HOUSE OF ASSEMBLY

Tuesday, October 30, 1973

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

PETITIONS: CASINO

Mr. MATHWIN presented a petition signed by 53 persons who expressed concern at the probable harmful impact of a casino on the community at large and prayed that the House of Assembly would not permit a casino to be established in South Australia.

Mr. McANANEY presented a similar petition signed by 32 persons.

Mr. HARRISON presented a similar petition signed by 14 persons.

Mr. SLATER presented a similar petition signed by 54 persons.

Mr. ARNOLD presented a similar petition signed by 225 persons.

Mr. RUSSACK presented a similar petition signed by 87 persons.

Petitions received.

QUESTIONS

The SPEAKER: Pursuant to Standing Orders the following written answers to questions have been received and, being in conformity with Standing Orders and practice of the House, I direct that they be distributed to members who had asked them and that, together with the questions, they be printed in *Hansard.*

WEEVILS

In reply to Mr. GUNN (October 9).

The HON. J. D. CORCORAN: The Minister of Agriculture states that he has no recollection of any commitment of the Australian Government by the Minister for Primary Industry (Senator Wriedt) in this matter. At a previous meeting of the Australian Agricultural Council, Senator Wriedt undertook to take the proposal to Cabinet, and this he did. My colleague is not aware of the source of the member's information on the proceedings of federal caucus. The Director of Agriculture reports that it is unlikely that the proposed detailed control programme using specialist officers of the department can be undertaken this season, but it is hoped that the extension programme can be continued. The Agriculture Department will also initiate a pilot study of the trace-back system in one Australian Wheat Board Division of the State. I have been told that the whole question will probably be reviewed following further discussions at the forthcoming meeting of the Australian Agricultural Council next month.

RESERVOIR MANAGEMENT

In reply to Dr. EAST1CK (September 27).

The Hon. J. D. CORCORAN: The construction of a dam on a river does ensure that, on some occasions, floods that previously would have caused considerable flooding in downstream areas are absorbed in the reservoir storage and, in this respect, persons living downstream of the dam are much better off than they were before the dam was constructed. However, once the storage of the reservoir approaches the full mark, very little can be done to reduce the impact of a major flood, and in these circumstances, persons living downstream of the dam are likely to be affected to much the same degree as if the reservoir did not exist. Such a combination of circumstances could have a return frequency of from five to 10 years in the case of South Para reservoir, and less in the case of Mount Bold reservoir.

Since August, 1971, float switch equipment has been installed at the South Para reservoir to operate over the top metre of the storage. The top metre of this reservoir represents 4 288 *Ml* (939 000 000gall.), which is 8.3 per cent of the total capacity. The equipment registers each rise of .1 m in the water level and operates an alarm at the reservoir keeper's house, in the event of this taking place at night. When the water level reaches .9 m below full supply level, a water level recorder is automatically set in operation. Each time the alarm sounds, the reservoir keeper, if not already on duty, is required to attend the spillway, reset the alarm to the next .1 m and inspect the rate of rise in waler level, as shown on the recorder.

When the water level rises to within .2 m of full supply level, the reservoir staff are required to man the spillway continuously. If the water level reaches .1 m from full supply level, a start is to be made on opening spillway gales in a predetermined order and a frequency determined by constant inspection of the rate of rise of waler level shown by the graph on the chart of the water level recorder. The initial aim is to stop the rise in water level over a period, so that eventually the stage is reached when water is passing over the spillway at the same rate as it is entering the reservoir. When the water level commences to fall, spillway gates are closed in turn, but the last gate is not closed until the water level has fallen to .2 m below full supply level.

EGGS

In reply to Mr. VENNING (July 31).

The Hon. J. D. CORCORAN: The Chairman of the South Australian Egg Board has informed the Minister of Agriculture that the levying of a modest charge for small consignments of eggs was introduced only after very careful consideration. Costing by the board's staff has confirmed that agents actually incur a loss in handling small parcels of eggs. In practice, the cost of processing documents for each consignment, irrespective of the quantity of eggs involved, works out al 69c or 36c a dozen. It is considered that the additional charge of 30c is not unreasonable in the circumstances.

HYDATIDS

In reply to Dr. EASTICK (September 19).

The Hon. L. J. KING: The Acting Director-General of Public Health reports that although the prevalence of hydatid infestation in sheep continues to be widespread, especially in the South-East of the State, there is no evidence that the prevalence in humans has changed significantly over the last 10 years. During the decade 1963-1972, 14 cases of hydatid disease in humans were registered. However, it was known from hospital records that this was not an accurate indication of prevalence. To gain more knowledge of the true prevalence of the disease in this State a new source of information was explored at the beginning of 1972. The Institute of Medical and Veterinary Science was requested to provide this department with lists of positive blood tests for hydatid disease: the doctors of these patients were then contacted and asked whether there was any confirmation of the disease. As the result of this additional information, the department registered a total of 10 cases of hydatid disease in 1972. Whenever there has been evidence of recent infection, particularly in young children, the department has instigated on-the-spot investigations through its resident district inspectors in country areas.

There is a continuing programme of inspection of country slaughterhouses and the education of persons working in them to make them aware of the dangers of feeding offal to dogs. The health inspectors in this State have formed a Hydatid Education Committee whose terms of reference include the familiarization of health inspectors with hydatid control measures. The committee acts as an information-giving and educational body by giving lectures on hydatid control to groups such as Apex, agricultural bureaux, schools, rural youth, and by arranging exhibits at agricultural shows. The department intends to continue a close surveillance of hydatid disease, seeking information from all possible sources.

EMERGENCY FIRE SERVICES

In reply to Dr. EASTICK (September 18).

The Hon. L. J. KING: The Chief Secretary reports that certain savings were effected in 1972-73 as a result of the sudden death of Senior Constable P. K. Stevens and the action taken to replace him with a civilian. The provision for 1973-74, taking into account the known quantities and pending implementation of any further recommendations of the working party, is sufficient.

PORT LINCOLN HOSPITAL STAFF

In reply to Dr. TONKIN (September 19).

The Hon. L. J. KING: The Minister of Health reports that formerly the Treasury line "Medical Superintendent" at some country hospitals contained only the salaries of the Medical Superintendent and lecturers. In accordance with the practice in other hospitals this line now provides also for the salaries of para-medical staff shown in the Estimates as professional and technical staff. The additional provision proposed for 1973-74 represents the amounts provided for one pharmacist (part time) and one physiotherapist (part time) both of which are long-standing positions and also for a new position of speech therapist, which was created on January 11 this year. The estimated total cost of these positions, which existed on July 1, 1973, is $11 400, and provision of $1 600 has also been made for a new appointment during 1973-74 of a part-time social worker.

RECOVERY GROUPS

In reply to Mr. CHAPMAN (June 21).

The Hon. L. J. KING: The Minister of Health reports that this Government initiated financial support for Recovery Groups (S.A.) in 1971 by making available a grant of $3 000. This was increased to $3 500 in 1972-73. The approach made to the Government requested that this grant be increased to $9 000 this financial year. Recently, the Commonwealth Government announced that it would make funds available to community health centres. The amount of the State grant will be considered relative to other funds available.

ADULT WAGE

Mr. MILLHOUSE (on notice):

1. Has any estimate been made of the likely extra cost to the Government of paying an adult wage at the age of 18?

2. If so, .by whom was the . estimate made and what is it?

3. If no estimate has yet been made, is it to be made and by whom?

4. If an estimate is to be made, when will it be made and will it be made public when made?

5. Has any such estimate been made of the likely extra cost to the South Australian economy and, if so, by whom and what is it?

The Hon. D. H. McKEE: The replies are as follows:

1. No.

2. to 5. *Vide* No. 1.

HIGHWAYS DEPARTMENT LAND

Dr. TONKIN (on notice):

1. How many properties in Rose Park and Dulwich along the proposed route of the Metropolitan Transportation Study Hills Freeway are owned by the Highways Department?

2. When is it intended that these properties will be sold?

3. If not to be sold, for what purpose are these properties to be used?

4. How many properties along this route have been acquired by the Highways Department since 1967?

The Hon. G. T. VIRGO: The replies are as follows:

1. Ten.

2. There is no proposal to sell these properties at present.

3. Available for leasing to persons displaced from other areas.

4. Ten.

FULLARTON ROAD

Dr. TONKIN (on notice):

1. When is it intended that that part of Fullarton Road between Kensington Road and Greenhill Road will be widened?

2. Has the Highways Department recently acquired, or is it about to acquire, the strip of land between the present western edge of Fullarton Road and the park lands in that area, and which has been held by the Corporation of the City of Burnside?

3. Has any request been made for the transfer of house properties at Nos. 13 and 15 Albert Street, Dulwich, presently owned by the Highways Department, to the Corporation of the City of Burnside as full or part compensation for the park lands strip acquisition, and, if so, what has been the result of such request?

The Hon. G. T. VIRGO: The replies are as follows:

1. There are no firm proposals for the widening of this section of the road at present.

2. Agreement has been reached for the acquisition of this land from the Corporation of the City of Burnside.

3. Yes: request not proceeded with.

TRAFFIC SIGNALS

Dr. TONKIN (on notice):

1. When is it now expected that traffic control signals will be installed and operating at the junction of Grant Avenue and Fullarton Road, Rose Park?

2. Is it intended to install similar devices at the junction of Dulwich Avenue and Fullarton Road, and if so, when?

3. Is it intended to install (and, if so, where) additional traffic control devices to facilitate pedestrians crossing on the following roads:

(*a*) Kensington Road, between Fullarton and Portrush Roads;

(*b*) Portrush Road, between Kensington Road and Greenhill Road; and

(*c*) Greenhill Road, between Fullarton Road and Portrush Road?

The Hon. G. T. VIRGO: The replies are as follows:

1. There are no plans to install traffic control signals at this junction.

2. No.

3. (*a*) Consideration is being given to the installation of traffic signals with pedestrian crossing facilities at the intersection of Kensington Road with Osmond Terrace and Prescott Terrace.

(*b*) No.

(*c*) No.

CRIPPLED CHILDREN'S ASSOCIATION

Mr. MILLHOUSE (on notice):

1. Is it intended to make land available to the Crippled Children's Association with a view to moving its activities from Somerton?

2. If land is to be made available:

(*a*) where will it be and why;

(b) when will it be available; and

(*c*) on what terms?

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

1. Yes.

2. (*a*) Regency Park: South Road, Islington. This site was requested by the Crippled Children's Association.

(b) As soon as the transfer can be effected by the Lands Department following receipt of the purchase price.

(*c*) Not yet certain, as negotiations with the Commonwealth Government are still proceeding.

WOMEN TEACHERS

Mr. MILLHOUSE (on notice):

1. Has the Minister yet come to a conclusion as to how to correct the situation in relation to women teachers under the age of 45 who elected to contribute to superannuation with a view to retirement at 55 and, if so, what is that conclusion?

2. If not, when will he come to a conclusion?

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

1. Yes, by amendment to section 25 of the Education Act.

2. *Vide* No. 1.

FAMILY COURT

Mr. MILLHOUSE (on notice): Is it intended to introduce legislation to give statutory authority to the proposed Family Court and, if so, when?

The Hon. L. J. KING: It is not intended at present to introduce legislation to give statutory authority to the proposed Family Court. The court will operate by means of administrative arrangement. A decision as to whether a Family Court Act is desirable will be made in the light of experience of the operation of the court.

PETRO-CHEMICAL PLANT

Mr. MILLHOUSE (on notice): What level of Australian equity to participate in the Redcliffs petro-chemical project does the Government consider to be desirable:

(a) in the ownership al each stage of the process in each company?

(*b*) in the overall aggregate ownership of companies?

The Hon. D. J. HOPGOOD: The Government is unable at this stage of the negotiations to give a precise figure, beyond saying it will require the maximum degree of Australian ownership consistent with being able to obtain the necessary technology and expertise essential to make the Redcliff Point petro-chemical plant a viable project.

MINISTERS

The SPEAKER: I wish to inform the House that, in the absence of the honourable Minister of Labour and Industry, the honourable Minister of Environment and Conservation will be available to reply to questions that otherwise may have been directed to the honourable Minister of Labour and Industry, and the honourable Premier will take questions that normally would be asked of the honourable Minister of Development and Mines.

PETROL STRIKE

Dr. EASTICK: Will the Premier say what changed circumstances prevailed in strike discussions to cause him to implement petrol rationing in the metropolitan area? Last week, during the debate on the Liquid Fuel (Rationing) Bill, the Premier staled that discussions that he and the member for Florey were having with the parties involved in the strike were such that it was most unlikely that the provisions of the Bill would have to be implemented. On Friday, we saw a breakdown of discussions but still no announcement of petrol rationing. That announcement was not made until last evening, when it was made by His Excellency the Governor. If the Premier was confident last week that he would not have to use the petrol rationing provisions approved by this House, I and, I believe, the people of South Australia would like to know what changed circumstances led to a breakdown of the successful negotiations that he and the member for Florey were having.

The Hon. D. A. DUNSTAN: On the eve of discussions in Victoria by the negotiating parties, we were told by both sides (both by the industrial officer for the refinery and for the union) that the parties were, they considered, close to agreement. When the discussions resumed in Victoria, an offer which we had understood had been made and which had been communicated to us by both sides at that conference, was not proceeded with by the oil companies. In fact, new conditions were introduced by them in Victoria.

Dr. Eastick: Are you blaming the oil companies?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I am not assigning blame to anyone: I am telling the Leader the facts. That was the situation that developed and, after many hours of discussions, it was apparent in Victoria that agreement would not be reached. Following this the Seamen's Union, for a variety of reasons, decided that it would not berth the *Mobil Australis.* We tried to negotiate with the union about getting the petrol in from this ship and also from the *B.P. Enterprise,* which has now been turned around and is going to other ports.

Mr. Millhouse: That was known on Saturday.

The SPEAKER: Order!

Mr. Millhouse: I knew it on Saturday.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I do not know how the honourable member could have known on Saturday that the vessel would be turned around, because the company made the decision only this morning, while the ship was on the sea.

Mr. Millhouse: No fear it wasn't! I was talking to the B.P. company.

The Hon. D. A. DUNSTAN: The honourable member may have been talking to the B.P. company. I can only say that that is the information that we have from the oil companies, namely, that the decision concerning the direction of the *B.P. Enterprise* was not made until this morning. I have been told that during the intervening period a series of negotiations has taken place to try to ensure that petrol was released within South Australia. When it was apparent yesterday afternoon that this could not be achieved, the recommendation was made to His Excellency and the Act was proclaimed, because that was the only safe course to take. I had a discussion with the union leaders yesterday, and officers of my department)

have been in touch with the oil companies. Unfortunately, suggestions from both sides about getting petrol into South Australia were not agreed to and, consequently, we are faced with the present situation. I have spoken to the federal officers of the Storemen and Packers Union and the President of the Australian Council of Trade Unions, who has been approached by the union. It may well be that action on the Commonwealth scene in conciliation is taken immediately, beyond the action previously taken by the unions and the companies to try to confer and reach a settlement. In the meantime, it is necessary for the Government to protect people in South Australia to ensure that essential supplies are maintained, and that is what we have done.

Mr. COUMBE: Will the Premier say what urgent steps he has taken to bring about an early solution to this dispute so that restrictions forced on the public are removed as quickly as possible? I noticed in today's *News* a report that the Premier has called on the President of the Australian Council of Trade Unions (Mr. Hawke) to intervene in the current 10-day strike. What part was Mr. Hawke able to play during the last strike that caused petrol rationing in August, 1971, and what faith has the Premier in Mr. Hawke's authority within the trade union movement to help settle the present dispute? What part is Mr. Hawke likely to take in settling this dispute?

The Hon. D. A. DUNSTAN: Mr. Hawke was responsible basically for much of the negotiation that led to the settlement of the previous petrol strike. I went to Victoria to see Mr. Hawke and the officers of the A.C.T.U. at that time. As a result of that, special consideration was given to South Australia and, in addition, it was possible to achieve an eventual settlement.

Mr. Mathwin: It's clear—

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I do not intend to make an announcement ahead of time as to what Mr. Hawke intends to do: that will be for him to announce. Having been in touch with him, I have reported the existing crucial situation in South Australia to him. He understands that well, as do the Commonwealth officers of the union involved, and I am sure there will be a further announcement from the A.C.T.U. soon.

The SPEAKER: In calling on the honourable member for Kavel to ask a question, I point out that the honourable member is back again with us, looking extremely well and fit, and it is apparent that the oversea trip he has just completed has been most beneficial to him physically and, we hope, educationally as well.

Mr. GOLDSWORTHY: Before asking a question, I thank you, Mr. Speaker, for those kind remarks. I hope I picked up a point or two in my meanderings around the globe.

Can the Premier say how much petrol is on hand at present and how long he expects that it will last without the arrival of additional supplies? I understand that the restrictions imposed on the community are even more severe than those imposed when petrol was last rationed and when we came dangerously close to running out of petrol in this State.

The Hon. D. A. DUNSTAN: I do not have the hourly figures here for the honourable member but I will obtain figures for him tomorrow. There is much more fuel oil in South Australia than we thought last week, and we have been able to assist industry. The Electricity Trust has nearly a year's fuel oil supply on hand, and we have been able to assist industry considerably by that means. Distillate is available but motor spirit is the problem. On the present rationing basis, I expect supplies to last three or four weeks, and the striking unions have undertaken that, if by that time the matter is not settled, they would be willing to release from the refinery sufficient petrol to ensure that essential services are kept going.

Dr. TONKIN: Will the Premier say what action, if any, is being taken to supplement existing petrol supplies with additional fuel brought in by either road or rail from other States? The Premier is reported today as having indicated that he expects a limited quantity of petrol to be brought in by rail or road, and I think the Birkenhead depot will be supplied by rail. Does the Premier expect that these measures will be necessary, or does he hope that the strike will be settled before that?

The Hon. D. A. DUNSTAN: At this stage of proceedings, I can give no estimate as to when the dispute will be settled. Concerning additional supplies by road or rail, we have been informed since I made that announcement this morning that the unions will not agree to providing extra supplies beyond the normal quantity being brought in by road and rail. Tn consequence, I do not have additional means, except some transporters from the South-East who can bring supplies from that area.

Mr. CHAPMAN: Will the Premier consider either increasing the number of centres where petrol permits are being issued or improving the flow through the existing centres so that motorists do not have to wait long periods for their permits? I have received complaints this morning that the office at 27 King William Street, Adelaide, has not been able to cope with the demand for permits from people with legitimate claims for petrol. For most of the morning the queue stretched from the building in King William Street, down Gresham Place and Gresham Street into North Terrace, and past the site previously occupied by the South Australian Hotel. People claim they have waited in the queue for more than an hour. Motorists believe it is bad enough having to queue without—

The SPEAKER: Order! The honourable member is commenting.

Mr. CHAPMAN: —having to wail a long time for a permit. Will the Premier see to it that these delays are minimized either by increasing the number of centres from which permits are available or by speeding up the process involved in getting the permits?

The Hon. D. A. DUNSTAN: I will try to speed up the method of dealing with applications for permits. This is the first day on which permits have been issued. It is likely that the peak demand will occur during the first day and that thereafter people can be dealt with more quickly. This was our experience during the previous petrol strike when we had far fewer centres dealing with permits. We have made much more provision on this occasion for dealing with applications for permits than was made during the previous petrol shortage.

Mr. McAnaney: I hope it is sufficient.

The Hon. D. A. DUNSTAN: The honourable member's hopes have been met. I will speak to the officers responsible to see whether we can get some additional means for speeding up applications in the short term, but as a result of our previous experience we believe the existing provision should be sufficient within the next day or so to cope with the flow of applications.

Mr. Venning: Wouldn't it—

The SPEAKER: Order! Every member of this House has the right to ask a question when he is called on to do so and that applies to the honourable member for

Rocky River. He will not be allowed to persistently interject when other members are availing themselves of the right to ask questions.

Mr. BECKER: Can the Premier say what steps he intends to take to prevent a repetition in the future of the desperate situation in which South Australia finds itself as a result of the rationing of fuel? We were told last week that fuel storages had been increased since last year, but unfortunately we still face the risk, whenever there is the slightest interruption either to the. flow of fuel from Port Stanvac or to the unloading of oil tankers, of the Government having to ration fuel supplies. How does the Government intend to guarantee continuity of supply for the motoring public of South Australia so that we shall not be forced into a similar situation in the future?

The Hon. D. A. DUNSTAN: It is very easy for the honourable member to ask, "What do you intend to do?" without himself suggesting something that is practicable.

Mr. Chapman: Sack those responsible! How about that?

The Hon. D. A. DUNSTAN: The result would be to put into office those who are obviously irresponsible. We now have far more fuel in South Australia than we had during the last petrol dispute. However, our difficulty is that we cannot get it out of the storages.

Mr. Chapman: Why don't you—

The SPEAKER: Order! The honourable member for Alexandra has been a member long enough to know what are the requirements of the House. Interjections during the course of a reply by an honourable Minister will not be tolerated. The honourable Premier.

The Hon. D. A. DUNSTAN: The difficulty we face is that at any stage between the refining of the petrol and the supply to a petrol outlet there can be a halt to delivery. On this occasion that has occurred in several ways that did not arise on the previous occasion. For instance, previously the Seamen's Union did not take the attitude that it would refuse to berth tankers. If we had had the tankers available there would have been no difficulty in supplying petrol. If we could get fuel out of the refinery at this stage, there would be plenty of fuel in South Australia. Again, if we had a large quantity of storage we would be faced with some of the same difficulties. If the honourable member can suggest a method by which we can protect supplies to South Australia regardless of industrial stoppages, he will be showing a genius that has not been shown anywhere else in Australia. The only reason why there are more fuel supplies elsewhere in Australia than we have is that they have several refineries in other States whereas we have only one. If we had alternative refineries in South Australia we would not have this situation.

Members interjecting:

The Hon. D. A. DUNSTAN: This is exactly our situation. Petrol can now come across the border from Victoria. The reason why tankers can come here with petrol from Western Australia is that it is refined in refineries that are not subject to the dispute. In the other States, during the previous petrol shortage, several refineries continued to work. Our difficulty is that we have a refinery that involves a company which has always been at the centre of disputes in this industry; that is our peculiar difficulty.

Mr. McANANEY: Will the Premier call in the Commonwealth Minister for Labour (Mr. Cameron) in relation to the petrol dispute, as a Commonwealth award is involved in the strike? On May 26, Mr. Cameron said that his Government would step up action against award breaches, with every breach being investigated. He said he would increase the number of inspectors to look at cases of breached awards. I presume that the seamen, by mutiny on the high seas, have breached an industrial award.

The SPEAKER: Order! The honourable member may not comment.

Mr. McANANEY: Will the Premier ask the Commonwealth Minister to investigate this apparent breach of an award?

The Hon. D. A. DUNSTAN: I do not know what the honourable member is referring to in his pejorative remarks. If he wants to know what action the Commonwealth Minister for Labour has taken, I can tell him that Mr. Foster has been engaged in trying to settle this dispute.

Mr. Mathwin: Well, that explains—

The SPEAKER: Order! I warn the honourable member for Glenelg. He knows the requirements of the House during Question Time.

Mr. DEAN BROWN: Gan the Premier say what action the Government will take to protect the livelihood of service station owners who have suffered because of the strike and the subsequent petrol rationing? I have been informed by an accountant that several owners of private petrol outlets were forced out of business as a direct consequence of the last strike at the oil refinery. As action has been taken to alleviate the effects of that strike on other industries in South Australia, what action will be taken to help protect the livelihood of service station owners and the viability of their industry?

The Hon. D. A. DUNSTAN: I do not know of any of the cases to which the honourable member has referred. If he knows of specific instances, I should be grateful if he would give me the information that would justify his statement in the House. Certainly, at the time of the previous petrol dispute, this Government made representations to the oil companies to see that special provision was made in relation to licensees' rental payments. The honourable member's information does not accord with mine. Regarding other petrol station proprietors, the Government has taken the action that it has announced to try to settle this matter as quickly as possible. We cannot be an insurance agent for the whole community against business adversity of one kind or another. No other Government in the history of this country has done as much as this Government has done for service station proprietors.

Mr. GUNN: My question is supplementary to the question asked by the member for Bragg. In the temporary absence of the Premier, will the Deputy Premier say whether the Premier's reply to the member for Bragg means that he will bow to the wishes of Mr. Apap and his union in not bringing in supplies of fuel from other States, regardless of the urgent need in South Australia?

The Hon. J. D. CORCORAN: I cannot recall the reply the Premier gave the member for Bragg, and I do not even recall that honourable member's question. It would have helped if the member for Eyre had enlarged on his question and explained it. I do not know what he means when he asks whether the Premier will bow to the dictates of Mr. Apap. If the honourable member rephrases his question and gives more information or, alternatively, if he waits until the Premier returns to the Chamber, he may be able to get a satisfactory reply. It seems to me that the Opposition is taking great delight in the fact that this State is under extreme difficulty at this time as a result of this strike. The Opposition seems to be taking every opportunity to make what cheap political capital it can from the situation.

Mr. CHAPMAN: Will the Deputy Premier ask the Premier, who is temporarily absent, to demonstrate his real concern, in the long-term interests of industry and the public at large in this State, by ignoring the irresponsible strike action of about 70 employees who are holding this State to ransom, and moving Government employees on to the wharves at Port Adelaide to unload the vessels and release fuel vitally needed by the public? I believe it is understood by the public at large that these few strikers are, in fact, holding to ransom not only the public and industry but also this Government. Despite all the promises we have had from the Labor Governments that, as a result of gaining office, they will have control—

The SPEAKER: Order! The honourable member cannot comment when explaining his question.

Mr. CHAPMAN: In an effort to make the point, I stress that the public in this State has been told that the relationship between the unions and the present Government would be such that it would have control over the unions and there would be fewer strikes. However, since the election of the Commonwealth Labor Government, we have seen more man-hours lost through strike action and we have been hoodwinked not so much by the Government as by the trade unions involved.

Members interjecting:

The SPEAKER: Order! The honourable member cannot debate his explanation of the question. The honourable Minister of Works.

The Hon. J. D. CORCORAN: The first thing I wish to correct is the honourable member's statement that more man-hours have been lost since the Commonwealth Labor Government came to power; that is a completely untrue and deliberately false statement. The honourable member should examine the statistics for his own edification.

Mr. Chapman: I've done that.

The SPEAKER: Order!

The Hon. J. D. CORCORAN: Secondly, I wish to comment briefly on the honourable member's complete lack of understanding of the industrial movement not only of this State but of the whole of Australia. He suggested that we should disregard the people involved in this dispute and have Government workers handle fuel supplies. Does he really believe that we could do that and get away with it?

Members interjecting:

The SPEAKER: Order! I have warned the honourable member for Alexandra once; I warn him again, and next time I will name him. The honourable Minister of Works.

The Hon. J. D. CORCORAN: The member for Alexandra knows as well as I that this would bring the whole work force not only in this State but throughout the whole of Australia to a complete standstill. That is what the honourable member would like us to attempt and so make complete fools of ourselves.

Members interjecting:

The SPEAKER: Order!

The Hon. J. D. CORCORAN: That is the view of the member for Alexandra, but I do not expect that any responsible member of the Opposition would agree with it. I should like to see the honourable member, who apparently lives back in the eighteenth century—

Mr. DEAN BROWN: On a point of order, Mr. Speaker, I believe that the Minister is now debating the reply, and Standing Order 125 clearly provides that, in replying to a question, the Minister cannot debate the issue.

The SPEAKER: The question, as I understood it, was whether the Minister would consider placing Government workers on vessels to unload them, in the light of a refusal by union labour to do so. As I understand it, the Minister is replying to the question and dealing with the Government's attitude to the matter raised by the member for Alexandra.

Mr. CHAPMAN: On a point of order, I point out that my question was directed to the Premier, to be carried on by the Deputy Premier in the Premier's absence, and it was not asked for an attitude to be expressed: it was asked for positive action to be taken.

The SPEAKER: Order! The honourable member has raised a point of order. The question was directed to the Premier but, in the absence of the Premier, it is being answered by the Deputy Premier, if the honourable member wants to be technical. The honourable Minister of Works.

The Hon. J. D. CORCORAN: Obviously, the honourable member does not like the reply. I repeat that no responsible member of the Opposition would agree to his colleague's suggestion, because members opposite know as well as I that, as I have said, this would lead to a complete breakdown of the total work force not only of this State but probably of the whole of Australia. The Government, especially the Premier, has done everything possible within reason in regard to this matter. Even now, he is in his office trying to get the parties together. If the member for Alexandra has any understanding at all of the industrial relations of this nation, he will know that conciliation and arbitration will work effectively only by getting the parties concerned together and by keeping them talking. That is what we are trying to do, and we will not be assisted in any way by the suggestions made by the honourable member.

CORROSION STUDIES

Mr. KENEALLY: Has the Minister of Works been able to initiate action in respect of the corrosion and deterioration of household water fittings in northern towns? The Minister will be aware that residents of Port Augusta, Whyalla and other northern centres have been concerned about the corrosion and deterioration of household water fittings caused by the condition of water servicing these towns.

The Hon. J. D. CORCORAN: Following the concern expressed by people in Port Augusta and other northern towns about the deterioration of household water fittings through corrosion, I ordered the Engineering and Water Supply Department to make investigations. Arising from field studies and laboratory examinations, the Engineering and Water Supply Department has determined that there may be a relationship between the corrosion rate of certain metal components in plumbing fittings and the level of residual chlorine maintained in water-supply systems during summer to control amoebic meningitis. As a result, I have given approval for the Australian Mineral Development Laboratories to be engaged to undertake an in-depth scientific investigation of the problem.

The main objectives of their investigation will be to assess the extent of the problem and recommend ways it can be solved. The investigation, which will take about two years to complete, will cost about $16 000. I should also point out at this stage that, although an intensive research programme is under way into measures to control amoebic meningitis, high levels of residual chlorine will have to be maintained in the water reticulation systems supplied from the Murray River to the northern areas. Meanwhile, the Government is installing equipment to reduce the acidity of the chlorinated water. This will make it more palatable.

ADULT WAGE

Mr. MILLHOUSE: Will the Premier say what reasons have prompted the decision of the Government to introduce legislation to provide for the payment of an adult wage at the age of 18 years? As you will see, Mr. Speaker, the first question on the Notice Paper is really whether the Government had made any estimate of the cost, either to it or to the community, of such a move, and the reply I have received this afternoon is that no estimate has been made of the cost to the Government or to the community as a whole, or, to use the phrase I used, to the South Australian economy. In the light of what I should have thought was this extraordinary gap in calculations, I ask what reasons prompted the announcement to introduce such legislation.

The Hon. D. A. DUNSTAN: I do not know to which announcement the honourable member is referring, but perhaps if he will let me have the details—

Mr. Millhouse: The announcement that you were going to introduce legislation to provide for this!

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: When did we say that?

Mr. MILLHOUSE: Can the Premier say whether the Government has decided to amend the Industrial Conciliation and Arbitration Act to make it compulsory for 18-year-olds to receive the adult rate when they are engaged on adult duties? My Question on Notice earlier today concerns the cost to the Government and the community of an adult wage at 18 years. I have been told in reply that no such estimate has been made. My question is based bn a report in the *Advertiser* of Saturday, October 20, of a statement by the Minister of Labour and Industry which, in part, is as follows:

Legislation to give 18-year-olds in South Australia a full adult wage will be introduced in Parliament before Christmas.

The report states that this followed the decision by Chrysler Australia Limited to take this course. The report continues:

"I have always believed that where a person under 21 is doing adult work he or she should be paid the adult rate," Mr. McKee said. "In fact, I intend introducing amendments to the Industrial Conciliation and Arbitration Act to make it compulsory for 18-year-olds to receive the adult rate when they are engaged on adult duties. These amendments will be introduced during the current session of Parliament."

That purports to have come from the Minister of Labour and Industry, the report being under the by-line of political reporter Ian Steele. Yet, when I asked my previous question of the Premier, he pretended to know nothing about the matter.

Mr. Hall: Perhaps he wasn't pretending.

Mr. MILLHOUSE: He was certainly pretending, but whether he was genuine is another matter. Therefore, I ask him directly whether any such decision has been made by the Government, in conformity with the announcement made by the Minister.

The Hon. D. A. DUNSTAN: The honourable member is great at confusing phrases. In his previous question, he referred to his Question on Notice, as follows:

Has any estimate been made of the likely extra cost to the Government of paying an adult wage at the age of 18?

The Government has never made a decision about paying an adult wage at 18 years for all 18-year-olds.

Mr. Millhouse: I see. You're being—

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The situation is that in numbers of cases of employment of 18-year-olds most of them are not doing adult work. Of course, in cases of apprenticeship they are never doing adult work. We certainly believe that where 18-year-olds (and 18-year-olds are adults) are doing adult work they should be paid the appropriate rate of pay. Consequently, the Government's view is that legislation should be introduced to make that possible. Precisely what are the areas of such work will have to be assessed by the courts; it is impossible to estimate the cost involved in this matter. The honourable member confuses the matter of paying an adult rate for the limited number of 18-year-olds who are doing full adult work and the matter of paying an adult rate to 18-year-olds. They are not the same.

ELIZABETH MEDICAL SERVICES

Mr. DUNCAN: Will the Attorney-General, representing the Minister of Health, say what action the Government intends to take to relieve the critical situation at Elizabeth regarding medical services? Recently I have had several complaints from constituents in the Elizabeth area regarding the problems that they have had in obtaining medical services after hours. Many of the constituents who have contacted me have had special difficulty in circumstances that, in my opinion, amount to emergencies. A lady who contacted me this morning said that last Saturday she tried to get a doctor to come to see her uncle, who at that time was suffering from pneumonia. When she telephoned the doctor's surgery, a recorded answering service stated:

Owing to pressure brought to bear by the Government, we are unable to provide an after-hours service.

This statement totally misrepresents the situation at Elizabeth, where four of the 15 doctors are providing an after-hours service. The people of Elizabeth would like to see an arrangement whereby the doctor goes to see patients the same as general practitioners do in other parts of the State. The present situation in the Elizabeth area is particularly bad, with people being unable to get after-hours medical service, and it is most urgent that a supplementary service of some kind be established.

The Hon. L. J. KING: I do not know to what possible pressure the recorded comment that the honourable member has mentioned could refer. Of course, no action by the Government could be correctly so described. On the contrary, I know that the Minister of Health is conscious of the problem in Elizabeth regarding medical services. Indeed, in this House, on his behalf. I have replied to several questions on this topic. I will get up-to-date information from my colleague and give it to the honourable member.

HOUSING TRUST RENTALS

Mr. EVANS: In the absence of the Minister of Development and Mines, who is Minister in charge of housing, will the Premier say when the decision on reviewed Housing Trust rentals will be implemented and whether provision for regular review, on a means basis, will also be implemented? Recently the Minister announced that the Housing Trust was reviewing rentals and that there would be a substantial increase in many areas. I have raised the matter of persons with the means to pay normal rentals still holding trust houses al low rentals, at the expense of persons who cannot pay high rentals. The Premier has agreed with my thoughts and opinions on that matter and I consider that there is now an opportunity for the Government to implement a method of regular revision on a means basis.

The Hon. D. A. DUNSTAN: The matter is being examined. It is essential for the Government to ensure that, if there are alterations in the basis of existing rentals charged by the trust (and the honourable member will be aware that previously we have altered the rentals of only vacant properties), the change in existing rentals must be

fair. Where low-income families have built an existing rental structure into the pattern of their expenditure, they should not be put in an impossible financial position as a result of changes of rental on the property, Naturally, the Government is determined to see that the fullest protection is given to people for whom trust tenancies were designed, namely, those who could least afford those tenancies or, in fact, who could least afford any tenancies: that is, the low-income and middle-income family groups who, given the pattern of housing costs in Australia, do require social assistance from the community in meeting housing costs generally. At present, the matter is still being considered, and no announcement has been made yet merely because no final decision has been made.

DRIVERS' LICENCES

Mr. ARNOLD: Will the Minister of Transport consider requiring that learner-drivers in motor vehicles be accompanied by licensed drivers of at least three years experience? I understand that this is required in Western Australia. Several accidents involving learner-drivers have occurred, particularly in my district, and it has been brought to my notice that some of these learner-drivers have been accompanied by licensed drivers who have received their driving licence only recently: in other words, neither person has had any real driving experience. Tn view of what I understand applies in Western Australia, where obviously the Government considers it necessary to have an experienced driver accompanying the learner-driver, will the Minister consider this suggestion?

The Hon. G. T. VIRGO: I shall be pleased to examine the matter.

WHEAT

Mr. BLACKER: Will the Minister of Works ask the Minister of Agriculture whether he is conversant with the terms and conditions in respect of the wheat agreement made with Egypt? If he is, what action does the Minister's colleague intend to take to preserve the rights of the South Australian wheatgrower? The Commonwealth Minister for Primary Industry (Senator Wriedt) has ordered the Australian Wheat Board to make credit sales, instead of cash sales, to Egypt. In this situation not only is the Australian wheatgrower being asked to pay additional interest on his own first-advance payments: he is being forced to absorb the cost of providing credit to a market in respect of which some doubt has already been expressed. As adequate markets are available for cash sales of wheat, it seems that an unnecessary risk is being taken by providing credit in this doubtful situation. Does the Minister agree with this principle and, if he does, will he take action to protect the rights of the South Australian wheatgrower?

The Hon. J. D. CORCORAN: I will take up the matter with my colleague and obtain a reply for the honourable member as soon as possible.

HANDICAPPED CHILDREN

Mr. MATHWIN: Will the Attorney-General ask the Minister of Health to support an appeal by Mr. K. A. Stacey to the Commonwealth Minister for Social Security (Mr. Hayden) to seek assistance toward providing electric wheelchairs for severely handicapped children? People familiar with handicapped children realize the great advantages that can be obtained from the use of such wheelchairs, which help develop the health and character of these children. As young as these children are, they are able, and are quickly taught, to handle these wheelchairs. However, as the cost of such equipment varies from $500 to $900 a unit and as the parents concerned are already shouldering a heavy financial burden, I ask the Minister to assist in the approach to be made to the Commonwealth Minister for assistance for these people.

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

FIRE PRECAUTIONS

Dr. EASTICK: Can the Minister of Environment and Conservation say whether any further action and additional precautions have been taken to overcome the serious fire hazard existing in national parks and on other land over which the Minister exercises control? This question and similar questions have been asked as Questions on Notice as well as being made the subject of questions by members during consideration of the Estimates. However, the continuing wet weather has had a great effect on growth in national parks, and I refer to the failure of the Government to provide sufficient funds for adequate fire protection.

The Hon. G. R. BROOMHILL: I recall telling the Leader of the concern of the National Parks and Wildlife Service in respect of the fire hazard facing our national parks, as well as the concern of the Government generally in respect of the good season for growth and the creation of additional fire hazards. Although I have discussed this matter on several occasions with the Director of the National Parks and Wildlife Commission, no further money has been spent since I gave the Leader an earlier reply on this matter. I am not sure in what areas the further expenditure he suggests could be made, but there has been no change in the situation from that outlined in the reply I gave the Leader a few weeks ago.

FREIGHTERS PROPERTY

Mr. COUMBE: I refer to the purchase by the Government of the Hendon property of Freighters Limited, at a reported price of $1 100 000, for the expansion of Government storage space. Can the Minister of Works say how this purchase price compares with the valuation made by the Land Board or the Valuer-General, and whether the final price paid for this property exceeds that valuation? In the planning of the use of the area purchased by the Government, has land been reserved for the possible future extension of the Hendon rail spur to the West Lakes area?

The Hon. J. D. CORCORAN: The price paid for the land owned by Freighters Limited was consistent with the Land Board valuation; in fact. I believe there was no variation at ail. The board reported on the price as being fair and reasonable. Had the Government not purchased this property it would have been necessary to pay about $750 000 for a property on Anzac Highway which would have just served the present needs of only the State Supply Department. However, the property at Hendon will serve the needs not only of the State Supply Department but also of the Public Buildings Department whose stores must be moved from Netley because the Construction Branch requires additional accommodation there. This new site, covering 11 acres (4.5 ha) of undeveloped land, will serve the needs of both these branches. Provision for the Hendon spur line was made previously. This has always been provided for and, as the Minister of Transport knows, about two years ago (or even before that) provision was made for the spur line to go to the football complex, or even further if necessary. I believe that the arrangement entered into between the Government and Freighters Limited has been a good one so far as the Government is concerned.

FAUNA PROTECTION

Mr. NANKIVELL: Can the Minister of Environment and Conservation say whether, because the exercise to remove kangaroos and other wild life from islands in the Murray River proved unsuccessful, he will now reconsider his decision and grant permits to field and game hunters and other persons to humanely destroy those kangaroos and fauna which cannot be removed and which will ultimately drown as a result of the rising of the level of the river?

The Hon. G. R. BROOMHILL: I have not received a report on the final outcome of the situation to which (he honourable member has referred. If, as he has told me, the operation has not been successful, consideration will have to be given to destroying the kangaroos in that area. It was considered that we should try to remove these animals rather than have them destroyed. Although I understood that our operation on Thursday last met with some success—

Mr. Nankivell: There was—

The Hon. G. R. BROOMHILL: —and it did look as though it would be possible to transport the kangaroos elsewhere, I will follow up the report the honourable member has received. Obviously, if there is no hope of shifting the kangaroos from the area it will be necessary to destroy them.

LOCAL GOVERNMENT GRANTS

Mr. ALLEN: Can the Minister of Local Government say whether the Government intends to provide grant money to local councils that suffer as a result of the current Murray River flood? Some councils on the river have already incurred expense in respect of raising road levels to try to protect caravan parks and recreation grounds, etc. Does the Government intend to reimburse them for some of that expenditure?

The Hon. G. T. VIRGO: Sympathetic consideration is always given to try to alleviate unforeseen difficulties, and the same would apply in this instance. However, having said that. I now make clear, as I have often made clear previously, that funds available to the Highways Department were fully allocated at the commencement of the financial year. Since then, there have been many requests for additional money to be made available to relieve specific cases in specific areas. Only this morning I received yet a further plea, and that was to alleviate conditions being experienced on the Andamooka road, people in that area being in grave difficulty. I indicated then, as I indicated to the member for Eyre when he raised the matter previously, that the position would be examined but that I doubted whether we would be able to do anything under the current Commonwealth Aid Roads Act. I will certainly ask the department to examine the problems arising from the flooding of the Murray River, but it would be in that context.

STRATHALBYN ROAD

Mr. McANANEY: Will the Minister of Transport say when the Highways Department will be able to treat the Flaxley-Strathalbyn main road with a hot mix surface and re-route certain sections of that road? Further, will he say why this work has been delayed? Members of the Strathalbyn corporation have asked me to raise this matter in Parliament and to express their disappointment in the present condition of the road, bearing in mind the heavy traffic it carries, including local and interstate semi-trailers, as well as ordinary vehicular traffic.

The Hon. G. T. VIRGO: I will try to obtain the information, but I obviously do not have the time table at my disposal at present.

LOWER NORTH-EAST ROAD

Mrs. BYRNE: Will the Minister of Transport obtain for me a report on whether it is still intended that the Highways Department will, in 1974, begin the reconstruction and widening of the Lower North-East Road between Torrens River, Dernancourt, and Anstey Hill?

The Hon. G. T. VIRGO: Yes.

ROSE PARK CROSSING

Dr. TONKIN: Will the Minister of Transport ask his officers to investigate further the traffic position at the junction of Fullarton Road and Grant Avenue, Rose Park, with a view to providing suitable traffic control signals[9] This subject, which has been raised in previous Parliaments, is a matter of some concern. Not only is there considerable pedestrian traffic across Fullarton Road in this area, involving patients and staff of the Queen Victoria Maternity Hospital, but also this is the only access that children of Rose Park Primary School have to the park lands and to the facilities that would otherwise be made available to them at the Victoria Park Racecourse. In reply to a previous question, the Minister said that, as this was a matter of a pedestrian crossing, it was the responsibility of the Burnside council. Nevertheless, there is a widespread belief by members of the school council and hospital staff that, when Fullarton Road is widened, it will provide traffic control signals and, therefore, pedestrian crossing facilities.

The Hon. G. T. VIRGO: I will have the matter examined.

POKER MACHINES

Dr. EASTICK: Can the Deputy Premier say whether, to his knowledge, the Premier or any other Minister has investigated the disclosure of a Sydney poker machine distributor that many poker machines have been made available in South Australia? A report in (his morning's newspaper, under the heading "Bandits sold in Adelaide", states:

A Sydney poker machine distributor disclosed yesterday that he had sold about 30 "one-armed bandits" to Adelaide buyers in the past few years. "And for all I know hundreds more could have been sold to South Australia through other distributors," he said.

The Premier has said that he has relieved himself of several responsibilities so that he can co-ordinate the activities of all Ministers. With this action we arc in accord but. in the circumstances. I expect that the Premier would know (or be able to obtain the information) which Minister had undertaken the investigation following this revelation.

The Hon. J. D. CORCORAN: I cannot give the Leader the information he seeks, but I will pass his question to the Premier, and let him know as soon as possible.

LAND AND BUSINESS AGENTS BILL

Adjourned debate on second reading.

(Continued from October 4. Page 1082.)

Dr. EASTICK (Leader of the Opposition): In addressing myself to this measure, I ask this question: why does the Government never learn? We have had presented to us a measure that is almost identical to the one that was introduced late last year. Obviously, as was explained then, many valuable features of that Bill should and would have been implemented to the advantage of the people of South

Australia had there been a degree of compromise and responsibility shown by the Attorney-General when the conference between the Houses was held. If that had happened, the legislation would have been implemented by now. Notwithstanding the lesson that could have been learned then, we find an almost identical Bill being introduced now. Obviously, the Government, through the Attorney-General in this instance, is not interested so much in legislating for the benefit of the people of South Australia: he is interested in bringing forward a measure that happens to be the second barrel of the shotgun that is introduced in order to bring about a confrontation with another place.

I have no doubt that responsible members will address themselves to those features of the measure that will benefit the whole community, and I suspect that that would represent about 90 per cent of the Bill. However, the undesirable features that have been re-introduced seek to destroy the relationship that has existed for many years (and to the advantage of the community) of the land broker and land agent system. In the debate last year, Opposition statements were reported, beginning at page 2319 of *Hansard* of October 24, and it was clearly stated that we had a system that was the envy of every other Australian State. That position has not changed, and several references have been made since by people in authority, by those associated with Government, and by several speakers at the recent Commonwealth Constitution Convention that clearly indicate that the system in South Australia of land title transfer and land agent and land brokerage arrangements could well be emulated elsewhere in Australia to the benefit of the people. I do not intend to cover the same ground as I traversed in last year's debate. At that time statements were quoted that were attributed to Dr. Paul R. Wilson who had made a survey on behalf of several organizations interested in this matter. It was then indicated that the foreword to a book by Dr. Wilson had been provided by no other than E. G. Whitlam, Canberra, in May, 1972. In the report on proposed changes in the law relating to land transfers in South Australia, under the heading "Summary", Dr. Wilson states:

> In my opinion, the present admirable system of allowing land brokers to handle all documents necessary for the completion of property transfer is a system which should be modelled by other Australian States. For over a century, the South Australian public has enjoyed conveyancing fees which are only one-quarter to one-fifth of those charged in other States. In addition, the purchase and selling of property documentation is conducted more quickly and more efficiently than in any other Australian State.

That reference was pertinent to that time but, unfortunately, since then there has been a major difficulty associated with the failure of the present Government to staff adequately the State Planning Authority and the Lands Titles Office, and the ease with which people were able to complete and hand over the necessary documents has deteriorated markedly. It is not their fault: it is the Government's fault. For the benefit of members I indicate changes that have been made between the two Bills. We find that subclauses (4) and (5) of clause 7 have been inserted, although they seem to be for machinery purposes only. A change has been made in clause 15 (2) (*a*) by inserting "May, 1973" instead of "October. 1971". It would seem that this change is consequential on the lapse of time. The insertion of clause 16 (3), which is the definition of "the prescribed officers", is a machinery provision only, although the Bill would be easier to understand if that definition had been included in the definitions clause. Later, I will ask the Attorney-General why it was inserted in this part of the Bill instead of being inserted in the definitions clause.

Subclauses (1) and (2) of clause 46 are now in a much more strict form, because the exception contained in the 1972 Bill has been removed. The removal of that exception means that the marginal note is no longer appropriate: I suggest that it is positively misleading and should be considered later. The definition of instrument has been extended, but that does not affect the principle of the Bill, and that alteration has no effect on the consequences, on section 41 of the Constitution Act, of the failure of the previous Bill to pass another place. Subclauses (4) and (5) of clause 49 are of a machinery nature. Clause 61 (2) has been altered to introduce the concept of a prescribed relationship, and various aspects of the definition are inserted in a later stage. Subclause (3) of that clause defines a prescribed relationship. Clause 61 (4) is the same as clause 61 (3) of the earlier Bill, but it has been amended consequentially on the introduction of the concept of a prescribed relationship. Subclauses (5) and (6) of clause 61 appear to be new provisions specifically relating to legal practitioners and licensed land brokers, and it creates offences both by them and by agents, which includes persons standing in the prescribed relationship.

Clause 61 (7) is the former clause 61 (4), which is now extended to include the concept of a prescribed relationship. Subclauses (8) to (10) inclusive of clause 61 are the original subclauses (5) to (7) inclusive of clause 61: the Bill merely reorganizes the subclauses of clause 61. What causes members on this side and most people in the community grave concern is the real intention of the Government, and certainly concern is expressed about the ability of the Government to accept a responsible and compromising attitude to this complex problem. Clause 91 (1) (*c*) requires additional information to be supplied by the vendor. It is made obligatory for the vendor who resells within 12 months to disclose to the purchaser the sum he paid for the land or business, and also to inform him of any other sales of the land or business which occurred during that 12-month period. This is a complete destruction of what must surely be each individual's democratic right to have knowledge to himself of matters relating to a business transaction that he has legitimately undertaken, and bears no relationship to any other person who is a buyer having knowledge of the arrangements undertaken before that purchase. Surely, a buyer will have discussed all aspects of the undertaking and will have inspected the property and satisfied himself that the price he is paying is right having regard to the use to which he wants to put the property. If he is prepared to purchase at a certain price, he does not wish to involve himself with any disclosure of the vendor's business activities. This is one of the most obnoxious intrusions into a buyer-seller relationship and it will not be tolerated by any fair-minded thinking person. It is a complete travesty of the normal expectations that a community has of a Government. Clause 91 of this Bill is the same as clause 98 of the 1972 Bill. It has been removed from the part of the Bill dealing with miscellaneous practices and placed in the part dealing with contracts for the sale of land and businesses. It is more appropriately incorporated in its new position in the Bill.

These alterations, which bring about better drafting and therefore a more reasonable approach to the Bill when it is finally proclaimed, are acceptable but we believe the inclusion of the other measures are not in the best interests of the people of this State. I accept the responsibility of voting for the measure at the second reading stage so that we can consider the amendments already on file, but I will

not in any circumstances promise to be party to the passage of a Bill at the third reading stage if it still contains the obnoxious features I have mentioned. Members on this side recognize that many features of the present land agents and land brokerage registration and licensing system need to be altered. We realize that ethics must be associated with these transactions, and the opportunity has been given to the Government to incorporate an ethical approach into the management of these organizations which will rid them for all time of people who are unable to provide a legitimate and honest service for the people of this State. People of this State have been denied the opportunity by the arrogance of the present Attorney-General and his failure to accept any form of compromise. I hope we can see the passage of a Bill which sets out to do what the Attorney-General and the Government want but without the overbearing and unnecessary strictures which are placed on the activities of many people in this community who have provided a worthwhile service for many years.

Dr. TONKIN (Bragg): I support the second reading of this Bill for much the same reasons as have been given by the Leader. There is not much more or less to be said about the Bill than was said about similar legislation introduced in the last Parliament. There is the same mixture of acceptable and rational ideas and proposals, and other proposals that are not so acceptable. One cannot quarrel in any way with the proposal for a common licensing scheme for land agents and salesmen, business agents and salesmen, and auctioneers of land. It is not unreasonable to expect these people to have some prerequisite knowledge and experience before they are licensed. The Bill also deals with trust funds, the employment of registered salesmen, and the requirement that companies and corporations engaging in these activities should be controlled and directed by licensed people.

Many provisions in the Bill are desirable; indeed, the real estate agents' organizations freely agree that they are desirable, and support them. It is commendable that the Bill sets out what amounts to a code of ethics or standard of behaviour that is in line with standards and codes set out in many other callings and professions. Despite the high principles held by many agents, the reputation of land agents has not always been Of the highest order. [believe this has been due to the activities of a small minority. I can remember reading details of a public opinion survey recently undertaken in England that showed that the two categories of occupation rated equally at the bottom of the list of standing in the community were those of land agents and politicians. With regard to politicians, too, I think that, because of the actions of a minority, the whole category comes into disrepute. There is no doubt who is bringing politics in this country into disrepute at present. I hasten to assure the people of this State that we are not all like members who represent the Australian Labor Party.

The Hon. L. J. King: A Pharisee said something like that when judgment was passed on him.

Dr. TONKIN: Some aspects of the Bill are acceptable in their present form, while others are, to say the least, debatable. The Leader has spoken about clause 61, which relates to land brokers. The Attorney-General will recall that there was some discussion about this when similar legislation was last before the House. Indeed, at about the third reading stage of that legislation, he referred to my stand in relation to land brokers. I may say that I think he has almost convinced me that perhaps I did not hold a totally correct view on the matter. The matter of whether a land broker should be independent of a land agent should be ventilated freely. Independence is not such a bad idea, although it will undoubtedly raise difficulties in certain areas. Before this matter is decided, we must examine the difficulties carefully. We can best deal with this clause at the Committee stage. Above all, I believe that the freedom of choice of people must be protected at all costs.

The Leader has referred to the matter of previous transactions being disclosed. The requirement that all mortgages and other encumbrances on a title be disclosed amounts in some cases virtually to a disclosure of someone's personal affairs, so this proposal must be examined carefully. A cooling-off period of 48 hours is suggested to allow a person to cry off within that time. I think that this provision will present almost insurmountable difficulties in many cases. I can think of what may arise when a young couple spends a weekend inspecting houses. Within my own family, there has been occasion to inspect houses recently. I can imagine that people will see a house and sign an agreement to purchase. Under the terms of the Bill, it will be possible for less scrupulous people then to inspect another house and, if they think that it will suit them as well or may have hidden advantages that they will think of later, they may be willing to sign an agreement for that house as well.

It is not beyond the bounds of possibility that people who are shopping around for the best possible house they can find could enter into several agreements over a weekend. This could easily happen. I hope that this sort of thing would not happen often, but I believe the whole system could be abused. If this happens, and we count the number of houses tied up in agreements by these people over a weekend, a few people during one weekend could tie up almost all the houses on the market in the metropolitan area at that time. These people could then think about the matter and decide within 48 hours which house they wanted, or they need not buy any of them. Where will a land agent stand with regard to this form of agreement? It will be almost impossible for him to operate in his currently accepted way; indeed, it will be almost impossible for him to operate at all.

This system will operate not only against land agents but also against people who are seeking a house. A person may like a house and tell the agent that he is willing to sign an agreement, but the agent may have to say that the house is already subject to an agreement, with the result that there will be waiting lists. Neither the agent nor the people wishing to purchase the house will know where they stand. The people will have no idea whether they should decide to wait for one property or whether they should make an agreement on another property, which may not be as attractive to them as the first property was. It will be a shambles; there is no other way to describe it. I can understand that the Attorney-General is concerned about these matters; I think it is good to have some form of cooling-off period. I have never been against that idea, but I think it should be introduced with safeguards for everyone (and not just for some people) involved in buying and selling a house, as everyone involved has a right to know where he stands.

It is most important that we have legislation that is acceptable and a help to everyone in South Australia. The matter will have to be worked out in Committee. I sincerely hope that the Government will not use this legislation in order to play politics or as a means of threatening the Upper House. Although this Bill is different in some respects from the previous legislation introduced, there is no doubt that the fundamental provisions are identical

in both cases. I find that interesting. I hope it is not deliberately significant, for I believe that the welfare of the people is far more important than any attempt to play politics with this legislation. For that reason, I sincerely hope that the Government will consider and accept Opposition amendments moved in Committee. We want the most favourable legislation we can get. The present arrangements have served South Australia well until now. I hope that the new system will continue to do that, and it will do it in a better way if the playing of Party politics is not introduced.

Mr. GOLDSWORTHY (Kavel): I do not intend to traverse the ground covered last year on an almost identical measure. However, I wish to make some points and I hope that the Attorney returns to the Chamber, because what I say will be of interest to him. I should like to make a general comment about the political philosophy of the Labor Party in prescribing people, putting people into categories, charging fees, establishing boards and, in general, building a hierarchy of bureaucracy to control the people.

Mr. McAnaney: It happens even with petrol rationing, pushing people around.

Mr. GOLDSWORTHY: As I usually do, [agree with the member for Heysen. It never ceases to amaze me that the Australian public has accepted this situation for a long time, and now the Labor Party is accelerating such moves. This BilJ establishes yet another board and licenses another section of the public. For the most part, it seems that there is a lack of trust in the people of this State. In any community there is a minority of crooks and people who are dishonest. I was interested in the remarks made by the member for Mitcham during the debate last year. In a moment of self examination he said:

But, let us face it, on the other hand some solicitors do bad work as well.

I agree with that. In all communities there are people who are willing to defraud the public, and people must be protected. However, how far do we go in doing that? In some respects this Bill goes too far. During my absence overseas on Parliamentary business, the Attorney-General saw fit in this House to move a motion. I read his argument, and it did nothing to improve his standing in my eyes. I was not convinced by the specious argument that he put then, and I hope that I have another opportunity to discuss that matter.

This Bill provides for strict control, and I refer particularly to clause 61. Members who have a knowledge of country communities know that there are people in country towns whose business rests on their reputations, and in those places a reputation soon becomes known. In a big metropolis it may be more difficult to establish a reputation, but if people in country towns engage in shonky deals they do not stay in business for long.

Clause 61 will affect country people markedly. I know such people in towns in my district who are in business as land agents and brokers. The clause deals with prescribing people. At present, in a father and son business, the son may handle a section of documents in a transaction. In future, this will be precluded and much of the work will have to be performed in another country town. Instead of being able to go to someone they trust, saying that they want to sell a property and that they want a reputable person to handle the transaction, people will be involved in the nonsense of going from one person to another, and they will be precluded from doing what is done at present.

We must balance the advantage to the public against the cost, and none of the protection measures the Attorney-General has introduced has been introduced without cost, although we were told last year and on many other occasions that costs would be contained. A young couple in Sydney whom I know bought an average suburban house and, because they had to go through the procedures operating in New South Wales, the cost to them in legal fees was $600, merely to be able to say that the property was their own. In this Bill, we shrug off a system which has existed for 100 years and which people describe as the best system.

We are throwing it off in the name of consumer protection, and I suggest that the Government has become over enthusiastic. It should consider the practical advantages of the present position and weigh them against the examples of malpractice. In the earlier debate the Attorney-General became heated when we asked him to cite cases of malpractice, but I would suggest that there would be malpractices in any walk of life. As I have said, my respect for the legal profession did not increase because of arguments that the Attorney-General advanced in a debate while I was overseas. Much of the Bill is good, but clause 61 makes the most radical change. Certainly, it will inconvenience many country people whom I know and I doubt that the protection afforded is worth the cost.

Mr. EVANS (Fisher): I, too, support most of the Bill, which is almost a replica of the measure introduced last year, when members on this side spoke at length. I will not waste my time and that of the House by repeating what I said then, because I do not think the Government would take notice of any opinion that I have that differs from support of the legislation. If the Government accepted a more rational approach regarding clause 61, all the major benefits in the Bill could be put into practice and the land agents, the land brokers and the legal profession could prove whether it was necessary to take further action regarding the brokerage system.

Some prominent people in universities in the Eastern States are advocating publicly (and, I understand, privately) that the South Australian system should be introduced in those States, where members of the legal profession rely on the conveyancing of titles for much of their remuneration. Those members of the legal profession are afraid that there will be a reduction in the amount of work available to them. The Attorney-General says, "Let us make sure that we take a little shine off the wonderful system in South Australia." There is no doubt that the legal profession in the Eastern States is afraid. Pressure is being applied to Governments in those States to change the system, and I hope that we in this State vigorously guard the system we have so that, in time, the other States will adopt a system that is as good as our system. No doubt some brokers and lawyers have occasionally adopted unethical practices, but the incidence of such practices is probably no greater among brokers than it is among lawyers. The average citizen fears the legal profession; he will run away from it more often than he will approach it, and he approaches it only if he is at the end of the road and there is nowhere else to go. The legal profession has a difficult function to perform in interpreting laws and giving opinions as to whether a person will win or lose a case. When most people approach the legal profession they are looking for a one-armed lawyer, not a lawyer who says, "On the one hand you may win but on the other hand you may lose."

During a television programme last Sunday Mr. Enderby (Commonwealth Minister for Secondary Industry) said that a lawyer does not set out to win a case for his client, do or die: he sets out to work within the system that applies. When a lawyer is asked to take a case, he may say, "I will keep within the bounds that I believe are correct." That puts a doubt in my mind. I believe that, generally speaking, brokers who have operated in conjunction with land agents have acted properly. Many legal firms employ conveyancing clerks; they are no more than that, and they receive between $80 and $90 a week. The legal firm then charges a fantastic fee amounting to about three times the fee charged in this State for the conveyancing of titles. Regardless of what promises Labor Party members have received from the legal eagles in their own Party. I believe that clause 61 is the first step toward forcing the broker out of the system. The next move will occur at some time in the future, perhaps in five years or 10 years. It will be said then that some complaints have been received about brokers, that some licences have been revoked, and that, consequently, all conveyancing should go to the legal profession, with no more licensing of brokers We will then be in the hands of the legal profession.

I support, in the main, the points in the Bill; they are desirable and will bring greater control in an industry about which there have been some doubts. Some people in the Eastern States want our system now, and they will end up with it in the future. We should vigorously guard our wonderful system and ensure that those who operate in this field do so properly. If we need to cancel a licence, we should cancel it, regardless of whether the person involved is a lawyer, a broker, an agent, or a salesman. We should not hesitate to do that, if it can be proved that someone has adopted unethical business practices. I support the second reading of the Bill, but J do not support the way clause 61 is drafted.

Mr. GUNN (Eyre): I oppose the objectionable provisions in this Bill for reasons similar to those I gave last year when this matter was dealt with. I cannot help thinking that the Government is out to destroy our land-broking system, which most people in this State have learnt to appreciate. It would appear from the attitude of the Attorney-General that he and his colleagues are hell bent on destroying anything with which they do not entirely agree. The whole purpose of this Bill is to give Labor Party members the opportunity of taking on the other place if the political climate is right, but at present the Government would not be game to do that. If the Government feels so strongly about this Bill, let us see whether the Premier has the courage of his convictions. We heard much talk about a double dissolution from the Premier early this year, but that is water under the bridge at this stage. The member for Fisher clearly stated that this Bill was only the first step toward destroying the land-broking system completely; if that aim is achieved, it will be necessary for anyone wanting conveyancing work done to get a solicitor. The member for Ross Smith is nodding his head; evidently he agrees with me.

It is obvious that the Labor Party is happy to inflict this measure on people wishing to buy new houses. Evidently the Government is happy to inciease the cost of buying a block of land. The Labor Party says it wants to keep costs down but, by its bureaucratic policies and by this Bill, it is increasing the cost of house ownership to a greater extent than has any other Government in this State. When this matter was discussed dining the life of the previous Parliament, all members received a copy of a paper prepared by Dr. Paul Wilson, who, although a Socialist, took a fair and objective view of the legislation. He was obviously concerned about the rights and well-being of the people. On the other hand, obviously the Attorney-General and other Ministers are not so concerned, because they want to foist their narrow viewpoint on to the people. They are not interested in giving people the right to please themselves. The Government wants to foist this (I might almost call it obnoxious) legislation on to the people of the Slate. However, being charitable, I shall not prejudge the matter. I am sorry that the Minister of Transport does not have his copy of Dr. Wilson's excellent report in front of him, because it might do him good to read it again. If the Minister did read it again, he would not sleep at night thinking about the little people he claims to represent. When it was announced previously that the price of cool drinks would be increased, the member for Fisher read from *Hansard* a speech the Minister made about that increase and the effect it would have on children. Virtually the same thing will result if this legislation is passed, because it will increase the cost of houses in this State. It is all right for the Attorney-General to smile at what I am saying, but he knows the effect the legislation will have. I do not think any Government member would agree, but the Attorney-General wants to destroy an efficient and cheap conveyancing system because of the actions of one or two irresponsible people. In any profession or section of the community there are always one or two people who do not play the game, but we do not destroy the activities of that profession dr section just because of the actions of one or two of its members.

Mr. Jennings: Are you going to increase the price of cool drinks?

Mr. GUNN: No. The member for Ross Smith would inflict on the people of the State any legislation even if his only concern was to protect his Australian Labor Party endorsement. We know what the member for Florey and the member for Spence think about land brokers, land agents, and anyone else engaged in the land business. The member for Florey said that they were bloodsuckers. The member for Spence wants to nationalize everything. The member for Peake, I think it was, believes in a socialistic economic system. They all want to destroy not only land brokers but also the industry as we know it today.

Mr. Jennings: I think you summed us up rather well.

Mr. GUNN: I am pleased that the honourable member agrees with me; his interjection will be useful for me to use in certain districts. Dr. Wilson's report states:

> For over a century, the South Australian public has enjoyed conveyancing fees which are only one-quarter to one-fifth of those charged in other States.

We should compare what the fees were last year when we received this excellent report. If a person had purchased a house valued at $12 000 and had an $8 000 mortgage on it, in New South Wales the fee would have been about $301, in Victoria about $226, but in South Australia it would have been between $50 and $60. The Attorney-General wants to change this system, and the Bill is the first step. It is all right for the Attorney-General to shake his head, but he has not explained how it will not be changed. He wants to adopt the system used in other States, but that will clearly increase costs. There is no other answer. We have seen the Attorney's quick footwork on many occasions in this Chamber, but he cannot deny that costs must increase. This is a despicable set of circumstances. I support the provisions in the Bill that will benefit the people of the State, namely, those provisions regarding the education, training and

registration of land agents, but I am totally opposed to clause 61, because I believe it is not in the best interests of the people of the State.

Mr. McRAE (Playford): I support the Bill. I believe that the opposition expressed to it is ill founded. I know, as a result of discussions we had on a previous occasion, that the only complaint agents could make about the Bill is that they will not receive the fees, which are the proper due of the broker, into their own hands. In other words, it became clear in discussions with the agents that they saw every merit in the Bill, because it will give them an opportunity to do well in the market. The only point they did not like was that they would have to enable the brokers to receive the fees for the work they would be doing. It is common for a broker to be paid between $70 and $80. a week and yet to receive $600 or $700 on account of work done; the balance is taken by the land agent and placed in the land agent's trust fund.-

The public is unaware that this goes on, but another place knows it well. I challenge any member here or in another place to deny that the only criticism of the Bill is that the land agent will lose the sum of money I have explained. The other criticism is a nonsensical smoke-screen that has been worked out by a group of people, known to be unsavoury, who cannot afford to have their own activities too deeply investigated. To my amazement, the member for Eyre referred to Dr. Wilson. I take it that he is the famous lecturer from Queensland who came to South Australia to conduct an exhaustive analysis of our law and the proposed changes to it. Unfortunately, he did not see the Attorney-General, the Crown Solicitor, the Registrar-General, the Law Society or anyone else, except those who nominated to see him.

Mr. Coumbe: Was the Attorney-General too busy?

The Hon. L. J. King: He took care to see that I wasn't there.

Mr. McRAE: Dr. Wilson was placed in a room at the Real Estate Institute. As part of his so-called impartial and exhaustive inquiry, he spoke to the people who had been nominated, but all the people who knew anything about the matter were carefully not placed on the list. Is it too much to ask that an inquiry into the real estate titles system in South Australia (bearing in mind that the Torrens system started in this State) should include an interview with the Registrar-General of Deeds? That would not be too much to ask. To say that Dr. Wilson made a serious inquiry, without interviewing that officer, is damned absurd. Then, for him not to check with the Solicitor-General, the Attorney-General, the Crown Solicitor, the Law Society, or anyone else, including the brokers, is also absurd. I thought that the Liberal Opposition, the last time the Bill was debated, became aware that it had been double-crossed and hoodwinked by the Real Estate Institute and that it would not raise the matter- again because it was so embarrassed by this piece of fraud and trickery.

If Dr. Wilson seriously holds himself out as having conducted an exhaustive inquiry, he is either a knave or a fool. (I will be kind and say that he is a fool, but others might suspect otherwise.) The institute is no fool, because it successfully blinded people to the realities of what was going on. Therefore, as I cannot brand the institute a fool I will brand it a knave. We know, and the institute knows, that it deliberately set out to mislead the public, because the Bill will not increase the business of legal practitioners one iota.

Mr. Venning: You can't handle the business you already have.

Mr. McRAE: But that is not the point I am making. It has been said that the Bill increases the work of legal practitioners, but why use that as a blind? All the Bill does is ensure that the vendor and purchaser will get honest representation from brokers. Surely that is not asking too much. I notice that the member for Rocky River gave a tempestuous humph to indicate that the Bill will increase fees. However, it reduces them, because the members of the. Real Estate Institute are jacking up the commission; plus their rake-off from brokerage fees, fleecing the public. If there was a proper land brokerage system, with a *quasi* professional status under the control of the Registrar-General, fees would be reduced, the public would benefit, and the big land agents would lose. The public stands to gain everything, and will lose nothing, as a result of this measure. The big land agents, led by Mr. Van Reesema, a rather litigious gentleman in many of the courts of this State, stand to lose and, because it was their pockets that stood to be lighter, they got together in a conspiracy to mislead the public. This sort of garbage is being exposed, and I challenge Opposition members to speak in realistic terms. I presume that the Leader did not refer to Dr. Wilson, although I was not present in the Chamber when he spoke.

Dr. Eastick: No, but I referred to a person called E. G. Whitlam, who wrote the foreword to Dr. Wilson's book.

Mr. McRAE: I see: I take it that the Leader did not refer to the so-called objective and exhaustive survey carried out by Dr. Wilson in South Australia last year.

Dr. Eastick: No, I referred only briefly to his summary.

Mr. McRAE: That is much more like it, because it was my distinct impression that—

Dr. Eastick: It can be found in *Hansard* of October 24, 1972, at page 2319.

Mr. McRAE: I see. The Leader is obviously following the member for Mitcham in that sort of tactic, because it was my distinct impression that the Opposition was so embarrassed last time by the way in which it had been hoodwinked by the Real Estate Institute that it suddenly went quiet. We had a fiery second reading debate, but in Committee all was quiet, because the Opposition realized that it had been hoodwinked by the Real Estate Institute.

Members interjecting:

Mr. McRAE: Opposition members can laugh but, if Dr. Wilson's report was as good as some people said it was, the Leader would have relied more heavily upon it today and would have said, "Here is an expert, independent man who has examined the whole matter."

Mr. Payne: He would have spelt out every comma.

Mr. McRAE: My word, he would; he would have relied on that report. Because he is an honest man, the Leader will admit he knows that he cannot rely on that piece of chicanery produced by our foolish friend, Dr. Wilson; nor can he rely very much on the knavery of the Real Estate Institute. He therefore fell back on an unknown comment made by Mr. Whitlam which, I suspect, referred to the Torrens system of land transactions but which did not envisage this Bill. Although I did not have the advantage of hearing that extract, I imagine that Mr. Whitlam would have been referring in glowing terms to the South Australian system. Although I do not wish to delay the House any longer, the point is that this Bill will not increase the cost to the public; indeed, it will reduce the cost. It gives justice to the consumer and to the broker, and it removes the money from the pockets of the big land agents who have been unjustly taking it. Their tactics have been clear: they have wanted all the advantages of this

Bill so that they can drive out the small land agents and monopolize the situation. They objected to only one clause (the hip pocket clause), so that they could keep the balance of the funds. That is the garbage that members in another place have been spruiking. That is all they had to rely on last time, and it is all that they have to rely on this time. If all the Government has to rely on are the unfounded statements made by one fool and the unfounded blinding of several knaves, it is not a good case for the defence.

Mr. BECKER (Hanson): The member for Playford seems to believe that he can say with some authority that Opposition members were hoodwinked by the Real Estate Institute when similar legislation was before the House previously. He spoke with the typical attitude of Government members, who are obsessed with the idea that Opposition members stand up for big business and free enterprise at all costs, and do not give a damn about the average man in the street. Well, that is absolutely untrue, as the member for Playford and other Government members know. For him to turn around and make such a stupid, idiotic remark—

Mr. Jennings: He didn't turn around. He said it straight to your face.

Mr. BECKER: I am pleased that he at least woke up the member for Ross Smith. It was utter nonsense for him to make the idiotic remark that Opposition members were hoodwinked by the Real Estate Institute.

The Hon. L. J. King: It's just that their views happened to coincide.

Mr. BECKER: The point is that Opposition members have had sufficient experience in land dealings to know what they are talking about. The Government, with its typical attitude of brainwashing and browbeating the public, wants to clamp down on everyone, and remove the initiative and freedom of private enterprise throughout the entire nation. If the Attorney-General is trying to tell me that this Bill will not do this, and that it is intended to assist the average man in the street, he should reconsider his attitude, as certain features of the Bill are objectionable and will definitely add to the costs to be borne by purchasers of properties in the future.

As the Leader, supported by other Opposition members, has so aptly said, 95 per cent of the Bill is acceptable to the Opposition. I do not intend to reiterate the remarks I made on October 24 last year when I spoke on the previous Bill, because the points I made then I stand by now. In rebuttal, the Attorney-General could not previously cite one instance of a land broker's being guilty of malpractice: he could not cite specifically one land broker who did not do what he was instructed to do. The land broker must prepare documents for the transfer of properties. With respect to the Attorney-General and anyone else whom he wishes to defend, we were trained in the bank to prepare the same types of document. There is, therefore, nothing very hard about preparing transfer documents, searching titles, and so on. I cannot see why the Government is obsessed with restricting land brokers in the community, as the land broking system is still the cheapest system operating in Australia. On a straightforward transfer, a land broker charges $35 for his work. Under the Bill, the cost will be increased by $21 to $56.

I ask the Attorney how he can justify that increase, especially in the name of consumer protection. As I have said, 95 per cent of the legislation is acceptable. The licensing of agents and the registration of salesmen are necessary provisions which we are willing to support. True, in all walks of life and business there are both good and bad. Unfortunately, part-time salesmen are operating in the real estate industry. These people make it difficult for the other 98 per cent of the people in the industry. Persons working in this industry on a part-time basis (especially in such a competitive field as real estate) sometimes unfortunately adopt tactics that their employers would not countenance (certainly tactics which this House would not support), and I believe that the registration of salesmen will sort out the salesmen of the future and bring stability to the real estate industry. I take exception to clause 46, which provides:

(1) An agent must not have (directly or indirectly) any interest (otherwise than in his capacity as an agent) in the purchase of any land or business that he is commissioned to sell.

That clause is an improvement on the clause which appeared in the first Bill prepared; it has been considerably amended and strengthened and I interpret it to mean now that no land agent is able to sell his own property or to handle a business that he already owns.

The Hon. L. J. King: That is not the idea, and it is not what it says, either. It applies where a person is employed as an agent for a commission to sell.

Mr. BECKER: The point raised by the member for Bragg still stands. Clause 61 concerns land brokers, and it is this clause in the Bill to which we strongly object. As the Leader stated, this clause will be dealt with in Committee. Clause 65 refers to bank accounts and interest-bearing accounts with banks, and I see problems here. Although I am not aware of any approaches made to the banks since the earlier Bill was before us, I hope the situation referred to earlier has been rectified, because I could foresee problems in respect of the banks.

The cooling-off period provided by clause 88 may prove a stumbling block and cause many problems under the legislation because, as the member for Bragg stated, some people go around virtually on a picnic expecting land salesmen to take them on pleasant outings to inspect houses, sometimes signing contracts to give the appearance that they are genuinely interested in purchasing a property. Of course, these people will not confine their activities to just one agent, because there are sufficient agents in the industry to enable such people to spend most of their holidays and leisure time in this way.

The Hon. G. R. Broomhill: Is that likely?

Mr. BECKER: I know of a land agent who unfortunately met a couple who came to the Minister's district from Victoria. They were in South Australia on holiday and said they wanted to buy a house. The Minister's constituent drove this couple around for a week before he woke up that they wanted only to look at the various suburbs and the nice houses and that they were out for a drive at his expense. This goes on and is one of the unfortunate things that occur. Clause 90 is another clause to which I have a strong objection. The marginal note to clause 90 states:

Information to be supplied to purchaser before execution of the contract.

The first two paragraphs in clause 90 (1) state:

(*a*) particulars of all mortgages, charges and prescribed encumbrances affecting the land or business subject to the sale;

(b) particulars of all mortgages, charges, and prescribed encumbrances that are not to be discharged or satisfied on or before the date of settlement;

I refer especially to "particulars of all mortgages, charges and encumbrances". True, encumbrances must be noted, but I would object strongly if, when I sold my house, I was required to disclose to anyone the mortgage on .my

property. I cannot see any reason for that; indeed, I do not believe it has anything to do with this matter.

Mr. Duncan: It's public knowledge.

Mr. BECKER: No, it is not public knowledge.

Mr. Duncan: Of course it is.

The Hon. L. J. King: You can undertake a search in the Land Titles Office.

Mr. BECKER: That would not show the mortgage when I decided to sell my properly. Indeed, if that is the type of system that members opposite want to adopt in South Australia, it is time that the people of this State were informed that all their privacy is being taken from them. For this reason, I object strongly to that clause. I support the Bill through the second reading stage, so that in Committee we can deal with it line by line.

Mr. PAYNE (Mitchell): The only point I wish to make is that Opposition members who spoke early in the debate said they were happy with 90 per cent of what was contained in the Bill and that they intended to support that 90 per cent. The member for Playford then spoke and showed clearly the weakness of the authority that members opposite had used to try to bolster their shaky arguments. The honourable member pointed out that the man concerned (Dr. Wilson) had not carried out a proper survey whatsoever, and that to cite his authority was absolutely worthless. This seemed to have considerable effect on members opposite, because the member for Hanson who spoke next decided that he was then satisfied with 95 per cent of what was contained in the Bill, and declared that he was willing to support that 95 per cent. I have no doubt that the Attorney-General in any reply he may make will be able successfully to convince the Opposition of the sense of and the necessity for the remaining 5 per cent. I support the Bill.

The Hon. L. J. KING (Attorney-General): I do not intend to speak at great length in reply, because we covered the ground in considerable detail when this Bill was last before the House. Indeed, the arguments regarding clause 61 of the Bill put forward today are simply a repetition of the threadbare arguments that were exploded on the last occasion. I confess to some little surprise that they were again trotted out today. For the most part, they were irrelevant comparisons of systems operating in other States which no-one proposes should be instituted in South Australia, anyway; so whatever the merits of those arguments they have no relevance to the Bill.

Mr. Coumbe: You support the Torrens system, of course?

The Hon. L. J. KING: Yes, I support the Torrens system, for whatever relevance that question might have. The arguments produced by way of comparisons of systems existing elsewhere with that existing in South Australia are simply irrelevant to a consideration of the present proposition. The proposition embodied in clause 61 is that the present system, by which conveyancing documents may be prepared for reward either by legal practitioners or by licensed land brokers, will continue in South Australia. The change made by this Bill to the existing system is that no longer will it be possible for the conveyancing documents to be prepared by a land broker who is in the employ (and therefore subject to the direction) of the agent who is handling the sale, or indeed of any land agent whose professional interest lies in bringing about the completion of the transaction.

The purpose of clause 61 is to ensure that people involved in these transactions (and particularly the purchaser) will have the benefit of documents prepared by a person, either professional or semi-professional, who is independent of other parties to the transaction, and especially independent of the agent, whose only duty is to the purchaser, and who, to put it another way, will have, recognize and carry out his exclusive duty to the party who employs him and pays him.

Mr. Coumbe: What about in the case of partners, where two partners each do half of the work?

The Hon. L. J. KING: The same applies there. Partners have an identity of interest. One partner cannot act in conflict with the interest of the other; part of the duty of each is to promote the interests of the partnership or, if the partnership is one of land agents and land brokers, under the provisions of the Bill the functions will have to be separated. They can no longer be partners; land brokers must be independent of land agents.

Mr. Coumbe: Even if it were set up before this legislation was proclaimed?

The Hon. L. J. KING: The only exception in the Bill is in relation to the employee land broker employed before September 1, 1972, the date mentioned in the Bill.

Mr. Goldsworthy: They will not be able to get that sort of job in the future.

The Hon. L. J. KING: Of course not. The very purpose of the legislation is to ensure that, in future, land brokers will be independent. The only purpose of the provision exempting employee land brokers in employment prior to that date is purely compassionate, and merely to avoid the situation in which people already in that employment would be automatically thrown out of their jobs by the enactment of this legislation. One of its purposes is to ensure that, in the future, land brokers will be independent of land agents, so land brokers will come into the land broking business under the conditions of the new legislation; they will know they are doing that, and they will in future operate on their own account and be independent of the agent.

Mr. Coumbe: Are you suggesting this is not discrimination?

The Hon. L. J. KING: It is discrimination in favour of ethical conduct and in favour of avoiding a conflict of interest, on the part of the land broker, between his duty to the person who is paying him (the purchaser) and the land agent, whose interest it is to bring the transaction to a conclusion.

Mr. Goldsworthy: You make out they are all crooks. That is what it amounts to.

The Hon. L. J. KING: That remark is quite absurd, coming from the member for Kavel. It does him no credit at all, and if he wants to interject when I am speaking he should at least do me the credit of thinking about his interjection and putting up something worthy of a reply. The member for Torrens has interjected several times, but each has been a thoughtful interjection and I have been happy to reply. Foolish interjections are better not made.

Mr. Goldsworthy: You are discriminating against the majority.

The Hon. L. J. KING: I am discriminating in favour of the majority and in favour of purchasers, who pay for services and should get them. They pay land brokers to prepare their conveyancing documents and they are entitled to the services of people who have only one duty, to the purchaser who pays them and not to the land agent whose intrinsic interest is contrary to that of the purchaser in many cases. The reform proposed by clause 61 is simply to bring about in South Australia a situation which always should have existed: the avoidance of the conflict of interest inherent in the existing situation. No real argument has been offered against it, and although I have listened to everything said on this occasion, as well

as in the previous debate, by honourable members opposite, I have heard nothing new. I have heard some denigration of the legal profession by the usual narrow-minded members of the Opposition who trot out this sort of rubbish from time to time when the occasion suits them. I have heard the remarks of the member for Fisher, who apparently subscribes to the conspiratorial view of history. He seems to see this as a plot concocted between the legal profession in the Eastern States and the legal profession in South Australia, including the Attorney-General. I thank him very much for attributing to me some part in that conspiracy, but that was his contribution to the debate. In general, no-one has put forward a reasonable argument. We have heard remarkable statements by members of the Opposition to the effect that the public generally supported their views and was opposed to the legislation. This is quite remarkable, because members will recall that when this Bill was placed before us previously there was a vehement, concentrated, very expensive, and very dishonest campaign waged against it, and it was rejected in another place. Subsequently, there was an election at which the Premier made quite clear in his policy speech that this measure would be re-enacted if the Government was re-elected. In my own district a very intense campaign was waged against me personally on this topic, both an overt and a covert campaign, a whispering campaign that ran through the length and breadth of the district. If anything, it could be said that perhaps the election in the District of Coles became almost a referendum on this question because of the intensity of the campaign waged on this topic.

The Hon. G. T. Virgo: You won, didn't you?

The Hon. L. J. KING: Yes. It had the effect that, as well as the 55 per cent of the vote that I received on the previous occasion, I received a further 4 per cent on this occasion, and perhaps those people voted for me on this issue. It is rather remarkable in those circumstances for Opposition members to suggest that the public is opposed to this measure. Believe me, the electors of Coles had it well and truly present in their minds when they voted: my opponents took care to see to that. The points raised in relation to other clauses can be dealt with in Committee. Mr. Speaker, I draw your attention to the fact that this is a similar Bill (with substantially the same objects and having the same title) to a Bill passed by the House of Assembly during the last Parliament. Consequently, the provisions of section 41 of the Constitution Act apply to this Bill. Accordingly, I move:

That Standing Orders be so far suspended as to enable me to move a motion without notice.

Motion carried.

The Hon. L. J. KING moved:

That the Speaker do count the House and declare whether or not the question al the second or third reading of this Bill be carried, and if carried whether or not by an absolute majority of the whole number of members of this House.

Motion carried.

The SPEAKER: The question is "That the Bill be now read a second time." For the question say "Aye", against "No". As I hear no dissentient voice, the motion for the Bill to be read a second time is agreed to. As there was an absolute majority of the whole number of members of the House present, I declare the second reading of the Bill to have passed with an absolute majority.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Interpretation."

Dr. EASTICK (Leader of the Opposition): Can the Attorney-General say why some definitions have been included in other parts of this Bill instead of being placed in this clause?

The Hon. L. J. KING (Attorney-General): Generally, definitions are included in the main definition clause unless it is more convenient to place them in the part to which they relate. Also, a definition may apply only to a certain part and not to the whole Bill.

Clause passed.

Clauses 7 to 14 passed.

Clause 15—"Entitlement to be licensed."

Dr. EASTICK: I move:

In subclause 1 (a) to strike out "eighteen" and insert "twenty-one".

I am not trying to increase the age of majority, but it seems impractical for any person to be able to be registered at the age of 18 years. Before becoming an agent, a person must have had two years practical experience and have studied a course. I am not suggesting that a person aged 18 years may not be adequately qualified, but this age does not seem to have practical application.

The Hon. L. J. KING: I do not think this is an appropriate amendment. True, it is highly unlikely that anyone could qualify for licensing as a land agent until he was at least 21 years of age. It is one thing to say that he must have qualifications but another to select an age that is different from the age of majority in the community. Why not 20 years or 22 years? This clause provides that a person must be an adult (as understood by the law) and, secondly, he must have the required qualifications. It seems to me that it is better to leave it that way rather than introduce a new age factor that now has no relevance in any other aspect of the law and really does not achieve anything, because the applicants must pass the examination and have the requisite qualifications anyway.

Amendment negatived; clause passed.

Clauses 16 to 21 passed.

Clause 22—"Employment of salesmen."

Dr. EASTICK: I move:

To strike out subclause (3).

An area of major concern is that salesmen employed part time are, not always available to answer questions to clarify a situation. The industry has been able to cite several instances of problems and situations being highlighted by the media to the disadvantage of the industry and being sheeted home to persons not employed full time. Many of these persons have not had adequate training or relationship with their organizations.

The Hon. L. J. KING: I am amazed at this amendment. I accept what the Leader has said, and that is the reason for the proposal that we do away with part-time salesmen, but the purpose of the provision is to preserve the jobs of persons who have already been part-time salesmen and who depend on their incomes as such as part of their total income. The purpose is to avoid terminating that source of income for them and, moreover, to give the agent a transition period of 12 months to ease in the new situation regarding part-time salesmen.

We are bringing in a new system and we want to avoid disruption to an agent's business and a system where the part-time salesman loses income. The Opposition has criticized me, and the member for Torrens has even used the word "discrimination" because the effect of clause 61 will be that land brokers in future will not be able to get employment as such, and I have been criticized for not allowing land agents who are operating as land brokers to continue doing so. It has been said that the Bill will cut

off part of their income. Now I am told by the Leader I am being too kind and that I should say that, as far as part-time salesmen are concerned, down falls the axe and, after proclamation of this measure, they are out.

There seems to be a curious inconsistency on the part of members opposite, and what worries me is that this shows the degree to which the Opposition (the Leader particularly, as its spokesman) is willing to go, as the simple mouthpiece of the Real Estate Institute. Where the discontinuance of employment is contrary to what the institute wants, we must not take away jobs, but where discontinuance of employment is what the institute wants, the whole thing changes and we are asked why we do not take employment away earlier than we are taking it away. Nothing could show more clearly how completely devoid of principle is the Opposition in regard to the good provisions of this measure and how the Opposition is inspired simply and solely by the interests of the Real Estate Institute. If the institute told the Leader to stand on his head in the corner he would do it.

Dr. EASTICK: I have often appreciated the Attorney's ability to debate and provide worthwhile comment, but his effort a moment ago was the most puerile I have heard from him. Without standing on my head to do so, I point out to the Attorney that one of the positions he was discussing related to full-time employment, whereas the position I have asked him to consider relates to part-time employment. Clause 61 deals with a person who, by registration, at present can carry out a full-time position, whereas many problems in the industry have been associated with part-time employment.

The Hon. L. J. King: Exactly the same applies to the agent and land broker, who also is capable of being engaged full-time as an agent, but you do not take that view there.

Dr. EASTICK: The Opposition view is responsible and I subscribe to it, and I do not acknowledge that it has come from the Real Estate Institute.

The Hon. L. J. King: What about your other amendments? Did they come from there?

Dr. EASTICK: That does not matter, as long as they are directed in the best interests of the community that the Attorney and I serve.

The Hon. L. J. King: That is something you could well remember.

Dr. EASTICK: As was indicated earlier, obviously the Attorney has no intention of compromising or of accepting that other people in the community may have a point of view that should be considered. I look forward to the support of the Committee for the amendment.

Mr. MATHWIN: I support the amendment. The Attorney-General spoke of members of Parliament being directed from outside Parliament in what they should or should not do, but he himself has often been brought to heel by his own Party Caucus and trade union bosses. This is a good amendment, but the Attorney could not get to his feet fast enough because the Committee was becoming quiet and he wanted to disturb the peace. He should give more thought to this amendment and support it.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allen, Arnold, Becker, Blacker, Dean Brown, Coumbe, Eastick (teller), Evans, Goldsworthy, Mathwin, McAnaney, Millhouse, Nankivell, Russack, Tonkin, Venning, and Wardle.

Noes (21)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Dunstan, Groth, Harrison, Hudson, Jennings, Keneally, King (teller), Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, and Wells.

Pairs—Ayes—Messrs. Chapman, Gunn, and Rodda. Noes—Messrs. Hopgood, McKee, and Wright.

Majority of 4 for the Noes.

Amendment thus negatived; clause passed.

Clauses 23 to 44 passed.

Clause 45—"Agent not to act without written authority."

Dr. EASTICK: I move:

To strike out subclauses (2) and (3).

This amendment forbids an agent from retaining commission or any other form of remuneration in respect of property dealings. If these subclauses were retained, there would be no protection for the agent against an unscrupulous client. For example, once an agent had introduced a purchaser to a property, both the vendor and the purchaser could, by mutual agreement, repudiate the contract and make a private transaction, thus eliminating the agent, as has occurred many times in the past. These transactions have sometimes been the subject of court action. If the intention of the Attorney and the Government is to protect everyone in the community from the activities of land agents, land brokers, and business agents, likewise there must be some protection for the agents against those people who take advantage of this legislation. In addition, it could refer to auction sales, where the vendor is normally responsible for paying the advertising expenses and the fee, should the property remain unsold. With regard to subclause (3), no abuse has ever been reported. To protect the agent against the actions of the vendor, I seek to have subclause (2) struck out, and I seek to have subclause (3) struck out for the reasons I have stated with regard to advertising costs.

The Hon. L. J. KING: I think that the Leader has misunderstood the position. These two subclauses do not affect the situation that he has described. He is concerned about a situation in which an agent, having been lawfully authorized to act as an agent to sell a property, procures the sale and then the parties go behind the back of the agent and conclude the transaction, thus depriving him of his commission. In those circumstances, the agent is entitled, under the present law and under this Bill, to his commission. A vendor cannot deprive an agent of his commission by letting him do his work and bring about the sale and by then going behind his back for the settlement. An agent can sue for that commission and recover it, and there is nothing in the Bill to affect that.

The subclauses to which the Leader has referred were inserted in the original Bill at the instance of the member for Mitcham, who moved an amendment which was passed by this place and which was redrafted in another place to improve the drafting and deal with a somewhat wider situation. Subclause (1) provides that the agent must have his instructions in writing. Subclause (2) ensures that the agent cannot obtain or retain a commission if the contract is lawfully repudiated, rescinded or avoided; in other words, if the transaction does not come off. Although the transaction has been initially completed and the agent has obtained his commission, if the purchaser then repudiates the transaction lawfully and there is in fact no sale because the vendor finally does not get the money or, if he has obtained it, he has to part with it again, the agent cannot demand or receive the commission, as there is no purchase money out of which it can be paid. If a vendor does not get the money or is not able to retain it, he cannot be called on to pay commission, and that is fair.

Subclause (3) simply provides that any commission or other remuneration received or retained by an agent in

contravention of subclause (2) can be recovered from the agent by the person by whom it was paid. That confirms the right of recovery so that a vendor is able to get back from an agent commission he has paid on a transaction that has come unstuck, so that the agent is unable to retain the money. These subclauses do not affect the matter referred to by the Leader, but they arc necessary for other reasons. I cannot accept the amendment.

Mr. NANKIVELL: Usually, the costs incurred in preparing documents and in negotiating sales are covered by the commission. Where an agent has gone to all the expense of preparing documents and arranging a sale, if the sale falls through he does not get the commission. Can he obtain from the vendor out-of-pocket expenses if a sale is repudiated, rescinded or avoided?

The Hon. L. J. KING: No; the conveyancing documents are not prepared by an agent at all. They arc prepared by a land broker, who, under the Bill, will have nothing to do with an agent. An agent is not qualified to draw contracts, although many do so (and many salesmen do so, too,). The agent gets his commission for selling the property. If he does that, he is entitled to a commission. If he does not sell a property, or if the sale comes unstuck subsequently, he is not entitled to a commission, and that is all that these subclauses cover.

Mr. NANKIVELL: In those circumstances, who pays the land broker?

The Hon. L. J. KING: As the purchaser employs the land broker, he has to pay his fees. The land broker does his work, getting paid for the services he provides. The case of the land agent is entirely different. He can receive commission in cases where he gets instructions, knows a buyer, and makes the sale after one minute's work. In other cases, he may spend months trying to make a sale. He has his ups and downs. The cases that come unstuck are made up for by those in which he gets his commission for easy work. That is the nature of the commission business. Consequently, the basic principle on which the law must insist is that the agent gets his commission if a sale goes through and if the vendor has obtained the purchase price, out of which he pays the commission. If that does not happen and it is not the vendor's fault, the agent does not get the commission. He misses out on such occasions, but he makes up for that on other occasions. The purchaser employs the land broker, whom he pays. Land brokers' fees would be payable in any event. The land broker does not work on the basis of winning on some occasions and losing on others: he prepares the documents and is entitled to be paid for the work he does, irrespective of the outcome of the transaction.

Dr. EASTICK: When an agent arranges an auction and there is no sale at that auction, who is responsible for paying the fees outlayed by the agent on behalf of the vendor to advertise satisfactorily and make other necessary provisions for conducting the auction?

The Hon. L. J. KING: This Bill does not change that situation at all; it depends on contractual arrangements that the auctioneer makes with his client, and these vary. If he wishes, an auctioneer may charge an all-in commission that covers everything; he may stipulate that the vendor will pay out-of-pocket expenses of the sale. These are contractual arrangements entered into between the auctioneer and the client, and nothing in the Bill touches them.

The CHAIRMAN: The question is "That the amendment be agreed to.'' Those in favour say "Aye"; those against say "No". I will put the question again. The question is "That the amendment be agreed to." Those in favour say "Aye"; those against say "No". I think the Noes have it.

Dr. EASTICK: On a point of order, Mr. Chairman. When you first put the question, as there was no dissentient voice the question should have passed in the affirmative. How did we get to the situation where you put the question again?

The CHAIRMAN: As I was uncertain of the position on the first occasion, I put the question again to make sure.

Mr. EVANS: I rise on a point of order, Mr. Chairman. The practice in this place has changed recently, in that we have applied Standing Orders more strictly than ever before. Standing Orders provide that, if there is no call of "No", the question is automatically resolved in the affirmative. There was no call from the Government benches on this occasion, and I believe that the correct practice should be followed.

Mr. MAX BROWN: On a point of order, Mr. Chairman. When you put the question the Opposition voted "Yes". You then asked whether anyone voted "No", and I personally voted "No".

The Hon. L. J. KING: The situation that has arisen is not unusual. You, Mr. Chairman, put the question to the Committee. Because you were apparently uncertain of the outcome, you put the question again and then resolved it in the negative. Consequently, I believe there is no difficulty.

The CHAIRMAN: Because I wanted to ascertain clearly the opinion of the Committee, I put the question a second time.

Mr. MATHWIN: I rise on a point of order, Mr. Chairman. When you put the question, the Opposition gave a distinct cry, but there was no vote at all from the Government side; you waited for more than 30 seconds.

Mr. Max Brown: That's not true.

Mr. MATHWIN: The member for Whyalla might have replied from Whyalla, but he did not reply when he was in this place. There was complete silence in response to your request when you asked members to signify whether they voted "No".

The CHAIRMAN: Order! I do not uphold the point of order. The question is "That the clause stand as printed." For the question say "Aye"; against say "No". The Ayes have it. The clause as amended is passed.

Dr. EASTICK: I rise on a point of order, Mr. Chairman. There has been no amendment to the clause, so how can the clause as amended be passed? You have not given a decision about the second vote if, in fact, it is the second vote that you are going to heed.

The CHAIRMAN: I will put the question again. The question before the Chair is "That the amendment be agreed to." For the question say "Aye"; against say "No". The Noes have it. The question is "That the clause stand as printed." For the question say "Aye"; against say "No". The Ayes have it.

Clause passed.

Clauses 46 to 48 passed.

Clause 49—"Constitution of board."

Dr. EASTICK: I move:

To strike out "and" and paragraph (*c*) and insert the following new paragraphs:

(*c*) one shall be a licensed land broker of at least seven years standing, nominated by the Real Estate Institute of South Australia Incorporated;

(*d*) one shall be a licensed land broker of at least seven years standing, nominated by the Land Brokers Society Incorporated;

and

(*e*) one shall be a person (who is not a legal practitioner or a licensed land broker) nominated by the Minister.

This amendment was moved previously in another place, as the Attorney-General may well tell us. When the matter was previously discussed the other place was unable to refer it to the Land Brokers Society Incorporated, which had only recently been formed; at that stage it had not become fully operational. However, I would now like to see a representative of that society on the board. The amendment provides in paragraph *(d)* that such a representative must have had at least seven years experience in his profession: a similar provision is made in paragraph (*a*) in connection with a representative of the legal profession. My amendment provides that the number of board members shall be the same as that originally proposed, but it provides for a greater degree of expertise on the board.

The Hon. L. J. KING: I cannot accept the amendment. The proposal that one of the board members should be nominated by the Real Estate Institute is completely inconsistent with the principle of the Bill; namely, the separation of the functions of land brokers from those of real estate agents. There is therefore no reason why the Real Estate Institute should have a nominee on the board, which is concerned with the administration of provisions relating to land brokers. I do not regard suggested paragraph *(d)* as desirable, although I welcome the formation of the Land Brokers Society. I have had some interviews with its executive officers, and I hope the society will flourish and be a useful instrument in the community in promoting the ethical standards of land brokers as an independent profession with its own organization. However, it must be remembered that this board will be concerned mainly with disciplinary matters and with admitting brokers into practice. Consequently, the Minister should have the responsibility of determining who the board members will be.

I have never fancied the idea of divesting a Minister of the power of appointing board members and placing that power in the hands of outside bodies. From time to time this has happened generally as a result of amendments inserted in another place, ft is something I do not favour, and I view it with disfavour particularly where disciplinary powers are involved. I certainly intend, in appointing the land broker member of the board, to consult with the Land Brokers Society. I indicated that previously, and I have indicated it to the society's executive officers. It may well be that the person I nominate as the broker representative on the board will be the person the society puts forward. However, I believe that the Minister should have the final responsibility of assessing the qualifications of the person concerned, because the board, of which he will be a member, will exercise powers not only with respect to members of the Land Brokers Society but with respect to others, and, in any event, he has a primary responsibility to the general public. The Minister must take the final responsibility for the appointments made. Although the proposed paragraph ensures that a member of the board shall be a licensed land broker, the Minister must accept the final responsibility for the identity of the person appointed. This clause follows the provision in the Land Agents Board legislation, merely substituting land broker for land agent.

Dr. TONKIN: I cannot understand why the Attorney-General will not accept the amendment. It becomes apparent that he will not accept any amendment which does not suit his political purpose. I believe that Ministers are being given too much power. We have seen this trend in Parliament ever since the Labor Party came to office, namely, power being placed more and more in the hands of Ministers. I see no reason why a nominee should not be accepted. The Attorney-General said that a licensed land broker of at least seven years standing, nominated by the Real Estate Institute, would not be acceptable because, for some rea:on, he objects to the institute. Other boards have members of related professions, nominated because of their expertise. If institute members are not vitally concerned with land transactions and are unable to advise, who can do this? The provision that one member shall be a person who is not a legal practitioner or a licensed land broker, but who will be nominated by the Minister, is practical, because we want a representative of the general public.

Mr. Becker: From what union will he come?

Dr. TONKIN: I do not know whether he will come from a union or not, but I hope that he will be truly representative of the people of the State, for whom this legislation has purportedly been introduced; in other words, representative of the average man in the street, someone about whom the Attorney-General and the Government could not care less. They are introducing the Bill not for the stated reasons but for their own reasons. If they are sincere in what they are doing (which I doubt), I believe that they should accept this worthy amendment.

Mr. COUMBE: As the amendment is reasonable, I am surprised that the Attorney-General will not accept it. Under the amendment, the Minister will have the final say on who will be on the board, such as a legal practitioner, and someone nominated by the Minister. These will be his own choices, besides the statutory one of the Registrar-General or his nominee. All the amendment does is spell out certain people who represent certain organizations. This has been done time and time again with regard to other boards. Under paragraph (*c*), one will be a licensed land broker, but the Committee is entitled to know from which area of land transactions the other two will be drawn. Under the amendment, in addition to the legal practitioner and the Registrar-General, the Real Estate Institute and the Land Brokers Society will each submit a panel of names from whom the Minister may choose. Under suggested paragraph (*e*), the Minister will have a free choice to choose another person, so that, irrespective of his avowed hatred of some people in this field and the bias he is now displaying, he will have a majority of his own nominees.

The Hon. L. I. KING: The way the member for Torrens read the amendment was incorrect. He suggested that the amendment provided that the Land Brokers Society would put forward a panel of names from which the Minister would select a member and that the Real Estate Institute would put forward a panel from which the Minister would select a member. The amendment does not provide that: it provides that one member of the board shall be a licensed broker nominated by the institute. This means that the institute would put its man on the board and that the Land Brokers Society would put its man on the board, thereby depriving the Minister of any say in the matter. The amendment is unacceptable.

Mr. COUMBE: The usual practice is to have words such as "shall be nominated by the respective bodies", and the Minister calls for a panel of nominees. If the Attorney-General objects to the wording of the amendment, will he accept an amendment to the amendment, providing that a panel of names be submitted?

Mr. BECKER: I am amazed that the Attorney is not willing to accept nominations to the board from organizations directly involved in the industry. It is logical that one member of the board be nominated by the Land Brokers Society. The Attorney has recognized this organization, which has broken away from the Real Estate Institute. If the Attorney will not accept the amendment, is he willing to accept the principle of the amendment that, in selecting the three persons for the board, he will consider having at least one broker nominated from the Land Brokers Society and receive representations from the Real Estate Institute?

The Hon. L. J. KING: In appointing the land broker member of the board, I would certainly consult with the Land Brokers Society, and I think there is no doubt that the land broker who is selected will be acceptable to the society, perhaps being a person selected from a panel decided by the society. I will approach the society, which I regard as being the authentic voice of land brokers in South Australia. It will have every encouragement from me. I certainly accept the principle that the land broker representative on the board should be a member of the Land Brokers Society. I think it will be a person put forward by the Land Brokers Society, but that will be a matter for discussion.

The Real Estate Institute is the proper body to represent land agents, and the Land Brokers Society is the proper body to represent land brokers. Their functions are distinct, as are their organizations, and I do not accept that the institute should be or is entitled to be consulted in respect of a representative of land brokers on the board, but it is entitled to be consulted in respect of the constitution of the Land Agents Board. That is an entirely different matter and has always been entirely different. I accept the principle of the amendment in that the land broker representative should be acceptable to the Land Brokers Society, and chosen in consultation with the society, but the final responsibility must be the Minister's.

Dr. EASTICK: Why does the Attorney accept the nomination of a land broker without the requirement of seven years experience? The legal representative must have at least seven years experience.

The Hon. L. I. KING: A distinction must be made between members of the board and the legal practitioner Chairman of the board. The Chairman has the responsibility of ensuring that the board, when it is acting in its *quasi* judicial capacity of hearing applications that are disputed or objected to and charges against members, will see that the hearings are conducted properly, according to law, that the party charged has a proper opportunity of defending himself, and that the law is properly applied. Therefore, the Chairman of the board exercises a function akin to a judicial function in such a hearing, and it is highly desirable, if not essential, that he be a legal practitioner of sufficient experience to command respect.

Mr. Coumbe: What if he is absent?

The Hon. L. I. KING: If he is absent, the board can function without him, but I would hope that the board would not proceed with a serious matter without the presence of the Chairman, who possesses the qualifications required to conduct such a hearing. Tn respect of the other members of the board. I do not believe it is necessary to make such stipulations. I expect that the land broker representative on the board would be an experienced land broker who would have not less than seven years experience, and probably more. I would look for such a person in choosing a broker representative, and I hope that the society, which is showing itself to be a responsible body, would want to be represented by a broker with that degree of experience. I do not believe it is desirable to write in a legal and statutory requirement of that kind as it is in respect of the appointment of the Chairman. It certainly was not done in respect of the Land Agents Board and, as far as I know, it has never been suggested previously. I do not believe it is necessary to do it.

Mr. COUMBE: Will the Attorney say what type of experience will be required in respect of the two other members of the board? What interests are they likely to represent, and from what field will they be drawn? The Minister has stated that he is not interested in having a land agent on lhe board.

The Hon. L. J. KING: I do not have any firm view on this at present. I will consult with the Land Brokers Society before I make any firm decision, because I think that that society, representing land brokers, who will primarily be affected by this board, has a right to be heard regarding the general constitution of the board. Certainly, I do not accept the proposition implicit in the amendment that there should necessarily be no other legal practitioner on the board. The Land Agents Board has had another legal practitioner (the Crown Solicitor) on the board until recently. He has now been replaced by an Assistant Crown Solicitor (Mrs. Stevens). That system has worked well, because it has meant that, during inquiries, a member of the board trained as an advocate has been able to elicit evidence and ask questions without the Chairman descending into the arena, and the Chairman has been able to adopt a more judicial role. True, that it has worked well does not necessarily mean that the same course will be followed in respect of land brokers, but there is an advantage in having a legally-qualified Chairman and another legal practitioner, especially (as in the case of the Land Agents Board) where that legal practitioner is not a practitioner in private practice and in no sense can be regarded as a competitor of any person appearing before the board. I have no firm views on the matter, and I would not want to form firm conclusions until I have had discussions with the Land Brokers Society after the Bill becomes law.

The Committee divided on the amendment:

Ayes (16)—Messrs. Arnold, Becker, Blacker. Dean Brown, Chapman, Coumbe, Eastick (teller), Evans, Goldsworthy, Mathwin. McAnaney, Nankivell, Russack, Tonkin, Venning, and Wardle.

Noes (21)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Dunstan, Groth, Harrison. Hudson. Jennings, Keneally, King (teller), Langley, McRae, Olson, Payne, Simmons, Slater, Virgo, and Wells.

Pairs—Ayes—Messrs. Allen, Gunn, and Rodda. Noes —-Messrs. Hopgood, McKee, and Wright.

Majority of 5 for the Noes.

Amendment thus negatived; clause passed.

Clauses 50 to 60 passed.

Clause 61—"Preparation of instruments."

Dr. EASTICK: I move:

In subclause (1) to strike out for fee or reward, prepare any instrument relating to any dealing with land unless he is" and insert "charge or recover any fee or other consideration for the preparation of any instrument relating to a dealing in land unless the instrument was prepared by".

Grave concern has been indicated by those in the industry that the existing wording could create some difficulty. The wording suggested is an improvement on that situation.

The Hon. L. J. King: What do they really want to achieve? Can you tell me that?

Dr. EASTICK: The existing wording precludes activity in the best interests of the industry, and the inclusion of the suggested words throws the onus—

The Hon. L. J. King: You cannot possibly justify this, nor can they. There is no way in the world you can justify this amendment.

Dr. EASTICK: Obviously, the Attorney has something to pass on to us. The note for which I am looking is difficult to find, so perhaps in the short time before the dinner adjournment the Attorney can say why the proposition is at variance with what is in the best interests of the community.

The Hon. L. J. KING: I will do that, but the Leader has not told us why he wants it. However, it is too embarrassing to watch him floundering and trying to justify the instructions he has had from the Real Estate Institute, which has obviously put it over him by getting him to bring this forward. It has not told him the real motive behind it and has left him high and dry. He does not know why he is moving it, but I can tell him: I will do so after dinner.

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

The Hon. L. J. KING: Immediately before the adjournment the Leader was floundering, and seemed not to have the slightest idea why he had moved the amendment. Perhaps he could now give the real reason.

Dr. EASTICK: The reference I had was not from the Real Estate Institute but from another organization for which the Attorney-General has a high regard. The reference, as given to this organization by its legal adviser, is as follows:

Clause 61 (1) prohibits any person other than a solicitor or land broker from preparing instruments for fee or reward. This subsection makes it illegal for an agent to charge for instruments prepared by a solicitor or a broker in his employ, even where subsection (3) applies. It makes it illegal for banks and other institutions to charge for instruments prepared by solicitors or brokers in their employ. It is suggested this subsection be amended to provide that a person shall not charge for the preparation of instruments unless they are prepared by a solicitor or broker.

The situation is different from that suggested by the Attorney-General. The Attorney is willing to listen to this organization in relation to the nomination of a member of the board, and no doubt this information was made available to the Government as well as to the Opposition. I ask that he reconsider his attitude and accept the situation as it is.

The Hon. L. J. KING: Obviously, the Leader is no clearer now than he was before the adjournment. The clause provides that a person shall not. for fee or reward, prepare any instrument relating to any dealing with land unless he is (*a*) a legal practitioner or (*b*) a licensed land broker, and "instrument" is defined in clause 48. The only people entitled by law to prepare documents and charge for them are legal practitioners and licensed land brokers. Does the Leader consider that the amendment is intended as a sort of device to enable people such as land agents to prepare documents and not charge a specific fee for the document? The only purpose that the amendment could have would be to avoid the situation that a person not a legal practitioner or licensed land broker may prepare a document for a reward, which is not the specific fee for that document, thereby trying to escape the provisions of the legislation. "For fee or reward ' are words used in all other Acts that deal with a situation in which people provide services and are required to be licensed or authorized in some way, and they are appropriate here. The Leader does not explain why he wishes to substitute his words for the simple and time-honoured words "for fee or reward".

Dr. EASTICK: My amendment would make it possible for a bank or a similar institution employing a land broker or a legal practitioner to use that person's services and charge the cost against the transaction. This is the advice given to a reputable organization by a member of the Attorney's profession.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allen, Becker, Blacker, Dean Brown, Coumbe, Eastick (teller), Evans, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Nankivell, Russack, Tonkin, Venning, and Wardle.

Noes (20)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Dunstan, Groth, Harrison, Hudson, Jennings, Keneally, King (teller), McRae, Olson, Payne, Simmons, Slater, Virgo, and Wells.

Pairs—Ayes—Messrs. Arnold, Chapman, and Rodda. Noes—Messrs. Hopgood, McKee, and Wright.

Majority of 3 for the Noes.

Amendment thus negatived.

Dr. EASTICK: I move:

Tn subclause (2) to strike out "mortgagor" and insert "mortgagee".

Those people who are involved in these activities say that the provisions of the Bill can be effectively carried out only if this amendment is made. I shall not discuss at length the reasons why those people hold this view, because again the information has been made available. It is a reasonable recommendation.

The Hon. L. J. KING: This business of listening to amendments being put up without any reason given for them is becoming absurd. If the Leader is taking instructions from people, he should at least ask them why they want the amendments moved and be prepared to confide in us. It is regrettable that the only contribution that some members opposite make is a narrow-minded denigration of the legal profession.

Members interjecting:

The Hon. L. J. KING: That is the only contribution that some members opposite seem able to make to this debate.

Dr. Tonkin: I sympathize with you because I know just how you feel.

The Hon. L. J. KING: The member for Bragg would be the first to react if someone attacked his own profession; he would be the first to defend it. The honourable member often puts forward the proposition that only those people who are qualified to perform a task in the medical profession should be allowed to perform it. I agree with him entirely on that but he somehow seems to have a lapse when it comes to other activities and is inclined to take another point of view. However, I was encouraged by his remarks in the second reading debate: perhaps he has seen the light.

The Leader of the Opposition obviously has no idea why he has moved the amendment, but let me explain to him the purpose of the clause. The situation is that, where a party, be he a purchaser or a mortgagor, retains a solicitor or land broker to prepare the documents, he is the one who pays and he is entitled to have independent representation. The purpose of this provision is to make clear that an agent, who is not the purchaser or mortgagor, may prepare the documents, which is a completely different situation. Subclause (2) provides:

Subject to subsection (4) of this section where any instrument relating to a dealing in land (other than a

dealing in which the agent participates as purchaser or mortgagor of the land) is prepared by an agent, or a person who stands in a prescribed relationship to an agent, the agent and the person by whom the instrument was prepared shall each be guilty of an offence . . .

It. prohibits the preparation of an instrument by the agent unless he is either the purchaser himself, so that he can prepare his own documents on his own behalf, or the mortgagor, the person who would have the responsibility of paying for the instrument and therefore was entitled to have independent representation.

We are trying to ensure that a purchaser or a mortgagor who pays for a solicitor or a land broker, who has the responsibility of paying for the preparation of the instrument, has independent representation. If the agent himself is personally the purchaser, there is no reason why he should not prepare his own instrument; similarly, if he is the mortgagor, there is no reason why he should not prepare his own instrument; but there is every reason, if he is the mortgagee, why he should not prepare the instrument for which the mortgagor pays and in respect of which the mortgagor is entitled to have independent representation. That is why there are the two exceptions. There is no reason for this amendment. I strongly suspect that the Leader himself does not know why he has moved it.

Dr. EASTICK: It is interesting to get the Attorney's views on this matter which have been sought from him on a number of occasions but which he has not been able or prepared to give.

The Hon. L. J. King: When?

Dr. EASTICK: The instruction that I received on this matter is that subclause (2) makes it illegal for an agent or any person in his employ to prepare any instrument except where the agent is the purchaser or the mortgagor of the land.

The Hon. L. J. King: That is what I said.

Dr. EASTICK: That is precisely what the Attorney has said. This subclause prevents an agent who is also a broker from preparing any instrument except where he is the purchaser or mortgagor. We are agreed on that?

The Hon. L. J. King: Yes.

Dr. EASTICK: This prohibition applies whether or not the agent-broker has acted as agent in the transaction. We are not at variance on that?

The Hon. L. J. King: No.

Dr. EASTICK: The prohibition seems unnecessarily wide.

The Hon. L. J. King: Why?

Dr. EASTICK: We, who are making representations on behalf of others who have expertise in this field, see no reason why an agent-broker or an employed broker should not be permitted to act as a broker where he or his principal has not acted as an agent in the transaction. It seems odd (again, this is a viewpoint) that an agent or his employee should be permitted to prepare a mortgage document where he is the mortgagor.

The Hon. L. J. King: What's wrong with that?

Dr. EASTICK: Is the word "mortgagor" an error? Should it be "mortgagee"? We suggest that "mortgagor" should be changed to "mortgagee" to prevent the agent or his employee from preparing instruments only in transactions where the agent acts as agent to a party to the transaction. Apparently the Attorney-General wants to destroy completely the opportunities for land brokers to associate at all with land agents. People who are constantly involved in this area of the industry believe that such an association is in the best interests of all concerned. I believe that the suggestion we make is perfectly legitimate.

The Hon. L. J. KING: There is hardly anything more important in the legislation than that a mortgagor borrowing money from an agent mortgagee should have independent representation in the preparation of the documents. I can hardly think of a transaction in which it is more important that the borrower of the money who is giving security over his house or something else to the agent mortgagee (the agent lending him the money) should have independent representation in preparing the document. I believe it is outrageous to suggest that it is permissible for the agent mortgagee to have his own employee as the broker prepare the documents and charge lhe mortgagor for the documents, the mortgagor thereby getting no independent representation at all and being completely, from beginning to end, in the hands of the mortgagee, who is lending him the money. I can see no justification for the amendment.

Amendment negatived.

Dr. EASTICK: I move:

In subclause (2) to strike out "or a person who stands in a prescribed relationship to an agent" and insert "or a person who is acting on behalf of any party to the transaction to which the instrument relates".

It is recommended that this is a better method of expressing the points that the Attorney claims he wants to get across.

The Hon. L. J. KING: Let us be perfectly candid about the whole business. The object of this clause is to ensure that land brokers or solicitors who handle transactions of this kind are independent of the agent handling the matter or of any other land agent who, by profession, has an interest of a different type that could, in many cases, be advise to the party concerned. One fairly obvious device that could be used to get over the matter would be the formation of a company which the agent was able to control and which itself would employ a land broker who would prepare the documents. The provision of a prescribed relationship is designed for the express purpose of preventing that sort of a device from being used and to ensure that by no device of the formation of a company can the provisions of the Bill (namely, that a land broker must not be employed by a land agent) be evaded. I am surprised indeed to find the Leader lending himself to a manoeuvre that is evidently designed to make possible the use of that sort of device. It is more surprising that the Leader has supported the clause but has moved an amendment that would prevent our closing a loophole. If it is right to have this provision, it is right to ensure that there are no loopholes. I oppose the amendment.

Dr. EASTICK: It has taken a long time to get the Attorney to say that this provision is extremely important. Opposition members have said that it is obnoxious and against the best interests of the industry. We should like to see this clause struck out. In an effort to make it workable, I have moved my amendment, but obviously the Attorney is not interested.

Mr. GOLDSWORTHY: I support the amendment. This clause discriminates against most people engaged in selling land and houses and arranging documents for this purpose. The Attorney believes that most land agents who have brokers in their office are crooks, but that is not so. My experience and the experience of my parents and of my constituents is that if the transaction is dealt with in the one office there is a minimum of fuss and a maximum of economy. The Attorney is discriminating against these people, merely because there are a few crooks in this business.

Mr. Nankivell: There could be some crooks in the legal profession, too.

Mr. GOLDSWORTHY: Yes, as the gyrations of the Attorney this evening seem to substantiate.

The Hon. HUGH HUDSON: Mr. Chairman, I take a point of order that the remark of the member for Kavel is a reflection on the Attorney-General. The member for Mallee interjected that there were plenty of crooks in the legal profession, and the member for Kavel agreed, saying that the gyrations (I think that was the word he used) of the Attorney-General were evidence of that. I regard that as a reflection on the Attorney-General, and reflections of that type are prohibited by Standing Orders.

Mr. HALL: I rise on a point of order, Mr. Chairman. As I understand it, there is a Standing Order requiring the Minister to write down the words to which he objects.

The Hon. Hugh Hudson: Which Standing Order?

The CHAIRMAN: There is no point of order. I suggest that the honourable member for Kavel does not take that Line.

Mr. GOLDSWORTHY: Thank you, Mr. Chairman, for that sensible ruling. In any profession there is a percentage of crooks. The Attorney-General has not produced any statistical evidence showing that the percentage of people following questionable practices in this vocation is greater than it is in any other vocation. In the experience of my family and of people in my district, the present practice has worked economically and expeditiously. This vital clause disrupts a practice that has worked successfully for over a century. The Attorney-General has confused the issue by accusing the Leader of creating a loophole. The amendment should be carried in the interests of the public.

Amendment negatived.

Dr. EASTICK: I do not wish to proceed with the next amendment that I foreshadowed, because it is consequential on the amendment just negatived. I now move:

In subclause (4) to strike out paragraph (*a*) and insert:

(*a*) he was, at the time of the preparation of the instrument, in the employment of an agent, acting for a party to the transaction in respect of which the instrument was prepared, and that employment has existed continuously from the date of the commencement of this Act, or some earlier date;

September 1, 1972, is the vital date in connection with the eligibility of some land brokers and some legal practitioners to operate in this industry. The date is obviously associated with the introduction of the original legislation, but in the intervening period some people, who were undertaking training when the 1972 legislation was introduced, have completed their training or will complete their training when they sit for examinations late this month or early next month. People who were involved in the industry prior to the introduction of the legislation and who were equipping themselves for work in the industry will be denied the opportunity of registering. The Opposition regards it as unreal to introduce retrospectivity, as this Bill does. It will destroy the opportunity for people to use their training, which they undertook in anticipation of employment in the industry. My next amendment will allow people who have satisfactorily completed their training to be involved in the industry.

The Hon. L. J. KING: The Leader is incorrect in suggesting that something in the Bill denies to people who qualify as land brokers the opportunity of practising the calling for which they have qualified themselves; that is not the case. What this Bill does is preclude them from practising their calling as employees of agents. However, under this Bill they will have the opportunity of practising as independent land brokers, of obtaining employment with another land broker as a principal, or of obtaining employment with a legal practitioner if they so desire, or in any way other than as an employee of a land agent. Nothing in this clause precludes them from doing what they are trained to do. The cut-off date was inserted in the original Bill, and everyone has known since the middle of 1972 that it was Government policy that the functions of agent and of broker should be separated. Consequently, all those who have participated in the land brokers course since then have known about the Government's policy and have known that the Government would seek to have placed on the Statute Book this Bill, which would have that effect. They have undertaken the course in that knowledge.

The only point that I think merits further inquiry (and at present I have some inquiries afoot) relates to those persons who qualified in November, 1972. At the moment I am not sure whether any of those who obtained employment with an agent at about that time could be prejudiced, but I am looking into that aspect. Generally speaking, those who embarked on the course knew, certainly from June, 1972, or thereabouts, that it was Government policy that they could not be employed by land agents, and they have known this ever since that time.

Mr. Coumbe: How long is the course?

The Hon. L. J. KING: It is a two-year course.

Mr. Coumbe: Too bad if they had started the course.

The Hon. L. J. KING: They knew from that time that, if they continued the course, they would be seeking careers as independent land brokers or employees of independent land brokers, or in some capacity other than employees of agents. The cut-off date of September 1, 1972, was designed with these considerations in mind, and everyone has known since that time that that was the Government's policy.

The Committee divided on the amendment:

Ayes (16)—Messrs. Allen, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick (teller), Goldsworthy, Gunn, McAnaney, Nankivell, Russack, Tonkin, Venning, and Wardle.

Noes (21)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Dunstan, Groth, Hall, Harrison, Hudson, Jennings, Keneally, King (teller), McRae, Olson, Payne, Simmons, Slater, Virgo, and Wells.

Pairs—Ayes—Messrs. Evans, Mathwin, and Rodda. Noes—Messrs. Hopgood, McKee, and Wright.

Majority of 5 for the Noes.

Amendment thus negatived.

Dr. EASTICK: As the remainder of my amendments to this clause are consequential on my amendment that has just been negatived, I shall not proceed with them.

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

(4a) Subsection (2) of this section does not apply to the preparation of an instrument by an agent who is licensed as a land broker or admitted and enrolled as a practitioner of the Supreme Court of South Australia and has been so licensed or admitted and enrolled from the first day of September, 1972, or some earlier date.

My amendment is in line with the spirit of the legislation as set out by the Attorney-General, because it makes it possible for those already in business as a broker and agent at the same time to continue as such, and is along the lines on which I have just supported the Government in voting for the date of September 1, 1972. Having supported the Attorney-General in that provision, I feel sure that he will now support me in extending the principle of the Bill to others who have obviously been overlooked. It is one of the basic tenets of legislation and Government attitudes that alterations to the mode of control of an industry and

individuals involved in it are not made to the detriment of those already involved in the industry, unless it is imperative that such alterations be made. I remember watching and reading legislation that made special provision for existing operators within an industry or profession to allow them to continue for the rest of their useful economic or professional life. This basic tenet has been supported by both sides of the House.

I have been approached not by personal friends or by the moguls of the industry. I speak not for vested interest but for individuals when I say that certain people (and the Attorney-General would assuredly know of some of these) are both land agent and broker. One example put to me was that a person's income had been exactly divided between operation as a broker and as an agent. I see no reason why we should pass legislation in a form that would, in effect, say to him, "You must choose one or the other, and go to it. You must considerably alter the mode of your economic life and choose. You have been operating under the law, since you have been in the profession, legally and honestly. You must choose one or the other." That is an unjustifiable demand to make. The Attorney-General has probably overlooked this point and neglected to provide in the general exemption provisions for these individuals to continue the kind of profession the law has permitted them to develop to this stage. I hope that the Attorney will see fit to support my uncomplicated amendment, and I give him full marks for including the exemption provisions Without further explanation, the Attorney knows what I am supporting through my amendment. I do not support in this amendment the large operator whom the Attorney has so effectively attacked in opposing Opposition amendments: I refer to the small operator who will be hard pul to make a decision. No doubt such operators will survive but, as they currently operate legally within the law, I cannot see why we should suddenly demand that they make such a basic change to their mode of operation. Therefore, I seek that they be brought into line with other exemptions included in the Bill.

Mr. McANANEY. It appears that everyone has been made exempt from this clause other than this group of persons. If a person is in business in a big way and has employees working for him, he is exempt from the clause. The existing clause protects, the big operator but penalizes the small operator. I support the amendment, as it fairly enables all- sectors already in existence and operating to continue in business.

The Hon. L. J. KING: I acknowledge that the member for Goyder raises a difficult point, and it is one which greatly exercised my mind at the time the original Bill was framed. I take the view, just as the Government takes the view, that there are compelling reasons why the conflict of interest inherent in the present situation should be eliminated at the earliest possible moment. Consequently, *prima facie,* the separation between the functions of land agent and land broker should be effected immediately. The question of hardship that this would occasion (and balancing the hardship against the good that would inure to the community) is one that exercised my mind. In respect of employee land brokers, there are strong reasons in favour of an exemption of those who were employed as land brokers before the cut-off date, September 1, 1972, because people who have been employed in. one occupation for which they are trained may find difficulty in obtaining other employment and may have reached an age where it is not easy to commence practising on their own account. Consequently, the exemption was made in favour of employee land brokers. The considerations are not nearly as cogent in favour of principals, that is, persons who are practising as agents and land brokers, as principals. I do not deny that there are inconveniences; there may in some instances be a degree of hardship in a single person carrying on business on his own account and having to separate the functions by choosing which he is going to do. It could involve the dissolution of a small partnership if one partner wished to be a broker and the other an agent. Those hardships must be weighed against the compelling public interest involved in having this separation of functions take place at the earliest possible moment. Tn each case a principal has a means of livelihood, unlike the, employee land broker, and the separation does not deprive him of his livelihood. It imposes some degree of inconvenience or hardship, depending on the situation' but that hardship applies only in a few cases, and it is mainly in the case of agents with small businesses, often in country towns.

I have great sympathy for those people and, if there were a way of separating those few cases of hardship and doing it effectively, I would give serious consideration to it. The problem is that, if the amendment is carried, it does not only apply to the small agent in a country town who would suffer hardship: the provision would apply right across the board. In all the large real estate firms there are principals who are land brokers and who could continue the practice of land broking into the indefinite future, and it would mean that the separation of functions would be postponed into the indefinite future. It would take place only gradually over a long period.

The Government and I take the view that the conflict of interest involved in the present situation has been tolerated in this State for far too long, and it should not be allowed to continue for longer than is absolutely necessary. As events have turned out, everyone in the industry has had much warning of the impending change, because of the Bill considered in the last Parliament; everyone has known since then what the Government's policy is, and it was also included again in the Premier's policy speech. I have no desire to impose on anyone any hardship that can be possibly avoided.

If there were any practical way of making exemptions in favour of people who would suffer acute hardship in a way which would not affect the policy of bringing into immediate effect a new situation of the separation of functions, I would consider it. However, I have not been able to work out such a way, nor have my advisers, and it was for that reason that the exemption was confined entirely to employee land brokers, not only now but also when the original Bill was introduced. If the honourable member can suggest a way, I would consider it, but I doubt that there is such a way. I cannot accept the amendment, but I am willing to look at a practical solution, and I invited representatives of the industry to suggest one when I had consultations with them preceding the formulation of the original Bill.

Mr. GOLDSWORTHY: I support the amendment, but not for the reasons advanced by the member for Goyder, who suggests he is in sympathy with the spirit of the clause but wants to delay the falling of the axe. We have made abundantly clear that we are not in favour of the spirit of the clause, but we are certainly in favour of delaying the falling of the axe on those people currently engaged in land broking. The Attorney has referred to a conflict of interest, but I do not believe he has proved the point. Anyone who performs a service for the public and charges a fee is involved in a conflict of interest. The person performing the service wants the maximum fee; the person

paying is interested in the minimum fee. I support the amendment because it alleviates the situation the Attorney seeks to impose on the public.

Mr. HALL: The member for Kavel would do well not to put words in my mouth during the limited time left to him in this place. When he says that I am in sympathy with the whole of this Bill he should give reasons and produce proof. I am trying to make the best of Government action that will prevail in this place, and one reason why it will prevail is the weakness of the Liberal and Country League Opposition. The member for Kavel should look after his own interests. I am dealing with a specific case which the Attorney admits may cause hardship, and I have produced compelling reasons why this amendment should be carried. L have had a genuine case put to me, not as a personal friend of the person concerned (nor have I anything to gain from championing his cause), who has proved to me that he gets one half of his income from broking and one half from his activities as a land agent. The Attorney will say that he must choose which part of the business he should carry on and that he must expand that half to the previous extent of the whole of his business. It is a direction that, in general terms, is most difficult to give. It is not easy to expand a business suddenly in that way. Every person in this category need not necessarily be a good business man; he may be satisfactory and totally honest, but he may not necessarily have the business acumen to expand one half of his business to equal the whole. I do not see how this Parliament can set upon people in the community in this way, and the Attorney has not produced statistics to justify opposing the amendment.

How can the Government destroy a person's livelihood? Why should the Attorney take a one-sided view, assuming that the proprietor is a millionaire who can stand this cut? The Labor Party is vulnerable, because it is sectional. Let the Attorney prove otherwise by governing for both sides, including the principal.

Mr. NANKIVELL: Let me pose a hypothetical question to the Attorney: Jones and Smith are partners; if they are land agents and land brokers they cannot act in both professions while they are in partnership. If, by some strange decision of the partnership, Smith were to become an employee of Jones he would be able to do the broking while Jones carried on as a land agent.

The Hon. L. J. King: He would have had to be an employee before September 1, 1972.

Mr. NANKIVELL: This emphasizes the point J am making. The Government is discriminating against private individuals and private initiative, giving way to big business. Everything that is happening by way of legislation in South Australia requires that one gets big or gets out.

Mr. BECKER: I support the amendment. I cite the case of a family business of land agents and land brokers, father and sons, in my district. I have never heard a complaint against this partnership, but if we do not agree to the amendment it will mean the end of it. I ask the Attorney to put himself in the position of this father. His best course would be to support the amendment.

Mr. McANANEY: I endorse the remarks of the member for Mallee, because the Attorney-General is discriminating against a section of the community. I am not affected by outside influences and my principle is to ensure that everyone obtains a fair go, but under this legislation this group will not receive a fair go because of this socialistic bias. Persons operating this type of business at present should be allowed to continue, as they will eventually be phased out.

Mr. EVANS: By this legislation we are taking away part of the livelihood of some individuals. What would be the Government's approach if we tried to take away part of the livelihood of a trade unionist? We are not attacking the tall poppies, but are referring to the small operators, many of them situated in country towns to which they have given long and honest service. These people should be given the chance to continue because, eventually, they will not be taking an active part in their profession. I strongly support the amendment.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allen, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Hall (teller), Mathwin, McAnaney, Russack, Tonkin, Venning, and Wardle.

Noes (20)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Dunstan, Groth, Harrison, Hudson, Jennings, Keneally, King (teller), McRae, Olson, Payne, Simmons, Slater, Virgo, and Wells.

Pairs—Ayes—Messrs. Arnold, Nankivell, and Rodda. Noes—Messrs. Hopgood, McKee, and Wright.

Majority of 3 for the Noes.

Amendment thus negatived.

Mr. GUNN: I strongly oppose this clause. Members have given the Attorney this evening an opportunity to be reasonable, fair, and just, but he and the Australian Labor Party have freely demonstrated—

The CHAIRMAN: Order! Which clause is the honourable member speaking to?

Mr. GUNN: Clause 61, to the general clause. The Attorney and the members of the A.L.P. have freely demonstrated Caucus control at its worst, where logical and proper amendments that would assist people who will be discriminated against and denied part (and, in some cases, the largest part) of their livelihood are swept aside and given little or no consideration by the Attorney, who has been skirting around the problem, in which he has shown no genuine interest. He has personally insulted and made wild accusations against the Real Estate Institute of South Australia and has taken strong exception to people making remarks about the legal profession. The Attorney has not given even one example of a land broker acting underhandedly or having been convicted, but we know of many shady deals within the legal profession. Yet, the Attorney will deny a service to many people, particularly in the country areas, who will be greatly inconvenienced, some of them having to travel to the nearest town or perhaps to Adelaide to transact land business. I am against the so-called democratic acts of someone acting in such a high-handed fashion. For 120 years the people of South Australia have not had to account for their actions in this field. I hope this clause is dealt with properly when it goes to another place. That will be in the best interests of lhe people of this State.

Mr. Payne: That is a democratic House!

Mr. GUNN: Of course it is. The Attorney is riding rough-shod over us in this Bill. He is using his position in this place to be insulting to the Real Estate Institute. We know that one or two agents in the past have acted contrary to the best interests of the people but the Attorney has labelled the whole industry as crook. This is yet another step by the Government towards destroying the rights of the people—a typical Socialist attitude.

Mr. Payne: Hooray! I was waiting for that.

Mr. GUNN: I am proud to belong to a Party that allows its members to think for themselves and act in the best interests of the people.

The CHAIRMAN: Order! The honourable member must speak to the clause.

Mr. GUNN: When this Government is trying to take away from people their rights, we should be able to refer to that. We have witnessed a disgraceful exhibition here this evening and I do not want to be a party to taking away from the people of this State a cheap, efficient and well-tried method of dealing with land transactions.

The CHAIRMAN: Order! There is nothing in this Bill to which the honourable member is speaking. I ask him to return to clause 61.

Mr. GUNN: I thought that, if a person intended to build a house on some land, he had to seek the assistance of either a land broker or a member of the legal profession to secure the block of land and get the title and conveyance in order before he could build that house. If that is not so, I have been labouring under a misapprehension. The Labor Party does not like people who are involved in real estate. This is another nail in the coffin of an arrogant Socialist Government and will help to bring it down.

Mrs. BYRNE: I support this clause because, as the member for a district in which much house building is going on, I doubt whether any other member of this Chamber has perused as many documents as I have in the last few years. Only in the last few months I have had queries from purchasers who have bought properties from estate agents, who of course employ their own brokers. It is not true that on occasion these land brokers act independently or ethically—they do not. Only recently a constituent queried a statement prepared by a land broker who was employed by a large estate agent. On the statement was a procuration fee for the first mortgage, obtained by the building contractor and/or licensed real estate agent from himself. In this case, what would have been the use of the constituent's asking that land broker for independent advice, for it certainly would not have been forthcoming? Last December, another constituent signed a contract to purchase a house, and construction of the house has still not commenced. When this person went to a Law Society solicitor, the advice was that the document was not worth the paper it was written on.

Mr. Gunn: See how long you have to wail in a lawyer's office!

Mrs. BYRNE: I have had a land transaction conducted through a lawyer's office quickly indeed. If I have any more such transactions I will take them to a solicitor, as I think that is the best way to do business. I am not reflecting on land brokers, but for the reasons I have outlined I certainly would not like to transact business through a land broker who was employed by an estate agent or land developer. It has been said that no references have been made to cases of this kind going before the court. A land agent has told me that many of these cases are settled out of court, and that is the reason they do not go before the courts.

Mr. McRAE: The member for Tea Tree Gully referred to me the matter of a blind lady aged 84 years and three-quarters blind who was the vendor of a house. The agent selling the house acted for the purchaser as well, and a broker was employed by the agent. Luckily, the document shown to me was invalid, so that this lady was saved from the predicament in which she could have been placed. She was fortunate, because normally these contracts tend to be binding, and it is hard to prove that the vendor or any of the other parties had no capacity at all in the eyes of the law. Every member has seen a standard-form contract. To use one of these is analogous to someone's using a standard form at the Queen Elizabeth Hospital to perform an appendix operation. If problems are encountered certain paragraphs from another book are substituted for paragraphs on the standard form. In the case of land and house transactions, there is the case of the well-prepared rogue who produces a contract in such a way that the consumer loses, and there is the ill-prepared rogue who uses the standard-form contract. The blank space to fill in at the end of the form causes real trouble. It is like a well-intentioned, well-trained St. John Ambulance man conducting an appendix operation. Many members opposite know about this type of contract, as they have shown me such documents.

Dr. Eastick: Have they shown you documents made out by members of your own profession?

Mr. McRAE: Yes, and when they have produced badly prepared documents I have, been the first to tell them to go to the Master of the Supreme Court or the Law Society to have that member of my profession dealt with. However, that cannot be done in this case; the Attorney-General is trying to correct the situation by the provisions of this Bill.

Mr. BECKER: I do not dispute the cases cited by members opposite, but they are reflecting on salesmen or agents and not on brokers. A land broker prepares documents on the instructions he receives. A broker does not exert pressure. If there is pressure exerted, this is through the salesman.

The Hon. L. J. King: You don't think he might have warned the constituent of the member for Tea Tree Gully about the procuration fee?

Mr. BECKER: Generally, the broker does not even come in contact with these people. I do not object to certain parts of lhe Bill, which will improve the standard of salesmen and agents.

The Hon. L. J. King: We'll ensure that a land broker sees a client and gets independent instruction.

Mr. BECKER: The Government is not doing the right thing by small, independent firms that have a code of ethics. When I was in the bank in Sydney a client sold a property and had everything handled by a solicitor. It took four months to handle. In the meantime, the solicitor bought and sold the property and made out the documents, making $25 000 on the side. He did not finance one cent. There is another case at present in which a large interstate firm is handling a subdivision. On each block a $50 encumbrance fee is involved before the first mortgage can be registered. When I have followed this matter through, I will report it to the Attorney. Tn that case, the situation is not created by the broker but is created by the firm concerned and the salesmen. By these provisions the Government will cause great hardship to many small family businesses and to people in isolated country areas. So. it is regrettable that the Attorney-General has not been able to come up with a solution. A person is not guilty until he is proven guilty. If one is in doubt, the best thing is to reject it altogether.

Mr. RUSSACK: I oppose the clause. I recognize that generally there are good intentions in the legal profession, but I shall refer to a situation that arose on August 22. 1973. A pensioner, an exserviceman, was advised by the Legal Assistance Scheme to go to a law firm. He was quoted $35 for the conveyance of a property. However, when he received the account be was charged $37.50 for the transfer only. Also, for correspondence and attendance in connection with a war service home unit, for particulars, and for phone calls, etc., he was charged $28. In addition, for photostat copies he was charged $1.60. An office girl attended at the settlement.

I am particularly concerned about agents who operate on a small scale in the country. Earlier today the Attorney-General said that he could not understand the attitude of members on this side, but now I cannot understand his attitude. The part-time salesman has been given a period for adjustment, yet the small agent-broker will be cut off immediately this Bill is proclaimed. What is the reason for the different policy in the two cases?

Mr. McANANEY: I believe that 90 per cent of this Bill is good. All that Opposition members have asked is that equitable treatment be given to an employer. If there are cases of unjust treatment, surely the people involved can be dealt with under the licensing system. I have had personal experience of unjust treatment from the legal profession. All we ask is that there be no unjust discrimination against sections of the community, but at present the clause allows such discrimination. An employee in a big firm gets a better deal than does a small firm.

The Hon. L. J. KING: On the last occasion that this legislation was before the Committee I made out in detail a case for this clause, and I will not go over the same ground again. Most of the criticisms that have been made seem to miss the point entirely. Some Opposition members completely missed the point of the whole thing when they referred to occasions when they had received unjust treatment from a member of the legal profession. This, of course, is entirely beside the point. There is no doubt that there will always be occasions when a member of any profession will fall down on his duty. There is no doubt that occasionally an independent land broker, a land agent, or a legal practitioner will not act as he ought to act, and on other occasions all of these people will act properly, but that is beside the point.

The law cannot change human nature, but the law can see to it that we do not create conditions in which there is an inevitable conflict of interest in which it is virtually impossible for a person in that situation to do the right thing even if he wants to; that, of course, is the position of a land broker at present if he is employed by an agent. An employee land broker has duties that are irreconcilable: first, he has a duty to his employer land agent to do nothing that will rock the boat, and a duty to see that the transaction goes through so that his employer earns the commission. At the same time, nagging at his conscience is the thought that he ought to alert the purchaser to the fact that there is something in the transaction that he ought not to go on with, but the employee land broker is not able to carry out that duty. No-one can serve two masters.

Under the present law a land broker is forced into a situation where he must neglect his duty to one or the other, and it is inevitable that his employer, his bread and butter, will triumph. What thanks would the land broker referred to by the member for Tea Tree Gully get from his employer if he said to the purchaser, "This procuration fee is daylight robbery, and you are not obliged to pay it. The agent himself is really lending you the money."? What sort of a future would that land broker be likely to have with his employer land agent? We are here not to debate whether a land broker, a land agent, or a solicitor on some occasion has not acted as he should have acted; we are here to frame laws that ensure that the people dealing with the public in relation to the preparation of conveyancing documents and attending at settlements are independent of anyone with an adverse interest in the transaction. We must ensure that their only interest is in looking after the people for whom they are acting.

The purpose of good laws is to make it easy for people to act honestly; if we do that, the people are likely to act honestly. On the other hand, if we make it difficult for people to act honestly, human nature being what it is, a much higher proportion will fail. We should not allow a situation to continue in which the people handling these important transactions have a conflict of interest that makes it virtually impossible for them to operate properly and in the interest of their two masters, because their two masters have inherently differing interests.

Mr. GOLDSWORTHY: The whole burden of the Attorney-General's argument presupposes that there is a significant number of corrupt land agents. He said that land brokers should not be put in a position where they could not right a wrong if it occurred, but he is assuming that most land agents are corrupt. When one weighs up the advantages that would accrue from separating the functions of land broker and land agent against the hardship that the clause would create, the balance must be in favour of the *status quo.* All the cases cited involved corrupt land agents. As we have no statistics on the number of corrupt land agents, how do we know that there are more corrupt land agents than corrupt lawyers? Perhaps it is because there are more land agents than solicitors. Most land agents are honest, and that includes those with whom I have dealt and those in business in country areas. I believe that the Attorney-General has his priorities wrong and that the clause, which we believe is the most substantive one in the legislation, should not be passed.

Mr. McANANEY: When I referred to dealings with the legal profession, it was because the member for Playford and the member for Tea Tree Gully gave instances in which things had not been so good. I have never been taken down by a private firm. I have had dealings with Government departments and have come off second best, because I was only a little man who was up against a bureaucratic monolith, but I have generally been able to handle my own private affairs.

The Committee divided on the clause:

Ayes (20)—Messrs. Broomhill and Max Brown, Mrs. Byrne, Messrs. Corcoran, Crimes, Duncan, Dunstan, Groth, Harrison, Hudson, Jennings, Keneally, King (teller), McRae, Olson, Payne, Simmons, Slater, Virgo, and Wells.

Noes (17)—Messrs. Allen, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick (teller), Evans, Goldsworthy, Gunn, Hall, McAnaney, Nankivell, Russack, Tonkin, and Venning.

Pairs—Ayes—Messrs. Hopgood, McKee, and Wright. Noes—Messrs. Mathwin, Rodda, and Wardle.

Majority of 3 for the Ayes.

Clause thus passed.

Clauses 62 to 87 passed.

Clause 88—"Cooling off period."

Dr. EASTICK: I move:

In subclause (3) after "section" to insert "and the moneys are not returned to the purchaser within two clear business days after the vendor receives the notice rescinding the contract".

When the Bill was considered last year the cooling-off period caused much bitterness and debate, it being said that certain of the provisions of this clause were a distinct disadvantage to agents: a person could undertake a series of contracts and have no intention of proceeding with them. It was suggested that it was proper that the vendor should be protected.

The Hon. L. J. KING: I cannot accept this amendment for the reasons I gave when we last debated this matter. The real purpose of this amendment is to enable money to change hands notwithstanding that the cooling-off period

has not expired: under the clause, it is illegal for money to change hands in such circumstances. The amendment seeks to allow the cooling-off period to stand but to make permissible the receiving of money, which has to be refunded if the contract is rescinded within the cooling-off period. All experience with consumer protection measures shows that they cease to be effective as protection measures once money is allowed to change hands. If the purchaser pays out money and then discovers a reason why he wishes to rescind the contract (having obtained advice or having thought it over he realizes he has acted hastily or perhaps as a result of persuasive salesmanship and wishes to rescind the contract), he has to recover it.

If the agent raises a smokescreen by saying that the purchaser did not give notice within time, that he was out of time when he purported to rescind the contract, the onus is put on the purchaser to sue for recovery of the money. All experience has shown that once the onus is put on an ordinary member of the public it is difficult for him to enforce his rights: he has to consult with solicitors and institute legal proceedings, and more often than not he can be persuaded *to proceed* with the purchase. The agent can say, "I do not accept the situation. You will have to go to court. It will cost money, you are out of time." Generally, the consumer will be persuaded to proceed with the transaction.

However, if the purchaser has not parted with his money, the situation is entirely different: the onus is on the vendor to seek to enforce the contract if he claims that the rescission was in some way invalid. We have faced this problem in many other areas; for example, with regard to door-to-door selling, we had to say that one could not receive money during the cooling-off period. This was done for the same reason, and the same considerations that then prevailed now prevail. To make the cooling-off period effective for the ordinary member of the public, it is essential that he be able to rescind the contract within the cooling-off period without having the *in terrorem* aspect of having parted with his money. Once he has parted with his money and any argument arises about whether his rescission is valid, the mere delay puts the purchaser in an impossible position, because that is often the only money he has with which to purchase a house. If he is delayed on that transaction while litigation proceeds in respect of whether he has validly rescinded the contract, the purchaser cannot buy another house and is left high and dry.

That has the effect of squashing any utilization of the cooling-off period, and it would never be effective. Any agent who wanted to ensure that the sale went through would have only to raise some argument delaying the purchaser in getting his money back and forcing him into a position where he would have to continue with the transaction. or else he would not have a house. If we accept that there should be a cooling-off period for the protection of the purchaser (and the Government does accept that), it is essential that it be an effective cooling-off period, and it cannot be effective if agents receive the money.

Dr. EASTICK: This is just the revelation I have wanted to hear. The Attorney recognizes two classes of people: he will protect those involved on one side of the transaction, but he will give no protection to those involved on the other side. On other occasions members have had an identical situation put to them, but I wanted this attitude recorded in respect of this measure. The Attorney has said that one cannot take money from an intending purchaser for fear that he may be outside the technicalities of the clause and have to fight to get his money back. Surely, any person outside the provisions of the Bill, whether he be an agent, land broker, vendor, or purchaser, should suffer the consequences. I have not suggested that a person should lose his deposit or that it should not be returned to him; indeed, I accept the cooling-off provisions, provided that both parties are subject to the same law and to the same degree. However, to have a situation where a purchaser who fails to fulfil his commitment will have a second chance to consider his position because he has not had to pay money clearly indicates that the Attorney considers that the parties on one side should be treated differently from those on the other side.

The Attorney said there should not be a transfer of money from the purchaser to the agent during the cooling-off period because, if the purchaser changed his mind, he would not have the funds with which to purchase another house. No consideration has been given to the vendor or agent who, having fulfilled his obligation and having arranged for the necessary inspections, providing the necessary information, perhaps even allowing the intending purchaser to take an option on the property, and denying himself the opportunity of giving inspection rights to a more legitimate purchaser, is disadvantaged. The Attorney is saying he does not mind if there is some disadvantage to the agent or the vendor, but he will not have any financial disadvantage to the purchaser. He has spelt out that he recognizes and indeed supports the existence of two classes of citizen in relation to this law. I hope the Attorney will reconsider the position and accept the amendment, under which a person will have his money repaid if he does not proceed with the purchase. At least it cements the arrangement existing between the vendor (or the agent) and the intending purchaser. It is a most reasonable request.

The Committee divided on the amendment:

Ayes (16)—Messrs. Allen, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick (teller), Evans, Goldsworthy, Gunn, Mathwin, McAnaney, Russack, Tonkin, and Venning.

Noes (20)—Messrs. Broomhill and Max Brown, Mrs. Byrne. Messrs. Corcoran, Crimes, Duncan, Dunstan, Groth, Harrison, Hudson, Jennings, Keneally, King (teller), McRae, Olson, Payne, Simmons, Slater, Virgo, and Wells.

Pairs—Ayes—Messrs. Nankivell, Rodda, and Wardle. Noes—Messrs. Hopgood, McKee, and Wright.

Majority of 4 for the Noes.

Amendment thus negatived.

Dr. EASTICK: I move:

In subclause (4) *(b)* after "practitioner" to insert "or a licensed land broker".

Subclause (4) (*b*) provides that the cooling-off period does not apply where the purchaser has received independent legal advice. Anyone can give legal advice, and anyone, except the vendor or his agent, can give independent legal advice. The value of the advice is an entirely different matter. The amended paragraph would then refer to advice given by a legal practitioner or a licensed land broker who is in a position to give advice pertinent to the provisions of the Bill. I do not wish to enter into an argument on the import in law of the phrase "legal advice". However, the opportunity presents itself for independent legal advice to be given, even though the person giving it is not a member of the legal profession.

The Hon. L. J. KING: I cannot accept the amendment. The expression "independent legal advice" is commonly used in the law and is well understood as being advice given by a legal practitioner on the matter in hand. A common

case in which the expression is used is that of alleged undue influence. Certain alleged fiduciary relationships are recognized by the law, one being the relationship of a solicitor to his client; a solicitor cannot take a benefit under a client's will unless the client has had independent legal advice. There are certain other categories of relationships of influence where transactions will stand in law only if the client has had independent legal advice. The phrase is well understood and involves advice by a legal practitioner. It is not appropriate to extend it to a land broker, because such brokers are not authorized by law to give legal advice. They are authorized by law to prepare documents under the Real Property Act and to attend to matters incidental to the preparation of those documents, including settlements, but they are not authorized by law, nor indeed are they trained, to give legal advice. The only people who are held out by the law as qualified to give legal advice are duly admitted legal practitioners. It would be inappropriate to include a provision in a Bill to authorize the giving of legal advice by a person who is not authorized by law to give that advice. Consequently, the clause should stand.

Amendment negatived; clause passed.

Clause 89 passed.

Clause 90—"Information to be supplied to purchaser before execution of contract."

Dr. EASTICK: I move:

In subclause (1) to strike out paragraph (a).

For a purchaser to have to be advised by the vendor of what mortgages are involved, no matter what the amount may be, is against the best interests of normal transactions between individuals. It is legitimate to accept that knowledge is to be passed on where there is an encumbrance on the property which will have to be discharged or which becomes conditional on the purchaser, but to have to reveal the assets of the vendor up to and before the transaction that will not become encumbrances on the property is unreal. Encumbrances that will be transferred or are part of the documentation made available to the purchaser will be those that exist immediately after the completion of the documents, but no details should be shown relating to the time immediately preceding the transaction. It is the responsibility of the vendor and all who take part in the final transaction to ensure that the document handed to the purchaser describes every aspect of the property that has been purchased, but details that prevail before the transaction should not have to be disclosed. I hope that the Attorney-General will accept this amendment.

The Hon. L. J. KING: I am sorry to disappoint the Leader. This provision is included for a good and adequate reason. Its purpose is to alert the purchaser to any charges or encumbrances affecting the title so that the purchaser may check that they have been discharged before paying his money. This is one of the prime purposes of checks in any conveyance transaction. In the system of conveyancing operating in other States, and inherited from the United Kingdom, parties are represented by solicitors, and the solicitor for the purchaser has the responsibility of administering requisitions to the vendor: that is, a series of questions designed to elicit full information about the property or anything that will affect the use or enjoyment of the property in the hands of the purchaser, including encumbrances and charges, so that the solicitor can be satisfied it is clear before his client pays the money. This is one of the protections and advantages of this system. It is expensive, but it provides full protection.

The purpose of this provision is to secure for the public of South Australia a similar protection by a much more direct and a cheaper method without the intervention of separate solicitors acting for the parlies, by placing a direct obligation on the vendor to disclose the information so that the purchaser can check it. In my early discussions with the Real Estate Institute, when its members stressed that they opposed the sort of conveyancing system operating in other Stales. I said that it would be undesirable to import an expensive system to South Australia but, because the institute advocated this, it would have the responsibility to accept an alternative proposition that would ensure to the South Australian public the protection without the expense. The institute accepted that proposition as being an inevitable consequence of what it was arguing for. This protection has become and is becoming more important, because many charges and encumbrances affecting the use and enjoyment of a property do not appear on the title and are undiscoverable by the purchaser. He can be alerted about them if the vendor tells him, and he must be able to satisfy himself that his title is clear. This is an important provision and has been included for a serious and important purpose.

Mr. McRAE: This provision applies to the transfer of a business as well as to the transfer of land. Personal property being transferred is often subject to one of the 13 sorts of credit circulating in the community today, and the purchaser should know about them. Furthermore, it is important that the purchaser of a property should know about all covenants, encumbrances, and chattel mortgages that affect his use of the property. For instance, I can cite (and members opposite would know of cases of this nature without perhaps linking them to this clause of the Bill) cases of unfortunate businesses that have taken on other people's troubles (say, buying a delicatessen) only to find that, because of a restrictive covenant not disclosed to them, there are many items they cannot sell. For that reason, I support the move in the business transfer area as well as in the land transfer area for the need for the clause.

Amendment negatived.

Dr. EASTICK: I move:

In subclause (1) *(b)* to strike out "mortgages, charges and prescribed" and insert "prescribed mortgages, charges and".

It has been represented to me that, because of the way lhe Bill is at present drafted, when the regulations are drawn the need to prescribe the required actions will be of greater benefit in the end than leaving the wording as the clause is at present drafted. I do not disagree with the statements the Attorney has made in the last few minutes about another matter that I raised, but I do not agree that the examples given by the Attorney or the member for Playford could not be equally well covered by other areas in respect of the nominations to the broker and all other persons involved with the documentation. Here, so that the definition of the information given to all parties can be better prescribed than would otherwise be lhe case, I seek the Attorney's approval of this amendment.

The Hon. L. J. KING: This phraseology was chosen deliberately. It requires the disclosure of all mortgages and charges, even inequitable charges. This is a concept well known and understood: all those should be disclosed, and prescribed encumbrances. The reason for that is that "encumbrance" is the widest word known to the law in this area: it embraces all sorts of restrictions on the use of property. It is necessary to set out in regulation what searches the agent is bound to make to discover the existence or otherwise of encumbrances. So all mortgages, all legal charges, and such encumbrances as are set out in the regulation should be disclosed so that the vendor and

his agent know that he has to search in certain places to satisfy himself that the land is free of encumbrance at the prescribed time. So the language is deliberately chosen. When the regulations are made, they will clearly set out the obligations.

Amendment negatived.

Dr. EASTICK moved:

In subclause (1) (*c*) after "sale" to insert "prescribed".

The Hon. L. J. KING: I agree to this amendment and am grateful to the Leader for moving it. This portion of the clause requires the disclosure of particulars of transactions within the preceding 12 months. As the clause stands, it leaves to the vendor (and that means the agent) the decision on what particulars should be disclosed, and that could give rise to uncertainty about what should be done to comply with the legal requirements. The Leader is right in saying that we should set out in regulations precisely what particulars we want disclosed under those conditions. I am grateful to the Leader for this improvement.

Amendment carried.

Dr. EASTICK: I move:

In subclause (9) to strike out paragraph *(b)*.

I shall be interested to know whether the Attorney disagrees to this amendment.

Amendment negatived.

Remaining clauses (91 to 107) passed.

Clause 6—"Interpretation"—reconsidered.

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

In subclause (1) to insert the following definition:

> "land broker" means a person, other than a legal practitioner, who for fee or reward prepares any instrument as defined in the Real Property Act, 1886-1972, in relation to any dealing affecting land on behalf of any other person:

For this, I am indebted to the Leader of the Opposition who, in the debate on this clause, queried the desirability of having certain definitions in clauses other than the definitions clause. That led me to examine this definition. I explained the reason for doing it during the discussion of this clause, that reason being valid. However, it is now apparent that the definition of "land broker" should have been in the definitions clause and not in clause 48, because the clause 48 definition is confined to that part of the definition of "land broker" required in Part VII. The proper place for that definition is in the definitions clause (clause 6), not in clause 48.

Dr. EASTICK: I am happy to support the amendment. I appreciate the fact that the Attorney has had a change of heart and now accepts the value of the Opposition's probing and prodding, which can be to the eventual advantage of the Bill.

Amendment carried; clause as amended passed.

Clause 48—"Interpretation"—reconsidered.

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

To strike out the definition of "land broker".

This is consequential on the previous amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments.

POLICE OFFENCES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 10.12 p.m. the House adjourned until Wednesday, October 31, at 2 p.m.