LEGISLATIVE COUNCIL

Wednesday, March 10, 1971

The PRESIDENT (Hon. Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

SUBORDINATE LEGISLATION COMMITTEE

The Hon. F. J. POTTER: I seek leave to make a statement concerning the work of the Joint Committee on Subordinate Legislation.

Leave granted.

The Hon. F. J. POTTER: It has been the practice over recent months for the Subordinate Legislation Committee to table reports setting out those papers on which no action is recommended. The committee now considers that a request made by a member in another place for minutes of the committee to be tabled from time to time was reasonable, and with the leave of the Council this procedure will be adopted.

I seek leave to table the minutes of proceedings for March 9, 1971.

Leave granted.

QUESTIONS

RUFUS

The Hon. R. A. GEDDES: I seek leave to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. R. A. GEDDES: A pamphlet called *Rufus*, which is being distributed to schoolchildren, invites them to attend a three-day live-in of cultural and political revolutionary terror to be held at the Adelaide University later this month. This pamphlet was handed to me today by an irate parent. Several degrading four-letter words are widely used in this pamphlet and this use, in my opinion, is disgusting. Will the Chief Secretary investigate this pamphlet urgently in order to prevent further distribution of this material to children at schools?

The Hon. A. J. SHARD: I agree with the contention of the honourable member, who was good enough to show me a copy of this pamphlet a moment ago. I shall certainly draw its contents to the attention of the Attorney-General and ask him to take prompt action. At this stage it is not easy to say who would be responsible for publishing this pamphlet because there is no name on it, but I shall draw the Attorney's attention to this pamphlet forthwith.

PRIME MINISTER

The Hon. D. H. L. BANFIELD: I seek leave to make an explanation before asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. D. H. L. BANFIELD: For some time past South Australia has had a raw deal (financially and in other ways) from the deposed Prime Minister but it would appear that possibly we have now got over that obstacle. Will the Chief Secretary ask the Premier, as a matter of urgency, to impress upon the new Prime Minister, after he has been appointed later this afternoon, that he should cease to play Party politics and act in the capacity of a statesman and look after South Australia the same as other—

The PRESIDENT: I think the honourable member is expressing an opinion.

The Hon. C. R. Story: Question!

The Hon. D. H. L. BANFIELD: My question is: will the Chief Secretary ask the Premier to ask the incoming Prime Minister—

The PRESIDENT: Objection having been taken—

The Hon. D. H. L. BANFIELD: My question is being asked now.

The Hon. A. J. Shard: He was asking the question; he was not debating it.

The Hon. D. H. L. BANFIELD: Will the Premier ask the incoming Prime Minister not to follow in the steps of the previous Prime Minister in playing Party politics in relation to South Australia?

The PRESIDENT: That is not a question.

The Hon. D. H. L. BANFIELD: That is my question.

The PRESIDENT: That is not a question. That is expressing political comment and, objection having been taken, the honourable member must ask his question.

The Hon. D. H. L. BANFIELD: My question is this: will he ask the new Prime Minister to give South Australia a fair go in the future, and not continue playing Party politics?

The PRESIDENT: Order! No honourable member is permitted to reflect on another Parliament or institution.

The Hon. A. J. SHARD: I will be delighted to refer the question to the Premier. I sincerely trust that in some directions we will get a far better deal from the Commonwealth Government in future than we have had in the past.

The Hon. L. R. HART: Will the Chief Secretary ask the Premier to convey to the

new Prime Minister the congratulations of the Parliament of South Australia?

The Hon. A. J. SHARD: I will be equally delighted to do that. Personalities do not come into the appointment to the highest position in Australia, and no doubt in due course the Premier will convey to the new Prime Minister the congratulations of the people of South Australia on his election to that high office.

WILLIAMSTOWN SCHOOL

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to directing a question to the Minister representing the Minister of Roads and Transport.

Leave granted.

The Hon. M. B. DAWKINS: For some time past there has been agitation for the construction of a safe under-pass at the Williamstown Primary School. I have brought this matter to the notice of the Council previously. Some honourable members will remember that a hill in the vicinity of the Williamstown school tends to obscure the view of motor vehicle drivers, and also that the playground is on the opposite side of the bitumen road. The previous Minister visited the school some 18 months ago, and I believe agreement was reached as to the construction of an under-pass for the safety of the children in this rather dangerous situation. Will the Minister inquire of his colleague what progress has been made towards the provision of such an under-pass?

The Hon. A. F. KNEEBONE: I shall be pleased to convey the honourable member's question to my colleague and bring back a reply.

CHERRIES

The Hon. D. H. L. BANFIELD: I believe the Commonwealth Government has accepted the Tariff Board's recommendation that the duty on imported cherries be lifted. Can the Minister of Agriculture say what effect that decision will have on the cherry growers of this State, and can he say whether the Commonwealth Government consulted South Australian cherry growers before adopting the Tariff Board's recommendation?

The Hon. T. M. CASEY: I must confess that I was surprised to learn only this morning that the Tariff Board's recommendation had been tabled in the Commonwealth Parliament. It means that all duties on imported cherries will possibly be lifted very soon. On contacting some South Australian cherry growers this morning, I found that their views on the recommendation were not sought by either the Tariff Board or the Commonwealth Government. It has been pointed out to me that the decision could involve a loss of about $150,000 to the cherry growers of this State alone. Of course, because Victoria produces the most cherries in Australia, the decision will adversely affect many cherry growers there, too. It seems to me that the decision is another bad way of hindering the efforts of primary industries in Australia today.

The Hon. L. R. Hart: Is it a good way or a bad way?

The Hon. T. M. CASEY: It is a bad way of showing the primary producers of this State what knocks they are expected to take. I have written to the Commonwealth Minister for Primary Industry, Mr. Sinclair, pointing out what an adverse effect there will be on South Australian cherry growers if this matter is proceeded with in the Commonwealth Parliament.

The Hon. C. R. STORY: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

The Hon. D. H. L. Banfield: No.

The PRESIDENT: The honourable member is denied the opportunity of making an explanation.

The Hon. C. R. STORY: Will the Minister provide the members for the Commonwealth Districts of Angas and Wakefield with a copy of the letter he has sent to the Commonwealth Minister for Primary Industry? Those members took up this matter with the Commonwealth Government about a week ago.

The Hon. T. M. CASEY: I shall be delighted to do that.

SCHOOL BOOKS

The Hon. M. B. DAWKINS: Has the Minister of Agriculture obtained from the Minister of Education a reply to my question of last week about the provision of free school books for secondary students?

The Hon. T. M. CASEY: My colleague reports:

Free textbooks are provided for all primary schools and for a significant percentage (almost 25 per cent) of secondary students on a means-test basis. The remainder of secondary students receive book allowances, which have been increased by $2 this year and which it is proposed should be increased by a further $2 a year over the next two financial years. Our progress towards a complete free book scheme is limited by finance. It would therefore be appreciated if the Hon. Mr. Dawkins would support the campaign for Commonwealth aid for education.

POINTS DEMERIT SCHEME

The Hon. C. M. HILL: I direct a question to the Minister of Lands, representing the Minister of Roads and Transport. In view of the all-time record number of 349 road deaths in South Australia last year and the 52 fatalities so far this year, will the Government introduce, without delay, a points demerit scheme in South Australia?

The Hon. A. F. KNEEBONE: I think I could answer that question myself but, in order that the future progress in these matters be given factually, I will convey the question to my colleague and bring back a reply as soon as possible.

The Hon. Sir NORMAN JUDE: I seek leave to make a short statement, with the concurrence of the Council, before asking a question of the Minister representing the Minister of Roads and Transport.

Leave granted.

The Hon. Sir NORMAN JUDE: I noted the question addressed to the Minister of Lands about a points demerit scheme. I state categorically that there is little to show statistically that benefit has been derived from legislative action designed to effect a decrease in road fatalities.

The Hon. C. M. Hill: That is a matter of opinion.

The Hon. Sir NORMAN JUDE: Therefore, will the Minister suggest to his colleague the desirability of co-operative action with the public of South Australia by introducing a merit system rather than a demerit system?

The Hon. A. F. KNEEBONE: I suggest that honourable members should debate the merits of the merit and the demerit systems when the Bill is introduced. However, I will convey the question to my colleague.

WEIGHBRIDGE

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. L. R. HART: On October 21 of last year I drew the Minister's attention to a traffic hazard on the Port Wakefield Road caused by trucks having to cross the line of traffic to enter the weighbridge area, where they are weighed by the Highways Department for possible overloading. The Minister, in his reply, stated that the Highways Department recognized that this traffic hazard existed and that it had made several attempts to alleviate it. He went on to say:

Instructions were recently issued that south-bound traffic was not to be weighed during peak hours.

My concern at that time was about trucks carrying livestock to the abattoirs having to cross the line of north-bound traffic in order to be weighed. Since then, I have been approached by people other than owners and drivers of trucks conveying livestock to the effect that they are required (I am talking about south-bound vehicles) to cross the line of traffic to enter the weighbridge area. It is felt that this creates a severe traffic hazard and that one day a serious accident will occur in that area. I think the Hon. Mr. Dawkins, too, has been approached on this matter.

The Hon. M. B. Dawkins: That is right.

The Hon. L. R. HART: First, will the Minister inquire of his colleague whether the number of prosecutions of truck owners and drivers driving south during peak hours, or during any part of the day, is sufficient to require the creation of this traffic hazard? Secondly, will he issue a further instruction that the weighing of trucks during peak periods be further investigated, as it appears that some trucks are being required to cross this traffic line during peak periods? Thirdly, is it possible to resite the weighbridge in the new area that I assume has been planned for the new Port Wakefield Road, even before the road itself is built? The weighbridge could be sited in that area and trucks could perhaps be weighed there away from the traffic on the highway.

The Hon. A. F. KNEEBONE: I will ask my colleague to consider the very long explanation of the honourable member and the multiplicity of questions he has posed and bring him back answers as soon as they are available, bearing in mind the number of questions asked.

BUILDERS LICENSING REGULATIONS

Adjourned debate on the motion of the Hon. R. C. DeGaris:

That the regulations under the Builders Licensing Act, 1967, made on November 26, 1970, and laid on the table of this Council on December 1, 1970, be disallowed.

(Continued from March 3. Page 3711.)

The Hon. A. J. SHARD (Chief Secretary): In view of representations made and of the necessity to introduce builders licensing as soon as possible, the Government is prepared to amend the Builders Licensing Act, 1967, and also the regulations, which are subject to a

motion for disallowance. Before informing the Council of the Government's proposals, I think I should comment on certain statements made by the Hon. Mr. DeGaris.

The Bill introduced into the House of Assembly to make alterations to the principal Act during the tenure in office of the previous Administration was introduced after a great deal of delay. It was obvious that dissensions within the Government of that day had resulted in the inability to make a decision regarding the legislation. The Bill was eventually left on the Notice Paper and therefore lapsed. There was no significance in the fact that the regulations under discussion were laid on the table of the Council on December 4, the last day of sitting in 1970. That was the earliest day upon which the regulations were available. If they had not been gazetted until the following week, the position in regard to the board and applications for licences would have been no different.

Since the Hon. Mr. DeGaris has stated that no general attack is being made upon the principle of licensing of builders, I shall not discuss the principle, and I am pleased that he concurs that everyone would be highly delighted to assist in any way possible to see that the standards of our tradesmen are brought up to the highest possible level. Fear has been expressed that the effect of the regulations will be a substantial increase in the cost of housing and building generally in South Australia. However, there is no basis for such a claim. The Government expects that there will be no dramatic overnight effect whatsoever; but over a period of several years it is expected that standards of building work will rise because of the elimination of the very worst types of subcontractor and builder who submit very low quotes in the expectation of performing shoddy work.

The small increase in price resulting from the elimination of these very low tenders will more than offset the disadvantage of slightly increased prices. I have no doubt that there are many owners of new houses in South Australia who would gladly have paid a little more for their house if the defects in it had not occurred. Claims have also been made that there will be a dramatic effect on the number of people entering the building industry in South Australia. The Builders Licensing Board is planning to license applicants in three phases. As with all the licensing systems instituted by a Government, the first phase is concerned with ascertaining those who are already genuinely engaged in the industry and in issuing licences that are appropriate to the type of work performed. There will, therefore, be no immediate drop in the number of subcontractors available to perform work when licensing is introduced. All genuine practitioners will get an appropriate licence, regardless of their qualifications.

If a man began subcontracting for a particular type of work towards the end of last year, and has engaged in that work full-time since then, he would qualify for a licence to cover that work. The difficulty the board has faced in phase 1 of its operations has been to separate applications for licences to cover work that has actually been done from applications for licences to cover work that has not previously been carried out or which may have been a very minor aspect of work carried out a considerable time beforehand. The board has operated on the principle that no man's livelihood should be jeopardized by the introduction of a licensing system. A good many applications have been received, however, from people who would like to have a general builder's licence but who have, until now, operated only within a limited number of classified trades. Such applications have been examined closely.

In other cases, general builders' licences have been sought by persons who may be shopkeepers, public servants, or indeed any calling, and who have constructed perhaps one or two houses by subcontracting the work to various tradesmen. It has not been at all unusual for this work to be carried out at intervals of one or two years in the mid-1960's. Such people have been refused a licence. Yet again, there have been applications for restricted builders' licences for several trades, and upon examination it has been discovered that the applicant has engaged in only one of these activities. The forms used by the board have therefore been devised to yield information, which will not only assist the board in assessing genuine applications during the initial phase 1 period but also provide adequate and suitable information for many years to come.

They are understandably not simple forms to complete, but it must be remembered that application forms are filled out once only. The annual renewal form is relatively simple. I think I have demonstrated that there will be no immediate diminution in the number of subcontractors available within the housing industry following the introduction of licensing of builders. Phase 2 of the operation will cover a period of perhaps five years—it may be less, but it may also be longer. During this

period applications will be received from new entrants to subcontracting and contracting. Applications will be received from tradesmen wishing to become subcontractors, and applications for general licences will come from subcontractors within classified trades, and from general foremen. During this period, standards will rise.

The guide to applicants that has been distributed to members sets out in the latter pages a list of the classified trades with a general indication of the scope of work authorized, and the expected qualifications and experience of applicants. The board, however, will use its discretion in granting licences and will not be bound to a rigid requirement. The standards set out are, in the main, the recommendations of the Builders Licensing Advisory Committee, which comprises representatives of the building trade unions, the Employers Federation, the Chamber of Manufactures, the Master Builders Association and the Housing Industry Association, with an independent Chairman and Deputy Chairman. The periods set out are not part of the regulations, but they had the unanimous support of the Builders Licensing Advisory Committee, with the exception of the representative of the Housing Industry Association.

During phase 2, the board hopes to arrange for the commencement of courses of instruction in trades which are at present not suitably serviced in this regard. Courses relating to general business management, including some bookkeeping, will be made available to those who wish to become general builders, but it is expected that it will not be until the third phase of builders licensing that all requirements will be met by applicants approved. The Builders Licensing Board intends asking the Builders Licensing Advisory Committee for advice regarding possible courses of instruction as soon as the advisory committee has been reappointed for a second term of office.

Phase 3 of the licensing of builders will be the end period when the standards will be in full operation, and amendments will only be made for minor matters from time to time, but this is still a good way off. It can therefore be seen that the implementation of standards will be a process extending over many years, and the board will vary those standards in stages. There will not, therefore, be a sudden cutting off of the supply of new entrants to the various categories of trades. Even when standards are required, which are beyond those of an applicant, it will not prevent him from engaging in subcontracting work, provided he enters into a partnership with a man who is skilled enough to possess a licence. A newcomer from another country could well engage in work as a foundation contractor as a partner with an established countryman who held such a licence.

In these circumstances, the partnership would secure a licence, and the established partner would take responsibility for the standard of work of the partnership, and his own licence would be in jeopardy if the partnership work was not up to standard. After some years of experience in Australia, the unlicensed migrant could seek a licence on his own behalf and, if granted, he would then have the option of continuing in the existing partnership or beginning a separate business of his own. Lack of a licence, therefore, will not stop a man from being a subcontractor, provided he works in partnership and under the guidance of a qualified man.

In regard to Victorian contractors who normally work in South Australia, I can only say that they will be treated no differently from South Australians when applying for licences. Whether they think it is worth while obtaining a South Australian licence is entirely up to them. Neither will there be any reason why a tradesman from another State should not obtain a licence immediately he arrives in South Australia, provided he can meet the standards required. A complaint has also been made that the regulations allow the board to decide whether a person is fit to be licensed. This is the very reason for the establishment of the board, and such an objection is senseless.

Objection has been made to the fact that the regulations authorize the board to obtain names and addresses of all subcontractors and all people employed by any builder. I point out that section 29 authorizes regulations requiring the holders of licences or councils to furnish the board, at such time or times as may be prescribed, with such returns or information as may be prescribed. The regulation is designed to provide information only in case of disputes. It may well happen that a dissatisfied house owner will complain to the board that unlicensed subcontractors have worked on his house. If the board could not demand the names of such persons, the builder concerned could say that they were working for wages, and refuse to name them. The second part of the regulation, requiring local government bodies to supply the board with lists of approval granted by the council pursuant to the provisions of the Building Act, is designed to enable a check to be made

from time to time for unlicensed builders. There is no ulterior motive in this regulation.

Finally, in commenting upon the Hon. Mr. DeGaris' remarks, I should like to say that, far from being a massive bureaucratic organization, it is intended to administer this Act with the services of a part-time board of non-public servants, namely, a solicitor in private practice, an architect, an engineer, a chartered accountant and a member of the Australian Institute of Building, all of them in private industry. The Secretary of the board will do this work part time in connection with his other duties within the Public Service, and it is expected that a clerk and building inspectors will be engaged full time on the work. The services of a typist will be necessary from time to time. I scarcely think that this represents a massive bureaucratic organization, particularly when one recalls that the New South Wales committee is thinking along the lines of 30 inspectors.

I now turn to the Government's proposals. There have been three main objections raised. First, the question on the application form regarding place of birth; secondly, the requirement for the provisions of personal financial details in the case of directors of limited companies; and, thirdly, the regulation which requires applicants to supply the board with any other information. The Government is willing to amend both the Builders Licensing Act and the regulations. I will deal first with the Act.

One of the chief complaints in regard to the provision of financial information is in connection with directors of bodies corporate who are required to hold an individual licence in addition to the licence held by the body corporate. They claim with some justification that a limited company which gets into financial difficulties must stand on its own resources and that the private assets of the directors are not in jeopardy, and that therefore the director who holds an individual licence in association with the company licence should not be required to disclose his personal assets. This question has exercised the board's mind since 1968, and the board has proposed to raise the matter for some time.

It was not intended originally to amend the Builders Licensing Act until the next session of Parliament, but in view of the present controversy the Government is willing to bring the matter forward immediately. The Land Agents Act provides for a registered manager's licence, and it has been suggested that a similar arrangement be authorized in regard to the Builders Licensing Act. In the case of the Builders Licensing Act, however, it is proposed to make the manager's licence optional, that is to say, an option will be provided for directors of bodies corporate to take either a full individual licence, as at present set out in the Act, or a manager's licence. If they elect to take a full individual licence, they will be required to provide financial information in full and they will continue to be entitled to use the licence independently of the company. This will mean that Mr. X of X and Y Ltd. may sign contracts on behalf of the company and carry out the work through the company, or he may sign contracts in his own name and carry out work in his own name. Again he may leave the company altogether to set up business as a sole trader. The right to engage in private work is the reason why financial information must be sought by the board. It would not be proper under the present system for the board to allow the director of a company to take a full licence if that director could sever his connection with the financially sound company in order to engage in building work without adequate financial background of his own. Should the director neglect to take a manager's licence, he will not be required to supply private financial information, but he will forfeit the right to use the licence in his own name, either whilst still associated with the company concerned or by severing this association and setting up business as a sole trader.

From an administrative point of view, it is desirable that the licences which have been prepared be dispatched to those who have applied, together with a memorandum to the effect that, if they wish to convert their individual application to an application for a manager's licence, they should say so when paying the fee, in which case it will be a relatively simple matter to amend the licence and the records of the Builders Licensing Board accordingly. This will mean that when renewal takes place, financial information will not be sought. Whilst the Act is before the House, opportunity will be taken to make a few other minor amendments, including a provision to the effect that if an application for the renewal of a licence has been delivered to the board not more than two months before the date of expiration of the licence, but is not determined by the board before the day on which the licence would have expired, the licence shall be deemed to be extended until the application is disposed of by the board, and secondly that,

in the event of a director or partner or manager holding a licence in connection with the body corporate or partnership not being available, the body corporate or partnership may carry on subject to the board's satisfaction with arrangements for the undertaking of work.

Section 23 will be amended to provide that not only a member or officer of the board shall be liable for disclosure of confidential information, but any other person will also be covered. I think the fine of $200 is a sufficient deterrent, without a formal oath of secrecy.

In regard to regulations, I can say that a draft is now being prepared to provide for a general builder's licence (manager) and restricted builder's licence (manager). The fees for these licences will be the same as for general builder's licence and restricted builder's licence. An applicant for an individual licence will still be required to provide financial information. This is necessary because a sole trader commits all his wealth to his business. It is necessary to ask for personal assets and liabilities as well as business assets and liabilities. It should be remembered that in years to come an applicant for a licence as a painter and decorator will not have any business assets or liabilities in most cases. He will be a tradesman who has only personal assets and liabilities until he establishes himself in business. In regard to partnership applications, the Government is willing to amalgamate the information regarding finances so that the separate assets and liabilities of the partners will not be disclosed. The form was set out in this manner purely to assist people completing the form, and there is no objection to amalgamating the statement to show assets and liabilities for the whole group.

The requirement for companies to furnish balance sheets must remain. When the Builders Licensing Board was framing recommendations for regulations, a number of alternatives were considered. It was felt that much work would be entailed if a special statement had to be completed at the date of application, and the copy of the last balance sheet was prescribed as this would have to be prepared for taxation purposes and builders would not be put to the trouble of specially prepared documents. Some persons have protested that the balance sheets may be falsified, particularly in regard to the overstatement of work in progress. I point out that one member of the board (Mr. J. M. L. Tune) is a chartered accountant in private practice with extensive experience in financial affairs. He is well qualified to assess financial information supplied in the form of a balance sheet. There are ratios which may well indicate financial manipulation. In any case, it is unlikely that applicants will over-state the value of their work in progress in a balance sheet which is to be supplied to the Taxation Commissioner.

Whilst the board does not claim that the provision of a balance sheet is a perfect method of assessment, it is thought that in the circumstances it is the most reasonable and fair requirement which could be stipulated. I also point out that the board made inquiries overseas regarding bonding systems. It is interesting to note that a proposal form for a bond for a licensed builder by the Northern Assurance Company in North America requires far more financial information to be supplied to the insurance company than the Builders Licensing Board is asking for in South Australia. The balance sheet requested by the insurance company is quite detailed. Another aspect which militates against the introduction of bonding in South Australia is the fact that the Fire and Accident Underwriters Association stated quite categorically to the board that bonds would not be universally available in South Australia and that the amount of cover available would be limited. Very few of its members would be interested in undertaking such work. For the present, therefore, the provision of a company balance sheet is the essential minimum which the board feels it can utilize.

The question on the application form regarding place of birth was placed there in order to give the board some indication of whether further questions were required as to the place where apprenticeships were served, or trade schools attended, because the standards in some countries are very much lower than in South Australia. Some indication might also have been given in phases 2 and 3 as to whether the applicant was able to read English sufficiently to read a specification. The board and the Government are willing to compromise on this matter by striking out the question "Place of Birth" and inserting in the application form in question 7 a reference to the state or country in which an apprenticeship was completed and the state or country in which trade schools were attended. The board is also quite willing to strike out regulation 4 (5) which required the applicant to furnish to the board, in addition to particulars contained in his application, such other information as may be required by the board.

A suggestion has also been made to the Government that the matter of information regarding convictions is wider than necessary. The board decided to ask for details of all convictions because it thought it could not rely on applicants having a sufficient knowledge to select those types of conviction that would interest the board. However, the Government is willing to compromise to the extent of altering the questions relating to convictions to the furnishing of particulars of convictions for dishonesty, fraud or breaches of bankruptcy or company law. In point of fact, the board has taken no cognizance of any other type of offence, but it had some misgivings as to the ability of applicants to distinguish the different types of offence.

Certain cosmetic alterations would also be made to the forms, principally to strike out the reference to headmasters, bank managers, clergymen and police sergeants, as suitable persons to give references. Many people have taken these not as examples but as stipulations. The Government and the Builders Licensing Board have been working towards the proclamation of April 1, 1971, as the appointed day for the commencement of builders licensing, and most of the work has been completed with this date in view. It will take a little while for an amending Act to be prepared, and I ask that the regulations be not disallowed until the Government is able to substitute new legislation. This will be done as speedily as possible because, if the matter can be settled quickly, the commencement of licensing can be achieved by the expected date and it will not be necessary to spend hundreds of dollars on fresh administrative arrangements.

The Hon. G. J. GILFILLAN (Northern): I listened with much interest to the Chief Secretary's reply to the motion. It is interesting to see the changes proposed in that reply. However, much of what has been said brings home very forcibly the fact that the Government itself recognizes that there are faults both in the regulations and in the Act itself. From what has been said and from the information I have gained from various sources, it appears to me that, although some amendments are proposed, the present questionnaire is designed for the first year of operation. There are many applications to be dealt with speedily, and it is possible and even likely that in the future we will see even more restrictions and a more extensive list of categories in connection with licensing various forms of building. I am sure that all honourable members wish to see the home builder protected as much as possible, but I doubt very much whether any honourable member or any members of the building trade expected such sweeping regulations and legislation as we have seen.

One or two matters mentioned by the Chief Secretary puzzle me somewhat; one such matter is the position of someone coming to this State who is unlicensed and wishes to work in a certain trade. It has been suggested that such a person could work in partnership with and under the supervision of a licensed subcontractor. Does the word "partnership" mean, in effect, that such a person will have to engage in a formal total partnership with an established subcontractor, or is the word "partnership" used in another sense?

I still find it difficult to understand why it is necessary to include the names of all persons employed, because I believe that that information should only be required if a complaint is received. It should not be obtained as a matter of course. Furthermore, I still cannot understand why the percentage of work carried out by subcontractors is important. I doubt the wisdom of the proposal that there be a fine of $200; I doubt whether that is a sufficient safeguard for the very detailed and personal information to be given by applicants. The sum of $200 is small compared with the sums involved in what in some instances is a multi-million dollar industry.

In general, I appreciate the concessions that the Government is making in proposing not only to amend these regulations but also to bring the Builders Licensing Act itself again before Parliament. The Government's concessions are a recognition that a mistake has been made. I am sure that those people who fully understand the implications of the Builders Licensing Act, together with these regulations and the proposals in the Building Bill now before this Council, must be appalled at the chaos and cost in which the building industry could find itself involved. If these measures are accepted in their present form, surely the proposed small staff is only one side of the question: it will surely take an army of inspectors to police the whole State to ensure that the repair and building work that goes on in every district is carried out by properly licensed people.

Regarding the main question, the question whether the regulations should be disallowed, I believe that the recognition that both the Builders Licensing Act and the regulations themselves are gravely at fault is surely a

reason why these regulations should be disallowed immediately and the whole question examined in the light of the experience gained. I therefore support the motion.

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

This short Bill provides for the payment by the Electricity Trust of South Australia of a levy equal to 3 per cent of its gross revenue derived from the sale of electricity. The proposed contribution by the Electricity Trust is in line with a similar levy introduced in Victoria in 1966, which required such a contribution from its two publicly owned authorities responsible for the supply of electricity and gas. The concept of a contribution to Consolidated Revenue by those public authorities, which are not called upon to pay income tax and some other costs and taxes that impinge on comparable private undertakings, is common to all States and to the Commonwealth. The concept has applied for many years to Government insurance offices, banks, airlines, brickworks and other business undertakings. As honourable members know, the State Bank of South Australia has since 1968-69 paid a contribution to revenue comparable with the amount of income tax it would have paid if it had been a company. As the annual revenue of the Electricity Trust is now approaching $70,000,000 its contribution initially would be about $2,000,000 a year.

The moneys derivable from the contribution are most urgently required in order to assist in the financing of the essential social services of the State and as some help in meeting the increased costs of salaries and wages payable to nurses, teachers, and the like. Whilst we may expect the Commonwealth Grants Commission to recommend supplements to our Budget to the extent that South Australia is naturally disadvantaged in other grants, revenue resources, or costs of providing services, the commission will not recommend grants to make good any deficit in our finances to the extent that it is not greater a head than the deficits in New South Wales and Victoria; nor will it make good any deficit arising because overall we may tax or charge less severely than those States. Victoria levies such a contribution as is now proposed and, whilst New South Wales does not at present levy such a contribution on public authority electricity revenues, it does raise very much greater revenues from poker machine duty, which is a source of revenue not available to us in this State.

Clause 2 provides for the contribution to commence from April 1 next, so that the 1970-71 Budget will benefit from one quarter's receipt of about $500,000. I point out that the Electricity Trust's tariffs have been held so that they are presently no higher than they were 19 years ago, a remarkable achievement against a background of increasing costs in virtually all other areas. The trust, faced with increases in its own costs, particularly in wages and salaries and in interest rates, would have had to contemplate some increases in tariffs in any case in the relatively near future. Moreover, over the past 15 to 20 years its structures of costs have altered, and so have practices in both industrial and domestic usage of power, and I believe the trust may wish to make a careful review of the structure of its tariff schedules.

Pending this review, which will take some months, the trust will probably carry temporarily the impact of the proposed 3 per cent levy. The Government recognizes that the increased tariffs when determined will undoubtedly have to be somewhat greater overall than to recoup the 3 per cent contribution required for public revenues. I would not attempt at this stage any precise forecast of the overall increase likely in electricity tariffs. Having regard to the amazing stability of tariffs over nearly 20 years, during which time costs and incomes have so greatly increased, the 3 per cent required for assisting Government revenues must be regarded as very modest indeed, whilst any other addition to tariffs for the trust's own costs will, I am sure, likewise be modest.

Some question has been raised why the proposed 3 per cent contribution should not also be applied to the South Australian Gas Company as it applies to the Victorian Gas and Fuel Corporation. The answer is that the Gas and Fuel Corporation in Victoria is, like the Electricity Trust, a public authority and not liable to income taxation. The South Australian Gas Company is liable to taxation. Moreover, whilst the Victorian contributions and that now proposed from the Electricity Trust are simply financial arrangements between the Crown and creatures or authorities of the Crown and, accordingly, do not constitute

taxes in the true sense, such a contribution if demanded from the South Australian Gas Company would almost assuredly be open to challenge as an excise and, accordingly, be unconstitutional.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

RIVER MURRAY WATERS ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

It is, with some important exceptions, textually similar to a measure that was introduced into this Parliament on April 28 last year by the Premier of the day. In summary, it proposes the ratification and approval, but on this occasion with a vital reservation, of an agreement entered into by the then Premier with the Premiers of Victoria and New South Wales and the Prime Minister of the Commonwealth. Honourable members will recall that that agreement was the subject of a detailed explanation and not inconsiderable debate at that time. For present purposes, it is sufficient to say that it purports to amend the Principal Agreement of 1914 relating to the River Murray waters which has, so far, been amended six times. In substance, the amendments proposed by the agreement set out in the schedule to this Bill fall into three classes:

(*a*) a number of necessary machinery amendments to the 1914 agreement as amended, with which I suggest nobody can quarrel;

(*b*) a series of provisions relating to the construction of the Dartmouth reservoir and the sharing of the waters that will be available following that construction; again, these proposals should receive wide support;

and

(*c*) a provision that has the effect of giving any one of the contracting parties the ability to prevent, for all time, the continuance of work on the Chowilla reservoir. It is, of course, to this most obnoxious provision that the present Government and apparently the people of this State have the strongest objection.

From the outset of its taking office, the Government indicated to the Commonwealth and the Governments of the other States concerned that it was prepared to proceed immediately with the necessary planning work on the construction of the Dartmouth dam. The Commonwealth and the other States, however, refused to proceed until the agreement in the form rejected by this Parliament and the people of South Australia at an election was approved by us, thereby making it a condition of any further work at Dartmouth that we should forgo our right in the existing agreement to Chowilla.

The Government has put forward compromise proposals previously in an endeavour to break this deadlock, only to be told by the Commonwealth and the other States that they would accept no compromise whatever. We have had various statements from the leaders of the other States, particularly by Sir Henry Bolte, to the effect that the Dartmouth dam is in danger. Sir Henry has even said that moneys he had appropriated for work this year on Dartmouth have now been appropriated for other purposes. In view of the fact that the moneys he could have appropriated this year for Dartmouth were very small indeed, this is simply grand-standing.

The fact is that both New South Wales and Victoria are over-committed in relation to existing water rights and settlers in both areas badly need the construction of the Dartmouth dam. More recently it has been suggested that the reason money cannot be expended on the Dartmouth dam is that South Australia is being obdurate. No attempt whatever has been made to break the deadlock by the Commonwealth or by the other States. On this occasion, South Australia makes one further attempt to do so, that is, we will ratify so much of the proposed amending agreement as relates to the Dartmouth dam and the consequential amendments to rights to Murray River water which arise from its construction, and we will appropriate the necessary moneys for this purpose so there can be no suggestion whatever that we are holding up work on the Dartmouth dam. It could legally proceed according to the law of this State immediately this measure comes into operation. We do not, however, propose to approve that part of the agreement which disposes of this State's rights in the Chowilla dam and that would therefore necessarily remain under the existing law of this and other States and of the Commonwealth.

It may be suggested that the only way to ratify an agreement is to do it in total or

not at all. In fact, that is not necessarily so since the form of this agreement and the legislation enacted elsewhere and previously proposed here in relation to it do not in fact enact it in law and do not make it an agreement that could be sued upon. Therefore, the Parliaments in their ratification have done nothing more, in effect, than to note the proposed amending agreement. Therefore, what Parliament here is being asked to do is to note approval of so much of it as we can agree on and to give the necessary Parliamentary authority for the expenditure of money. The existing agreement, however, does remain justiciable and the Government believes that it is important that that continue.

This Bill then gives effect to the Government's intention to go as far as it possibly can to remove the impasse that has developed in relation to the construction of the Dartmouth reservoir while conforming to its consistently held policy, endorsed by the electors of this State, that Chowilla must not be irretrievably lost to obtain Dartmouth. The manner in which the intention of the Government is given effect to will be apparent from a consideration of the Bill. Clauses 1 to 5 are formal. In clause 6 (1), the agreement is ratified and approved subject to the reservation contained in subclause (2). Subclause (2) provides that the ratification and approval shall not extend to the ratification and approval of a specified passage in clause 13 of the agreement, this being the provision that, in the opinion of the Government, would lose Chowilla to the State.

Clause 7, when considered alongside clause 9, gives a clear indication of the extent to which the Government is prepared to commit itself in its endeavours to resolve the situation. Specifically, the Government seeks authority to do all things necessary to carry out the agreement as ratified and approved. In support of this desire it seeks, at clause 9, an advance appropriation to ensure that the necessary funds will be available to give full effect to its intentions.

Clause 8 provides for certain supplemental matters, and in this regard I refer honourable members to the second schedule to the Bill that sets out what the Government believes are essential amendments to the agreement. These amendments are, I feel, self-explanatory. In this clause, when read with clause 9, the Government has indicated that it is prepared to commit itself in advance, administratively as well as financially, to carrying out the agreement as amended should the other contracting Governments agree to these amendments. The first schedule to the Bill sets out the text of the agreement which, as I have mentioned, was the subject of a detailed examination on the last occasion that it was considered by this Parliament. Accordingly, I do not propose to comment further on it at this stage. The second schedule sets out the proposed amendments to the agreement and was adverted to in relation to clause 8.

The Hon. C. R. STORY secured the adjournment of the debate.

PUBLIC SERVICE ACT AMENDMENT BILL

Read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL (VOTING AGE)

Adjourned debate on second reading.

(Continued from March 9. Page 3812.)

The Hon. G. J. GILFILLAN (Northern): This Bill is somewhat similar in its implications to the Bill that reduces the age of majority. I believe that the two proposals are very closely allied, in that one proposes to lower the voting age from 21 to 18 years, whereas the other proposes to lower the age of majority to 18 years. If voting in South Australia was voluntary, I believe the question could be an entirely different one. However, the Bill before us is not a move to confer a privilege on this age group but a move to compel young people to vote whether or not they wish to do so at this age. Many of these young people are still attending school and are in that stage of their development where they are adjusting to the pressures of modern life. When speaking to the other Bill yesterday I mentioned all the pressures of this modern day and age, particularly those that apply to young people in this age group.

I believe that we would be acting in the best interests of this age group if we allowed them to get on with the business of finishing their education and preparing themselves for the responsibilities that lie ahead, without their being compelled to assume a further obligation. I can see little merit in such a move in South Australia whilst constitutional doubts are still unresolved for Commonwealth elections. It has been said that this Bill could be passed subject to the Commonwealth Government's introducing voting for 18-year-olds at Commonwealth elections, but it would be far better to consider this matter after the Commonwealth Government had made such a move. I think it would be unwise to pass this legislation at

present. I cannot understand why the Bill has been introduced. I have not found any public demand in any age group, including the young people, for this obligation to be thrust on them. Therefore, I register my objection to such a move at this time. I believe that some political expediency is behind this legislation, and that political Parties hope to exploit this age group because they believe it is vulnerable to persuasion. I consider this is the wrong motive for introducing such a measure, I oppose the Bill.

The Hon. Sir NORMAN JUDE secured the adjournment of the debate.

AGE OF MAJORITY (REDUCTION) BILL

Adjourned debate on second reading.

(Continued from March 9. Page 3813.)

The Hon. E. K. RUSSACK (Midland): Young people today are as capable as those of the past, but theoretical knowledge is being acquired at a much earlier age because of modern teaching techniques. This morning it was my pleasure, with others, to see young people nine years of age being taught the French language. Because of these techniques, advanced knowledge is being acquired by people in the 18-year-old and above age group, which is the group we are considering. However, I believe there is more than just theory to be acquired in the practical life that we are called on to live. We all need to have experience, and I refer to the period between 18 years and 21 years as consolidating years for thoughts and ambitions. Many minds are changed during this period, and there is a difference in a person and his thinking at the age of 18 years and at the age of 21 years.

I suggest that people in the 18 years to 21 years age group have not asked, generally, for the added responsibilities contained in this Bill. I concede that some minority groups, perhaps of a political flavour, or some advanced students, may have suggested that they would like these rights but, generally, there has been no approach from young people of this age. What I say has been based on a certain investigation I made. We hear much about the generation gap, and some would say that this gap would be widened by our depriving these young people of the obligations contained in this Bill, but it could have the opposite effect. Perhaps the gap would be widened if we saddled these young people with these obligations.

Many people do not understand the implications involved in the term "age of majority". Many people concerned with commerce, education, and other fields have been asked the simple question, "Do you think that the age of majority should be reduced to 18 years?" Their immediate reaction is in the affirmative, but when questioned about the implications they admit that they do not understand or have not been informed as to what is involved. One can only ascertain information and arrive at a decision if one does research and speaks to those one thinks would be involved and able to impart knowledge of these young people of 18 years of age. I have spoken to principals of high schools in the city and the country at which a matriculation class operates. Without exception I have been told that the average age of the students in the matriculation class is between 17 years and 18 years at the beginning of the school year, so that at the end of that year most of these young people would be 18 years of age. I believe the principal would have the opportunity to assess the true capabilities of these young people.

I place much importance on principals of secondary schools, because this is the channel through which our young people pass to tertiary education. I am not implying that people who leave school before this age and find their way into commerce and other avenues are not intelligent young people. We need to confront them, too, to assess what they think and what their capabilities are. The intellectual people must be channelled through secondary education, and that is why I place supreme importance on the opinion of a principal of a secondary school. In every case where I approached principals of schools, they considered that the young people who passed through their schools were not capable at that stage of accepting in a balanced way the responsibilities which would be imposed upon them by the provisions of this Bill. I approached the principal of a tertiary institution, and I approached a senior Army officer who is handling incoming recruits in New South Wales under the National Service scheme. I approached a very senior man in the Education Department. In his opinion this proposal was quite all right, but he added the priviso that it would be necessary for discipline and other reasons that the parents should still have some oversight. If the parents still have oversight then a person of 18 years of age has not the full rights of citizenship and has not been given the rights provided in this Bill for the age of majority.

The senior Army officer to whom I referred is a decorated officer with a family of boys. In his opinion, one member of his family would have been capable of accepting full responsibility, but others would not have been. He said the National Servicemen going through his hands at the age of 20 years were fine, good types of young men and, in his opinion, capable of accepting the responsibilities of full citizenship, but these young men would be going on towards the age of 21 years.

I have approached nurses in the second and third years of their courses, I have approached young lady clerks and young men, and not one of these young people was willing to accept the responsibilities imposed by the measure before us. I have received letters from different areas objecting to this measure.

Various countries in the world have attempted to lower the age for voting, and some have done so. In Norway, where voting is not compulsory, the voting age is 20 years. The question of lowering it to 18 years is under consideration. In America, a major new direction in election legislation during the past biennium involved serious efforts to lower the voting age. Some kind of action was taken in at least eight States during this period, although no State actually reduced the age limit. I mentioned voting because another Bill before the Council is closely related to the Bill concerning the age of majority.

The Maryland electorate voted heavily against lowering the age to 19. The proposal was lost in 21 of 23 counties with 43 per cent of the electorate participating and was close only in Baltimore. North Dakota voters turned down, by a 3,000 vote margin, a plan to lower the age to 19, despite endorsement by both Parties and most of the candidates in the election. The only section of the constitutional referendum defeated by Hawaiian voters would have reduced the age limit from 20 to 18, and the electorates in both Nebraska and Ohio rejected proposals to lower the voting age to 19. New Jersey and New Mexico voters rejected proposals to lower the voting age to 18 and 20 respectively. Other Legislatures have approved constitutional amendments to be submitted to their voters, reducing the minimum voting age. In general the pattern has been official approval and endorsement but rejection by the voters at the polls.

I would say the same thing would happen in South Australia. Whilst legislators feel that the age should be lowered I would confidently say that if we went to the people concerned we would find the majority would not be in favour of lowering the age.

The Hon. T. M. Casey: What is the position in Australia today?

The Hon. E. K. RUSSACK: The age in South Australia is 21, and I hope it remains so.

The Hon. T. M. Casey: But what is the position in Australia overall?

The Hon. E. K. RUSSACK: To my knowledge there are only two States where the age has been lowered to 18 years—Western Australia and, I believe, Tasmania. New South Wales is waiting on the Commonwealth coming into line.

The Hon. R. C. DeGaris: They have not got the age of majority in Western Australia.

The Hon. E. K. RUSSACK: It is only the voting age. Under this Bill we are considering the age of majority. In France 72 per cent of the boys and 75 per cent of the girls are opposed to any reduction in the legal voting age.

The Hon. A. F. Kneebone: How do they get this sort of referendum? How do they arrive at 75 per cent?

The Hon E. K. RUSSACK: To find the answers to these questions, the French Minister for Youth and Sports launched a vast survey in 1966 that questioned the young people themselves, their clubs and associations, and those who act as their spokesmen. Nearly 100,000 questionnaires were sent out all over France. I believe many of these questionnaires were sent to youth organizations, thereby increasing that number greatly. It was not just 100,000; those figures would have been much greater.

The Hon. A. M. Whyte: It would be about the same in South Australia, too.

The Hon. E. K. RUSSACK: I am sure it would be. Many parts of the Bill have been mentioned, but I would like to comment especially on Part XXI, the amendment to the Licensing Act and the reduction of the drinking age to 18 years. I am opposed to that. I read from a survey in Victoria as follows:

About 65 per cent of schoolboys and 50 per cent of schoolgirls between 15 and 18 in Victoria drink alcohol. The survey, made among 1,000 schoolchildren in Government and non-Government schools, is reported in the July, 1969, edition of an educational magazine issued by the Victorian Education Department.

I do not mention this from the point of view of a wowser, but I shall support what I have

said with statements made by men in South Australia who should know the position because of their involvement and their experience in the results of this habit. One statement was:

Relaxation of the drinking laws was one reason for more teenagers drinking, Superintendent E. L. Calder said yesterday.

This appeared in the *Advertiser* of February 25, 1970:

Under-age drinking was a growing problem in South Australia and the police were paying particular attention to it.

The lowering of the age will not rectify such a situation; it will make it more complex. The statement continued:

Superintendent Calder said that when the legal drinking age was 21, many 18 and over went to hotels. With the legal drinking age now 20, even younger groups were entering hotels. . . . The legal drinking age of 18 in other States encouraged teenagers to drink. Young people in contact with teenagers from other States thought they should have similar rights.

He did not want the age lowered to 18 but felt it would come. Should the age in South Australia be lowered, he hoped it would be made illegal for anyone under 18 to be in a bar. At present police who found 16 or 17-year-olds in a bar could take no action. When the police left, the youth's older friends could buy him a drink.

I wish to quote the following article from the *News* of July 28, 1970:

Juvenile Court magistrate, Mr. W. C. Beerworth, said yesterday he was satisfied that 18 years of age was too young for people to drink in hotel bars. "They should not be allowed to drink indiscriminately in bars, or buy liquor in bulk from bottle departments," he said.

He was amazed at the effect that liquor had on young people. In his three months on the Juvenile Court bench this had been reflected in the large number of drink-driving cases dealt with by him. "The behaviour of young people who have consumed liquor has been amazing," he said.

I wish to be fair, so I stress that Mr. Beerworth is not suggesting that 18-year-olds should be completely deprived of a drink. The article continues:

He had no objection to young people between 18 and 20 drinking provided it was under supervision. "It is the indiscriminate and uncontrolled type of drinking that is causing me so much concern," Mr. Beerworth said.

I have quoted from that article because it gives the opinions of a man who should know the situation. The provision in this Bill does nothing to prevent indiscriminate drinking by 18-year-olds. I see definite dangers, too, in the clauses concerning the Lottery and Gaming Act. Further, I do not favour reducing the minimum age for jury service from 25 years to 18 years. A person can be required to render jury service if he is on the House of Assembly electoral roll; if this Bill is passed, such a person will need to be at least 18 years of age. People rendering jury service should be people with experience, and with more experience than that which a person of 18 years of age could have.

Maturity and experience are needed, too, if a person is to deal wisely with financial contracts. I stress that I am speaking in general terms; I do not suggest that there are not some 18-year-olds who could handle financial contracts wisely. In all walks of life there are some outstanding people but, in the main, it would be dangerous to allow 18-year-olds to enter into many forms of financial contract. I wish now to refer to Sir Kingsley Paine, a man who has had far greater experience than I have had, a man whom we all respect. He is referred to in the following article in the *Advertiser* of March 2:

Forty-five years of dealing with bankrupts must give a rare insight into human nature. "People are not less honest now than they used to be," Sir Kingsley said . . . What does he think of the proposed law to reduce the age of majority to 18?

Young people have a lot more freedom now and their standards of citizenship are not so high as they used to be. "Lowering the age at which you can make a binding contract will get more young people into trouble until they learn to look after their affairs properly."

Those are the words of a man who for 45 years was asociated with the Bankruptcy Court in South Australia. For the reasons I have given, I do not intend to support the Bill.

The Hon. A. F. KNEEBONE (Minister of Lands): I was not prepared for the second reading debate to conclude today, but I will deal with some of the points made by honourable members. I was amazed to hear the criticism of the Bill, particularly in view of press reports of what was said by the Deputy Leader of the Opposition in another place. Mr. Millhouse was reported as saying that reducing the age of majority was the policy of his Party during the last election campaign and that all members of his Party were elected under that policy. I stress that that policy included a proposal to reduce the age of majority to 18 years.

The Hon. R. C. DeGaris: Do you think there is a mandate for it?

The Hon. A. F. KNEEBONE: I have heard much about mandates since I have been a

member of this Council but I have rarely heard of such a complete mandate as the mandate that exists for this Bill. The two major Parties in their election campaigns agreed to this proposal. Both Parties paid lip service to it. Having sought the support of the people for this policy, we now find some people criticizing it.

The Hon. R. C. DeGaris: What choice did the people have?

The Hon. A. F. KNEEBONE: Other people besides the two main Parties were standing on that occasion; the honourable member will realize that.

The Hon. T. M. Casey: I think the Hon. Mr. Hill expounded this at the last election.

The Hon. A. F. KNEEBONE: When I interjected, he denied that his Party had supported it on that occasion.

The Hon. C. M. Hill: No, you are wrong there.

The Hon. A. F. KNEEBONE: It was a matter that was that Party's policy. I have been surprised at what has gone on in regard to this all the way through. I do not want to say much in winding up the debate. I thank honourable members for devoting so much time to it, although I think some of the things they have said are out of line with what they should be supporting, after having gone to the people on it. As I know that honourable members have a number of amendments on file, I shall content myself with saying what I have said about the Bill and, when we get into Committee, if I cannot answer immediately some of the questions that honourable members may wish to have answered on some of the matters raised in their second reading speeches, I will ask that progress be reported so that I can obtain the answers.

The Council divided on the second reading:

Ayes (10)—The Hons. D. H. L. Banfield, T. M. Casey, R. A. Geddes, C. M. Hill, A. F. Kneebone (teller), F. J. Potter, Sir Arthur Rymill, A. J. Shard, V. G. Springett, and C. R. Story.

Noes (9)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), G. J. Gilfillan, L. R. Hart, Sir Norman Jude, H. K. Kemp, E. K. Russack, and A. M. Whyte.

Majority of 1 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

The Hon. M. B. DAWKINS: I move:

After "2" to insert "(1)"; and after "proclamation" to insert the following new subclause:

(2) The Governor shall not make a proclamation for the purposes of subsection (1) of this section unless he is satisfied that legislation has been enacted by the Parliament of the Commonwealth, providing that the age at which persons shall become entitled to vote at elections for the House of Representatives of the Commonwealth shall be eighteen years, and that legislation is in operation.

This amendment provides that this legislation, if passed, shall not come into force until such time as the voting age for the Commonwealth Parliament is reduced to 18 years. This Bill and the Constitution Act Amendment Bill are, to a considerable degree, bound up with each other. To say the least, it would be confusing if the age of majority was reduced and the age for voting was not. It is not wise to reduce the age to 18 years until such time as that happens for the whole Commonwealth. Although I personally doubt the wisdom of reducing the age to 18 years, if it is to be done it should be done at the same time as the Commonwealth age for voting is reduced.

The Hon. A. F. KNEEBONE (Minister of Lands): I oppose the amendment. However, as there are several amendments closely linked to this one and as I want to get some information on the matter, I ask that progress be reported.

Progress reported; Committee to sit again.

BUILDING BILL

Adjourned debate on second reading.

(Continued from March 9. Page 3818.)

The Hon. A. M. WHYTE (Northern): Unlike the Bill with which we have just dealt, this Bill has some merit to it. I believe that this legislation has been asked for by the building industry and by the people of South Australia generally. True, our building legislation needed an overhaul for a number of good reasons, which the Minister outlined in his second reading explanation. I do not intend to oppose the Bill; in fact, it is only by criticism and question that perhaps it can be improved. There are several amendments to the Bill that I hope will provide some rectification of the anomalies that appear in it. Clause 5, which gives a blanket cover over the whole State (together with the supporting regulations to the Builders Licensing Act), causes me concern.

Whereas the old Act provided that a council could apply to have the provisions of the Act

applied to it, this Bill now provides a blanket cover over the whole State unless the council makes a special application for the Act not to apply to it. I believe the proposed amendments will have much support by honourable members, and I hope that this clause can be amended so that the provisions may apply to a council only if it so desires. Clause 9 (3) states:

If the council is of the opinion that the proposed building work would adversely affect the local environment within which the building work is proposed, it may, notwithstanding that the building work complies with this Act, refer the plans, drawings and specifications to referees appointed under Part IV of this Act.

This matter is adequately covered by the Planning and Development Act, and I can see no reason why the opinion of referees should be necessary in order to give a ruling on whether a building would adversely affect the local environment. In that Act, provision is made and power is given to the authorities to regulate the likelihood of any building affecting the local environment. The question of classifications is another point about which the Minister will no doubt give further information. I believe there are about 10 classifications, if I remember correctly. It is hard to know whether these classifications will be suitable until such time as we get clarification of what they are and whether they cover all the categories. The legislation is so wide that we do not know whether a person would need a qualified builder and an official permit to build a fowlhouse at Oodnodatta.

The Hon. A. F. Kneebone: I think you do know that.

The Hon. A. M. WHYTE: Perhaps I do, but it is not written in this Bill. I believe that when we get the classifications we will be better able to judge just how fully this point is covered. Clause 14 (2) states:

The building surveyor, building inspectors, officers and servants, appointed under subsection (1) of this section, shall be under the direction of the council and shall be paid by the council such salaries and fees as may be determined by the council.

I believe that many councils will be at a disadvantage in gaining the services of these highly qualified men.

The Hon. M. B. Dawkins: Is it necessary that a country council should have a surveyor as well as an inspector?

The Hon. A. M. WHYTE: It would be most unnecessary to have both. I always thought that a person who had his house built could govern the quality of the work merely by his cheque book and that, if he was not satisfied with the quality of the work performed, he could ask the builder to do something about it. Today, it is apparent that people must be protected in every respect—a big brotherhood to tell us what is good for us in so many aspects of our living. Practically all the legislation coming before us now spells out what is good for us. I maintain that if these salaries are to be met by small councils, they will be at a definite disadvantage compared with some of the bigger councils that can afford to pay the salaries of these men. I bring these points forward for the Minister to consider when replying. I do not want to knock the Bill: I merely want to improve it, if possible.

The Hon. C. M. Hill: Some small councils can hardly afford to pay their clerks, let alone pay these other salaries.

The Hon. A. M. WHYTE: Clause 14 (4) states:

The council shall provide and maintain an office for the building surveyor.

If the Minister had attended a recent local government conference he would have learnt that many small councils are in dire financial straits. Because of the state of the rural economy, some of them are not able to increase their rates; indeed, in many areas some are not even able to collect the rates. The building surveyor would not be used often in many of these areas unless something unforeseen happened to the rural economy, and it should not be necessary to force a council to provide a special office for him. This point can be discussed in Committee. Clause 16 provides:

The building surveyor or a building inspector may, at all reasonable times during the progress and after the completion of any building work affected by any provision of this Act, or by any term or condition on which the observance of any such provision has been dispensed with, enter and inspect any land or premises for the purpose of determining whether the building work complies with the requirements of this Act.

I believe that there should be a time limit applied to this provision, because what one person deems a reasonable time may not be reasonable at all. If both parties agree, I believe that an extension of time should be allowed. The provision leaving to the discretion of the surveyor what is a reasonable time is not justified. Clause 17 (*e*) provides that a surveyor is permitted to cut into, lay open, or pull down any part of a building structure or work that prevents him from ascertaining whether the work has been performed in accordance with the Act. As the Minister

knows, many times the inspector and building contractor do not agree and take great delight in not only criticizing but also in hampering each others work. An inspector with a grudge against the contractor could exercise his power (although I hope he does not) and cause part of a building to be pulled down.

The Hon. A. F. Kneebone: Don't you think that if this provision was not included an unethical builder could use shoddy material?

The Hon. T. M. Casey: I think the Westgate Bridge in Victoria is a typical example of this.

The Hon. A. M. WHYTE: It was not my bridge.

The PRESIDENT: Order! Interjections are out of order. The honourable member must address the Chair and not indulge in a conversation across the Chamber.

The Hon. A. M. WHYTE: I do not oppose the inspector having this right, but if he makes a wrong decision and orders something to be pulled down and it is found that the building has been constructed properly, who pays for reconstructing it? If it has been pulled down unnecessarily, what happens? No provision is made for this.

The Hon. A. F. Kneebone: What happens today?

The Hon. C. R. Story: They don't pull it down.

The Hon. A. M. WHYTE: I think there would be an understanding with the inspector before a building was pulled down, but under the provisions of this Bill there is no redress.

The Hon. A. F. Kneebone: The builder today gets away with it.

The Hon. A. M. WHYTE: That is why an architect is paid to supervise the work. An inspector could easily override the architect's decision if the Bill passed in its present form. Under the provisions of clause 24 (2) the referees may direct that the work specified in the determination must be carried out to ensure that the objects of the Act are attained. This is concerned with alterations, but in country areas expert builders are scarce at any time. I do not reflect on them because those we have do an excellent job, and they will not do any better job if they are licensed. My point is that if a referee considers that the work done on a building is not satisfactory there must be a delay, and delay of any kind costs money. It seems to me that the Bill's provisions place country areas at a distinct disadvantage.

Clause 28 (*a*) requires the referees to send copies of the minutes, certified under their hands, to the clerk of the council and the Minister. The referees keep proper minutes of the proceedings, and I believe that the interested party should also receive a copy of the findings. It is his money and he has to pay the bill.

Clause 51 provides that all buildings and structures, the property of the Crown, shall be exempt from the operation of this Act. I believe that Crown buildings and structures should set an example, and I strongly object to the fact that these structures and buildings are to be so exempt. This would mean that, if the Crown wished to take short cuts, no action could be taken against it.

The Hon. A. F. Kneebone: It was your Party's policy, too.

The Hon. A. M. WHYTE: I do not reflect on any Party; any Party introducing this provision would be doing an injustice to ratepayers. Clause 54 (1) provides that any notice or other document that the council or building surveyor is authorized or required to serve under this Act must be served personally or by post. I know that mail can easily be misplaced in country areas. Neighbours collect mail for other persons, and there could be many reasons why a notice sent by post would not reach the person concerned. The provision should included "either personally or by registered post", because this would give some assurance that the notice would be received by the person who was being served. Clause 61 deals with regulations and paragraph (*a*) states:

> . . . regulate, restrict or prohibit the use of specified materials for the purpose of building work, and invest a prescribed person or authority with discretionary power to regulate, restrict or prohibit the use of any materials for the purpose of building work;

In many areas people use materials that are most readily available. This regulation may force people to cart materials long distances, because the person in authority could say he knew that the sand from Port Augusta would be excellent and that it had to be carted from there, perhaps a distance of 100 miles, whereas there could be sand within 100yds. of the construction work. Having raised these objections and these queries with the Minister, I have pleasure in supporting the second reading.

The Hon. C. R. STORY secured the adjournment of the debate.

UNFAIR ADVERTISING BILL

Adjourned debate on second reading.

(Continued from March 9. Page 3809.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I know one could speak on behalf of all members of this Council on this matter. As the Hon. Sir Arthur Rymill said last year, no member of this Council would favour any advertisement or statement that was not completely fair. We saw an instance of that today in Question Time. No politician could be guilty of any unfair advertising whatsoever. One could say no political Party would descend to such a level as to have any misleading advertising or unfair statement relating to that Party. One could quote known cases in this regard. I remember very clearly a television show not long ago in which Sir Thomas Playford was shown on the television screen as a rather tiny mouse running across the screen, and the present Premier a large and smiling face looking down at the little mouse as it ran across the screen. One could give other examples which show quite clearly the complete and absolute fairness of political comment. Every member of this Council would realize that no politician and no political Party would ever descend to the level of making any unfair statement.

I suppose it could be said that political Parties do offer services, and if one looks at the Bill one sees quite clearly in clause 3 that it relates to any goods or services. Goods are defined in clause 2 as including vehicles, vessels, aircraft, animals, articles, and things of any description and rights in respect of goods, but services are not defined in any way. The first question I would like to ask in speaking to the Bill is: what definition can one put on services? Political Parties may have to be more careful in the future if they can claim that they are offering any service to the community, because possibly they could be dragged into this clause in relation to unfair statements.

Of course, it is not only politicians and political Parties that make misleading statements. I am sure the Hon. Sir Norman Jude would agree that some unfair statements are made about politicians. Recently there was published an article which caused, temporarily anyway, some damage to the image of the Hon. Sir Norman Jude, and of Mr. Rodda in another place, and of myself. Sir Norman was described as a kingmaker, or a "fixer" if you will. Those who know him well would find this description quite laughable. In this article Sir Norman's role as the kingmaker was to get Mr. Rodda to take Sir Norman's place in Southern District and then the next step was to push me into the House of Assembly seat of Victoria. The heading was "Then the sparks would fly".

Firstly, Mr. Rodda would have to stand in a plebiscite in Southern, with some 20 or 30 people standing in the plebiscite and some 7,000 people voting for the whole of that district. Then it would be necessary for me to resign from this Council and stand for a plebiscite in Victoria against a number of candidates. Both of these procedures are fraught with a number of probabilities that any sitting member of Parliament would know and recognize. Rather remarkably, in such a scheme Sir Norman would possibly need to have some contact with me and with Mr. Rodda, but rather remarkably, too, there was no contact whatsoever; indeed, the story was a complete surprise to Mr. Rodda and to me. There was not a grain of truth in the story as far as we were concerned. But what it has done is to cast doubts in some people's minds on the political integrity of Sir Norman Jude, Mr. Rodda, and myself. At the end of a very distinguished political career, to be cast as a "wheeler and dealer" politically is an unworthy image for Sir Norman. Secondly, I assure the Council that I have absolutely no intention, and never have had, of leaving this Council, and Mr. Rodda has had no intention whatsoever of leaving the House of Assembly and coming into this place. I have wandered away from the Bill.

The Hon. Sir Arthur Rymill: I thought you might be suggesting editorial statements should come under the Bill as well.

The Hon. R. C. DeGARIS: It may come to that.

The Hon. A. J. Shard: They have done that before today, more than once.

The Hon. A. F. Kneebone: Are you criticizing journalists?

The Hon. R. C. DeGARIS: No. I am making a statement. A statement appeared in the press which I believe to be an unfair statement and which has had some effect, and with the forbearance of the President and the Council I have put on record very clearly where things stand. I have made no statement previously, mainly because I thought it might blow over and be forgotten, but very shortly a plebiscite will be conducted in Southern District. We do not know when it will be when Sir Norman retires. Some

damage has been caused by the story, which was completely and absolutely misleading and not in accordance with fact.

Returning to the Bill, I do not know whether or not this is in a restricted area. There is a definition of goods, but there is no definition of services. One might query what this area really covers. It seems fairly obvious that the goods, which include vessels, vehicles, animals and articles, do not cover land or buildings or houses. It appears that land agents are not given to making unfair statements in advertisements but other people are—people who supply goods and services. I put this forward as a query to try to ascertain from the Government exactly what is covered by the legislation. In his second reading explanation the Chief Secretary made the following statement about the Bill:

It gives effect to a recommendation contained in the Report on the Law Relating to Consumer Credit and Money Lending that was prepared in the Law School of the University of Adelaide and is commonly referred to as the Rogerson report. This measure is one of a series that the Government proposes to introduce to give effect to its policy of "consumer protection". In this modern competitive society no-one would deny the right of the vendor to cry his wares in the market place and to take advantage of modern methods of mass communication in bringing the virtues of his goods before the public. However, it is not unreasonable to suggest that his advertising should not contain any materially inaccurate or untrue statements and that it should not be such as to mislead or deceive the people to whom it is directed.

It appears to me that this Bill will operate in a restricted area and that certain people who are given to being just as misleading in their advertisements will be left out of the net. The following is the definition of "unfair statement":

"Unfair statement" in relation to an advertisement means a statement or representation contained in the advertisement that is—

(*a*) inaccurate or untrue in a material particular;

or

(*b*) likely to deceive or mislead in a material way a person to whom or a person of a class to which it is directed.

Let us consider the words referred to in that definition—"inaccurate or untrue". The word "inaccurate" must surely mean not accurate, not completely or absolutely true. A statement that is inaccurate in this sense does not have to be a blatantly untrue statement; I suppose that "King Size" almost falls into the category. A prosecution can proceed only with the consent of the Attorney-General. It seems to me that the Attorney-General will decide what is an unfair statement. Having reached that stage, a number of defences are set up. I do not know whether this is the reverse onus of proof, but it appears to be very close to it. Clause 3 (2) provides:

It shall be a defence to proceedings for an offence that is a contravention of subsection (1) of this section for the defendant to prove that at the time of the publication he believed on reasonable grounds that the statement or representation complained of was not an unfair statement.

The onus is on the defendant to prove (not to show to the satisfaction of the court, but to prove) that at the time of publication he believed on reasonable grounds that the statement was not an unfair statement. Further, subclause (3) provides that:

(*a*) an owner, publisher or printer of any newspaper, publication, periodical or circular;

(*b*) an owner of any radio or television station;

(*c*) an advertising agent acting on behalf of the advertiser;

(*d*) a newsagent or bookseller,

or

(*e*) a servant, employee or agent of any of the persons referred to in paragraphs (*a*) to (*d*), inclusive, of this subsection,—

are out of the net. In other words, the Bill comes right down on the person doing the actual advertising. Subclause (4) provides:

It shall be a defence to a prosecution for an offence that is a contravention of subsection (1) of this section for the defendant to prove that the unfair statement was of such a nature that no reasonable person would rely on it.

After going through all the stages I have already referred to, if the unfair statement is so unfair and so unreasonable that a normal person would not rely on it, there is no offence. So, the bigger the lie the easier it is to find a defence. Perhaps that provision will get most politicians out of the net.

The Hon. A. F. Kneebone: Do you reckon that politicians tell big ones?

The Hon. R. C. DeGARIS: If one gets down to what is misleading, I think every honourable member would agree that the politician is not bad in this respect.

The Hon. A. F. Kneebone: We ought to say, "You speak for yourself."

The Hon. A. J. Shard: I would hate to think that the majority of people thought that I had misled them.

The Hon. R. C. DeGARIS: It is a different situation when we come down to individuals.

To illustrate my point, let me remind honourable members of the television programme where Sir Thomas Playford was portrayed as a tiny mouse running across the screen. I admit that certain things I have said were said in a facetious way. This Bill provides for a penalty for unfair statements, but I have seen unfair statements that have been just as damaging as those that come under this Bill and they have been made by political Parties and newspapers, yet we are going to create an offence under this legislation only in certain areas. My point is that unfair statements are made by all sections of the community, not just the one section covered by this Bill; yet an offence for which there is a penalty of $1,000 is created that applies to only one section of the community. If I have been interpreted—

The Hon. A. J. Shard: You were not interpreted—you said "all politicians".

The Hon. R. C. DeGARIS: I think every politician at some stage in his career has made an unfair statement. That goes for every honourable member in this Council. At some stage we have all made unfair statements.

The Hon. A. J. Shard: Not in the way in which you were expressing it.

The Hon. R. C. DeGARIS: If anything I have said has offended the Chief Secretary, I am very sorry; there was no intention to offend him. Surely every honourable member would agree that during his political career he has made an unfair statement; I have done so, and I regret it, and so does every honourable member here. Yet in this Bill we are tabbing certain people with a penalty for doing just that kind of thing. The Bill covers goods and services, but what are "services" as referred to in the Bill? Political Parties supply a service. In that case it may be thought they are covered, but I doubt whether they are. I am sure everyone agrees that there is some need for consumer protection legislation and that to cover this area it is difficult to frame effective legislation that is not completely restrictive.

On the one hand, we are continually being told that people in our society and our present 18-year-olds are more mature than their counterparts were a few years ago, and that they are more capable of looking after themselves. On the other hand, we are introducing a series of measures, such as this Bill, designed to protect people. Those two approaches are somewhat paradoxical: on the one hand, we are all supposed to be more mature and more able to take care of ourselves in the community while, on the other hand, we need machinery to protect people against themselves. With those few comments, I am willing to support the second reading of the Bill. I shall be looking at the amendments in the Committee stage.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

FRUIT FLY (COMPENSATION) BILL

Received from the House of Assembly and read a first time.

ADJOURNMENT

At 4.54 p.m. the Council adjourned until Thursday, March 11, at 2.15 p.m.