HOUSE OF ASSEMBLY

Thursday, March 6, 1975

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

MINING ACT AMENDMENT BILL

His Excellency the Governor, by message, intimated his assent to the Bill.

FAIR CREDIT REPORTS BILL

At 2.4 p.m. the following recommendations of the conference were reported to the House:

As to amendment No. 1:

That the Legislative Council do not further insist upon this amendment but make in lieu thereof the following amendment:

Clause 4, page 2—lines 12 to 17—Leave out definition of "reporting agency" and insert definition as follows:

"reporting agency" or "agency" means—

(*a*) a person or body of persons that, for fee or reward, furnishes consumer reports to traders; or

(*b*) a person or body of persons—

(i) that carries on the business of banking; or

(ii) whose only or principal business is the lending of money,

declared by regulation to be a reporting agency for the purposes of this Act:

and that the House of Assembly agree thereto.

As to amendment No. 2:

That the House of Assembly do not further insist upon its disagreement.

As to amendment No. 3:

That the Legislative Council do not further insist upon this amendment.

As to amendments Nos. 4 *to* 7:

That the House of Assembly do not further insist upon its disagreement.

As to amendment No. 8:

That the House of Assembly do not further insist upon its disagreement and that the Legislative Council make the following consequential amendment to the Bill:

Clause 16, page 7, lines 5 to 11—Leave out subclause (2).

and that the House of Assembly agree thereto.

As to amendments Nos. 9 *to* 13:

That the Legislative Council do not further insist upon these amendments.

Later:

The Legislative Council intimated that it had agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

A copy of the recommendations has been circulated to members, who have doubtless had an opportunity to read them. The first amendment relates to the issue that arose between this place and the other place concerning the scope of the Bill. As it left this place the Bill embraced reporting agencies, defined as agencies that furnished credit reports for fee or reward and agencies that furnished credit reports on a regular co-operative basis. The second part of that definition was taken out by the other place, and the difference between the two Chambers was the question whether the legislation should apply only to professional reporting agencies or whether it should apply generally to organisations that exchange credit reports on a regular co-operative basis. The compromise arrived at was that the Bill should apply to the professional reporting agencies and also to banks and finance companies. The machinery devised for that purpose is to include in the definition the following:

a person or body of persons—

(i) that carries on the business of banking; or

(ii) whose only or principal business is the lending of money,

declared by regulation to be a reporting agency for the purposes of this Act:

So, the companies to which the Act will apply, if they are banks or finance companies, will be set out by name in a regulation. I am deeply disappointed with this result. I believe it has restricted the usefulness of the legislation considerably, but I am faced with the situation that it is the most the other place will accept and at the moment we have no law regulating these matters, so it is far better to have some satisfactory law, albeit limited in scope, applying to professional reporting agencies, banks and finance companies than to have nothing at all. For that reason I commend the recommendation of the conference to the Committee.

Other matters were dealt with and the managers from the other place were called on to pay a price for the concession obtained in relation to clause 4—a price that included many things. One is that we do not insist on disagreement to amendment No. 2 of the Legislative Council, which provided that, unless he requested it, a person was not entitled to be told that a credit report had been supplied about him to a trader. Members know the misgivings I feel about this matter. The difficulty here is that a person may be refused credit but he may not know this is a result of a credit report a trader has received. If he does not know, he cannot ask for a copy of the report. The managers for the other place believed that their members would insist on that. A price had to be paid for the concession obtained in the other matter and that was part of it.

The other place did not further insist on amendment No. 3, a drafting amendment, so the Bill is restored to its original provision in that respect. The managers from this Chamber did not insist on disagreement to amendment No. 4, but it was not a major issue. This was really a question whether the obligation on the trader was simply to give the name and address of the reporting agency that had supplied the credit report (that is what the other place wanted). Members of this Chamber wanted the trader also to tell the consumer what he could do about it and what were his rights under the legislation. I believed that the latter alternative was preferable, but we had to concede that point in order to resolve the matter. Amendments Nos. 5 and 6 are consequential.

We had to concede amendment No. 7, the controversial amendment dealing with the disclosure of sources of information. Amendment No. 8 was an amendment from the other place that gave the consumer the right of access to information held about him, whether or not he had been refused a benefit. That provision went much further than did the provision we had in the Bill in this Chamber. I expressed some misgivings about the result the conference reached on this matter, because there is a danger with this type of provision that a person may just walk in off the street to reporting agencies and finance companies, wanting to know what those organisations have in their dossiers about him. The organisations could be seriously embarrassed, perhaps by unbalanced people or by people who are convinced that there must be dossiers about them. Really, it was hardly necessary to impose an obligation, except where a benefit had been refused.

The other place had taken a different view. This matter was discussed at the conference. I do not know that the

managers from the other place were very strong about their provision; indeed, at one stage they were willing to abandon their stand on it. However, it was finally decided to leave the provision in the legislation. We can now watch the experience of this matter. If there is serious trouble from people seeking this information without reason, an amendment may have to be made later.

The other place did not insist on its amendments Nos. 9 to 13. This was crucial because these provided for the powers for the Commissioner to inspect the files and records of a trader for the purpose of detecting whether the legislation had been complied with. This power was absolutely vital to the enforcement of the legislation. The same sort of power is included in the Prices Act and in other consumer protection legislation. It would have been useless to try to enforce this legislation without such a power. Obviously, if a trader refuses a benefit and denies he possesses a credit report, there is no way of ensuring compliance with the legislation unless the Commissioner can have access to the trader's records in order to determine whether or not what has been said is correct.

Therefore, it will be seen that the conclusions arrived at by the conference are very much a compromise—to me, a most disappointing compromise. I think that the interests of the people of the State require us to go substantially further than we have gone in this Bill, and I am sure that the legislation will have to be dealt with again in the next few years. However, for the moment we have got the most that could be obtained and I believe that the only course open to the Committee is to accept the recommendations of the conference.

Dr. TONKIN: I believe the proceedings and outcome of the conference have been most satisfactory. The Attorney has outlined those proceedings well, although his interpretation of some of the amendments that were discussed is perhaps a little different from the interpretation of conference members on this side. However, largely I think the legislation resulting is workable.

I believe that the conference achieved a good working compromise in limiting the legislation to finance companies and by excluding the activities of traders. A tremendous burden could have been placed on traders in providing the necessary organisation, and that must undoubtedly have led to increased prices that would have been passed on in their trading. Members from both Chambers compromised, and that, I believe, is the basis of a conference: that is the purpose of holding a conference.

Amendment No. 8 dealt with people seeking information. I think the Attorney would agree that the members from another place were willing, if necessary, to solve the problem relating to people seeking information without having a real reason for doing so. In this matter, the Attorney adopted a wise course, saying that it would be better to wait and see what transpired.

Mr. Goldsworthy: He did give ground, did he?

Dr. TONKIN: I agree with the course he followed. I agree with him, too, that we should take the legislation as it is now and see what happens. I think that, to his credit, the Attorney gave much ground on this occasion.

Dr. EASTICK (Leader of the Opposition): I want to make a point about the way the report has been made to this Chamber. No records are kept of meetings held by the managers. Indeed, Standing Order 278 clearly provides:

. . . and thereupon the managers for the House of Assembly shall be at liberty to confer freely by word of mouth with the managers for the Legislative Council.

The Standing Order then sets out the way in which managers shall come to an agreement or disagreement. Nowhere is provision made for minutes of these meetings to be kept. Therefore, when a report is made to this Chamber, there is a distinct possibility that the member making that report will show bias in the construction he places on the discussions that were held during the conference. His construction may be vastly different from that of members of another place. Of course, members of that place cannot be here when conference discussions are reported on, so they cannot express their point of view.

The CHAIRMAN: Order! We are not discussing Standing Orders: we are discussing the recommendations of the conference. I ask the honourable Leader to confine his remarks to those recommendations.

Dr. EASTICK: I point out that there is no complete record of what takes place at a conference. The recommendations of the conference give no complete picture of the discussions that have taken place. Therefore, an explanation of those recommendations can be subject to misconstruction, as the explanation depends on the point of view of the member making the explanation. I realise that members of another place may put their own construction on the recommendations. However, that construction will not be made known in this place, so a possibility exists of a misunderstanding being conveyed to those who may know only one part of the story. They may get the wrong picture of what happened in the discussions held.

The CHAIRMAN: Order! I point out that members are considering whether the recommendations of the conference should be agreed to. The honourable Leader should confine his comments to that matter.

Dr. EASTICK: Thank you, Sir. I point out that, in accepting the recommendations of the conference, I will pay heed only to the document setting out those recommendations that has been officially distributed in the Chamber; I will not necessarily place any weight on the construction placed on those recommendations by any contributor to the debate on the motion before the Chair.

Motion carried.

MINISTERS' ABSENCE

The SPEAKER: Before calling for questions without notice, I inform honourable members that, in the absence of the honourable Premier and the honourable Minister of Transport on Ministerial duties, any question that would normally have been directed to the honourable Premier may be directed to the honourable Deputy Premier, and any question that would normally have been directed to the honourable Minister of Transport may be directed to the honourable Attorney-General.

QUESTIONS

The SPEAKER: I direct that the following written answer to a question be distributed and printed in *Hansard*.

RELIGIOUS EDUCATION

In reply to Mr. SIMMONS (March 4).

The Hon. HUGH HUDSON: All available copies of the course guides prepared for teachers of religious education in State schools have been issued to teachers. Additional copies are expected to be available in about a week or so, when I will certainly see that the material is made available to the Parliamentary Library.

THEATRE 62

Dr. EASTICK: Can the Deputy Premier say whether the Government is satisfied that the position of subscribers to Theatre 62 has been adequately safeguarded by the arrangements that have been entered into for the closure of that theatre? During the Budget debate in September

last year, the Treasurer (as reported at page 927 of *Hansard*) said:

For Theatre 62, we provided $50 000 last year and we are providing $85 000 this year. The amount provided this year includes $40 000 towards payment of accrued debts over the past three financial periods, which arose from insufficient previous funding. The balance of $45 000 is less than was provided last year towards operating expenses. We have not been satisfied with the accounting by Theatre 62, because the theatre has exceeded estimates on several occasions. Consequently, the most stringent provisions for accounting have been made and a Government accountant is sitting on the board constantly to ensure that the theatre does not exceed the estimates that we have provided to it.

In fact, a Government nominee (an accountant) has been sitting on the board. Therefore, I ask whether, as a result of his presence on the board, the Government is aware of all the ramifications of the decision announced this morning. Although subscribers have paid $20 for 14 entries (seven double entries to seven productions), most of them have been able so far to use only two double entries to performances, so their position must be recognised. Although I do not suggest for a moment that their position is any different from the position of anyone else concerned with an organisation that goes into liquidation, in view of the matters I have raised, I seek clarification of the Government's position, as well as the situation of Theatre 62.

The Hon. J. D. CORCORAN: I think that the Leader will appreciate that I am unable to answer his question off the cuff, although I recognise the importance of the matters he has raised. I understand that not only the South Australian Government but also the Australian Government has been involved in financing this theatre. I will certainly have the matters the Leader has raised examined and bring down a report for him as soon as possible.

PRAYERS

Mr. JENNINGS: My question is addressed to you, Mr. Speaker. Are you aware that, during the reading of prayers, many people in the Strangers Gallery did not rise?

The SPEAKER: Order! Reference to the gallery is out of order.

Mr. JENNINGS: Well, Sir, may I put it this way? Would you, Sir, ensure in future that all people within this Chamber rise for the reading of prayers?

The SPEAKER: The matter was not brought to my notice, and I did not notice it myself. However, now that the honourable member has brought the matter to my notice I shall certainly inform all those concerned that the requirements of the House must be observed by all people inside the walls of the Chamber.

URANIUM

Mr. COUMBE: Can the Minister of Development and Mines say what is the Government's policy on the mining of uranium in South Australia? It was announced recently that uranium ore could be mined in the North of South Australia, around the Lake Phillipson area. Many people are concerned that this ore will be used later to produce a uranium enriched product for sale overseas. I therefore ask whether, in view of the considerable public concern on this matter, the Minister can state the policy of the South Australian and Commonwealth Governments on the mining of uranium in South Australia.

The Hon. D. J. HOPGOOD: Perhaps I should begin by pointing out what is probably obvious to the honourable member but may not be as obvious to the general public: that is, that no actual uranium mining is going on in South Australia at present. However, there is much exploration activity, and there is great interest in such activity. Several mining tenements have been issued, mainly to oversea mining companies. In evolving a policy on uranium mining the Government has been especially concerned to express itself to the current situation, which is one in which, as I have already stated, we have exploration but no exploitation. Honourable members will recall the outlines of the statement I made last year that the Government had made a policy decision about the equity holdings any company could have when mining uranium and other minerals in this State. That policy could not in any way apply to ventures that were already in operation: it could not apply to tenements already taken up, but it would apply in future.

The basis of that policy was that the Government was unconcerned about the equity structure of a company that was operating purely in the exploration phase, but once the company got into the exploitation stage the Government required a 51 per cent Australian equity. That announcement has been well received by mining companies now operating in South Australia. Regarding the down-the-road question whether uranium should be mined at all, I remind the honourable member that this will be part of a general decision that will be made on an Australia-wide basis: it will not be a decision made by the South Australian Government, nor, I believe, would it wish to make such a decision in isolation from the Australian Government or, indeed, from what other States are doing. The export of uranium is under the control of the Australian Government. We have indicated to companies operating in South Australia that have satisfied our guidelines that they still have a further hurdle to negotiate, since we cannot guarantee from our position that the Australian Government will award export licences for any uranium they may wish to export from Australia.

Similarly, so far as the enriching of uranium is concerned in this State, this is not a project that this State could undertake in isolation from the Australian Government: any such project would have to proceed with much financial support from that Government. Mr. Connor has made clear, for example, that any such facility should be a Government facility rather than one that would be conducted along private enterprise lines, and I assume that those people who have voiced serious environmental objections, not so much to uranium enrichment but, rather, to the fission process further along the chain, similarly would want a higher level of Government involvement in the whole process before they would be satisfied that proper safeguards could be achieved if, indeed, they could be satisfied. The policy decisions taken to date by this Government are those that I have outlined. Further policy decisions would have to be taken in the light of the sort of reply that the honourable member wants, but these cannot be taken in isolation from the rest of Australia.

PARLIAMENTARY PRIVILEGE

Dr. TONKIN: Will you, Mr. Speaker, say whether the disclosure by the Attorney-General of the details of a Bill, notice of the introduction of which has been given in this House, in such a way that a report has been published in the press this morning, before the introduction of the Bill, has led to any breach of privilege? In the past, we have become quite used to the situation where questions that Opposition members have placed on notice have been replied to during the week, before the following Tuesday, by way of Ministerial statements issued to the press. We

have become accustomed to details of Bills to be introduced being made available and made public, ostensibly so that public opinion may be obtained. Before the introduction of the most recent State Budget, details of it were released during the week preceding the week in which the Budget debate was held.

The SPEAKER: Order! The honourable member has asked a question about a specific Bill and a specific Minister, and his question must be confined to those matters.

Dr. TONKIN: On the Notice Paper for today, Notice of Motion, Government Business, No. 6, states:

The Attorney-General to move—That he have leave to introduce a Bill for an Act to amend the Electoral Act, 1929-1973.

That Bill has not been introduced, yet full details have been published in the press this morning and this afternoon. I consider that this matter should be inquired into to find out whether the release of the information constitutes a breach of Parliamentary privilege.

The SPEAKER: To deal with the latter part of the question first, no breach of privilege whatever is involved. Nothing laid down in the Constitution or in the Standing Orders of the House of Assembly prevents any member from making public statements about legislation or expected legislation. Since I have been a member of this House (which has been for many years and, in the minds of some people, for too long) Governments of both political colours have adopted this practice and procedure. No breach of privilege or infringement of Standing Orders or of the Constitution of South Australia is involved.

Mr. Venning: It's in bad taste.

The SPEAKER: Order! There may be an infringement of Standing Orders now.

EVAPORATION BASINS

Mr. ARNOLD: Will the Minister of Works say whether any effort has been made to release the good quality water at present being held in the Katarapko Island evaporation basin, other than by way of the existing siphon? The problem on Katarapko Island is of serious concern to the member for Mallee and me, and several times we have raised the matter of there even being an evaporation basin on the island, as well as the matter of the damage that it has done to the native flora. The situation at the moment is the reverse, because the quality of water in the evaporation basin, which is virtually full, is far better than that of the water in the river. The quality of the water in the basin on February 14, 1975, was 360 electrical conductivity units, whereas a sample taken from the river on February 17 indicated a salinity reading of 1 210 e.c. units. This has been brought to my attention, as well as that of the member for Mallee, by the Riverland Branch of the Society for Growing Australian Plants, which is based at Loxton. That organisation has expressed its concern in a letter to the Director and Engineer-in-Chief on February 21. I should appreciate any comment the Minister could make on the problem concerning Katarapko Island.

The Hon. J. D. CORCORAN: I am not aware of the letter that has been sent to the Engineer-in-Chief, although I am surprised to hear that the situation has been reversed; that is extremely unusual. I should think the engineer responsible for the management of the river would be delighted to rid the evaporation basin of water of the quality referred to. I cannot think of any reason why that should not be done. However, I will inquire this afternoon and let the honourable member know later whether or not there is a reason for holding the water; if there is, what that reason is; and, if there is not, why the water cannot be released.

Mr. NANKIVELL: Can the Minister say what stage has been reached in the planning evaporation basins and the pipelines to drain saline water away from the Murray River? The Minister is fully aware that, at present, most irrigation areas along the river have evaporation basins containing highly saline water close to the river. As my colleague has said, the basin that serves Loxton is on Katarapko Island, in the middle of the river. These basins will continue to pose a threat to salinity levels in the river unless something is done to remove them. Will the Minister therefore obtain a report on any progress in planning by his department dealing with this problem?

The Hon. J. D. CORCORAN: No solution to this problem has yet been found. The honourable member would be aware that, for some time, investigations into the problem have been taking place, especially following the receipt of the Gutteridge report which, in my opinion, did not pay sufficient attention to the problem we have within our borders. In my opinion, the suggestion that has been made by several people, especially those living along the river, that evaporation basins, or something like them, should be far removed from the river and that the drainage water should be pumped to them, does not represent an entirely satisfactory solution. It would seem that other action should be taken to solve this problem. However, I will obtain for the honourable member a detailed report that will show that much work has been done and that no real solution will result from doing what he has suggested.

SOUTH COAST HOUSING

Mr. CHAPMAN: Will the Minister of Development and Mines, as Minister in charge of housing, ascertain how many applications for rental housing in the Victor Harbor, Port Elliott, Goolwa and adjacent areas are currently held by the South Australian Housing Trust, with a view to comparing the number accrued in recent years with the limited response by the trust authorities to solve the shortage of housing in the area, and will he report his findings as soon as possible? It is claimed that by keeping these applicants at bay they will finally have no alternative but to fall in with what is presumably the Government's plan ultimately to force them to accept housing in Monarto. There is no doubt that concern is developing among the people involved and, following a recent threat by the Premier regarding the employment of certain members of the Public Service at Monarto, these people have become further concerned. It is also claimed that there is a deliberate slowing down of activity by the South Australian Housing Trust in this regard. Clarification is sought of the Government's true policy on rental housing in near-metropolitan country towns.

The Hon. D. J. HOPGOOD: I can get some detailed figures for the honourable member but on a State-wide basis Housing Trust completions are 61 per cent up on what they were this time last year, so the rate of building has accelerated appreciably. Without checking the figures, I cannot guarantee that that same percentage would apply to the South Coast as it would overall. However, any suggestion that it is part of a deliberate policy to force people to go to Monarto is ill-founded indeed. The Government does not intend people to be able to move into Monarto until the 1977-78 financial year, and in that initial year we expect a modest influx; so we would be looking at a situation whereby the Government would be deliberately keeping people on the waiting list until

the end of this decade. That attitude from a humanitarian point of view, apart from a political point of view, is simply not on. There is no nexus whatever between the queue for trust accommodation on the South Coast and the Government's strategy concerning Monarto. To reassure the honourable member further, I will try to obtain the most accurate figures that I can.

STUART HIGHWAY

Mr. GUNN: Will the Attorney-General ascertain from the Minister of Transport what plans the South Australian Highways Department has to upgrade the Stuart Highway? The condition of this road leaves much to be desired. At present, much material to be used in the reconstruction of Darwin is being transported over this road. As it is also being used by the local traffic from Coober Pedy, on many occasions it is impassable.

The Hon. L. J. KING: I will obtain a reply from the Minister, on his return.

WELLINGTON CENTRE

Mr. WARDLE: Can the Minister of Community Welfare say what has happened to the Aboriginal development at Wellington? A week before the 1973 election, the Premier announced that $1 500 000 would be spent on Aboriginal developments in the Wellington area. He said that a part of this sum would be spent during 1973 on projects such as workshops that would enable Aborigines to ply their traditional crafts, and a display centre for South Australia's museum collection of Aboriginal artifacts. At the time, this announcement caused a sensation, with many people looking forward eagerly to the completion of the work. Since then, as far as I know, nothing has been heard of the project, so I am wondering what has happened to the whole scheme.

The Hon. L. J. KING: Following the announcement to which the honourable member has referred, investigations took place regarding the planning of an intended Aboriginal cultural centre at Wellington. As the honourable member will be aware, shortly after that the Australian Government assumed responsibility for Aboriginal affairs, also becoming involved in discussions regarding the financing of this project. Questions were raised, such as whether a single Aboriginal cultural centre at Wellington would be the ideal way of approaching the matter or whether it might not be better to establish smaller cultural centres in areas where there were Aboriginal populations. A report was obtained about these suggestions. Since then discussions have continued with the Aboriginal community and the Commonwealth Government. I am not able to tell the honourable member just what is the present state of the matter, because discussions have been conducted through the Premier's Department, although I have had some knowledge of the matter as Minister of Community Welfare. However, I will obtain an up-to-date report for the honourable member.

POLICE PICTURES

Mr. MATHWIN: Will the Attorney-General ask the Chief Secretary to have supplied to kindergartens large pictures of South Australian policemen and policewomen? Kindergarten teachers instruct pre-school children that, if they are ever in trouble, they should approach a policeman or a policewoman. The dress of these officers in South Australia is different from police dress in some other States. Police officers attend kindergartens to instruct the children. It is unsatisfactory to tell small children that, in a case of abduction, of being spoken to by a stranger, or of some other trouble, they should seek a police officer, without giving them a picture of what that officer looks like in his uniform. They must be given some idea of what to look for when they seek a police officer.

The Hon. L. J. KING: I can only say that one of the first things my own children learned was what a policeman in uniform looked like; they seemed to be fascinated by this from the first time they started to take notice of things. Although I shall be surprised if there is a problem in this area, I will refer the matter to my colleague; the Minister of Education may also be interested.

PAY-ROLL TAX

Mr. BECKER: Can the Deputy Premier say whether the Government will exempt South Australian National Football League clubs and other similar sporting bodies from the payment of pay-roll tax? I understand that, under the Pay-roll Tax Act, some S.A.N.F.L. clubs have now been informed that they will be required to pay pay-roll tax on all payments they make to their players. I have been told that league football clubs have incentive clubs, social clubs, vice-president clubs, and so on, that are involved in fund raising, the funds then being passed on to the controlling club for payment to its players. Members and supporters of clubs also make direct donations for payment to players as bonuses, incentives, and so on.

I have been told by one league football club that last financial year its pay-roll tax on these payments would have been $2 500. The State Government took over collecting pay-roll tax in 1971, and the club's payment since then would have been about $10 000. Another league football club has told me that its payment would have been even greater. If these payments can be taken as a guide to payments that would have to be made by other league football clubs, the State would receive a total benefit in this way of about $100 000. However, the clubs would be robbed of this money, which they now use in their expansion programmes in relation to Australian football in schools in their district, and so on. Will the Government consider some exemption in the case of these clubs?

The Hon. J. D. CORCORAN: I shall certainly be pleased to refer the matter to the Treasury, although I know nothing about it. I take it that the honourable member says that he heard the tax would be retrospective to 1971.

Mr. Becker: Yes, that can be done under the Act.

The Hon. J. D. CORCORAN: It can be done, but I take it that the honourable member suggests that, if it were taken back to 1971, the payment would be as he suggests; he is not suggesting that it will be taken back to 1971.

Mr. Becker: Yes.

The Hon. J. D. CORCORAN: As I have said, I know nothing about the matter. I will have it examined for the honourable member and the points he has raised considered if, in fact, it is intended to do what has been suggested to him.

HOUSING INTEREST

Mr. McANANEY: The Government having offered to help a certain organisation that is in trouble regarding interest rates, can the Deputy Premier say what assistance the Government can give a young couple in my district who are in financial trouble in purchasing their house? In January, 1974, they came away from an interview at the State Bank with the understanding or misunderstanding that they would receive from that bank a loan in six months.

On that basis, they took out a loan for a year at the rate of 13½ per cent interest a month. They have now been informed by the State Bank that the waiting list for housing loans on existing houses is three years. This young couple now have to pay 20 per cent interest on the loan they have, or sell the house. I have made inquiries all over South Australia, without success, to help them find finance. What assistance can the Government give in cases such as this?

The Hon. J. D. CORCORAN: If the honourable member will be kind enough to give me the name and address of the people concerned, I shall investigate the matter immediately and let him know the outcome of that investigation.

BULK PETROL TANKS

Mr. GOLDSWORTHY: Will the Minister of Labour and Industry investigate the use of bulk petrol tanks in district council depots, especially the depot of the Angaston District Council? This council has acquired a 500 gall. petrol tank, but, under the terms of the Motor Fuel Distribution Act, it is unable to operate the tank at present because it does not use the gallonage each month that is specified in the Act. I understand that there are several ways in which the problem can be solved: one is for the Minister to make a proclamation under section 53 and exempt these depots, and there may be other ways. During the recent bush fires in the district, the council had to refuel its trucks and equipment but, because the bulk petrol tank could not be used, one of the local garage proprietors had to be asked to open his garage. Further, as it is frequently necessary in this district to send vehicles to pick up fallen tree limbs, the present situation is most detrimental to the efficient operation of the council's vehicles and equipment. As I think the Minister will be aware that it is necessary to accommodate people experiencing this problem, and this council especially, and I shall appreciate any action being taken that may solve this problem.

The Hon. D. H. McKEE: I will have the matter examined and, if there is any possible way that we can help, I am sure we will do so. I will obtain a report for the honourable member as soon as possible.

PARA VISTA SCHOOL

Mrs. BYRNE: Because of the danger to students attending the Para Vista Primary School, caused by the volume of vehicular traffic in Lorraine Avenue and Don Street, will the Minister of Education treat the action necessary to solve this problem as a matter of urgency? The Minister will recall that he received correspondence, dated December 4 last year, direct from the school council, to which he replied on January 16. Following this action, the school council sent a further letter, dated February 12, direct to the Minister, and a copy was sent to the member for Florey (in whose district the school is situated) and also to me (because children from my district attend the school), asking for our intervention. I put the following details to the Minister: the school has more than 1 000 students; this number will increase with the provision of pre-school activities; the scheduled addition of the dental clinic will compound the problem; Montague Road is potentially more dangerous than Lorraine Avenue, and therefore Lorraine Avenue is used as the main access to the school; and, in addition, because of the location of property around the school, Lorraine Avenue is the only major access. The school council has suggested that the solution to the problem for the Education Department would be to acquire two vacant blocks of land in Lorraine Avenue. I ask the Minister to examine all aspects of what has been suggested and, despite the cost, if the only real solution to the hazard (which is admitted) is to acquire the land, I ask also that the land be purchased.

The Hon. HUGH HUDSON: Before replying to the question of the honourable member, may I draw the attention of all members to the fact that the member for Tea Tree Gully, the member for Victoria, the Minister of Environment and Conservation, and I are 10 years old in this place today. May I wish the other members, and me, many happy returns.

Mr. Coumbe: This will cost you something later on.

The Hon. HUGH HUDSON: I have already had an offer from the member for Victoria. Although 10 years is a long time, it seems to have passed rapidly indeed. Concerning the problem at this school, the department has already examined the matter in some detail and is re-examining it as a result of the further request from the school. However, the school already has four hectares, which is the maximum area normally allowed for a primary school. Furthermore, we are not a road safety authority. I am not sure what the position is regarding traffic lights outside the school or whether there are inadequacies in that respect; nor am I sure whether the school council has discussed the matter with the local council or the Transport Department. However, I will ensure that those aspects are investigated this time. For the benefit of the honourable member, may I say that the tone of approach of the school council in this matter, which suggested that if the Education Department did not do something about it it would hold me personally responsible, was not appreciated. The honourable member need not pass on that message, as I will do so. We are not experts on traffic problems and must seek advice from those who are. We shall do that and, following their advice (as well as ascertaining who has specific responsibilities, including possibly the council), we will send a further reply to the school. If it is necessary to assist the school in making the appropriate approaches to the road safety authorities, we shall certainly do so.

SUPERPHOSPHATE

Mr. BLACKER: Can the Minister of Works, representing the Minister of Agriculture, say whether the State Government will negotiate with the Australian Government about the findings of the Industries Assistance Commission with respect to the superphosphate bounty being made retrospective? I ask the question in the interests of manufacturers as well as people in primary industry as a whole. As the Minister is no doubt aware, a superphosphate plant cannot be shut down for more than a few months, because it uses sulphuric acid and, if plants are shut down for more than a few months, they cannot be restarted. Primary producers are aware that the matter of the superphosphate bounty is being reconsidered by the commission. Consequently, primary producers will not purchase supplies of superphosphate until the commission's decision is known. If an assurance can be obtained that any finding of the commission will be retrospective, producers will obtain their requirements of superphosphate, thereby alleviating the need for excessive stockpiling by manufacturers or the need for plants to shut down.

The Hon. J. D. CORCORAN: I believe there would be no objection to that course being followed. The South Australian Government could ask the commission not only to consider the matter but also to hasten its decision so

that people would know what was happening. Hopefully, the problem raised by the honourable member will exist for only a short time.

AREA IMPROVEMENT PROGRAMME

Mr. MAX BROWN: I direct my question to that scholarly gentleman the Minister of Development and Mines. However, there are others with that qualification in the House, too. Has the Minister any information as to the allocations to be made available under the area improvement programme in the Spencer Gulf region? I understand that the Commonwealth Minister for Urban and Regional Development (Mr. Uren) has made a decision on this matter, so I am most interested, as are other members representing districts adjacent to the district I represent, to know what allocations will be available and on what types of project the money will be spent.

The Hon. D. J. HOPGOOD: Knowing the interest the honourable member has in this matter, I happen to have some information for him. By agreement with the Australian Government, the Minister for Urban and Regional Development (Mr. Uren) and I will today make a joint announcement concerning a number of projects that come within the general ambit of the $500 000 area improvement programme that was announced some time ago for the Spencer Gulf region. The announcement arises out of the signing, last year, of an agreement between the State and Commonwealth Governments under the Urban and Regional Development Finance Assistance Act. The Commonwealth Minister and I can now announce 26 approved projects amounting to a total allocation of $365 110. The balance of the $500 000 allocation to be made available to the region will be covered by grants to be announced soon. The projects have been determined in full consultation with local councils and the regional authority. The Development Division, which is responsible to me for policy, has been negotiating on behalf of the State Government. The projects fall into two categories. There are certain regional projects totalling $43 000, as follows: three projects costing $10 000 for Crystal Brook; one project costing $10 000 for Georgetown; one project costing $10 000 for Jamestown; one project costing $3 325 for Laura; one project costing $9 500 for Peterborough; five projects costing $90 885 for Port Augusta; two projects costing $10 000 for Port Germein; one project costing $65 000 for Port Pirie; one project costing $3 000 for Spalding; one project costing $10 000 for Wilmington; and four projects costing $100 400 for Whyalla. I have specific information regarding those projects and, because it is purely factual and relatively abbreviated, I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

PROJECTS APPROVED FOR THE NORTHERN SPENCER GULF REGION

Regional projects:

The sum of $15 000 to cover the costs of research and demonstration projects on matters of tourist, recreational or environmental interest. The Tourism, Recreation and Environment Committee will give advice on these matters and in some cases supervise the carrying out of research and works. Projects would include development of the Crystal Brook tourist corridor, the restoration of the Kanyaka homestead ruins and a town beautification scheme for Wilmington; $12 000 to cover consultant fees to investigate a wireless network for civil defence, fire fighting and other purposes; $5 000 to facilitate investigation of the feasibility of a regional pre-mix batching plant and pool of earthmoving equipment; $5 000 towards the costs of establishing a regional information centre; $6 000 to enable the publication of a regional news magazine.

Crystal Brook District Council:

The sum of $4 000 towards reconstruction and landscaping of Adelaide square; $3 000 to cover the cost of construction of a public incinerator; and $3 000 for land acquisition.

Georgetown District Council:

The sum of $10 000 towards drainage works.

Corporation of Town of Jamestown:

The sum of $10 000 to cover the costs of landscaping and tree planting on park lands in Irvine Street.

Laura District Council:

The sum of $3 325 to cover the cost of constructing concrete water tables in Herbert Street.

Corporation of Town of Peterborough:

The sum of $9 500 towards works associated with the Victoria Park recreation area, including an artificial lake and railway museum.

Port Augusta City Council:

The sum of $5 000 to cover costs of consultant's fees for works to be carried out on the stormwater ponding basin in Carlton Parade.

The sum of $31 000 to cover costs of purchasing and installing an automatic stormwater pump at the stormwater ponding basin in Carlton Parade and associated works at the Seaview Road basin; $37 885 to cover the costs of establishing a parks and gardens centre; $5 000 towards the costs of consultant's fees for preparing master plans for the development of vacant park land adjacent to Central Oval and Chinney Park Oval; $12 000 for land acquisition.

Port Germein District Council:

The sum of $5 000 to cover the costs of consultant's fees and associated works for a drainage scheme in Stephens Street, Booleroo Centre; and $5 000 to cover the costs of foreshore improvements and tree planting at Port Germein.

Port Pirie City Council:

The sum of $65 000 towards the costs of the council's drainage scheme.

Spalding District Council:

The sum of $3 000 for land acquisition.

Wilmington District Council:

The sum of $10 000 towards the costs of remodelling the Wilmington Institute kitchen.

Whyalla City Council:

The sum of $45 800 to cover the cost of establishing a fauna and reptile park; $3 600 to cover costs of constructing a "skid-kid track", a safe area for children to ride push-bikes; $22 000 to cover costs of works at the civil defence depot; and $29 000 to cover the costs of design work and preliminary works associated with underground drainage along Racecourse Road.

BAILIFFS

Mr. RODDA: Has the Attorney-General considered the appointment of bailiffs by councils to deliver summonses that are now being delivered by members of the Police Force? It has come to my notice that, in some local courts, there has been from time to time a backlag in the delivery of summonses that has been brought about by the resignation of police officers who have acted as bailiffs. I understand that these police officers used to deliver summonses in their own time and that that is one reason among others why they have resigned. Following the appointment of bailiffs in Victoria, members of the legal fraternity in my district believe that, in the South-East anyway, bailiffs should be appointed.

The Hon. L. J. KING: There are a number of aspects relating to this matter, and they have been considered at various times. In the metropolitan area, of course, there is the question whether we should have full-time bailiffs for the purpose of serving processes so that they are not handled by the Police Force to the extent that is now the case. When one considers country areas it is a much more difficult situation and the services of local police officers may become necessary. I understand that the honourable member is putting as a suggestion that, in country towns, summonses could be served by bailiffs who could be appointed for part-time duties and who are not police

officers. That possibility has been considered but involves difficulties. In the Police Force itself there is the question whether police officers should serve summonses. Some officers find it a nuisance, while others believe that their time could be spent more effectively in other ways. Other police officers believe that serving summonses provides a useful supplement to their income, so they rather enjoy serving processes. I do not know of a case in recent times where there has been a backlag of processes in a country town. If the honourable member can draw my attention to a special case, I shall certainly have it looked at. However, I would point out that the whole matter has been considered from time to time. There is, however, no immediate plan considered to appoint bailiffs other than police officers. I will look at any instance the honourable member raises as to the difficulties of getting processes served.

GOODWOOD PRIMARY SCHOOL

Mr. LANGLEY: Will the Minister of Education obtain an up-to-date report on the progress of work on the new Goodwood Primary School, which is to include pre-school, infants and primary classes? In addition, can he say what will be the expected completion date and final cost? Goodwood Primary School is near a main road, and the pupils and teachers, who experience much noise, must also put up with poor playing areas and arduous teaching conditions. Teachers and pupils alike, therefore, are looking forward to moving into their new quarters.

The Hon. HUGH HUDSON: I will bring down a reply for the honourable member on those matters as soon as possible.

MONARTO

Mr. DEAN BROWN: My question is supplementary to the question asked yesterday by the member for Murray. Will the Minister of Development and Mines say why the Government deliberately has failed to announce publicly the scaling down of the Monarto new town project? Apparently, the Government has decided to greatly reduce the expected size of the new town of Monarto, but has not made a public announcement to this effect. I will give certain information as evidence of the scaling down. Apparently, the expected population of Monarto by the year 2000 is now only between 50 000 and 60 000. I have that on reliable information, and those figures compare with an expected population of 180 000, based on the Monarto planning studies prepared only last year. This claim is substantiated by the Premier's recent predictions that Adelaide's growth rate would be insufficient to provide 180 000 people at Monarto by the turn of the century, even if the entire increase in the population was moved to Monarto.

The second reason for this claim is that the contract with the international consultants for the Monarto concept plan (Kazanski and Associates) has been cancelled by the Government at the end of the first stage. I understand that this was a two-stage contract, with the right for either party to cancel at the end of the first stage. The fact that the consultants have vacated their offices on Greenhill Road confirms this cancellation. The third point is that the Monarto authorities concluded that the total expenditure for the nine years up to and including 1984-85 would be $600 000 000. In addition, gross public expenditure, according to the report, would peak at about $85 000 000 in 1977-78 and then decline slowly. However, in a letter written by the Premier (of which I have a copy) dated December 23, 1974, he announced expenditure over the five-year period from 1974-75 to 1978-79 of only $125 000 000. That is less than one quarter of the figure given in the planning study and it is near the figure for peak expenditure in only one year. Doubtless that information is correct, and it leaves no doubt that there has been a dramatic scaling down of the whole Monarto project, but the Government has not announced it publicly.

The Hon. D. J. HOPGOOD: The honourable member was not listening yesterday when I gave information, or else he does not believe what was in the reply, or he has deliberately distorted the facts to suit his own purpose. Let me explain to the House, particularly for the benefit of those members who were not able to hear as well as other members were, exactly what I said yesterday. In preparing the material that was placed before the Minister for Urban and Regional Development last year, some of the earlier estimates, made before the commission was established and back in the days of the steering committee, were modified substantially in the light of what we saw as being a substantially reduced population growth rate in the whole of Australia, but there has been no movement away from the position that we placed before the Minister for Urban and Regional Development last year. The figures which the honourable member has quoted and which he has ascribed to the Premier were given to the Australian Minister. This Government never has accepted any serious estimate of the population of Monarto in the year 2000. This Government accepts a target for the quinqennial period from the first movement of people to Monarto in the financial year 1977-78, and the honourable member may take it from me that the figures in that target are the only official figures that the Government accepts. Anything else down the line is sheer speculation. Certainly, we will not accept estimates of what the population of the new city will be in 1990 or 2000.

I said yesterday that we expected to have for the Minister for Urban and Regional Development, at the meeting later this year, an indication of the sources of the target population for the first five years. We will tell the Minister whence we expect people to come. We also would expect to have a good idea (in fact, we already have it) of the scale of industrial development that will be necessary to support that sort of population. For the honourable member's purpose, I point out that it is only about 10 per cent of what we expect to be the State's industrial development in that period. The cancellation of our contract with the Kazanski consultancy is irrelevant to our idea of how quickly Monarto will increase in size, because that consultancy had a special input to make to the programme, just as the Pak-Poy consultancy had. The latter consultancy is not now involved, nor is the Kazanski consultancy involved. There was nothing more sinister about ending the Kazanski consultancy's engagement than there was about ending the Pak-Poy consultancy's engagement. I repeat that we are working on the figures that we have been working on since the detailed planning was made for the Ministerial meeting last year. Those figures represent a modification of earlier projections that were made in the steering committee stage. We see no need for further modification, having regard to those earlier modifications. The honourable member may read anything he likes into the figures: that is his prerogative.

RAILWAY TAKE-OVER

Mr. BOUNDY: Will the Deputy Premier say whether the Premier and the Minister of Transport are absent from the House today in connection with the transfer to the

Australian Government of this State's country rail services? Reliable sources indicate that the Premier and the Minister of Transport are absent today because of a discussion of the take-over of our railways by the Australian Government. I think that members of the public, as well as members of this House, would like clarification of this matter.

The Hon. J. D. CORCORAN: The Premier and the Minister of Transport are meeting the Prime Minister this afternoon, and I should expect the Premier to make an announcement in due course about the business involved in that discussion.

DOMICILIARY CARE

Mr. EVANS: Will the Minister of Community Welfare ask the Minister of Health why State domiciliary care is not available for people who reside in the Mitcham Hills or in the Stirling council area? People in the Mitcham Hills area who have applied for help of this kind have been told that it is not available to people who reside in that area. A similar position applies in the Stirling area. However, they are both parts of the metropolitan area and, although some consider them to be affluent areas, there are people living there who are in poor circumstances and, because of their state of health, need help. These people live in the coldest and wettest part of the State, generally in houses that do not have all the facilities that more affluent people may have to provide warmth and comfort. There is a need to provide the service in those areas.

The Hon. L. J. KING: I will refer the matter to the Minister of Health.

GOATS

Mr. ALLEN: Can the Minister of Environment and Conservation say whether action has been taken to control the number of feral goats in national parks in the Flinders Range? I understand the goat population has increased considerably because of the recent bountiful season in that area. This is causing no problem to private landholders because there is a lucrative market for these goats at the Peterborough meatworks. I understand the works is paying $4 a head for every goat over 9 kg in weight and that the goats are more valuable than shorn sheep. Landholders are rounding up as many goats as they can but they are leaving all the goats weighing under 9 kg. Recently 3 000 goats came from the Lake Frome area and over 500 were taken from Nepabunna Reserve, even though the reserve is a hilly area. There is a problem at Arkaroola and recently a television segment showed goats being shot in that area. Many protests were received following the showing of that segment. It may be possible to trap the goats on water rather than shoot them in national parks as has been done recently.

The Hon. G. R. BROOMHILL: This is a serious matter because the goat population in the Flinders Range is increasing and these animals can cause damage. We are currently looking at ways in which the goat population may be controlled. It is a simple matter in the level sections of the countryside, especially when the goat is of some value. Incredibly, however, many of the goats head for the mountains, where it is very difficult to round them up because of the rugged and inaccessible nature of the countryside. The honourable member referred to a recent television programme that showed goats being shot in that area in a way I deplore. Many protests were received from members of the community. Let there be no misunderstanding: that television segment was not supported in any way by the National Parks and Wildlife Service. The problem is a major one but, if the suggestions made by the honourable member are followed, they may go a long way towards relieving the difficulty. The National Parks and Wildlife Service is directing its attention towards overcoming the difficulties as quickly as possible.

ART GALLERY ACT AMENDMENT BILL (BOARD)

Returned from the Legislative Council with amendments.

UNDERGROUND WATERS PRESERVATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Savings Bank of South Australia Act, 1929-1973. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This short Bill, which arises from a recommendation of the trustees of the Savings Bank of South Australia, proposes certain modifications to the scheme of retirement benefits provided for officers of the bank who joined that institution before 1958 and who did not elect to participate in the contributory scheme made available under the Superannuation Act for all new entrants after that date. Briefly, the scheme intended to be somewhat improved is a non-contributory scheme that provides for a month's salary for each year of service spent by the participant on the fixed establishment of the bank. Members will recall that last year a new method of calculating the month's salary was provided for.

The Bill makes two changes to ensure that the retirement benefit provisions applicable to the pre-1958 officers are, taking into account that it is a non-contributory scheme, about comparable with that applicable to their counterparts who joined the bank after that year.

First, it is provided that, where an entitled officer dies in service or retires on account of age or invalidity, the lump sum payable shall be increased by 15 per cent. Secondly, it is provided that, should the proposed recipient so elect, this lump sum, as increased, can be converted into a pension with a pension cover for a widow. This pension will be subject to cost of living increases in the same manner as the pensions payable under the Superannuation Act. This then is the substance of the measure in outline. However, because of the importance of the measure to the bank officers affected, it seems desirable that the only operative clause, clause 2, be subject to a detailed examination.

Clause 2 repeals and re-enacts section 20 of the principal Act. Subclause (1) is formal. Subclause (2) provides for a 15 per cent increase in pension for officers, clerks, or servants, who retire having attained the age of 60 years or who are invalided out of the service. Subclause (3), in effect, provides only a "standard" lump sum, that is, one not subject to the 15 per cent increase for officers

etc., who retire other than on account of age or invalidity after 20 years service on the fixed establishment of the bank.

Subclause (4) re-enacts an existing provision as to the calculation of the lump sum which was passed by this House last year and which has been adverted to earlier. Subclause (5) provides for a lump-sum payment, subject to a 15 per cent increase, on the death of an officer, clerk, or servant. Subclause (6) is formal and self-explanatory, as is subclause (7). Subclauses (8) and (9) provide for the payment of a pension in lieu of the lump-sum payment Subclause (10) is formal.

Mr. McANANEY secured the adjournment of the debate.

STATUTES AMENDMENT (JUDGES' SALARIES) BILL

The Hon. J. D. CORCORAN (Deputy Premier) obtained leave and introduced a Bill for an Act to amend the Supreme Court Act, 1935, as amended; the Industrial Conciliation and Arbitration Act, 1972, as amended; the Local and District Criminal Courts Act, 1926-1974; and the Licensing Act, 1967, as amended. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

This Bill is designed to alter the manner in which the salaries of the honourable Chief Justice, Their Honours the judges of the Supreme Court, the President and Deputy Presidents of the Industrial Court, the Senior Judge and other judges of the Local and District Criminal Court, and the Chairman and Deputy Chairman of the Licensing Court are determined. Instead of the salaries being adjusted by amendment of the several Acts involved, it is intended that they be adjusted by determination of the Governor. This would allow adjustment in terms, for example, of the rise in the cost of living wage, without the necessity of the full legislative processes being involved.

The Bill amends the Supreme Court Act, the Industrial Conciliation and Arbitration Act, the Local and District Criminal Courts Act, and the Licensing Act, with similar amending provisions in each case. Generally, the amendments give effect to the following principles:

(1) The salaries of members of the Judiciary involved are determined by the Governor.

(2) The salaries as determined may not be less than the "prescribed minimum salary". A definition of this phrase is added to each Act and is commended to members' attention. Traditionally, the Judiciary has been protected from the vagaries of the Executive and Legislature in relation to tenure and salary, and these provisions give legislative effect to that tradition.

(3) Provision is made for possible retroactivity of salary determinations to enable judicial salaries to be adjusted with effect from the same day.

(4) Until the first determinations are made under these amendments, salaries are to be paid at the level at which they are now set.

To consider the Bill in detail: Clauses 1, 2 and 3 are formal. Clause 4 amends the Supreme Court Act, and clause 5 is formal. Clause 6 amends the Industrial Conciliation and Arbitration Act, and clause 7 is formal. Clause 8 amends the Local and District Criminal Courts Act, and clause 9 is formal. Clause 10 amends the Licensing Act.

Mr. COUMBE secured the adjournment of the debate.

TEACHER HOUSING AUTHORITY BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

The Hon. HUGH HUDSON (Minister of Education) obtained leave and introduced a Bill for an Act to make provision for suitable housing accommodation for teachers; to provide for the establishment of the South Australian Teacher Housing Authority; and for other purposes. Read a first time.

The Hon. HUGH HUDSON: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Mr. Goldsworthy: No.

The SPEAKER: Leave is refused. The honourable Minister of Education.

The Hon. HUGH HUDSON: In following the custom in relation to this matter, I provided the Leader of the Opposition with copies of the second reading explanation at 2 o'clock this afternoon. I point out that this has been done merely because I realise that it is the custom of the member for Kavel to refuse leave.

This Bill provides for the establishment of the South Australian Teacher Housing Authority. The authority will be an incorporated body consisting of three members, representing the Minister, the South Australian Housing Trust, and the South Australian Institute of Teachers. The functions of the authority will be to acquire land, and acquire or construct houses for teachers or officers of the Education Department and Further Education Department. The authority will have no power of compulsory acquisition. The requirements for improved standards of secondary education have resulted in higher enrolments and, together with reduced pupil-teacher ratio brought about by a 25 per cent increase in the number of teachers employed by the Education Department since 1968, this has caused an unprecedented demand for teacher accommodation, both married and single, particularly in country areas. In addition, easing of the teacher bonding system has made it necessary to improve conditions of country service to retain teachers in these areas. Young single teachers, who previously were willing to board with families, now almost invariably desire flat or house accommodation.

Finance is a limiting factor at present, and Loan fund allocations provide only for some 30 replacement or new houses for teachers each year. The authority will be paid Loan funds, which are at present allocated to the Public Buildings Department, for teacher housing and maintenance, and will also have power to borrow money to carry out its functions. So long as the authority borrows no more than $500 000 a year, that borrowing can take place outside the Loan Council without requiring Loan Council approval. That borrowing will enable additional funds to go into teacher housing without any impact on the overall Loan works programme of the State or any impact on the school building programme.

At present, the Education Department, Further Education Department, Lands Department, Public Buildings Department and the South Australian Housing Trust are involved in providing accommodation for teachers. It is considered that an independent Teacher Housing Authority would be able to make better use of the resources of the various departments and the trust. Action has also been taken in other States in connection with housing for teachers and public servants. In Western Australia, for instance,

the Government Employees Housing Authority was constituted under an Act of Parliament proclaimed on August 2, 1965. The authority was created for the specific purpose of providing adequate and suitable accommodation for Government employees stationed in country areas.

The Victorian Education Department examined the scheme operating in Western Australia, and subsequently recommended a Teacher Housing Authority to deal with housing for teachers. The Victorian Teacher Housing Authority, which was approved by the State Parliament on December 22, 1970, is an independent statutory body under the Ministry of Housing. As the remaining part of the explanation deals with the formal clauses, I seek leave to have it inserted in *Hansard* without my reading it.

Mr. Goldsworthy: No.

The SPEAKER: Leave is refused. The honourable Minister of Education.

The Hon. HUGH HUDSON: I do not think there is any purpose in getting further down to the level of the member for Kavel.

The SPEAKER: Order!

Mr. Goldsworthy: You'll read them all.

Dr. Eastick: You'll do them all the way through if you start to fool around.

The SPEAKER: Order! The honourable Minister of Education.

The Hon. HUGH HUDSON: The Leader of the Opposition and the member for Kavel are feeling their wild oats.

Dr. Eastick: That's got nothing to do with the Bill.

Mr. Coumbe: Get on with it!

The Hon. HUGH HUDSON: I will do it in my own way, and I will make this speech in the way I mean to make it: make no mistake about that.

Mr. Goldsworthy: Standing Orders according to Hudson!

The SPEAKER: Order!

The Hon. HUGH HUDSON: Clauses 1, 2, and 3 are formal. Clause 4 provides several definitions necessary for the purposes of the new Act. It will be helpful if I go through the definitions in some detail and explain them, particularly for the benefit of the member for Kavel, because he may not understand that the definitions are necessary in order to ensure that what is contained elsewhere in the Bill means what it is intended to mean.

The definition of "the authority" means the South Australian Teacher Housing Authority; the definition of "the fund" means the fund that is to be established by this Bill; the definition of a "house", as members would appreciate, is most necessary; and the clause also contains definitions of "member" and "teacher".

Clause 5 establishes the authority and sets out its legal identity. The normal provisions that prevail in the establishment of an authority are set out in this clause. Clause 6 deals with the membership of the authority. The member for Kavel, if he closely examines the Bill, will be able to see, albeit with some effort, that the membership of the authority comprises three people, one of whom is, in the opinion of the Minister, a suitable person to represent the interests of the Education Department and the Further Education Department, and he is nominated by the Minister. The second member or officer shall be a member of the South Australian Housing Trust nominated by the Minister for appointment to the authority. The third member is nominated by the Minister after consulation with the South Australian Institute of Teachers; he will represent the interests of teachers on the authority. The Governor is to appoint the Chairman of the authority.

The membership of the authority indicates the general purpose that was intended of ensuring a more unified approach to the overall administration of teacher housing than has been the case in the past. The member for Kavel and the Leader of the Opposition may recall that, earlier in this explanation, I referred to the many authorities currently involved in the administration of teacher housing. Clause 7 deals with the appointment and the term of office of members. That is a formal provision, except that the term of a member cannot exceed four years. That term is probably longer than would be the case in relation to other Government appointments. Subclause (2) provides for the appointment of deputy members to the authority, and subclause (3) sets out the circumstances in which the Governor may remove a member of the authority from office. Clause 8 provides for the allowances and expenses of members to be paid out of the fund to be set up under the Act, and those allowances and expenses must be approved by the Governor in Executive Council.

Clause 9 deals with the conduct of meetings of the authority. Members will be interested to know that the provisions with respect to the conduct of meetings are almost identical to those relating to the conduct of meetings under any other Bill that has ever been introduced in this place to establish a statutory authority. No doubt the Leader of the Opposition requires that information, and if he requires any more I shall be only too pleased to provide it for him. Clause 10 is a saving provision. Clause 11 enjoins disclosure by members of conflicting interests and forbids a member who has an interest in a contract to take part in deliberations concerning that contract.

I am sure that all members will agree that that is a necessary provision of the Bill. Clause 12 confers a power of delegation on the authority. It is a delegation that applies only in relation to someone who is employed by the authority; it does not derogate from the power of the authority itself to act in any matter. Clause 13 sets out the powers and functions of the authority, which powers include the acquisition of houses and land, construction of houses, provision of services, subdivision of land, fixing of rents (on criteria to be approved by the Minister), and inquiring into matters affecting the business of the authority.

Clause 14 provides that the authority may accept gifts. I believe that provision is suitable. Clause 15 provides for the transfer by the Minister of houses and land that are held by him for the purpose of supplying housing for teachers. I imagine that that would be a gradual transfer, because the Minister now holds more than 1 000 houses at any one time. Clause 16 provides that the authority shall make available houses for teachers at the request of the Minister, and that the authority may let two persons other than teachers any house that is not required immediately for teacher housing. Clause 17 deals with staff. Under this clause the authority may make use of the services of officers of the Public Service or the South Australian Housing Trust. The terms and conditions of employment of those authorities are somewhat different. Members will appreciate that this power gives the authority some degree of flexibility in the way in which it staffs its overall operations.

Clause 18 confers a power to borrow money under the usual conditions. Clause 19 establishes the Teacher Housing Authority Fund. Clause 20 provides that the authority shall present estimates of revenue and expenditure to the Minister as soon as possible after the commencement of the Act, and then annually. Clause 21

confers a power of investment on the authority. Clause 22 provides for accounts and audit. The authority is purely a Government operation, and the person who is to carry out the audit is the Auditor-General. The audit must be carried out at least once a year. Clause 23 provides that the authority shall submit an annual report, with audited accounts, to the Minister.

Clause 24 provides that the Minister may pay the authority a sum in lieu of rent if a house becomes vacant, for instance, through the transfer or resignation of a teacher. Clause 25 confers a power on the Governor to make regulations, especially as to the terms of leases between the authority and teachers. In conclusion, may I say that I appreciate greatly the work that has been carried out by officers of the Education Department in co-operation with the Institute of Teachers in preparing this legislation, which I commend to the attention of the House.

Mr. GOLDSWORTHY secured the adjournment of the debate.

FENCES BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to provide for the erection, replacement, repair and maintenance of fences; to repeal the Fences Act, 1924-1926; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

It is designed to give effect to the recommendations of the Law Reform Committee contained in its twenty-sixth report. The present law relating to fences and fencing is an Act of 1924 and was passed to cure the fact that earlier Fencing Acts dealt with country rather than urban conditions. At this stage, where most fencing disputes are urban and the balance of the distribution of population between urban and country has shifted considerably in 50 years, it is apparent that the provisions of the 1924 Act require reconsideration. The type of fencing people wish to erect today is far different from that commonly in use in 1924, and the present position is that, except by agreement, fences of brick or stone, brush fences, wrought iron fences, ornamental fences, low boundary fences, and many others are not within the provisions of the Fences Act.

Many provisions in the present Act have caused considerable argument in the past, and over the years it has become apparent that there are many gaps in the legislation. The definition of "dividing fence" has caused difficulties in that in a number of the inner suburbs, for reasons that are now quite obscure, small rights of way of about 30 centimetres or 60 cm are not uncommon. North Unley and North Adelaide, for example, have many of them. These do cause trouble in practice. The 1924 Act does not contain any definition of "owner of land", and the definition of "occupier" is deficient in many respects. It has been held that a local council is not an occupier of land within the meaning of the Act. It is undesirable that there should not be a fence between reserves and private property, and it is only fair that, where reserves occur and the adjoining owner asks the council to contribute to the erection of a common fence between him and the reserve, the council should bear its proportion of the expense. The definition of "occupier" does not include the case where property is let to a tenant or a mortgagee in possession. The lack of any definition of "replacement, repair or maintenance work" has caused considerable argument in the past.

This Bill is aimed at eliminating the gaps and uncertainties in the present law, as well as improving the procedures whereby fencing disputes can be settled. Clauses 1, 2 and 3 are formal. Clause 4 contains the definitions necessary for the interpretation of the Bill and these are designed to eliminate the gaps referred to above. Clause 5 sets out the notice which an owner of land who proposes to erect, replace, repair or maintain a fence must give to the adjoining owner. The notice to be given deals with the matter in much greater detail and in much better form than the corresponding provision under the 1924 Act. Clause 6 is a new provision designed to ensure that the person who makes the original proposal for a fence knows the full scope of the adjoining owners' objections to the fence so that he can deal with them. Again, it is of importance to any court before which any argument should come that it should know precisely what the objections are to the proposed fence. Clause 7 is consequential.

Clause 8 sets out the conditions under which fencing work may proceed. Clause 9 enables a person seeking contribution to the cost of a fence from an adjoining owner to proceed with the erection of the fence where the adjoining owner cannot be located. Notice of the proposed fence is to be left at the adjoining premises in lieu of service on the owner. If there is any subsequent action for contribution, the court may order the payment of such contribution as it considers just. The clause also provides that a person may, if he so desires, obtain court approval of his proposal and obtain an order that an amount, determined by the court, be paid by the adjoining owner when he can be located. Clause 10 provides that, where there is no owner of adjoining land, a person intending to perform fencing work may apply to the court for approval of his proposal and an order that, when a person becomes owner of the adjoining land, such person shall contribute towards the cost of the fencing work. Clause 11 provides that, where an owner of land abutting a road derives a benefit from a fence on the other side of the road, a court may order him to contribute to the cost of the fence. A similar provision exists in the 1924 Act.

Clause 12 spells out in detail the powers vested in the court to settle fencing disputes. Clause 13 vests the jurisdiction to hear and determine fencing disputes in the Local Court. Under the 1924 Act, fencing disputes are dealt with by courts of summary jurisdiction. The procedure of courts of summary jurisdiction is more suitable to the imposition of fines than the solving of fencing disputes, hence the vesting of jurisdiction in the Local Court. Clause 14 is similar to sections 21 and 22 of the 1924 Act. It enables a landlord to recover some of the cost of fencing work from his tenant. The amount recoverable from the tenant varies according to the length of the tenancy. Clause 15 is a new provision that enables a life tenant who incurs any liability for fencing work to recover some of the cost of the fencing from the remainderman or the reversioner. This is only fair, as it is the remainderman or reversioner who will ultimately obtain the benefit of the use of the fence. Clause 16 is another new provision. It enables one adjoining owner to repair or restore a fence, without notice, where the fence has been damaged or destroyed and must be urgently repaired or restored. Provided the fence was not damaged or destroyed by his own wrongful act or default, the person

who has repaired the fence can recover one-half of the cost of the fencing work from the other adjoining owner.

Clause 17 provides that, where a fence is erected on other than the boundary to contiguous land, the occupier of what is, in fact, his neighbour's property does not acquire title to the land. Clause 18 enables a person to enter on to neighbouring land to carry out authorised fencing work when it is necessary to do so. No such a provision exists in the 1924 Act. Clause 19 provides for the service of notices under the Act. Clause 20 puts the Crown and councils in the same position as that of a private landowner, so far as fencing obligations are concerned, with respect to subdivided land that is sold in the form of ordinary building allotments. Under the 1924 Act, neither the Crown nor local government bodies were liable to contribute to the cost of fencing any property. Clause 21 provides that any obligation to fence land, or to maintain a fence in a state of repair, that may exist by prescription is extinguished. This provision is necessary to put an end to complicated legal arguments that may arise whether the doctrine of lost modern grant applies in South Australia. Clause 22 re-enacts in a modified form a provision of the present Fences Act for the clearing of scrub up to a width of 1·8 metres on each side of the line of a fence or proposed fence. This provision obviously should not apply to urban land, or to land set aside for the conservation of native vegetation. Accordingly, a regulation-making power is inserted to enable the Governor to prescribe the areas in which it is to apply. Clause 23 allows minor variations from the provisions of the Act. Clause 24 provides for the making of rules of court. Clause 25 preserves powers conferred by other Acts.

Mr. COUMBE secured the adjournment of the debate.

LIMITATION OF ACTIONS ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Limitation of Actions Act, 1936-1972. Read a first time.

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

It follows recommendations made by the judges of the Supreme Court. Some time ago, Mr. Justice Wells submitted a draft to the Government conferring on the Supreme Court a general right in the court to extend periods of limitation. It appeared desirable to the Government that this power should be exercisable by any court entertaining civil proceedings, and accordingly, rather than limit amendment to the Supreme Court Act as had originally been proposed, the Government decided to introduce amendments to the Limitation of Actions Act. The Bill accordingly proposes a kind of synthesis between the proposals of the judges and the existing section 48 of the principal Act. The provisions of section 47 of the Act as it exists at the moment have caused some problems, as it is not entirely clear what is the precise extent of their application. The present Bill therefore repeals and re-enacts sections 47 and 48 of the principal Act with a view to overcoming the existing deficiencies in section 47 and incorporating the wider powers sought by the judges of the Supreme Court. A further provision is inserted enabling the court in appropriate circumstances to dispense with requirements of notice before action. Requirements of this nature can unfortunately prove to be traps for the unwary and frustrate perfectly just claims.

Clause 1 is formal. Clause 2 repeals sections 47 and 48 of the principal Act and enacts new provisions in their place. The new section 47 provides that where a limitation period of less than 12 months is fixed for the bringing of an action then, notwithstanding that limitation, the action may be brought at any time within 12 months from when the cause of action arose. The new section will not, however, apply to criminal actions, actions to try the validity of an election or of title to an office, actions to try the validity of an assesment, rate or loan in the sphere of local government, or any other action to the nature or purpose of which the limitation is in the opinion of the court essential. New section 48 enacts a general power to extend periods of limitation. The amendment expands the provisions of the existing section 48.

The new section does not empower a court to extend a limitation of time in criminal proceedings, nor does it empower a court to extend a limitation prescribed by the principal Act unless the plaintiff's cause of action arose from facts that were not ascertained by him until after, or shortly before, the expiration of the period of limitation, or the plaintiff's failure to institute the action arose from representations or conduct of the defendant, and was reasonable in the circumstances. New section 49 provides that the new provisions do not derogate from any rules of law or equity under which periods of limitation may be extended. New section 50 enables a court to dispense with a requirement of notice before action in cases where such dispensation is justified.

Mr. DEAN BROWN secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Electoral Act, 1929-1973. Read a first time.

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

That this Bill be now read a second time.

I will read the second reading explanation, at the request of the Deputy Leader of the Opposition. This Bill proposes the adoption of a voting procedure for House of Assembly elections, which procedure may be referred to as "optional preference voting". Honourable members are no doubt aware that, following the enactment of the Constitution and Electoral Acts Amendment Act, 1973, this system of voting applies in Legislative Council elections. In summary, the system provides that, while an elector is enjoined to mark his "preferences" on his ballot-paper, his ballot-paper will not be informal if only one preference is marked on it. In addition, the Bill provides that the procedure for making a vote by declaration, where the elector's name does not appear on the certified list of electors for the polling place, shall apply to Legislative Council electors in addition to House of Assembly electors. This change is now desirable, as for practical purposes the same list of electors now applies to both House of Assembly and Legislative Council electors.

Clause 1 is formal. Clause 2 amends section 110a of the principal Act by applying this section to electors, claiming to vote at a Legislative Council election, whose names do not appear on the certified list of electors for that polling place, but who make a declaration in the prescribed form before the presiding officer at the polling place. This section at present only applies to House of Assembly electors.

This clause also amends section 110a to remove the possibility of an elector being disfranchised because of his ignorance of his correct subdivision when enrolling. Clause 3 amends section 123 of the principal Act by providing that

in an election for a district for which one candidate only is required (that is, a House of Assembly by-election) the absence of an indication of preferences other than a first preference will not render the ballot-paper informal.

Clause 4 amends section 125 of the principal Act, which is the provision dealing with the scrutiny. The effect of this amendment is to ensure that, even if a substantial proportion of the votes does not indicate a preference other than a first preference, a result of the election can be obtained. The need for the amendment proposed will of course arise only when the scrutiny "goes to preferences". In summary, if only two candidates remain unexcluded, the candidate with the greater number of votes will be elected.

Dr. EASTICK secured the adjournment of the debate.

WEIGHTS AND MEASURES ACT AMENDMENT BILL

The Hon. L. J. KING (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Weights and Measures Act, 1971-1973. Read a first time.

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Mr. Mathwin: No.

The SPEAKER: Leave is refused.

The Hon. L. J. KING: I sought leave to have the second reading explanation inserted in *Hansard* without my reading it only because it seemed to me that the time of the House could be better occupied on other matters.

Members interjecting:

The Hon. L. J. KING: It is important that we all contribute towards ensuring that the time of the House is used well. However, every member has the right to refuse leave, and I shall be pleased to read the explanation.

The main object of this Bill, which amends the principal Act, the Weights and Measures Act, 1971, as amended, is to give legislative effect to certain advances in weights and measures thinking that have occurred over the past few years. Specifically, the amendments involve the substitution of the more accurate term "mass" for the more common expression "weight" where it occurs in the principal Act. A change in the short title to the measure is also proposed to the end that it will, in future, be known as the Trade Measurements Act. Flowing from this are necessary changes in description of the officers whose functions are to administer the Act. The changes are from Warden of Standards and Deputy Warden of Standards to Warden of Trade Measurements and Deputy Warden of Trade Measurements respectively. The Weights and Measures Advisory Council is also proposed to be renamed the Trade Measurements Advisory Council.

Clause 1 is formal but effects the change in the short title adverted to above. Clause 2 is formal. Clause 3 amends the long title to the principal Act by substituting the expression "trade measurements" for the expression "weights and measures". Clause 4 makes certain amendments to section 5 of the principal Act, this being the section that provides for the definitions of terms used in the principal Act. These amendments are, it is suggested, self-explanatory and are consequential on the substantive amendments proposed in the body of the Bill. However, the attention of members is drawn to the definition of "mass" in paragraph (*e*) of this definition.

Clause 5 amends section 6 of the principal Act by substituting the expression "masses" for the expression "weights". Clause 6 makes a formal drafting amendment to section 7 of the principal Act. Clause 7 recognises the proposed change of description of the Warden of Standards. Clause 8 makes some drafting amendments to section 8 of the principal Act and is otherwise consequential on amendments adverted to earlier. Clause 9 is a consequential amendment.

Clause 10 amends section 13 of the principal Act by providing that the two members representing local government on the committee, formerly known as the Weights and Measures Advisory Committee and continued in existence as the Trade Measurements Advisory Council, shall be appointed on the nomination of the Minister rather than of the Local Government Association. The Government considers that the association represents many councils but, until it represents certain substantial metropolitan councils that are at present not members of it, it cannot be said to be truly representative.

Clause 11 amends section 13 of the principal Act and is consequential on the amendments effected by clause 10. Clauses 12, 13, 14, 15 and 16 are consequential amendments and are, it is suggested, self-explanatory. Clause 17 repeals and re-enacts section 26 of the principal Act and, again, is quite important, in that it will give somewhat greater flexibility in the administration of verification and stamping procedures. In short, it will enable those weighing instruments that of their nature require frequent checking to be so checked and those that are not so subject to error to be checked less frequently. The remaining clauses of this measure (clauses 18 to 26) are, again, consequential on the proposals adverted to above.

Mr. RUSSACK secured the adjournment of the debate.

COMMUNITY WELFARE ACT AMENDMENT BILL

The Hon. L. J. KING (Minister of Community Welfare) obtained leave and introduced a Bill for an Act to amend the Community Welfare Act, 1972-1973. Read a first time.

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

That this Bill be now read a second time.

It seeks to amend the Community Welfare Act, 1972-1973, to provide the statutory framework for the co-ordination and integration of functions and activities of State Community Welfare Consultative Councils with those of Regional Councils for Social Development under the Australian Assistance Plan of the Commonwealth. Since the Community Welfare Act came into operation on July 1, 1972, 20 consultative councils have been established throughout the State. These have operated very successfully for the benefit of the local communities. The councils will continue to carry out all their present functions. However, as regional councils under the Australian Assistance Plan are established in South Australia, the consultative councils will accept additional functions and responsibilities relating to the regional councils.

The principles of decentralisation and community involvement inherent in the Australian Assistance Plan are similar to those embodied in the Community Welfare Act. Although the State consultative councils will continue to carry out functions independent of the regional councils, it is apparent that the two systems should be co-ordinated and integrated to the extent necessary to avoid fragmentation and to ensure that the full benefits of both systems, including the benefit of funds available from the Commonwealth under the Australian Assistance Plan, are available to the citizens of this State. Following discussions with the Minister for Social Security, agreement was reached on arrangements that would be satisfactory to both Governments. The agreement provides for Community Welfare Consultative

Councils to be renamed Community Councils for Social Development, for functions of the councils to be broadened to provide for co-operation with Commonwealth authorities, including appropriate regional bodies, and for membership of the councils to be increased to 16 (the Act at present provides for a membership of between eight and 12 members). These alterations are in line with alterations recommended by the various consultative councils and they have been discussed and approved at a meeting of representatives of all the councils.

The Commonwealth Minister has agreed that the Community Councils for Social Development will provide the community representatives on the regional councils. Eight representatives of community councils will become members of each regional council. Other members of the regional councils will be one member of the Australian Parliament or his nominee, three representatives of community welfare agencies, two representatives of Australian Government departments, two representatives of State Government departments and two representatives of local government. In addition to their existing functions, the community councils will advise the Regional Councils for Social Development on grants and the allocation of resources, including the location of community development workers funded under the Australian Assistance Plan. Community councils will have access to the services of these staff, and they may be located with the community councils. The Bill seeks to provide statutory authority for the Minister to establish and conduct child-care centres. Although some child-care facilities are being established by local government authorities and non-profit-making organisations, it is apparent that, if needs in this State are to be met and full advantage is to be taken of funds available from the Australian Government, some centres will have to be established and operated by the Community Welfare Department. Planning for child-care services in this State is being co-ordinated through the Childhood Services Council with a view to fully integrated services being established.

Two amendments are proposed to the existing provisions relating to Aboriginal reserves. Both amendments relate largely to the process of Aboriginal communities accepting responsibility for their own affairs. The first amendment seeks to empower the Governor to revoke a proclamation constituting an Aboriginal reserve. It is expected that this power will be used mainly in situations where the Aboriginal community feels sufficiently confident to request removal of its reserve status. The second amendment would empower the Minister to delegate to a representative Aboriginal body any of his powers relating to the management and control of a reserve. The Bill seeks to remedy several problems that have arisen relating to the maintenance provisions contained in the Act. It especially provides for the amount of arrears of maintenance to be brought up to date when enforcement proceedings come before the court. It also provides that the adoption of a child does not prevent a court from making an order for preliminary expenses.

Clauses 1, 2 and 3 are formal. Clause 4 inserts a definition of "community council". Clause 5 is formal. Clause 6 provides that the existing consultative councils will become community councils for social development on the commencement of the amending legislation. Clause 7 repeals and re-enacts section 26 of the principal Act. The new section follows closely the provisions of the existing section but provides for a close relationship between community councils and regional bodies established under State or Commonwealth law. Clause 8 provides that a community council is to consist of 16 members. Two members of a community council are to be officers of the State Public Service, and at least one of those must be an officer of the Community Welfare Department. One member is to be a representative of the Commonwealth Government nominated by the Commonwealth Minister for Social Security.

Clauses 9 and 10 make consequential amendments. Clause 11 provides that a community council is to hold an annual public meeting in the local community for the purpose of establishing a committee that will make nominations to the Minister for the purpose of filling vacancies that may arise from time to time in the membership of the council. Clause 12 makes consequential amendments. Clause 13 is formal. Clause 14 provides that the Minister may establish child-care centres for the care of children on a non-residential basis. Clause 15 makes consequential amendments. Clause 16 is formal. Clause 17 provides that the Governor may revoke a proclamation constituting an Aboriginal reserve. Clause 18 provides that the Minister may delegate his powers of management and control under section 85 of the principal Act to an Aboriginal reserve council or some other body representative of Aborigines resident on a reserve. Clauses 19 and 20 provide that where a justice issues a warrant for the arrest of a person against whom maintenance is sought, or against whom affiliation proceedings are taken, he may release the person with or without sureties.

Clause 21 provides that the adoption of a child does not prevent the court from making an order for preliminary expenses. Clause 22 provides that, where a warrant is served under section 161 requiring a person to pay moneys to the Director-General or some other person who is entitled to maintenance, the payment of moneys in pursuance of the warrant shall discharge any liability to pay those moneys to the person against whom the maintenance order was made. Clause 23 provides for the amendment of complaints relating to arrears of maintenance. The court is empowered to insert in the complaint the amount due under the maintenance order at the time of hearing the complaint. Clause 24 makes an amendment to section 170 of the principal Act. This amendment corresponds with previous amendments made by clauses 19 and 20. Clause 25 enables the Director-General to represent a person who is defending proceedings for the discharge, variation or suspension of a maintenance order. Clause 26 makes a consequential amendment.

Dr. TONKIN secured the adjournment of the debate.

COAST PROTECTION ACT AMENDMENT BILL

The Hon. G. R. BROOMHILL (Minister of Environment and Conservation) obtained leave and introduced a Bill for an Act to amend the Coast Protection Act, 1972. Read a first time.

The Hon. G. R. BROOMHILL: I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

It is intended to broaden the powers of the Coast Protection Board, especially regarding the acquisition of, and dealing with, land. The need for this expansion of the board's existing statutory powers became evident when the board was asked to assist in the acquisition of an area of particularly attractive dune land in the hundred of Koolywurtie on Yorke Peninsula. It appeared that the board had no power to acquire the land except for what

could broadly be described as "engineering" reasons. As the board will probably be faced with increasing pressure to acquire parts of the coast for retention as open space or for the preservation of its aesthetic value, it is desirable to amend the Act to allow such acquisition. At the same time, the board is to be given the power to deal with surplus land or to put it under the control of a local council. Provision is also made for the board to share the costs of acquisition with local councils.

Clause 1 is formal. Clause 2 amends section 22 of the Act and widens the board's powers of land acquisition. It also permits the board, with the consent of the Minister, to dispose of surplus land or to place it under the care, management and control of the local council. Clause 3 amends section 32 of the Act to allow a council intending to acquire land to be granted up to 50 per cent of the cost by the board. Clause 4 amends section 33 of the Act to enable the board to recover from a council up to half the cost of land acquired by the board within the council area.

Mr. BECKER secured the adjournment of the debate.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (APPEALS)

The Hon. G. R. BROOMHILL (Minister of Environment and Conservation) obtained leave and introduced a Bill for an Act to amend the Planning and Development Act, 1966-1973. Read a first time.

The Hon. G. R. BROOMHILL: I move:

That this Bill be now read a second time.

In 1973 the Government established a committee, under the chairmanship of His Honour Judge Roder, to consider certain aspects of the present planning legislation in this State. The review was necessitated by criticism of the legislation in the Supreme Court. Changes to the Planning and Development Act are recommended by the Roder committee and other changes have been suggested by various interested organisations, including local government and conservation groups. Practical difficulties prevent the introduction of all of the proposed amendments in one Bill. It is expected that a further Bill will be introduced in the next session to deal with many other amendments not included in this Bill.

The present Bill deals largely with three aspects of planning legislation. First, it deals with matters relating to planning appeals. The proposed amendments incorporate the recommendations of the Roder committee and are intended to expedite, simplify and lessen the cost of the appeal process. In the past, the legal procedures involved have been the cause of delay, frustration and expense, much of which will be avoided as a result of the provisions of this Bill. The basic essentials of any appeal system, namely, speed, cheapness, impartiality and simplicity will thus be assured.

I now come to two aspects of the Bill which do not arise from the Roder committee's deliberations. These deal with interim development control and the hills face zone. At present, the State Planning Authority may delegate all of its interim control powers, or none of them; there is no intermediate course. The amendments to the interim control provisions of the Act are intended to overcome this inadequacy by enabling the State Planning Authority to delegate various aspects of its interim control powers. At the same time, this will enable the authority to retain control of certain aspects of development in areas of special State-wide significance, such as the Murray River and the Flinders Range. The Bill also provides for certain kinds of development, such as minor building works, to be excluded from interim control. This will remove the conflict between the interim development control powers exercised by councils in country areas and the controls exercised under the Building Act where exemptions have been made under that Act.

The third aspect of the Bill relates to the hills face zone. There has been increasing concern at the large number of houses being built in the hills face zone, despite the amendments introduced by the Government into the Act to limit the size of allotments in the zone. I inform members that I intend to place on the notice board in the Chamber examples of applications which have been made in recent months to the State Planning Authority and which highlight this problem. It is now intended that no further allotments should be created in the hills face zone, in an effort to preserve what is left of the natural face of the Adelaide Hills. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clauses 1 and 2 are formal. Clause 3 repeals that section of the Act that provided for the constitution of the Planning Appeal Board before a certain day; this section is now obsolete. Clause 4 provides that certain procedural matters concerning appeals may be dealt with by Commissioners of the board, the secretary to the board, or a registrar. Any question of law raised by a party to the appeal must nevertheless be referred to the board for determination by the Chairman or an associate chairman. Clause 5 enables the Appeal Board to restrict the publication of evidence given before the board, whether the hearing is in public or in chambers and to exclude any person from a hearing. In addition, the penalty for non-compliance with a direction of the board given under subsection (2) is increased.

Clause 6 seeks to simplify the procedures of the board by reducing the legal technicalities involved in appeals. This clause in particular seeks to expedite and simplify appeals which will be conducted according to equity, good conscience and the merits of the case before the board. Clause 7 increases the penalty for failure of a witness to produce documents or answer questions at a hearing. Clause 8 similarly provides an increased penalty for misconduct before the board, disruption of an appeal, etc. Clause 9 sets out the circumstances under which the Appeal Board may order costs to be paid by a party to an appeal. These are restricted to appeals that are vexatious, trivial, frivolous or have been instituted for delaying or obstructing purposes, and for adjournments. Clause 10 is consequential upon clause 11.

Clause 11 relates to appeals to the Planning Appeal Board. An applicant may appeal against an authorisation or verification of the Director, the authority, or a council. The board may vary, as well as confirm or reverse, the decision appealed against. Appeals against the Planning Appeal Board's decision must be made to the Full Court. As the Act now stands, appeals may be made to the Land and Valuation Court and subsequently to the Supreme Court. New subsection (3) provides that appeals to the Full Court are restricted to questions of law. This is considered desirable because the Planning Appeal Board is a specialist body that has the benefit of hearing evidence on planning matters. Only in relation to questions of law is a further right of appeal necessary; this right of appeal is available within 30 days of the Appeal Board's decision. New subsection (5) provides that, in the interests of justice, any irregularity which may have occurred in the case may be cured. This will

expedite hearings and prevent legal technicalities from barring an appeal.

Clause 12 clarifies certain procedural matters concerning appeals. It provides that two or more appeals arising from a single planning application may be heard together. In addition, it allows the board to fix a convenient time for hearing an appeal, and obliges the board to give reasons in writing for its decisions. Where the reasons are published subsequent to the announcement of the board's determination, the time for appeal runs from the date of publication. Clause 13 empowers the board to join any person it thinks proper as a party to proceedings before the board. Clause 14 provides that the Crown may submit arguments to the Appeal Board in any proceedings before the board that involve a question of law of major public importance. This simply allows the Crown, like any party to an appeal, to argue its case before the board. However, if the Crown intervenes, the costs of that intervention will be paid by the Government.

Clause 15 enables planning regulations to be made providing rights of appeal against decisions made in pursuance of planning regulations. This clause will widen the right of appeal, which is presently limited to appeals against a planning authority's refusal of consent, permission or approval, etc. For example, a right of appeal against refusal to issue a certificate could be provided in planning regulations as a result of this clause. In addition, the penalties that planning regulations may prescribe are increased.

Clause 16 deals with a number of problems relating to third party objectors. It abolishes the present $2 fee now payable when lodging an objection to a planning application. It is considered that the right of objection given by Parliament should be freely available, and the present fee does not make any significant contribution to administrative costs. An applicant must be furnished with a copy of each objection made to his application. An applicant must be given the opportunity to answer any objection that may have been lodged, and any such answer must be considered by the authority, or the council, as the case may be. The Appeal Board is to be notified of any objections that were lodged if an appeal is commenced. By the deletion of subsection (10), the power of the board to make a general order for costs is removed. The other provisions of the Act relating to appeals apply, as far as practicable, to appeals instituted under this section.

Clause 17 provides that minor amendments to planning regulations may be exempt from some of the procedures involved in making planning regulations. Whilst it is desirable that public participation in planning matters be assured, there are many minor aspects, such as the procedures for making applications, metrication, etc., in relation to which full observance of all of the provisions of this section is unwarranted. The Minister may waive compliance in such cases.

Clause 18 deals with interim development control. It enables the State Planning Authority to delegate to local councils its power to grant or refuse consent to applications. Such delegation to councils may be subject to limitations and conditions. This will enable the authority to delegate power in respect of particular kinds of applications, and to retain power in relation to other applications. In addition, the authority will be able to retain control over areas of particular significance. Such a delegation may be varied or revoked by the authority, and the authority may act in any matter notwithstanding the delegation. The penalty for infringement of interim control measures is increased. New subsection (6) clarifies the exemptions from the restrictions set out in subsection (5).

Exemptions may be made by regulation. This will enable due exemption to be made in relation to certain minor works that are similarly exempted under the Building Act. New subsection (9) ensures that conditions imposed by a planning authority are able to be enforced even though interim control may have expired. A penalty is provided for breach of any condition that may have been imposed. Clauses 19 and 20 provide for the increase of certain penalties.

Clause 21 provides that the provisions of the Act governing appeals to the Planning Appeal Board shall apply also in respect of appeals against decisions of the City of Adelaide Development Committee. Clause 22 increases the penalty for sale or lease of land other than an allotment, without approval of the Director of Planning. Clause 23 is consequential upon clause 24.

Clause 24 provides that no new allotments may be created in the hills face zone, unless the Governor by proclamation exempts the land from this provision. The Governor may grant an exemption if he is satisfied that it is in the public interest to do so. A proclamation exempting land may be varied or revoked by the Governor. A transitional provision is included so that any application made prior to March 1, 1975, shall not be subject to this provision.

Clause 25 provides an increase to the present penalty in relation to dividing land without the necessary approval. Clauses 26 and 27 increase the monetary limits for penalties that may be prescribed for breaches of the regulations. Clause 28 provides for an increase in the penalty for a continuing offence against the Act. Clause 29 provides that the law to be applied in any proceedings relating to a decision of a planning authority is the law applicable on the day on which the decision of the planning authority was made.

Mr. COUMBE secured the adjournment of the debate.

MANUFACTURERS WARRANTIES BILL

In Committee.

(Continued from November 19. Page 2055.)

Clause 2 passed.

Clause 3—"Interpretation."

Mr. COUMBE: I wish to speak about the definition of "consumer" before the Attorney-General moves his amendments. I believe his amendments affect this definition in a way that will be to the benefit of the legislation. In fact, several of the alterations were suggested during the second reading stage. Have the Attorney's amendments corrected the situation relating to the point of first sale of goods? If this matter has been taken care of, support can be given to these provisions.

The Hon. L. J. KING (Attorney-General): The reference to persons deriving title through the purchaser is intended to give a remedy to, say, a donee; that is the characteristic case. If my wife is kind enough to buy an electric shaver and give it to me and if it turns out to be defective, under the law of the sale of goods my wife has a remedy against the vendor until she parts with the shaver, but I have no remedy because there is no privity of contract between me and the seller. The purpose of this definition, therefore, is to ensure that the ultimate user of the article has a remedy against the manufacturer if an article is defective.

The warranty of merchantable quality under the legislation is not confined to any point of time: it is a warranty by the manufacturer that goods are of merchantable

quality. The meaning of "merchantable quality" is defined, with certain express escapes being provided. Even where the prima facie situation applies, the manufacturer is given certain let-outs in the amendments I have on file. It is not a question of confining it to the point of first sale. The warranty under this Bill and the amendments would remain a continuing warranty by the manufacturer that the goods are, in effect, free of manufacturers' defects; that is what it boils down to. I now turn to my amendments. I move:

In the definition of "express warranty", after "assertion", to insert "or statement".

This is really only a drafting amendment.

Amendment carried.

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

In the definition of "express warranty", after "goods" first occurring, to insert "(including an assertion or statement in an advertisement or in a brochure or other literature designed to promote sale or use of the goods)".

This amendment is designed to ensure that undertakings given by the manufacturer in promotional literature are treated as express warranties. It is really a drafting amendment to make that point clear.

Amendment carried.

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

In the definition of "manufacturer" to strike out paragraph (*c*) and insert the following new paragraph:

(*c*) any person who causes or permits his name, the name in which he carries on business, or his brand, to be attached to or endorsed upon the goods or any package or other material accompanying the goods in a manner or form that leads reasonably to the inference that he is the manufacturer of the goods;

This amendment inserts a new definition having the effect of defining as a manufacturer a person who causes or permits his trade name or brand to be attached to the goods. This is important when looked at from the point of view of the consumer. If the consumer gets a defective article, he is entitled to look at the brand name or trade name on the goods. That may not be the name of the manufacturer, because he may be someone else. However, the consumer is entitled to look at the brand name. The person whose brand name it is may have rights against the person from whom he obtained the goods. However, if a person puts his brand on goods, he is telling consumers that they are his goods, and he should be required to vouch for and stand behind those goods.

Mr. COUMBE: This provision is a distinct improvement on what was in the Bill originally, and meets one of the objections raised by the Opposition previously. It spells out more clearly the intention of the legislation. The wording of the provision includes a safeguard. This seems to be a safety clause, and I believe it will be an improvement.

Amendment carried.

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

In subclause (2), after "Act" first occurring, to insert:

(*a*) applies to goods manufactured either within or outside this State; but

(*b*)

It is necessary to make clear that the liability attaches whether the goods are manufactured inside or outside South Australia, the nexus being that it is a retail sale within the State.

Mr. COUMBE: I agree with this amendment, and I am pleased that the Attorney has considered our earlier objections to the original provision.

Amendment carried; clause as amended passed.

Clause 4—"Statutory warranties."

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

To strike out subclause (2) and insert the following new subclauses:

(2) Subject to subsection (3) of this section, goods are of merchantable quality if they are as fit for the purpose, or purposes, for which goods of the kind are ordinarily purchased as it is reasonable to expect having regard to—

(*a*) any description applied to the goods by the manufacturer;

(*b*) the price received by the manufacturer for the goods;

and

(*c*) any other relevant factors.

(3) A manufacturer of goods is not liable upon his statutory warranty as to the merchantable quality of the goods if the goods are not of merchantable quality by reason of an act or default of a person (other than the manufacturer, his servants or agents), or a cause independent of human control, such act, default or cause occurring after the goods have left the control of the manufacturer.

(4) A manufacturer of goods is not liable upon his statutory warranty as to the availability of spare parts if the unavailability of spare parts arose from circumstances that the manufacturer could not reasonably be expected to have foreseen.

This is a redefinition of the expression "merchantable quality", and it is the result of much thought, many suggestions, and considerable study of oversea literature and legislation. It differs in some (but not in essential) respects from the original definitions, which pinpointed the time at which the warranty was to operate: the time the goods left the control of the manufacturer. That definition would catch not only goods with a defect at that time, but also those with a latent defect that would not manifest itself until later.

The problem was put to me strongly by an oversea source, because in the past few years that sort of warranty excluded any question of durability, and it was argued that, if goods were in a good condition when they left the control of the manufacturer, any latent defect would not be covered. An attempt has been made to redefine so as to solve the problem, and the point of time has been eliminated from the definition. Certain specific factors must now be taken into account. Then there are express exceptions in favour of the manufacturer, where the lack of merchantable quality arises because of an "act or default of a person (other than the manufacturer, his servants or agents), or a cause independent of human control, such act, default, or cause occurring after the goods have left the control of the manufacturer". Such defects are not to be the responsibility of the manufacturer. Perhaps an act of God could also be included in this category, although God is often blamed for things for which he is not responsible. Even though the new definition gives great particularity, I believe it has only the same legal effect as had the original definition although I concede that the new definition is clearer and therefore of benefit to the general reader of the legislation.

Mr. COUMBE: Originally, many objections were raised to this clause, which also referred to spare parts. I believe (and I say this sincerely and without malice) that the Attorney-General is learning some of the market place conditions of this world, and, from my interpretation, I believe that these amendments will solve many problems. As I believe they are a definite improvement, I support them.

Amendment carried; clause as amended passed.

Clause 5 passed.

Clause 6—"Exclusion of liability."

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

In subclause (1), after "exclude", to insert "or limit".

This clause prevents a manufacturer from excluding his liability under the Act. It has been pointed out that, although he could not exclude his liability under the Act as it stood, a manufacturer could place some monetary limit

on it, and that would be objectionable. This amendment ensures that the obligation under the Act stands by force of Statute and that the manufacturer may not exclude or limit his liability.

Mr. COUMBE: It would be ludicrous to say that the word "exclude" creates an offence, whereas to limit the liability was permissible. I believe that is what the Attorney meant to say. "Exclude" is definite, whereas "limit" applies where one gives a parcel arrangement. I should like the Attorney to further canvass the matter, because his explanation was a little vague.

The Hon. L. J. KING: The effect of the clause is that a manufacturer cannot exclude his liability. Clause 6 (1) provides that, subject to subsection (2), "it shall not be competent for a manufacturer to exclude his liability . . ." That means that a manufacturer cannot, by writing a letter or by issuing a brochure, say, "I am not under any liability." He cannot exclude his liability under the Manufacturers Warranty Act or otherwise. This clause prevents his saying that. It would have no legal effect if he were to do that. In other words, the consumer can rely on his rights under the Act irrespective of what the manufacturer says in any promotional literature. The manufacturer may hand out a pamphlet to the purchaser of the article saying that he does not accept liability or that he limits his liability to, say, $25. This would defeat the purpose of the Act in large part. This amendment merely provides that the obligation under the Act is binding and it cannot be affected by any attempt by the manufacturer to exclude or limit his liability.

Mr. COUMBE: The Attorney's explanation clears up that point. If a manufacturer is willing to put his name on an article (and many manufacturers are proud to put their names on their products) it not only helps to sell the product but also results in more people asking for that brand. A company that puts its name on a product should not in this case be limiting its liability. I believe this is the case with most reputable manufacturers and that the Attorney is trying to catch the fly-by-nighter or the unscrupulous manufacturer. The Attorney is trying to spell out all possible eventualities. I have no objection to the amendment.

Amendment carried.

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

In subclause (2) to strike out "of taking delivery of the goods" and insert "the goods are purchased".

This relates to the instance in the Bill where the manufacturer can exclude his liability: it relates to spare parts. This subclause requires that, provided the manufacturer indicates to the purchaser that he does not undertake that spare parts will be available for the repair of goods, he is under no further obligation. As the Bill stands, it provides that, so long as the purchaser received that notice "at or about the time of taking delivery of the goods", no liability would attach to the manufacturer. However, on reflection it is clear that that is the wrong time, because the purchaser in most instances could have bought the goods and it would be too late if he discovered that there were no spare parts: by then he would be saddled with the goods. The relevant time is at or before the time of purchase.

Mr. COUMBE: I agree this is a necessary amendment, especially now that we have amended clause 4, which dealt with spare parts. Apart from the amendment being logical, I believe it will protect not only the consumer but also the manufacturer.

Amendment carried.

The Hon. L. J. KING: I move to insert the following new subclause:

(3) If a manufacturer purports to exclude or limit a liability under an express or statutory warranty that he is not competent to exclude or limit by reason of this section he shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

This provides not only that it is incompetent for a manufacturer to exclude his liability but that it is a punishable offence for him to try to do so. It has been included for a good reason, because experience has shown in Australia and, to a greater degree, in the United States of America, whose practices will inevitably spread to Australia, that where this sort of legislation exists unscrupulous manufacturers insert in their documents exclusions of liability knowing that such exclusions have no legal effect. Those manufacturers expect that 90 per cent of consumers will not know that the manufacturers are liable and that those consumers will think, "Bad luck. Nothing can be done about this because the manufacturer will not accept liability" or "He has limited his liability to $10". Such consumers will take no action in such circumstances, so it is important that people should be prohibited from claiming to do what they cannot legally do in this regard.

Mr. Coumbe: Your analogy is the fine print.

The Hon. L. J. KING: That is right, but this is in reverse: this notice will be in large print so that the consumer will read it and think that he has no rights, whereas all the time the legislation gives him this right and thereby protects him. The manufacturer cannot exclude or limit his liability. The development in North American law is to put provisions of this kind into consumer legislation. We did not do it in the Consumer Transactions Act but, if ever the opportunity arises to amend that Act, it should be amended. In that Act we should take advantage of experience and prohibit people from purporting to exclude liability when they cannot effectively do so.

Mr. COUMBE: Is there similar or complementary legislation in other States dealing with this type of problem? There is a need for uniformity in some sections of the law, as a person may purchase goods manufactured in Victoria. The Victorian manufacturer may use the type of literature referred to in the provision. I ask the Attorney whether legislation of the type about which he has spoken is in operation in other States.

The Hon. L. J. KING: No, there is no law of this kind in any other State. South Australia is the first State to introduce a Manufacturers Warranties Bill. It is pioneering legislation in Australia. The problem to which the honourable member has referred is created in many cases by differences in the law as between States, particularly in regard to consumer legislation. Those promoting sales now must know the laws of the different States and see that their promotional literature conforms to the law of the State in which the goods are being sold.

If manufacturers in other States have put this objectionable sort of matter in their literature, they will have to edit it out before they use that literature in South Australia. This is inconvenient for them, but it is absolutely essential that it be done. If we pass laws to protect the South Australian public, we must ensure that people who sell goods in South Australia, and use promotional literature to do that, make that literature conform to our legislation. It would be wrong to allow literature misleading the people of this State to circulate here. This applies in many other aspects of consumer law. Banks and finance companies have had to tailor their documentation to conform to our Consumer Credit Act. They did not like doing that,

but they realised that it had to be done. The same position would apply to manufacturers in other States who put a limit on their liability. They will have to ensure that any warranties that they circulate in South Australia conform to South Australian law.

Mr. COUMBE: Would a 12/12 type of warranty on a motor car offend against this clause? Also, will the Attorney elaborate on how he will police the selling of appliances and other things (they may be textiles) in this State in cases where a bogus type of promotional literature goes with the goods?

The Hon. L. J. KING: The type of warranty to which the honourable member has referred does not of itself offend against this legislation, because it does not, of itself, limit liability. It is an express warranty that would run side by side with the warranty implied by this Act. However, there is power in this measure to make regulations regarding express warranties, and that power will be used to ensure that such warranties given by manufacturers in South Australia are not inconsistent with the implied warranties provided for in the legislation.

Mr. Coumbe: Do you think the 12/12 warranty offends against this provision?

The Hon. L. J. KING: I do not think we can say that, unless it was expressed to be in addition to the warranty given in this legislation, because this legislation does not limit the merchantable quality to the 12 months period. However, express warranties can be provided for in regulations. This legislation would be policed in the same way as every other piece of consumer legislation is policed, namely, by way of complaint to the Commissioner for Prices and Consumer Affairs. Generally, someone comes along with a brochure and complains about it. Further, the Commissioner keeps an eye on the sort of literature circulating, and advertisements are the principal way in which we get these offending things.

Mr. Coumbe: He monitors.

The Hon. L. J. KING: He reads newspapers and I understand that occasionally he watches television and picks up what is going on in the market place.

Amendment carried; clause as amended passed.

Clause 7—"Right of vendor to recover against manufacturer."

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

To strike out paragraph (*a*).

This amendment is consequential on the redefinition of "merchantable quality".

Amendment carried; clause as amended passed.

Clause 8—"Evidentiary provision."

The Hon. L. J. KING: I move to insert the following new subclause:

(3) Where the name, business name, or brand of a person is attached to, or endorsed upon goods, or a package or other material in or with which they are sold by retail, and a court before which proceedings under this Act are brought considers that the name or brand appears in a manner or form that leads reasonably to the inference that that person is the manufacturer of the goods it shall be presumed, in the absence of proof to the contrary, that he has caused or permitted his name, business name or brand to be attached to, or endorsed upon, the goods, package or material in that manner or form.

This is an evidentiary provision dealing with the brand or business name on the article. It merely provides that it is presumed, if the brand is on the article, that the person whose name is there caused it to be there, in the absence of proof to the contrary. That relates back to the definition we have inserted to the effect that any person who causes or permits his business name, brand, etc., to be on the article is deemed to be the manufacturer. The consumer has no way of proving that a brand is there with the consent of the person whose brand it is, but normally it is there with consent, and, if the person whose brand it is wishes to deny that, he can say that he did not give permission for that to happen.

Mr. DEAN BROWN: How do we get over the fact that a product could be produced with a series of different brand names on the component parts? For example, a refrigerator may have an X brand on it and a Y brand motor in it, and it could be stated clearly on the refrigerator that it has a brand Y motor. Whom do we deem to be the manufacturer?

The Hon. L. J. KING: The consumer has a choice. If he has a defective refrigerator, he can sue the manufacturer of the refrigerator, the person whose brand is on the refrigerator, or, if he likes to be selective in regard to a defective motor, he can sue the manufacturer of the motor. The person that the consumer sues does not determine where ultimate liability lies. If the consumer sues the manufacturer of the refrigerator, that manufacturer is likely to join, as a party in the proceedings, the person who sold him the defective motor. However, we are looking at it here from the point of view of whom the consumer sues.

Amendment carried; clause as amended passed.

Clause 9—"Regulations."

Mr. COUMBE: Some members believe that regulation-making powers are far too wide. I realise it is necessary to have some type of regulation-making power, and I believe that paragraphs (*a*), (*c*) and (*d*) are necessary, but I am not too sure about paragraph (*b*), which enables regulations to be made to prescribe, or regulate, the conditions or limitations to which they may be subject. Certain conditions or limitations could also be excluded by regulation. I realise that in such cases the statutory warranty would apply, but I believe paragraph (*b*) is too wide and unnecessary.

The Hon. L. J. KING: It is a necessary power. The problem in this area is that we have an implied warranty and a warranty of merchantable quality of goods set out in the Act. The manufacturer does not put out an express warranty of his own which looks good but which gives rights that are inferior to those contained in the Act. The Consumer Transactions Act provides for an implied warranty by the merchant, and this cannot be excluded, but often express warranties in relation to articles such as motor vehicles sound marvellous but are inferior to the implied warranty set out in the Act. People who read the express warranty are misled into thinking that is the full extent of their rights, so it is necessary to have side by side with implied warranties the power to regulate for express warranties to ensure that the public is not misled into thinking that the express warranty is all they can get.

Mr. Coumbe: Isn't that covered under paragraph (*a*)?

The Hon. L. J. KING: No, paragraph (*a*) relates to the form in which the warranty must be set out. Paragraph (*c*) prescribes the way in which it must be written, typed or printed. Paragraph (*d*), which relates to penalties, is needed to deal with the conditions or limitations that may be inserted. A person might obtain a warranty limited to 90 days and parts only, or something of that kind; that limitation is inconsistent with the implied warranty in the Bill, which is much more general. It would be wrong to permit people to impose conditions or limitations in their express warranties that would serve only to mislead the public about their rights and make them appear to be much more limited than they are. Therefore, conditions

and limitations are important, and they must be included in the regulations, which are subject to the scrutiny of the Parliament. It is essential to the operation of this legislation that we regulate the conditions or limitations that may be included in express warranties. This must be done by regulations, because the types of goods and warranty that accompany them are manifold, and we could not hope to write into the legislation all the conditions, limitations, and everything that is not permitted.

Clause passed.

Title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN COUNCIL FOR EDUCATIONAL PLANNING AND RESEARCH BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

The Hon. J. D. CORCORAN (Minister of Works) moved:

That the House do now adjourn.

Mr. ARNOLD (Chaffey): An incredible situation exists in Australia today, particularly in South Australia, namely, the unemployment situation throughout the length and breadth of our nation. In January, 311 596 people were unemployed, and there has been a slight reduction in the February figure. In January, 26 854 South Australians were registered as unemployed. Even though so many people were out of work in this State, it was extremely difficult to employ anyone willing to take on an honest day's work in a seasonal occupation. Unless this work is carried out, the industry will fail. I refer, in particular, to the fruitgrowing industry. South Australians generally are proud of the fact that this State is the major Australian wine-producing State, but to produce fine high-quality wines it is essential that the grape be harvested at the correct time.

A winemaker cannot make good wine unless the grapes are harvested at the exact time he requires them. It is necessary that there be a correct balance between acid and sugar for the winemaker to make the product which he wants to make and of which the State and Australia can be proud. I do not reflect on the efforts of the Commonwealth Employment Service, which has supplied a continuous stream of people to the industry to enable its work to be done. A small percentage of the people supplied are genuine workers who are looking for work and keen to do an excellent job. However, many other people who come through the Commonwealth Employment Service have no intention of doing a day's work. This is largely a result of the policies and philosophies of the present State and Commonwealth Governments. After all, it is not in the interests of some people to work, and absolutely no incentive is given to them to do so.

The rates of pay are fixed by arbitration, the award having been agreed to by the Australian Workers Union and fruit industry representatives. The rates fixed are regarded by the A.W.U. as justifiable, considering the work involved. Rates are worked out before the harvest in relation to the cost of living. Those rates are considered by the Commissioner for Prices and Consumer Affairs and other people involved in fixing grape prices in the industry. Unless there is some stability in costs, and there is a relationship between the cost structure, the costs incurred and productivity, we will continue to experience chaos in many of our industries, especially those in South Australia.

This problem exists not only in South Australia's Riverland area but also in the Mildura area. I return to what I said initially: this problem is a result of Government policy and philosophy and, until the Government recognises this problem and gives people an incentive to work, the problem will continue and the continuous escalation of prices will be perpetuated. Increased grape prices are of no value to fruitgrowers or anyone else if there is a 15 per cent or 20 per cent escalation in costs. It will be like the dog chasing its tail, and no-one will be better off. Government members would be the first to realise this. With a 15 per cent or 20 per cent inflation rate, and wages escalating, union members are no better off today than they were, say, 10 or 15 years ago. I think most union members would readily agree with me in this respect. It is high time that the Government took a serious look at its philosophy on this matter. Perhaps then we may be able to reverse the situation and return to a more stable position so that everyone in South Australia, be he a grower, industrialist or factory worker, will get a fair percentage of what is offering.

The other point I wish to raise relates to drainage in the Cadell irrigation area. Over the past two years, I have continually raised this matter in the House. The problem in this area is serious. The Government has spent considerable money on installing a comprehensive drainage system, but the problem continues to worsen year by year. The new comprehensive drainage system reduced the ability for surface water to be drained outside the properties of the growers. Although we have the new system that the Government saw fit to install, unless some assistance is provided to growers to enable them to install internal drains on their properties, there will turn out to be little justification for the initial expenditure on the project.

The Government has two alternatives. Either it must assist the growers to install drains so that they can use effectively the comprehensive drainage system provided, thus reclaiming the land lost because of seepage and making their properties once again viable and productive, or the growers must be compensated for the land that has been lost, so that they will then have an opportunity to re-establish themselves on more suitable land. When we consider how much money has been spent by the Government on this project, we can see that the Government would be well advised to assist growers by helping them to install internal drains on their properties so that once again those properties can become viable entities.

Mr. DUNCAN (Elizabeth): In the few minutes available to me this afternoon, I wish to deal with the problem of health services. This is probably the most pressing issue facing the Australian nation. Certainly, in my district I receive more complaints about health services than I receive about any other subject. I am willing to go on record as saying that the health services provided to the people of Elizabeth are appalling. Constituents have often complained to me that they are unable to see a doctor; that they are being sued by a doctor; that they cannot afford to pay doctors' accounts; that they cannot obtain transport to the Lyell McEwin Hospital when they urgently need attention; and that they cannot afford to pay their hospital bills when they receive hospital attention. I have consistently received these complaints since I became the member for the district.

I will refer to a couple of cases that clearly indicate the urgent need for the Medibank scheme. In one case, a constituent came to see me who has a daughter who suffered an injury when she was three years old. At that

time, my constituent was not a member of a health scheme. In attempting to pay the accounts for his daughter's hospitalisation, this poor person has been bankrupted on three separate occasions. It is an absolute scandal that this should happen in a country such as Australia, which generally has such a high standard of living. Unfortunately, the high standard of living is enjoyed only by the majority and not by the under-privileged minority who, when it comes to matters such as health care, are disadvantaged and discriminated against by our system. Often, one hears members opposite commenting that medical and health services in Australia are second to none. There is no doubt that, in middle-class areas of Australia, the health services provided for those who can afford to pay are very good. No-one denies that. However, in the working-class areas and the areas on the periphery of the large cities the services are appalling.

Something is urgently needed to alleviate this chronic position. The campaign of untruths and pernicious lies carried out by the Australian Medical Association against the Medibank proposal of the Australian Government must not be allowed to succeed, because the demand for the scheme in areas such as Elizabeth is absolutely overwhelming. I hear members opposite saying this health scheme is most unpopular among their constituents. However, my constituents demand such a scheme. It is an urgent need in areas such as Elizabeth where there is a chronic shortage of doctors, partly because in some cases there is a large problem with unpaid doctors' bills.

Dr. Eastick: You are admitting that as a fact?

Mr. DUNCAN: I am saying that is one of the problems, certainly.

Dr. Tonkin: Medibank will not fix the shortage of doctors.

Mr. DUNCAN: It will fix the shortage to the extent that doctors can decide to set up in Elizabeth, secure in the knowledge that they will receive payment of at least 85 per cent on all the accounts sent out. With the saving in their administration costs, most of the doctors will be well ahead. We can look forward to the shortage of doctors in areas such as Elizabeth being relieved. The main object of Medibank is to give all workers security against the cost of medical and hospital treatment. Everyone will have automatic coverage, regardless of his financial standing in the community, for private practice and complete freedom of choice of doctors by patients and of place and type of practice by doctors.

That is not the case at the moment. Pensioners, unless they can afford to pay, cannot see a specialist. No member in this House surely would subscribe to such a situation with a second-class medical service being provided for pensioners. It is an appalling situation and in urgent need of repeal so that we can have a system whereby pensioners will be treated as first-class citizens and given the sort of treatment other members of the community rightly are entitled to and expect. On many occasions we hear complaints that members of the General Practitioners Society will not even give pensioner services. This is absolutely appalling; no doubt other members agree with me. When the Medibank scheme is introduced, many people in the community will be entitled to services they are not able to afford at the moment. I want to refer to an article appearing in today's *Australian*, reporting proceedings in the Australian Parliament yesterday. I think it is important that this House should have on record the facts that have been so badly misrepresented by the A.M.A. and by some members in this House. What was said in the Australian Parliament yesterday, according to the report, which is headed "Thirteen per cent have no health insurance", was as follows:

More than 13 per cent of all Australians have no cover against medical expenses, the Minister for Social Security, Mr. Hayden, said yesterday. Speaking during Question Time in Federal Parliament, Mr. Hayden said Opposition claims that only between 3 per cent and 4 per cent of Australians were uncovered were deliberate falsities.

That gives the lie to the stories put out quite maliciously by the A.M.A. and other interested parties. The main opposition from the A.M.A. is directed towards maintaining the privileged position of doctors at the expense of improving the position of the sick and the aged in relation to the cost of medical attention. It is appalling that a professional group in Australia should take that attitude and take upon itself the sort of campaign the A.M.A. has taken. Certainly, the A.M.A. is not looking to the benefit of the people of my district, because it is not, as a professional body, providing the service necessary in the Elizabeth area. In addition, there is a concerted campaign to torpedo the scheme before it gets established, so that it is not being given a fair go. Clear proof of this was shown this morning at a meeting of the board of the Lyell McEwin Hospital. The hospital was called on by the State Government or the Australian Government to indicate how many beds would be provided as public beds and how many would be occupied as private beds. Except for the Medical Registrar, the other members of the board were unanimous in their opinion that there should be more private than public beds. That would have led to the situation of many patients at the hospital being unable to get into public wards.

Fortunately, in a close vote, the board decided to provide 30 private beds and 70 public beds, but this is too many private beds for an area like Elizabeth, in which there is little call for private beds. However, this example indicates the tactics being used by members of the A.M.A. to torpedo this scheme, but I hope they will not succeed. I believe that people in the community now realise, far more than they did in 1940, the need for this sort of scheme and have realised the real results that will flow from it. I hope the A.M.A. and its supporters on the Opposition benches will not succeed in opposing this scheme, and that it will operate as from July 1 and be the success I have no doubt it will be.

Dr. EASTICK (Leader of the Opposition): I refer to the disgraceful record of the present Government in its response to requests from school organisations to provide assembly halls, gymnasiums, and similar facilities. I am sorry that the member for Elizabeth is leaving the Chamber, because the school to which I shall refer, although it is in his district, also provides education for students from my district. The Education Report for 1970 under the heading "Loan programme—subsidy items" states:

Substantial changes were made by Cabinet in June in the policy affecting subsidies paid by the Education Department to school organisations on the erection of school assembly halls, swimming pools and canteens. For school halls, the maximum subsidy provided for an approved project was raised to $62 000 for a hall seating 1 000 persons.

On July 29, 1971, under the heading "School Subsidies", the member for Torrens asked the Minister of Education a question, which was reported in *Hansard* as follows:

Has the Minister of Education further information about the new subsidy scheme for schools that he recently announced? The Minister said that he intended to make grants to schools, generally on the basis of need, that these grants would be regulated, that schools which had not yet received subsidy payments would receive them before December 31, but that in future the scheme would operate on the calendar year.

The honourable member then asked for further details from the Minister. The Minister indicated how the new scheme was to operate and, during his remarks, the member for Torrens interjected and asked, "What if they have collected the money towards a project?" The Minister said:

What sort of project? If they have had subsidy money approved for 1970-71 but not allocated by June 30, 1971, because of the carry-over from year to year, a feature of the previous system, that money will be allocated. If they are collecting money now for a project for which they planned to apply for a subsidy, they will not receive any money in the form of a subsidy unless it is for a capital subsidy, such as one in respect of a swimming pool, hall or gymnasium. The money they will need from the Government from now on, apart from that carry-over effect to which I have referred, will be provided under the grant arrangement, and it will be up to the school committee to budget its income and expenditure for the calendar year 1972.

Following further comments by the Minister, the member for Peake asked:

Can the Minister say whether, under the new system, schools will be able to accumulate grants that they wish to use for capital items, or must they spend the whole of the grant in one year?

The honourable member gave other detail, and the Minister replied:

The new grants system will permit that to be done. Obviously, that is essential, because otherwise many schools would never be able to set aside the funds necessary to establish basketball courts or to buy a gang mower or some other capital item. In addition to giving schools the right to carry over funds from one year to the next for capital purposes, it will be necessary to consider widening the range of capital items that are subsidised from Loan funds. It will be appreciated that, in addition to subsidy items met from the Budget, the department makes subsidy payments from the school building lines on a $1 for $1 basis for gymnasiums, swimming pools and halls. Also, there is an arrangement that facilitates the establishment of canteens.

The particular school that I am referring to is the Elizabeth Boys Technical High School. A document that that school has provided shows that on May 7, 1971, the Headmaster wrote to the Education Department giving the first intimation of the school's intention to apply for a subsidy. On August 12, 1971, the Headmaster sent a firmer proposal, indicating in reasonable detail, together with a sketch, what was planned. On September 3, 1971, the school received from Mr. Price of the Education Department information that the project and plan had been forwarded to the Public Buildings Department and that provision had been made for the project to be included on the 1971-72 Loan works programme. There is a general forward commitment in the 1971-72 Loan programme. Details are given, and a series of letters passed between the school and the Education Department over a long period. Difficulties arose in connection with acceptance of the type of materials to be used in the building.

On May 12, 1972, the Education Department stated that the cost of the building would be $55 000, instead of $45 000. The school was asked whether it accepted this and whether it had enough money. After a number of meetings the school told the Education Department that it could meet its commitment and that it would undertake its part of the commitment by applying for a bank loan. On October 26, 1972, the school applied to borrow money, and a statement of balances was forwarded. Included in the school's communication was a photostat copy of the deposit stock record book and a copy of a letter from the Manager of the Elizabeth Town Centre branch of the Savings Bank of South Australia giving particulars of the repayment of the loan and conditions of the application. At that stage there was no formal offer of a loan. Eventually the sum of $13 750 was paid; it had been obtained from the Savings Bank of South Australia.

The school then started to indicate to the Education Department that one of the real problems was the amount of interest it had to pay on the money borrowed. On February 21, 1974, it was indicated that $956·55 was being paid in interest each half year. One can imagine the situation that has arisen since then. Some people, including the Minister, gave commitments on behalf of the Education Department, saying that tenders would be called and the building would be built within a given period. Indeed, the Headmaster, in a letter to the Education Department on February 17, 1975, stated that promises were made for completion, including a promise of completion by December, 1974. One of the promises was given by the Minister of Education. Completion was guaranteed by mid-1975 by the Deputy Director-General of Education. Completion by July, 1975, was announced by Mr. Hopkins of the Education Department. Mr. Hopkins also guaranteed that tenders would be called in September, 1974. The Deputy Director-General of Education said that tenders would be called in August, 1974. In October Mr. Lester said tenders would be called that month.

In January, Mr. Lester said that tenders would be called in January. Tenders have still not been called. The project to provide an assembly hall and a gymnasium for this school has been accepted by the Education Department and the Minister of Education, but it has not come to fruition. Indeed, whilst interest rates are being paid not only does the school not have the hall but it is not in a position to indicate to people associated with the school council when the facilities will be built, what will be the cost involved, and who will be the successful tenderer. I—

The SPEAKER: Order! The question before the House is "That the House do now adjourn."

Motion carried.

At 5.22 p.m. the House adjourned until Tuesday, March 11, at 2 p.m.