to the Central Board of Health, which is able to take action if the local board of health does not, but the primary responsibility lies with two bodies that have some responsibility in the matter: that is, the Glenelg council and the honourable member.

Mr. Mathwin: What about the Government?

Mr. Becker: I am trying to get something done.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: There is an obvious place for the honourable member to go. Instead of going to the place that has the responsibility for doing something in this matter, he comes in here and shouts that he wants me to go down there and take a shovel to it, apparently.

Mr. Mathwin: That's a good idea.

The Hon. D. A. DUNSTAN: No doubt the honourable member is seeking some publicity in the matter.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I told the honourable member that I would refer the matter to the Central Board of Health, which has power to take action in relation to pollution, and I suggest to the honourable member that he get in touch with the responsible body about it.

FLINDERS RANGE

Mr. KENEALLY: Will the Premier, as Minister of Development and Mines and in charge of tourism, explain for the benefit of prospective investors the policy of the Government towards (*a*) publicizing the Flinders

Range as a major tourist resort, (*b*) assistance available in the building of caravan parks and low-cost family-type accommodation, and (*c*) assistance available in the building of hotel, motel, or ranch-style holiday accommodation? The Flinders Range is one of the growth areas of tourism in South Australia, and this growth occurs despite the grossly inadequate tourist facilities available. Small motels are available at Quorn and Hawker and larger motels at Wilpena and Arkaroola, plus caravan parks in the same centres. I am aware of a group of people who hope to build a ranch-style holiday camp in the ranges, and I am also aware of other groups who had similar hopes that did not come to fruition. Because of my belief that the provision of adequate tourist facilities is an urgent matter deserving of every encouragement, I ask the question.

The Hon. D. A. DUNSTAN: The Tourist Bureau publishes material and advertises about the Flinders Range: in fact, only yesterday I authorized advertisements about the Flinders Range amongst other tourist attractions. Assistance given to caravan parks is the same assistance as is given by subsidy to develop all tourist facilities in all local government and planning areas, and the appropriate bodies may apply for tourist subsidies of that kind. To develop accommodation facilities application may be made under the Industries Assistance Act for guarantees by the Government in relation to the development of motel or tourist accommodation. We have given guarantees for some motels under the provisions of that Act, which makes it easier to obtain finance at low interest rates. I am naturally interested in doing what I can to help the development of facilities in the Flinders Range, so long as that development maintains its unique quality. The Flinders Range, as the honourable member will know, is under planning control, and it will be essential, in anything that we do regarding tourist development, that we do not spoil what is one of the great natural beauty spots of Australia.

YELLOW PAGES

Mr. MILLHOUSE: Has the Attorney-General yet heard from Queensland about the publications of the Orbit Club being distributed through the post in South Australia? I first wrote to the Attorney-General about this matter on October 13, and, acknowledging my letter on October 15, he said that he had been in touch previously with the Minister for Justice in Queensland, and that the police in that State were inquiring about it. Since then, the matter has been raised by members on both sides, and the publication called, I think, *Yellow Pages,* has continued to come. I have had several complaints about it, the latest having been made this morning, and it is the same publication. As nearly a month has passed (or apparently more than a month since the Attorney first communicated with Dr. Delamothe), I ask the Attorney whether he has heard from Queensland and, if he has not, I hope he will again follow up the matter.

The Hon. L. J. KING: As I have been approached by several people, including members on both sides, concerning *Yellow Pages,* which is being distributed apparently far and wide throughout the Commonwealth, I understand the apprehension and annoyance felt by the recipients. One constituent of mine, who was in my office this morning, pointed out that the first reaction of his wife when the envelope arrived was "Why did you order this?" I can understand the difficulty of explaining that situation, and I can only say now publicly, for the reassurance of my constituent's wife and the wife of any other recipient of this publication, that there is no doubt that it is being distributed indiscriminately throughout the Commonwealth of Australia. I think I indicated when I replied to a previous question that the view taken by the Postmaster-General is that the publication, in itself, is not obscene and consequently does not infringe the law of the Commonwealth; that the Postmaster-General therefore has no power to refuse the publication; and that the Attorneys-General at their last conference asked the Commonwealth Attorney-General to consider an amendment of Commonwealth law to enable the Postmaster-General to refuse this type of material.

Beyond that, I think we can do little. We can effectively legislate in South Australia with regard to publications that are posted within this State, and I am considering whether a provision of that kind should be included in the Unordered Goods Bill, which it is intended to introduce later this session. Regarding the specific question asked by the honourable member, I have not yet heard from the Minister for Justice in Queensland concerning what success the police in that State have had in the matter, but I will again communicate with him and try to get some further information.

VACATION EMPLOYMENT

Mr. PAYNE: Will the Premier ask all Government departments to give special consideration to employing university and Institute of

Technology students during the coming vacation? Members will be aware that many students need vacation employment at this time of the year to finance their further year's studies. In addition, about two-thirds of the total number of diploma students at the Institute of Technology are required to submit reports on vacation employment, in line with their actual diploma course. I understand that at present great difficulty is being experienced by the institute authorities in placing people in vacation employment.

The Hon. D. A. DUNSTAN: I will certainly ask the Public Service Board to circularize all departments, but I fear that anything we shall be able to do in the matter will be rather minimal. The situation facing us at present with regard to the Public Service is unusual. At this time of the year we normally expect a number of resignations, especially in the lower clerical grades, with people moving to other occupations. Therefore, in January it is normal for us to recruit many people to the Public Service. This year, however, there has not been that rate of resignation from the departments; people are staying in the departments in a way which has not previously been the case, and we shall be able to take on only about one-tenth of our normal intake in January next year, simply because there will not be vacancies. This is a worrying situation when we are faced with the problem about school leavers that has been forecast. As a result of the prognostications based on the unemployment figures that we have had so far, we are looking for every opportunity we can find to help us in this way. I fear that we shall not be able to do as much as we have been able to do in the past in providing vacation employment or general employment next year.

KINGSCOTE SCHOOL

The Hon. D. N. BROOKMAN: Has the Minister of Education a reply to the question I asked recently about the Kingscote Area School?

The Hon. HUGH HUDSON: Towards the end of last week the honourable member informed me that he intended to ask a question about a series of problems at the Kingscote Area School. As a result of that advance notice, I am now able to state that the classrooms at the Kingscote Area School are placed as close together as could reasonably be expected. Art-craft and science rooms are at some distance from the others for reasons of safety and to avoid disturbance. Although it would be desirable to provide covered lunch areas for all children, it is not policy to do this, because it would not be economic to provide buildings which would be used for only a short period each day. The Headmaster is expected to organize his school so that children may remain in their rooms to eat lunch during wet weather if there is no shelter available elsewhere. The Headmaster has been advised to make alternative arrangements for the use of his art facilities, as a result of which it would no longer be necessary to use part of the boys' craft block for primary art. This would free space for storage of boys' craft material without the need for additional buildings. The need for improved administration accommodation is acknowledged and the provision of a double-unit administration block in timber to include officers and staff room is included in the 1972 programme.

The school undertakes individual progression work in basic subjects in the primary section, but it is not yet an ungraded school in the same sense as those at Kilkenny or Taperoo. It was not possible to grant a request for additional subsidy at the beginning of this year, as funds were not available. The effluent system has been a source of trouble, but responsibility for its maintenance has been transferred to the Engineering and Water Supply Department, thus ensuring that there will be local surveillance and any future malfunction can be dealt with promptly. No recommendation has yet been made for the building of a new school at Kingscote although consideration will be given to putting a replacement school on a referred list soon. Our policy to replace schools is limited by funds available. While the Government has substantially increased the school building programme, there is still a tremendous backlog of urgent work which is currently beyond our financial capacity.

MARINO WATER SUPPLY

Mr. HOPGOOD: Has the Minister of Works a reply to my recent question about the water supply to a section of Marino?

The Hon. J. D. CORCORAN: All residents who are supplied with water in Bundarra Road are supplied by indirect service. This is because the elevation of all these properties is such that they cannot be satisfactorily commanded by the present water system and for this reason mains have not been extended into Bundarra Road. This area is supplied from the Happy Valley reservoir and the upper limit of the supply from this source is R.L.

450. All these properties in Bundarra Road that are at present supplied by indirect services are at elevations higher than R.L. 450, and in some cases are as high as R.L. 510. As the full supply level of Happy Valley reservoir is R.L. 585, pressures at elevations higher than R.L. 450 must be low during periods of maximum demand. Some of the unlined 3in. cast iron mains in the Marino area have been cleaned and cement lined within recent months to ensure that the maximum possible pressure is available for these indirect services. To provide a direct supply that would be up to normal departmental standards would require the establishment of a new R.L. 664 zone in this area and this would entail an extension of main for about one mile from the Seaview Downs system. Considering the relatively few people who would benefit, the expenditure involved could not be justified.

PUBLIC EXAMINATIONS

Mr. COUMBE: Will the Minister of Education supply information about the future of the Public Examination Board Matriculation examination which, I understand from what the Minister has recently said, is to be phased out and replaced by internal examinations? What is the purpose of this move and when is it likely to take place? If this examination is replaced, what will be the position in other States where the P.E.B. or its equivalent may still exist and where applicants coming from South Australia may find difficulty in obtaining jobs because a P.E.B. examination pass may be either mandatory or desirable for a position?

The Hon. HUGH HUDSON: I expect that in the next few years we will see a phasing out of the equivalent of the Matriculation examination in other States as well as in South Australia. This has already taken place in Queensland, where a report on public examinations was presented to the Government last year. That report specifically recommended the adoption of alternative methods of selection of students for tertiary education. It is not possible to give a precise time table for South Australia at this time, but I hope that we may see the end of the Leaving and Matriculation public examinations in three or four years. The committee will be set up mainly because under existing arrangements any student who completes an internal course at a school (as opposed to a public examination) tends to be placed at a disadvantage when it comes to finding a job on leaving school.

Internal courses at many of our schools are unjustly and unfairly down-graded by the attitude of many employers, who over-fill the job position in the sense that they take the best-qualified person available and that person may have qualifications far in excess of those necessary to do the job. Consequently, it is not long before the employer has an unhappy employee on his hands. I believe that the existence of public examinations has imposed a curriculum straitjacket, especially on the senior years of secondary education in South Australia. The pressure from parents to ensure that their children get the best possible P.E.B. examination results means that it is difficult for any secondary school in the State to depart from the curriculum that is necessary for P.E.B. examinations. I consider that the existence of the P.E.B. examinations has led to a curriculum which has far too strict a range of subject choice available in the schools, which is not sufficiently wide, and which has resulted in some students undertaking P.E.B. courses when they should have taken some other type of course. The latter position arises as a consequence of parental pressure on the school. Instances exist (and I am sure the honourable member would be aware of some of them) of students doing P.E.B. courses as a result of parental pressure but against the advice of those associated with the school. I consider that a more satisfactory system can be found to replace these public examinations; perhaps a combination of internal accreditation from the school, together with some ability tests such as the tertiary entrance examination project tests or the Australian Council for Educational Research tests which do not require a special curriculum in order to sit for them and which, therefore, do not impose from the outside a certain arrangement on the school in question.

It is of interest to note that a recent survey undertaken by the South Australian Education Department's Planning and Research Division, which has been in existence for only a relatively short time, canvassed the opinion among headmasters, headmistresses and Matriculation teachers at all of our secondary schools. There was an 80 per cent response by those who were asked questions about Matriculation, but invariably about five out of six Matriculation teachers opposed the existing form of public examinations. That percentage of opposition did not vary significantly in the case of headmasters or indicate a difference in attitude between the sexes, or anything of that nature.

It was clear, as a result of the questionnaire, that the bulk of professional opinion within Government and independent schools solidly opposes the continuation of public examinations, largely because of the effect these examinations have within the school system itself.

Mr. CARNIE: If the Matriculation examination is discontinued, will the Minister say what will be the position of students who wish to undertake tertiary studies overseas and what standards oversea universities will require before admitting students for study?

The Hon. HUGH HUDSON: Although I have not considered the matter thoroughly, I presume that the normal standard would be whether or not the University of Adelaide or Flinders University was prepared to admit the students. After all, this standard would no doubt be applied in reverse to students coming from oversea countries to Australia, unless they held a public examination qualification that was universally recognized. Our local universities would be looking to advice from oversea universities that they regarded as being of a requisite standard. If oversea universities would admit the students, in all probability so would the local universities. This is often not a clear-cut matter even at present: it often depends on the individual circumstances of each case.

Mr. NANKIVELL: Can the Minister say whether it is not the practice of oversea universities to conduct entrance examinations and whether it is not correct that, until now, technically the Public Examinations Board examination has been the examination for entrance to the tertiary institutions in South Australia? Therefore, would it not be necessary for someone wishing to enter an oversea university to have at least passed an examination for entrance to the University of Adelaide or the Flinders University, so that this qualification could be used as a substitute for the present system, which requires a P.E.B. certificate showing that certain subjects have been passed?

The Hon. HUGH HUDSON: It has never been proposed, in any new approach to admission to universities (and this is what the argument about replacing the P.E.B. examination is all about), that admission would be done merely on the recommendation of the particular school, or by an interview system with the universities. I think it has been recognized here and elsewhere that there would have to be some combination of accreditation of the student by a particular school and an objective test arrangement, such as is provided by the T.E.E.P. test for several different subject areas, or the A.C.E.R. tests. The problem about replacing the Matriculation examination is in providing a suitable alternative arrangement to determine admission to the universities and the Institute of Technology. Once that has been achieved, these alternative arrangements will determine whether local students qualify for admission to those tertiary institutions, and I imagine that a student who had so qualified would have such a statement from the local authorities, indicating that his standard of achievement was acceptable, if he were trying to gain admission to a university overseas. Even under the present examination system, there is no guarantee that a person who has passed the P.E.B. Matriculation examination here will be admitted anywhere he wants to go.

UNEMPLOYMENT

Mr. WELLS: Will the Minister of Labour and Industry comment on the unemployment figures released by the Minister for Labour and National Service today and published in the daily press?

The Hon. D. H. McKEE: The October unemployment statistics just released by Commonwealth authorities show that there has been some stabilization of employment. However, all indications are that the national total of unemployed could exceed 100,000 by mid-January, and this is an unacceptably high level; but the most important point is how long this level would be maintained. It would be difficult to predict what might happen. However, it is known that a record number of school leavers would be coming on to the employment market at the end of this year. The number of South Australians unemployed fell by 463 from the September figure. The number of South Australians unemployed at the end of October was 6,775, or 1.29 per cent of the work force.

Vacancies available declined by 3.6 per cent during the month to 3,023, and fewer people were receiving unemployment benefits. In October, 1970, the fall was 45, whereas this year it was 285. So if the employment situation is compared with that of 1970, it is markedly worse. However, compared with the previous month of this year, there has been some stabilization and some cause for guarded optimism. The level of job vacancies registered in South Australia was almost the same as at the end of October, 1970. This could be taken to mean that school leavers might not

have had as much difficulty in obtaining employment as had been feared last month. However, the prospect for some of them could be grim. The November employment figures are a vital indicator because they could start to reflect the effect of the cutback in production by the Broken Hill Proprietary Company Limited.

PETROL

Mr. MATHWIN: Has the Minister of Labour and Industry a reply to the question I asked him last week regarding arrangements for opening service stations during the coming holiday period?

The Hon. D. H. McKEE: Service stations within the inner metropolitan area (which comprises the municipalities of Adelaide, Brighton, Burnside, Campbelltown, Enfield, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Thebarton, Unley, Walkerville, West Torrens, Woodville, and the Garden Suburb) can trade up to the following hours over this year's Christmas and new year period:

Thursday, December 23, 1971—9 p.m.
Friday, December 24, 1971—6 p.m.
Saturday, December 25, 1971—Closed.
Sunday, December 26, 1971—Closed.
Monday, December 27, 1971—(Public Holiday) 1 p.m.
Tuesday, December 28, 1971—(Public Holiday) 1 p.m.
Wednesday, December 29, 1971—6 p.m.
Thursday, December 30, 1971—6 p.m.
Friday, December 31, 1971—6 p.m.
Saturday, January 1, 1972—2 p.m.
Sunday, January 2, 1972—Closed.
Monday, January 3, 1972—(Public Holiday) 1 p.m.

Saturday, December 25, 1971, is not a public holiday this year, but Monday, December 27, will this year be the public holiday, Christmas Day. By agreement, service stations will not open on December 25, and, so that there will not be a three-day period when service stations are closed, the regulations under the Industrial Code have been amended to permit trading on Monday, December 27, until 1 p.m. Of course, petrol can be obtained outside of these hours from self-service pumps which are conveniently located throughout the inner metropolitan area. Service stations in all other parts of the State can trade at any time.

Mr. COUMBE: Has the Minister a reply to my recent question about installing self-service petrol pumps?

The Hon. D. H. McKEE: Last week, when I answered the question concerning self-service petrol pumps, I had in mind requests to which consideration was being given earlier this year for installation of additional pumps. The honourable member will probably remember that for some years there has been a committee to advise the Minister of the number of locations of self-service petrol pumps. This committee comprises one representative of each of the Royal Automobile Association, the oil industry, and the South Australian Automobile Chamber of Commerce, with the Chief Inspector of the Labour and Industry Department as Chairman. Some months ago that committee reported to me that there had been no demonstrated need for additional pumps to be installed in the metropolitan area, and therefore I did not approve of any of the applications. As I have not received any further requests, there is no current consideration being given to introducing any additional self-service pumps.

KING WILLIAM STREET

Mr. LANGLEY: Has the Minister of Roads and Transport a reply to my question about pedestrians crossing King William Street at traffic lights between North Terrace and the intersection of King William Street with Franklin and Flinders Streets?

The Hon. G. T. VIRGO: The law provides that a pedestrian may cross King William Street at any point not being within 100ft. of an intersection controlled by traffic lights. The following accidents involving pedestrians have occurred on King William Street between North Terrace and Franklin Street at locations other than at intersections: 1968, 14 pedestrians injured; 1969, 17 pedestrians injured, one killed; 1970, 26 pedestrians injured; 1971, 11 pedestrians injured.

Current investigations by the Adelaide City Council have revealed that many of the pedestrians are illegally crossing roadways within 100ft. of intersections, and the council has drawn the attention of the Commissioner of Police to this very undesirable practice. The whole question of mid-block crossing of King William Street by pedestrians will be considered at the next meeting of the appropriate council committee.

ROAD MARKING

Mrs. STEELE: Will the Minister of Roads and Transport call for a report on the provision of surface road markings on the highway between Bordertown and Murray Bridge? Recently, a constituent who had returned from another State telephoned me, saying that he had seen continuous double yellow markings, denoting a blind corner or a blind hill, only

five times on the road between Bordertown and Murray Bridge. He said that the absence of this marking was made the more noticeable because roads right up to the border on the Victorian side had been clearly defined. I ask the Minister whether, in the interests of road safety, he will call for a report and, if the position is as I have explained, whether he will consider improving it.

The Hon. G. T. VIRGO: I shall be pleased to consider the matter and bring down the information sought.

FAIRVIEW PARK CROSSING

Mrs. BYRNE: Has the Minister of Education a reply to my question of October 28 about the installation of an authorized school crossing on Hancock Road, Fairview Park, for the use of children attending the Surrey Downs Primary School?

The Hon. HUGH HUDSON: Frequent approaches have been made by the Headmaster of the Surrey Downs Primary School to have some safety device installed at Hancock Road, but so far no action has been taken. The Secretary of the Road Traffic Board has been in touch with the council, which states that it has not yet investigated the need for an authorized school crossing but has erected two symbolic children as a warning sign to motorists. Although the council is understood to be considering the matter of an authorized crossing, no proper investigation has been carried out. An application for an authorized school crossing may be made by either the Headmaster or the school committee of any school which considers there is a need for such a crossing. This request should, in the first instance, be forwarded to the local council, which would then investigate the need, as the warrant for such crossings is available and known to all councils. If the need is established, then the council will approach the Road Traffic Board for the necessary approval. In order to reduce the risk to children crossing Hancock Road, an officer of the Road Safety Council has been requested to observe traffic conditions on Hancock Road while children are proceeding to school. Under the existing legislation the department is almost powerless to take action in this matter. We rely on the good offices of councils to install the necessary crossings and, unfortunately, in this instance the Tea Tree Gully council has not yet seen fit to take the necessary action.

NARACOORTE HIGH SCHOOL

Mr. RODDA: Has the Minister of Education a reply to the question I asked last week regarding the provision of improved craft facilities at the Naracoorte High School?

The Hon. HUGH HUDSON: It is realized that the existing boys craft facilities at the Naracoorte High School are inadequate and therefore a standard composite craft shop has been given high priority. Present planning is for tenders to be called during 1972 and for the building to be completed for the commencement of the 1973 school year. It is hoped that this schedule can be adhered to but the availability of funds may still be a problem.

COWANDILLA SCHOOL

Mr. WRIGHT: Can the Minister of Education say whether the Education Department intends to rebuild the Cowandilla Demonstration School soon? Yesterday, when I had the opportunity to visit the school, to my amazement I found that most sections were old and dilapidated. However, one relatively new building, an open-area type of classroom, has been erected, and that is a good building. Conditions at the school must be seen to be believed, although the teachers are remarkable people who are doing a magnificent job. The school committee, which I met yesterday, considers that, to provide the best facilities and education possible, a repatching job on the old school would not be sufficient. The rebuilding of the school as soon as possible is necessary.

The Hon. HUGH HUDSON: I am familiar with the school, having been there several times, and the honourable member's description of the school is correct. It comprises one old solid construction building that has been erected for many decades and the new two-teacher open-unit, the remainder of the school being of timber construction and various buildings having been added. Action was taken last year to obtain additional land for the school and, on present indications, the rebuilding programme at the school will be made much easier if we can use this additional land. At present, the rebuilding of the school is not on the design list but is on the schools referred list; that is, it is awaiting inclusion in the design programme until such time as the planning and design staff of the Public Buildings Department can commence the necessary design work and the school can be included in the design programme. Therefore, it will be a considerable time before the school can be replaced. However, as we are, to a much greater extent than ever previously contemplated, undertaking a programme of

partial replacement of timber classrooms throughout the State. I will consider the possibility of the partial replacement of timber buildings at this school, and when I have something to report on this matter I shall tell the honourable member.

TRAINEE NURSES

Dr. TONKIN: Will the Attorney-General ask the Chief Secretary how many names at present are on the waiting list for nurse training at the Royal Adelaide Hospital, Queen Elizabeth Hospital, and each country nurses training centre? As members will agree, for some time there was something of a crisis in the nursing profession and in staffing Government hospitals about 18 months ago. The major concern involved salary and allowances and the other concern was about conditions. The matter of salary and allowances has received much attention and most nurses now receive much more than they received 12 months ago. Therefore, I should like to know what effect this improvement has had on the number of people on the waiting list for nurse training.

The Hon. L. J. KING: I will refer the question to my colleague.

WHEAT QUOTAS

Mr. GUNN: Has the Minister of Works a reply from the Minister of Agriculture to my recent question about the hearing of appeals against the allotting of wheat quotas?

The Hon. J. D. CORCORAN: My colleague states that the Wheat Quota Review Committee began considering appeals on Tuesday, November 2, 1971, and all appeals are expected to have been dealt with by March 31, 1972.

LAKE BONNEY

Mr. EVANS: Can the Minister of Works say whether the Government intends to honour its obligations under clause 9 (1) of the schedule of the Pulp and Paper Mills Agreement Act, 1958, and, if it does, what works does the Government intend to construct and maintain? I believe that, under that clause, the Government is obliged to construct and maintain in effective working order all such works as may from time to time be necessary to provide for the effective and proper disposal of all effluent flowing into Lake Bonney. I also believe that since 1960 a sum of $4,300 a year has been paid to the Government for this purpose. During that time a Government other than the present one has been in power. Will the Minister also include in his reply details of what has happened to about $45,000 that has been paid during that period?

The Hon. J. D. CORCORAN: To reply to the last part of the question first, that money has been paid into the Treasury for general revenue. Concerning the specific clause to which the honourable member has referred, the Government has honoured its undertakings up to the present. The honourable member may or may not be aware that that clause refers to the quantity of effluent to be discharged from the mill at that point of its development, and it does not necessarily follow that the Government need be responsible for additional effluent created as a result of further development. The other point concerning plans for the disposal of the effluent is a matter that is being negotiated between the Government and the companies and at this time I cannot say exactly what will transpire. Unfortunately, these negotiations have been protracted, as they involve expenditure both by the companies and by the Government.

EYRE PENINSULA RAILWAY

Mr. CARNIE: Can the Minister of Roads and Transport say whether the consultant surveyor has completed the basic survey work for the construction of a deviation railway line between Coomunga and Wanilla on Eyre Peninsula and, if that work has been completed, can he say what action will result from the survey? On August 19, in reply to my question, the Minister said that he had approved the engagement of a consultant surveyor to carry out the basic survey work for this deviation line. I know that the work has been going on, and I understand that it may have been completed.

The Hon. G. T. VIRGO: I have not seen a report, but I will inquire about the matter.

BUSINESS SAMPLER CLUB

Mr. HARRISON: Has the Attorney-General a reply to my question of last week concerning the Business Sampler Club conducted in conjunction with the Jaycee movement in Port Adelaide?

The Hon. L. J. KING: The inquiries that I have had made into this matter do not disclose that there has been any illegal or improper conduct. It seems to be a case in which individual traders must decide whether the proposition is of value to them as an advertising proposition, and members of the public have to make up their minds whether the rights offered are worth the money that they are asked to pay. According to my inquiries, there does not seem to be anything that warrants the attention of the authorities.

AFRICAN DAISY

Mr. McANANEY: Has the Minister of Works a reply from the Minister of Agriculture to my recent question about African daisy?

The Hon. J. D. CORCORAN: The Minister of Agriculture states that the Crown Solicitor has been asked to draft an amending regulation under the Weeds Act to give effect to the transfer of African daisy from the third to the second schedule of the Act, and it is expected that the new regulation will be ready for submission to Cabinet within the next two or three weeks. My colleague has already made clear in reply to an earlier question on this subject in this House that every effort will still be made to eradicate the weed on Government-owned or controlled land to prevent its spread, notwithstanding the amendment to the regulation.

SPECIAL SCHOOLS

Dr. EASTICK: Has the Minister of Education a reply to my recent question about promoting teachers in special schools?

The Hon. HUGH HUDSON: In recent years, teachers with lesser academic qualifications but with higher skills in certain relevant areas have been recruited to work in special education. To assist these teachers to gain academic status, the Education Department has established courses entitled, first, Backward and Difficult Children, Parts I and II; secondly, Education of the Handicapped Child; and thirdly, Certificate for Teachers of Mentally Retarded Children. In addition, a one-term course for the training of teachers for special schools and classes has been conducted at Western Teachers College for the past two years, and an Advanced Diploma in Teaching (Special Education) has already been established. These courses all have value as classification units for promotion purposes. Furthermore, release-time scholarships have been granted to teachers from special schools and classes during the past three years. The Teachers Classification Board considers the case of each new teacher on its merits, and certain non-academic courses have been equated to classification units, for example, the Nurses Training Certificate and the Trade Certificate.

Promotion opportunities have been created for the more senior teachers by the establishment of higher classes of headmasters and deputy headmasters. The total promotion positions for schools under the control of the Psychology Branch are as follows: class I, one; class II, two; class III, six; class IV, eight; and deputy headmasters, three. Promotions for these schools are on a slightly better percentage basis than in the primary schools. Relevant figures are: promotion positions in primary schools, 732 for 6,200 teachers, that is, 1:8.6. Similar figures for special schools are: 19 promotion positions for 146 teachers, that is 1:7.7. The matter of promotion for teachers in special schools has received and will continue to receive careful attention.

GEPPS CROSS ABATTOIR

Mr. NANKIVELL: Will the Minister of Works ask the Minister of Agriculture whether calves are now being dressed in the lamb hall at the Gepps Cross abattoir, because the old calf hall has been condemned? Is it correct that the calves are being dressed by lamb slaughtermen who are not skilled in dressing calves and that, as a consequence, through being cut from the carcass with a knife instead of being drawn off with a special puller the skins are mutilated and consequently a financial loss is incurred by the people for whom the calves are being slaughtered? I understand that calves are taken over a considerable distance from the slaughter pens to the lamb hall and that by the time they reach the hall they are cold. Consequently, the carcass cannot be skinned properly and must be cut with a knife, and this causes costly losses.

The Hon. J. D. CORCORAN: I shall be happy to obtain a report from my colleague and to bring it down as soon as possible.

WATER PUMPING

Mr. WARDLE: Will the Minister of Works obtain for me a report on the installation of irrigation meters along the Murray River? The Minister will recall that last week he replied to a question on this matter asked by the member for Torrens. At about six-monthly intervals in the last year or so, the Minister has been good enough to provide information along these lines.

The Hon. J. D. CORCORAN: I will obtain a report from the department. I saw a report yesterday on the progress being made in this respect and, from memory, I think it stated that the installation of meters would be completed in June, 1973. However, I will check that information and let the honourable member know as soon as possible.

Later:

Mr. COUMBE: Has the Minister of Works any further information to that which he gave in reply to the question I asked on

November 11 about pumping water from the Murray River?

The Hon. J. D. CORCORAN: No information is available to show that the estimate of irrigation commitment, as made in 1967, is not essentially correct. Metering of irrigation water is still being installed, and will not be complete until about December, 1972. When the member for Murray asked a question earlier this afternoon about this matter, I said I thought that the project would be completed in mid-1973 but, as is now pointed out, it will be completed in December, 1972. Any precise assessment of present usage of irrigation water will require at least a full season of metering. I think I explained initially to the honourable member that I did not think that a survey would be of any use until the meters were operating and until sufficient time had been given to assess the increased efficiency, or otherwise, of the system. There has been no change in the policy of strict control of licences to divert water for irrigation in the last three years, and neither new licences nor extensions to existing licences are available. It might be pointed out that any control of salinity arising out of studies now authorized can have an effect on the quantity of water available. The provision of dilution water to maintain reasonable salinity concentration can be a wasteful use of the resource.

WHYALLA NATIONAL PARK

Mr. KENEALLY: Can the Minister of Environment and Conservation say what has happened to an area seven miles north of Whyalla that was reserved as a national park some time ago?

The Hon. G. R. BROOMHILL: The area to which the honourable member has referred has recently been established as a national park. The area, which consists of about 2,500 acres on the west side of the main Port Augusta road, was formerly held as a pastoral lease by North West Holdings Limited and is an excellent example of the bush country on which much of South Australia's pioneer sheep industry was established. Lands Department officers have described this area as being a fine example of unique myall, saltbush, and bluebush vegetation. The area will be used primarily as a recreation reserve for the people in that part of the State.

PINNAROO ROAD

Mr. RODDA: Will the Minister of Roads and Transport consider giving higher priority to the completion of the Bordertown-Pinnaroo road? A report from the *Border Chronicle* states that the Minister has informed the Hon. Martin Cameron M.L.C. on certain matters, and reference is made to the completion of the Bordertown-Pinnaroo road, of which about 36 miles remains unsealed. The Minister is also reported to have said that, of the 14 miles of road in the Pinnaroo council area and the 22 miles of road in the Tatiara council area, he expects three miles in each of those council areas to be sealed this year, the Pinnaroo section to be completed in 1974-75, and the Tatiara section (which interests me) to be completed in 1976-77. As that road connects two highly productive areas of the State (the Murray Valley and the South-East), I ask the Minister to give this programme higher priority than that listed in the statement given to Mr. Cameron.

The Hon. G. T. VIRGO: It is my understanding (from memory) that, when the honourable member to whom the member for Victoria has referred asked this question in another place and the question was directed to me, an appraisal of the overall situation was made at that time, and a fairly accurate report of the programme was given—

Mr. Nankivell: It is not accurate—

The Hon. G. T. VIRGO: There may be a slight inaccuracy in the distance and I shall certainly have that checked also.

Mr. Nankivell: It is 30 miles.

The Hon. G. T. VIRGO: I hope that the honourable member's suspicions have foundation. I point out that, if an alteration is made to the programme for that road, it must equally follow that there will be a set-back with regard to other roads in the South-East that are currently programmed. Therefore, we may run into further problems. We will look at the overall situation.

MODBURY HIGH SCHOOL

Mrs. BYRNE: Has the Minister of Education a reply to the question I asked on October 20 about details of the tender let for the erection of the canteen at the Modbury High School?

The Hon. HUGH HUDSON: A tender for the Modbury High School canteen has been let, and it provides for completion of the project in about 13 weeks from October 4, 1971. However, as the building industry closes down for four weeks over Christmas this could delay the completion of the canteen for several weeks.

WHEELCHAIRS

Mr. MILLHOUSE: Has the Minister of Roads and Transport a reply to the question I asked on October 19 about the registration of wheelchairs?

The Hon. G. T. VIRGO: Under existing legislation the motorized wheelchair falls within the definition of a motor vehicle in terms of the Road Traffic Act, 1961-1969, and is precluded from travelling on the footpath by the requirements of section 61 of the Act. However, at its meeting on October 28, 1971, the Advisory Committee on Road User Performance and Traffic Codes recommended that the national code be amended to allow motorized wheelchairs to be used on the footpaths. Provided that the recommendation is endorsed by the Australian Transport Advisory Council for adoption on a national basis, then action will be taken to amend the Road Traffic Act in conformity with the national code. However, I must point out that invalid chairs using the footpath encounter difficulty in negotiating vertical kerbs at side streets and some danger is created by conflict between motorists turning left and encountering a vehicle, in an unexpected position, at a time when the motorist's attention is distracted by his watching traffic on his right as he makes the turn. For these reasons many users of non-motorized wheelchairs prefer to travel on the carriageway.

LAND TAX

Mr. CLARK: Can the Treasurer say what is the financial result of the revaluation of rural property for the purpose of land tax?

The Hon. D. A. DUNSTAN: The revaluation of rural land which was authorized by Parliament earlier this session has been made, and a machine analysis has been taken out of the prospective assessments in three categories of metropolitan, country towns and rural. Some approximations were necessary because all land in the name of one owner is combined in a single assessment and the rate and amount of tax are determined by the aggregate value of all the land involved whether it be metropolitan, country town, or rural land. The tax in such cases has been split for statistical purposes into the various categories pro rata to capital values. Obviously, if the rural land in such cases had not been combined in ownership with non-rural land then the amount of rural tax attracted would be lower than the statistics show. The analysis of land tax for 1971-72, subject of course to the effects of appeals, is now forecast as follows:

	$	
Metropolitan ..	8,364,000	or 84 per cent
Country towns .	610,000	or 6 per cent
Country rural .	1,013,000	or 10 per cent
	$9,987,000	

In addition a small amount of deferred tax will be collected, making the total a little over the $10,000,000 forecast in the Budget of which almost exactly $1,000,000 is expected to derive from country rural properties. It is expected that the revised rural assessments will be advised shortly, and these will naturally be subject to appeal.

PINNAROO POLICE STATION

Mr. NANKIVELL: Will the Attorney-General ask the Chief Secretary whether it is intended to build a new police station and courthouse at Pinnaroo? On Friday, at Pinnaroo, the Chairman of the council told me that, following a survey carried out in the district by the Police Department, it was rumoured that it was intended to build a new police station and courthouse at Pinnaroo. The Chairman was concerned that it had been said that the new police station would be built on the site of the existing police station (and this is not good building land) at the western end of the town. If it is intended to erect a new police station and courthouse, it is suggested that other sites nearer the centre of the town would be more suitable and effective, from the point of view of supervising activities in the town, than the present site. If it is intended to build a new courthouse and police station at Pinnaroo, will the Attorney-General ask the Chief Secretary to canvass the possibility of an alternative site and especially to consult the council about where it believes this building would be best sited?

The Hon. L. J. KING: I will bring these matters to the Minister's attention.

ROSEWORTHY COLLEGE

Dr. EASTICK: Has the Minister of Works a reply from the Minister of Agriculture to my question of November 9 regarding lectureships at the Roseworthy Agricultural College?

The Hon. J. D. CORCORAN: Applications were invited for five positions of senior lecturer at the college. Nominations for appointments to three of these positions were made in the Public Service Board notice of November 10, 1971. One vacancy has been readvertised, and an appointment to the other position has not yet been finalized.

FIRE EQUIPMENT SUBSIDIES

Mr. GOLDSWORTHY: Has the Minister of Works a reply from the Minister of Agriculture to my question of November 9 regarding fire-fighting equipment purchased by landholders?

The Hon. J. D. CORCORAN: My colleague states that it is not intended to extend subsidies to expenditure incurred by individual property owners on fire-fighting equipment. Although, as the honourable member is no doubt aware, the methods of financing the voluntary fire-fighting organizations are under review, this does not mean that such an extension is contemplated. However, my colleague stresses that under the present subsidy scheme landholders who band together and form and register a voluntary fire-fighting organization can apply for subsidy on suitable equipment owned by the organization and used solely for fire-fighting purposes.

It is believed that last September alterations were made by the Victorian Government to the scheme under which Victorian landholders were eligible for subsidy on the private purchase of relatively small items of fire-fighting equipment, and that the previous fairly rigid specifications were further tightened. The sum of $4,000,000 mentioned by the honourable member is apparently the total sum set aside for the financing of the whole of the Victorian country fire authority operations, both urban and rural, for the year, and does not relate solely to privately owned equipment.

CALLINGTON WATER SUPPLY

Mr. McANANEY: Has the Minister of Works a reply to my question of November 10 regarding a water supply for the Callington-Hartley area?

The Hon. J. D. CORCORAN: The investigation for a branch main to serve Callington, Hartley and adjacent areas has been done to enable hydraulic designs to be prepared. At present, three possible schemes have been developed for later consideration. However, official estimates have not yet been prepared. The project is one of considerable magnitude, and a preliminary estimate indicates that the likely cost may be between $600,000 and $700,000. Obviously a full examination, paying due regard to the likely benefits to accrue, is necessary before reference to the Public Works Committee.

A.N.Z. BANK BUILDING

Mr. BECKER: Can the Premier say whether final agreement has been reached for the purchase of the old A.N.Z. Bank building in King William Street and, if it has, what is the settlement date and the final cost?

The Hon. D. A. DUNSTAN: This matter is still being negotiated.

HILLS LAND

Mr. EVANS: Can the Minister of Environment and Conservation say whether, in about March of this year, the Mitcham council applied to the Government for a subsidy to purchase about 120 acres of mainly hills face zone land? If such an application was made, has it been considered and, if it has been considered, what decision has been made? I have been approached by several people who have expressed their disappointment at the Government's being willing to consider a subsidy to buy land near the Kalyra Sanatorium when no action appears to have been taken to acquire this piece of hills face zone land that is available for purchase. I understand that the council is keen to acquire this land, which runs between Belair and Mitcham and which, as it is visible from the metropolitan area, would provide a suitable backdrop to the metropolitan area. The approach made to me was somewhat hostile, because it appears that only a Government decision to make money available to acquire the land was being awaited.

The Hon. G. R. BROOMHILL: I cannot answer the question without ascertaining whether an application has been made. However, I shall be happy to examine this matter to see what has happened regarding this land. As I am not sure whether the honourable member clearly described the location of the land, when I examine the question I may ask him for further information.

KIMBA MAIN

Mr. GUNN: Has the Minister of Works a reply to my question of November 9 about a water supply from the Polda-Kimba main to nearby property holders?

The Hon. J. D. CORCORAN: The Lock-Kimba main is filled to a point just south of Darke Peak, but a constant supply cannot be maintained because a saddle beyond the Smeaton tank is too high. Departmental policy has been to connect properties abutting the main as soon as an assured supply becomes possible. This has been done as far as the Smeaton tank, and I believe no difficulty has occurred. However, it has not been possible to grant indirect services. A full supply will not be available until the construction of the

new Lock pumping station. Although it is not possible to provide a full supply from the main as it is built, every effort is made to utilize facilities as they are constructed in order to improve service to existing consumers and to provide others with service as quickly as possible.

In order to provide a permanently charged condition in the main at Darke Peak, it is planned to connect the new Lock-Kimba main directly to the Tod trunk main and to operate the Lock boosters on a 24-hour basis to hold the hydraulic gradient at a level high enough to command the saddle beyond Smeaton tank. It is hoped that the necessary linking-up work and testing of the main can be achieved in about three weeks. After this state has been achieved, it is intended to lay services to abutting properties. It will be necessary for these services to be installed initially on a supply-by-measure basis, because the main will not be gazetted for normal supply for some time.

DENTAL CLINICS

Mr. ALLEN: Will the Minister of Education say what action the department is taking to recruit additional officers to staff mobile dental clinics that serve schools in outer areas? I understand that, whilst in 1969 the department had available nine dentists to staff mobile dental clinics, at present only three such officers are available and children are being asked to travel long distances to obtain dental care.

The Hon. HUGH HUDSON: I will get a report for the honourable member.

DERNANCOURT SCHOOL

Mrs. BYRNE: Will the Minister of Education have the faulty electrical wiring at the new canteen at the Dernancourt Primary School repaired as soon as possible so that the canteen can be used? At the request of the Dernancourt Primary School committee, yesterday I visited the school to inspect the completed canteen building and fittings. The canteen cannot be used, because the inspector whose duty it was to approve, or otherwise, the electrical work did not pass the work when he inspected it three weeks ago and the contractor has not returned to rectify the fault. The primary school was occupied on February 8, 1966, and the infants school was occupied on February 6, 1968. A medical room on the first floor of the main primary school building is being used as a temporary canteen and this arrangement, which has been of long standing, is inconvenient. Further, the temporary canteen is not well sited.

The Hon. HUGH HUDSON: I will take up the matter with the Minister of Works and the Public Buildings Department, and bring down a reply as soon as possible.

TEACHER'S SALARY

Mr. KENEALLY: Will the Minister of Education investigate the circumstances whereby a teacher of French at the Port Augusta High School is receiving an annual salary of only $3,600 because his qualifications are not recognized? This man teaches French to the first, second and fourth-year students and to the Matriculation classes at the Port Augusta High School. I understand that in Belgium he taught Latin, Greek, Dutch, Italian, Ancient History, and French. He left a teaching position at a private school and on May 24, 1971, joined the South Australian Education Department because he desired security. I understand that he was led to believe that he would receive, in the Education Department, a salary similar to that which he was receiving at the private school. However, as this is not the case and as he may be forced to resign from the department because of financial difficulties, will the Minister investigate the circumstances of this case?

The Hon. HUGH HUDSON: I have not heard about this case, and I shall be pleased to examine the circumstances of it for the honourable member. The normal procedure is that, when a teacher is recruited, the salary applicable to the qualifications that the teacher claims to have is not paid until documentary proof is supplied. This may be why the department is not paying a higher rate. Further, the qualifications that the teacher has may have created problems for the Teachers Classification Board in determining a suitable local equivalent to his qualifications. Still further, the matter may be tied up in part with the date on which he was employed. A new award for teachers came down, operative from May 24, 1971, and teachers employed on that date or afterwards have not been subjected to exactly the same conditions as have those employed immediately before that date. However, I will check the whole matter and bring down a report for the honourable member.

LITTLE PARA RESERVOIR

Mr. GOLDSWORTHY: Has the Minister of Works a reply to my question about the Little Para reservoir?

The Hon. J. D. CORCORAN: Investigations have now advanced to the stage when it can be stated that a dam on the Little Para River will be required and that approval for construction of such a dam will be required in about three to four years, with construction following closely thereafter. As soon as final details have been determined, which will be soon, a plan of the proposed reservoir will be prepared, showing high water levels and zones I and II for control purposes so that the council and interested landholders may be informed.

OIL SEEDS

Mr. McANANEY: Has the Minister of Works a reply from the Minister of Agriculture to my question about the marketing of oil seeds?

The Hon. J. D. CORCORAN: At the Australian Industry Conference on Vegetable Oilseeds held in Canberra on August 12, 1971, the Department of Primary Industry provided extensive information on existing and potential markets for the types of oil seeds produced in Australia. This information pointed out that Japan is already one of the world's largest markets for vegetable oil seeds and that as the diet of the Japanese people is becoming more westernized the demand for vegetable oils is increasing. At the same time the growing Japanese livestock industry is creating an increasing demand for high protein meals. The consumption of edible vegetable oils in Japan has increased by approximately 48 per cent over the period 1965 to 1970. In the same period the consumption of animal fats has increased by only 29 per cent. It is projected that by 1973 there will be an increase of a further 22 per cent over the 1970 figure for vegetable oil consumption. This would indicate the consumption of approximately 955,000 tons in Japan in 1973. Rapeseed is second only to soybean in importance on the Japanese oilseed market and today Japan is the largest single importer of rapeseed in the world and accounts for about 40 per cent of the total world net imports. Over the period 1965 to 1970 Japanese domestic production of rapeseed has declined from 124,000 tons to 29,000 tons while imports have increased from 99,000 tons to 330,000 tons.

The Japanese rapeseed market is dominated by Canada which provides about 95 per cent of the total supplies. The Japanese have recently shown keen interest in importing rapeseed from Australia even though plentiful supplies will be available from Canada owing to huge increases in Canadian acreages. The report concludes that the present prospects for exporting Australian oil seeds to Japan appear to be favourable but that the market will remain highly competitive because of large crops in Canada. Discussions were held recently between officers of the Agriculture Department and Pacific Seeds (Australia) Proprietary Limited on the future of oilseed production in South Australia. Pacific Seeds was anxious to obtain 20,000 tons of oilseed rape from South Australia during 1972 for shipment to Japan at a contract price of approximately $88 a ton f.o.b. It was expected that the production of this amount would require the seeding of between 70,000 and 80,000 acres. There appeared to be every indication that a market could be maintained in Japan for up to 50,000 tons of oilseed rape from South Australia.

HOSPITAL TRAINING

Dr. TONKIN: Can the Attorney-General, representing the Chief Secretary, say what progress is being made with the establishment of a personnel and training branch in the Hospitals Department? At the beginning of this session the Premier said, in answering a question about the committee of inquiry on hospital communication, that some aspects of the recommendations were to be implemented immediately. One of these recommendations concerned the establishment of a personnel and training branch in the Hospitals Department. I think it was understood that individual sections of the branch would be attached to major hospitals.

The Hon. L. J. KING: I will obtain the information for the honourable member.

INDUSTRIAL SAFETY

Mr. COUMBE: Has the Minister of Labour and Industry a reply to my recent question on industrial safety?

The Hon. D. H. McKEE: Inspections of factories are being made regularly to ensure that safety provisions of the Industrial Code are being observed. In recent years, with the present number of inspectors, it has only proved possible to make an inspection each year in about three-quarters of all factories, although the aim has been to make one inspection of every factory at least once each year to ensure that the safety and welfare provisions of the Industrial Code are being complied with. The inspection service of the department has now been decentralized, and inspectors stationed in offices in the suburbs or country

cities are now making all inspections of factories and building construction work, as well as inspections to ensure compliance with industrial awards, except for inspections within the city of Adelaide itself. Action is currently being taken to appoint inspectors to be district inspectors in charge of each of the five suburban offices. Considerable improvement has also been achieved by relieving inspectors of as much clerical work as possible, and the appointment earlier this year of female office assistants in two of the department's suburban offices has further helped in this direction.

Information obtained overseas by the Chief Inspector earlier this year indicates that it is possible that more effective use may be made of programming their inspections on the past performance of factories, that is, according to the number of accidents which have occurred, the attitude of management to maintaining safe working conditions, the amount of safety training being given to staff, and other factors. Consideration is at present being given to the possibility of changing the frequency of inspections having regard to these factors. It is not appropriate to consider appointing additional inspectors until that has been determined or until the Select Committee of this House currently inquiring into matters concerning safety, health and welfare of employees in industry has reported, and the Government has decided what action should be taken on the committee's recommendations.

SUNDAY NOISE

Mr. EVANS: Has the Attorney-General a reply to my question of October 26 about noise early on Sunday mornings?

The Hon. L. J. KING: The subject of the honourable member's question was referred to Cabinet, which has decided not to introduce legislation on the subject of the use of noisy machines in the early hours of Sunday morning. It is the Government's view that the rights and duties of citizens in this regard are best left to be dealt with by the courts under the existing law.

DAYLIGHT SAVING

Mr. GUNN: Has the Minister of Education a reply to my recent question about the effect of daylight saving on school hours?

The Hon. HUGH HUDSON: No changes in school time tables have been found necessary because of daylight saving.

Mr. Gunn: Are you sure?

The SPEAKER: Order! Interjections are out of order.

The Hon. HUGH HUDSON: I did not hear the mutterings of the honourable member. The Headmaster, Ceduna Area School, has reported that there have been no complaints since daylight saving was introduced, and this in spite of the fact that secondary students from Penong attend his school. He also stated that no student from Ceduna Area School would have to catch a school bus before daylight. As these are the most westerly points in the State where school buses operate, the effects of daylight saving are perhaps less than the honourable member has suggested.

PORTRUSH ROAD

Dr. TONKIN: Can the Minister of Roads and Transport say when it is expected that the roadworks will be completed on Portrush Road, Glenunga? The Minister was kind enough to tell me recently that several trees were to be removed from Portrush Road and that they would be replaced. As a result of the Minister's assurance, I was able to reassure several nearby residents that this will be so, and I am grateful for that assurance. These residents have also asked when it is likely that the roadworks will be completed, as they are becoming a little sick of the dust that is being raised.

The Hon. G. T. VIRGO: I will inquire about this matter.

RURAL ASSISTANCE

Dr. EASTICK: Will the Minister of Works ask the Minister of Lands how long a person may remain on property that is the subject of a mortgagee sale as a result of the person's not receiving rural reconstruction assistance? I have a letter from a constituent who is 75 years of age and who, with his son, has been co-proprietor of a property in the Blanchetown area and who has been denied assistance under the rural reconstruction arrangements. The property has been the subject of a mortgagee sale at which no bid was received. The person is now required to leave the property, although he has not yet been able to obtain any consideration for his equity in the property. I wish to know how long this person may remain on the property, particularly having regard to the fact that it is difficult for a person placed in such a position to readily obtain a residence in a town or other place.

The Hon. J. D. CORCORAN: I will certainly discuss this matter with my colleague and obtain a report.

Mr. RODDA: Will the Minister ascertain from the Minister of Lands whether it is

intended that officers of the rural reconstruction scheme will visit centres in the South-East, in the same way as they are visiting centres on Eyre Peninsula? I notice from an advertisement in the press that Mr. Joy (Executive Officer of the Rural Industries Assistance Authority) will address a public meeting at Keith on November 23. I also notice that officers of this section will remain for a full week on Eyre Peninsula. I am not complaining about more favoured treatment being given to my good friends on Eyre Peninsula, but there is an enormous amount of interest (albeit a lack of knowledge) in the ramifications of the rural reconstruction scheme in my district in the South-East. As it would help if these officers could be made available to visit many of the South-East centres, will the Minister ascertain whether it is intended that these officers shall visit centres in the South-East in addition to Keith?

The Hon. J. D. CORCORAN: I shall be pleased to ask my colleague whether the honourable member's request cannot be acceded to.

ADVISORY AUTHORITIES

Mr. MILLHOUSE: Can the Minister of Social Welfare and Aboriginal Affairs say what is to become of the Aboriginal Affairs Board and the Social Welfare Advisory Council? The Minister has, today I think in the case of the Social Welfare Act and a week or so ago in the case of the Aboriginal Affairs Act, tabled the annual reports made pursuant to those Acts. I notice that, in the report of the Aboriginal Affairs Board, the board members have assumed that this will be the last report that the board makes: the report states "In this ninth and last report of the board" and "and the ninth and last report of the board", etc. I notice that there are only five members of the Social Welfare Advisory Council now that the member for Bragg, who was a member of that council until his election as a member of the House, has not been replaced.

The Hon. L. J. King: He is irreplaceable!

Mr. MILLHOUSE: I agree: it was my Government that placed him on the council, and he was an extremely valuable member of it. Obviously, from his contributions in this House on these subjects he has benefited from being a member of the council. It was to the mutual advantage of the honourable member and the council that he was appointed. However, it seems from the fact that he has not been replaced that the Government does not intend to continue with the advisory council, which was instituted by one of my predecessors as Minister (the present Premier) when he introduced the new Act in 1966, I think.

The Hon. Hugh Hudson: Is that how you regard the Premier—as one of your predecessors?

Mr. MILLHOUSE: The Minister for Education was my immediate predecessor, and the Premier was one of my predecessors. I personally always found both the board and the council of great help to me as Minister, and it is obviously most desirable that persons outside the Community Welfare Department (as I believe the amalgamated department will eventually be called) can advise Ministers, and therefore the Government. I personally hope that these bodies, or something like them, are to continue.

The Hon. L. J. KING: The Community Welfare Bill, which will provide the legislative framework for the Government's social welfare policies and also for the reorganized department, will be introduced (I think I can say almost certainly) before the House rises on November 25. I intend to give my second reading explanation at that time, and then to allow the Bill to remain on the Notice Paper until the House resumes early next year, so that members and interested organizations will have a full opportunity to consider the provisions of the Bill before it is debated in the House. That Bill will contain provisions on the subject matter of the honourable member's question. As the reasons for the provisions will then be fully explained, I think it would be inappropriate for me to go into the matter at this stage.

OVERLAND EXPRESS

Mr. NANKIVELL: Will the Minister of Roads and Transport obtain from the Railways Commissioner a report on what further investigations have recently been carried out that have led to a decision now to permit people for a trial period to join and leave the Overland at Coonalpyn and Tintinara? I am delighted to read the announcement in the *Border Chronicle* of November 11 that the Overland will stop at Coonalpyn and Tintinara in order to pick up and set down passengers. Although I do not cavil at the Minister's right to give this information to a member of another Parliament, I point out that I have been advancing an argument along these lines for some years. Indeed, as recently as May 20, I

received the following information from the Railways Commissioner:

I refer to your letter of April 20, 1971, wherein you ask whether it would be practicable to arrange for passengers to be picked up or set down by the Overland at Coonalpyn. Whilst it might seem anomalous that the Overland must stop every morning in order to pick up railway staff and therefore strange why the public cannot join at the same time, it is pointed out that there are a number of stations on the same line where regular stops for departmental purposes occur. Naturally we would like to be able to offer patronage to people at these stations, and this could be done where there is vacant accommodation on the train. However, it would be quite impracticable to anticipate this situation and invite people to call in the early hours of the morning on the off chance that they might be able to join. All in all, therefore, I feel that the present arrangements are the best under the circumstances.

Will the Minister ascertain why the Commissioner has changed his mind?

The Hon. G. T. VIRGO: This matter has been under discussion between the Commissioner and me ever since it was raised first, I think, by the Tailem Bend Sub-branch of the Australian Labor Party and then subsequently by Senator McLaren.

Members interjecting:

The SPEAKER: Order!

The Hon. G. T. VIRGO: I understand that the member for Heysen and the member for Kavel are upset about this. I am sure that they are as upset about it as they are about the fact that the member for Eyre had certain direct negotiations with a Commonwealth Minister and ignored the Premier of the State.

Mr. Goldsworthy: You can't get any sense out of the Premier.

The Hon. G. T. VIRGO: I do not know whether or not the member for Kavel can get any sense out of the Premier, but I assure him that the Premier has difficulty in getting any sense from the Prime Minister regarding the needs of this State, which members opposite should be supporting; they should not be bringing politics into these matters.

Members interjecting:

The SPEAKER: Order! The member for Mallee has asked the Minister of Roads and Transport a question, and the Minister must be heard in silence.

The Hon. G. T. VIRGO: Thank you, Mr. Speaker. I was having difficulty, because of the interjecitons, in conveying to the honourable member the information he sought. Various passenger counts have been taken in relation to the Overland, and it was established that on almost every occasion in question accommodation was available. As the train is forced to stop at Coonalpyn on both the journey to and the journey from Melbourne, for special requirements—

Mr. Nankivell: Is the club car unhooked there?

The Hon. G. T. VIRGO: No, it goes all the way. The staff of the club car leave the train at Coonalpyn, sleep for the remainder of the night, and join the train again on the return trip in the morning. I had received requests regarding this matter direct from the people at Coonalpyn, and it was on this basis that I had discussions with the Railways Commissioner, the final decision being that the train should pick up passengers in the morning and set them down at night as and when required. That information was conveyed both to the people of Coonalpyn and to others, including Senator McLaren, who had been in touch with me. I think that, without being too unkind, I should point out that the honourable member was away at the time; otherwise I would have notified him also.

SUCCESSION DUTIES

Mr. GUNN (on notice):

1. How many estates were handled by the Succession Duties Office in the financial year 1970-71?

2. What was the total amount of duty collected?

3. How many primary producers' estates were involved?

4. What was the total assessed value of all the estates dealt with in the financial year 1970-71?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. In the financial year 1970-71, 9,033 individual matters were recorded. This figure would be greater than the number of deceased persons involved as it includes cases where more than one assessment was made on the death of a person because of increases of benefit, settlements or gifts not being aggregated with the general estate, but assessed separately from, and in addition to, the "estate" assessment.

2. The net duty collected during 1970-71 was $9,029,855. This included some payments on assessments made before the beginning of the year 1970-71 and, of course, some of the duty assessed in 1970-71 was not received until after the end of that year.

3. Statistics of occupations of deceased persons are not kept by the Succession Duties Office. Therefore, information as to the number of primary producers' estates is not readily available.

4. The total assessed net value of estates passing by will or under intestacy was $88,347,257. This figure does not include values of increases of benefit, settlements, gifts, additional assets and some matters dealt with "informally".

NETLEY SCHOOL

Mr. BECKER (on notice):

1. Has the report been received yet concerning the re-establishment of the Netley Primary School oval?

2. What are the main recommendations contained in the report?

3. What is the difference of opinion on this matter and between whom?

The Hon. HUGH HUDSON: The replies are as follows:

1. The report was received on October 29, 1971.

2. That the surface of the oval would be improved by periodical top-dressing with applications of suitable top soil not exceeding 1in. at each application, with due care to ensure that the top soil does not smother existing grasses. This work would eventually remove the surface unevenness and also improve the soil for grass growth.

3. Any difference of opinion has been resolved by it being agreed that the Public Buildings Department should be asked to have the necessary ground work for the levelling of the oval carried out by March, 1972, at departmental expense, while the school committee will give an undertaking that it will re-seed the oval at its own cost.

PLANNING AND DEVELOPMENT FUND

Mr. MILLHOUSE (on notice):

1. Is it intended to increase the contribution to the Planning and Development Fund as contemplated by section 52 (1) (*c*) (ii) of the Planning and Development Act?

2. If so, to what amount will it be increased?

3. When will amending legislation for that purpose be introduced?

The Hon. G. R. BROOMHILL: The replies are as follows:

1. and 2. The question of increased contribution to the Planning and Development Fund under section 52 (1) (*c*) (ii) of that Act is under review at the moment.

3. It is expected that amendments to the Planning and Development Act will be introduced later this session.

PRICE CONTROL

Mr. MILLHOUSE (on notice):

1. What items are now under price control?

2. What items have come under price control since June 1, 1970?

3. What items have ceased to be under control since June 1, 1970?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. The items under price control on which maximum prices are fixed are summarized as follows:

Foodstuffs:
- Bread.
- Flour.
- Breakfast foods.
- Infants and invalids foods.
- Soap.
- Milk in country areas.
- Meat pies and pasties.

Clothing:
- Infants, boys, girls, youths and maids clothing and garments, including school and college wear.
- Men's working attire.

Footwear:
- Childrens, youths and maids school footwear.
- Working boots.

Petroleum products:
- Including petrol, lubricating oils, distillate, furnace oil, heating oil and kerosene.

School requisites:
- Kitbags, satchels and cases.
- Exercise books.

Miscellaneous:
- Superphosphate.
- Sulphuric acid.
- Gas.
- Cartage.
- Footwear repairs.
- Feed wheat, bran and pollard.
- Some stock and poultry foods.
- Funeral services.

Minimum prices are fixed for winegrapes.

2. No additional items have been gazetted for the fixing of maximum prices, but maximum prices have been approved for a wide range of other items through agreements with industry.

3. None.

PERSONAL EXPLANATION: MINISTERS' INTERVIEWS

Mr. MILLHOUSE (Mitcham): I seek leave to make a personal explanation.

Leave granted.

Mr. MILLHOUSE: I refer to the personal explanation I made last Tuesday concerning the lady who had telephoned me during a radio talk-back programme, in which I had taken part, on Monday, November 8. In the course of that explanation, I asked the Minister of Roads and Transport to give me this lady's name and address so that I could communicate with her. Subsequently, I followed up that request by writing a letter to the Minister, from whom I have now received a reply refusing me the information that I sought. Accordingly, I cannot take the matter further unless, by chance, the lady should get in touch with me.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

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

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

This Bill deals with three matters relating to capital punishment. As some question has arisen as to the legal basis for the commutation of the sentence of death and the sentence of imprisonment to which it is commuted, it is urgent that this matter should be settled before Parliament adjourns on November 25. Therefore, I am anxious to get the Bill through the House and to the Legislative Council without delay. The second matter dealt with is the authority of the court simply to record a sentence of death without pronouncing it, and the Bill also deals with the power of a Governor to order that an Aboriginal be publicly executed. Although the last two matters are not so urgent, as the first is extremely urgent I ask members to support the motion.

Motion carried.

The Hon. L. J. KING obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act, 1935-1971. Read a first time.

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

That this Bill be now read a second time.

The retention of the death penalty on the Statute Books in this State has focused attention on two aspects of the procedure relating to a sentence of death which are considered by the Government to be unsatisfactory. First, it has been a source of embarrassment to judges of the Supreme Court to be obliged to pronounce sentence of death on a person when it is the avowed policy of the Government of the day never to carry such a sentence into execution. As the Act now stands, the court must, in the case of murder, make a formal pronouncement of the sentence of death in open court. Judges themselves have expressed their dissatisfaction with this requirement, and the Government agrees that it is quite farcical that a judge should have to pronounce the solemn words of the sentence, in which there appears the distasteful passage that the prisoner be hanged by the neck until he be dead, when everyone in the courtroom knows that this will not be done. It is felt that it would be more in accordance with what should be the dignity and the sincerity of the law if sentence of death can merely be recorded in such circumstances. The Bill provides that such a procedure is open to the court.

Secondly, doubts have been cast on the validity of pardons granted by Governors in the past and on the power of the Governor to "commute" sentences of death to life imprisonment. Without going into details of the legal arguments involved, it is possibly open to argument that a person convicted of murder and sentenced to death might successfully insist on the original death sentence being carried out. The Government considers that the whole question ought to be put beyond doubt, so that all argument on the acts of the Governor is avoided. The Bill provides that when the Governor grants a pardon or commutes a death sentence, any order made by him as to the serving of a sentence of imprisonment shall be deemed to be an order of the court. The Bill also provides for the repeal of that section of the Act which gives the Governor power to order that an Aboriginal be publicly executed. I think it is patently obvious why this antiquated provision ought to be removed.

Clause 1 of the Bill is formal. Clause 2 inserts a new section which provides that any order made by the Governor for the serving of a sentence of imprisonment by a person sentenced to death whom he has pardoned or whose sentence he has commuted shall be deemed to be a lawful order of the court dating from the day on which the court passed the sentence of death. Clause 3 amends section 303 of the Act which deals with the sentence of death in the case of murder. The amendments provide that the court, as an alternative to pronouncing a sentence of death, may order that

that sentence be entered on record. Such an order, however, shall have the same effect as if the sentence had been pronounced in open court. Clause 4 repeals section 307 of the Act which provides for the public execution of Aborigines.

Mr. MILLHOUSE secured the adjournment of the debate.

ADELAIDE FESTIVAL CENTRE TRUST BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to establish and constitute the Adelaide Festival Centre Trust, to provide for the Adelaide Festival Centre and for the management and operation thereof and for matters connected therewith and incidental thereto. Read a first time.

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

That this Bill be now read a second time.

I am grateful to the Leader and members opposite for facilitating the introduction of this Bill and its proceeding to a Select Committee. It is necessary for us to move swiftly on this matter so that the Bill can be referred to a Select Committee, which is provided for in the Bill. It seems appropriate that this Bill should go to a committee similar to the committee that previously heard evidence and made recommendations to the House on the festival theatre building, which is now in the course of construction, rather than to the Public Works Standing Committee. Agreement has just been reached with the Adelaide City Council concerning the administration of the total complex, which must be one administration. It is vital that the two senior officers of the administration of the complex be appointed at the end of this year in order to meet the time table for opening the festival theatre and, therefore, it is necessary that the Bill relating to the constitution of the trust be passed before the House rises on November 25. Members will recall that the Festival Hall (City of Adelaide Act) Amendment Act, which was passed by this Parliament last year, provided amongst other things for the vesting of two sections of land in the Crown these being section 655 and section 656 within the hundred of Adelaide which were then vested in the South Australian Railways Commissioner. Although the geographical location of these sections will be clear from the plan in the schedule to that Act, members will be aware that they lie to the west of the site of the festival theatre. At the time the stated purpose of this vesting was twofold: (*a*) to ensure that the land to the west of the festival theatre is developed in such a manner as to do justice to the site and generally to enhance its setting; and (*b*) to facilitate the provision of a performing arts centre in the vicinity of section 655 should such a project be undertaken in the future.

In broad terms this Bill represents a further legislative step in giving effect to these purposes. The Bill provides for the establishment of a trust to which will be ultimately committed the management and control of the whole of this performing arts complex. For reasons that will emerge during the consideration of the measure it will be clear that all the appropriate legislative steps necessary to achieve this broad aim cannot be taken at this time. However, should this measure receive the approbation of members the ultimate steps to be taken will be clear. In addition, the trust is given the responsibility of completing the works comprised in the centre.

I shall consider the Bill in some detail. Clauses 1 to 3 are formal. Clause 4 sets out the definitions necessary for the purposes of the measure. I would draw members' attention to the definition of "drama facilities" which has been used as a "shorthand" description of the facilities being a drama theatre, an amphitheatre and an experimental theatre which will be built on section 655 and to some extent on portion of section 656 by the trust. The term "centre" has been adopted to describe the whole complex of facilities covered by the measure, including the festival hall. Debate has taken place for some time. Recommendations have been made to the council and agreement has eventually been reached on the Adelaide Festival Centre being the most appropriate name for the total complex. The section references in clause 4 (2) will perhaps be more meaningful to members if they peruse a site plan which will be available to them in the House.

Clause 5 formally establishes the Adelaide Festival Centre Trust and clause 6 provides for its membership. Two trustees or a third of the whole number will be appointed on the recommendation of the Adelaide City Council, thus evidencing the part that this organization has played in the establishment of portion at least of the whole complex. As it is clear that the council cannot contribute to the remainder of the complex and for its share of the building of the initial major building of the complex, it considers that its one-third

representation on the trust is appropriate. Clauses 7 to 11, which set out the usual formal arrangements for the establishment of the trust, are self-explanatory. Clause 12 provides for a delegation by the trust to two or more trustees and should facilitate the day-to-day administration of the trust.

Clause 13 makes the usual provisions for the chairman's casting vote and also provides for an acting chairman where necessary. Clause 14 is again a usual validating provision to ensure that the trust is not embarrassed by some vacancy in an office of trustee or some formal defect in the appointment of a trustee. Clause 15, which provides for the appointment of a secretary to the trust, should be read in conjunction with clause 21, which deals generally with officers and servants of the trust. Clause 16 is again a formal and usual provision in measures of this nature. Clause 17 is intended to ensure that a trustee does not act in matters where there may be a conflict of interest.

Clause 18 formally vests the real and personal property comprised in the centre in the trust. The exception being the festival hall, which is, pursuant to the Adelaide Festival Theatre Act, 1964-1970, vested in the council of the Corporation of the City of Adelaide. There are sound legal, commercial and financial reasons for preserving the *status quo* in this area at this time. However, at an appropriate time on the completion of the festival hall project, it is the Government's intention that legislation will be introduced to vest the festival hall in the trust. At present, the council is the constructing authority for the festival theatre building, and it would be inappropriate at this stage, given the nature of the contracts, to transfer the title until construction is completed. When construction is completed, since the administration of the building will be in the trust's hands it is appropriate that it should vest in the trust, and this move has the council's agreement.

Clause 19 makes it clear that the trust is "subject to the general control and direction of the Minister", except of course where it makes or is required to make a recommendation to the Minister. Clause 20 sets out in broad terms the objects and powers of the trust. Clause 21 deals generally with the terms and conditions of the appointment of officers and servants of the trust, and clause 22 makes appropriate provision for the use by the trust of officers in the Public Service of the State. Clause 23 is a fairly significant provision, in that it provides that, by arrangements with the council, the trust may assume the management functions of the council with respect to the festival hall, and the arrangements intended here presage the ultimate vesting of the festival theatre in the trust.

Clause 24 empowers the trust to construct the drama facilities, that is, a drama theatre, an experimental theatre and an amphitheatre. I draw members' attention to subclause (3) of this clause, the effect of which will be that these works will not be referred to the Public Works Committee. However, in accordance with the practice established in relation to the festival theatre construction I shall move, at the second reading, for this Bill to be referred in its entirety to a Select Committee of this House. Clause 25 is a formal accounting provision and also provides for audit of the accounts of the trust by the Auditor-General. Clause 26 gives the trust power to borrow, and subclause (2) provides a Government guarantee to be given with respect to those borrowings. Clause 27 sets out generally the sources of funds for the trust and, by inference, provides that the trust may receive Government grants out of moneys to be provided by Parliament. At least some of the revenues of the trust will be derived, of course, from its own activities.

Clause 28 provides for the budgetary control of the trust's activities and limits expenditure by the trust to expenditure under an approved budget. Clause 29 provides for the vesting in the trust of a triangular shape piece of land to the north-west of section 655. This area is delineated on the plan in the schedule to the Bill. The area intended to be vested in the trust comprises a small portion of the area generally known as Elder Park and, to balance for this minor encroachment, the bulk of section 656 as shown on the ground will for practical purposes become *de facto* park lands. Thus, the actual recreation area of land available to the public as a result of this measure will in fact be considerably increased. Clause 30 formally empowers the Registrar-General to give effect to the vesting provided by clause 29. Clause 31 gives an assumed "assessed annual value" for rating purposes of $50,000 for the centre, other than the portion comprised in the festival theatre. The purpose of this provision is to ensure that the trust is not unduly impacted with rates. This follows closely a similar provision enacted in relation to the festival theatre.

Clause 32 provides for annual reports by the trust and for the laying on the table of this House of those reports. Clause 33 provides

for the exemption from stamp, succession and gift duties of gifts made to the trust and generally exempts the trust from the necessity of paying stamp duty on its transactions. Clause 34 provides for the summary disposition of offences under the measure. Clause 35 provides appropriate regulation-making powers.

The substance of this measure has been considered by representatives of the Adelaide City Council who, subject to a clear indication by the Government of its intentions as to the future of the festival theatre, have indicated agreement with its principles. Accordingly, I draw members' attention to the indications of the Government's intention as regards the festival hall as set out in my comments on clauses 18 and 23 of the measure. Finally, in the Government's view, it is essential that this measure pass all stages of its passage through this Parliament before the Christmas recess. Unless the trust can be established and begin its administrative operations as quickly as possible, difficulties may arise in fixing bookings for the use of the centre and in ensuring that adequate technical assistance is available to oversee the commissioning of the festival theatre. At present, some of the theatre's installations have come to hand and it is essential that the technical director be appointed as soon as possible so that he will be in charge of those installations and can see that, as they are installed in the hall, they are properly commissioned and that he is acquainted with their working.

Mr. HALL (Leader of the Opposition): I am pleased to see that we have before us legislation aimed at getting the festival theatre working. The festival theatre has been discussed in this House for many years and now we are to see, as the Premier has explained, a body to oversee the work of the theatre. I think all of us who have been associated with the project are pleased to see that it is now becoming effective. I believe the Premier is correct in saying that the body of people should be set up in time to get the theatre into working order when it is completed. The body needs to become familiar with what is required well before it is required.

I support the Bill in principle. I appreciate the Premier's asking that this legislation be expedited because the House will rise next week, which means that there are only a few working days in which the Select Committee can give attention to the detail it will have before it. I give my qualified support to the Bill and reserve any criticism of individual items in it (and I hope that the Premier will remember my words). I do not give blanket approval to all the detail contained in the Bill, which I have not yet had the chance to study. However, carrying the second reading will facilitate the appointment of a Select Committee.

Bill read a second time and referred to a Select Committee consisting of Mrs. Byrne, Messrs. Coumbe, Dunstan, Hall, and Wright; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on November 23.

SUPERANNUATION ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Superannuation Act, 1969-1970. Read a first time.

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

That this Bill be now read a second time.

This Bill, which amends the Superannuation Act, 1969, deals with several disparate matters. However, I would draw honourable members' attention to two matters that are of particular importance. First, provision is made to supplement by 5 per cent all pensions having a determination day, as defined, that occurred on or before June 30, 1970, and, secondly, an attempt has been made to afford some financial relief to certain advanced-age contributors.

To consider the Bill in some detail, clause 1 is formal. Clause 2 is an amendment consequential on the amendment effected by clause 6, and the reasons for that amendment will be canvassed in the comments on that clause. Clause 3 makes a number of amendments to subsection (1) of section 4 of the principal Act, all designed to facilitate the administration of the Act and to save costs in that administration. Pay days vary between departments and a situation often arises upon the transfer of a contributor from one department to another where confusion exists regarding the period to which superannuation payments should be credited. This amendment will remove this confusion.

Clause 5 is again consequential on clause 6. Clause 6 is intended to enable contributors of advanced ages, whose additional units would otherwise be very costly, to take up such units at one-quarter of their normal costs, and thereupon to become entitled to the whole of the Government proportion of those pension

units together with one-quarter of the fund proportion. Since the Government proportion is 70 per cent and the fund proportion 30 per cent this would mean that each ordinary unit would be worth a pension of 77½c a week instead of the normal $1 a week upon payment of one-quarter of the full contribution. This procedure would be comparable with that in Victoria.

However, to avoid the difficulties involved in having units of different values, and otherwise to simplify and reduce costs of administration, the same effective result is achieved through clause 6 by permitting the taking up of special units of full value to the extent of thirty-one-fortieths of the number of ordinary units which can be made available upon the concessional terms. Thus, the rate of concessional contribution, which would be ten-fortieths of the full rate for ordinary units, becomes ten-thirty-firsts of the full rate for the special units. The Government will provide currently the remainder of the requisite contributions, so that the fund may be able to continue to meet its normal 30 per cent of all pensions payable.

The concession is, as will appear from the definition of "prescribed contributor", limited to advance age contributors who are already setting aside a substantial proportion of their salary for contribution payments, and who without this concession might well find it impracticable to take advantage of their increasing entitlements. The section is of necessity somewhat complicated in its wording and in the mode of calculation required, though I think its import and effect are reasonably clear.

Clause 7 makes clear that in appropriate circumstances the board will not be liable to pay benefits under the Act in respect of contributors who have ceased to make contributions to the fund for a period of longer than six months. Clause 8 is a drafting amendment. Clause 9 is intended to clarify the meaning of section 12 and to facilitate the making of final payments by the board, and clause 10 serves a similar purpose. Clause 11 is a fairly standard pension supplementation provision, together with ancillary amendments. In this case the supplement of 5 per cent will be payable from a day to be fixed by proclamation and the day so fixed will be so far as possible a common day for supplements to pensions payable under other schemes underwritten by the Government in this State.

Mr. HALL secured the adjournment of the debate.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Parliamentary Superannuation Act, 1948-1970. Read a first time.

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

That this Bill be now read a second time.

The effect of this short Bill is to supplement by 5 per cent certain pensions payable to former members of Parliament or their widows. In general, it follows the usual form of Bills of this nature. The amount of the supplement is derived from an estimate of the movement in cost of living as ascertained by reference to the appropriate June quarter indices.

The pensions that will be supplemented are those first payable before June 30, 1970. Widows' pensions that were first payable after that day also attract the supplement where the pensioner husband of the widow was in receipt of a pension first payable before that day or was first entitled to a pension before that day.

The day on and from which the supplement will be paid will be fixed by proclamation after the passage of a measure to supplement the pensions under the Superannuation Act. At the same time, a corresponding supplement will be provided for pensions paid under the Judges' Pensions Act, but this supplement will not require legislation.

Mr. HALL secured the adjournment of the debate.

STAMP DUTIES ACT AMENDMENT ACT, 1971, AMENDING BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act Amendment Act, 1971. Read a first time.

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

That this Bill be now read a second time.

The recently passed Stamp Duties Act Amendment Act, 1971, increased the rate of duty on bills of exchange and promissory notes payable in South Australia (other than those which are payable on demand) from 5c for each $50 or part thereof to 10c for every $50 or part thereof. This increase was made on the understanding that Victoria would effect a similar increase. However, it now transpires that Victoria has not altered the rate of duty payable on such bills of exchange, with the unfortunate result that the market for commercial bills on a short-term basis, which has recently developed in South Australia, may

possibly be diverted to Victoria with its lower rate of duty. This type of transaction involves a very small margin of profit, and so the effective increase of duty from .1 per cent to .2 per cent in this State would obviously have an adverse effect on the market.

The Government believes that, if this growing market is to be retained in South Australia, the rate of duty on such transactions must be maintained at the former rate of 5c for each $50. This Bill seeks to achieve that object by amending the Stamp Duties Act Amendment Act, 1971, before it is brought into operation. I shall now deal with the clauses of the Bill. Clause 1 is formal. The commencement of the amending Act (that is, this Bill) is deemed to be on the day before the day on which the Stamp Duties Act Amendment Act, 1971, comes into operation. Clause 2 strikes out that part of the principal amendment which increased the duty payable on the class of bills of exchange to which I have referred.

Mr. HALL (Leader of the Opposition): I think we are losing count of the number of Bills that the Government has rescinded almost before they are effective, and this tax is being rescinded as was the entertainment tax. This is the second tax that has been imposed and then altered. We are becoming accustomed to this procedure, and I do not think that the Treasurer blushes any more when he alters a Bill before it becomes effective. I do not think that the Treasurer referred to any amount involved in this alteration, although I thought that he would be good enough to let us know the details. Perhaps he will take to heart the lesson he has learned: that this State cannot afford to impose taxation above the level of that imposed in Victoria. If the Treasurer has realized that fact, he may alter some of the other taxation measures which he has introduced and which have increased taxation to a level higher than that imposed in Victoria. I should not be surprised if next year the Treasurer did not equalize some of his other taxation impositions and reduce them from the high rate that has been imposed. As I should like to consider the Bill and the second reading explanation, I ask leave to continue my remarks.

Leave granted; debate adjourned.

APPRENTICES ACT AMENDMENT BILL

The Hon. D. H. McKEE (Minister of Labour and Industry) obtained leave and introduced a Bill for an Act to amend the Apprentices Act, 1950-1971. Read a first time.

The Hon. D. H. McKEE: I move:

That this Bill be now read a second time.

Its main purpose is to enable the necessary action to be taken next year to eliminate the requirement for apprentices to attend technical colleges in the evening. Before 1966, all apprentices, who were required to attend trade schools in this State, did so for a full day each fortnight during working hours, and for two hours each week during the evening in the apprentices' own time, in accordance with directions given by the Minister of Education. One of the amendments made to the Apprentices Act in 1966 was that apprentices would only attend trade schools during working hours, as from dates to be proclaimed in respect of any trade.

In their first two years of apprenticeship they would attend for one day a week, and in their third year for four hours each week, as provided in subsection (4) of section 18 of the Act as it is now in force, so their total period of attendances at technical colleges for full daytime training is 800 hours during their apprenticeship. Unfortunately, the transition from part evening attendance to full daytime training has taken much longer than was expected. Full daytime training now applies at all country and most metropolitan technical colleges but, because of the lack of accommodation, it still has not been possible to introduce it at the Panorama Technical College or for most of the apprentices who attend the Adelaide Technical College and whose attendance at these technical colleges amounts to a total of 720 hours.

The main trades concerned are fitters and turners, boilermakers, hairdressers and the printing trades. On present indications it seems that full daytime training cannot be introduced in these two colleges before 1975. Although it is still not possible to introduce full daytime training in these two colleges, it will be possible next year to eliminate evening classes if those apprentices who are still attending under the pre-1966 arrangements can be required to attend for eight hours a fortnight, as at present, and in addition for four hours a fortnight during working hours in lieu of the present two-hourly weekly periods in the evening. This will mean that their total period of attendance at the technical colleges will be for the same total time as at present, which is a total of 720 hours during the whole period of their apprenticeship, but it will be all during daytime instead of part-day and part-evening attendance.

Subsection (4) of section 18 of the Act as at present in force does not permit the Apprenticeship Commission to alter the training arrangements of apprentices other than by the introduction of full daytime training. This Bill has therefore been introduced to enable a greater degree of flexibility to be given in detailing the precise periods of attendance of apprentices at technical colleges, while at the same time recognizing the principle accepted by Parliament in 1966, that all such attendances should be during working hours. The Bill has been drafted in a way that will enable regulations to be made as to the times at which apprentices will attend technical colleges.

It is appropriate to say that it is intended that this power will be used to enable some apprentices to attend on a block-release system as an alternative to the present day-release arrangements. A very successful experiment of block-release has been conducted this year with apprentice fitters employed by the Broken Hill Proprietary Company Limited attending the Whyalla Technical College for continuous periods of some weeks, by agreement between the employer and the apprentices concerned. It is intended next year to conduct further experiments in block-release training at Whyalla for apprentice boilermakers as well as fitters, at the Marleston Technical College for some apprentice carpenters and joiners, and possibly for some apprentices in some trades at the Elizabeth Technical College.

Under a block-release system apprentices attend the technical college on a full-time basis for certain periods. For example, the proposal for apprentice carpenters and joiners next year is that they attend the technical college for two consecutive weeks at four different times during the year. This method of attendance has been found to have some advantages over day release in some trades, whereas in other cases, day release is preferable. All States are experimenting with block release at the moment, and the amendments made by this Bill have been drafted with that in mind.

The Bill also makes certain consequential and statute law revision amendments, which bring some provisions of the Act up to date. As it will be necessary for new regulations to be made before the Act can operate, clause 1 provides for it to come into operation on a day to be fixed by proclamation. Clause 2 makes one statute law revision amendment in paragraph (*a*). The clause also defines "correspondence course district" and "technical school district" by reflecting the present situation. The definition of Minister is brought into line with the present definition of that expression in the Acts Interpretation Act.

Clause 3 amends section 7 of the principal Act by bringing it into line with the Public Service Act, 1967. Clauses 4 and 5 make statute law revision amendments to sections 12 and 13. Clause 6 repeals sections 17, 18, and 19 of the principal Act, and enacts new sections 17 and 18 in their place. The new section 17 will permit the Governor by proclamation to declare technical school districts, and to vary or revoke any such declaration or any earlier proclamation. Subsection (2) of the section relates to the application of Part III of the Act.

New section 18 contains in substance provisions similar to the provisions of sections 18 and 19 as now in force. Clause 7 makes a consequential amendment to section 19b. Clause 8 repeals sections 20 and 21 of the principal Act and enacts new section 20 in their place. New section 20 contains new requirements in respect of apprentices who are employed outside of technical college districts who may be required to undertake correspondence courses. Wherever possible, correspondence courses are being phased out, and instead, apprentices are being required to attend technical colleges, as apprentice instruction is much more effective when given personally. Of the 7,300 apprentices this year receiving instruction either at technical colleges or by correspondence, only 730 of them receive instruction by correspondence (that includes first, second, and third-year apprentices). All of these 730 have their correspondence instruction supplemented by two full weeks' attendance at technical college within the metropolitan area. Apart from the greater flexibility that new section 20 will give, its other requirements are similar to those contained in sections 20 and 21 as now in force. Clauses 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 make statute law revision or consequential amendments to a number of specified sections of the principal Act.

Mr. COUMBE secured the adjournment of the debate.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received and read. Ordered that report be printed.

THE REPORT

The Select Committee to which the House of Assembly referred the Renmark Irrigation Trust Act Amendment Bill, 1971, has the honour to report:

1. In the course of its inquiry your committee held one meeting and took evidence from the following witnesses:

Mr. T. W. Pitt, Chairman; Mr. D. L. Tripney, Secretary; and Mr. R. H. Maddocks, Engineer-Manager, representing the Renmark Irrigation Trust.

Mr. R. J. Daugherty, Senior Assistant Parliamentary Counsel.

2. Advertisements inserted in the *Advertiser*, the *News* and the *Murray Pioneer* inviting interested persons to give evidence before the committee brought no response.

3. Evidence given to the committee indicates that the amendments contained in the Bill for the conversion to metric measurement, and for decimal currency conversions, are satisfactory to all those concerned with the administration of the principal Act.

4. Your committee is also satisfied on the evidence placed before it that the financial arrangements contained in the Bill are acceptable to the Renmark Irrigation Trust and will enable that body to complete the works for which these financial provisions are made.

5. Your committee is satisfied that there is no opposition to the Bill and recommends that it be passed without amendment.

Bill read a third time and passed.

FILM CLASSIFICATION BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2 (clause 3)—After line 2 insert new definition as follows:

"restricted classification" means a classification under paragraph (*d*) of subsection (2) of section 4 of this Act:

No. 2. Page 2, lines 3 to 5 (clause 3)—Leave out definition of "theatre" and insert new definition as follows:

"theatre" means any place whether enclosed, partly enclosed, or unenclosed in which a film is exhibited whether admission thereto is open to members of the public or restricted to persons who are members of a club or who possess any other qualification or characteristic and whether admission is or is not procured by the payment of money or on any other condition:

No. 3. Page 2, line 14 (clause 4)—Leave out "restricted" and insert "for restricted exhibition".

No. 4. Page 2 (clause 5)—After line 25 insert new subclause as follows:

(1a) This section does not apply to an alteration or addition made for the purpose of repairing a film or for any other technical purpose connected with the exhibition of the film.

No. 5. Page 2, line 29 (clause 6)—Leave out "between" and insert "below".

No. 6. Page 2, line 29 (clause 6)—Leave out "six years and".

No. 7. Page 3, lines 5 and 6 (clause 6)—Leave out "had not attained the age of six years, or".

No. 8. Page 3 (clause 6)—After line 11 insert new subclause (4) as follows:

(4) This section does not apply in respect of a child who has attained the age of sixteen years and who is employed by an exhibitor in the performance of duties and functions in connection with the operation of the cinematograph used for the exhibition of the film.

No. 9. Page 4, line 4 (clause 9)—After "9" insert "(1)".

No. 10. Page 4 (clause 9)—After line 14 insert new subclauses as follows:

(2) The Minister may, by instrument in writing served personally or by post upon any person responsible for, or engaged in, the sale, leasing, distribution or exhibition of any film, require that all advertisements to be used in connection with the exhibition of the film be submitted to him for approval.

(3) Where the Minister, or a person or authority acting in pursuance of a corresponding law, has required that advertisements to be used in connection with the exhibition of a film be submitted for approval, no person shall cause an advertisement to be published in connection with the exhibition of the film otherwise than in a form approved by the Minister, or approved in accordance with a corresponding law.

Penalty: Two hundred dollars.

(4) It shall be a defence to a prosecution under subsection (3) of this section that the defendant did not know, and could not reasonably be expected to have known of the requirement.

No. 11. Page 4, line 20 (clause 10)—Leave out "or".

No. 12. Page 4 (clause 10)—After line 22 insert the following:

or

(*c*) stating that an advertisement, referred to in the notice, was required by this Act to be approved by the Minister or in accordance with a corresponding law, and the advertisement was, or was not, so approved.

Amendments Nos. 1 to 4:

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

That the Legislative Council's amendments Nos. 1 to 4 be agreed to.

The first amendment, which provides a definition of "restricted classification", is purely a drafting amendment. I have no objection to the second amendment, although I do not know what it really achieves. The original provision defined a theatre as a theatre within the meaning of the Places of Public Entertainment Act, and the Legislative Council has inserted a definition that simply reproduces

the words appearing in that Act. It seems to me that it has not altered the provisions of the Bill as it left this place. Amendment No. 3 is simply a drafting amendment. I suppose one could say that amendment No. 4 was inserted *ex majore cautela* by the Legislative Council. As it left this place, the Bill prohibited the alteration of a film after it was classified, and the Legislative Council has provided that this is not to apply when the alteration or addition is made for the purpose of repairing a film or for any other technical purpose connected with exhibiting the film. I should have doubted, on a fair reading of the Bill as it left this place, that it meant that an alteration of this kind could be included in the prohibition but, at all events, I have no objection to this, and I ask the Committee to accept the amendments.

Mr. HALL (Leader of the Opposition): As I understand it, the definition of "theatre" does not mean anything in the context of administering this measure. However, it has been put to me that much difficulty could arise in that this definition is all-embracing and that, if a child in the restricted age group walked even into the foyer of a theatre in question, someone could be prosecuted. It seems peculiar that, if a child wandered in off the street or if a parent took a child into a foyer to see what film was showing, the theatre proprietor could be liable and fined.

I am told that young lads who sell drinks and sweets in theatres will no longer be permitted to do so when R certificate films are shown. If a child under the age of 18 years is in a foyer, will the theatre proprietor be prosecuted, and is there any provision whereby boys under 18 years will still be able to sell sweets and drinks in theatres?

The Hon. L. J. KING: "Theatre" is defined in the amendment. As it left this place, the Bill simply adopted the definition of "theatre" in the Places of Public Entertainment Act. If there is any concern whether theatre foyers are included in the definition, the amendment of the Council improves the position, because that refers to places where the film is exhibited. On a fair reading of that, it must mean a part of the building in which the screen is housed and from which the screen can be seen.

Mr. Millhouse: The Council has improved the Bill, then.

The Hon. L. J. KING: If there is anything in the point raised by the Leader, the Council's definition has impoved it. I think it is certain that no reasonable Administration administering this Act would prosecute a theatre proprietor because a juvenile was in the foyer, if the juvenile could not see the screen from there.

Mr. HALL: If a film is not being exhibited (at times such as intervals), can boys take drinks in? Are boys allowed into these parts of the theatre when films are not being shown?

The Hon. L. J. KING: The Bill prohibits a juvenile from being in a place in which a film is exhibited, and that can refer only to a time while the film is being exhibited. I should think that the interval was no different from a time before or after the film was shown or a time when it was not being shown at all. The test must be whether the film is being shown at the relevant time.

Motion carried.

Amendment No. 5:

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

That the Legislative Council's amendment No. 5 be disagreed to.

This is the first of certain amendments inserted by the Council relating to children under the age of six years. As it left this place, the Bill prohibited the admission of children between six years and 18 years to a theatre at which the restricted film was being shown. The Council has amended that to exclude all children under the age of 18 years. The consequence would be that parents could not attend a drive-in theatre if they had a baby in a crib at the back of their car, and that seems an extreme position. On the other hand, I am not unsympathetic to the point made by certain members of the Council that some films nowadays have scenes of violence that might make a deep impression on the mind of a child under six years. If I could have been sure that the only children who would attend these films would attend in the company of their parents, I should have been happy to insert an exemption of that kind in the Bill, because I do not think the State should take away from parents the responsibility for that decision. However, such provision cannot be included, as theatre proprietors would have no way of knowing whether the people a child was with were its parents. As the likelihood of a child under six years attending a theatre in the company of an adult who was not the parent or who lacked the authority of the parent was fairly remote, we took that view as safe to adopt, and it is the view which has been taken by Ministers in other States and which is provided for in the legislation of other States. Because I realize that some films could impress children under

six years, I have taken the liberty of discussing informally and privately with certain members of the Council, who are especially interested in the topic, some way of solving the problem without the need for a conference. In the light of those discussions, I will ask honourable members to accept an amendment which would make the restricted age between two years and 18 years. It would enable children of tender years who are unlikely to be interested in what is going on on the screen and who no doubt would be asleep in the back of a car to be taken by their parents to the drive-in but would, nevertheless, extend the Bill's protection to those children under six years of age who have caused concern to another place. I ask the Committee to disagree to amendment No. 5, with a view to my moving an amendment to it subsequently.

Mr. HALL: I agree to the Attorney-General's disagreement to the amendment, because I believe in the principle of parents, because of baby-sitting problems, being allowed to take their young children to the drive-in. However, I believe the Attorney-General is moving from a position of doubt to one of absurdity in reducing the age to two years. It appears that he has done a deal with another place, and that is out of character with his usual criticism of that place: he has gone further than accepting the amendments made by another place. I support the Attorney-General's move.

The Hon. L. J. KING: There is no question of doing a deal with another place, and no-one to whom I have spoken has authority to do that. I have discussed this matter privately with certain members of another place who are particularly interested in this point, with a view to achieving, without the need for a conference, something that might ultimately have been reached in conference. I have been critical on many occasions of another place and of the attitudes it has taken, but at least I speak to members of another place.

Mr. GOLDSWORTHY: I support the Atorney-General's remarks and his intended amendment, but I would have preferred that the amendment made by another place be accepted. I remember a psychologist who spoke some years ago on the influence of films and other material on the minds of the young. The years from the cradle to pre-school have come to be recognized as the formative and impressionable years as regards personality traits, although the impression on the minds of people even younger than two years of age can also be marked. The Council's amendment has merit in the light of psychological evidence, but I do not insist on the Council's original amendment.

Amendment disagreed to.

Amendment No. 6:

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

That the Legislative Council's amendment No. 6 be amended by striking out "years and" and inserting "and insert 'two' ".

My amendment would provide for the substitution of the range of ages two to 18 years for the range six to 18 years, which appeared in the Bill when it left this place, and for the range nil to 18 years, as provided in the Legislative Council's amendment.

Mr. HALL: This is a mean type of age limit to apply. Possibly the Attorney-General is going overboard in suggesting two years. I would prefer the age to be four years, because a child would be no more influenced by watching something on a drive-in screen than by watching a television screen. This amendment could inconvenience many a young couple who might wish to see certain films, because, by limiting the age to two years, it would usually limit the couple to taking one child. If the age were made between two years and six years, a couple could take two children to the drive-in and bed them down in the vehicle. No doubt most parents would agree that at the age of four years a child would not be susceptible to anything he saw on the screen that might possibly be a threat to his mental development. I move:

That the amendment to the Legislative Council's amendment be amended by striking out "two" and inserting "four".

Mr. GOLDSWORTHY: I do not support the amendment. I do not concede the logic of the argument that, because young children are exposed to the television screen regularly, therefore exposure to restricted classification material is justified. I had an interesting discussion on this matter with the members of a United Kingdom Parliamentary delegation last Thursday. There have been severe changes in the British censorship laws, and the throwing open of live theatre and films to uncensored material has had tremendous impact on British television programmes. I cannot accept the argument of the Leader.

Mr. COUMBE: I believe that the Leader's amendment is reasonable. The Attorney-General said that, having talked to members of another place, he would compromise, and my Leader's amendment gives him an opportunity to compromise further. If the Attorney accepts the Leader's amendment, it is a real compromise. This amendment would

affect a married couple who would take their children to a theatre, particularly a drive-in theatre, where a classified film was being shown. If we leave the age at two years, it will mean they will probably have to engage baby-sitters to look after their other children, whereas if we make the age four years, they will probably be able to take the baby in a basinette and the other young child or children can sleep on the back seat during the film.

I do not believe that a child between two years or four years will be affected by what he sees and hears at a drive-in theatre. Drive-in theatres operate only at night, so the children under four years of age who attend will probably be asleep during the film anyway. The Leader's amendment would enable the young couple with, say, two children under four years of age to see a film they wish to see at a drive-in theatre. I suggest that the Leader's amendment, if carried, would test the Attorney-General's powers of persuasion with members of another place.

The Hon. L. J. KING: The frantic efforts made by the member for Torrens were unnecessary if they were designed to convince me, because I think the age provided should be six years, for the reasons I have given several times. I think that, in respect of children under six years, the responsibility should be with the parents. In defence of what the member for Kavel has said, even if his own colleagues will not defend him, I have seen excerpts from films that have been deleted by the censor (and I am not sure they would be deleted under a restricted classification) that were extremely harrowing torture scenes. They involved human reactions, such as screaming, which are not easy for an adult to watch and not easy to dismiss from the mind if one has watched them.

I do not think it can be assumed, as the Leader assumes, that a child of, say, four years would be unmoved by that type of scene. It is different from the cowboy and Indian film, in which people seem to die with remarkable ease and in a decent and hygienic way. The question for this Committee is a simple one about what can be achieved. The Legislative Council has taken a strong view. I have discussed the matter with members of that place and I consider that the only result of accepting the Leader's amendment would be a protracted conference about the age of six years being provided and provision being made for children under that age not being taken to these films, and the age of two years would be a sort of dividing line between children in the crib stage who will go to sleep and children somewhat older who may be influenced by what they see.

That is the Legislative Council's opinion, not mine, but the time of this Parliament should not be occupied by a protracted conference that will serve no purpose. For that reason, much as I should like to see the Leader and the member for Torrens trying to persuade their colleagues in the Council, I do not think the conference would be successful.

Dr. TONKIN: I cannot support the Leader's amendment. A child's formative years as far as emotions are concerned are the years between two and eight. Emotional maturity comes late enough to many young people and the degree of emotional maturity that one ever reaches depends on the early years between two and eight. The member for Torrens has said that young children may be asleep in the back of the car.

Mr. Ferguson: They may wake up, too.

Dr. TONKIN: I agree, and I have heard parents, in these circumstances, say, "Watch the film and see what is happening now." I am not concerned about the aspect of sex, which I understand the Leader said was all right up to four. The sex aspect is not important, because young children come into contact with the facts of life more intimately than do many adults. The problems are caused by scenes of violence and torture and those that induce terror. The technique of Alfred Hitchcock towards the macabre and of introducing an atmosphere of terror has an effect on a child up to two years old, with whom one cannot reason and say that it is only a story. I do not support the Leader's amendment.

Mr. MILLHOUSE: I support the amendment, and I am surprised at the way the Attorney is handling this matter. It is the first time I have heard a Minister admit that he has done a deal with the other place, and thereby has committed himself and the majority of members in this place to something that I do not believe he should have committed himself to. That it should be a Labor Attorney-General makes the position more ironical than it would otherwise be. We have processes to resolve conflicts of opinions between the two Chambers, and every time the Attorney tries to short-circuit those processes (as he is doing now) he is likely to get into trouble. Although it may be a cumbersome procedure, it works and we should not reduce the stages of that system by having Ministers make deals with people in another place. It has been done

now, but it is a thoroughly bad precedent, and I hope that it is not repeated.

The Hon. L. J. KING: The member for Mitcham will be relieved to know that I am not committed to anything, neither is the Government nor this Committee. The position, as I indicated previously (although the member for Mitcham chose to misconstrue what I said), is that I have had discussions with members of another place, who have evinced an interest in this matter, about the sort of compromise they may be willing to support in their Chamber. I do not know whether it will have the support of most members of that Chamber, and a conference may indeed be necessary. I do not think the process of conversation between members of Parliament is bad. I do not hesitate to speak to members of the Upper House, even if some Opposition members have some difficulty in doing it. If I judge that the legislative process will be rendered smoother by conversation with members of another place, I will engage in that conversation. As a result, I have a clear understanding of the attitude of some members of another place and, for that reason, I think it would be unwise to accept this amendment.

Mr. HALL: No-one regrets the Attorney's having conversations with members of another place. In some instances I believe that his outlook would be improved if he had further conversations with them. It seems to me that, although the Attorney believes that the age of six years is correct, members of the Legislative Council have been able to persuade him to vote for something less than he believes in. The member for Bragg has spoken of the influence of entertainment on young people: can he differentiate between other forms of entertainment for a specific age group? From a recent report it seems that Tom and Jerry cartoons are influencing young people towards crime and violence, so that if the member for Bragg wishes to press his argument he should start a lifetime study into areas that influence a child's psychological development and not confine the discussion to films that a minimal number of children under four years of age will view.

The Committee divided on Mr. Hall's amendment:

Ayes (8)—Messrs. Becker, Brookman, Carnie, Coumbe, Hall (teller), Mathwin, Millhouse, and Rodda.

Noes (36)—Messrs. Allen, Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Eastick, Evans, Ferguson, Goldsworthy, Groth, Gunn, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McAnaney, McKee, McRae, Nankivell, Payne, Simmons, and Slater, Mrs. Steele, Messrs. Tonkin, Virgo, Wardle, Wells, and Wright.

Majority of 28 for the Noes.

Mr. Hall's amendment thus negatived; motion carried.

Amendment No. 7:

The Hon. L. J. KING moved:

That the Legislative Council's amendment No. 7 be amended by striking out all words after "Leave out" and insert " 'six' and insert 'two' ".

Motion carried.

Amendment No. 8:

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

That the Legislative Council's amendment No. 8 be amended by striking out all words after "is" and inserting "present in the theatre in the course of his employment".

After amendment No. 8 was carried in the Legislative Council, it was brought to my attention that its language confined the exemption to a projectionist or assistant projectionist and also, of course, to persons actually employed by an exhibitor. Many people are employed in and about a theatre, particularly at a drive-in theatre in canteens and candy bars, etc. For example, usherettes, who are not projectionists or assistant projectionists, are required to be in the theatre in the course of their employment. Moreover, some of them may not be employed by the exhibitor but may be employed by some other contractor who has undertaken the conduct of the canteen and so on. Consequently, the amendment widens the exemption by including all employees of the theatre between the ages of 16 years and 18 years.

Motion carried.

Amendments Nos. 9 to 12:

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

That the Legislative Council's amendments Nos. 9 to 12 be agreed to.

Amendment No. 9 is formal. Amendment No. 10 deals with advertising. At the last meeting of Ministers concerned with this matter, attention was drawn to the fact that there have been many protests about the type of advertising of films that appears in newspapers and elsewhere. This is forced on the attention of people of all ages who read the daily newspapers. In addition, it is open to exhibitors to misuse restricted classification as a means of attracting audiences by titillating their

imagination by appropriate wording and illustrations in an advertisement. It is important that the new system be not exploited in this way. The amendment gives power to the Minister or the authority under a corresponding law to require an advertisement to be submitted for approval, and it prohibits advertising other than in accordance with that approval. The procedure envisaged is that the Commonwealth film censor will, if he thinks it necessary, require to be submitted to him all the advertising material in relation to a film. He will approve or disapprove, and thereafter only advertising material conforming to his ruling will be permitted in relation to that film. Amendment No. 12 sets out what must be stated in the document.

Motion carried.

The following reason for disagreement to the Legislative Council's amendment No. 5 was adopted:

Because the amendment imposes an unnecessary restriction.

SECONDHAND MOTOR VEHICLES BILL

Adjourned debate on second reading.

(Continued from October 26. Page 2489.)

Mr. MILLHOUSE (Mitcham): I support the second reading with one reservation that I will explain as I go along. I make clear that I do not, for one moment, brand all secondhand motor car dealers as rogues, nor do I want to be taken as saying that. I am afraid that is a tendency in discussions I have heard on this legislation. I venture to say that most secondhand car dealers are honest and honourable, but unfortunately this type of transaction seems to lend itself peculiarly to cheating both by buyer and by seller. For that reason, I believe that a degree of regulation and supervision of such transactions is justified and that most people of the State believe that such supervision and regulation is justified. As the Attorney-General has said, the Bill is based on one of the recommendations in the Rogerson Committee's Report on the Law Relating to Consumer Credit and Money-lending.

During his time in office, the Attorney-General has sought (and one cannot blame him for this) to take credit for several consumer protection measures. I merely point out that these consumer protection measures largely spring from the Rogerson report, which was published by and during the time of the previous Government. I have no doubt that, had the previous Government stayed in office, it would have introduced a Bill with similar objects to this Bill, although I do not suggest that the terms would have been identical. I intend to refer to chapter 13 of the Rogerson report which is headed "Used Car Transactions", because I think members should look at the various points made there. Although that document was tabled by me when I was Attorney-General and was made available to all members of Parliament at that time, I am not sure whether all who were members then still have copies and I doubt whether members who have come here since have ever had copies.

Mr. Carnie: You always tabled reports?

Mr. MILLHOUSE: Yes, I never withheld them, and this report has proved to be a valuable source of information for members.

Mr. Payne: What did you do about it?

Mr. MILLHOUSE: We intended to act on it, but unfortunately we did not have the opportunity to do everything we hoped to do. I am sure that members opposite will agree that the 1968 and 1969 volumes of the South Australian Statutes contain much reform legislation of which no Government need be ashamed. At page 46, the report states:

Our starting point is, therefore, that dealers in used vehicles should have them inspected in a way sufficiently thorough to reveal any serious latent defects. If the dealer is wise, he should inspect before purchase and either reject, or pay a lower price for, the defective vehicle.

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

Mr. MILLHOUSE: That is the starting point, as expressed by the authors. Farther down page 46 they concede that this is a very difficult field, and I respectfully agree with them. Perhaps, though, I can now read the summary of their argument, which is on page 47. This is a little longer but I think it should be read, because it is the gist of what they recommended. The summary of the report states:

Our argument can be summarized as follows:

(1) The dealer buying a car is in the best position to have its condition examined, and in the best position to distribute loss occasioned by undiscoverable defects.

(2) If he does have the car examined, he will, when negotiating the price, be aware of most of its defects. He will pay less for it.

I pause here to say that one practical matter that I think the authors of this report may not have taken into account is that frequently a used car is a trade-in on a new car and the amount that is given as a trade-in on the used car is a very material factor in the sale of a new car.

I am confident that most dealers are fairly anxious to conclude a sale quickly and, therefore, all these negotiations are carried out as quickly as possible and the requirement or necessity for the dealer to examine with great care and in some detail a used vehicle will seriously interfere with the principal transaction, which is that of the purchase of a new car. This is something that I think we should bear in mind but which perhaps the authors have overlooked when setting out their second point. The summary of the argument in the report continues:

> (3) He either remedies these defects, or discloses them to the consumer. If he discloses them he is not responsible for them. The consumer will, no doubt, pay less for the car. The dealer, however, has also paid less for it, so will lose nothing except the cost of the examination. This is not great compared with the value of the car: the cost of labour in even a full 3½ hours inspection is, in South Australia, only $18.40. The cost would no doubt be tax deductible.

I do not know about that. Anyway, it is two years ago and I am afraid inflation has gone on since then and $18.40 probably is not an accurate figure now. The report continues:

> (4) If he does not disclose defects, he is for three months or 3,000 miles, responsible for the cost of repair of defects whether he knew of them or not. If he discloses the defect but gives an estimate of the cost of the repair which is outside the tolerance which is extended he is liable for the difference in cost. Defects occasioned by a *nova causa interveniens* should be excluded.
>
> (5) If the cost of repair of undisclosed defects is more than a certain amount, the consumer is entitled to rescind, as against both dealer and credit grantor. The credit grantor should have a right of recourse against the dealer.

By defects we mean only those which arise in parts essential to the car's reasonable use; and, even in respect of these parts, we would exclude the trifling. We are not competent to advise further on this matter and suggest that expert evidence should be taken. The successful operation of this scheme, which would, we believe, take most of the risk out of used car dealings, depends upon two factors. The first is the availability of a body of efficient and honest motor engineers to give accurate estimates of the cost of repairs to consumers who have bought a car with undisclosed, or insufficiently disclosed, defects. The second is making sure that all dealers are capable of meeting the obligations which we recommend should be put on them.

I think that sums up what the Rogerson report has suggested, and these points have been substantially reproduced in the Bill. However, one matter which is not canvassed in the report and which does not appear in the Bill should, I think, be included in any legislation passed by this House. I believe that in some cases the protection which will be given to the purchaser by this Bill is given unnecessarily. There is no doubt in my mind that the provisions of this Bill will add to the cost of second-hand cars. The Bill requires to be done many things that do not have to be done now, and the cost of this will be borne by the purchaser in the long run. We can be sure of that.

As I have said, I believe that in some cases the protection given is unnecessary. In those cases, I believe that the purchaser should have the benefit, cost-wise, of the fact that he does not need this protection. I shall give one example of what I have in mind. There are (perhaps even in this House, although I do not know that) many people in the community who have sufficient mechanical knowledge to be able to look at a vehicle, go over it, and come to a conclusion competently about its mechancial condition. For example, this group comprises motor mechanics buying motor cars for themselves, engineers, or other people who, as I say, have the skill and training which, alas, I lack, to make up their our mind without having to rely on anything that they are told.

In other words, for these people the principle of law *caveat emptor* would apply not only in law but in fact. These people are competent and capable about making up their minds about a purchase without being protected in any way. I think we should make an exception for these people, and the way to do this is by providing a sort of cooling-off period, such as we have with door-to-door sales, a matter that we considered a few weeks ago in this House.

I believe that two things are essential so that a would-be purchaser will not be overborne by a zealous salesman, as we know can happen from time to time. I think that there should be a separation, both in time and in space, before the deal goes through without the benefits of this Bill. In other words, I think that a would-be purchaser, if he proposes to enter into a transaction without the benefits given in this legislation, should have to go away and think about it for a certain time so that he will not be under the influence of the used car dealer

but will have an opportunity to think and decide independently. If he wants to take the car straight away, in my view he should have to take it with the "benefits" given by the provisions of this Bill. However, if he is a competent person who believes that he can make up his own mind, he will have to suffer the slight disadvantage of the delay that will be involved.

I consider that a provision along these lines could well be inserted to cater for those people who do not need this protection, and there are some in the community who are in this happy position. I intend to take steps in that direction in due course, but I do not intend to go any further on that line now. There are one or two things in the Bill to which I draw attention. This Bill provides yet one more board and one more licensing authority in the State. I suppose that soon no-one will be able to engage in any kind of occupation without being licensed. It is in the temper of the times that we should have all kinds of licensing; I think we must accept it. However, I believe that most people, indeed most people in this calling, accept the wisdom of licensing. Although I do not like the idea of licensing all and sundry, I do not oppose this form of licensing: I am swimming with the tide, I guess. However, I refer to clause 17 and the powers given thereby to the board to license. I freely concede that this point was suggested to me by the member for Alexandra, whom I promised, when I told him that I would use it, to acknowledge that he had suggested it to me. Being honest and honourable, I always do the right thing.

The Hon. L. J. King: Did you make that acknowledgement regarding your Companies Bill point?

Mr. MILLHOUSE: The Attorney-General has derived amusement from a conversation he has had with the member for Alexandra about this matter. If the Attorney examines the letter, he will see that it was addressed neither to the member for Alexandra nor to me.

The Hon. L. J. King: I didn't say anything about conversations with the member for Alexandra.

The SPEAKER: Order!

Mr. MILLHOUSE: If members examine clause 17 they will see a remarkable resemblance between it and section 15 of the Builders Licensing Act passed in 1967. I do not need to remind Opposition members of the consternation and perturbuation that have been caused to builders by the requirements imposed on them by the Builders Licensing Board and the information which they have to disclose before they can obtain a licence. I can tell people in the used car business that I have little doubt that the same type of information will be required from them as is now required from builders. If they like that, they like it, but at least they have been warned. Under clause 17 (1) (*a*) a person must satisfy the board that he is of or over the age of 18 years, and most of them will not have much difficulty in doing that. Under paragraph (*b*), he must satisfy it that he is a person of good character and repute and a fit and proper person to hold a licence; that is as wide as the world.

Paragraph (*c*) is the one that does not appear in as many words in section 15 of the Builders Licensing Act, but these are the requirements that have caused all the trouble to the builders. Under paragraph (*c*), he must satisfy the board that he has sufficient material and financial resources available to him to enable him to comply with the requirements of the Bill. I have little doubt that the board will require a complete revaluation of the financial standing of each applicant for a licence. Whether or not people will like that, I do not know, but I suspect that they will not like it at all. Those in the trade who are prepared to accept licensing must know that this is what licensing will entail. That is the first point I make, and I make it with due acknowledgement to the member for Alexandra.

The other controversial matters are contained in clauses 24 and 25; clause 24 relating to the obligation of the dealer and clause 25 to the exclusion of defects. Clause 24 embodies the suggestions of the Rogerson committee for 5 000 km. Of course, the report is couched in miles but, now that we have gone metric, 5 000 km is substituted for 3,000 miles. Thank heaven we have not fooled about with the calendar, so it is still three months. I do not argue about those provisions, but others may do so. I point out, however, that there is the obligation that, if a defect appears within either that time or that distance, it must be put right, or, as the Bill provides, the defects must be remedied so as to place the vehicle in a reasonable condition having regard to its age. This, again, will be a fruitful field for argument. I think it is rather wide, but I suppose that the courts eventually will have to decide these things. Like so much legislation introduced by a Labor Government (not only this Labor Government but all Labor

Governments), it will be a harvest for the legal profession.

The Hon. L. J. King: Don't you believe in the rule of law?

Mr. MILLHOUSE: I do, and the Attorney-General knows that, but I also believe that Parliament ought to do its job and make the legislation that flows from it as precise and as clear as possible. I do not believe in allowing or asking the courts to lay down the rules that Parliament should lay down, and the Attorney-General well knows that the courts hate having to do it, because they do not regard it as part of their job.

The Hon. L. J. King: Can you suggest a better formula?

Mr. MILLHOUSE: Not at the moment, and it is all very well for the member for Mitchell to laugh or for the Attorney-General to make that interjection. This is the Attorney's Bill, and he has had almost 18 months to draw it up, whereas I am asked here on the spur of the moment to suggest something better. If by that interjection the Attorney acknowledges my point, it is up to him to suggest something better.

Mr. Payne: You don't even believe in a majority.

Mr. MILLHOUSE: I cannot see the point of that interjection.

Mr. Jennings: What about the law relating to the girls you were defending?

Mr. MILLHOUSE: The member for Ross Smith has a one-track mind. The point I intended to make before the Attorney-General interjected was that, under clause 24 (2), it seems to me that the onus will be on the dealer to prove this, and it will be difficult to prove: for example, that the defect arose from or was incidental to any accidental damage to the vehicle after the sale referred to in the subsection. Even more difficult is paragraph (*c*), namely, that the defect arose from misuse or negligence on the part of a driver of the vehicle that occurred after the sale referred to. It would be extremely difficult to prove that an owner of the vehicle or the driver had at some time in the preceding few weeks or months used the vehicle so badly that it caused the defect. That will be a difficult burden for a dealer to discharge. However, there it is, and I draw attention to it.

Although this is not of great importance, in clause 25 I notice that the dealer may affix or attach to any secondhand vehicle offered or displayed for sale a notice in the prescribed form, but, as far as I can see, he can put it anywhere: he could put it on the bottom of the chassis. The fact that he has to have a copy of it signed by the purchaser probably means that it does not matter much, but it would have been a good idea to provide that the notice must be placed in some prominent position on the motor vehicle.

What I suppose is hoped to be a short cut to the resolution of disputes is provided by giving the Prices Commissioner a final and binding say if both parties agree. If they agree, but one or other is not satisfied, they have themselves to blame, because they could go to a court if they did not agree. I suggest that that is what will usually be the wiser thing to do. Clause 30 gives the Government absolute power to prescribe what is called an undesirable practice. The clause provides:

(1) A person shall not, in relation to the business of buying or selling second-hand vehicles carry out or give effect to any undesirable practice.
Penalty: Five hundred dollars.
(2) In this section an undesirable practice means an undesirable practice prescribed by regulation under this Act.

That could be anything, so long as it is connected with the business, and the clause gives the Government great and wide powers. It may be argued that this can be done only by regulation. That argument is correct: regulations have to come to Parliament and may be disallowed. So far so good. The weakness of the argument (and we have seen it done in one or two cases) is that regulations may be made in Executive Council a week after Parliament rises and be operating for four, five, or six months until Parliament sits again and can deal with the matter. That is the weakness of the argument that people's rights are protected by a regulation that must be laid before both Houses of Parliament. It could be a long time before the regulation can be dealt with by Parliament.

Mr. Jennings: It could also be disallowed by an undemocratically elected House.

Mr. MILLHOUSE: I guess that the member for Ross Smith is trying to show that he thinks of other things as well, but his interjection does not affect my point that a long time can elapse before anything can be done about an undesirable practice so prescribed by Parliament. These are the only points to which I wanted to refer: I support the Bill, but I believe it should have in it provisions to enable those who do not need its protection to opt out. Such a provision should be inserted with safeguards, so that it is not abused, and if this were put in I think, by and large, the Bill would be satisfactory. I

guess that, as with all new legislation, we will find some defects when it is in operation (perhaps some of the matters to which I have referred will be found to be unsatisfactory, and it will have to come back). However, as that is one thing we cannot avoid, I therefore support the second reading.

Mr. McRAE (Playford): I, too, support the Bill. As a preliminary observation, I would say that no attempt has been made to brand all used car dealers as villains or scoundrels. I think that would be just as absurd as denouncing all Englishmen as whingeing poms and all Italians as malingerers. However, in this measure there is a fairly Draconian touch, which is necessary in the social circumstances. We have Draconian legislation to deal with pests such as fruit fly, and we need Draconian legislation to deal with pests that can be just as bad: the pests of the used car industry. What areas of commercial dealing require statutory intervention to protect consumers should be decided on a practical test, and I suggest that the practical test is the question whence do valid complaints emanate and in what volume do they emanate.

Clearly in this area, as in the area of door-to-door sales and pyramid selling, there is a most substantial volume of valid complaints. Any lawyer or member of Parliament will vouch for the fact that a large percentage of the complaints that he receives is related to dealings in used motor vehicles, and this is particularly obvious when one considers the rather limited scope of the industry of selling used motor vehicles. Later, I may refer to one or two cases that would evidence the obvious need for such legislation. However, as did the member for Mitcham, I refer to the Rogerson report and to two paragraphs at page 46, where the sensible and responsible people who provided the report back up the assessment of the situation made by the Attorney-General, in the following way:

There is ample evidence that purchases of secondhand motor vehicles are the source of much trouble and hardship in the field of consumer credit. We believe that strong and far-reaching methods are needed if prevalent abuses are to be remedied. We have been advised that cars under two years old do not often have serious mechanical defects. Cars more than 10 years old almost always have them, but these are, perhaps, to be expected. Other cars may or may not be in such a conditions as to necessitate expensive repairs: so that in purchases of such cars there is a strong element of chance . . . It would be very easy to fall into the trap of damning all used car dealers as open and notorious rogues, and for that reason to put upon them all the blame and responsibility for the hardships of all consumers who make a bad bargain. On the other hand the requirements of the present hire-purchase Acts are useless as protection for consumers, providing as they do for the exclusion of liability when the goods are stated to be secondhand.

That quotation states in a nutshell the introduction to the comments I will make. It is useless to damn all used car dealers as irresponsible rogues, for they are not. Many used car dealers are every bit as responsible and as ethical as are people in any other part of the commercial world. Unfortunately for them, they are equally plagued, as is the consumer, by what I have referred to as the pest in the industry. I believe that among the reasons for the numerous complaints in this area is the fact that too many people are involved in the trade. On a brief calculation this afternoon, taking my evidence from the telephone directory, I find that there are about 250 used car dealers in South Australia, as against about 120 new car or franchise dealers.

Furthermore, of the 120 new car dealers, many are also used car dealers. Therefore, I find it fair to conclude that fewer than 50 persons or corporations deal only in new cars, while about 70 persons or corporations deal in new and secondhand motor vehicles; but over 180 persons or corporations deal in used motor vehicles alone. That it is so much easier to obtain credit finance in the field of used motor car sales explains the great preponderance of secondhand car dealers as against the franchise dealers. This situation leads to several results. First, people or corporations that are under-capitalized are taking a chance on the market and, therefore, on the consumer, whereas they could not do so if they were involved in a franchise relationship, with new car sales being the prime part of their business. In this over-filled industry and saturated market situation, spurious advertising is one means immediately used by the unscrupulous used car dealer.

People who are willing to enter in an under-capitalized state what is already a highly competitive industry are willing to enter into spurious advertising and to adopt a policy of "sell at all costs to the consumer", and I mean that thrase literally, because under the existing law the consumer can do little about any valid complaint that he may have. Much of the blame for the current situation rests with

the finance companies, which enable secondhand motor vehicle dealers, as I have described, to set up in a saturated market, well knowing that the result must be the collapse of more than half the number of such dealers and that a further result must be great hardship on the consuming public generally. This situation is acknowledged not only by those interested in the field of consumer law and consumer protection but also by those responsible and ethical used car dealers to whom I have referred.

The main question at issue, therefore, is not whether a problem exists but how we solve the problem. I think we would have to adopt an ostrich-like stance, indeed, to deny that there is a problem, but where does the remedy lie? In the Rogerson report, a series of remedies is set forth and, at page 46 of the report, general comments are made which I think are valid and which lead to the sort of remedy that the Attorney-General has introduced in the Bill. At page 46 of the report, the authors said, among other things:

It is reasonable to assume that a dealer in secondhand cars does not deliberately worsen their condition while they are in his possession. They may perhaps deteriorate in some ways by standing, often exposed to the elements, or vandals, for long periods. However, it is a fairly safe assumption that the car when re-sold is, unless it has had further use, in no worse condition as regards mechanical defects than it was when the dealer got it. If it is defective when sold to the consumer, therefore, it must be because the dealer *bought* a defective car. If he did so, then we submit that to a large extent it is only he who is to blame: he could have examined the car, and paid for it only what it was worth with its defects. If, because he failed to have it thoroughly inspected, he paid more than it was worth, why should he, at a profit, of course, be allowed with impunity to transfer a car with serious latent defects to a consumer for much more than it is worth? Our starting point is, therefore, that dealers in used vehicles should have them inspected in a way sufficiently thorough to reveal any serious latent defects. If the dealer is wise, he should inspect before purchase and either reject, or pay a lower price for, the defective vehicle . . .

Our approach is based on making available to the consumer sufficient information about the vehicle to allow him freely and informedly to make up his mind about whether or not to buy it, and at what price. Any consumer must be aware when he is buying a car that it will need periodic repairs and replacement of parts. The older the car, the more this will be so. The buyers of new cars, however, know that they are likely to have little to lay out in these respects in the near future, by reason of their cars' newness, and of the guarantees which are usually given and honoured on the sale of new cars. The buyer of a secondhand car is in a less favourable position. He may realize, from the speedometer reading, that the expense of some particular major repair may have to be catered for in his budget for the next year. But if the speedometer has been wound back (as is quite commonly the case) he may find that the repairs he expected to have to pay in a year's time are upon him immediately, and that others not reasonably to be expected at all are also required. We believe that the consumer is entitled to receive from secondhand car dealers as much information about a car as is possible to enable him to estimate, with a fair degree of accuracy, what it is likely to cost him over the first part at least of his period of ownership of it. If he is not accurately apprised of this he will not be able to make prudent credit arrangements. Worse for him he may be unable to pay his instalments, if he has to pay large and unexpected sums for repairs necessary to keep the car on the road, with the result that it is taken away from him.

That sets out the kernel of the argument put forward by the Rogerson committee. It is unfortunate for the honest dealer, but I think the honest dealer will accept that, unfortunately for him, he has to pay for the sins of the rogue in the industry. I make clear, as I did at the beginning of my speech, that I personally know used car dealers of the highest repute, but unfortunately, both from my short Parliamentary career and from my slightly longer legal career, I also know used car dealers who are nothing short of rogues, known throughout the community. It is a disgrace that they have been able to get away with what they have got away with. I also refer to the summary of the arguments developed by the Rogerson committee. It is necessary to do this in order to appreciate the way in which this Bill has in fact diverged from some of the principal conclusions of the Rogerson report. The member for Mitcham did not appreciate the extent to which the Bill had diverged from the report. The summary of the argument is as follows:

(1) The dealer buying a car is in the best position to have its condition examined, and in the best position to distribute loss occasioned by undiscoverable defects.

(2) If he does have the car examined, he will, when negotiating the price, be aware of most of its defects. He will pay less for it.

(3) He either remedies these defects, or discloses them to the consumer. If he discloses them he is not responsible for them. The consumer will, no doubt, pay less for the car. The dealer, however, has also paid less for it, so will lose nothing except the cost of the examination. This is not great compared with the value of the car: the cost of labour in even a full 3½ hours inspection is, in South Australia, only $18.40. The cost would no doubt be tax deductible.

(4) If he does not disclose defects, he is for three months or 3,000 miles, responsible for the cost of repair of defects whether he knew of them or not. If he discloses the defect but gives an estimate of the cost of the repair which is outside the tolerance which is extended he is liable for the difference in cost. Defects occasioned by a *nova causa interveniens* should be excluded.

(5) If the cost of repair of undisclosed defects is more than a certain amount, the consumer is entitled to rescind, as against both dealer and credit grantor. The credit grantor should have a right of recourse against the dealer.

That approach places a great emphasis on the fact that it is possible and logical for all used car dealers to adopt the expedient of using their knowledge of the industry, the trade and the motor vehicles in which they deal to protect themselves by preparing a list of the defects of which they must know. By plastering that list of the defects on the inside of the windshield of the car, they would let the purchaser know, and would grant to themselves the full protection against damage that is provided under the Bill. However, I understand that the industry as a whole (and no doubt it knows what it is about) rejects that as a primary means of dealing with the difficulties of which we speak, the reason being that this would reduce sales.

Mr. Goldsworthy: The reason is that it is difficult, if not impossible, to do this.

Mr. McRAE: I believe that a large number of reputable dealers (and I know of at least one or two) even now go through a procedure of preparing a list of defects known to them in the vehicle, and hand that list to the purchaser saying, "That is the situation known to us: that is our price; now make up your mind." There is no reason why that could not be carried a step further, with the dealers posting the list of defects to the inside of the motor vehicle. I believe that many would be happy to do so, but the person who is not happy to do it is the rogue in the industry, for he wants a sale at any cost, being even prepared to go to the extreme of making good the defect rather than notify it in advance. That is an extraordinary state of affairs. The Rogerson report fully acknowledges that the legislation likely to be introduced could well have a hard economic impact on the industry, or at least on certain parts of it. The authors summarize their thoughts on this point on page 38 of the report, as follows:

The second can be attempted by making the possession of sufficient financial resources a condition of obtaining and keeping a motor dealer's licence. If it is objected that this, or the cost of our other recommendations, will drive the less efficient and financially sound firms out of business, all we can say is that we have yet to be convinced that the country would not be the better for it.

I speak with no harshness towards a reputable dealer in the industry when I say that, if the impact of this Bill is such as to drive out and destroy the less reputable, under-capitalized, unscrupulous firms, indeed the State will be the better for it. The fact that the problem exists is evident; we must consider the so'ution. The Rogerson report put forward several solutions.

The Bill departs from them in many respects, so it is therefore reasonable to examine the Bill, determining as a matter of practicality and as a matter of law whether the propositions in the Bill are reasonable and fair to all concerned. The solutions proposed in the Bill fall into three classes, the first being the licensing of dealers. This measure is in line with the Rogerson report, and to that end the board is established.

By clause 7, a board of five persons is established, one person being a legal practitioner, one a representative of the trade or industry, and one a representative of the consumer; the other two persons are not specified. I hope that the board will operate well and effectively. I agree with the member for Mitcham that setting up such a board is a major step. There is a proliferation of boards and instrumentalities throughout the whole governmental sphere, both State and Commonwealth. At times it is horrifying to consider the number of boards and licensing authorities one has to know about. In cases where a clear problem is shown, unless honourable members can come up with a better solution, as they are invited to do by the Attorney-General, it is difficult to know what to do apart from instituting some form of licensing. The way the board is to be established seems to me to be fair, and I hope it will operate well. I am sure that the people appointed will have a good grasp of the industry and its needs and that they will administer the law fairly.

The next measure deals with the qualifications for licences as set out in clause 17. Here I take issue with the member for Mitcham when he says that this clause is somehow bad because it resembles section 15 of the Builders Licensing Act, which I consider to be one of the most effective pieces of legislation yet introduced; unfortunately, it is not operating to its full efficiency yet. This is a logical sequence of events.

Obviously, in the life time of the average person in the community certain major purchases supersede all others in importance, one being the purchase of a house and another the purchase of a motor vehicle, this latter purchase being essential.

The Hon. D. N. Brookman: Would you stop at those two matters or would you extend this type of legislation to other things?

Mr. McRAE: I am not permitted to answer interjections.

The DEPUTY SPEAKER: They are completely out of order.

Mr. McRAE: In terms of general policy, I believe that when we look at boards we must look at the matter pragmatically. If a problem is bad enough, it may indicate the need for a board. If it is not so bad, for God's sake let us not have a board, because I am not in favour of an overwhelming mass of boards, as this completely bewilders everyone involved in the field.

Members interjecting:

Mr. McRAE: Many people are licensed, including lawyers, doctors and teachers, and they are all subject to strict discipline. If primary producers were licensed we could look at their situation, too.

The DEPUTY SPEAKER: Order!

Mr. McRAE: I make no apology for clause 17 bearing a strong resemblance to section 15 of the Builders Licensing Act, because I believe that is a very good thing. All the board requires is that a person be of good character and repute and be a fit and proper person to hold a licence, and that he have sufficient material and financial resources available to enable him to comply with the requirements of this Act. What conceivably can be wrong with that? What honest man can have anything to fear from going to the board and obtaining a licence on the basis that he is a person of good character and repute. In many other fields it is a necesary prerequisite that must be established. It is not a positive thing: he does not have to establish that he is a person of good character and good reputation by demonstrating what a hell of a good bloke he is. It is done negatively: all he is required is to show is that he has done nothing wrong, or at any rate has not been caught (as the Attorney improperly interjected).

I would have thought that, in regard to material and financial resources, members opposite who come from rural areas and whose constituents have been badly caught by company failures in recent years, would have been the first to stand up and support this requirement because it is the simplest means of determining whether members of the public are going to be hurt. The member for Heysen has often spoken of company law and he knows that no company can continue to exist if it is under-capitalized. Persons of poor repute who have notoriously established themselves in this industry without sufficient material and financial resources have been caught in the trap of needing a volume of sales and have resorted to the bad practices that this Bill seeks to eliminate. I say, therefore, that anyone who criticizes clause 17 has surely to come up with a better argument than the argument that it resembles section 15 of the Builders Licensing Act.

Mr. McANANEY: I draw your attention, Mr. Deputy Speaker, to the state of the House. The honourable member's colleagues could give him the benefit of listening to him even if—

The DEPUTY SPEAKER: Order! The honourable member has drawn my attention to the state of the House. Ring the bells.

A quorum having been formed:

The DEPUTY SPEAKER: The honourable member for Playford.

Mr. McRAE: Because of the call for a quorum, may I comment on the archaic state of our Standing Orders.

The DEPUTY SPEAKER: Order! The honourable member must link his remarks to the Bill under discussion.

Mr. McRAE: I am linking up, Sir, with the whole policy of consumer protection. I think some protection ought to relate to the back-benchers, too.

The DEPUTY SPEAKER: Order! The honourable member is out of order in discussing Standing Orders at this stage.

Mr. McRAE: Very well, Sir. I was dealing with the matter raised by clause 17 of the Bill and pointing out that, if the best the member for Mitcham could give us was a statement that there was a similar provision in the Builders Licensing Act, that was a pathetic argument indeed.

Mr. Gunn: It's true, and you know it.

Mr. McRAE: Well, we hope that we can be given a better argument than the honourable member has advanced. I shall now deal with the ground on which a dealer may have his licence disqualified, and there are certain Draconian measures in this, too, but we do not shrink from this or hide it. One thing that the member for Mitcham apparently missed (he picked up most things) was the

word "dishonesty" in clause 20 (1) (c). That word embraces an extremely wide concept, and the provision states:

If the person has been found, by any court or other tribunal, or, after due inquiry, by the board, to have been guilty of fraudulent conduct or dishonesty in connection with the business of buying or selling in second-hand vehicles:

There is provision that, in those circumstances, certain action may be taken leading to his disqualification. I point out to members, in all fairness, that that is one of the widest phrases in terms of disqualification ever introduced in legislation in this State. However, it is needed because we are plagued by the sort of people who advertise in our newspapers every Friday night, the Richard Burtons and the Rick Hoskings of this world, the pests that are rather like the fruitfly pest in other parts of our community. While we are plagued by these people, we must have Draconian measures to deal with them because, at every attempt to introduce sanity into the industry, they slide out of it by some other means of evasion.

An extremely wide power is vested in the board, and it is essential, for the consumers of this State, that action be taken. Normally speaking, following my general policy I would not agree that such an all-embracing term was wise or good, because the word "dishonesty" includes so many things that are not covered in the normal concepts of the law. However, I recall that constituents of mine, having bought used motor vehicles and having driven only around the block from the place where they bought them, have had the vehicles come to a complete stop and they have not been able to start them again. When I bear that in mind, I think this provision is entirely justified.

I add, of course, that there is a proper appeal provision, and I am pleased about that. If any member of the board, or the whole board, becomes over-zealous in carrying out the duties, there is provision for an appeal to a court of law to review the matter and to see that the board carries out its duties properly. That is a most important feature. The other comment I make is that, in relation to corporation, I am extremely pleased that provision is made (in clause 17) that the board shall have regard to all persons associated with the corporation concerned; that is to say, a person cannot use the old way out that has been used by crooked companies in the past of setting up a corporation in the name of a wife, relative, or some other person, and then perpetrating a series of gross frauds and hiding behind that separate legal identity to avoid responsibility. If members want to contrast this situation with the situation in the building industry, let me remind them of the position that 100 of my constituents are still in as a result of the depredations of Goretzki and Company.

Mr. Becker: Was he a used car dealer?

Mr. McRAE: No. Goretzki was in the building industry. If members listen to me, they will see that I am pointing out the similarity, and their constituents can be well advised that this sort of measure is good, because it will allow the board to see that the people concerned in the management of the company, as well as those whose names can appear on a document easily drafted by any corporation lawyer, are in fact of good repute and are honest. When I think that 100 of my constituents are about to pay again as a result of the unmitigated fraud of a rogue, I am pleased to see the provision that is being made here.

I shall now deal with one of the most important provisions: that is, the link between clauses 23 and 24, which are partially, but not completely, taken from the Rogerson report. The Rogerson report would have far more emphasis placed upon giving to the consumer notice of readily-known defects. Clause 24 provides for making good by the dealer where he has sold a secondhand motor vehicle for more than $500, within a certain mileage and in a certain period of time, if damage is caused as a result of those defects. Clause 37 prevents the dealer from being able to contract out.

Furthermore, the Bill prevents the dealer from repudiating representations such as those often made by employees. We know that at present unscrupulous used car dealers are getting leading television and radio personalities and other persons to attend at their car yards on Saturday morning. The dealers use the good fame and name of these people and, presumably, the representations of these people. I know that people like Kevin Crease and Big Bob Francis, who I think is known to some members opposite, often state in newspaper advertisements that they support the great great guys of such-and-such a place, and they guarantee that there will be a Christmas treat for the children.

Hiding behind representations of that sort in the past, dealers have been able to say, "No, that was not our representation. It was made by one of our employees." That defence has also been stopped. The next important provision deals with the matter of

arbitral or judicial hearings. I do not believe that this is an area where we need judicial hearing at all. I think this is an area where we could learn from our experience in industrial arbitration, and again I join issue with the member for Mitcham when he suggests that any wise person will go to law about the matter. I assure members and their constituents that, if a person goes to law on a commercial matter against people who have money backing, those persons will be the ones who suffer. A person does not win against a machine, as is shown in all phases of legal life.

I should like to see a midway mark between the arbitration provisions that operate at present in commercial transactions and the judicial proceedings. Commercial arbitral provisions are covered by what is known as a Scott and Avery clause. Members may not know this, but any day their constituents may suffer because of the present state of the law. Do members realize that in all insurance policies and commercial contracts of this kind their constituent cannot get before a court without first going before an arbitrator, in the strict sense? Do they realize that their constituent must pay half the costs of the arbitrator? Do they realize that he must bear full legal costs? Do they realize that, even though he has paid this sum, his opponent can still take him to court? Do they realize that, in legal proceedings, money will usually win? Therefore, when the member for Mitcham suggests that most people would be looking for the judicial proceedings, I say that that is so much nonsense. Many ill-advised people may turn to judicial proceedings, but anyone whom I or any Government member advises would turn first to the Prices Commissioner. Unfortunately, a slight weakness exists in the Bill: too much mercy is shown because we have not insisted that the whole of the area be dealt with by lay arbitrators, as is done in the industrial area.

Clause 30 is undoubtedly a harsh measure and, as read out by the member for Mitcham, it sounded most unusual; indeed, it was unusual. The clause provides that a person or corporation will be liable for any undesirable practice, and "undesirable practice" means an undesirable practice prescribed by regulations under the Act. In normal circumstances, neither this House nor any other House would tolerate such a practice. As soon as legislation is introduced against the unscrupulous rogues in this industry, they will find another loophole. This Bill is the only way to treat such a practice and the only way to get at such rogues. The Unfair Advertising Act gradually put the noose around the neck of the unscrupulous used car dealer, and this Bill will help tighten the noose.

As the Rogerson report states, if that can be done, it will be a good incentive to people in the industry to lift their standards. If this legislation does not work, even harsher remedies will be required to tighten the noose and break the neck of the unscrupulous dealer. This is a good Bill to deal with the scoundrels and to protect dealers of good character in the industry who will support it. Although in many respects the Bill oversteps the normal boundaries I regard as being fair in other commercial transactions, it is absolutely necessary in this area. If we do not pass the Bill we will not control the industry: we will see our constituents fleeced again as they have been fleeced in the past.

A constituent of mine at Para Hills learned this to his great loss. After buying a used car for his son as a birthday present, he took his son proudly down Bridge Road only to find that, within one-quarter of a mile of the used car establishment, the brakes failed. The car swerved desperately and hit a telephone pole; so, in the course of the morning, he had bought a wreck of a car, about which he could do nothing, his son was severely injured and taken to hospital, and the man went home, without a remedy. As this Bill provides a good remedy, I support it.

Mr. EVANS (Fisher): I support the principles contained in the Bill, and I do not believe that many people would not support them. In this day and age it is amazing to me that we should have to introduce this type of legislation. Many people argue that people today are better educated, more responsible and independent, and have been taught through our education system to think for themselves. They know how to add up and how to work out percentages, and they know that if they enter into an agreement they are obliged to stand by it. Yet in many of the complaints against used car operators, the customer is as much at fault as is the operator. The customer tends to say that he can meet a commitment far greater than he can meet, and he does not allow for unforeseen circumstances. Many people commit themselves up to 100 per cent of their earning capacity, thereby having to turn their vehicle over to the finance company or the used car dealer when they fail to meet their

commitments. Yet, in these circumstances the used car operator is condemned.

A pamphlet entitled *Consumer Aid* has been distributed among members of the public and members of Parliament by the Prices Commissioner. I believe the first page of the pamphlet states the case clearly and tells the consumer of the sensible approach he should make when purchasing a motor car. The pamphlet states:

Are you buying a used car? If so, caution now may prevent problems later. This pamphlet offers practical advice on buying a used car and points out some of the risks you face and some of the things you should watch for. Don't rush into things. Consider first: the importance of the deal! It is one of the biggest single investments you are likely to make, apart from the purchase of your home. The finance involved! If you buy a car on a time-payment basis and later find it necessary to withdraw from the deal, you could end up with no car but still owing a substantial sum of money to the finance company. The possibility of a bad buy! If major mechanical faults subsequently become apparent, you would be faced with expensive repair bills.

The following is one of the most important paragraphs in the pamphlet:

Bear in mind also: You are buying a used car, not a new car and in paying a price related to its age, you must accept that its components, especially the mechanical parts, are worn to a certain extent and may require repair or replacement at any time after purchase, particularly in the case of an older, low-priced car.

How much can you afford? There may be a big difference between what you need and can afford and what you would like. In deciding what make and model car best suits your needs and your pocket, bear in mind the purposes for which you need it and, at the same time, if you have to borrow.

The registration fee and stamp duty have increased considerably over the last 12 months. The pamphlet continues:

Remember, you are also up for: Registration fee, insurance premiums, stamp duty, and interest charges. Remember, besides repaying the loan over many months ahead, you must reckon on paying annual re-registration and reinsurance, running costs, general maintenance and repairs, and possible accident costs. Remember the unexpected set-backs: repair bills for home appliances, sickness, dental treatment, and loss of overtime earnings.

There is much more in the pamphlet, and most members are aware of its contents. The pamphlet sets out the situation facing the would-be purchaser of a used car. I agree that some secondhand car dealers are of poor repute, but I do not agree with the member for Playford's comparison between controlling fruit fly and secondhand car dealers in a similar way. Not all of the orchard is sprayed to destroy the fruit fly menace: the attack is made where the problem exists, and that is the course we should follow in this case. I shall refer to that matter later. Responsible people in the community that we represent have available to them the Royal Automobile Association and their local garage proprietor who is often known to them.

Mr. Harrison: At some expense!

Mr. EVANS: These people hold the local garage proprietor in high respect. Of course it may be expensive, but does—

Mr. Harrison: They should not be entitled to charge so much.

Mr. EVANS: Does the honourable member believe that he will be able to obtain the protection given by the Bill without expense? Is that what he is suggesting? The honourable member knows that he will not receive that protection, nor will any of his constituents, because the dealer must protect himself and there must be community insurance. I suggest that, if people had the vehicle tested by the R.A.A. or by the local garage proprietor, we would not have half the problems we have now with secondhand car dealers.

Mr. Langley: What about the things they put over?

Mr. EVANS: I do not believe that in all cases something has been put over by the secondhand car dealer. I can quote cases in which dealers have carried out unscrupulous and unfair acts, but I can also give examples of people who, having entered a contract to buy a car, have carried out acts that are just as dishonest and unscrupulous as those carried out by secondhand car dealers. I will quote two instances for the benefit of the member for Unley, who has said that dealers put these things over.

I know that some dealers will speak to a person and try to sell a vehicle in the yard. When the buyer states that he can afford $15 a week or $60 a month (and that person usually states the highest amount he can afford) and agrees to buy the car, the dealer, instead of ensuring that the proposal to the finance company is completely filled out, asks the person to sign at the bottom of the form (that is dishonest and unscrupulous), but when the person receives the first account from the hire-purchase company he finds that it is an account not for $60 a month but for $80 or $90. It is not long before that person is in financial difficulties and must return the vehicle to the secondhand dealer, who says, "All right, leave it here and we will sell it for

you, but take a cheaper car." The dealer gets out of it by using that method. Later, when the dealer has sold the car again and account has been taken of the hire on the first hire-purchase agreement, the client receives a bill for another sum that is considerably higher. I do not condone that sort of action or accept it as an honest practice in any circumstances, and I believe the Bill covers that sort of thing adequately.

I can also cite an example of a young man who owned a manual-drive Holden and had a friend who wished to buy a similar vehicle. The first owner had gear-box trouble with his vehicle. When the second person had bought a car of the same vintage they exchanged gear-boxes. After a few days, when a bit of dirt and grit covered the gear-box the buyer took the vehicle back to the dealer and told him that the gear-box was no good but that the vehicle was still under guarantee. In no way could the dealer prove that the gear-box had been changed. I know of such an instance, which proves that there are dishonest people within the comunity as well as there are dishonest secondhand car dealers.

Mr. Langley: You should know what you are buying if you are in the game: you don't buy anything that you don't know about.

Mr. EVANS: I do not understand what the honourable member means by that interjection, but I suggest that there may be dishonest people on both sides, and I think every member would agree with that statement. The member for Mitcham has suggested one aspect about which he is concerned: that is, where a person believes he has the expertise to judge a motor vehicle and does not want to be part of a community insurance scheme (which is what this Bill will introduce), that person should be able to opt out of the insurance contract at his own request. I do not believe that the dealer should be able to do it at his request: it is the person who thinks he knows enough about the car who should be able to opt out. I agree that he should not be able to do it by signing a form in the used car yard or in any other yard that belongs to that dealer. I believe that it is necessary to retain the 24-hour cooling-off period before the person returns to take possession of the car with the form signed by a prescribed person. That is an important provision.

I am sure that members would know (and most members will probably use the information in all sorts of ways to argue against me in future debates) that I had a small interest in a secondhand car business before I became a member of Parliament. I learned then that there are dishonest people on both sides, but I also believe that I learned a little about the trade so that I can now judge a vehicle for myself. Because of this training, and the knowledge that I have, I believe that I should be able to use it to my benefit, the same as the member for Playford, who is a lawyer, might benefit, in taking out an action in the community to enter into contracts or deals, from his understanding of the law. In the same way, the member for Unley, who is an electrician, could make use of his knowledge to benefit himself in his trade. I believe that, if I have this training (and others in the community have had it) and have sufficient confidence in my experience to back my judgment, I should be able to do that by exercising an opting-out clause.

A young man, or perhaps a mature man, who has been trained as a motor mechanic should be able to make that decision: it is the only area in which he can operate with that knowledge to save himself a few dollars, and he deserves that right. In many cases he would be an average working man, the type of man that Labor Party members say they represent and that no-one else represents. If that is the case, I hope that, when we reach that point in the Bill, Government members will allow these people to benefit from their training within the community. I support the amendment foreshadowed by the member for Mitcham on this aspect.

I believe that the comparison members have made between this Bill and the Builders Licensing Act is important. If the member for Playford doubts the truth of what I said earlier this year (that the cost of building would increase considerably with the implementing of the Builders Licensing Act) I ask him to compare the costs after only a few months of the operation of that Act. I admit that not all the increased costs have been caused by the introduction of the Act, because salaries have increased. However the increase has been more than $25 a week or more than $1,000 on a $10,000 house.

The DEPUTY SPEAKER: Order! The honourable member must link his remarks with the Bill.

Mr. EVANS: I do so by saying that the provisions of this Bill are similar to those of the Builders Licensing Act and the regulations made under that Act. I believe that it is a fair comparison to say that this is the type of

increase that will occur in the price of second-hand vehicles, which the average man as well as others in the community has to buy if he wishes o use such a vehicle. If the member for Playford supports that sort of cost increase to be borne by the average person in the community I am amazed, yet that is the sort of comparison he was making.

Dealing with the Bill generally, I believe that the Attorney-General has on file amendments that will rectify some of the points to which I am referring. I believe that merely to define a utility as coming into the passenger vehicle category is not good enough and that a panel van should be included. A dealer is defined, but I believe that the definition should also include motor wreckers, who buy vehicles and occasionally sell vehicles that are complete to all intents and purposes.

The Hon. L. J. King: Do they sell vehicles for over $500?

Mr. EVANS: Yes; the transaction may involve a car which, having been registered only recently, has perhaps been thrown off a semi-trailer when being transferred from one area to another, and the figure may exceed $500 and even be as high as $1,500. Anyway, I believe that $500 is too low. Many vehicles classed as wrecks and bought by wreckers are sold complete, at a price exceeding $500, to people who believe that they can use the various parts. I wonder whether the Attorney-General has considered how a person can operate as a wrecker under the terms of the Bill.

I believe that clause 7 represents the most important part of the Bill, as it provides for the setting up of a board. Although I am not a great believer in boards or in having everyone in the community under some form of control, we must accept the setting up of a board if there is no other way of controlling a dishonest activity. I strongly support the setting up of a board and the provision for five members, but why should the chairman of the board be a legal practitioner? I believe that it is proper to provide that at least one member should represent the purchaser and another the dealer.

I doubt the wisdom of clause 7 (4), which provides that a member of the board, who is unable to perform his duties through illness, etc., may nominate his own deputy, for surely the Minister should be contacted in such a case and should appoint the deputy. Although I trust that the members will be responsible people, I believe that this provision may cause bickering and ill feeling, and it may be wiser for the Minister to have power in this regard. Where the chairman of the board is absent, a person appointed as his deputy automatically takes the chair.

Pursuant to clause 9 (*d*) the office of a member who is absent, without leave of the Minister, from four consecutive meetings of the board shall become vacant, but I believe that the number of such meetings should be limited to two. Indeed, I hope the Attorney-General will say why he believes that it should be four meetings, when two meetings should be ample. As the board will fulfil an important function, I believe it is necessary that members attend meetings as often as possible. If a member cannot be present for three consecutive meetings, the Minister should appoint someone else to act in the intervening period. Clause 17 provides that a "fit and proper" person shall hold a licence, but I do not agree that, as in the case of the Builders Licensing Act, a person should have to disclose all his assets. Unfortunately, this provision is a feature of the present Government's attitude, whereas I believe it should be sufficient for a person merely to prove that he has enough finance. I query the necessity for the provision contained in clause 19 (4) whereby "a person is not entitled to be granted a licence, or to have a licence renewed under this Act at any time during which he is disqualified from holding or obtaining a licence". As the board issues the licences and knows who has a licence, it should know whose licence has been suspended or who has been disqualified from holding a licence. I cannot see why that provision is necessary.

Clause 20 is one of the most important provisions of the Bill as it gives the board power to stop any person who is dishonest from obtaining a licence, and I take it that this will apply to a person with a criminal record for dishonesty or fraud rather than to a person who has committed a minor traffic offence. It is necessary for the board to have this power to make sure that the industry operates properly. I believe this clause will have the biggest effect on unscrupulous dealers in the industry. The board will have power to go to a dealer and say, "We believe the practice you are carrying on at present is dishonest or misleading and you will have to stop or we will have no alternative but to suspend your licence, or you will have to show cause why we should not suspend your licence." This is the person we are gunning for at

present: the person using misleading advertising or a misleading approach to the purchaser when he walks into the yard to buy a vehicle.

I believe that the appeal to the Local Court provided under clause 21 is the only alternative that we can give. I cannot see any other way out. As much as I have a feeling that the only person who ever wins in any court action is the lawyer, I believe that if there is to be an appeal this is the only area in which we can provide that avenue of appeal. Clause 23 also gives terrific power to the board. This clause refers to the particulars that must be given with the vehicle. Subclause (3) (*a*) refers to the name and business address of the person from whom the vehicle is to be bought; in other words, the dealer. Paragraph (*b*) refer to the name of the last owner of the vehicle who was not the trade owner of the vehicle. In other words, if the vehicle has passed through two or three dealers' hands not one of those names is suitable: it must be the registered or private owner in the community. I think it is important to establish that when it can be established. There may be times when it cannot be established, as the vehicle has come from another State. In that case, the Bill allows the Prices Commissioner to step in and say that this detail or any other detail that cannot be established can be left out, and I accept that as reasonable.

Where a vehicle is equipped with an odometer, the dealer must quote the reading of that odometer at the time the vehicle was sold to him, and it must be the same on the vehicle at the time he offers it for sale. If it is not the same, he is guilty of an offence. At the same time, the Bill covers the aspect of any person who sets out to alter the odometer of a vehicle to enhance the value of the vehicle, and that means any person who does that. At present some secondhand dealers state openly that they do not alter readings on odometers. That would be true, but some dealers say to an individual from the community who sells them a car, "Look, your vehicle is fairly clean, but it shows 70,000 miles. We could only offer about $750 with that reading, but if it had only 35,000 miles on it we could give you another $100." The owner takes the hint and goes away, and his reading is altered. He brings the vehicle back and the dealer can honestly say he never altered it. Under the provisions of the Bill, all the parties involved are liable for committing an offence. I accept that as very necessary. The year of manufacture of the vehicle is sometimes hard to establish accurately within one year. I believe that the Prices Commissioner also has enough power to deal with that by allowing a dealer to opt out to a certain degree.

Clause 23 sets out the required particulars to be displayed with the vehicle, and I believe they are all satisfactory. I believe that clause 24 could be altered and the Bill would still have enough teeth. If we find in future, if the alterations I suggest are accepted, that the Bill needs tightening up we can change the regulations to that effect. Clause 24 (1) (*a*) refers to a vehicle that has been driven for 5 000 km, and I should like to see that changed to 2 000 km. I should also like to see the period of time provided in paragraph (*b*) changed from three months to one month. I should then like to leave clause 24 virtually as it is, except that subclause (2) (*a*) refers to clause 25, and I will move that clause 25 be deleted, so I will ask that this paragraph be removed later. I believe that at the same time subclause (2) is unsatisfactory where it provides for a minimum price of $500. It provides that subclause (1) does not apply to any vehicle whose cash price at the time of the sale does not exceed $500. Motor cycles and scooters are included in the definition of "motor vehicle" in the Motor Vehicles Act. I believe that under this provision we would virtually be bringing that group in and saying they are exempt from the Bill. They do not have to stick by the warranty, yet the vehicle could be only a few months old if it were a motor cycle. These dealers, therefore, are not tied by the Act, and expressed as a percentage the number of unscrupulous dealers in that field would be as high as in any other field.

To give a comparison of the number of transfers that take place in any month and the number under $500, $800 or $1,000, I set out to find some of the figures. In June this year, there were about 21,525 transfers of motor vehicles as defined by the Motor Vehicles Act in this State. And 54 per cent of that number were subject to stamp duty, leaving 46 per cent to be transacted between members of the trade, to whom the Stamp Duties Act does not apply. Of the 54 per cent, 11,625 were all within the category of transfers to the general public. Also, 16 per cent of the total (or 3,444) were transactions of under $400. Few motor cycles or motor scooters come within this range. Of the total, 7 per cent fall within the category of $400 to $800, and another 3 per cent of the total fall in the category of $800 to $1,000. Therefore, 26 per cent of transfers take place in

the range below $1,000. I disagree with the $500 minimum and will suggest, by way of amendment, that we accept a percentage of the original price of that vehicle as the basis for establishing its category.

Clause 25 should be eliminated altogether. I cannot believe that it is good in practice, although I believe it may give the dealer the opportunity to show the vehicle's faults. I believe that the trade generally would prefer not to have the clause, because of the impossible task of assessing faults and, at the same time, ensuring that faults had not been missed. Of course, it could be useful to the other amendment I have suggested, if a price is not acceptable. At this stage it is unnecessary. It offers no protection to the community: it merely adds an additional cost and imposes on the trade a burden that must eventually be passed on to the consumer, because the trade cannot carry the burden.

If there are unscrupulous citizens who want to take advantage of a dealer, there has never been a better opportunity provided than by this clause. If a person sets out to wreck a vehicle, perhaps because he has taken it home for the first time and his wife does not like it, the only way he can return it is by this means. A purchaser can wreck a vehicle quickly and the cost of repairs to more expensive vehicles is high.

Clause 34, which refers to tendering and filling out documents properly, is important and covers the point. Clause 35, which refers to the odometer on a vehicle, is important to the effect and power of the Bill. There are areas where we should act to control certain unscrupulous dealers, but I do not believe that we should take a sledge hammer to kill a fly unless we find the fly is evasive and action is required later. I believe that bringing the board into operation with the powers given to it in the Bill is a most important aspect and I believe that, under clause 24, we could say to the trade, "You will give an unconditional guarantee, without any moving out of that area on your own part, for one month or 2 000 km, whichever comes up first." That is a fair offer for any vehicle sold for more than one-third of its original price. At the same time, I consider that the other important matter is to give a person who has the expertise and training to judge a motor car the benefit of his knowledge, as applies in other sections of the community where people have experience in a certain field.

I hope that the Attorney-General will explain the position regarding public auctions. I think there is an area of manoeuvre that needs to be covered here. However, that can be discussed in the Committee stage. In regard to people who wish to tender or who offer vehicles for tender at times, even semi-government departments, I wonder what category they come within and whether they will be able to operate as they have been able to do in the past, by offering many vehicles for sale. I should like the Attorney to tell us whether they will be in the area of those who are buying and selling vehicles. We want to know what is a genuine public auction. I believe we need to consider a case where a person has a clearing sale and wishes to sell some motor cars belonging to a deceased estate, for instance. I think that is acceptable. Public auctions concerning dealers are covered, but I think there is a small area of concern that can be dealt with.

I make clear that, if my suggestions do not cover dishonest actions by unscrupulous persons in the trade, I will go the next step without hesitation, but let us not place unnecessary burdens on an industry before we have tried to show that we can control that industry with a certain amount of restraint and common sense.

Mr. PAYNE (Mitchell): I support the Bill. Much of my sympathy lies with the buyers of used cars.

Mr. McAnaney: Why don't you be fair?

Mr. PAYNE: Why does not the honourable member wait to hear what I am about to say? If he does that, he will find out whether or not I am fair. I ask him to do me that courtesy and let me develop my argument. Previous speakers in this debate have been qualified gentlemen, two of them being lawyers and one a self-confessed former car dealer. Obviously, they are all well qualified in their field.

Mr. Goldsworthy: What are you?

Mr. PAYNE: My qualifications in this matter are those of a person who has never owned a car less than eight years old, so I am a used car consumer. Obviously, some of my remarks may be influenced by that fact. I have had experience of being at the other end of the types of deal that this legislation is supposed to cover.

Mr. Goldsworthy: Were they all older than eight years when you bought them?

Mr. PAYNE: In reply to the interjection, which is out of order, I say that this is correct.

The member for Mitcham said he did not want to be taken as saying that used car dealers were rogues. My only comment on that is that many of the people who have been caught in bad deals with used car dealers are not rogues, either, but they have suffered just the same, and that is why this legislation has been introduced.

The honourable member also said, when dealing with the Rogerson report, that he thought the authors might not have considered the matter of trade-ins, particularly with new car sales. He said he thought there was a chance that a zealous dealer, trying to clinch a deal, might inadvertently over-value the car being traded in and thus be caught. My only comment on that is that I have never known this to happen. On the contrary, all my acquaintances who have bought cars seem to have been on the wrong end of any deal regarding the allowance for the trade-in. I am not saying that the honourable member may not have been correct in respect of some instances, but my experience has been that most people who trade in a car are battling to get sufficient money back to enable them to pay a deposit on a new car. I will not try to go any further on that, Sir, particularly in view of your rulings, by which I always abide. The member for Mitcham and, I think, the member for Fisher (and I did not know whether he was trying to build up his reputation as an authority on cars or whether he was supporting the case) said that a person who had the mechanical knowledge to select a good used car ought to be exempted from the provisions of this legislation. I think both honourable members tried to say that. However, at present many people think they have sufficient knowledge to select cars but, ruefully, they find out afterwards that they were not so expert. I say "No thanks" to such an exclusion clause and I hope that, if an amendment in those terms is moved, it will get the treatment it deserves, which is the big chop.

The member for Mitcham also spoke about what the board would require in order to grant a licence, and the member for Playford and the member for Fisher have also partly dealt with this matter. For some reason the member for Mitcham spoke, when dealing with the fact that people had to be of good character and repute, as though that was something unusual. That amazed me. Most people that I have met in my lifetime have been of good character and repute, and I think that this is a fairly normal requirement.

The honourable member went on to speak about their having to be fit and proper persons, without developing an argument on that, and finally we got to the guts of the matter when he said that persons desiring to be licensed in this field should have sufficient material and financial resources. He said that in his damning with faint praise manner, also: he said it as though it was something unusual.

Mr. Carnie: You are twisting it.

Mr. PAYNE: No, the member for Flinders is wrong. Surely there is nothing wrong with requiring persons who are going to enter into a business to have sufficient material and financial resources to carry out the business, and that is all that is required under the much-maligned Builders Licensing Act. Much clap trap has been dragged up about that.

Mr. Goldsworthy: Have you seen the forms they have to fill in?

Mr. PAYNE: Yes, and I have helped people to fill them in, just as the honourable member has done.

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

Mr. PAYNE: Towards the end of his speech, the member for Mitcham mentioned undesirable practices, and the member for Playford also said that this was a far-reaching provision. However, I personally welcome this clause, because the legislation will have to cover matters that perhaps are not apparent at present. Later in my speech I will deal with this matter further, but I should like to mention an example now. I would say that putting bananas in gear boxes was an undesirable practice. It has a good effect on silencing gear noises, and I have known this practice to be carried out by a dealer in an Adelaide suburb. Admittedly it happened four or five years ago, but I have irrefutable evidence of it. In common with many other members, I hope that the Bill will pass, and, if those in another place accept it (which is always doubtful), it will sound the death knell of *caveat emptor* regarding the sale of used cars; and I think that most members would like to see that. Unfortunately, however, all that can be said is that the passing of the Bill will go toward that desirable aim.

In considering the Bill, I have tried to prepare a case under certain headings: namely the need for the Bill, the scope of the Bill, the provisions for adjustment where a dispute occurs, whether there is any coverage for something not yet apparent in the Act, and whether the Act goes far enough or whether

it should cover other areas. First, dealing with the need for this legislation, the report commonly called the Adelaide University Law School report on consumer credit, or the Rogerson report, makes an irrefutable case for this legislation. This report has been dealt with by other speakers, but it bears repeating. This independent committee, composed not of politicians but of independent people with sufficient time and expertise, produced irrefutable arguments for the introduction of this legislation, and the motive behind the committee's argument was protection of the buying public. That is the first point in relation to the need for this legislation.

I believe it is only fair to mention two other collaborators on the report and to give their names, because we are always inclined to call the report the Rogerson report. The two other collaborators were M. J. Detmold and M. J. Trebilcock, who assisted greatly in producing the report. Another reason supporting the introduction of the legislation is that it was part of the Labor Party's policy at the last election and, as is well known, the public endorsed that policy, so one can reasonably argue that this is further evidence of the need for this legislation. Thirdly, every member could testify to the number of complaints about used car purchases brought to him by constituents: I do not think there would be any argument about this. This would be fairly accepted as further evidence of the need for this legislation. Fourthly (and this point was mentioned by the member for Playford), another reason for the legislation is the protection it can offer to the decent dealer, that is, the man who has always played the game. The Bill will protect him.

Some years ago I purchased from a dealer I shall not name a vehicle purported to be in reasonable order. Within two weeks I had to spend a considerable sum to have new brake drums fitted at the rear of the vehicle. When the brakes failed it was apparent that something was wrong with the braking system. The brake drums were so worn that they had to be smashed for them to be removed, as they had been so badly scored. Fortunately they were of cast iron construction. I will present the other side of the coin. This year I purchased another vehicle from a reputable dealer who is well known to the member for Alexandra, who also purchases cars from him, I understand. I had considerable confidence when I went to this dealer. Shortly after that purchase, within three days the engine showed signs of having broken piston rings, as was shown by heavy smoking and missing. I returned to the firm, which more than justified my confidence in it. The firm was Century Motors, in Adelaide, and it repaired the engine free of charge. This was a gentleman's agreement where no writen agreement existed. At present, the shonky dealer gets away with murder, whereas the decent dealer such as Century Motors has to bear these extra imposts and still compete with the shonky dealer.

This legislation should have the effect of putting all dealers on an equal footing and making it easier for the decent dealer to be able to make a good living when behaving reputably. I was asked by a member who had to go away to assist in a case in which a person had purchased a vehicle of which he had not taken charge. The vehicle had to undergo certain minor repairs because a door handle was loose, and it was to be delivered later to the home of the person who had purchased it. However, the vehicle never reached him, because it was involved in a chain collision on Anzac Highway and suffered major damage, it being in a stack of five or six vehicles travelling in the late afternoon traffic. The firm, Freeman Motors, when I approached it regarding the matter, gave what I can only describe as the best of hearings to the people concerned. It also made good the damage so that the purchaser did not suffer.

I have clearly shown, illustratively at any rate, that there are two classes of dealer in the community, and I am sure that this legislation will put reputable dealers in a better position. At present, shonky dealers can get away with denying liability and charging prices very little below those of the reputable dealers who must carry imposts such as in the case of the person who suffered damage to the vehicle as I have just described. I have made four points on the need for this legislation. Regarding the scope of the Bill, I believe (and I think other members have made this point) that generally it is in line with the main recommendations of the Rogerson report, although minor points may vary. I do not have the same worry about the appointment of the board as has been expressed by previous speakers. The proposal for the appointment of the board is fair and equitable, and its composition was commented on favourably by the member for Fisher. It is a satisfactory size with five members, and the fact that it has a lawyer as a chairman does not bother me. Perhaps the member for Fisher may have

had an unfortunate experience with a lawyer and does not hold that profession in the same repute as other members do, but having a legal person as a chairman should ensure that legal and fair provisions apply during hearings.

I consider that the composition of the board is satisfactory. Also, there are provisions for representation from both the trade and the consumers, a condition that would be acceptable to any fair-minded person. The board is not all-powerful: there is provision for the right of appeal to the local court against its decisions, and that is a fair provision. If we accept that the board is satisfactory, what will be the likely effect of this legislation on sales generally? First, commercial vehicles are excluded, and under the original Bill vehicles sold at a genuine public auction were excluded. I understand that there may be some amendment regarding this latter category. Obviously, commercial vehicles are usually purchased by persons in a good position to judge the condition of the vehicle, and I understand from my inquiries of the Prices Commissioner that there have not been many complaints from purchasers of commercial vehicles.

We are left with three classes of vehicle that will be sold: those under the sale price of $500, those with disclosed defects, and those with no disclosed defects. It will be apparent to most buyers that cars in the under-$500 class will be no silk purse, because of the age, appearance, or performance in a trial run. This will remove the possibility of the buyer's being taken in regarding this class of vehicle. He may be willing to take a risk in buying it, but he will not be disillusioned if his worst fears are realized. The category of vehicles with disclosed defects will have much appeal for buyers who now buy cars intending to repair or refurbish them or who wish to take a calculated risk on an obviously noisy differential and continue to drive the vehicle, gambling that they will get sufficient mileage to justify the reduced price they have paid.

Finally, in regard to vehicles about which no defects are disclosed, I believe the public will benefit most. Also, reputable and astute dealers will benefit from the provisions of this legislation. This class of vehicle offers much scope to enterprising and reputable dealers who trade in relatively good used cars (those which have been cared for and have a good appearance but which may have done many miles, although still with an attractive appearance): they can have an alternative before offering the vehicles for sale. First, they could fit a reconditioned engine and transmission assembly (an enterprising dealer could set himself up to do this), and the vehicle could be sold honestly and with little likelihood of its being returned for defects not disclosed to be made good. This would result in a benefit to the dealer and to the buyer, who would have a car with which he could be satisfied.

With a well-kept car which is traded in or brought into the dealers and which has had many miles of running but in which a defect could soon appear, the dealer would have an alternative. He could sell it with the defect disclosed with little risk, or he could remedy it. Either way the buying public will have the protection that it did not have previously. At present people buy a pig in a poke many times, and after they have had a vehicle for some time they find out what is wrong with it. The legislation also allows a dispute to be settled. If a person returns a vehicle to the dealer and a dispute arises about the sale, and the matter is referred to the Prices Commissioner or his representative, there could be arbitration directly into the matter. The Prices Commissioner has a wealth of experience in these matters, and he is the logical person to proceed in this matter, as has been pointed out by the Rogerson report.

Other provisions exist for the adjudication of a local court if people cannot agree with the excellent arbitration of the Prices Commissioner. A fair deal is offered by the legislation in that people can take the dispute that may have arisen to the proper authority and have it adjudicated. Like the member for Playford, I support the clause concerning undesirable practices, as do all members of my Party. One thing that has been learned about used car dealers who are not reputable and honest (and this does not apply to the reputable and decent people in the industry) is that they are sharp and smart. A certain practice may need to be dealt with fairly quickly, and declaring that practice to be undesirable may well be the best way to handle the matter. I expect that undesirable practices may well be defined by representatives of the trade. Already dealer organizations have been set up in an endeavour to achieve what this legislation seeks to achieve; that is, to upgrade the status generally of used car sales, which have been degraded by the shonky or dishonest dealers to whom members have referred. I imagine that undesirable practices would already be known to the bodies in

existence, which may well make suggestions in the correct quarters at the appropriate time.

I said earlier that I thought we should determine whether the legislation went sufficiently far and covered associated areas. I believe that new car organizations can learn much from the history of used car sales generally in this State, as well as in other States. Although I have been a member of Parliament for only a short time, I have had brought to my attention more than one case of new car sales that have resulted in customers' unhappiness. One case I recall involved a Toyota (I think I should refer to the name), which was a luxury model, having registered 14,000 miles. However, that car required new pistons and, indeed, virtually a reconditioned engine at that mileage.

The person who came to me discovered to his horror that the guarantee in this case extended for only six months. Unless those engaged in new car sales take an interest in this mater generally, it seems to me that there may well be a need for legislation to cover this area also, just as a malpractice in used car sales is covered by this legislation. When I approached the firm concerned regarding the vehicle to which I have referred, it certainly changed its tactics from an attitude originally of offering no assistance to being willing finally to pay two-thirds of the cost of installing virtually a reconditioned engine. Although the member for Fisher said that sometimes the customer was not sufficiently careful, a person may be under pressure from the various forms of advertising, stipulating a 12,000-mile and 12-month guarantee. The vehicle in question had been fitted with an air-conditioner that was not specified in the manual, and the firm said that this might have exceeded the guarantee, but it could not have been much of a car if it could not take an air-conditioner of a brand different from the one specified.

I ascertained that the air-conditioner radiator had been mounted the correct distance from the radiator, and that this had not caused the over-heating. However, as an overhead camshaft support had fallen off at 11,000 miles and had been replaced (welded) under guarantee, I suspect that when it was welded back the oil hole had been welded over and that this led to the engine's disintegrating at 14,000 miles. But it was not necessary to get down to that detail because, after discussing the matter, the firm concerned was willing to pay two-thirds of the cost of repairing the car. Previously, my constituent had been without the car for about three months whilst the matter was being argued. Whilst the legislation may not apply to this situation, I believe that those engaged in the new car trade generally can learn a lesson from the measure and can realize that good dealing will bring goodwill.

When reputable practices are followed, the customer will normally respond, and this will lead to increased sales and to a situation in which the firms concerned will be glad that they are operating in this way, as many of them are operating at present. I hope that this situation will apply in the new car trade to both imported cars and local cars. Finally, I point out that, basically, the Bill will cover the ordinary person, whose wants are not exorbitant and who, when he buys a used car, does not expect a perfect car.

Mr. Slater: He wants fair value for money.

Mr. PAYNE: Yes; he wants the car long enough to enable him to pay sufficient instalments on it to obtain enough equity so that he can eventually purchase another car. For this reason I have great faith in the measure, believing it to be a step forward in achieving this benefit for the ordinary car buyer. I heartily support the Bill.

Mr. CARNIE (Flinders): Before dealing in detail with the Bill, I make the request, which has been necessary previously, that the Attorney-General ensure that this legislation is correct before it is introduced. Concerning this Bill, we have a further example of several pages (in this case more than three pages) of amendments, which have been placed on file by the Attorney-General before the Bill is debated. Surely this could be avoided. This situation, which shows a lack of thought, could have been avoided if a draft copy of the Bill had been presented to representatives of the used car industry, because most of the amendments now on file arise from matters raised by this industry, and they are sensible amendments. I certainly have no quarrel about them, but I do quarrel about the fact that they are placed on file as amendments; this means that, under Standing Orders, they cannot be discussed at this stage, although in many cases they alter the entire concept of the Bill.

In his second reading explanation, the Attorney-General said that this Bill was another part of the Government's programme in the general area of consumer protection. Undoubtedly in many fields some form of consumer protection is necessary; unfortunately, this has been shown to be so.

But, as I said when speaking to the Door to Door Sales Bill earlier in the session, I have doubts about how far it is necessary to go to protect people from themselves. Obviously the member for Mitchell does not agree with this. We hope that a foreshadowed amendment will provide the opportunity to opt out. The honourable member said that some people's judgment may not be the best and that they may choose to opt out of a warranty provided on a used car, thus making a mistake. Surely such a person would make the choice himself. Such people cannot be protected from themselves; we have no power to protect them, nor should we be asked to protect them.

The used car industry is large, having a vast turnover. All members know that this State has a large new car building industry which is vital to it. The sale of used cars, which is a necessary adjunct to the sale of new cars, is important to the economy. Having said that, I must admit that the sale of used cars is a field which can easily lead to abuses, for the average person does not know much about the mechanical working of vehicles. People do not have the expertise in these matters, and even those who have the ability probably do not have the equipment to check out properly what the salesman has told them. Moreover, it is easy for an average mechanic (he does not even have to be an expert) to patch up a motor vehicle so that it looks and performs satisfactorily for a time. Because it is comparatively easy for anyone with some knowledge of motor vehicles to do this, the industry has attracted a class of dealer who engages in this practice. In many cases this is coupled with smooth talking by a high-pressure salesman so that the buying public, in far too many cases perhaps, is being duped. In his second reading explanation, the Attorney-General said:

No-one would deny that in the field of secondhand car dealing there are dealers of probity who possess excellent reputations for fair and honest dealing.

The emphasis which the Attorney-General places there is perhaps slanted the wrong way, because one almost gets the impression that he believes that such people are in the minority. However, I believe it is the other way around, especially in the case of the larger used car firms, the vast majority of which are made up of men of probity, to use the Attorney-General's expression. The Bill is designed to deal with those who are not in this category to which the Attorney-General referred. It will deal with dealers who, over the years, have perhaps given the industry a bad name.

I have asked how far we must go in legislation of this kind. This type of legislation rather reminds me of an acquaintance of mine whose sleep one night was bothered by a mosquito and who killed the mosquito with a 12-gauge shot gun. Although he had a restful night, he had much patching up to do as a result of the drastic steps he had taken. Reputable dealers in the used car industry completely agree with the aims and objects of the Bill, which is designed to eliminate misleading and fraudulent activities practised by some dealers. Over the years reputable dealers have made efforts of their own to uplift the tone used in car merchandising techniques. Most of these attempts have failed because of insufficient legislation in the past to control advertising. Perhaps that aspect has been dealt with by the Unfair Advertising Act passed last session.

The first part of the Bill deals with the board, its members, and the power it will have. Certainly if legislation of this type is to operate a board of this type is necessary although, like the member for Fisher, I am not enamoured of too many boards of control. The main part of the Bill is Division I of Part III which deals with the licensing of people who deal in used cars. Certainly no-one can argue about the provision with regard to licensing. As previous speakers have dealt with the requirements for licensing in some detail, I do not intend to go into that again. It is sufficient to say that the granting of the licence is wide in its application. This provision gives the proposed board wide powers, especially with regard to cancellation and disqualification. Again, I have no argument. The board has power to disqualify if a licence has been obtained by fraud or if the holder of the licence is guilty of fraudulent behaviour either in the used car field or outside it. There are many other varying reasons why the board can cancel a licence. I do not think anyone would argue about this.

When powers are as wide as this, it is only right that the reasons for disqualification by the board should be fully outlined and that there should be a right of appeal, and this is covered by clause 23. I believe that the only people who would object to Division I of Part III would be those who feared that they would be debarred from holding a licence under this legislation. Certainly, reputable dealers have nothing to fear from these provisions. As I have said, the Bill is designed as a consumer protection measure. I think that people must realize that we cannot have consumer protection of this kind without having to pay for it.

There is no doubt that if all the requirements of Division II of Part III have to be met it will add subsequently to the retail price of used cars and depress the amount given for trade-ins. Earlier, when the member for Fisher said that organizations such as the Royal Automobile Association and so on could be called to examine cars, the member for Albert Park interjected, saying that this would cost money. I hope that the honourable member is not so naive as to think that this measure will not cost money in some way. Someone will have to pay as a result of its provisions, and that person will be the consumer. It may be argued that for his money he will get a better car, but he will pay more for it. In the two or three weeks since the Bill has been before the House, there has already been evidence of lower prices being offered for trade-ins. The member for Mitchell can shake his head, but such cases have occurred.

Mr. Venning: He is a member of a Socialist Government.

Mr. CARNIE: Yes, and he is also a little blind to reality. Clause 23 deals with several requirements with which dealers must comply. There is the requirement for dealers to show their name and address, and there is no argument with this or, indeed, with any of the provisions of clause 23. Also, the name and address of the last private owner must be shown, but, if this information cannot be supplied for an acceptable reason, an exception can be made. However, this should not be a difficult requirement to satisfy. The odometer reading at the time the vehicle was purchased from the previous owner must also be shown, and this must match the odometer reading at the time of sale. However, this provision could be strengthened a little by requiring a declaration from the person selling the vehicle to the dealer in the first instance, whether the vehicle is a trade-in or comes from any other deal.

What is the position of a dealer who accepts the reading of the odometer when the vehicle is brought to him, and when it is subsequently found, not as a result of connivance by the dealer (as in the case cited by the member for Fisher), that the owner has wound back the speedometer? Who is liable if it is proved that the odometer has been wound back? This provision is not specific enough, but clause 23 is generally reasonable and I have no argument with it.

Clauses 24 and 25 are of most concern. Clause 24 deals with the necessity to give a warranty on the vehicle for 5 000 km or three months, whichever comes first. The warranty can be negated on certain parts of the vehicle if defects are specifically stated. This is covered by clause 25, which allows for defects to be listed with an estimate of the cost of making good those defects. I believe these clauses make this whole section of the Bill difficult to work, and they will substantially detract from trade-in values or add substantially to the resale price of the vehicle. Defect disclosure depends on 100 per cent effective diagnosis, and this cannot be done without dismantling the major components of the vehicle. This in itself, as all members who have had major repairs carried out will know, is not a cheap process. It must be paid for, and I again refer to the remark of the member for Albert Park. The cost will either be added to the cost of the car when it is sold or be deducted from the trade-in value—probably a little of both. The dealer has to do this because the costs have to be covered somewhere, and in this regard we are speaking of substantial costs.

This clause will hurt the legitimate trader far more than the unscrupulous trader. A dealer who does try to assess defects by a thorough examination will have to bear increased costs or pass them on and even a completely thorough and skilful examination could fail. The dealer could miss a defect in the vehicle and, when the vehicle is returned, if he wishes to maintain his good reputation he will in most cases give the purchaser the benefit of the doubt in regard to that defect. He may have overlooked something unintentionally, as can be done easily. I suggest that the unscrupulous trader could guess at the condition of certain components. In his case, it would probably be an educated guess but, nevertheless, it would be a guess, and the trader might be willing to take a chance that, say, a gear box was in good condition. It has to remain in good condition for only three months, when the trader is clear of all warranty or other requirements about that component. He may not get away with some cases, and he would stand the cost then. That is fair enough, but an unscrupulous trader may take many chances and, in dealing with more than 2,000 cars a year, he may get away with sufficient cases to warrant his taking the chance.

Another factor that will make this provision difficult to administer is the difficulty, or even impossibility, or assessing whether a defect was in the vehicle when it was sold. Probably the best example here would be that of a young lad of 17 or 18 years who buys his first car,

which may be a Mini Minor. As it is his first car, he likes to treat it as a sports car. However, these cars were never designed to be treated, even in new condition, as young drivers treat them, with fast starts and fast pursuits. These young drivers do this because of lack of experience and knowledge. They forget that they are in a Mini Minor and try to think that they are driving an E-type Jaguar. It is easy to wreck a gearbox or transmission by this type of driving.

What happens when the young man goes back to the dealer and says that the gearbox was no good when he bought the car? How can the dealer prove that the gearbox was sound when it left his premises and that its condition is due to misuse since then? I submit that in many cases it is almost impossible to prove this but, again, a reputable dealer will give the purchaser the benefit of the doubt and will stand the cost. The dealer should not have to do that.

The warranty provisions in the Bill, namely, 5 000 km or three months, are too severe. A foreshadowed amendment on the file would reduce the warranty to 2 000 km or 30 days, and the trade is willing to give a completely unconditional warranty on this basis. Of course, this is only a minimum. There is nothing to stop a trader from giving whatever greater warranty he wishes. Many traders now give warranties of 12 months or 12,000 miles and six months or 6,000 miles, and there will be nothing to prevent that from continuing. However, the trade is willing to accept this foreshadowed amendment as a minimum. If the trade is willing to give a warranty on all major components, the only things excluded being tyres, batteries, or other prescribed accessories, these components will be prescribed later by regulation—

Mr. Goldsworthy: That's very generous.

Mr. CARNIE: It is. If the trade is willing to give an unconditional warranty to this point, there is no need for clause 25, dealing with the disclosure of defects, provided that there is an opting-out clause for a buyer if he wishes it. This is completely new legislation in this State. Is it necessary to jump the fence completely and go as far as this Bill asks us to go by putting in too many restrictions at the beginning? Surely, after 12 months we can see how the Bill is operating. We could introduce provisions in a modified form now and amend them at the end of 12 months, by regulation or amending Bill.

We all know how easy it is to amend legislation. We could tighten up, by regulation or amendment, areas that it became necessary to tighten up. The licensing clauses will do much to wipe out unscrupulous dealers and, as I have said, these provisions are good. The board will have wide powers in this regard and, if these are not sufficient, Part IV of the Bill is a short but wide-ranging provision about undesirable practices. It provides:

30. (1) A person shall not, in relation to the business of buying or selling secondhand vehicles carry out or give effect to any undesirable practice.

Penalty: Five hundred dollars.

(2) In this section an undesirable practice means an undesirable practice prescribed by regulation under this Act.

That is an extremely broad provision, so the Bill already contains provision to tighten up on any undesirable practices that may arise. Clause 42 provides that the Governor may make such regulations as are necessary or expedient for the purpose of giving effect to the provisions or objects of the Bill. I submit that the licensing provisions and the two provisions regarding regulations I have mentioned are all that is necessary at this stage.

In my opinion, the provisions of clause 24 (2) are completely unworkable. That clause provides that the legislation shall not apply to any motor vehicle that is under $500 in value. To set any amount is ridiculous, because a clause like this can operate only if the figure bears some relationship to the original value of the motor car. A Mini Minor costing $500 would be a reasonable buy, but a Mercedes Benz or a Jaguar bought for $500 could be nothing more than a bomb. However, the Bill provides a blanket figure of $500. It would not be difficult to provide for the amount to bear some relationship to the original value of the car, because there are standard values for all cars. Again, a foreshadowed amendment will cover this matter.

Like so many Bills that this Government introduces, there are good points and bad points in this measure. All too often we have seen more bad than good and we have therefore opposed them. In this case, I think that, on the whole, the Bill is good. Certainly, its objectives are good. I have dealt with certain sections with which I do not agree. I deplore the need for consumer protection. I recognize that it is necessary to some degree, but I again ask how far must we go to protect people from themselves.

All members would have heard of cases where people have got a bad deal from a used car dealer. The member for Mitcham

has cited some of these cases. However, I wonder how many of these stories are true and how much they have improved in the telling. It is not only in the case of used cars that one hears these stories; one hears them often in relation to new cars. Even if these stories are true, how many are there in relation to the used car transactions carried out in this State every month? The member for Fisher referred to the used car transactions for last June. Those that involved sales to the public numbered about 11,600, but in how many of those sales were people duped? I submit that most of the transactions were made by reputable dealers who, as a result of such sales, have satisfied customers. The fact that one may hear of an isolated case, or even a dozen cases, out of 11,600 transactions a month does not mean a high percentage. I think we and people buying a used car tend to forget that it is a used car. People buy a car which has 40,000 miles on the speedometer and which is perhaps five or 10 years old, and then complain when it does not perform as a new car should perform.

What is the dealer expected to do in the way of making good any defect in a 40,000-mile motor vehicle? Is he supposed to restore it to an as-new condition or one reasonable considering that it has travelled 40,000 miles? This is important, because it will have a large bearing on the cost required under clause 25, which I think should be deleted from the Bill. Under clause 25, no doubt there would be a tendency to overestimate costs to ensure that they are covered, because any deficiency would have to be made up. As has already been mentioned, some people might not want a warranty but might prefer to do all their own servicing. They should be given the right to opt out if they desire of taking a car without a warranty, and thereby expect to buy it more cheaply.

Summing up, the provisions regarding licensing, the power of the board, are clause 30 dealing with "undesirable practices" are necessary. We should remember that the trade is prepared to give an unconditional warranty, and the value of the used car should be related to the original value. Under these conditions, there is no need for many of the more restrictive clauses in the Bill. I support the second reading and hope that, in Committee, we will consider the worthwhile amendments that have been placed on file both by the Attorney-General and by Opposition members.

Mr. HARRISON (Albert Park): I support the Bill. Since becoming a member of Parliament I have been subjected to many pleas from my constituents to help them solve their problems in regard to their transactions with used car dealers, many of which were associated with contracts they had entered into in good faith. I quote examples such as the mileage of a vehicle and the one-owner claim, both of which have later proved to be false. Having taken up these cases, I appreciated the efforts of the Prices Commissioner in sorting out some of these problems. Certain guarantees have not been met by used car dealers when problems such as mechanical defects have arisen and I have been helped in these matters by the Prices Commissioner. That is why I fully support the Bill. I view the Bill as one under which both the dealer and the customer will be assured of protection. The genuine dealers in the used car trade should welcome this legislation with open arms.

The used car industry is an important segment of the car industry and, as such, all people involved in it should be protected, and this measure does just that. I well recall on a number of occasions that apprentices in this industry who were trying to carry out faithfully their duties of learning were told, "Forget it; just do this." Later, when the vehicle had been brought back to the shop, the apprentices were taken to task by their employer for failing to carry out the necessary adjustments. Take, for instance, the used car dealers who advertise that they use a mass production line to remedy any faults in vehicles. They remedy certain defects, whereas they forget other defects that might protect the buyer and provide for the vehicle safety. It is on record at the Apprenticeship Commission that apprentices have sought to be released from their contract of apprenticeship because they could not faithfully carry out the necessary safety repairs to a vehicle that would provide safety in the future life of the vehicle, thus ensuring the purchaser a reasonable period of safe motoring in accordance with the contract.

Used cars are an essential part of industry in the part they play by allowing people of small means who cannot afford a new car to have some mode of transport. These people seek the protection of the used car industry and, when they outlay whatever money they have

to purchase a vehicle, they hope and trust that the vehicle they have purchased is of such quality that it will provide them with safe motoring. On several occasions constituents of mine have complained to me about the deal they have received from certain secondhand car dealers. When they have taken the vehicle on to the road, they have been in trouble. Naturally, having committed themselves to a contract, they have gone to the dealer in the hope that he would honour his part of the bargain, but they often find that this is not done. The Bill will help bring sanity back to the used car market.

Opposition members have said that people have the option of going to the Royal Automobile Association to obtain a certificate of roadworthiness in regard to a vehicle they have purchased, but why should they have to do this if they are dealing with a reputable firm that has guaranteed the motor vehicle to be in a certain condition? They find that they have additional expense to ensure that the vehicle is in accordance with the guarantee given by the used car dealer. I hope that this Bill is passed, because it will solve some of the problems of people who have entered into contracts with some disreputable dealers.

Mr. GOLDSWORTHY (Kavel): I think that everyone who has spoken in the debate has recognized the need for some control over the sale of used vehicles and, indeed, the need for control over all areas of business practice. However, there is nothing unique in this measure. Almost all areas of business practice are now governed by some laws in the hope that there will be fair trade practices. The member for Playford gave lip service to the idea that many legislative measures infringed on the freedom of the individual, and said that there seemed to be a proliferation of boards, regulations, and controls. Recently, I read an interesting comment by a Professor Miller, who said that the idea of the easy-going Australian was a fairly difficult concept to accept when one considered the multitude of regulations, controls, and boards, that examined and controlled almost every aspect of our way of life.

I agree with the member for Playford's statement that there is a proliferation of control, and I consider that this control should be kept to a minimum. Having said that, I concede that there is a need for some sort of regulation as contemplated by this legislation. Secondhand trading is not peculiar to motor vehicles: almost any article that can be bought new can be purchased secondhand, but provisions of this Bill are particularly sweeping. I can think of many classes of secondhand machinery and houses, and shady practices can enter into all transactions in which something has been previously used and is being offered for resale. Defects in many articles are concealed by the person wishing to sell them.

However, I concede that certain features in relation to the sale of secondhand motor vehicles apply more than they apply to the sale of other secondhand articles. During a lifetime large sums are spent by people purchasing new or secondhand motor cars. It is usually thought by most young people that their major purchase will be a house, but if one considers the number of motor vehicles owned in a lifetime one realizes that it is possible that more money is spent initially and in recurring expenses in purchasing motor vehicles than is spent in buying houses. My first point is that large sums are involved in the purchase of secondhand vehicles. My second point is that a motor car is a complex piece of machinery, and it is difficult for the average person to detect faults in the vehicle. My third point deals with the safety aspect: many lives are lost in road accidents, but many members of the public do not take a serious view of the road toll. More people are killed in road accidents than are killed in wars, but that is a situation which seems to have been accepted by the general public philosophically.

The sale of secondhand vehicles and their roadworthiness have some application to road safety, although I believe that serious accidents occur with new high-powered cars with irresponsible people at the controls. The safety aspect is not a strong point, because many vehicles would come into the category of being under the value of $500. The secondhand car industry is somewhat set apart from the other areas of secondhand dealing, and I concede that there is a need to introduce this Bill. Some speakers have said that secondhand car traders do not enjoy a high reputation in the community. I suppose that is true, although any dealings I have had have been reasonably satisfactory. In any occupation some people will not be as reputable as they should be: we even get disreputable lawyers at times, so we should not single out secondhand car dealers as being a poor lot. It is a field of activity in which some shysters tend to operate.

The member for Mitchell recited a list of faulty parts that had been detected, and we

are aware of cases in which people, after buying a car, have found faults in it. I know of one instance of a young chap living in my district who bought a car a year or two old, but then traded it in to buy a sports model. His father thought that he would find out what the dealer would charge for the vehicle after it had been traded in. He inquired about the price of the car, and found that it was the usual fairly solid mark-up. He also noticed that the speedometer (or odometer, as it is called in the Bill) was showing 30,000 miles less than previously. The salesman concerned suggested that he could refer this gentleman to the previous owner, and gave him a number at Henley Beach, and he said that the previous owner would be willing to vouch for the car. In fact, the odometer had been tampered with, and the gentleman to whom I have been referring was given the name of a phoney previous owner who was willing to vouch for the car. I cite this instance to show that I realize that some fairly sharp practices exist.

Although I am not arguing with the general concept of the measure, I think that it is particularly sweeping. I have no real objection to the setting up of a board. Having said that we consider that this area of activity should be controlled, I see the necessity to set up a board, and I think the relevant provisions are reasonable. The member for Mitcham, who quoted the member for Alexandra's reference to the necessity for dealers to state their financial resources, said he thought that this would lead to the sort of provision that obtained under the Builders Licensing Act. This had occurred to me independently, and I had noted on my copy of the Bill that many of the previous objections from builders had related to a similar provision, which I believed the Government had abandoned, although I do not know whether that position still obtains. However, I can see that the provision in this Bill may lead to some difficulty. This will depend on how the regulations are drawn up and on what sort of detail is required there. Nevertheless, I subscribe to the view that a dealer should have adequate financial resources if he intends to engage in this sort of operation.

I think clauses 18, 19, 20 and 21 are reasonably satisfactory, but I think there are weaknesses in certain later clauses. I believe that clauses 22 and 23 are eminently satisfactory. The provisions causing most discussion are contained in clauses 24, 25 and 26. I believe that, if the particulars required in clause 23 are made known, it will eliminate the sort of malpractice to which I have referred and will ensure, for instance, that there is no tampering with the odometer. Any person tampering with the odometer is liable. It was suggested that the person selling a car to a dealer might tamper with the odometer before the vehicle reached the dealer, but that eventuality is covered in one of the later provisions under a miscellaneous heading, wherein a person, as distinct from a dealer, is liable if he tampers with the odometer. Clause 24 refers to the obligations of a dealer, and I see some weaknesses in this provision. The Attorney-General, when discussing another matter, referred to the difficulty experienced by members of the Judiciary in determining what is a reasonable excuse or what is trivial. I think that there would be the greatest difficulty in determining what is a reasonable condition under this clause, having regard to the age of the vehicle in question.

I believe that the objection to subclause (2) (*e*), which provides that the warranty shall not apply to a vehicle of less than $500 in value, is a valid one. The point was made clearly by the member for Flinders that $500 in terms of some of the smaller cars indicates that it is a relatively new vehicle, and this certainly applies to motor cycles. However, in the case of more expensive vehicles (a Mercedes or Rolls Royce, for example), $500 would indicate that the vehicle was almost a wreck. If we are to ensure uniformity regarding the standard of repair of a vehicle, I think it is necessary to specify a certain proportion of the list price of the new standard vehicle, and I submit that it is not difficult to obtain this information. If an obscure vehicle from overseas were involved and its original price was not known, I believe that the matter should be referred to the board and that the board's determination, on all the evidence at its disposal, would be satisfactory. However, I believe it would be more satisfactory to exclude from the warranty provisions a vehicle, the value of which is determined in proportion to its new price, than merely to exclude a vehicle, the value of which did not exceed $500. I would support any amendment to this effect, and I think that one-third of the base price of the vehicle when new would be reasonable.

It was stated, I think by the member for Playford, that if anyone wished to delete clause 25 it would have to be one of these sharks or disreputable dealers, although I think he used stronger words. I refer to the provision requiring a dealer to affix to a vehicle a list of its defects and the estimated cost of repairs.

In fact, I do not think that that is the case: all the submissions that I have heard from dealers whom I believe to be reputable have been to the effect that it is particularly difficult for anyone to establish just what is wrong with a car. These people would rather give an unconditional warranty. In other words, in respect of vehicles over the agreed price, they would rather give an unconditional warranty to repair a vehicle at their own expense than try to estimate what was wrong with the car. To determine what was wrong with the car would be costly, as it would involve many hours of labour in pulling the car down to see what was wrong. Dealers whom I consider to be reputable have told me that this would be most expensive. The only other way of dealing with this would be to have a large margin to cover the possibilities in this field. I believe it would be most difficult and costly to determine what was wrong with parts of a motor vehicle that are not easily accessible.

Dealers are prepared to give a warranty (for a somewhat shorter period than envisaged in the Bill), and I believe this is a generous offer. They would like the distance in the warranty reduced to 2 000 km and the period reduced to one month. In those circumstances, they are prepared to give an unconditional warranty. I also support the idea that there should be an opting-out provision for the purchaser. Although it has been suggested that the dealer should also be able to opt out, I do not subscribe to that. If someone with mechanical knowledge believes that he can repair the car himself and does not want a warranty, he should be allowed to make this decision; we should not try to protect people if they do not want to be protected. The member for Mitchell said that many of these people are sorry after the event, but that is life. Some people are prepared to back their judgment. The proposal is that we protect them against their own judgment, and I cannot subscribe to that argument. If a young person is prepared to pull down a car and repair it himself and if he can negotiate a deal on those terms, he should be able to opt out of the warranty provisions.

Mr. Payne: He still can.

Mr. GOLDSWORTHY: As I read the Bill, he cannot do so if the vehicle costs more than $500. I believe that the provision relating to defect disclosure will be so difficult to comply with and will require such a mark-up in the price to cover it that it will be impracticable. I believe that if dealers are prepared to give an unconditional warranty of one month or 2 000 km as a minimum (they would be prepared to extend the terms of the warranty on vehicles in which they had greater confidence) the situation is well covered.

The provisions of the Bill are not designed to protect dealers against unscrupulous purchasers, and such cases do occur. The member for Fisher referred to this. The provision relates to appeals being made to the board where the dealer and the purchaser agree in writing. I thought that perhaps it would be better if either could appeal to the board, but it was pointed out that unless both agreed to go to the board there could be no legally binding decision. I know of a case in the country where a young chap bought a Holden in which the garage proprietor had installed new parts in the differential. The young fellow took the car home and swapped these new parts with old parts he had in a utility. He then took the Holden back and said that it was no good. Fortunately the garage proprietor had the relevant papers to show that the parts had been replaced. Although these cases do occur, the Bill does not seek to protect dealers in such cases. The only recourse is in civil action.

The rest of the Bill is satisfactory. Amendments should be made along the lines suggested. The Bill is sweeping in its concept. Part IV deals with undesirable practices and gives considerable room for manoeuvre. In this provision an undesirable practice means an undesirable practice prescribed by regulation under the Bill. The regulating powers are dealt with in Part V, under the miscellaneous provisions. After some months of the legislation's operating, it will be fairly clear just what regulations will be necessary to cut out undesirable practices. If anything, I think the Bill goes too far. I agree with the basic concept of some control. Setting up a board with the regulating powers conferred on it as provided for in the miscellaneous section of the Bill will certainly sort out the disreputable dealers, who will have to mend their ways or go out of business. The Bill imposes on reputable dealers conditions that will cause considerable difficulty. I refer especially to clause 25, which requires them to find out in detail what is wrong with a vehicle (it is really an insurance policy) and estimate the cost of repairs. In many cases this will have to be a guess. If a dealer is prepared to give an unconditional warranty of 2 000 km or one month, that should cover the situation adequately. I support the second reading.

Mr. JENNINGS (Ross Smith): I support the Bill. For many years I have waited to

support legislation such as this. It is one of a series of Bills that the Government is introducing to provide for consumer protection, and it is certainly not the least of these Bills. In his second reading explanation, the Attorney-General said (and the member for Flinders also referred to this):

No-one would deny that in the field of secondhand car selling there are dealers of probity who possess excellent reputations for fair and honest dealing.

I do not disagree with that; in fact, I know one, but I have no reason to believe that there are not more than one. Personally, I know one. Before I go any further, I shall have to talk about my friend the member for Flinders, who was referring to the fact that members of the public must protect themselves. He said, "This means that they will have to pay for protecting themselves, and this legislation would cost them money for protecting themselves." Generally, that is true. Indeed, what is also true is that members of the community now are paying a lot for not having proper protection. If the member for Rocky River likes to come in now with the parrot cry he has been making all the evening "What about the R.A.A.?", let me assure him that the R.A.A. does afford some protection, but it admits that it cannot give proper protection to people who buy from a secondhand car dealer; and that costs money, too.

Mr. McAnaney: Don't you agree with the member for Mitchell?

Mr. JENNINGS: I certainly do, but I do not agree with the member for Heysen, irrespective of what he said. I did not hear what he said, but I have found it wise not to agree with him on anything he says.

Mr. McAnaney: Now you are getting nasty!

Mr. JENNINGS: Almost every day (I sincerely believe that this applies to members on both sides of the House) we receive complaints from people who have suffered from the predatory vultures in the secondhand car dealing industry. We know very well that, even though people should be able to protect themselves, it is difficult when they are inveigled by advertisements into believing that something is true when it is not. Indeed, I have on numerous occasions had people say to me, when they have telephoned or got in touch with me, "Well, we signed the contract and thought it would be all right because that company advertises so much that we thought it must be good." They did not realize, of course, that it had advertised so much in most instances because it was crook, not because it was good.

We saw the other day in the early pages (I do not know whether it was the front page) of the *Sunday Mail* a complaint by the now president of the South Australian Automobile Chamber of Commerce, Mr. Freeman, about this legislation; and he was supported by a friend called Justin Hanna, who said, "This is going to cost us money. We cannot guarantee our legislation in this way." Can this Mr. Justin Hanna be serious when he asks someone to come in and, if another car dealer has offered him $300, he is quite prepared, if that person is serious (he does not have to do anything else but be serious) to give him $600 if he wants it? Presumably, if a person wanted it, he would also give him $800; and then of course to make the thing absolutely absurd the person can drop the car from the top of a crane. I guarantee that Mr. Justin Hanna would set the dogs on someone if he did that, and not give him $600 just because he wanted $600. The whole thing is absolutely absurd.

One of the things that the Automobile Chamber of Commerce has tried to do is have adopted a code of ethics amongst its members. Let us look at some of these ethics. Under the heading "Underselling claims" it recommends to its members as follows:

Underselling claims are viewed as not in the public interest and should not be used, because it is obvious that no advertiser can be fully informed about every competitor's prices at all times. This pertains to such statements as "Our prices are guaranteed lower than elsewhere", "Money refunded if you can duplicate our values", "We give $300 more in trade than any other dealer."

That is what the Automotive Chamber of Commerce recommends to its members, but every day in the press we see large advertisements that certainly do not conform to the recommendations made by the chamber; in fact, they go just the opposite way. Another heading is "Name your own deal", about which we have just been talking. Under that heading we see:

Statements such as "Write your own deal", "Name your own prices", "Name your own monthly payments", etc., are obviously deceptive, impossible of fulfilment, and must not be used.

It is not I but the Automotive Chamber of Commerce saying that.

Mr. Rodda: I think you are just having a shot at "Big Bob".

Mr. JENNINGS: I assure the honourable member that I am going to. Under the heading "Competitive claims" we read:

Advertisers engaged in the sale of automobiles shall advertise their cars and services on merit and refrain from attacking or disparaging competitors. Disparagement invites retaliation and its ultimate effect is to reflect unfavourably on the entire industry.

I thought I heard from the member for Victoria a moment ago a reflection on a gentleman who, I understand, has political pretentions for Norwood. I will tell the member for Victoria that we have a secret weapon too, for Victoria: we are going to put up Big Pretzel. If we can put up Big Pretzel, it will be a big thing. Perhaps there would be a swinging vote. I now return to the Code of Ethics. Under the heading "Prices" we see the following:

Such statements as "As low as", "From", etc., should not be used in connection with a price unless an automobile or automobiles are available in each of the years, makes, models and types named in conjunction with the "As low as" price quoted. Such statements as "At Cost," "Below Cost," "Below Invoice," etc., shall be construed literally, that is, "cost" being the actual cost to the advertiser for the automobile or automobiles offered. The statement "No Deposit" or other of similar import, shall mean that the advertiser will deliver the automobiles so described to the purchaser without payment of any nature or without a trade-in.

A little further on, it continues:

Used automobiles should not be advertised so as to create the impression they are new. Automobiles of the current and preceding model year, which are other than brand new, must be clearly identified and qualified as "Used," "Executive Driven," "Demonstrator," etc., as may be the case. Descriptions such as "Low Mileage," "Slightly Driven," etc., are acceptable, provided such descriptions are accurate. The word "New" shall not be used as an adjective or in any phrase in direct description of automobiles which are other than brand new.

The Hon. G. R. Broomhill: We don't need this Bill!

Mr. JENNINGS: If the members of the Automobile Chamber of Commerce stuck to their own code of ethics, there would not be any need for a Bill like this.

Dr. Eastick: That is, presuming they are all members.

Mr. JENNINGS: That is a point, as probably not all of them are members of the Automobile Chamber of Commerce. Certainly, those who are not members would not be sticking to any code of ethics. Honourable members have seen some astonishing advertisements for secondhand motor vehicles, one of which is as follows:

Big Bob's bathtub bonanza! Save $100 for any old bathtub as a trade-in whether you trade in a car as well or not.

Another advertisement said, "I am putting on a birthday party. Free drinks, merry-go-round, fairy floss, balloons, cakes" and so on. That was one of "Big Bob's" advertisements. Another one stated:

Wild West week finishes today at Para Motors. Me heap big chief last day. This is your last chance. I have got $200, $300, and even more off prices just for the day. If you wantum big good deal, you getum today. Free steaks, sausages, cakes and cool drinks, and I have a bit of fire-water for dad, too. Pony rides for papooses. Have a pow wow over the barbecue.

The Hon. Hugh Hudson: I think if Big Bob joined the Liberal Party he would really improve it.

Mr. JENNINGS: I will now get up to date about "Big Bob". In a recent advertisement in the *Advertiser*, he said:

We've got Cup fever at Para-Motors.

Then there is a photograph of the gentleman in question, in his very big grey topper. He says:

Starting prices are way down just for today —but that's not all. If you're prepared to make a sensible offer on any of our cars, or you think your trade-in's worth a little more, tell the guys at Para-Motors. You'll be surprised at what they'll accept.

Then, in the *Advertiser* of November 11, appeared the following advertisement:

Kevin says: Here's how it is. Buying a car from the great, great guys is a pleasure —I know! There's always toy cars for the kiddies, and a lass to nurse baby—even heat baby's bottle. There's a private customer lounge where you can talk over your requirements in relaxed comfort. Checked-out cars —And I mean thoroughly checked. Should some defect become apparent later, you'll be given the famous great guys courtesy and be ship-shape in no time. All you have to do is ask. The fact that the great, great guys are Australia's third largest Chrysler dealers speaks for itself! Buy with complete confidence today from the nicest guys in the business.

It is said that these great guys are definitely the nicest and the best. It is astonishing to think that on the same page of the *Advertiser* of November 11 appeared an advertisement showing Rick Hosking playing a bagpipe. It states:

Rick Hosking is No. 1 because he lets you call the tune. Convert with no cash outlay and time to pay!

He goes on with similar kinds of promise to those offered by the other gentleman on the same page on the same day. I realize that

all this is ludicrous. Honourable members would think that these advertisements would surely not inveigle anyone into buying a secondhand car. Nevertheless, the important thing is that they do. Another gentleman, whom we all know, loves cars more than he loves life. I think he has had some trouble with the police lately, but perhaps I should not enter into that matter. Because of the advertising he does with the *Advertiser,* it is almost impossible to find out from the press whether or not he has been convicted. He claims that he spends about $250,000 a year in advertising. One must buy and sell many secondhand cars at a considerable profit to cover that sort of advertising expenditure and make a profit at the same time. This completely irresponsible sort of advertisement influences many people to sign a contract. I am glad to say that we will in future have proper protection to save these people (as a member opposite said) from themselves. If it is necessary to have legislation to save people from themselves, I for one am in favour of such legislation. I support the Bill.

The Hon. D. N. BROOKMAN (Alexandra): I do not intend to go through the Bill piston by piston and describe every secondhand car that I have bought. In common with other members, I have had some experience of the trade, and my views on it obviously vary from those held by some other members. No doubt the community wants additional protection to that which it already has in the secondhand vehicle trade. However, I think the provisions are being taken to an absurd extent. The logic that has been put forward will inevitably mean that if we continue with this "consumerism", this enthusiastic effort now being made by the Attorney-General, we will have boards for all kinds of commodity as well. Probably new cars will be the next thing.

I believe that we can be far too enthusiastic, whereas we should be far more cautious, in making changes. These changes are inflationary, for this legislation will undoubtedly increase the price of secondhand cars to the purchaser. It should be the interest of everyone in this House to see that prices do not increase. If we introduce legislation that will have the effect of increasing prices, we should be careful when we take a forward step. It may not have occurred to honourable members, judging by the speeches made by Government members, that there are a good many crooks among purchasers, and the legislation to protect the consumer will protect these crooks. There will be many swindles put over secondhand car dealers, and examples have been given of how this can be done.

Mr. Crimes: Poetic justice, in some cases.

The Hon. D. N. BROOKMAN: If a secondhand car dealer is a crook and gets his fingers burned by being swindled, that may be poetic justice, as the honourable member likes to call it, but what about the dealer who is trying to do the right thing and is swindled by members of the public? Members of the public, when selling their motor vehicle, are not so universally honest. If more people knew how to turn back the speedometer, more of it would be done. If they knew how to put it over secondhand car dealers by disguising their car's faults, many more people would do it. The Bill will allow them to do more dishonest things than those to which I have referred.

I wish to mention briefly, because I do not wish to go through the Bill now when so much has been put forward in great detail, clause 17, the licensing clause, to which I take great exception. I am not against the licensing of secondhand car dealers, which is a good step forward, and for which provision alone I would support the Bill. However, it is grossly unfair of us to demand that a person disclose all his assets and liabilities to a board. As far as the Government is concerned, only a limited number of people should be able to find out what a person's property is. These people include the Commissioner of Taxation and bankers, to whom the person himself wishes to disclose such information. We should not allow a board to ask people how much money they have or to set out their net worth. They are asked to give their total business assets, their total personal assets, and to add the two together; to deduct total business liabilities and total personal liabilities, to list them as a total and, finally, to arrive at a line showing net worth. They are also asked to mention contingent liabilities in the case of pending arbitration, and to give details. It may be said that that is not required by the Bill, but that, or something close to it, will be in the legislation because the Government has made it clear, by the regulations under the builders licensing legislation, that that is what will be provided in this legislation. If I am wrong in saying this, no doubt the Attorney-General will put me right. Clause 41 states:

(1) The Governor may make such regulations as are necessary or expedient for the purposes of giving effect to the provisions or objects of this Act.

(2) Without limiting the generality of the provisions of subsection (1) of this section, the regulations may . . .

(c) provide for and prescribe the forms to be used for the purposes of this Act;

If it is good enough for one person to be allowed a licence by being able to show the minimum requirement of asset backing, it should be good enough for anyone else, whether a millionaire or a man of modest means. There should be no discrimination in that respect, as long as a person can satisfy the board that he has the financial standing set out in clause 17. I agree that he should satisfy the board in that respect and, so long as he can do that, he should not be asked any questions about his total assets and liabilities.

That is a damn cheek on the part of Parliament, and it is being inserted in one Bill after another by regulation. If possible, I shall prevent that happening in this Bill, because I have an amendment on file that I hope will be accepted in Committee. Regarding clause 17, I wish to mention one or two peculiar arguments. The member for Playford said that lawyers, doctors and certain other people must submit to controls. They may have to submit to controls, but they are mostly professional controls. In any case, they would be under many legal controls. However, they are not asked the questions that these boards are apparently to be entitled to ask, one after the other as they are set up by this Government, which is so keen on consumer protection. They will make consumer protection unwieldy and unfair: unfair to the honest consumers, because the cost of secondhand cars will rise unnecessarily, and unfair to the honest (and I presume all) licensees under this Act, because they will give the crooks in the community the perfect method of being able to diddle or swindle people. The member for Playford said there were too many secondhand car dealers in the community. I understood him to mean that, in some way, clause 17 would limit the number of dealers, but there is nothing that I know of that will enable the board to prescribe the number of dealers.

Dr. Eastick: Perhaps that will appear in the regulations.

The Hon. D. N. BROOKMAN: I do not know, because the Act states that provided the person fills in the prescribed forms and pays the prescribed fee he shall be granted a licence on satisfying the board about certain matters. I do not see any way in which the board can say that it wants 150 secondhand dealers, or 1,000, or any number: I do not think that the Bill provides for the board to prescribe a number. The other clause to which I refer is clause 24. I believe that it is widely experimental, and lays itself open to so much dishonesty by members of the public who may wish to get out a contract, that it should be considerably amended. I support the member for Fisher in what he is trying to do. The clause as it stands is far too experimental.

I have found that the secondhand car trade is not antagonistic to the principles of the Bill, and it seems that the trade accepts licensing and wants to see that honesty is insisted upon. However, the trade is apprehensive of what can happen under the provisions of this clause. We know that a motor car transaction is an important event in the life of an ordinary person. It may not be (or should not be) an event as important as buying a house, but the person is spending much money. We also know that people often regret having decided to spend their money. If we are to allow three months in which a person may change his mind, this will allow the dishonest person to get out of this transaction by several methods that cannot be proved under any conditions, and we will put a heavy burden on the trade so that the cost of secondhand vehicles will have to increase.

The community does not deserve that. It deserves protection by ensuring that dealers are honest in their statements about their cars, but it does not deserve to have the cost of secondhand cars increased, because dealers will have to insure themselves against faults about which they do not know. Many things can happen to a motor car, particularly in the engine, which cannot be detected, and someone has to take a further risk. If we want the public to be insured against anything happening to, say, a piston or some other internal part of the engine that cannot be easily detected, we should provide that they take out some insurance and not make it necessary for car dealers to increase the price of cars in order to cover the unexpected happening. I support the general principles of the Bill, but I think that the regulation-making power provided in the Bill, coupled with clause 17, and further coupled with the Government's policy asking people to detail their total assets and liabilities absolutely stinks, and I oppose that part of the Bill. Clause 24 is widely experimental and goes much too far.

Mr. LANGLEY (Unley): I support the Bill. In the Unley District are situated some

of the largest used car yards in South Australia. I know that there are many in the District of Torrens and also in the District of Spence. Also, I know there are crooks in my area, but they are also in other areas, and I am sure they are in the minority. In the car-selling trade there are two types, the used car and the new car. I am sure that when a person purchases a new car, if something goes wrong he is able to go to the dealer and, if not able to obtain satisfaction, he can go to the manufacturers. In most cases they are only too pleased to satisfy the purchaser, because they have such a big business that they do not want to get a bad name. The motor car industry in this State is held in high esteem not only in South Australia but also in other States and overseas.

Concerning the actions of used car salesmen and some car firms, I am sure that in many cases those controlling the firm do not have as much control as they would like over their salesmen, and it is in this situation that trouble occurs in the sale of secondhand cars. It seems to me that the salesman is making plenty of money, but is also spending it. As the member for Ross Smith said, the trade is full of gimmicks, such as a 12-12 guarantee. Most firms stand by the guarantee, but if a person wishes his car to be repaired he may find himself at the end of a long waiting list so that his car may be out of action for some time. Eventually, he will have his car fixed, but this usually happens when the car is most needed. Many people cannot wait for a long time, and they have the car repaired by others and, in some cases, the car company has paid part of the cost. Some people are given incorrect information about cars.

Recently, a car owner in my district complained. I have had about 20 cases a year of people who are not satisfied, and not in all cases is the person correct, but the person complaining usually has a valid reason to complain. Perhaps the member for Price may have received more complaints. Richard Burton did operate in my district, but he has now vacated his premises there. I do not know what has happened but something must have gone wrong. I am sure that advertising expenses could be reduced considerably. By spending $250,000 a year in advertising, the people concerned are trying to trap someone into buying a used car.

When I was buying a new car I noticed advertisements stating that, as long as my old car could be rolled into the place in question, I could get $300 off the purchase price but, even though I rolled my car into that place, I was offered a deal only $50 better than other deals. Therefore, I returned to my own district to buy a car. Any person who has a good name will continue to do well, and there is no reason for using advertising gimmicks, such as dropping motor cars from a great height.

Mr. Clark: Or blowing them up.

Mr. LANGLEY: There are many gimmicks, but if a person is genuine there is nothing like word of mouth to advertise his business. I know of one case in which a car purchaser was told by the salesman that he could not obtain a refund on the third party or registration of his previous vehicle, as it remained with that vehicle, and the firm concerned benefited as a result. This type of practice should be stopped. The Government has introduced this legislation as a result of complaints made over the years and I am sure that members opposite have received complaints about the matters covered by the Bill. Something must be done about the present situation or it will deteriorate. I am sure that the Bill will curb the activities of those people who transfer from one activity to another, selling television sets at one stage and motor cars the next.

Although people may buy cars cheaply, they expect them to work for at least a little time and wish to avoid having their vehicles declared unroadworthy by the police. In many cases the guarantee is not a strong one, but I think the Bill will ensure that the people who engage in doubtful practices are put on the right track in future. As the Attorney-General said, the measure will not harm those willing to play the game. These people will benefit under the measure and will have a thriving business compared to that of the person trying to put something over a customer. As a result of the Bill, the person whose business activities are unsatisfactory will fall by the wayside, and the sooner the better. The motor car trade is a big business in South Australia and, as the Bill is a means of ensuring that members of the public receive a better deal in future, I heartily support it.

Mr. McANANEY (Heysen): Although I think it is a good Bill in theory, the measure goes too far in some respects. We are all aware of the flamboyant advertising of certain secondhand car dealers, but the average citizen should not be deceived by that advertising. Some people expect to buy commodities of a quality for which they are not willing to pay. Do we need to protect those people to the extent that is provided by the Bill? Having been a

member of Parliament for about eight years, I do not think that anyone has come to me with a complaint about a secondhand car he has bought. A lady who recently asked me to see her proceeded to take about an hour to tell me that all her neighbours were crooks and were dishonest, and perhaps this illustrates the attitude adopted by the Attorney-General in respect of car dealers, amongst whom he may think there are no honest people. I know of a case in which a car was bought on hire-purchase from a secondhand car dealer and, although it was a good car at the time, its value was halved within a fortnight, because its owner was a bad and irresponsible driver. We cannot go to the extreme and help this type of person. A person may go into a shop and change a price tag, or insert brass washers in parking meters. The Attorney-General seems to think, possibly because they are voters, that all consumers should receive every protection.

The Hon. L. J. King: I'm learning a few tricks from your speech.

Mr. McANANEY: There are as many consumers as sellers who are up to tricks. As a representative of all sections of the community, I am not always happy with certain remarks made by Government members. Although we are told that we represent one section of people rather than ensuring a fair deal for everyone, we on this side try to ensure a fair deal for all our constituents. I congratulate those members on this side who have dealt with the Bill clause by clause. We must see that in Committee the amendments made will ensure that both the consumer and the seller receive a fair deal. To give a warranty on a motor vehicle for 5 000 km and three months seems excessive. I have never bought a secondhand car, but I have bought two new cars that have had serious defects. It was not long before the steering went wrong on the first car; it did not turn when it should have, scaring the life out of me. Recently I had to pay $200 when the automatic transmission of my present car broke down. I was told it had dust in it, but I do not know how it got in there. People must take a risk when they buy a car. It is only theoretical to say that a warranty can be given in respect of a car which originally cost $4,000 and the price of which is now $600 or $700. As the Bill is too theoretical, I will have to support some of the amendments.

Dr. EASTICK (Light): I do not know how members opposite can be so optimistic. Although I support the principle of the Bill, I ask how successful it can be. Overall, the protection that it is designed to afford is acceptable. Members opposite have been dealing with problems that are not the province of this legislation. The member for Ross Smith gave factual accounts of matters relating to advertising practices, and quoted from the debate last session on advertising legislation. However, what he spoke about is not dealt with in this Bill. Although I do not deny him the right to speak as he did, I point out that this is another indication of an honourable member attempting to suggest that this legislation will correct a situation that we believed would be corrected by an earlier measure. Comment has been made about the financial aspects with regard to the used car business. Members on both sides have spoken about various cases. However, I have not heard any member refer to the case of a person becoming involved in what is known as balloon finance. In such a case, a person makes many payments and, when he comes to the last payment, he expects that it will be the same as the previous payments, but the fine print of the contract has provided that this last payment is much greater. Because it is inflated, it is known as balloon finance. This can be the straw that breaks the camel's back, because the person, expecting to conclude these payments with his regular payment, may have started another commitment. Where in this legislation will such people be protected?

Although I support the principle of the Bill, it is a long way short of correcting the total situation that exists in relation to car purchases. I have said before that people often will not accept the protection that the Government seeks to give them. When they are caught they will seek to hide behind these provisions. In many cases, people will get themselves into a certain position because they want something which they know, by the protection that is supposed to be given them, that they are not entitled to have. Nothing in this legislation will protect people from the problems of untruthful advertising, or of a financial dilemma into which they get themselves. Surely this is an area in which the Government can give a lead if it wishes to help people who purchase motor vehicles. Whether the provisions in the Bill are adequate to cover the circumstances that the Attorney-General has said they will cover, time alone will tell. In view of the fact that the Attorney has already found it necessary to give notice of amendments to make the legislation more

effective, one would suspect that even now he is not certain that he is effecting the cure he has set out to introduce.

I think it was unfortunate that the member for Playford gave a guernsey to two people in the community who he said were rogues and scoundrels in this field. It is known that there are more than two defaulters in this area. If the honourable member intended to give a guernsey to anyone, it would have been more kind of him to give a guernsey to all major defaulters in the field of car sales. No member condones the activities of people who are in this business for what they can get out of it and who do not care about the people with whom they deal. It has been said (I will not canvass this area) that there will be additional cost as a result of this Bill. The implementation of the provisions before us will be impossible without there being an increase in cost.

Let me give just one example—rust. How does a dealer who has not maintained or been responsible for doing any repairs to a vehicle know whether there is rust in the doors without taking off the full trim and looking? How does he know whether or not a panel has been introduced into a door, which is quite a common corrective procedure? How does he know, without his taking off the door trim, that a repair panel has not been put in according to the manufacturer's directions? If a person submits a motor vehicle for inspection to get a price before trading it in or receiving a cash payment, will he allow the dealer to remove all the trim from the doors or will he resist such action being taken against his vehicle with no real indication that, having done this examination, the dealer will take the vehicle off his hands?

There are several deficiencies involved and I should like the Attorney-General, when he replies to the debate, to explain the position in relation to local Government. I believe that local government would, just as any other seller of a vehicle would, become a trader within the terms of the Bill. Local government today benefits considerably from the fact that it can purchase motor vehicles without paying sales tax. At the end of 18 months or two years (usually two years) local government vehicles, and more particularly those that are used by the inspectorial staff, are traded on the open market by tender. A vehicle is sold at a relatively higher price compared with the original purchase price because no sales tax was paid on it. With this useful means of trading local government can replace its fleet of cars at little cost to the ratepayers. Nowhere in clause 22, which prohibits dealing in secondhand vehicles unless one is licensed, is there a provision which would allow local government to continue to indulge in that activity. I suspect (I am not certain) that the Government departments or the semi-government instrumentalities that sell their used vehicles by tender may be placed in the same position.

It is interesting to note that clause 15 makes it possible for members of Parliament to become members of the board. This is a provision that I am led to believe has been written into several pieces of recent legislation. It overcomes the previous problem of a member of Parliament not being allowed to receive profit for services rendered over and above his normal salary and payment for being on standing committees. I do not suggest for one minute that a member of Parliament from either side of this Chamber will necessarily become a member of the board, either now or in the future, but at least the provision is there in clause 15.

I come now to clauses 24, 25, 26 and 27. In this part of the Bill we find the introduction of the word "defect". It appears in clause 24 five times, in clause 25 four times, in clause 26 once and in clause 27 three times. The word "defect", which is so important to the implementation of the Bill and to the protection that will be given to the community, does not appear to be defined anywhere in the Bill. It is not stated whether a defect will be a minor defect or a major defect; no indication of its meaning is given in other clauses of the Bill providing that the Judiciary or the Commissioner may undertake investigations. No guidelines are laid down on what is a defect. I have used the *Concise Oxford Dictionary* to check up on the meaning of the word "defect". I ask the Attorney-General, in the context in which it is presented to us in this Bill: does "defect" mean "lack of something essential to completeness"? Does it mean "shortcoming"? Does it mean "failing"? Does it mean "blemish" or does it mean "amount by which thing falls short"?

If we turn to the word "defective", does it mean "having defects", does it mean "incomplete", does it mean "faulty", or does it mean "wanting or deficient (in some respect)"? More particularly I go back to the comment I made about the definition of

"defect" and ask the Attorney-General whether he can tell the House why that word, which is so important to this Bill, was not defined. Was it not defined because it was too difficult to define in the context of this Bill, or may we assume that the word "defect" in this Bill is synonomous with the word "fault" and, if so, what is a "fault"? Is it a long-standing or a short-standing fault?—and so it goes on. Much can be said about defects and faults that occur in motor vehicles. The publication *Modern Motor* for December, 1971 (which, even though it is for December, 1971, has been on the news stands for several weeks), Volume 18, No. 7, indicates in a leading article "the facts on faults". This is a summation of a review undertaken by the Australian Automobile Association. The article begins:

Every new car on the road has an average of nearly five faults—that's the sensational claim of the Australian Automobile Association.

The article then goes on to state:

According to the A.A.A. report, the car should have an average of 5.2 faults.

Members should note that it says "should", not "may". The article continues:

The A.A.A.'s report is called the Combined Royal Automobile Club of Victoria, Royal Automobile Club of Western Australia Warranty Defects Survey. It covered 6,202 cars over 16 makes and came up with an average of 4.9 defects per vehicle.

Here is a situation of defects relating to the word "fault". I asked previously whether "defect" was synonomous with "fault". In a new vehicle one can expect an average of 5.2 defects or faults. I do not wish to quote at length from this article. However, I should like to refer briefly to two or three other statements, one of which is as follows:

As long as human beings are building motor cars, there will be faults. It should also be remembered that the manufacturer has little control over faults which develop on components supplied from outside.

Another statement in the same article is as follows:

Volume production requires speed, high output and maximum efficiency—but human beings build motor cars and they still make mistakes. Quality control check of components, systems and sub-assembly stages help reduce faults to a minimum, but despite a generally high standard new cars can be delivered with faults. The consumer has legal recourse on dealer and manufacturer if these aren't corrected.

The article later continues:

Your service manual gives a list of the jobs to be done at the various intervals. Make sure they are done and done properly. If you can't get any joy out of your dealer then write, call or telegraph the manufacturer. Make enough noise and your car will be fixed—even to the extent of legal action. . . . This is strong indication the consumer has all the protection he needs—if he is prepared to make the effort. . . . Whichever way, the consumer or new car buyer has all the cards stacked in his favor.

Other details are given in the same article. It is realized that there may be faults in any vehicle that is purchased. If there is no indication of what constitutes a fault, of whether a fault must be a big one or a little one, or of whether a blemish in the duco on a used car is a fault that must be corrected, how is the Commissioner or the Judiciary expected to police this legislation? I should like to refer also to the problem of determining the year of manufacture of a motor vehicle. Without doubt, the member for Albert Park would be able to tell us that by modern methods of production large volumes of components are prepared. Sometimes these are stockpiled as components, and sometimes they are prepared as the finished product and are put to grass until sales can be effected later.

The member for Elizabeth and, indeed, the member for Playford (in whose district the General Motors-Holden's works is situated) will be fully aware of the large number of vehicles that are placed at grass or around the company's premises prior to sale. What happens when the components are assembled and put to grass immediately before the Christmas closedown? Although a vehicle is manufactured in, say, October, November, or December of a certain year, it may not come forward for sale to a dealer until the return to work in late January of the following year, so that it may not become available for sale to the public until February or even later. Can the Attorney say what year of manufacture is placed on such vehicles?

Mr. Clark: It goes on the model.

Dr. EASTICK: The Bill does not say that; it merely refers to the year of manufacture. If one examines clauses 23 (3), 23 (5), or even clause 35, one will see this.

The Hon. L. J. King: There are amendments on file to cover that.

Dr. EASTICK: Then the Attorney is asking me to consider something that is not even before the House. As it was presented to the House, there were obviously many drafting faults in the Bill.

The Hon. L. J. King: Defects!

Dr. EASTICK: Perhaps we will define that defect in due course. These aspects of the Bill cause some concern to honourable members and to the honest people who have been and will continue to be involved in this business, because it is their nature to be forthright, honest and interested in the trade in which they are involved. They are concerned about the aspects to which I have referred, and they are also worried that young people will, as they have done in the past, be using vehicles beyond the capacity for which they were manufactured or for a purpose for which they were never intended. Despite this, under the Bill an intending purchaser will have a distinct advantage over a seller.

Will the Attorney-General say what type of materials are to be used to correct these defects, whatever "defects" may mean? It is an engineering fact of life that to introduce new parts that have a longer potential life than those to which they are being connected can lead to a breakdown of the parts that are not replaced. It is not unusual engineering practice to use parts of vehicles that are apparently perfectly usable to correct breakdowns, so that there is a blending together of parts with like potential. One does not produce the strain that can otherwise occur.

Although I am not an engineer, I come from engineering stock, and I understand from dealers and members of my family that this is not unusual practice. Will the Attorney-General say whether this is permissible within the framework of the Bill and, if it is not, what situation are we likely to find ourselves in by repairing vehicles beyond the capacity of the remaining portions of a motor vehicle to take those parts?

In conclusion, I should like briefly to refer to the comments made to the Attorney-General at the beginning of my speech. I asked whether he was certain that he had directed the Bill at the correct areas and whether he could assure the House that it dealt with the right points. I asked also whether we were focusing our attention at all car sales practices, whether we would derive the maximum benefit, or whether we were standing with our head in the sand, knowing only of the aspects that we think are the worst. Will the Attorney-General say whether this Bill deals with only one aspect in isolation or whether it covers the whole scheme of things (I pointed out earlier that this also includes advertising and financing)? Is the Bill only one of a group of Bills that will deal with the whole problem completely? As I believe that the principle of protection the Bill gives is generally acceptable, I support the second reading.

Mr. BECKER (Hanson): I, too, support the Bill, which is a form of consumer protection. Although I believe strongly in the need for consumer protection, I support the Bill with reservations. Much has been said this evening about the two major purchases (namely, a motor car and a house) that most people make. However, because of the structure of community levels and the place of wage and salary earners, there are three major purchases: namely, a house, a motor car and life assurance. Of the three, the motor vehicle has a greater effect on family life than has either of the other two purchases. Everyone who purchases a secondhand car wishes to obtain one in a condition better than that of a new vehicle; that is only natural. I have had only two motor vehicles, both secondhand, and both proved to be a heap of trouble. As I do not know anything about the mechanics of car engines, I am paying for my inexperience. I can understand the point of view of the man in the street in going along with the Government and supporting a Parliament that is trying to protect him.

The car I have now is an AP5 Valiant, which was built in 1964 or 1965. When I bought it I was told that the under seal of the automatic transmission was in perfect condition and would never cause trouble. However, within six months of purchasing the car I had trouble with the transmission and had to have it repaired. Yet that model vehicle was notorious for that defect. The defect in the model was discovered soon after manufacture, yet no-one would accept the responsibility for it. I have learned the hard way, in common with many other people in the community. The firm from which I purchased the vehicle is one of the more reputable used and new car dealers, and I hope that I have learned something from my experience.

The Bill sets out to protect the man in the street. However, I consider that it will not protect him because I fear that certain provisions in the Bill will make it difficult for him to continue to buy a car in the class range to which he is used, taking into consideration inflation and depreciation in value. We have been warned, particularly in this debate, regarding the price increases that may follow as a result of this legislation. I quote from a letter I have received from a constituent who is a director of a new and used car company

situated in the Unley district. I believe he is highly reputable. The letter states:

It must be admitted that the buoyancy in the motor industry has been maintained for many years by the somewhat inflated value of secondhand cars, this value being made possible by the facilities available for ready finance and considerable expertise on the part of the industry in marketing facilities backed by genuine after-sales service and real effort by the trade, particularly the franchise dealers in providing good used vehicles to the public at the best possible price.

That sentence contains much meat, because it claims that the used car industry has somewhat inflated values. I probably agree with the statement that considerable expertise exists in private industry in marketing facilities. I think that all members would agree with that statement when they consider the quality of television and press advertisements. Many of the successful used car dealers travel to America at least once a year to study current marketing trends. One wellknown used car dealer on his return from America early last year held motivation meetings of his sales staff every day at 8 a.m. and used the latest sales motivation techniques from America. He more or less brainwashed his sales staff into being able to sell something irrespective of the customer's attitude. When business men, particularly in the used car trade, adopt these techniques to motivate their salesmen, all kinds of revolutionary tactics may be introduced. The letter continues:

All this activity has enabled new car sales to continue at a high level which has been particularly beneficial to the State, whose work force is so dependent on the motor industry. If the conditions in the proposed Bill are enforced, much of this buoyancy in the industry will cease, as it will be readily appreciated I am sure that if a dealer is forced to indicate every defect in each vehicle before it can be offered for sale and can be held responsible for any defect which occurs for three months or 3,000 miles after sale, the price that he brings the vehicle into stock must be very considerably lower than at present.

I cannot see how the average working man will be better off as a result of the Bill. However, the middle to upper-salaried man will be well protected. It is well known that certain salary earners who are fortunate enough to be able to purchase a new vehicle change their vehicle with the advent of every new model or about every two years, because their earnings are so high that the benefits they receive from taxation deductions enable them to do this. I believe that this contributes in some part to an inflated market in used cars. Professional men and salary earners can change their vehicle for little additional capital outlay, whereas the working man is precluded from doing this. This is where I believe that the average man could miss out under this legislation.

I also believe that, at the price range available to the average man, the car he would normally want to purchase will increase so much in price that he will not be able to afford it but will have to buy in a lower price range. This will affect his family, because the motor car, whether new or secondhand, has become a status symbol. The letter further continues:

This particular aspect of the proposed legislation will impose a terrific hardship on the very people the Minister hopes to protect, the consumer or at least the present car owner who will suffer a considerable depreciation with his present vehicle. We consider that most secondhand vehicles in use have some defect, most of which are trivial and present no problem to the owner and are not concerned in most cases with the satisfactory and safe use of the unit.

Again I am concerned that by this legislation we are seeking to give protection and looking for a guarantee. We should know whether the company from which we purchase a vehicle has the financial resources and backing to give a guarantee and to support it. Being a banker, I consider that a guarantee is not worth anything unless it is supported by a security, whether the security be cash or other assets. I would not accept a piece of paper as a guarantee unless it had an asset backing to give weight to it. Whether we should be asking dealers to put aside some of their profits in a special fund to support the guarantee is a matter that could be debated, but I doubt whether many companies could do this. Therefore, in some respects this Bill goes too far and in others not far enough.

Concern has been expressed about road safety and the roadworthiness of motor vehicles. Perhaps we should consider the European system, under which a person takes a motor vehicle to his service station or garage for a normal service, and the onus is on the mechanic or the proprietor of the service station to report all defects. The vehicle must be checked every year and the Government is informed through its agencies. If our motor vehicles were checked annually or every two years by a reputable garage, the onus would be on the owner of the vehicle to ensure that his vehicle was roadworthy. After all, many road accidents can be and are attributed to the unroadworthiness of vehicles. Why not put the onus on the owner of the vehicle rather than on the

seller of the vehicle? Perhaps this system may mean added costs to the average man, but I think that the average man who prides himself on having a good sound motor car will look after it if he can see value for his care. There will always be people who do not value property and who do not care for their motor car. Many speakers have referred to the shady, crook, shonky (call them what you like) dealers. Paragraph 4 of this letter states:

The restriction on used car sales will inevitably occur when buyers are faced with a much lower price for the used car than at present which you must see will occur due to the circumstances outlined. This in turn will have a disastrous effect on new car sales with the end result hardship and unemployment in this State.

New cars are sold by dealers who deal in new and used cars. The used car business is a highly competitive industry, but there is a limited market, which is strongly supported by some unscrupulous finance companies. I say this because I have been concerned with both sides of this relationship. I regret that probably reputable used car dealers would say that carelessness by some dealers has crept into the industry. It has crept in because of those who, wishing to make record sales, push their vehicles at all costs. Some firms turn over vehicles so quickly that proper care and checking of vehicles is never undertaken. Some companies make a feature of the fact that, as they receive a vehicle, it is checked by the mechanics, and other companies send them out under contract to service stations. When I was at the East End Market branch of the bank, where I was Manager before I become a member of Parliament, I had several used car dealers as customers, and one claimed that he was in the top six. Judging from his balance sheets, his claim would be correct.

Mr. Clark: What does that mean exactly?

Mr. BECKER: He described himself as one of the most progressive used car dealers. His company's turnover placed him high in the top six, but the net profit was less than 1 per cent of turnover. He claimed that complaints, which comprised about 3 per cent of all sales, were attended to at a loss to the company: in other words, 3 per cent of the sales yielded no profit and in some instances meant a loss. No business can stand that sort of dealing for too long, and if this legislation is passed, as expected, this company and others heavily stocked could become bankrupt. What surprised me in watching the day-to-day activities of large used car dealers was the control that finance companies tried to obtain.

I suppose it is fair to say that most of the stock of many used car dealers would be under the floor plan, but as the dealers sold vehicles, and often used fantastic inflated trade-in prices to attract clients, they financed the sale of their vehicles through one finance company. In this way they obtained some profit, because they received a commission normally called a kick-back commission. Some finance companies did not pay this kick-back commission to the used car dealers, but kept it as security for the floor plan, hoping that the dealer would increase his stock and thereby increase his borrowing from the finance company, which was virtually lending the dealer his own money.

I had one dealer customer who tried to maintain his stock at a reasonable level and tried to have the kick-back commission paid to him by the finance company. The only way he could obtain the commission was in the form of debenture stock, which was not redeemable for at least six months to nine months. This is the situation that has caused the trouble. Some used car dealers, in trying to obtain sales, sell their vehicles at little or no profit: they depend on the kick-back commission from the finance company for their profit. When the finance company does not give them this money readily, the unscrupulous dealer has pressures applied on all sides. This situation has probably been the cause of some of the trouble within the industry.

If a sudden depression occurred in the used car business (and I believe that it is overstocked and that there are inflated values throughout some of the car yards), some finance companies would find themselves in bother. They would find that the value of the vehicles would not cover the amount that they have lent against the floor plan and they would have to depend heavily on the kick-back commission as additional security. If this situation occurred and the finance companies considered that they would experience a loss in this regard, they would increase their rates so that there would be an additional cost overall to the industry.

The member for Alexandra raised what I consider to be an important point concerning clause 17. At first glance this is an utterly ridiculous clause. Why should a used car dealer inform the board of the whole of his financial position when most people accept the fact that only two people are entitled to know the details of one's financial

position—the bank manager and the Deputy Commissioner of Taxation? I believe that the board should be willing to accept what is normal business practice and that, if the credit rating of a company is to be established, the board should accept trade references, possibly the main reference coming from a bank.

No bank will give a reference of the financial standing of one of its customers without ensuring that that reference will not backfire. A bank manager is a reasonably conservative individual and will not say that a company is good for $100,000 unsecured when it may not be worth $1,000 unsecured. I think that, rather than demand from individuals full details of their financial status, the board should be willing to rely on trade references and on the bank's opinion. The regulations will decide many technical aspects of the Bill but the future of those engaged in the used car industry will remain in the power of the board.

Dr. TONKIN (Bragg): The Rogerson report has been quoted freely during this debate, and it is indeed a valuable document, although I point out that on page 47 members of the Rogerson committee openly state that they do not know much about the workings of the internal combustion engine! Nevertheless, the report clearly puts the onus on a dealer to make sure of a vehicle's condition and to allow for the defects he finds. If he does not do so and incurs a loss, that loss will be passed on by him. The need to examine vehicles before buying them must not be carried to absurd lengths. One can visualize the situation arising wherein a dealer, if he is to do the job properly, has to strip the car down completely to avoid paying more than it is worth and, in spite of the committee's estimate of about $18, this could be costly. It could become even more costly if taking a car around to several dealers required that each dealer examine the car thoroughly and take it down each time. This is verging on or is completely absurd.

It is possible that, if a dealer is required to list the defects found all over the car, he may find so many that the estimated cost of repairs will be far more than the price he is willing to pay for the car. An equally absurd situation can thus arise in which a dealer may say, "If you give me $50, I'll take the car." This is an example of the absurdity of some of the thoughts behind the Bill if they are carried to their conclusions. The member for Playford, as did other members, made the point that it is not intended that all used car dealers should be branded as rogues because this legislation has been introduced, and I agree that that is so. However, as has happened so often before, it seems a great shame that an entire industry must be penalized by statutory intervention to control the activities of a few less scrupulous people.

I think most members of the South Australian Automobile Chamber of Commerce accept the need for at least the first part of this Bill, but I agree with the member for Mitcham that probably all members of the chamber will have cause to regret certain aspects of the Bill, especially the aspect relating to the disclosure of total assets and liabilities. There are many misgivings about that part of the Bill relating to the dealer's responsibility, and I think it is generally accepted that no accurate disclosure of defects or estimates of repairs is really possible. I think the other matters that have been foreshadowed in amendments copiously documented on file have been covered by members, and the hour is late. Annual vehicle checks or inspections, which may result from this Bill, are worth considering. This system, which has worked well in other countries, can help here. It seems that certain provisions of this Bill will be reflected in increased charges for secondhand cars, and I think that the risk factor arising from the rescission and refund clause will quickly become a percentage element in margin. There will be a tendency to close the gap between trade-in and new car prices, and this will in time restore the trade-in allowances and trade-out prices of used vehicles to their present or even a higher level.

This simply means that the individual person, who can be penalized in respect of a car that has undisclosed faults, is being covered by a form of insurance policy that is covered as a whole by the dealer himself. In addition, there is a danger that a dishonest dealer with a percentage of margin common to all the trade will allow for the risk of rescission and refund and, if he wished, he could carry on with his hanky-panky and take the chance in the first three months of nothing happening. However, I believe that the Bill is worth while: it certainly goes a long way towards protecting the buying public. I think most people can quote cases where they have either experience of, or knowledge of other people who have been involved in, some questionable acts by certain car dealers. Although I support the second reading, I repeat that I think it is a pity that the Bill has been considered necessary just because

of the actions of a few questionable members of the trade.

The Hon. L. J. KING (Attorney-General): No member who has spoken during this debate has opposed the Bill, although certain members have made points regarding individual provisions of the measure. I will therefore try to be as brief as I can in reply and to reserve whatever comment I can for the individual clauses in Committee. One point (in fact, a somewhat recurring theme) made during the course of the debate by Opposition speakers related to the dishonesty of purchasers of used cars. I think it is important to understand just what we are trying to achieve by legislation of this kind. True, there are dishonest people in the community, and we will therefore find dishonest people amongst the purchasers of used cars.

The Bill has been carefully framed to ensure that, as far as it is possible to do it by legislation, the dishonest cannot profit by the provisions of the Bill, and careful safeguards have been included (some of them at the request of the trade itself) to ensure that this is so. The provisions regarding the intervention of the Prices Commissioner will play a salutary part in this regard. The point, however, that I think we must bear in mind is what we seek to achieve by legislation of this kind and what is the reason for introducing it. Basically this legislation does not deal with dishonesty as such. True, it is capable of dealing with dishonest practices, and I believe it will have a salutary effect in stamping them out, but the reason for introducing this legislation and the necessity for it is not dishonesty.

The real reason for legislation of this kind is the relationship that exists between a dealer in used cars and a purchaser. It has been said that used cars will have defects, and undoubtedly they will. This means that the loss involved in the purchase of a car with a defect must fall somewhere. Where is it to fall? The traditional view has been *caveat emptor*—the buyer must beware. However, the truth is that the buyer is at a serious disadvantage in his transaction with the dealer, who has the advantage in being able to assess, so far as anyone can assess, what are the defects in the car.

The buyer, on the other hand, has virtually no opportunity to make such an assessment. The only way in which he can make an assessment is to have the car examined by an expert. If he does that, he is faced first with the necessity of paying for the examination. It may well turn out that, having had the examination, he is dissatisfied with that car and does not wish to buy it, so he must select another car and have another expert examination, for which he must also pay. Therefore, he must go on until he finds a car that is satisfactory. That is plainly prohibitive to the ordinary wage-earning purchaser who is not financially able to employ experts to examine vehicle after vehicle until he is able to make a satisfactory choice. Indeed, even if he could afford it, it would probably be uneconomic to do so.

It is unrealistic to say that the purchaser is able to protect himself: he is not able to do so. The dealer has several advantages. Often he is able to make a fairly shrewd assessment of the condition of the vehicle and detect its defects. He will not always be able to detect them or to detect all of them, but he is in a far better position to do this than is the purchaser. This means that, if there is a defect in the vehicle which is not detected and which an honest dealer has genuinely tried to detect and failed to detect, it is far more just and equitable that the loss should fall on the dealer than on the purchaser. This applies for another reason, too, for the dealer, because he is in business, can spread his loss and so arrange his affairs and prices so that he finishes up with a profit overall in his transactions.

A purchaser, on the other hand, has no way of covering himself. If there is an unsuspected latent defect in the vehicle, he suffers what may be a crippling financial blow to him. All the reasons of justice and equity point to placing the responsibility on the dealer, who is best able to cope with the situation. I believe that, dishonesty apart altogether, the maxim *caveat emptor* has no application in justice to this field at all, and that the responsibility for defects should lie on the person who is engaged in the business and who is therefore best able to assess the condition of the vehicle and to cover himself financially against the responsibility involved in engaging in this type of transaction.

Another point made by several speakers is that the legislation will have the effect of increasing the price of vehicles. It may do so, because obviously a purchaser will have to pay more for a good vehicle than he would have to pay for a defective vehicle. What does this prove? Surely it is more satisfactory that purchasers, even if they have to pay more for a vehicle, should get a vehicle which they can use and drive, which meets their requirements, and which is fit for the purpose for which they

bought it than that they should have a cheaper vehicle that they cannot use. Moreover, sometimes purchasers (various members have referred to this in the debate and complaints about it have come up over and over again over the years) who buy an inexpensive vehicle in good faith find it is useless, and that they have suffered a crippling financial loss.

It has been said that the value of the trade-in will decline. This means that it will no longer be possible for people to get high trade-in values for defective vehicles simply because someone else farther down the line is to be sold that defective vehicle for an inflated price. If this legislation has an effect on trade-in values, that must be the reason for it. I have some doubts about the effect of this legislation on trade-in values because many factors influence the allowance on a trade-in vehicle, and not all of them relate to the intrinsic worth of the vehicle. Sometimes one feels that trade-in values are really unrelated to the true worth of the vehicle. If this legislation means that there will be lower allowances for trade-ins it can only be because it is effectively protecting some unsuspecting person farther down the line from being taken for a ride by having to pay an inflated price for a defective vehicle.

Mr. Nankivell: What about the present owner?

The Hon. L. J. KING: The present owner is not caught at all, because he sells his car for what it is worth. If it is a defective vehicle, he is only entitled to what that vehicle is worth; he has lost nothing. What has happened is that there is no longer the opportunity for the owner of a defective vehicle to get a high price for it merely because some unfortunate down the line will be taken for a ride. If that is the result, it is a perfectly just and reasonable result and no cause for complaint against this legislation.

Mr. Becker: I say the used car dealer will refuse to take it.

The Hon. L. J. KING: If the honourable member thinks that there will be no trade-ins because of this legislation, I can only advise him to wait and see how it works out. He will find that used car dealers will continue to purchase cars and to sell them. All that will happen is that they will be required to stand behind the cars they sell. If the honourable member is really trying to justify a situation in which a vehicle is purchased as a trade-in by a dealer on the basis that it will be sold to someone who has no knowledge of its defects, I suggest he should revise his notion of ethical business dealings.

Something has been said about the position of a wrecker. I think it is simple. The only people who are affected by this legislation are dealers, and the dealer is defined as a person engaged in the business of buying and selling motor vehicles. If a wrecker is buying and selling motor vehicles for prices over $500, there is no reason in the world why the law relating to dealers of used motor vehicles should not apply to him. The fact that he may also wreck vehicles is beside the point. If he is engaged in the business of dealing in motor vehicles by buying and selling them, he should be subject to the same obligations as any other dealer. The member for Fisher made one or two points. I will consider particularly his point regarding the appointment of a deputy member of the board. He suggested that the Minister should retain control of this appointment. That is a matter worthy of further consideration, and I shall have the opportunity of considering it further before we reach that clause in Committee.

The honourable member suggested that the provision that a member of the board would vacate his office if he was absent for four consecutive meetings without the permission of the Minister was unduly lax, and that it should be reduced to two consecutive meetings. We must bear in mind, however, that the consequence is automatic: if a member of the board is absent for the prescribed number of meetings, he automatically vacates his position on the board. I think it is possible for a member of the board to be absent from two consecutive meetings accidentally: perhaps because of a breakdown in a used motor car that he had purchased only recently, perhaps because of sudden ill health, or perhaps through just overlooking the appointment, as people have been known to do from time to time. "Four" is a reasonable number of meetings, having regard to the fact that the failure to attend for those four meetings involves automatic vacation of the office.

Some criticism, which I found curious, was levelled by several members against clause 25 of the Bill. It was said that some provisions put the dealer at a disadvantage because it was difficult to ascertain the defects in a vehicle, difficult to list them, and difficult to assign to them an estimated cost of repair. But what should be remembered is that clause 25 is there to give the dealer an opportunity to avoid the statutory warrant if he wants to disclose the defects. He does not have to use clause 25. If he chooses, he may say, "I cannot do this; I have to accept the statutory

warranty. Therefore, the price of this vehicle must reflect the fact that I am selling the vehicle with a warranty of three months or 5 000 km." Clause 25 is put there for the dealer who knows the defects and wants to say to the customer, "I am obliged to stand behind this vehicle for three months but I am not going to stand behind it for steering or brakes, because I know there is a defect there. This is the defect and my diagnosis of it is an approximate cost of repairing it and, to that extent, I am not standing behind the vehicle." It gives the dealer that opportunity, so what criticism can be levelled against clause 25 from the dealer's point of view I do not know. It merely does what the Rogerson report recommends: it gives the dealer the opportunity, if he wishes, to disclose the defects to the customer and so escape the obligation to stand behind the vehicle required by clause 24.

It was suggested by the member for Mitcham in particular that there should be a provision to enable a customer, in effect, to waive his rights under this Bill. I believe, however, that a contracting-out provision would be utterly impracticable. There is nothing easier than for the dealer, who is in the dominant position in the transaction and who knows the trade and the law (as the purchaser generally does not), to persuade a customer to sign away his rights. No matter how we hedge it about with safeguards, that will always happen. Wherever there is a right for a member of the public dealing with a commercial organization to waive and sign away his rights, there is no real difficulty, especially on the part of the unscrupulous person, in getting the unsuspecting customer to do so. Consumer protection legislation if it is to be worth anything at all in this field, as in other fields, must be of universal application, and it is inconsistent with effective consumer protection legislation to permit contracting out or the waiving of rights under the Bill.

In this Bill, however, we have provided for the exceptional case. It is the case that the member for Mitcham referred to where a person because of his special qualifications can and desires to do his own assessment, and does not need the protection of the Bill. Consequently, clause 37 provides:

A person shall not without the prior consent of the Commissioner be competent to waive any rights conferred on him by this Act.

I think these cases will be exceptional, but provision is there, in the exceptional case referred to by the member for Mitcham, for the parties to go to the Prices Commissioner and say, "This purchaser is not an ordinary member of the public; he is a person with special qualifications who wants to buy this vehicle, knowing he is doing so at his own risk; he wants to assess the situation himself." Then the Prices Commissioner can give that prior approval, which makes that waiving of the rights binding on the parties.

The point has been made that there is difficulty in proving that a defect appearing in a vehicle is due to the misuse of it. Of course, this can create difficulties; it can in any situation. It creates difficulties if the purchaser has to sue the dealer and has to prove that he has been sold a defective vehicle. Under the ordinary law, it is commonplace that a purchaser is in a much worse position and in much greater difficulty. This is a difficulty of any sort of legislation relating to commercial transactions and it is the application of the common law rule that there may be difficulties of proof. These are practical difficulties that must be solved in individual cases. It would be unfortunate if Parliament shrank from passing satisfactory laws simply because in some instances there were cases where it was difficult to prove just what the true facts were; but what I do not understand is how it is suggested that the proposal that the warranty period should be reduced to one month or 2 000 km improves this situation.

The difficulties of proof are just the same and we still presumably retain in the Bill a provision about misuse; the difficulties of proving misuse are the same whether the warranty period is three months or one month. It is a matter of degree—we do not solve the problem. I just could not follow it, but perhaps something further will be said about that when we reach that clause in Committee.

The floor price of $500 was criticized because it was unrelated to the list price of the vehicle. There are two difficulties about relating the floor price to the list price of a vehicle, and both are fatal to the changes that are being suggested. One is that the law does not recognize any such thing as the new price of a vehicle. A new vehicle may be sold, as far as the law is concerned, for any price. Such things as list prices are not always adhered to and there is no standard to which we can satisfactorily tie it as a matter of legislation.

The other difficulty, which I think is much greater, is that, if this sort of legislation is to work, the public must know its price rights. The ordinary member of the public going

into a dealer's yard must know where he stands; he must know, after he takes the vehicle home, whether or not he is covered by a statutory warranty. If there is a fixed price of $500 in the trade, a member of the public will quickly become aware that, if he buys a vehicle for over $500, he gets the protection of the Act but, if he buys a vehicle for less than $500, he buys it at his own risk; everyone knows that. Once we start to try to relate this to a percentage of some new price of a vehicle, there will be endless confusion in the mind of the purchaser whether or not he is really protected. It will not be difficult for the unscrupulous salesman to sow in the mind of the purchaser the idea that the vehicle being purchased is protected when in fact it is not. The important thing in legislation of this kind is that there should be clear criteria which are easily understood by the public and about which there can be no misunderstanding or confusion and no opportunity for unscrupulous conduct by salesmen.

The member for Light referred to the practice of balloon finance, and asked whether this was dealt with in the Bill. I remind him that there is in the Bill a provision, which I hope will be defended against attack by the member for Alexandra, that enables us to prescribe undesirable practices. This provision was included to cover the sort of situation to which the honourable member referred. There are innumerable practices operating within the trade which vary from time to time. These are quite undesirable and are sources of grave injustices to members of the public. It would be hopeless to try to write into an Act prohibitions against these practices, because any unscrupulous dealer would merely have to vary the practice slightly and place himself outside the statutory provision. For that reason, the provision was placed in the Bill, enabling the Minister, on the advice of the Prices Commissioner, or the Governor, on the advice of the Minister, to prescribe certain practices as undesirable practices and thereby prohibit them. This will enable flexibility in catching up with the type of practice to which the honourable member referred, namely, balloon financing. There are many other such practices, of which I have a list that has been supplied to me by the Prices Commissioner, and all honourable members know of plenty of them from their own experience.

The honourable member also raised the point about local government. A council buying vehicles for its own purposes would not be a dealer, the definition of which is "a person who carries on business of buying or selling". If one is buying a vehicle for use in one's own business, one would not be a dealer within the definition. The member for Light inquired why "defect" was not defined. The word "defect" is a well understood word. The honourable member read out a number of definitions from the dictionary which were simply different facets of the same concept. In the context of this Bill, the word "defect" is related to the remedying of the defect, which involves the restoration of the vehicle to a condition that is reasonable, having regard to the age of the vehicle. Therefore, one can test "defect" against the age and general condition of the vehicle. That answers the further point raised by the honourable member regarding the sort of materials that would have to be used in remedying the defect.

I do not intend to answer that from the technical point of view, but certainly the example the honourable member gave would comply with the provisions of the Bill. If a defective part was replaced by another part of the same like age and general condition of the vehicle at large, that would be restoring it to the condition in which one would expect a vehicle of that age to be. I think I have covered most of the general matters that were raised. A number of points raised by honourable members I have deliberately refrained from commenting on, as they will be discussed in detail in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Progress reported; Committee to sit again.

PRICES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

OFFENDERS PROBATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

HALLETT COVE TO PORT STANVAC RAILWAY EXTENSION BILL

Returned from the Legislative Council without amendment.

MUNICIPAL TRAMWAYS TRUST ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 1.23 a.m. the House adjourned until Wednesday, November 17, at 2 p.m.