LEGISLATIVE COUNCIL

Tuesday, November 14, 1972

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

INDUSTRIAL CONCILIATION AND ARBITRATION BILL

At 2.16 p.m. the following recommendations of the conference were reported to the Council:

As to Amendments Nos. 2, 3, 6, 7 *and* 8:

That the Legislative Council do not further insist on its amendments but make the following amendments in lieu thereof:

Page 5, lines 26 to 42 and page 6, lines 1 to 26 (clause 6)—Leave out all words in these lines and insert new definition as follows:

"employee" means—

(*a*) any person employed for remuneration in any industry;

(*b*) any person engaged to drive a motor vehicle, used for the purposes of transporting members of the public, which is not registered in his name, whether or not the relationship of master and servant exists between that person and the person who has so engaged him;

(*c*) any person (not being the owner or occupier of premises) who is, pursuant to a contract or agreement, engaged to perform personally the work of the cleaning of those premises whether or not the relationship of master and servant exists between that person and the person who has so engaged him; and

(*d*) any person who is usually employed for remuneration in an industry or who is usually engaged in an occupation or calling specified in paragraphs (*b*) or (*c*), notwithstanding that at the material time he is not so employed or engaged;

but does not include—

(*e*) any person employed by his spouse or parent;

(*f*) any person employed in a casual or part-time capacity where that employment is wholly or mainly carried on in or about a private residence and is not for the purposes of the employer's trade or business; or

(*g*) any person or person of a class prescribed as not being an employee or employees for the purposes of this definition.

Page 6, lines 27 to 43 and page 7, lines 1 to 15 (clause 6)—Leave out all words in these lines and insert new definition as follows:

"employer" includes any person or body, whether corporate or unincorporate, who or which on behalf of himself or itself or another employs one or more employees in any industry and—

(*a*) in relation to Public Service employees other than railway employees, means the Public Service Board;

(*b*) in relation to railway employees, means the South Australian Railways Commissioner;

(*c*) in relation to a person referred to in paragraph (*b*) of the definition of "employee", means the person or body, whether corporate or unincorporate, in whose name the vehicle was registered; and

(*d*) in relation to the person referred to in paragraph (*c*) of the definition of "employee" means the person or body, whether corporate or unincorporate, who engaged the person to perform personally the work.

and that the House of Assembly agree thereto.

As to Amendment No. 9:

That the Legislative Council amend its amendment as follows:

New paragraph (*e*)—In the passage "harsh, unjust and unreasonable" leave out "and" and insert "or".

and that the House of Assembly agree to the Legislative Council amendment as amended.

As to Amendment No. 10:

That the Legislative Council do further insist on its amendment and that the House of Assembly do not further insist on its disagreement thereto.

As to Amendment No. 11:

That the Legislative Council do further insist on its amendment and that the House of Assembly do not further insist on its disagreement thereto.

As to Amendment No. 16:

That the Legislative Council do not further insist on its amendment.

As to Amendments Nos. 15 *and* 20:

That the Legislative Council do further insist on its amendments and that the House of Assembly do not further insist on its disagreement thereto.

As to Amendment No. 31:

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

Page 59, lines 1 to 9 (clause 82)—Leave out all the words in these lines and insert in lieu thereof new subclause as follows:

(4) Every employee shall, in respect of annual leave, whether granted pursuant to this section or to an award, be entitled to payment in lieu of annual leave or proportionate leave on termination of employand such payment shall be made irrespective of the reason for, or the manner of, such termination.

and that the House of Assembly agree thereto.

As to Amendments Nos. 36, 37 *and* 40:

That the Legislative Council do not further insist on its amendments but make the following amendment in lieu thereof:

Page 64, after line 23 (clause 93)—Insert new subclause as follows:

(3) No order or decision or proceedings of any kind of the Full Court shall be challenged, appealed against, reviewed, quashed or called in question save on the ground of excess or want of jurisdiction before the Full Court as defined for the purposes of the Supreme Court Act, 1935, as amended.

and that the House of Assembly agree thereto.

As to Amendment No. 49:

That the Legislative Council do further insist on its amendment and that the House of Assembly do not further insist on its disagreement thereto.

As to Amendment No. 51:

That the Legislative Council do not further insist thereon but make the following amendments in lieu thereof:

Page 30, line 14 (clause 29)—After "(*c*)" insert "subject to subsection (1a) of this section,".

Page 30, after line 37 (clause 29)—Insert new subclause as follows:

(1a) An award referred to in paragraph (*c*) of subsection (1) of this section shall only provide for preference in employment to members of a registered association of employees in circumstances where and to the extent that all factors relevant to the employment of such members and the other person or persons affected or likely to be affected by the award, are otherwise equal.

and that the House of Assembly agree thereto.

As to Amendments Nos. 54, 55 *and* 56:

That the Legislative Council do not further insist on its amendments.

As to Amendments Nos. 57 *and* 58:

That the Legislative Council do further insist on its amendments and the House of Assembly do not further insist on its disagreement thereto.

Consideration in Committee.

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

That the recommendations of the conference be agreed to.

First, I wish to comment on the way in which the conference was handled and on the eventual agreement between the two Houses. The conference was conducted in a very good spirit. All members of the management committees from both Houses applied their minds, right from the start, to seeing what could be achieved and worked consistently in an effort to reach a compromise that would be satisfactory to both Houses. It took a considerable time to reach final agreement on the report to be made to each House, and the Parliamentary Counsel was busily engaged with various types of amendment put to the conference, and had a hard job, indeed, in arriving at an interpretation of the opinions of the managers of both Houses. It was a well-conducted conference, and I compliment the Minister from the other House on the manner in which he chaired the conference.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the motion and I also support the Minister's remarks that the conference was conducted in a very good manner, with co-operation being displayed by both Houses. At no stage did animosity come into the discussions. I was pleased at the support received from Council members for the views of this House. At a conference like this, matters of a most complex nature are considered, and I think that it is reasonable for more time to be taken. Although I was not over-impressed with the idea of beginning a conference on Thursday evening and reporting to the House on Tuesday, I am sure that we could not have come to a satisfactory conclusion if this conference had been conducted whilst Parliament was sitting, because members would have been tired at a time when they would have to make a final decision. Because people had time to think about the various matters being discussed, the work of the conference was assisted. Also, I am pleased that during the conference, although certain decisions had been reached earlier, no information became available to the press, and this is a matter on which every manager should be congratulated.

The Hon. A. J. Shard: That is the only way it should be.

The Hon. R. C. DeGARIS: Of course, but I think the Chief Secretary would agree that, when 10 people are engaged at a conference, it is difficult to prevent information from being released before the conference is finished. I compliment the managers, because nothing came out from the conference until the report had been made to the House.

Dealing with the agreement that has been reached, amendments 2, 3, 6, 7, and 8 deal with the definition of employee. Members will recall that the amendment in the original clause dealt with a series of definitions of employees to which this House objected. The clause has now been redrafted to include two classifications of people to which the House previously objected: first, those who subcontract in a cleaning capacity and, secondly, those who drive a passenger motor vehicle that is not registered in their name. Those two categories come into the definition of employee, but the other subcontractors, which were included in the original Bill, have been excluded.

In connection with amendment No. 9, there was a long argument on two matters; the first matter was whether, in a dismissal, a person

had to show that the dismissal was harsh, unjust and unreasonable or whether he had to show that the dismissal was harsh, unjust or unreasonable. The Legislative Council has agreed to forgo this amendment, but it has insisted on the other amendment—that these matters are to be dealt with by the court, not by the commission. Amendment No. 16 was a drafting amendment that was moved in this Council; we have been shown that the original draft is the correct phraseology, and the Council therefore did not insist on its amendment.

Amendment No. 11 was tied to amendment No. 49, dealing with the question of civil actions. In the Bill the commission had power to declare any dispute an industrial dispute for the purpose of the Bill; the Council insisted on its amendment in this regard. Amendments Nos. 15 and 20 dealt with the question of retrospectivity in the making of awards. The Council felt that the commission should not have power to make an award retrospective to a time prior to the original application, and the Council insisted on that amendment. Amendment No. 31, dealing with the question of annual leave, was debated for a very long time; subclause (4), which was originally struck out, has been redrafted, but the main point of the Council's amendment (that the amount to be paid to a person on annual leave has to be determined by the court) has been maintained.

Amendments Nos. 36, 37 and 40 dealt with the question of an appeal from the court to the Supreme Court on a matter of law. We have adopted the procedure that is used in the Commonwealth jurisdiction, where there is an appeal to the High Court on the grounds of excess jurisdiction or want of jurisdiction. The compromise is adapted to State conditions. The conference devoted most of its time to amendment No. 49, dealing with the complex problem of the right of a person to take civil action in relation to the furtherance or contemplation of an industrial dispute. Although several ideas were put to the conference, we could not find a satisfactory compromise, and the House of Assembly has agreed not to insist on its disagreement to the original Council amendment.

Regarding amendment No. 51, a compromise was reached whereby the first part of the amendment was dropped by the Council managers, but we agreed to maintain our stand on the second part. Amendments Nos. 54, 55 and 56 dealt with the question of penalties inflicted by the court being paid to the complainant. The Council did not further insist on its amendment in this regard. Amendments Nos. 57 and 58 dealt with the power of the commission to deal with matters of contempt. The Council's amendment provided that this should be dealt with only by the court, and the House of Assembly did not further insist on its disagreement. The conference was conducted in the best of atmospheres, and I believe a satisfactory solution was reached.

The Hon. G. J. GILFILLAN: It was a most satisfactory conference and I compliment the Council managers on what they have achieved. I believe that we have seen the two-House system working at its best in this matter. I should like also to reiterate what the Leader has said, namely, that, although the conference took place over several days, the details of it were not published in the press but were made known to the two Houses when they met, which is the proper way in which these conferences should be conducted. I compliment the Council managers not only on what they have accomplished but also on the manner in which it was done.

The Hon. M. B. CAMERON: Regarding paragraph (g) of the new definition of "employee", should it not read "any person or persons"?

The Hon. A. F. Kneebone: It should read "any person or persons".

Motion carried.

Later, the House of Assembly intimated that it had agreed to the recommendations of the conference.

QUESTIONS

WALLAROO INDUSTRY

The Hon. E. K. RUSSACK: I seek leave to make a statement prior to asking a question of the Chief Secretary, representing the Government in this Chamber.

Leave granted.

The Hon. E. K. RUSSACK: A serious industrial situation of paramount importance to Wallaroo and surrounding districts appears imminent. Since 1968, bagged wheat has been shipped from Wallaroo to the Middle East. In 1968, about 20,000 tons of bagged wheat was prepared and shipped from Wallaroo. Increasing tonnages have been shipped during the ensuing years, until this year 68,729 tons of bagged wheat has been shipped from Wallaroo. The export of bagged wheat has attracted other exports from Wallaroo, such as oranges, wine, flour, cheese, and canned drinks, which have been transported to Wallaroo. I understand that it has been

intimated that wheat will not be available for bagging and shipping, and as this is one of the few industries in the area, it will be detrimental not only to Wallaroo but to surrounding districts. The export of wheat assists in providing employment, and two firms are engaged in wheat bagging. One firm which has on average employed 15 men is at present employing 24 men. The loss of this export will affect the work of the railways on a local shunting basis and the transport of grain and other commodities from farther afield, and it will mean a loss of revenue to the railways and to the Marine and Harbors Department. There are 72 waterside workers in Wallaroo, and at times it has been necessary to import additional labour from Port Pirie and Port Lincoln.

The loss of this market could mean a gain to some other country. As this trade is vital to Wallaroo and the surrounding districts, I ask the Chief Secretary the following questions: is the Government aware that this important market for bagged wheat is in jeopardy because no wheat for bagging is available at Wallaroo? If the Government is aware of this problem, what action is it taking to preserve this valuable market and important industry for Wallaroo and the surrounding districts?

The Hon. A. J. SHARD: The situation as outlined by the honourable member is a serious one, and I would not like to reply off the cuff. I will take it up with the Premier, who is in charge of development and who is responsible for the industries development secretariat. I will draw his attention to it and bring back a reply as soon as possible.

ROAD MAINTENANCE CHARGES

The Hon. A. M. WHYTE: I ask leave of the Council to make a short statement before directing a question to the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. A. M. WHYTE: Members may recall that in about October last year, as a result of representations to the Government by the South Australian Road Transport Association, the Minister of Roads and Transport set up a committee to inquire into road maintenance charges. It is unfortunate, to my mind, that up to this date nothing has been made public from the report of that committee. Will the Minister obtain from his colleague an indication of whether he intends to make public the result of that inquiry?

The Hon. A. F. KNEEBONE: I will convey the question to my colleague and bring back a reply as soon as it is available.

RUNDLE STREET

The Hon. M. B. CAMERON: I seek leave to make a short statement prior to asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. M. B. CAMERON: I read with some interest over the weekend of the proposal put forward for the closure of Rundle Street to traffic and the turning of the street into a mall. Some years ago I visited Santiago, in Chile, South America, and saw a similar situation to that existing in Rundle Street, with a build-up of traffic and pedestrian population during certain hours. The solution in that part of the world was to close the street to traffic for certain periods of the day when there was an over-supply of people doing their shopping. I can understand the reason behind the proposal to go a stage further and completely close the street and turn it into a mall, but would the Government consider, as an experiment at least on a short-term basis, action similar to that taken in Santiago to see whether such a proposal would be successful? By closing Rundle Street for certain periods of the day we would get an indication of the possibility of success, or, alternatively, an indication as to whether further money should be spent to close it completely.

The Hon. A. J. SHARD: I will refer the question to the Premier and to the Minister of Environment and Conservation. I, too, am concerned in this matter as Minister of Health. We are all in it. However, I will take up the matter to see what can be done. I know what I would do.

FUNGUS

The Hon. H. K. KEMP: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. H. K. KEMP: As a preliminary, I wish to underline the word "short". Recently, I have been most concerned at the appearance in South Australia of a devastating root rot, *Phytophora Cinnamoni*. Statements made on this problem however, have been most meagre, although it poses a threat of no mean order to our forestry industry and all our fruitgrowing industries, and certainly it is a tremendous threat to our natural forests. We need very badly a clear statement on the status of this

fungus, whether it is possible for it to be controlled by quarantine measures, and just what are the measures individual landholders should take to try to limit the threat it carries.

The Hon. T. M. CASEY: I understand the honourable member is referring to the fungus which has been quite prevalent in Western Australia in recent years. In that State the Commonwealth Government has spent a considerable sum of money in providing a laboratory for tests to be carried out for the eradication and elimination of the fungus.

The Hon. H. K. Kemp: It is reported as being established in your own nursery at Belair.

The Hon. T. M. CASEY: I was coming to that. The experiments carried out in Western Australia, if successful, will have far-reaching results throughout the Commonwealth. I was alarmed to see the other day a report that this fungus had been found to be present in Victoria. I know the devastation it has caused in the jarrah forests in Western Australia, because I made a trip especially to see the condition of the forests which had been attacked by the fungus, and I attended the opening of the laboratory by Sir Reginald Swartz, the Minister for National Development. I will get a report from the department as to the extent of the fungus in South Australia and what steps are being taken, if any, to bring it under control, or if possible (and I doubt it at this stage) its complete eradication.

ROAD SIGNS

The Hon. JESSIE COOPER: I wish to ask a question of the Minister of Lands, representing the Minister of Roads and Transport. First, is the Minister aware of how poorly the sign posting on all our main roads in the metropolitan area compares with that on similar roads in other capital cities of Australia; secondly, has it been brought to the Minister's attention that, where main roads intersect, especially in areas where there are traffic lights, there are virtually no road names visible to the rapidly moving motorist (again I am referring to the metropolitan area); thirdly, has a principle been laid down as to the responsibility for providing names and direction signs at such intersections; finally, is there any unresolved difference of opinion between the Highways Department and local government bodies as to the responsibility in this matter, which is causing inconvenience to all South Australian road users?

The Hon. A. F. KNEEBONE: I will be happy to convey the honourable member's question to my colleague and bring back a reply as soon as possible.

JAMESTOWN-HALLETT ROAD

The Hon. R. A. GEDDES: Recently I directed a question to the Minister representing the Minister of Roads and Transport regarding the sealing of the road between Jamestown and Hallett. Has the Minister a reply?

The Hon. A. F. KNEEBONE: My colleague has furnished the following reply:

The sealing of the road between Jamestown and Hallett has not a high priority in relation to other rural road projects. Accordingly, the work is progressively being carried out by the two councils concerned when funds are available. It is intended that some sealing will be undertaken each year, but unless further funds become available, it may be seven or eight years before the whole length is sealed.

OVINE BRUCELLOSIS

The Hon. M. B. DAWKINS: On October 19, I asked the Minister of Agriculture a question regarding the progress of the Agriculture Department scheme for the eradication of ovine brucellosis. Has he a reply?

The Hon. T. M. CASEY: The ovine brucellosis accredited flock scheme has been in operation in South Australia for a number of years. Although originally sponsored by the Society of Breeders of British Sheep, some other groups have since participated in the scheme. The Director of Agriculture reports that the scheme has been well received by stud stock owners in this State, and now appears to be reaching the maximum number available. As at October 26, 1972, 254 flocks had accreditation and six flocks were awaiting final testing and inspection. These details compare with a figure of 81 accredited flocks as at December, 1966, and give some indication of the acceptance of this scheme by stud stock owners. The scheme has enabled the ram buyer to purchase with confidence, and has helped to reduce ovine brucellosis in commercial flocks to negligible proportions. As most States of Australia and oversea countries (like New Zealand, for example) require a certificate of freedom from ovine brucellosis, the accreditation scheme has allowed a freedom of trade without the delays of testing prior to movement. I may add that, in my opinion, the Agriculture Department has done a commendable job in this State in controlling this disease.

SOUTH-EAST BRIDGES

The Hon. M. B. CAMERON: I seek leave to make a short explanation prior to asking a question of the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. M. B. CAMERON: Last week there was a shocking accident concerning a bridge over a drainage channel in the South-East on the Princes Highway. Such bridges are almost exactly the width of the road and allow no room for any mistake being made on the approach to the bridge. It is a well-used highway containing a series of long, straight stretches of road that tend to lead to driver relaxation, with the result that, in an approach to one of these bridges, a moment's loss of concentration can mean the vehicle's ending up in the drain. This happened last week, and the driver of the vehicle was drowned when his car went into a drain. Will the Minister consider widening both sides of such bridges on a main highway such as the Princes Highway?

The Hon. A. F. KNEEBONE: I will call for a report, consider the matter in the light of the report I get, and give the honourable member a reply as soon as possible.

MAIN ROAD No. 20

The Hon. M. B. DAWKINS: Has the Minister of Lands a reply to a question I asked on October 31 about Main Road No. 20 and its restructuring in the Barossa Valley area?

The Hon. A. F. KNEEBONE: The Minister of Roads and Transport states that, depending on the progress of reconstruction activities and availability of funds, it is expected that work on the Greenock-Nuriootpa deviation (National Route No. 20) will be commenced about the middle of 1974 and be completed some 18 months later. Design is in progress, and negotiations for land acquisition will begin in a few months time.

WALLAROO OVERPASS

The Hon. E. K. RUSSACK: Has the Minister of Lands a reply from the Minister of Roads and Transport to my recent question about the Wallaroo over-pass?

The Hon. A. F. KNEEBONE: My colleague states that the pedestrian over-way bridge at Wallaroo was originally erected at the request of the then Harbors Board, and agreement was reached, with the Harbors Board, the Highways Department and the South Australian Railways bearing the costs equally. There has been a deterioration in the structural condition of the bridge, with the result that at the end of September it was closed to traffic. Negotiations have already been entered into with the authorities concerned in respect of replacement.

POLICE DUTIES

The Hon. M. B. CAMERON: Has the Chief Secretary a reply to my question about police duties?

The Hon. A. J. SHARD: The Minister of Roads and Transport has informed me that the Registrar of Motor Vehicles, at his request, is examining the possibility of persons other than police officers being involved in testing people for drivers' licences.

LAMB SLAUGHTERING

The Hon. Sir ARTHUR RYMILL: Has the Minister of Agriculture a reply to a question I asked last week about lamb slaughtering?

The Hon. T. M. CASEY: The General Manager of the Government Produce Department, who is also Chairman of the Operational Committee, has informed me that the committee met about two months before the commencement of the current lamb season when prospects of a good export lamb season looked remote and pressure of lambs for treatment appeared unlikely owing to seasonal conditions. Within two months the situation had changed considerably and, although lambs were unfinished and of very light weight, large numbers were being offered for treatment at Gepps Cross, to the extent that some control and restriction had to be placed on the numbers of lambs permitted into this market. This was done to avoid heavy carry-overs of lambs awaiting treatment, which could have the effect only of depressing market prices. The treatment of sheep for export purposes was prohibited entirely and up to this time no export sheep have been accepted for treatment during the current lamb season. The present position is that the Gepps Cross works is operating on a seven-day week and the maximum number of lambs that can be treated for export overseas or for shipment to other States, in addition to the local abattoirs kill, amounts to approximately 17,000 weekly. This is about 10,000 a week fewer than have been treated in previous years, and this fact is contributing considerably to the problems being encountered with the numbers of lambs awaiting treatment. Grass seeds are already having a considerable effect on the quality of lambs and it is expected that within a few weeks the grass seed problem will be such that many thousands of lambs will have to be shorn and will not be submitted for export. Consequently,

another three weeks should see the pressure of the lamb season over and the lifting of all current restrictions on both sheep and lambs.

MINISTERIAL STATEMENT: DROUGHT RELIEF

The Hon. A. F. KNEEBONE (Minister of Lands): I ask leave to make a statement.

Leave granted.

The Hon. A. F. KNEEBONE: During the past three weeks, the Premier and I have received representations from representatives of the Murray Lands and Riverland Local Government Associations and zone 10 of United Farmers and Graziers of South Australia seeking assistance to alleviate the effects of the drought in these particular areas. Representattions have been made seeking (1) an acreage bounty scheme on the basis of crop deficiencies below six bushels an acre, on a sliding scale; (2) qualifications for social service benefits to be eased; (3) loans for carry-on purposes (including seed and super) and for restocking to be made available, free of interest, to those farmers and share farmers who have reasonable prospects of recovery and to whom credit is not available through normal commercial channels; (4) grants to be made to councils to provide employment on roadworks; and (5) supplies of seed wheat and seed barley to be made available at specified points in the drought-affected districts.

The Government, in the short space of time available to it since receiving these representations, has considered the matter and has decided on the following policies in relation to these proposals:

(1) Acreage bounty: The question of an acreage bounty is a very complex one as, quite clearly, it could not be confined to the Murray lands and Murray Mallee areas in a season wherein very large areas of the State are suffering from drought and are, in fact, unlikely to produce six bushels an acre for cereal grains. In these circumstances, the Government has decided to have this question investigated with a view to formulating proposals that it can submit to the Commonwealth for consideration. Honourable members will recognize the magnitude of this problem when I say that preliminary estimates indicate that the cost could approximate $15,000,000, an expenditure that this State could not contemplate from its own resources, and an approach to the Commonwealth must be made as acreage bounties are not included in current Commonwealth-State drought relief arrangements.

(2) Social service benefits: There is clearly no action which the State can take in this matter at present beyond what it has already done—that is, seek the assistance of the Commonwealth department in sympathetic administration of current provisions. Farmers who consider themselves likely to be eligible should register for employment with the Commonwealth Department of Labour and National Service and if employment is not available, apply for unemployment benefits. It is understood that each individual application will then be considered by the Commonwealth departments concerned, in the light of the circumstances disclosed.

(3) Loans for carry-on purposes: The question of interest to be charged on loans for carry-on purposes presents some problems. At present the Primary Producers Emergency Assistance Act prescribes interest at State Bank overdraft rates. Interest for carry-on charged on debt reconstruction cases is 4 per cent, and the rate in the 1967 drought, when the Commonwealth provided the whole of the finance, was 3 per cent. In considering the policy that it should pursue in this matter, the Government cannot ignore the fact that those farmers who are able to obtain credit from normal commercial sources will be obliged to pay interest rates varying between 6¾ per cent and 8½ per cent.

In consideration of all of these factors, the Government has decided, that, as a matter of policy, advances will be made for carry-on purposes free of interest for one year. If necessary the matter can be further reviewed at a later stage and particularly if and when any Commonwealth funds may be introduced. Loans will be repayable over a term of up to seven years.

(4) Grants for employment: Representations have been made from all councils within the most severely affected drought areas seeking grants to provide employment. The councils within the areas which are most severely affected by drought and which have experienced adverse seasonal conditions for the past several years are as follows: Loxton, Waikerie, Paringa, Marne, Sedan, East Murray, Morgan, Brown's Well, Karoonda, Mobilong, Mannum, Pinnaroo, Lameroo, and Franklin Harbour. The Government intends to make an initial grant of $250,000 available to these councils, in proportions to be decided, to promote employment opportunities within their areas.

The Government does not intend to extend this scheme to district councils outside of those most severely affected not only in this year but in past years.

(5) Supplies of seed wheat and barley: If the Australian Wheat Board and Australian Barley Board find it necessary to move seed wheat and seed barley from other districts into the severely affected drought areas, the Government is willing to provide a freight subsidy to cover the cost of the abnormal movements which may be involved. Freight subsidies on the movement of stock and fodder as announced in June last will continue to apply. The Government has agreed to the foregoing immediate actions, and will continue to keep the situation under close review.

BARLEY MARKETING ACT AMENDMENT BILL

The Hon. T. M. CASEY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Barley Marketing Act, 1947-1971. Read a first time.

The Hon. T. M. CASEY: I move:

That this Bill be now read a second time.

This short Bill extends the application of the Barley Marketing Act, 1947, as amended, to barley grown in every season up to and including the season 1977-78. At present, section 22 of the principal Act provides that it will apply only to barley grown in every season up to and including the season 1972-1973, so the effect of this Bill is to extend the life of the Act for a further five years. Members will be aware that the Barley Marketing Board constituted by the principal Act operates under an Act of this State and an Act of the State of Victoria and, in effect, the members of the board are drawn from both States.

It is clear, therefore, that any extension of the period of application of the Act will have to be agreed to by the responsible authorities of both States. Negotiations in this area are proceeding. This Bill then is introduced as a precautionary measure to ensure that the results of any agreement can be given effect to in this State, since it may be that the Parliament of this State will not be sitting when agreement between the States is arrived at. Accordingly, it is provided by clause 2 that it will not come into operation until a day to be fixed by proclamation. This will ensure that there is no hiatus in the operations of the Barley Marketing Board.

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

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Peterborough Primary School (Replacement),
Risdon Park (Port Pirie) Primary School (Replacement).

LAND AND BUSINESS AGENTS BILL

In Committee.

(Continued from November 9. Page 2890.)

Clause 15—"Entitlement to be licensed."

The Hon. R. C. DeGARIS (Leader of the Opposition): I move:

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

Because of the varied amendments on file, it may be necessary to recommit the Bill. This clause provides that an agent may be licensed at the age of 18 years, but the Bill also provides that, before a person can become an agent, he must have had two years practical experience and have passed a course. So, it would be impossible for a person to be qualified at the age of 18 years.

The Hon. T. M. CASEY (Minister of Agriculture): Parliament has already determined that the age of majority in South Australia is 18 years, and there does not appear to be any reason for any special rule regarding land agents. As the Leader has said, it is, of course, most unlikely that any person will complete the necessary course and show himself to be a fit and proper person to be licensed while he is under the age of 21 years. Nevertheless, the qualifications, not a specific age other than the age of majority, should be the determining factor. I therefore ask the Committee to reject the amendment.

The Hon. R. C. DeGARIS: We know that the age of majority is 18 years, but it is not accepted in all cases. To use the age of majority as a reason why we should include the age of 18 years in this Bill is hardly logical. In many other Acts the age is 21 years; for example, it is 21 years in relation to many industrial matters. I therefore do not accept the Minister's argument.

The Hon. T. M. CASEY: I recently met a 23-year-old person who was doing the final year of the medical course, which is a six-year course. If that person had started a land agent's course at the same time as he started the medical course, I believe he would have become qualified to hold a land agent's licence long before he reached the age of 21 years.

So, in some cases the age of 21 years is not appropriate. The age of 18 years has been recognized for some time as the age of majority. I do not suggest that people aged 18 years will apply for a land agent's licence, but people aged 19 years or 20 years could do so.

The Committee divided on the amendment:

Ayes (11)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, H. K. Kemp, E. K. Russack, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey (teller), M. B. Cameron, A. F. Kneebone, F. J. Potter, and A. J. Shard.

Majority of 5 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 16—"Entitlement of corporation to hold licence."

The Hon. T. M. CASEY: I move:

In subclause (2) to strike out "the persons required to be fit and proper persons to manage, direct or control the affairs of the corporation under subsection (1) of this section" and insert "the prescribed officers of the corporation".

This amendment deals with interstate companies registered as foreign companies. This clause requires that all persons who are in a position to influence substantially the affairs of a corporation must be registered. This is not entirely practicable in cases where directors are not resident in this State. I think the amendment covers interstate companies.

The Hon. R. C. DeGARIS: I cite the instance of a Victorian company operating in the South-East as a stock and station agent. Although the manager is a licensed agent under the Victorian legislation he is not a licensed agent under the South Australian legislation. Does the amendment allow him to be licensed in South Australia?

The Hon. T. M. CASEY: The amendment enables the board to exempt certain directors from the requirements to be licensed or registered in appropriate cases.

The Hon. R. C. DeGaris: What about in the case I just instanced?

The Hon. A. J. SHARD (Chief Secretary): It means that a person licensed in Victoria does not automatically become licensed in South Australia, but he could be licensed in South Australia.

The Hon. R. C. DeGARIS: Does it mean that he must be licensed in South Australia by applying for a licence; does he have to complete the two-year course to obtain a certificate; or can the board, because he is licensed in Victoria, say that he is satisfactory to be licensed in South Australia?

The Hon. T. M. CASEY: I think that is the answer, but not necessarily. He would have to apply to the board and, if the board thought it was in the interests of the State, there should be no reason why it would not grant a licence.

The Hon. Sir ARTHUR RYMILL: Does this mean that the board may exempt people who are fit and proper to manage the affairs of a corporation?

The Hon. T. M. CASEY: I apologize for the late arrival of the amendment.

The Hon. R. C. DeGARIS: I am willing to accept the amendment provided that we may recommit the clause later.

Amendment carried.

The Hon. T. M. CASEY moved:

In subclause (2) to strike out "those persons" and insert "the prescribed officers of the corporation".

Amendment carried.

The Hon. T. M. CASEY moved to insert the following new subclause:

(2a) In this section—

"the prescribed officers" in relation to a corporation means the persons who are required to be fit and proper persons to manage, direct, or control the affairs of the corporation under subsection (1) of this section except such of those persons as have been exempted by the board from the requirement to be licensed or registered for the purposes of subsection (2) of this section.

Amendment carried; clause as amended passed.

Clauses 17 to 31 passed.

Clause 32—"Entitlement to be registered."

The Hon. R. C. DeGARIS: I move:

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

The comments I made previously apply also to this clause.

Amendment carried; clause as amended passed.

Clause 33—"Renewal."

The Hon. T. M. CASEY moved:

In subclause (3) to strike out "March" and insert "February".

Amendment carried; clause as amended passed.

Clauses 34 to 40 passed.

Clause 41—"Advertisement."

The Hon. F. J. POTTER: I move:

In subclause (1) after paragraph (*b*) to strike out "and" and after paragraph (*c*) insert the following new paragraph:

and

(*d*) whether or not the agent has been appointed by his principal to act as sole agent in the transaction.

This amendment is to provide for a further fact to be advertised, as to whether or not the agent has been appointed by the principal to act as sole agent in the transaction. The section will then provide that a licensed agent shall not publish or cause to be published any advertisement for the disposal of a business which does not state his name or the name under which he is trading, the address of his registered office, the fact that he is a licensed agent, and that he has been appointed to act as a sole agent in the transaction. My purpose is to cure what I know to be one of the big problems in the land agency business. Properties are advertised for sale in newspapers and on signboards erected on the properties and no indication is given that the agent is acting as a sole agent. Often the vendor has put the matter in his hands and perhaps has forgotten that he signed an authority appointing this man sole agent.

Agents are always most anxious to get sole agencies. Other agents, seeing the advertisement or the signboard, ask the vendor for permission to sell the property. The vendor, believing he is not committed, gives such permission, and two or three agents have the property for sale. One sells the property, and there is hell to pay with the man who has the sole agency and wants his commission. This has been a great source of trouble in the industry. A simple thing is needed to cure it, and my amendment will do that. If it is carried, other agents will keep away and will not meddle in the transaction until the sole agency has expired.

The Hon. T. M. CASEY: I cannot accept the amendment, because the observance of such a provision would involve some expense and inconvenience to land agents and is unlikely to serve any really effective purpose. It would not protect the public, and if a second agent effected the sale, notwithstanding the question of a sole agency, the vendor, if he went through with the sale, would still be liable for two sets of commission. The words "sole agency" in an advertisement would not affect the position. The matter has been taken up with the Land Agents Board, which believed it would serve no useful purpose, and I ask the Committee not to accept the amendment.

The Hon. C. M. HILL: I heard the Minister say the Government had referred the matter to the Land Agents Board. I am sorry he could not say he had referred it to the Real Estate Institute, so that the Government was armed with knowledge from all interested bodies. Perhaps the Hon. Mr. Potter could tell the Committee how an agent would advertise to the effect that he was not a sole agent. Under the amendment before the Committee he would have to do that, as well as taking action to publicize that he was the sole agent, if in fact he had been given such an authority.

Sometimes, after the expiration of a certain time, the arrangement for a sole agency lapses, and then there may be grounds for claims of misrepresentation. I agree entirely with the intent of the amendment. If sole agency business in real estate could be increased at the expense of general agencies, better practice and better ethics would prevail. It is a question of whether the machinery proposed will bring about the intent of the Hon. Mr. Potter.

The Hon. F. J. POTTER: I find the explanation of the Minister most unconvincing. He acknowledges that a difficulty exists in saying two sets of commission would be payable by the vendor. I know that this causes a great deal of trouble. I very much appreciate the point raised by the Hon. Mr. Hill. It is a requirement of some difficulty that the advertisement should show whether it is a sole agency or not, and consequently I shall ask leave to amend my amendment by deleting two words. This matter is linked with my second amendment, which is to clause 45. I intend that where an agency is created and an agent appointed in writing, a copy of that appointment is to be given to the person concerned, just as he is given copies of other documents.

The Hon. T. M. Casey: Would not that cover the situation?

The Hon. F. J. POTTER: It will go only part of the way. It is a complementary provision to my first amendment. The second amendment will provide for the case where a wandering salesman might approach the vendor for permission to sell the house, asking if a sole agency has been given. If the vendor says he does not know, he could be asked to produce the authority he has signed so that the salesman inquiring would be able to see from such written authority whether or not a sole agency had been given and, if it had, presumably he would keep away. It is important that the sole agent should be required to advertise that fact. I agree that it is not easy to indicate that an agent is not

a sole agent, so I ask leave of the Committee to delete the words "or not" so that my amendment will read:

whether the agent has been appointed by his principal to act as sole agent in the transaction.

I think that will clarify the position.

The Hon. Sir ARTHUR RYMILL: I do not see that it makes very much difference. The proposed amendment would then read, "whether the agent has been appointed by his principal to act as sole agent". If he is not, then he must say, "I have not been". Surely, to comply, the agent who is appointed as sole agent must say, "I am". I do not see that it makes any difference.

The Hon. F. J. POTTER: Perhaps it does not. I am in something of a quandary. The most important thing I want is that in the advertisement or on the board the agent must place the words "sole agent" if he is in fact the sole agent. If the words do not appear it could be presumed that he is not the sole agent. That would take care of the matter. If the words "or not" remain in, I presume that a man will have to advertise as not being a sole agent on his board or in the columns of the newspaper. That would be rather an awkward method, so at the moment I am inclined to think that my proposal to strike out the words "or not" should stand. It looks a little silly, perhaps, to have them in but I am primarily concerned that, if a man is a sole agent, that should be clearly advertised, so I will persist with my amendment unless I am persuaded otherwise. I am now instructed from another source that I should amend my amendment by striking out "whether or not" and inserting "if"; and then after "transaction" inserting "that he has been so appointed". I ask leave to withdraw my amendment as moved so that I may move another amendment in its stead.

Leave granted; amendment withdrawn.

The Hon. F. J. POTTER moved:

In subclause (1) (*b*) to strike out "and"; and after paragraph (*c*) to insert the following new paragraph:
"and
(*d*) if the agent has been appointed by his principal to act as sole agent in the transaction that he has been so appointed."

The Hon. Sir ARTHUR RYMILL: I agree that this new amendment is better, although we seem to have gone along for 100 years or so without this provision. I still do not see the need for it.

The Hon. M. B. CAMERON: The purpose of the amendment is to ensure that people do not pay two separate commissions. I do not agree with Sir Arthur that we seem to have got on all right without it. While most of us have paid only one commission at some time or other, some of us may have paid two. Therefore, I support the amendment.

The Hon. F. J. Potter: The amendment will also ensure that vendors do not get involved in wrangles.

The Hon. Sir ARTHUR RYMILL: I understood the Hon. Mr. Cameron to say that people have paid two separate commissions in respect of one transaction. I have not heard of this in my life. I have heard of a commission being split, one agent getting a portion of it and another agent getting the rest of it, but I have never heard of two commissions. The one who sells the land is the one entitled to the commission.

The Hon. C. M. HILL: The last point raised concerns more the letter of the law. On the one hand, a person contracts to pay a sole agent a commission in the event of a sale; on the other hand, an agent who acts unethically by securing an agency and making a sale also holds a contract to the effect that he is entitled to that commission because, in effect, he introduced the buyer. So there can be instances where there are two contracts, which imply that the vendor may be forced to court in respect of two commissions. If honourable members feel that by writing in the amendment no harm is being done to the Bill, it is best that it be written in. It will be a means of assisting in the settlement of disputes, and it is important that the measure can assist in that way. I recall years ago instances of agents involving themselves in disputes of this kind. The more assistance that can be given to those whose task it is to act as umpires, the better. For that reason I support the amendment.

Amendment carried; clause as amended passed.

Clauses 42 to 44 passed.

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

The Hon. F. J. POTTER: I move to insert the following new subclause:

(1a) Where an agent presents an instrument prepared for the purposes of subsection (1) of this section for signature by any person, he shall supply that person with a copy of the instrument as soon as practicable after the instrument is signed. Penalty: Two hundred dollars; and after subclause (3) to strike out "Penalty: Two hundred dollars".

This amendment is really complementary to the last one, although it has other useful aspects as well. It is merely to provide that,

where an agent presents an instrument appointing himself to be an agent for signature by any person, he must supply that person with a copy of the instrument as soon as practicable. The second amendment moves the penalty of $200 to its correct place in the clause. Its present place, at the end of subclause (3), is not appropriate: it should be at the end of new subclause (1*a*).

The Hon. Sir ARTHUR RYMILL: I see merit in this new subclause (1*a*) and will support it, but I wonder whether the penalty is now in its right place. It relates to the failure only to supply a copy of the instrument to the person concerned. I think the subclauses will have to be renumbered (1), (2), (3) and (4). The appropriate place for the penalty is either where it is now or after subclause (1).

The Hon. C. M. HILL: Any document relating to a transaction would be deemed to be part of a transaction, and, once it has been signed, clause 44 forces the agent to hand a copy of whatever has been signed to the vendor. Therefore, I think clause 44 would cover this situation.

The Hon. F. J. POTTER: I am not sure that clause 44 deals with the question of agents at all. I have consulted the Parliamentary Counsel who said that the penalty should go in after both subclauses (1) and (1*a*).

The Hon. Sir ARTHUR RYMILL: I suggest that the amendment be withdrawn, and a further amendment be moved to insert the penalty in subclause (1) first.

The Hon. F. J. POTTER: I ask leave to temporarily withdraw my amendment, in order to move another amendment.

Leave granted; amendment withdrawn.

The Hon. F. J. POTTER moved:

At the end of subclause (1) to insert "Penalty: Two hundred dollars".

Amendment carried.

The Hon. F. J. POTTER moved to insert the following new subclause:

(1*a*) Where an agent presents an instrument prepared for the purposes of subsection (1) of this section for signature by any person, he shall supply that person with a copy of the instrument as soon as practicable after the instrument is signed.
Penalty: Two hundred dollars.

The Hon. T. M. CASEY: The Government will accept this amendment.

Amendment carried.

The Hon. R. C. DeGARIS: I move:

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

These subclauses prevent an agent from retaining commission or, as I understand it, any remuneration with respect to dealings in property. If these subclauses are retained, there will be no protection for an agent against unscrupulous clients. I am not sure of the position about auction sales, when a vendor is normally responsible for reimbursing the agent for some of the advertising expenses and a fee remains if the property is unsold. As I believe these subclauses were included because a cooling-off period is to be allowed, I suggest that they be struck out and that we should deal with the cooling-off period in its proper place.

The Hon. T. M. CASEY: These subclauses were inserted by amendment in the Lower House and accepted by the Government. They prohibit an agent from charging commission on a transaction that has been lawfully rescinded and from which the vendor does not receive money out of which he can pay the commission. The Government cannot accept the amendment.

The Hon. Sir ARTHUR RYMILL: Apparently, these subclauses apply if the contract has been lawfully rescinded, but I cannot see that spelled out anywhere. The word "repudiate" can mean a unilateral repudiation by the purchaser without the consent of the vendor and outside the cooling-off period. In such circumstances this clause is so broad that, although the purchaser who wrongly repudiated the contract could be liable for damages to the vendor, the agent does not get his commission although he brought about the sale. These subclauses should be considered in relation to the clause dealing with the cooling-off period. As they are now drawn they are far too wide, and they ought to be struck out from this part of the Bill.

The Hon. F. J. POTTER: I support what the Hon. Sir Arthur Rymill has said. Although these two subclauses may be fair and just in some circumstances, the wording is so wide as to prevent an agent from obtaining a commission even if a contract has been unlawfully repudiated and if steps are being taken in the courts in connection with that repudiation. Therefore, the whole matter ought to be reconsidered. I support the amendment.

The Hon. M. B. CAMERON: I agree that the provision is too wide. I wonder whether there is any way of making the amendment conform to what the Minister suggested, without having the provision as wide as it now is.

The Hon. Sir ARTHUR RYMILL: If the word "lawfully" was inserted in the clause, it would need to qualify all three words—

"repudiated, rescinded or avoided". I believe that this matter would be better left until a later stage.

Amendment carried; clause as amended passed.

Clause 46 passed.

Clause 47—"Agent not to pay commission, etc., except to his employees or another agent."

The Hon. R. C. DeGARIS: I move:

To strike out "licensed agent, or to a registered manager or registered salesman in the employment of the licensed agent" and insert "registered manager or registered salesman in his employment, or to a licensed agent".

The provision appears to be ambiguous. Under the clause, an agent could pay commission to a manager or salesman in the employ of another agent, but I do not believe that that is what is intended.

The Hon. T. M. CASEY: Because the amendment improves the Bill, I accept it.

Amendment carried; clause as amended passed.

Clause 48—"Interpretation."

The Hon. R. C. DeGARIS: I move:

To strike out "(*a*) any conveyance, mortgage, lease or deed, relating to an estate or interest in the land; or".

A land broker is empowered only to prepare documents under the Real Property Act. It therefore seems to be unnecessary to include paragraph (*a*).

The Hon. T. M. CASEY: The Government accepts the amendment.

Amendment carried.

The Hon. R. C. DeGARIS moved:

In the definition of "nominated member", after "Minister", to insert "or the Real Estate Institute of South Australia Incorporated".

The Hon. T. M. CASEY: I cannot accept the amendment; it relates to an amendment that is to be moved to clause 49. It is designed to give the Real Estate Institute the right to nominate a licensed land broker to the Land Brokers Licensing Board. This is completely unacceptable, because the purpose of the Bill is to separate the function of the land broker from that of the land agent.

The Hon. R. C. DeGaris: That is part of the purpose.

The Hon. T. M. CASEY: This is what much of the argument has been about. I hope that an independent land broking profession grows in strength and that it has people to speak for it. It is inappropriate that the Real Estate Institute, which is composed primarily of land agents, should have the right to nominate a land broker to the board. If I were a land broker, I would not stand for this. It is only proper that land brokers should be responsible for their own actions in this field.

The Hon. C. M. HILL: The Minister displays a lack of knowledge when he says that, if he were a land broker, he would have nothing to do with the Real Estate Institute.

The Hon. T. M. Casey: I said that I hoped the land brokers would become stronger as a body.

The Hon. C. M. HILL: They have always been strong as a body. It was the Land Brokers Institute that started the whole work: the Real Estate Institute grew from the Land Brokers Institute, and at present the Real Estate Institute has a brokers division in the same way as it has a valuers division. In other words, specialized fields have their own divisions within the general umbrella of the Real Estate Institute, which in turn comes within the general umbrella of the national body, which in turn comes within a worldwide umbrella. If the Minister is trying to tell me that, if he was a land broker, he would not become interested—

The Hon. T. M. Casey: You are not being fair dinkum!

The Hon. C. M. HILL: We must link the amendment to clause 49. The Government objects to the Real Estate Institute's nominating a member to the Land Brokers Board. As the institute has its brokers division, I see no reason why the brokers division should not be allowed to nominate, through the institute, one member of the board in the same way as the Valuers Board has a nominee on it who comes from the specialized body of valuers.

It seems to me that if there is to be a board to license brokers (and I do not object to that principle) it is reasonable that the broker group, through the institute, should have the right to nominate one of the five. For that opportunity to be given to them this amendment is necessary, and I support it.

The Hon. R. C. DeGARIS: Perhaps I was remiss in not explaining what I intended to do regarding clause 49. The amendment I have moved will enable me to move an amendment to clause 49 to allow the Real Estate Institute to nominate one out of the five to the licensing board. What I seek to achieve by the amendment is to have one of the five nominated by the organization that caters for land brokers. The amendment is

fair and reasonable. I ask the Committee to support the amendment, which is complementary to an amendment I shall move to clause 49.

The Hon. F. J. POTTER: The difference between the amendment moved by the Leader and the Bill is that, under the amendment, there will be two licensed land brokers on the board, whereas under the Bill as it stands there will be only one. Perhaps the Minister will tell the Committee whether the Government intends that it should be limited to one licensed land broker.

The Hon. Sir Arthur Rymill: It could be three.

The Hon. F. J. POTTER: Yes.

The Hon. T. M. CASEY: As I am not the Minister who will operate this legislation, I cannot give any specific information.

Amendment carried; clause as amended passed.

Clause 49—"Constitution of Board."

The Hon. R. C. DeGARIS: I move:

In subclause (2) to strike out "and" and paragraph (*c*) and insert the following new paragraphs:

(*c*) one shall be a licensed land broker nominated by the Real Estate Institute of South Australia Incorporated;

(*d*) one shall be a licensed land broker nominated by the Minister; and

(*e*) one shall be a person (not being a legal practitioner) nominated by the Minister.

In the discussion on the previous clause I outlined my reasons for this amendment.

Amendment carried; clause as amended passed.

Clauses 50 to 60 passed.

Clause 61—"Preparation of instruments."

The Hon. R. C. DeGARIS: I move:

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

No logical explanation has been advanced by the Government why any change in the system should be made. Our system, which has operated for 111 years, is the envy of every other Australian State; yet, because of some philosophy the Government hopes to follow, this change is being pushed into the legislation. The Minister and I both quoted from a Supreme Court judgment in the second reading debate. In the case the Minister quoted, Zilahi-Kiss was one of the parties involved. The Chief Justice said that a solicitor acting correctly and judicially would not have come to any decision other than that come to by the land broker. In other words, no further protection would have been available to that person had the transaction been handled by a prudent solicitor. With 111 years experience of the best system operating in Australia, this Parliament must think very deeply before it makes any changes. The matter has been canvassed thoroughly in the second reading debate and I believe that, as a Parliament, we should leave the present system alone, because it has acted in the best interests of the people of South Australia. It has allowed transactions to be entered into with a limited cost to those entering into them, and the amount of abuse of the system has been probably more limited in South Australia than in any other State.

The Hon. T. M. CASEY: I know the Leader feels very strongly about this matter, but he would never convince me by what he has said today that he is genuinely interested in the people vitally concerned with land transactions. What he said has convinced me that he is more interested in allowing land agents to continue on their merry way, even though they have been caught out many times, and they have even been told so from the benches of the courts.

The Hon. M. B. Cameron: How many times?

The Hon. T. M. CASEY: Many, many times. Let me read to the Hon. Mr. Cameron exactly what the Chief Justice had to say in the case of *Hines v. Taylor*, as follows:

If the plaintiff had consulted a solicitor and told him what he told me, that he entered into this contract in the belief and understanding that there was at least 2,000 acres of cleared land, the contract would have so stated and the legal rights of the parties would have been clear. I feel it my duty to state publicly the extremely unsatisfactory state of affairs revealed by the evidence before me but, as I say, I make no accusations against the agents because it seems to me that they followed out an unfortunate practice which has been denounced from this bench before.

Members opposite are saying this practice has been in vogue in South Australia for 111 years and there is nothing wrong with it, but here the Chief Justice was saying it was high time we looked at the situation and that this was not the first time that this unfortunate practice had been denounced from the bench. His Honour continued:

And both of them put themselves in a position where it was against their interests to give to the purchaser the advice and protection which, on his story, he should have received.

No-one will convince me (by what has been said in this Chamber, at any rate) that because we have had a system in vogue for 111 years and it is claimed there is nothing wrong with it, that everything in the garden is rosy, therefore nothing should be done about it. We have produced case after case, and judgments from the Supreme Court in which it is said these

matters should be cleared up, and that is what we are trying to do. If honourable members are not willing to accept that evidence I do not know what more we can do, except to say that they must be in league with some people outside so that this position will not be altered and they can just go on their merry way and we will give no further protection to the general public who are deserving of it. That is wrong.

The Hon. C. M. HILL: We have heard much from the Minister about how terrible these people are, but the most convincing evidence he could produce about their bad conduct in the past would have been evidence of convictions against them. We know that if the evidence is bad they will be taken to court and convicted.

The Hon. T. M. Casey: It has been shown before that there was no machinery to bring these people to heel, which should have been done. That was said long ago.

The Hon. C. M. HILL: It was most certainly said by the Minister in his second reading reply when he said:

Do members realize that in this State there is no machinery for investigating complaints against land brokers? Unless the land broker is a licensed land agent there is no authority that can do anything about him.

He has repeated that point today. The Minister should know that section 271 of the Real Property Act provides:

The Registrar-General may, with the sanction of the Governor, license fit and proper persons to be land brokers for transacting business under the provisions of this Act, and may, with the like sanction, prescribe the charges recoverable by solicitors and brokers for such business, by any scale not exceeding the charges specified in the twentieth schedule hereto, and may, upon proof to his satisfaction of the malfeasance or incapacity of any such licensed broker, and with the sanction aforesaid, or upon non-payment of the annual fee hereinafter mentioned, revoke such broker's licence, and may for every such licence charge and receive the fee of ten dollars annually.

That indicates that each year, when the renewal of the licences come up and are processed by the Registrar-General, he has the opportunity to revoke licences. It has been possible in the past for licences to be revoked for misconduct, but how many have been revoked? It is the lack of evidence that we are getting in reply to direct questions that concerns me.

In the second reading debate I asked the Minister three questions: how many licences had been revoked for malfeasance (which is the expression used in the Act) since brokers were introduced under section 271 of the Real Property Act; how many court cases had there been of a land broker, being also a licensed land agent or a member of a partnership with a licensed land agent, being charged and convicted of any malpractice, negligence, misconduct or abuse; thirdly, was there a proven case of an employed land broker being charged and convicted over the last 111 years?

They were the three categories of brokers we have been discussing and I asked for evidence of convictions. The Minister could not give me one. He still cannot, and yet he has the gall to call all these people crooks and try to wipe out their livelihoods.

The Hon. D. H. L. Banfield: Just two minutes ago the Leader said there was limited abuse of it.

The Hon. C. M. HILL: Let us have a talk about these great Labor principles on cutting out a man's remuneration, and see what members opposite say about that.

The Hon. D. H. L. Banfield: The same number of cases will still have to be fixed up.

The Hon. C. M. HILL: Letter after letter has come to members, to the Minister in charge of the Bill in another place, and to Cabinet members here, of men who have been doing their best by their clients, battling for 25 or 30 years, and now we are going to force them out of that part of their business.

The Hon. T. M. Casey: No, we are not. That is not right.

The Hon. C. M. HILL: What is the position of a man who has a land agent's licence and a broker's licence?

The Hon. T. M. Casey: You are twisting it now. One minute you are talking in the singular and now you are talking about agents and brokers. You can't have it both ways.

The Hon. C. M. HILL: The claim I have made is that the Government is forcing them out of part of their business.

The Hon. T. M. Casey: No, you said "out of their business".

The Hon. C. M. HILL: No, I said "part". You look at *Hansard*.

The Hon. T. M. Casey: Very well.

The CHAIRMAN: Order!

The Hon. C. M. HILL: The Minister in charge of the Bill should think more about the measure before the Committee. He thinks of it as half a joke, anyway.

The Hon. T. M. Casey: No, I do not. I resent that.

The Hon. C. M. HILL: By his conduct over the years in this Council he has shown that.

In this debate he is not as serious as he should be. By this amendment this Committee is returning the Bill to sanity. Those who were going to be cut out of part of their livelihood by the Labor Party, that Party that puts a man's remuneration on high when it talks about affecting the worker—

The Hon. D. H. L. Banfield: We are looking after the little man, which the broker is not.

The Hon. C. M. HILL: The brokers are the little men. I am not trying to win unfairly. I am concerned about 250 people whose work is being adversely affected by this measure and who do not deserve this treatment.

The Hon. D. H. L. Banfield: We are concerned about the consumer.

The Hon. C. M. HILL: The Minister cited cases; he quoted comments from the Chief Justice.

The CHAIRMAN: Order! This discussion should be directed to the Chair, not individually across the Chamber.

The Hon. C. M. HILL: I support as strongly as I can this amendment, which removes from the Bill its two most contentious subclauses. If the Bill passes with these amendments, it will mean that people in this business will be able to carry on doing the right thing by their clients and earning remuneration comparable with what they earned previously. I have studied this problem from every angle and have tried to be fair about it throughout the debate. I ask the Government to look at this matter again so that sanity can be introduced into the Bill.

The Hon. R. C. DeGARIS: I have in front of me the passage from the Chief Justice's judgment quoted by the Minister when replying to the second reading debate. I pointed out then that the Minister had read only part of the judgment.

The Hon. T. M. Casey: I have already said that I am prepared to read it all.

The Hon. R. C. DeGARIS: To be fair, the Minister should have quoted all the points that the Chief Justice made. In the case of *Jennings v. Zilahi-Kiss, Zilahi-Kiss and M. K. Tremaine and Company Proprietary Limited*, the Chief Justice said:

> I regard this as one of the most difficult parts of the case but on the whole I do not think that I can find negligence here. I do not think that I can find that a reasonably competent solicitor, knowing what I have found that Coombe knew and no more, would have found out about the building permit, the lodging house licence or the precarious state of the stoves.

So it is not a question of blaming the broker, who only carries out his instructions. The Minister has quoted a second case, which I have not had a chance to check; I should like to check it before I accept the opinion expressed by the Minister on a portion taken from a part of the Chief Justice's judment.

I have two accounts before me—one from a solicitor and one from a land broker. I can understand the land broker's account but not the solicitor's. One account is in respect of an uncontested divorce case concerning a house in joint tenancy in which a solicitor handled all matters. If we can find out what the charges are for conveyancing and the work of the solicitor in the divorce proceedings, I shall be anxious for the Minister to look at it. This account to the divorcee reads:

> To our professional services in relation to: numerous letters to you, Mr. C's solicitors, Director of War Service, Bank of Adelaide, etc. (29), various telephone attendances (23), receiving and perusing various correspondence from Messrs. M. and M., drawing application for property settlement (5 folios) and your affidavit in support (8 folios), attending you to sign the same, filing the same at the Supreme Court and setting down for hearing in Chamber list, various solicitor's and clerks' attendances, attending Supreme Court before the Deputy Master on 25/11/71, 9/12/71 and 17/2/72, attending Supreme Court on 10/3/72 and 24/3/72, searching title at Land Titles Offices obtaining valuation from Engineering and Water Supply Department, preparing and filing opinion for Commissioner of Stamp Duties, arranging the stamping of the transfer and attending the Bank of Adelaide when matter settled on 4/9/72 and all other incidental matters . . . $185.

The amount of money involved here is $5,250, less $3,860, making a charge of $1,390 for the uncontested divorce case and the conveyancing of the property. Now let us look at the account of the land broker, where everything is detailed clearly—the purchase price, adjustment on rates and taxes, stamp duty on transfer, stamp duty on first mortgage, Lands Titles Office costs, preparing transfer, etc. All the fees and charges are set down. As a business proposition, I would take the land broker's account any time in preference to the other one.

In this regard we have a system that has operated for a long time. Allegations have been made by the Attorney-General in the press and by the Minister in this Chamber, but over a period of 111 years there has never been a case in South Australia of a land broker being struck off the roll or of action being taken against him. It is all very well for the Minister to say, "There will be no increase in costs to

the consuming public when this Bill goes through", but this is just the thin end of the wedge, an important wedge that is being driven into our system. The Premier and the Attorney-General have always referred to land brokers as semi-professionals, the presumption being that they think that these people operate at a lower level of efficiency and with not the same ethical behaviour as do solicitors. I have no doubt that, when this legislation passes, costs will rise but, if we tie into this new land brokerage system a cooling-off period (a vendor not having a cooling-off period if the purchaser has taken legal advice), we see the gradual channelling away of business from the land broker. When this happens, I assure members that there will be a large rise in the cost of conveyancing in this State.

The Hon. T. M. CASEY: At no time has the Government said that lawyers will take over the business of land brokers. I would use an independent land broker and would not go to a lawyer, and I believe that the Government is encouraging land brokers to become independent. Opposition members are sold on the idea that the Government is trying to do away with land brokers, but that is not so. We say that a land broker cannot serve two masters, and neither can Opposition members.

The Hon. R. C. DeGaris: Can a solicitor?

The Hon. T. M. CASEY: How would the honourable member say he serves two masters?

The Hon. R. C. DeGaris: A solicitor can act for both parties, and often does.

The Hon. T. M. CASEY: The Government does not want to channel all this work to lawyers: the Attorney-General has said that and I have said it, but no-one seems to take any notice of these statements. I should like to ask Sir Arthur Rymill what his idea is of a professional and a semi-professional person. Is a land broker or a land agent a professional man, or is he a semi-professional? The Leader is trying to twist words to say that the Government is trying to channel all work to lawyers, but that is not true. The Hon. Mr. Hill said that we should not blame land brokers, but should blame land agents: he admitted that they were the culprits. I have not said that they were crook, but words can be twisted.

The Hon. M. B. CAMERON: Can a legal practitioner operate for both the buyer and the vendor: can he operate in the same transaction for two separate parties?

The Hon. T. M. Casey: I cannot answer that.

The Hon. Sir ARTHUR RYMILL: I do not intend to accept the Minister's invitation to discourse on an academic subject that is not relevant. However, I practised as a lawyer almost daily in this type of juridiction for about 25 years, and I never saw any evidence in any transaction with which I was associated of any misdeeds, which the Government seems to allege have been rife but can give only one or two examples. If these subclauses are retained, they will constitute a classic example of one or two hard cases making bad law. They will abolish many continuing and economical practices that ensure that transactions can be concluded with a minimum of delay. The present state of affairs has existed for more than a century and the practice has worked extremely well: if it is abolished, there will not be any fewer misdeeds or fewer cases of dishonesty. People who want to be dishonest will be dishonest, whatever legislation we pass. It is the deliberately dishonest who get around legislation, and it is the honest people who get inconvenienced or frustrated by such legislation. I support the amendment.

The Hon. D. H. L. BANFIELD: No-one has at any time said that all land brokers are crooks, but the Leader has now admitted that the amount of abuse is limited; this means that he now admits that there are some crooks. In their second reading speeches, members opposite said that not one misdeed had taken place in 111 years. However, now that cases have been exposed, they say that the amount of abuse is limited! It is the crook land brokers that these clauses are aimed at, in the interests of the consumers. It is interesting to see whom members opposite are trying to protect. When the secondhand car dealers legislation was before this Council, members opposite attempted to protect the crooks, and they are showing the same kind of attitude in connection with this Bill. Recently the Leader wanted to insert in another Bill a provision that the court should look after a matter "just in case something happened", although it had not happened for 70 years. However, the Leader has now made a complete about-turn. I hope that the people outside know what the Opposition's attitude is; I will go down as saying that the Opposition is continuing to protect the crook, and it lets the consumer get robbed every time.

The Hon. R. C. DeGARIS: There is only one statement of the Hon. Mr. Banfield that I agree with—that he will go down saying it.

The Hon. D. H. L. Banfield: You have got the numbers, have you?

The Hon. R. C. DeGARIS: I hope there are reasonable people in this Chamber.

The Hon. D. H. L. Banfield: To look after crooks!

The Hon. R. C. DeGARIS: An accusation has been made that there are crook land brokers. I have been associated with this business for the whole of my life, and I can say in all honesty that I have never come across a crook land broker. I know that some land agents have done things of which I do not approve.

The Hon. D. H. L. Banfield: But some land agents are also land brokers.

The Hon. R. C. DeGARIS: That matter was dealt with fully during the second reading debate. These people have fulfilled a very important function in our community life in South Australia, particularly in country areas. If a land agent cannot also be a land broker, we will take away a very important service from country areas. Men who are land brokers and also land agents have a very high standing in the community, and they have provided an excellent and cheap service for country people. Can the Hon. Mr. Banfield say how this Bill will combat those whom he calls crook land brokers, if they exist? If there are crook land brokers, they will be able to exist under this Bill in the same way as they have existed previously.

What will happen is what happens in other States; if we separate completely the land broker from the land agent, a solicitor will go to a land agent and say, "I will handle all your conveyancing for you and pay you a commission of 20 per cent." There is greater protection for the consuming public where a land agent employs a broker than there is where the broker is separate from the land agent. There is more chance for crooks or malpractice where the broker is forced away from the agent and where the broker himself seeks business. I rest my case on the ground that in South Australia over a long period we have provided an excellent service to the consuming public. There has been less malpractice in South Australia than in any other State, and the service has been provided for a cost that is in many cases 10 times less than is the corresponding cost in other States. The Government has not produced any argument that will change my view, which is that the system should remain as it is.

The Hon. A. M. WHYTE: Country land brokers have conducted businesses over many years, and those businesses have often been handed down from father to son. If such businesses were not supplying a suitable service to country communities, they would not last. If a transaction conducted by a land broker is questionable, the client has a right to take up the matter with a solicitor. However, if all transactions are to be forced through the legal profession, it will be hard to find somewhere to turn for advice.

The Hon. T. M. Casey: You are talking rubbish.

The Hon. A. M. WHYTE: If all transactions are forced through the legal profession, in one area that I know of it may be hard to make a sale at all, because brokers are held in much higher esteem than are lawyers. It is all right for the Minister to say that the land broker will not be phased out over a time, but the dual purpose land broker and land agent will be done away with immediately.

The Hon. D. H. L. BANFIELD: The Opposition has been told repeatedly that the Bill will not take the work away from the land broker and give it to the legal profession. Nothing in the Bill provides for that to be done; the Attorney-General and the Minister have both said that, but the Opposition wants to draw a red herring across the path.

The Hon. A. J. Shard: They flog a dead horse.

The Hon. D. H. L. BANFIELD: Yes. There are dishonest solicitors, and there are also dishonest land brokers. All the Bill provides is that the land agent cannot prepare the papers if he works for the land broker. Surely a dishonest land agent would exercise pressure on his land broker employer to protect the land agent's interest when drawing up the documents.

The Hon. R. C. DeGaris: Tell me how?

The Hon. D. H. L. BANFIELD: By saying, "Your job is at stake."

The Committee divided on the amendment:

Ayes (13)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, H. K. Kemp, F. J. Potter, E. K. Russack, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, T. M. Casey (teller), A. F. Kneebone, and A. J. Shard.

Majority of 9 for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 62 to 87 passed.

Clause 88—"Cooling off period."

The Hon. R. C. DeGARIS: This clause places a cooling-off period of two business days on any contract, and this is a totally new procedure. Although there may be some argument in favour of a cooling-off period, it must be balanced against the defects in such a system. First, when any contract is signed, it is binding on both the vendor and the purchaser. In this case we are giving the purchaser the advantage of up to four days; if the contract is signed at midday on a Saturday the cooling-off period goes through until Wednesday morning.

The Hon. A. J. Shard: Isn't Saturday an ordinary business day for land agents? They are open legitimately on a Saturday morning.

The Hon. R. C. DeGARIS: I said Saturday midday.

The Hon. A. J. Shard: That would be a nice point for our legal fraternity.

The Hon. R. C. DeGARIS: I shall say one minute past 12 o'clock on Saturday. In any case, it could be over a period longer than two days. Supposing there is a public holiday on the Monday, the period would go through until Thursday. I want to recount some of the things that could happen with the enforced cooling-off period. First, some people will, on Saturday afternoon or Sunday, sign several contracts regarding a house or a block of land and sit on them in the hope of getting some monetary improvement from an offer in the meantime. A person could take an option without paying anything and use that option for his own benefit, thus placing the vendor in a disadvantageous position financially to the purchaser.

There are many ways one can look at this. One could foresee the case of a mortgagee who wished to recover his money from the mortgagor. This person may have a property mortgaged for a large sum (perhaps the property is not readily saleable), and he finds he can get people to sign a contract with the two-day cooling off period. The vendor could be placed in an extremely awkward position. The cooling-off period could be used in many ways to the disadvantage of the vendor. If there is to be such a period I see no reason why the purchaser should not pay for the privilege, as he does now under an option. That could be laid down: if a person wants to use his rights in relation to the cooling-off period, a fee should be payable to the vendor for that period. I see no justification for placing one of the parties in such a transaction at a disadvantage, and placing him also at a disadvantage which other unscrupulous people can turn to their own benefit.

I refer the Chief Secretary to subclause (5), from which he will see that I am right in saying that where a public holiday is on the Monday the cooling-off period will extend until the following Thursday. It is a very long period. The best course would be to defeat the clause. I see no justification for a forced cooling-off period where no payment is made to the vendor for that privilege. Although there are amendments on file, I will be voting against the clause, and my attitude to the amendments will depend on the course the debate takes.

The Hon. T. M. CASEY: I ask honourable members to support the clause.

The Committee divided on the clause:

Ayes (6)—The Hons. D. H. L. Banfield, T. M. Casey (teller), C. M. Hill, A. F. Kneebone, F. J. Potter, and A. J. Shard.

Noes (11)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, H. K. Kemp, E. K. Russack, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Majority of 5 for the Noes.

Clause thus negatived.

Clause 89 passed.

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

The Hon. R. C. DeGARIS: I move:

To strike out subclause (1) (*a*).

This clause is designed to make available to a purchaser all details of the property before he signs a contract. I do not deny the necessity for some requirements in this regard. One could think of many things that should be made available before a contract is signed, such as details of easements or encumbrances, and things of that kind. They could affect the property. I see no reason why a purchaser should be made aware of any mortgages or encumbrances that will be discharged at settlement. It is not very hard to imagine an auction sale where the auctioneer advises all the people attending (which generally includes many neighbours) of the details of all moneys that the vendor owes on the property. In the same way a private transaction where this is advised to the purchaser is obviously an intrusion into people's privacy and their own business. Such information would not be obtainable from trading banks. Therefore, I object to paragraph (*a*).

The Hon. T. M. CASEY: This clause has been carefully framed after giving full consideration to the worries expressed by the Real

Estate Institute. It has the object of giving the fullest information and protection to the purchaser and at the same time a degree of certainty and protection to the land agent, who will be told by regulations precisely what is expected of him. If this amendment is accepted, it will not only confuse the situation but also achieve nothing. I ask the Committee to reject it.

The Hon. C. M. HILL: I am surprised at the Government's attitude, because the Government is a great defender of privacy. Here, there is to be a public auction where the conditions of sale must be read out and the individual mortgages and charges over the property which are to be discharged at settlement must be read out for all and sundry to hear. Surely that is an interference with privacy. There may be a mortgage to XYZ Bank but the amount of the mortgage, if on the overdraft principle, is not shown on the mortgage document. The regulations may try to overcome that problem. But to inform the public at large of the vendor's mortgages and charges upon the property when those same mortgages and charges are going to be discharged is an action that brings no benefit to the agent, the purchaser, or the vendor.

The Committee divided on the amendment:

Ayes (13)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, H. K. Kemp, F. J. Potter, E. K. Russack, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, T. M. Casey (teller), A. F. Kneebone, and A. J. Shard.

Majority of 9 for the Ayes.

Amendment thus carried.

The Hon. R. C. DeGARIS moved:

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

Amendment carried.

The Hon. R. C. DeGARIS: I move:

In subclause (3) to strike out "prescribed inquiries, and such other inquiries as may be reasonable in the circumstances", and insert "reasonable inquiries"; to strike out "mortgages, charges and prescribed encumbrances" and insert "prescribed mortgages, charges and encumbrances"; and in subclause (4) to strike out "mortgages, charges and prescribed" and insert "prescribed mortgages, charges and".

These amendments are consequential on amendments already carried.

Amendments carried.

The Hon. R. C. DeGARIS moved:

In subclause (8), after "under", to insert "paragraph (*a*) of subsection (5) of this section or".

Amendment carried.

The Hon. R. C. DeGARIS moved:

In subclause (9) to strike out all words after paragraph (*a*).

Amendment carried; clause as amended passed.

Clauses 91 to 106 passed.

Clause 107—"Regulations."

The Hon. R. C. DeGARIS: I move:

In paragraph (*n*) to strike out "or licensed land brokers".

This aspect is covered in the Real Property Act where regulations can be made concerning solicitors and licensed land brokers.

The Hon. T. M. CASEY: The Government accepts the amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

CONSUMER CREDIT BILL

(Second reading debate adjourned on November 9. Page 2899.)

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

The Hon. F. J. POTTER: I move:

In the definition of "credit charge" before "credit" first occurring to insert "a"; and in placitum (i) to strike out "solicitor" and insert "legal practitioner".

In order to be consistent, these amendments should be made.

The Hon. A. J. SHARD (Chief Secretary): The Government does not object to these amendments, but it will be necessary to make consequential amendments later.

Amendments carried; clause as amended passed.

Clauses 6 to 39 passed.

Clause 40—"Form of credit contract."

The Hon. F. J. POTTER moved:

In subclause (1) (*b*) (v) to strike out "solicitor" and insert "legal practitioner".

Amendment carried; clause as amended passed.

Clauses 41 to 44 passed.

Clause 45—"Prohibition of procurement charges, etc."

The Hon. F. J. POTTER: I am concerned to know whether this clause will stop the charging of a procurement fee (which is

colloquially known as a raising fee) by agents who place money on mortgage, mainly in connection with house mortgages. I know that, in accordance with an earlier definition, if the loan is for not more than $10,000 and if it is at an interest rate of less than 10 per cent, the legislation does not apply, except for Part V. If credit charges are still permitted under the legislation, they could be subject to review under the provisions of Part V.

I believe that one or two firms in the city have built up a considerable business in connection with the placing out of clients' moneys. An agency is conducted on behalf of people who might very well now become credit providers under this Bill and, even though the rate of interest charged is less than 10 per cent and even though the loan is in almost every case for home financing, it has been the practice to charge this raising fee to the credit consumer. Will this no longer be permitted?

The Hon. C. M. HILL: I have been contacted by several people in business in Adelaide since this Bill was first mooted; they have been very concerned regarding this clause. These people carry on the business of raising money from clients for clients. Perhaps they might be called mortgage brokers; however, they are not to be confused with land brokers, although many land brokers, on finding that their income is insufficient for their needs, have taken on the arranging of mortgages.

The point is that it is looked on in Adelaide as a reputable business; I am referring to the business of acting for people who seek mortgages, obtaining private funds for those people from other persons, and generally arranging such matters. A procuration fee for those services is charged to the borrower. I think I am correct in saying that the Real Estate Institute sets down a scale of charges for procuration fees.

The Hon. F. J. Potter: A commission scale.

The Hon. C. M. HILL: Yes, it is on a pro rata basis, and it varies with the amount of money involved. These people are very upset because they believe that clause 45, if passed in its present form, will prohibit them from carrying on that work and it will react against people who want to borrow money for purchasing houses or who want to borrow money against house securities for other purposes. These people will be restricted and forced to go to finance companies, whose interest rates exceed those of private lenders. The interest rate of the private lenders is 9 per cent, as against 12 per cent in the case of finance companies. The specialists who arrange these private funds are the mortgage brokers I have referred to. I therefore join with the Hon. Mr. Potter in seeking more information about clause 45.

If, in fact, this clause prohibits these people from carrying on that work, serious consideration ought to be given to striking it out altogether. I am not concerned at present with the point as to whether the commission charged by such people is excessive or not; if that matter has to be investigated, I am quite happy that it should be.

I would not agree to any charges that might be prohibitive, but that is not the issue about which we are concerned at present: we are concerned about a clause that seems to prohibit the mortgage broker from charging a fee for arranging mortgage money. If he is prevented from obtaining a fee for this work, he will discontinue it. That would be a bad thing for business and for the client, especially with regard to the interest comparisons I have given. I should like some further explanation of this clause.

The Hon. A. J. SHARD: My information is that this clause is similar to section 31 of the Money-lenders Act: it prohibits any person from charging a fee for negotiating or procuring a credit contract, but it does not alter anything that has been done in the past.

The Hon. F. J. POTTER: It may well be in the Money-lenders Act but this legislation repeals that Act. The money-lender defined in the Money-lenders Act is a different person from the credit provider described in this Bill, and we have an entirely different set of circumstances.

The Hon. C. M. Hill: It was highly questionable whether the mortgage broker had to be licensed under the Money-lenders Act.

The Hon. G. J. GILFILLAN: I believe we are moving into the hire-purchase field and that this clause could have an important effect on hire-purchase credit. As I understand it, many items sold on hire-purchase involve a charge made by the seller for providing credit through a credit company, because of the risk he takes. Many items are sold at two prices: the cash price and the other where credit is involved. This is a dangerous clause. We must study closely motor vehicles sales, whereby the dealer often takes the risk of making good any losses that may occur, before talking about a fee or reward for procuring credit.

Progress reported; Committee to sit again.

[*Sitting suspended from* 5.58 *to* 7.45 *p.m.*]

SWIMMING POOLS (SAFETY) BILL

In Committee.

(Continued from November 9. Page 2895.)

Clause 4—"Non-application of Act."

The Hon. H. K. KEMP: I move to insert the following new paragraphs:

(*ca*) any water impounded for agricultural use or as a water supply for fire-fighting, whether or not used as a swimming pool;

(*cb*) any naturally occurring water pool whether or not used as a swimming pool.

The reason for this amendment need not be explained in detail. This Bill is before us because the present legislation is not being enforced. The Bill's provisions have been made as wide as possible, but I am sure it is not intended that water in dams or natural pools in rivers should not be available for fire-fighting.

Amendment carried; clause as amended passed.

Clauses 5 and 6 passed.

Clause 7—"Repeal of section 346a of the Local Government Act, 1934, as amended."

The Hon. H. K. KEMP: In agreement with the Minister of Local Government, I wish to strike out this clause. Under the present legislation, all the regulations controlling swimming pools come under local government. In this amending Bill it has been impossible to do everything required. Over the weekend urgent representations were made by deputations from Salisbury and other districts which warrant consideration and which the Minister has undertaken to consider. A Local Government Act Amendment Bill coming before us this session will provide for these people an opportunity for further amendments to be considered and included.

One consideration is the importance of no guarding of a pool to be required which takes it out of use for fire-fighting purposes. There is a need for constant supervision of a swimming pool, not only when five-year-olds but also when teenagers are around; this also applies to older people. I consider that retaining this clause, which refers to section 346a of the Local Government Act, is not warranted.

Clause negatived.

Clause 8 passed.

Title.

The Hon. H. K. KEMP: As we have deleted clause 7, the title should be amended.

The CHAIRMAN: After consultation with the Parliamentary Counsel, the words "to repeal section 346a of the Local Government Act, 1934, as amended," will be struck out.

Title as amended passed.

Bill reported with amendments. Committee's report adopted.

LAND ACQUISITION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 9. Page 2897.)

The Hon. G. J. GILFILLAN (Northern): I support the Bill, which deals with the problem of persons who have been displaced from their houses and of resettlement in a similar or suitable environment. I question new subsection 26g of new Part IVA: does this provision apply where a person is dispossessed of a small strip of land but not necessarily of the dwellinghouse? The loss of a strip of land on which a dwellinghouse is situated can be a hardship. Like the Hon. Mr. DeGaris, I am concerned that this legislation refers only to dwellinghouses, because many people in the community have been affected by land acquisition. The words "land acquisition" are repugnant to many people, because for some time people have assumed that, when they buy a house, they have something permanent. Because of the rapidly changing conditions in the community, there are times when acquisition is necessary, but it must be a last resort and must be done with the utmost justice to all concerned. To the ordinary average family the loss of its house is a big blow, but I point out that there are many other forms of acquisition that cause hardship.

For example, a small businessman, with a shop in an area in which he has become well known with a reputation for service on which his livelihood depends, who is then forced to establish in another area because his shop is compulsorily acquired, may have many problems. This sort of circumstance does not affect large corporations or wealthy undertakings, but it does affect the livelihood of people who would not be receiving in remuneration what is received by a skilled tradesman. I believe land acquisition has been most unfair on the route of the Indian Pacific railway line in the Mid North of this State. Land was acquired compulsorily five years ago, but has not been paid for. On the surface this legislation seems to provide justice to people and it sounds benevolent, but, when we consider the hard facts, we realize the position is not as rosy as it seems.

I know of one case on the route of the Indian Pacific railway line in which some thousands of dollars are involved. True, the owners of the land that was acquired are

being paid interest, but at a rate of only 5 per cent, which is less than overdraft interest or interest that can be earned in other ways, and this is an annual loss. In one case the money was intended for one of the adult sons but, in the meantime, the father died and the money will be added to his estate, thus increasing succession duties. Serious delays have occurred in settling for land that has been acquired.

I cannot see where this legislation will overcome the problem. It is all very well to set up another committee, in addition to the numerous committees that have been set up, but I cannot see how this action will overcome the problem of the Government's delay in settling its accounts after acquiring land. Most Government departments, on sending out an account, seem to want the money almost immediately, but it is different when it comes to paying their own debts. It is all very well to have this type of legislation, but it will take more positive action behind the scenes to ensure that the money is available to do these things. It is a pity that the Bill relates solely to dwellinghouses; however, it does do something (in theory, anyhow) toward improving the lot of those whose properties are acquired. I support the second reading.

The Hon. C. M. HILL (Central No. 2): Because of the pressure of work in this Council at present, I believe that some honourable members are finding it extremely difficult to keep up with the legislation coming through. That is certainly true in my case; I have not had sufficient time to understand this Bill fully. It has an important principle behind it, one that I highly commend; that principle is that those people who are being dispossessed of property for purposes such as urban renewal will have the opportunity of obtaining more compensation than would normally be the case if the Land Acquisition Act applied.

I appreciate that in some instances there is a need for additional help for such people. For example, if a resident is to have his house taken from him by an acquiring authority and if he is an unwilling seller, he will want to obtain comparable accommodation in a comparable locality. The market position at that stage may be that there is extreme difficulty in finding the appropriate kind of property, and the Government in its wisdom is saying that in that case the person will be housed in a better house that happens to be on the market at that stage. As I understand it, the Bill provides for the necessary additional money to be available. However, it is not as easy as that in practice.

Under the Planning and Development Act Amendment Bill, which is at present on the Notice Paper, the State Planning Authority is being given the right to acquire housing compulsorily so that redevelopment can take place. This Bill is being introduced so that new accommodation is made available to people who are affected by an acquisition project for urban renewal or freeway purposes. This may well mean that new accommodation will be provided for the dispossessed owner. We may well have to move to that stage, but it does not end there, because other Government departments, through their property officers, are already expressing concern that, when they acquire property for public utility purposes, they cannot offer the property owners the same privileges as are now being offered to people whose houses are being acquired in Hackney. So, where does it end?

The question of property acquisition for any departmental purpose may have to be extended to include this same principle. I would think that the Land Board would want to do an exercise concerning how much more money would be involved. We have had some rather strange goings-on in regard to the Hackney acquisitions. Property officers in most Government departments are questioning whether they can acquire property on the same basis.

The Hackney acquisitions are not taking place in the usual manner—through the Land Board. The Minister of Lands can correct me if I am wrong, but I believe that a Housing Trust officer has been given the task of working in conjunction with or within the Premier's Department. I believe, too, that houses have been purchased whose standard is far in excess of the standard of the houses being acquired, and the former houses have been transferred to the dispossessed owners so that social aspects can be taken care of. I do not criticize that policy, but I am saying that we have a duty to look at the whole question of acquisition in an overall manner, so that the best possible arrangement is arrived at, from the viewpoints of the department and of the people. I am only sorry that I have not had more time to consider this Bill. I know, too, that some other honourable members who are interested in this Bill have not yet had time to consider it in depth.

The Hon. A. F. KNEEBONE (Minister of Lands): I thank honourable members for the attention they have given to this Bill and for their general support of the principles behind

it. The Leader of the Opposition said that evidently the Government thought that something was wrong in regard to acquisitions.

The Hon. R. C. DeGaris: I said that evidently the compensation legislation must be wrong if it was necessary to bring down this Bill.

The Hon. A. F. KNEEBONE: The Government believes that this Bill is necessary, and the Hon. Mr. Hill and the Hon. Mr. Gilfillan seemed to think that the Bill was necessary. The comments of some honourable members last year in connection with an acquisition project indicated that something should be done. In places like Bowden, some people have lived in their homes all their lives, and they may find that, because of road development or some other form of development, their homes are required. The present Act provides that, if a person is an unwilling seller and there is a dispute over the compensation, the case shall go to the Land and Valuation Court. It is difficult for people who have lived in that type of house to provide themselves with equivalent accommodation elsewhere. If it were available elsewhere, it would cost above the compensation paid, and this is what we are trying to cover in the Bill, which must be read in conjunction with the principal Act. Section 25 of the Act provides:

> The compensation payable under this Act in respect of the acquisition of land shall be determined according to the following principles.

The section lists many principles. Section 25 provides:

> (*a*) The compensation payable to a claimant shall be such as adequately to compensate to him for any loss that he has suffered by reason of the acquisition of the land;
>
> (*b*) In assessing the amount referred to in paragraph (*a*) of this section consideration may be given to—
>
> (i) the actual value of the subject land; and
>
> (ii) the loss occasioned by reason of severance, disturbance or injurious affection.

That takes into consideration most of the things one can think of. Section 25 (*i*) provides:

> Where the land is, and but for acquisition would continue to be, devoted to a particular purpose, and there is no general demand or market for land devoted to that purpose, the compensation may, if reinstatement in some other place is *bona fide* intended, be assessed on the basis of the reasonable cost of equivalent reinstatement.

The Act requires some of these things now. If there is a dispute, section 23 of the principal Act provides:

> (1) A disputed claim may be referred by the authority or the claimant to the court by filing true copies of the notice of acquisition, notice of claim, and the reply.
>
> (2) The authority and the claimant shall be entitled to appear and be heard before the court on any proceedings relating to the claim.
>
> (3) Upon the hearing of a disputed claim, the court shall determine what amount should adequately compensate in accordance with this Act all persons interested in the subject land and shall make such orders as it thinks just in the circumstances.

The Hon. A. M. Whyte: Is there provision for an old-timer to take his case to the court?

The Hon. A. F. KNEEBONE: Yes.

The Hon. A. M. Whyte: But he couldn't finance it in the first place.

The Hon. A. F. KNEEBONE: If he wins his case, his costs will be paid. Some honourable members referred to the fact that the Bill refers only to housing. I know of many instances where businesses have had to be acquired compulsorily, and agreements were reached apparently satisfactorily. Most problems are concerned with housing.

The Hon. R. C. DeGaris: There have been other cases, though.

The Hon. A. F. KNEEBONE: There does not seem to be as much argument over the acquisition of businesses by various authorities as there is over housing. People who have gone to court have been treated well, and the matter has been settled there and then. I appreciate the remarks of honourable members who support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Enactment of Part IVA of principal Act."

The Hon. G. J. GILFILLAN: Stamp duty, particularly on a mortgage, has risen substantially in the last year or two. I know of a recent case where people moved from an average house to another house and the cost of moving was about $1,500. Is it intended that all these charges will be covered by way of grant rather than by way of loan?

The Hon. A. F. KNEEBONE (Minister of Lands): The person puts his case to the committee. The Bill does not indicate what the split-up of the costs will be, nor does it provide that the person will be housed in a house similar to the one he occupied previously.

People at Hackney are being rehoused in housing similar to that they occupied previously. The Hon. Mr. Hill said that some departments were worried about the situation at Hackney. We want to look at this situation. This seems a better idea than taking people to a house and letting them compare it to their own. The scheme with a committee to handle this type of rehousing is the best scheme available. In that way we have a variety of experienced people considering the matter and discussing it with the applicant. I inform the Hon. Mr. Gilfillan that people make application to the committee stating the cost of the rehousing needed and the difference between what they have and what is needed for rehousing on a comparable basis, and that is what is considered by the committee.

The Hon. A. M. WHYTE: I am sorry, too, that this Bill must go through in such a hurry. Certain clauses should have had more time devoted to them. Throughout the debate we have talked of compensation by money, but this is not the only thing affecting people who lose their homes. The committee set up may be a very capable one, but it shows no sign of the compassion I would like to see in such a body. By composition, it is a Government committee. I know of an aged couple whose home was acquired in a country town. There was no dispute about the value placed on the home, but neither of these people could drive and they had no option but to take a new home well outside of the public bus service and are still relying on neighbours to see that they have supplies. I appeal to the Minister to see that some consideration is given to cases such as this one. Perhaps it is outside his jurisdiction to show such compassion, but there are angles to be considered other than the monetary value of the home concerned when land is acquired.

The Hon. R. C. DeGARIS: If the Bill is necessary there is something wrong with our compulsory acquisition compensation; secondly, if it is necessary then it is necessary in areas other than rehousing. The Minister bore this out when he said that the main complaints we are getting relate to housing. One would expect that, because more houses are being acquired.

The Hon. A. F. Kneebone: There has been major acquisition regarding big businesses.

The Hon. R. C. DeGARIS: Big business is the least of our concern. Our concern is the small delicatessen or corner shop, the bootmaker or the specialist shop where buildings and land are acquired and the businessman must set up in a new area with no established clientele and no goodwill. Apart from housing, there remains the problem in the other area I have mentioned, whether it be rural land or land occupied by a business or by a tradesman. Some assistance may be required to re-establish that person in a community where he can carry on as in the previous location. Can the Minister say whether the Government will consider an extension of the Bill into those fields?

The Hon. A. F. KNEEBONE: We could look at it, of course, although the present Act takes care of that situation. I know of small businesses where, because of the widening of the street, shops have had to be reconstructed in the same place, because it has not been necessary to take over the whole shop. Compensation has been paid for the effects of such interference.

The Hon. R. C. DeGaris: Would the Government accept an amendment?

The Hon. A. F. KNEEBONE: I could not give a blank cheque as to the Government accepting an amendment. The main reason for the introduction of this provision was to protect the householder. Because of the market value of his house, and because he has to move to another area, he has been at a disadvantage. Previously, even if they did not agree with what the Land Board offered, they could go to the Land and Valuation Court, which is fair in its approach to these matters, but even then people have not got enough money to set themselves up in comparable accommodation elsewhere. Their home is of the utmost importance when people are disturbed.

If it can be proved to the Government that an unfair situation does exist then we would look at it. I have not heard any approach over all the years I have been here regarding the acquisition of businesses, but I have heard plenty of comment from Opposition members on the acquisition of homes. As a result of that, and approaches from people outside, we have introduced this provision. I have not heard any comment from members since I have been in this Council about businesses not being paid what they should have been paid.

The Hon. R. C. DeGaris: There was one in the Bedford Park area. The house was at the front and the business at the back.

The Hon. A. F. KNEEBONE: I have not heard of that. We know that at the moment there is a need for what we have provided in the Bill. We have not had the same pressure

regarding businesses, and that is why they are not included. If it can be proved that the same position exists there, we will look at it.

The Hon. R. C. DeGARIS: The proposed amendment strikes out all the words in subsection (1) of new section 26g after "land" so that the provision would read:

Where land has been or is to be acquired by the Authority for the purposes of an authorized undertaking, the provisions of this section shall apply in respect of the acquisition of that land.

I do not wish to move the amendment if the Government says it is unacceptable.

The Hon. A. F. Kneebone: I cannot give an assurance on that.

The Hon. R. C. DeGARIS: I do not wish to press it, because the Bill could be lost if the Government did not accept it; but the amendment is worth while and the Government should look at it. Will the Government accept an amendment along these lines? A consequential amendment will follow from it.

The Hon. A. F. KNEEBONE: I cannot give the honourable member an undertaking, but let the Bill go through and we can look at the situation next year.

The Hon. C. M. HILL: The point of small businesses including a shop and dwelling premises would be covered by the Bill, because that would include a dwellinghouse. A house behind the shop would probably be included. That may be the principal type of business that the Hon. Mr. DeGaris has in mind. It certainly includes a dwellinghouse.

The committee mentioned in clause 4 was envisaged some years ago. A social worker was needed when people were moved from dwellinghouses to new accommodation. A social worker was needed to help them with their problems, especially in the case of older people. It required close liaison with a social worker if the Government was to do the right thing. I think the Government is continuing that principle here.

The nominee of the Minister of Community Welfare is to be the chairman of the committee and it is intended that he shall be qualified in social work. However, there is the question whether this rehousing committee will be available for use in all Government department acquisitions. Will it not only be associated with acquisitions for urban renewal or by the Highways Department for road purposes but also be available where houses are required—for example, for hospital expansion or the purchase of property by the Engineering and Water Supply Department? This is important. I do not want people getting preferential treatment where only urban renewal acquisition or Highways Department acquisitions are concerned. Can the Minister tell me whether this committee and the provisions of this clause, which involve in some cases extra money being paid over and above ordinary compensation, will apply to all persons who are being rehoused or are having houses acquired from them for any Government purpose? It is worrying, because one wonders where it will stop.

It may be a rumour, but I have had it put to me that there is one dispossessed owner in Hackney who has obtained a house valued at $10,000 more than the one that was acquired. I was requested to ask questions about it but I did not pursue it because I made some inquiries, as a result of which I doubted whether it would be true. However, we must be careful in this regard. It may get into the realm of a Government seeking political advantage. If a Government wishes to avoid criticism in regard to housing acquisition, the one way to do it is to be generous with the money it pays for houses or as compensation arising from the transfer of people from one property to another.

If the Treasurer is to approve of any monetary arrangement, under new section 26g (5), I hope that in future that will prove to be a satisfactory check to ensure that the compensation payable is fair and just and that the people get a reasonable deal, but no more. The people whose money is paid out (that is what it boils down to) are then assured that the Government is acting responsibly when it makes payments. Will the Minister tell me whether this rehousing committee and this measure will apply in all circumstances concerning all Government departments in the matter of house property acquisition?

The Hon. A. F. KNEEBONE: Yes. Clause 4 enacts a Part of the principal Act, the Land Acquisition Act, 1969, section 7 of which provides:

This Act applies to and in relation to every authorized undertaking that involves the acquisition of land.

The Hon. C. M. HILL: I thank the Minister for that explanation. Can he tell me whether the authority referred to in new section 26g (1) and in other provisions is the acquiring authority or the State Planning Authority?

The Hon. A. F. KNEEBONE: On my interpretation of it, it means the acquiring authority.

The Hon. F. J. Potter: It is defined in the principal Act.

The Hon. A. F. KNEEBONE: Yes. Section 6 of the principal Act provides:

"authorized undertaking" means the undertaking whose execution is authorized by the special Act: . . .

"the special Act" means the Act authorizing the execution of the undertaking and the acquisition of land for the purposes of the undertaking.

The special Acts refer to the Highways Department, Railways Department, and Education Department undertakings.

Clause passed.

Title passed.

Bill read a third time and passed.

CONSUMER TRANSACTIONS BILL

Adjourned debate on second reading.

(Continued from November 9. Page 2900.)

The Hon. C. M. HILL (Central No. 2): When I spoke to this Bill last week, I said that I would study it further: that I have done, and I find that, whilst it is a new measure providing a new approach to the question of hire-purchase arrangements and other consumer-credit arrangements, it is a new method that has to be tried within the commercial world of the State. Although I think it may experience some difficulties in practice, nevertheless it is the Government's method of approaching consumer protection, and I have no serious queries about it.

Last week I said that I had a question about clause 37: I have one further query only, and that concerns the definition of consumer lease in clause 5. I believe that within the definition as it reads at present there would be the lease of furniture in a house that was let as furnished accommodation. The intent of a consumer lease is a lease dealing with machinery, plant, and other items such as motor cars, that are being leased more today compared to the old system of normal sale.

When it comes to a lease of furnished premises, I believe the furniture would be leased, but there may be trouble if we consider clause 37. It may well be that the lessee may be able to transfer title of that furniture, without the landlord or owner having knowledge or recourse should a tenant act in that way. That would be grossly improper and unfair, and I think that point will have to be considered in order to ensure that it does not happen.

The title of the furniture could not pass to the tenant of furnished accommodation, nor could such tenant have any rights over the property and dispose of it without the knowledge or consent of the real owner or the landlord. Other than that query, I look at the Bill in a similar way to the way I considered the Consumer Credit Bill: the two run side by side and must stand their challenge in the open market of commerce. I hope that they have the effect desired by the Government, that is, to give more protection in future to people who need protection when they become involved in credit transactions. I support the second reading.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

TORRENS COLLEGE OF ADVANCED EDUCATION BILL

Adjourned debate on the second reading.

(Continued from November 8. Page 2803.)

The Hon. V. G. SPRINGETT (Southern): The Torrens College of Advanced Education has resulted from a fusion of the South Australian School of Art and Western Teachers College and, at the same time, another Bill that we will consider after this one will confer autonomy on certain other teachers colleges. These two Bills are complementary, and deal with similar material and matters for all the colleges. As a result of the two Bills, five teachers' colleges and the School of Art are to be established as colleges of advanced education, subject to the control of the Board of Advanced Education, which came into being on July 1 this year. This Bill has special factors compared to the Bill dealing with other colleges, because it unites Western Teachers College and the School of Art. Anyone with knowledge of the Western Teachers College, with its split-up areas, part in Currie Street and part on the South Road, and its playing grounds in the west park lands, and all overcrowded, will agree that there is need for a change, an enlargement, and an improvement.

In keeping with the Karmel Report on Education in South Australia, it has been recommended and is now being accepted that there should be a cessation of teachers colleges as the full responsibility of the Education Department. Under this Bill, as under the Bill to follow, the colleges are removed from the closely knit union with the Education Department. It is surely a sign of maturity when the child wants to leave the parent and the parent allows the child to leave. The Education Department has been the parent

for many years with the colleges acting as the children. The department organized examinations, arranged and controlled tertiary training, set standards of education, appointed teachers and, indeed, professionally the department has controlled the teacher training from the education cradle when the child first started school through until it finished its professional life, if the person became a teacher in the department. Inevitably and unquestionably, over the years this situation must create and develop a certain degree of in-breeding, which is not always healthy.

Under this scheme there is a link with the department with a common interest, but now the colleges will no longer be beholden to the department for every step and act. Two views exist about the Torrens College of Advanced Education: first, the effect on Western Teachers College and, secondly, its effect on the School of Art. Regarding the college, no-one seems to recognize this as other than a good move, because of reasons to which I have referred. But when it comes to the School of Art, there is considerable heartburning.

The School of Art is very old established: its history goes back to 1861, when it was established as an autonomous body under the name of the School of Design, but it immediately came under the control of the Public Library, Museum and Art Gallery Board and remained in this state until 1909, when it was transferred to the Education Department. It was then renamed the South Australian School of Arts and Crafts. It was not until 1963 that it had its first specially planned home, that is, the building we know today at North Adelaide, which was opened by Sir Edric Bastyan, the then Governor, in November of that year.

Today the school has a staff of 30, and 250 full-time students. The disappointing factor, when one is thinking of starting a new project, is that all the staff, with the exception of the Principal and the Vice Principal, have expressed their profound opposition to the planned amalgamation with Western Teachers College. They believe in the Torrens Advanced College for Western, but they suggest that it is educationally unsound for the School of Art. They would be happier to be allied with the School of Drama at Flinders University or with the South Australian Theatre Company or with the Elder Conservatorium of Music.

The crux of the matter is whether one believes in a multi-purpose institution or a mono-purpose institution as being best for the School of Art. The school grants a four-year diploma, and this course has been extended to include liberal studies. Since 1966, the School of Art has been accepted by the Commonwealth Government as a college of advanced education and, as a result, it merits a college of advanced education grant. This means, therefore, that financially the school is able to retain autonomy without necessarily being linked with another college such as Western. Obviously, artistic minds and emotions find much in common with kindred minds, sentiments and spirits. This is why they would prefer to see themselves allied with something like the Flinders School of Drama or the Elder Conservatorium but, under the Bill, they will find themselves mixing with the ordinary teachers training college—a body which is larger than their own numerically and which has a different outlook on its course of training.

I believe that academic isolation can breed sterility, but I am not sure whether the multi-purpose courses such as will be undertaken at all these training colleges are in the ideal interests of the School of Art. Western is fragmented: part of it is in Currie Street, part of it is in the park lands, and part of it is in South Road. Already the School of Art has outlived its present site and must expand. The Underdale site for the Torrens College of Advanced Education comprises 45 acres. Torrens, a name we heard earlier today, is a historic name. I wonder how many honourable members, as we talked about Torrens and his work for the transfer of real property, realized that he started as a collector of customs. He was a Legislative Councillor and, in due course, became an early member of the House of Assembly. In 1857, he assumed the office of Premier, and in that year passed through the House of Assembly his famous Bill for the transfer of real property. He was the first Premier to pass through the House of Assembly any Bill that really controlled the transfer of real property. From then until the present time the Torrens system has been held in high repute. I trust that the college that will take his name will be held in equally high repute and will not suffer the fate that seems to be happening to his Bill of over 100 years ago.

The Director designate (Dr. Ramsey) of the Torrens College of Advanced Education has already been appointed; he is the present Principal of Western Teachers College and has held that office since 1971. He is a graduate of the University of Adelaide and of the Ohio State

University. He was formerly a Director of the Australian Science Project. He has already been appointed, for his personal qualities, but it seems strange that he was appointed before legislation providing for the establishment of the college had been passed by Parliament. Bearing in mind that the Government wants to push legislation at this stage of the session, surely it would have been better and wiser if it had introduced this Bill a year ago so that it could have been considered carefully and so that the appointment of the Director designate could have been made with dignity, decorum and order.

Clause 4 of the Bill provides for the establishment of the Torrens College of Advanced Education as an autonomous body, and Western and the School of Art will be removed from the direct control of the Education Department. Can the Minister explain why these two bodies will be lumped together and why, even on the same site as Underdale, the South Australian School of Art could not remain as that body and Western remain as its own autonomous body, instead of joining them together in one complete unit? I ask that question, because I referred earlier to the staff view of the School of Art, all of whom, with the exception of the Principal and Vice Principal, oppose the Bill. They passed the following resolution:

> We believe we would totally compromise our views if were were to support the Bill for the establishment of Torrens College and we now feel it necessary to make our views known to the public: because the Bill fails to establish the safeguards promised by the Minister for professional art training to proceed in a free and unencumbered atmosphere. He promised a separate School of Art with its own advisory council, in which joint facilities would extend no further than administrative accommodation, library, theatre and student union facilities.

If that is so, will the Minister, in due course, inform us why that was not followed? Clause 5 provides for the advanced education courses and allows for a widening of the college courses for students in various fields. In addition, it sets out the basic training functions in fine arts and applied arts as well as setting out training functions in general teacher training. Again, fine arts (all forms of art) and general teacher training are all mixed up together in a hotchpotch manner.

Clause 6 grants the right to award degrees, diplomas, honorary degrees and other accredited awards, and brings the college within the ambit of the South Australian Board of Advanced Education for recognition of these awards. Clause 7 emphasizes that there shall be no discrimination against or in favour of any person on grounds of sex, race, or religious or political belief. I am not sure whether they are in ascending or descending order of importance, but it is good to know that we recognize officially that such discrimination cannot and should not occur. I remember, as short a time ago as my own student days, that in certain institutions there was quite definite prejudice which, thank goodness, nowadays does not exist.

Clause 8 deals with the council and again emphasizes the problem of the art school. We see 26 people making up the total of the council. The first is the Director, who shall be a member *ex officio*. That is understood. I emphasize that the principal of the school, department or division established within the college known as the South Australian School of Art shall be a member of the council *ex officio*—the Principal of the School of Art. The clause then goes on to mention three members of the academic staff and three students of the college. These may all be from Western, or they may be all from the School of Art, but the latter would be doing extremely well to get one representative out of three. There are three representatives each of staff and students. There is to be one member of the ancillary staff elected by the ancillary staff, one person appointed by the Governor, on the nomination of the Director of Further Education, three persons with extensive experience in education appointed by the Governor, two persons employed upon the academic staff of any other college, and eight persons appointed by the Governor, of whom at least two shall be of established competence in fine arts. We have the Principal of the School of Art, and two people competent in the fine arts. Only three people out of 26 on the council will be guaranteed to represent the needs and interests of the School of Art. Quite frankly, I think that needs looking into.

Membership of the council was obviously meant to ensure that both components (Western and the School of Art) were represented. Certainly, they are represented, but I would not like to say they are evenly represented or well balanced in their representation. It is important that in this new college both components remain well balanced in their representation, or the School of Art will be completely overcome, by sheer weight of numbers if by nothing else, by Western. The council may co-opt two more people to its

membership, but whether or not they be art orientated is perhaps in the lap of the gods.

Clause 10 defines and deals with the terms of appointment of council members. It provides for two years membership for each person, and sets out the grounds on which they may be removed from office. Student members may serve for only one year, because it is assumed that they will be from the senior grade of students, but they can be re-elected if they are eligible; if they have another year at the college they could have a second year of service. Clauses 11 and 12 are concerned with the council's business and the manner of its conduct. Clause 13 sets out the powers of the council, including the delegation of powers to committees or boards.

Clause 14 stresses the need for collaboration with other appropriate bodies. This is most important. If a college is to function adequately it must collaborate and co-operate with other appropriate bodies. Those listed in the Bill include the South Australian Board of Advanced Education (obviously the Torrens College will be answerable to that board), the Education Department (which obviously will employ most of the students from the Western side), the Department of Further Education (the same sort of thing applies), the Australian Council on Awards in Advanced Education (again obviously the board is presenting stimuli to any college of advanced education), and any other body with which collaboration is desired to further the objects of the legislation.

In the same clause the Minister reserves the right and the power to ensure an adequate supply of trained teachers for South Australia. This is the main purpose of Torrens and of the other colleges. If the council is effective and the Minister is not too intrusive he should never have to use his reserve powers. Clause 15, in view of my earlier remarks, is of considerable importance. The name of the South Australian School of Art is to be perpetuated within the framework of the Torrens College. Apart from being a hollow mockery of a memory of a name, something more permanent and structural is required than just to say that, where fine arts are taught, that place shall be called the School of Art of South Australia.

I emphasize that the School of Art must have some control of its own movements if it is to remain autonomous and be an adequate body to deal with the arts in an environment which is vital for good art work. It needs to have its own environment, and I agree with the view expressed by the staff of the school that, although they may be in the same building and on the same campus, they should be a completely separate entity to run their own affairs. Clause 16 provides for the first Director. Already there is a Director-designate, and no-one would do other than wish him well in what must be a tremendously important and most difficult task that lies ahead.

Clause 17 is to encourage active student life. Those of us who know anything about university life recognize the reason for that clause, but one would hardly consider that there was need to encourage active student life nowadays. Sometimes it needs damping down. Clause 18 is concerned with making land available and transferring the furniture and equipment. Clause 19 is important in the interests of the present staff, because the academic staff of both institutions is employed by the Education Department whereas the non-academic staff has been appointed by the Public Service Board to work for the Education Department. Once the appointed day arrives, under clause 19 members of both types of staff will be able to make an informed choice of their future wishes and plans.

One wonders, if the Torrens concept goes through as planned at the moment, what will be the decision of some of the people who run the School of Art, a decision that they may be sorry to make having regard to the effect it will have on the life of the School of Art in its new surroundings. On the appointed day, which may be July 1, 1973, apparently, employees may wish to retain their rights under the Education Act and the Public Service Act, respectively, or they may wish to transfer, lock stock and barrel, to the new college of advanced education. Clause 20 is concerned with the making, altering and repealing of college statutes, examinations, accommodation, co-operation with other bodies and institutions, and the maintenance of good order and discipline.

Clause 21 deals with the provision of by-laws for the well-being and running of the college. Clauses 23 and 24 require an annual report to be made to the Governor, which report shall be laid before Parliament. They also require that the accounts shall be audited by the Auditor-General. The conception of Torrens as a college of advanced education is good in so far as it deals with the needs of Western Teachers College; it is good in so far as, on the same campus, facilities can be arranged and provided for the School of Art; but I emphasize yet again that, if a whole

concept is to be put together without any individuality for the School of Art, this will lead to unhappiness and restlessness in the future and, unfortunately, the loss of a fine tradition of the School of Art, which Adelaide has known since 1861.

The Hon. JESSIE COOPER secured the adjournment of the debate.

COLLEGES OF ADVANCED EDUCATION BILL

Adjourned debate on second reading.

(Continued from November 8. Page 2804.)

The Hon. V. G. SPRINGETT (Southern): This is the second Bill to which I referred when I was speaking to the Torrens College of Advanced Education Bill. Again, it follows as a result of the Karmel committee's recommendation that colleges of advanced education of an autonomous nature should be established —at Adelaide, Bedford Park, Salisbury, and Wattle Park. These colleges each have had an interim council; each has had connection with the South Australian Board of Advanced Education from July 1 of last year. Commonwealth money has now been made available to support these teachers colleges where they are being developed as self-governing bodies, free from the control of the Education Department.

As is so fashionable these days, when people go to a new building they are given a new name. Even though the former institutions may have been old institutions, we tend to give them new names. Here, names are to be changed. Adelaide Teachers College becomes the Adelaide College of Advanced Education; Bedford Park Teachers College becomes the Sturt College of Advanced Education; Salisbury Teachers College becomes the Salisbury College of Advanced Education; and Wattle Park Teachers College becomes the Murray Park College of Advanced Education; and, of course, as the previous Bill mentioned, the Western Teachers College and the School of Art now become the Torrens College of Advanced Education.

For general purposes, the clauses of this Bill are identical to the clauses of the Torrens College of Advanced Education Bill. Advanced education in the theory and practice of teaching for the proper education of those entering the profession of teaching seems to be the hallmark and description of the function of each of these colleges. Education and training in other fields are considered advantageous, as is the fostering of an active, corporate, intercollegiate life. Clause 9 deals with the council.

Each college will have a council, each with 23 members. Again, these colleges will have two nominees of the Director-General of Education because of the vital interest of the Education Department in the employment of graduates from the colleges. Under clause 15, the Minister of Education retains a reserve power to ensure an adequate flow of trained teachers for the State. Emphasis is put on the sentence "The Minister will collaborate." "Collaborate" was a word we got to dislike two decades ago, for various reasons, but here the Minister will "collaborate", not "control". These councils are to be independent of the Minister unless he uses his reserve power. The Minister will collaborate in the working of the colleges, and the needs of the State and the schools are kept in parallel. Otherwise, this Bill is exactly the same as the Torrens College of Advanced Education Bill.

In explaining the Bill, the Minister paid a tribute to those people who had served on the interim councils of the colleges. He referred to their special skills, their knowledge and their energy, and it would ill behove us as a Council not to endorse his comments and add that willing service by decent members of the public is the basic foundation on which our type of society depends, and will go on depending in the future. Even when these colleges are functioning completely, they will still need the willing co-operation of voluntary helpers on the councils.

The Hon. JESSIE COOPER secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL (FEES)

Adjourned debate on second reading.

(Continued from November 2. Page 2675.)

The Hon. C. M. HILL (Central No. 2): When I spoke to this Bill more than a week ago, I said that the proper procedure would be for it to follow the Land and Business Agents Bill, which takes care of the question of fixing fees for licensed land brokers, and removes from the Real Property Act the machinery to licence brokers, because that machinery has been transferred to the new measure that passed this Council in an amended form today.

If that Bill is passed, land brokers in future will be licensed by a brokers board, and there will be no need for sections 271 and 272 of the Real Property Act. My only query about this

relatively simple Bill is whether the Government intends to set down charges by regulation that land brokers and solicitors shall make in future for real property work.

Will the charges be the same for both broker and solicitor: that is, will charges that brokers and solicitors will be able to make for real property work be the same, without differentiation between the two professional or semi-professional groups? Perhaps the Minister could reply to that question later. Other than that, I am perfectly satisfied with the measure and support the second reading.

The Hon. R. A. GEDDES secured the adjournment of the debate.

RURAL INDUSTRY ASSISTANCE (SPECIAL PROVISIONS) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 8. Page 2800.)

The Hon. A. M. WHYTE (Northern): I support this measure. The Commonwealth Attorney-General has pointed out a discrepancy in our State Rural Industry Assistance (Special Provisions) Act concerning section 253b of the Commonwealth Bankruptcy Act, and this Bill makes the necessary amendments. It is important when we consider the plight of the rural industry at this time (with the Minister of Agriculture indicating the lowest estimated wheat crop for 30 years and growers' incomes being reduced by $50,000,000), that we tidy up any Acts dealing with finance that could alleviate the present rural position.

This short Bill does this by the provisions of clause 4, which amends section 4 of the principal Act by inserting a different definition of "agreement", and by clause 5 which amends section 6 of the principal Act by providing a new interpretation. From the second reading explanation of the Minister it is obvious that these amendments are necessary in order to enable the State rural assistance provisions to come within the ambit of the Commonwealth Act.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (ARBITRATION)

Adjourned debate on second reading.

(Continued from October 26. Page 2482.)

The Hon. G. J. GILFILLAN (Northern): I support this short Bill, which is a consequential Bill following the introduction of the Industrial Conciliation and Arbitration Bill, the passing of which was agreed to after a conference of both Houses. The Bill changes section 226 of the Criminal Law Consolidation Act so that it refers to the Industrial Conciliation and Arbitration Act instead of to the Industrial Code, 1967, as amended. Section 260 of the principal Act is also amended. This amendment may have been more significant, except for amendments that were accepted in the Bill passed earlier today. I support the Bill.

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

PHYSIOTHERAPISTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 9. Page 2886.)

The Hon. V. G. SPRINGETT (Southern): Physiotherapy is one of those paramedical services without which it is hard to imagine modern medicine. One wonders how we managed before we had physiotherapists; however, with their help, people now get better more quickly and with more comfort. The first effect of this short Bill is to change the physiotherapy course and diploma from the aegis and responsibility of the Adelaide University to those of the South Australian Institute of Technology. Yesterday morning I asked a physiotherapist, "What do you think about the change in connection with the physiotherapy course and diploma?" The reply was, "The course will be just as good, if not better." The only difference is that a diploma will now be given under the seal of the institute, instead of under the seal of the university.

At the end of the current academic year the first group of diplomates from the institute course will receive their recognition. In the past there has been a lapse of time between the passing of the examination and the receiving of the diploma; that has naturally required temporary registration, to enable the newly qualified people to practise. Under this new scheme, temporary registration will no longer be required, because they will become eligible for registration as soon as they have ended their course and passed their examinations. The second main effect of this Bill is to remove the maximum fee for registration. Everyone taking a qualification has to pay a registration fee, and this Bill removes the maximum fee and allows for future alterations in the fee to be made by regulation. So, it will be possible to adjust the fee to defray the expenses of the board as and when they increase.

The Hon. A. J. Shard: They are saying that the fee is not enough now.

The Hon. V. G. SPRINGETT: Clause 4 repeals section 39b of the principal Act; this section provided for temporary registration of physiotherapists. Clause 3 amends section 39 of the principal Act by providing that a person holding or entitled to hold a diploma in physiotherapy bestowed by either the South Australian Institute of Technology or the University of Adelaide will be eligible for registration by the board, although with the passing of time the university qualification will become a rarity. Clause 5 amends section 42 of the principal Act by removing the restriction on the maximum fee payable to the board on registration. I support the Bill.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from November 9. Page 2895.)

The Hon. C. M. HILL (Central No. 2): I thank the Minister of Lands for his clear and comprehensive explanation of this Bill. The explanation was very helpful and it has made my review of the Bill an easier task than it would otherwise have been. Because the Bill affects country areas, I ask those honourable members who represent country districts to look closely at it. Whereas the 1966 legislation dealt mainly with the metropolitan planning area, this Bill is the next step, under which planning spreads from the metropolitan area and encompasses the whole State. It is therefore natural that many landowners, who previously had not been concerned with the question of planning, will be very interested in this Bill, and there will be some effects that they may find difficult to understand.

The Bill increases the interim development control and extends that control throughout the State. It is extended through the 12 planning areas that exist inside South Australia but outside the metropolitan area. The Government has stated that it intends to implement immediately the interim development control along the corridor between Adelaide and Murray New Town, which corridor is traversed by a main highway.

I support the concept of the preservation of the rural vistas along the Hills freeway and, indeed, in general terms along the whole roadway between Adelaide and Murray Bridge. Some of the views one can now see when one travels along the newer part of that freeway are simply magnificent rural scenes. Everything that can be done, while at the same time bearing in mind the rights of property owners in that area, to preserve those stands of gum trees and other forest areas ought to be done to preserve that rural concept, because it is a magnificent area. In the interests of the people, I support the measures that will be taken there to preserve that timber.

The Government has also said that it intends to implement interim development control in country towns. This control will be exercised in lieu of zoning by-laws, as people in all country towns have experienced controls by their local council. The question which I pose and on which I place considerable emphasis is whether the authority will delegate this power involved in interim development control to local councils within these rural areas, because it seems to me that councils in country towns are quite capable of managing their affairs.

It may well be that there is not the hard efficiency of central authority implementing its powers on ratepayers in country towns but, against that, is the deep local understanding of representatives in councils who have an intimate knowledge of the affairs of local people and who fully understand their welfare; whereas it is not possible for central authority to send representatives into those areas to appreciate fully the attitudes of local people in the towns throughout the State.

I ask the Minister to give me as much explanation as he can on whether it will be the authority's intention to allow local government to carry on exercising the new controls in lieu of the authority itself not only implementing the controls but exercising the controls as well. Apart from the control on development that will now extend throughout the State, the Government intends to take further steps to control land subdivision. I draw to the notice of those honourable members who represent country areas that this is a subject they will need to study closely. For example, it means that, if the Bill passes in its present form, any future subdivision of 1,000 acres can be deemed a subdivision if it is divided into, say, five separate parcels; there could be four parcels of 200 acres, one parcel of 170 acres, and another parcel of 30 acres.

When one imagines a property of 1,000 acres being cut up in that form (and it is not unusual for deceased estate properties to be cut up into parcels of that size in some parts of the State for the pursuance of rural industry), such a cut-up under the Bill would immediately come within the provisions of the measure and would have to go through

the processes involved in the machinery contained in the Bill. One sees how deeply affected the division of rural land will be.

The first form of control on land subdivision deals with the question of the minimum size allotment, which has been extended under the Bill from 20 acres to about 74 acres; I bring that point to honourable members' notice. This question has been posed to me by at least three people who are involved in subdividing land into areas of about 20 acres: what will be the position regarding applications that have already been made to the Director of Planning before the date for such subdivisions?

Some of these people have been put to considerable expense: one gentleman claimed that he had spent about $1,800 on survey fees, and another gentleman said he thought that the survey fee would be about $2,000. As the measure will be implemented on a date to be proclaimed, will the Minister say whether the applications in the course of being processed will be permitted to continue? That is an important point because, in all fairness to the people concerned, they have applied to subdivide their land in accordance with the law. They have done everything available by way of abiding by the provisions of the existing Act but, having been put to about $2,000 expense, naturally they are concerned whether their applications will be permitted or whether, on the proclamation of the Act, the department will not proceed with such applications.

In that latter case, they would have to subdivide into bigger parcels, but that does not concern them so much as does the expense to which they have committed themselves. The second approach to the Government's new controls on land subdivision is the one whereby the Director of Planning is being given power to ensure that sporadic development will be avoided in the future. Subdivisions can be refused by the Director in future if they do not follow on from existing development of urban or township areas; on the face of it, this provision has much merit because it ensures that in the future there will be a more orderly form of development, both extending the metropolitan area outwards and consolidating and extending country townships.

However, we must remember that flexibility is the byword of modern town planning. When one hears from other State planners that small village settlements or dormitory settlements are permitted elsewhere, and when one sees the possibility in some of our areas within, say, 20 miles of Adelaide for small new village settlements to develop, one wonders whether there will be sufficient flexibility to keep us up to date in our concepts of town planning here. In such dormitory settlements the whole of the cost of subdivision, including the servicing of the land, is paid by the subdivider. Such areas provide a wide choice and an important choice for purchasers of land and young people who want to build their homes on such new allotments.

Many people in today's world want to get away from the vast concept of fully built-in suburbs. Many people in country towns prefer to go a little out of town, leaving some rural space between them and the township, building their house in what they consider an unpolluted and attractive area. We do not want to see that kind of dormitory settlement completely dispensed with in our future planning. I hope the Director of Planning will think he has sufficient licence in the Bill, as it is worded at present, to consider such a form of subdivision because, provided the expenses involved are borne by the subdivider, it is a most worthwhile form of subdivision and subsequent development.

It is interesting to note when we look at the stereotyped plan the Government contemplates, with the metropolitan area bulging outward and country townships bulging outward, that in other States of Australia much advanced thinking is taking shape regarding planning. I refer particularly to the corridor developments now being planned in Western Australia, New South Wales, and Victoria, where planners are encouraging developments running out like fingers or corridors along public transport routes. In this modern thinking we get away from the stereotyped concept laid down in the Bill before us.

It worries me on several aspects of this Bill whether the very latest and most modern ideas of planning are being implemented or whether the Government, under some pressure, is trying to fill in gaps which have been criticized and which have come under critical comment from some self-styled critics of our planning. Many such critics mean well, but some are by no means qualified, and there comes a time when the Government must stand firm against general public criticism and outcry and lay down specifications for planning that are the latest the world can offer, supported by highly qualified professional planners.

The Government has laid down its policy for rural subdivision where owners of land want to build a separate house on a farm or want to subdivide farms in such a way that existing

house properties can stay on separate allotments. I commend the Government for this quite successful approach in policy. However, it is simply stated and is the policy of the Government at present; I cannot find anything at all about it in the Bill. As it is set out by the Minister in regard to policy, I commend it, but I would like to look a little deeper to see whether there may be some means of writing the Government policy into the measure so that this intention can be carried through.

Much misunderstanding can arise when a farmer wishes to cut off a piece of land for his son to build a house, when the son remains on the farm and works in partnership with his father. By discussion on the farm with people who understand the problem, much dispute can be avoided. Often there is a need for separate titles to be subdivided because in many instances the son must obtain finance to build his house, and if he wants to secure finance effectively from a lending institution he must be able to produce a title of the subdivision upon which the house is to be built. Subdivision is necessary in such cases, yet there has been, particularly through the Adelaide Hills, a great deal of worry about this problem.

In disputes of this kind between a planning authority and the owners of land, a separate advisory panel should be set up, comprising people who understand the point of view of the farmer. The farmer and his son, and also the officer from the State Planning Authority, should be able to state their views to such a panel, which would act as an umpire. That would be a more satisfactory basis than the policies of the past.

Such a panel could well comprise the chairmen of the three local councils nearest to the farm involved. Men of that calibre understand the attitude and concern of country people, and by discussion and liaison of that kind a satisfactory result could often be achieved, whereas in the past farmers had not been completely happy with final decisions on subdivision where their sons want to take a title off the farm and where existing houses on the farm must have, for financial or other reasons, separate titles.

The third approach of the Government to further control subdivision deals with the hills face zone. The approach in this case is one of complete rigidity, which is a pity when flexibility is the watch-word of modern planning. The Government has suddenly decided to become more rigid in this facet of its control than it has been in the past. It has also introduced the issue of no appeal against subdivisions effected in the hills face zone under this measure.

I am not opposed to the principles in this part of the Bill laying down specifications for fairly large blocks in the hills, but it worries me when flexibility is taken away and certain specifications are laid down as to area and frontage. Even if the contour of the land indicates that more satisfactory subdivision could be achieved with a land frontage only 1ft. narrower than that laid down, the Bill provides that the Town Planner cannot give any consideration to that proposal but that he is bound hand and foot by rigid controls.

Here again, I wonder whether the Government is not bowing to popular opinion that has been displayed by some people not highly qualified in modern town planning and has laid it down under such pressure, whereas if the Government withstood the pressure and took advice from highly qualified professional town planners I do not think such rigid controls would be written into town planning measures in this day and age.

The Bill gets on to the question of giving the State Planning Authority power to decide such issues as we had recently with the Queenstown shopping centre. I support the concept that some public utilities in metropolitan council areas affect a community much wider than the local council area in which a development is intended. Therefore, it is appropriate that some other body in some specific instances might have to overrule local government in these decisions. It is a great pity that local government in metropolitan Adelaide has not advanced to the stage where it has itself developed a kind of regional basis so that planning officers can be employed by several councils joining together to employ such staff.

I have always thought that, if councils on a regional basis could get together and employ staff that one council alone could not afford to employ, it would be a good thing and show great imagination on the part of local government. However, this has not been achieved in metropolitan Adelaide. Some councils are so large that they can afford to employ their own planning officers but, if there was a form of regional co-operation by local government, planning officers could be employed, and that kind of planning officer and that kind of regional grouping would be able to provide the best answers to problems like the Queenstown shopping centre.

If that kind of regional development could be achieved, there would be no need for the State Planning Authority to come along and

give blanket advice to the various councils, telling them what was good for them. However, local government has not moved to that extent and, because of that, I think the State Planning Authority's having this control is the next best thing. That is what the Government proposes in this measure.

Another considerable change effected by the Bill is that subdividers in future may be asked by councils to build roads 48ft. wide instead of roads of the present maximum width of 24ft. In his second reading explanation the Minister said:

> It is desirable that this action be taken so that those roads which are likely to be used by buses or by heavy transport vehicles in industrial-type subdivisions should be constructed to a greater width at the initial expense of the subdivider.

With that sentiment I agree. Provided there is a need for heavy transport vehicles or buses to pass through a subdivision, no-one can deny the right of the council to demand from the subdividers roads 48ft. wide. However, that reason is not written into the Bill and, therefore, I wonder whether or not councils will immediately change their policies and insist upon these wide road pavements.

That will increase the cost of land considerably and is a problem that must be watched closely by planners today. I do not know whether or not any check can be written into the measure against local government's acting in such a way that it is unnecessary for wide roads to be built. I am not trying to make the job easier for the subdivider but I do not want wide roads built where there is no need for them, or wide roads that will attract traffic into a subdivision being constructed when it is best for that traffic to pass around or by that subdivision on an existing wide road.

That matter must be looked at closely. Where there is a real need for a wider road pavement, I support such a control being exercised.

The Hon. R. A. Geddes: Is it the sole responsibility of councils to decide the width?

The Hon. C. M. HILL: The council decides what roads are to be put down and their width. The Act stipulates a maximum width of 24ft. but the Bill provides for an increase to 48ft. The next major change effected by the Bill is that the State Planning Authority is to be given the right to subdivide land in its own name and to sell that land in subdivided form. I remember that in 1966 this aspect was fought with considerable vigour. Times change and, if one is at all progressive, one is prepared to change with the times.

I hope that, if the authority sets itself up as a subdivider and believes that it can ultimately offer vacant land to people more cheaply than the commercial subdivider can, it keeps its plans in the area of low-cost land, because it is the buyer of the low-cost land (I hope I am understood by that expression) who needs the maximum help. He has to battle to buy his land and have a house built on it. I have grave doubts that in the long term the State Planning Authority will be able effectively to enter this field.

The Minister said in his second reading explanation that the need for the authority to act is also required because the authority intends to subdivide land in Murray New Town. We do not hear much about subdivisions in Murray New Town, or very much about Murray New Town. It worries me considerably, because the public has little knowledge of the planning going on in regard to this new town. What stage has the planning reached, and just who is planning it? I recall time and time again I was told by experts in England (and when I say "experts" I mean professional planners of the highest calibre, one of them being a professor of urban planning at London University —and, incidentally, he was a member of the Labour Party in the House of Lords and his wife was a former member of the Wilson Government) that the successful new towns in Britain compared with the new towns in America, which were not succeeding, were planned to a set pattern—that an initial public investigation and inquiry was carried out, one man in charge being an official of fairly high office.

During the interview I thought it would be the case, in Adelaide, of a special magistrate, because I well recall how Judge Johnston (as he now is) when he held the office of special magistrate used to act in matters of local government; he gave us some wise advice when some areas were wanting to secede and join adjoining council areas. People of the calibre of that special magistrate were given the task of inquiring into new towns in Britain, and every party interested in the development of a new town gave evidence to that one official.

After the public investigation, which lasted some months, on what form the town should take, where exactly it should be, what form its initial planning should take, what would be the aims and gaols involved in the venture and what role all the authorities could play,

before an official of this kind, he brought down an initial report on the basic and necessary steps in the planning of that town.

It seems to me that such a step has not been taken by the present Government, and that the Government has no intention of taking it, as I see it. I hope that, when history writes the story of Murray New Town, basic planning mistakes will not be revealed. It will mean an immense financial loss to this State compared to the situation as it might have been if the initial mistakes had not been made. I do not know whether the Minister can help me in regard to some initial planning activity for Murray New Town, but if he can I would appreciate it.

Another major change concerns the question of third party appeals against planning decisions. This question has been investigated in great depth, and the present Director of Planning visited New Zealand and closely studied this subject. The Government has taken considerable time to reach the present decision, and I commend it on that decision.

I believe third parties, who are not directly affected by a planning measure but whose interests are affected, should be able to have some say. In Britain I heard of many instances around the famous squares of London, not only the central city squares but also the other squares, where every resident and owner could have some say in any change in land use, planning decisions, and approval for construction, restoration, or alteration of any building that fronted on the square: in other words, every resident who lived in a building that fronted the square had some views of how he thought its future should be preserved. That is the kind of appeal that the Government is now permitting, and I commend it for its decision.

The Hon. F. J. Potter: Would this extend to council zoning regulations?

The Hon. C. M. HILL: I am not referring to the Adelaide City Council, which is in the process of working out its own planning arrangements, but as I see it, it will apply in regard to zoning only where any variation can occur under the present or new regulations, which are about to be finalized in the metropolitan area. It is the rigidity of those planning regulations that is causing the problems, and probably will cause third party appeals to be limited in regard to suburban development and suburban planning decisions in metropolitan Adelaide.

Another change is that the amount of contribution to the Planning and Development Fund that subdividers must pay on subdivisions involving fewer than 20 allotments is being increased from $100 to $300 an allotment. The Government justified this increase in the Minister's second reading explanation, but it is a pity, because it will mean that allotments will increase in price.

However, the Planning and Development Fund needs more money, because it is used to purchase open spaces within metropolitan Adelaide: that is the other side of the coin. I believe that, if we are to be reasonable about the measure, we have to bear this in mind. I turn now to other details, and my first question concerns clause 4 (*b*), which refers to the definition of allotment. What has happened between January, 1900, and January, 1929? It seems that there may be a gap between those two dates. The date January 1, 1900, was referred to in the Bill. The Planning and Development Act of 1929 was the first town planning Act, and that is being repealed by this measure. I may be wrong, but I believe there may be a period that has to be considered in the new definition of allotment.

My next query concerns clause 5, which deals with the delegation of power. This is an important point, because the clause provides for the delegation of power to the Chairman and the Secretary of the State Planning Authority. It may be satisfactory for administrative purposes, but it could be rather dangerous to delegate all powers under regulations to these officers.

It seems to me that, if this Bill passes in its present form and interim development control is extended to rural areas, and if we read section 41 (5) (*b*) of the principal Act in conjunction with the proposed provisions, we must come to the conclusion that the Chairman or Secretary of the State Planning Authority will be able to go on to any farm anywhere in the State and give instructions about the construction, conversion, or alteration of any building or structure on that farm. I wonder whether that may not be going too far, when we consider the question of delegated power.

We could arrive at the ridiculous position of the Director of Planning going on to a farm armed with the new Act and telling the farmer how to reconstruct his dairy. I know that that is not the intention, but it would be possible under the Bill. We must closely consider the question of delegation. Will the authority delegate these powers to the council?

It seems to me that the delegation referred to in clause 5 could be to councils, and it would be much more satisfactory for the practical management of this legislation if this were done. This would apply particularly in the new phase of rural areas being involved, because the farmer and the man on the land get on much better with the member of the council and with his local council generally than he does with someone coming from the city who holds a fairly high office in the State Planning Authority. The matter of delegation of powers to councils should be considered seriously,

I now refer to clause 10, which also deals with delegation. This clause provides for the delegation of powers and functions under planning regulations to "any person or group of persons". How far can this be taken? Section 36 (5) of the principal Act provides:

The Authority may, with the approval of the council, by writing, delegate all or any of its powers . . .

These words are to be inserted immediately after "Authority," and they are in such a position that they have priority over the part that reads "may, with the approval of the council". I have a distinct impression that this clause will erode the role of councils. Clause 10 has binding conditions in it. The problem arises under the new land agents control of how information can be recorded, as it is not shown on titles and it is not easily available. This information concerns the consents that have been given by the State Planning Authority. After those consents have been given, the land may be sold, and the purchaser ought to have some machinery by which he can check in Government records, or on the title if possible, what consents have been given.

I do not know how this can be done. It may well be that, when the regulations under the Land and Business Agents Bill are promulgated as to what information must be supplied with the contract of sale (a mortgage for instance, as discussed earlier), any consents already given may have to be included in the contract. Naturally the vendor or anyone else interested in the title or contract will want to know where that is officially recorded.

Clause 11 deals with third party objections. It has been put to me in regard to this matter that, if the subdividers could liaise with objectors before the objectors lodged their official complaints, many of the problems that arise might be overcome. Perhaps the clause should be worded in such a way that the objector must not only lodge his objection with the official authority: if a copy were sent to the applicant for the subdivision, it is always possible that the matter would be resolved amicably before it got into the general run of officialdom; that is something we should consider at some stage.

Clause 18 deals with the specifications the Government intends to lay down in regard to Hills face subdivisions. It has been put to me that the wording is such that, if an allotment measured up to the specification of being not less than 4 h and had a frontage of not less than 100 m, and if it had on any of its rear or side boundaries any frontage to a private road, it may not be permitted. However, that is not the Government's intention: the Government's intention is that an allotment with a frontage only to a private road will not be permitted.

It may be necessary to insert the word "only", and I ask the Minister to comment on that point when he replies. Again I mention the rather frightening aspect in the provision, in that there is no appeal. Although I understand the Government's problem and realize what public pressure can be like in these matters, I wonder whether the principle being established of there being no appeal in regard to town planning legislation (no matter what kind it is) is a wise precedent to establish. In these times flexibility and liaison between all parties is the way in which the best possible planning is being achieved.

Clause 22, which deals with easements to the Electricity Trust, is a new procedure. I do not object to easements being granted without charge to the trust if those easements are for the purpose of supplying allotments in the proposed subdivision with underground power lines. In the past, the Engineering and Water Supply Department in many instances has taken easements along the rear of allotments in subdivisions without cost and later, when sewerage has been installed, the easement has been used for the installation of the principal sewer main, and the sewer from the house has run back into such a main.

If an easement along the rear of an allotment is taken by the trust for underground cables so that when a house is built on the allotment it can be supplied with power, I do not object. However, it worries me in that high-voltage cables and pylons may be installed across land in regard to which there is an application for subdivision. Such transmission may not have anything to do with a future subdivision but may take power in the future from place A to place B, each being miles from the subject land being subdivided.

If that kind of easement is being sought by the trust the easement could be measured in hundreds of feet and, in all fairness, some compensation ought to be paid in that case. No width is laid down in the Bill for the easement by the trust. Reverting to the question of supply of underground power lines and comparing that kind of easement with the Engineering and Water Supply Department's, I believe a maximum is laid down for such easements. In all fairness a maximum width ought to be laid down for easement purposes by the trust for underground cables.

The last point I mention concerns clause 24. This gets back to the question we discussed earlier regarding the relocation of people who have been displaced in a redevelopment scheme. New subsection (2a) provides:

The authority may, with the approval of the Minister, either by agreement or compulsorily, acquire and redevelop land for the purpose of relocating persons displaced from their homes or business premises as a result of the redevelopment by the authority of any area.

It is possible for the State Planning Authority to acquire land compulsorily and redevelop it so that people can be housed there who have been displaced from another suburb where their properties have been purchased for urban renewal. What about the people who are being displaced by the authority to make way for such displaced persons? It seems to me that this could set up a chain reaction.

The privileges that will be given to people at Hackney were laid down in the debate when a Bill was passed to amend the Compulsory Acquisition of Land Act. All those privileges ought to be given to the people in the houses that the authority set up by this Bill seeks to acquire compulsorily. I ask the Minister to give me that undertaking.

I warn the Government that if it goes too far in providing new accommodation for old accommodation, ultimately there will be a chain reaction that will cost considerable money which will be needed for acquisition purposes for all kinds of utilities; that, it seems to me, is what the Government is moving into. I do not want to be unfair in any respect to people whose properties are being acquired, and I believe the Government should bend over backwards to be as generous as it can be to such people. If the Government provides new accommodation for old accommodation, it will reach a stage where it must be very cautious in implementing the principles of planning; otherwise, the horse will be out of the stable and we will never be able to stop it. There will be for all time the provision of new accommodation for old, because every person whose property has been acquired simply will say, "I am not satisfied with any property other than a new house", and the Government, because of the precedents it has set, may be forced to abide by such precedents. A great deal of money (and, after all, it is the people's money) will have to be spent. At this stage we must watch for some chain reactions that might occur if clause 24 goes through in its present form.

That concludes the detailed review of the Bill. In general terms it is a necessary measure. It is inevitable that control has had to be extended into the rural areas, but it must be done with great caution and I hope the maximum amount of delegation will be given by the State Planning Authority to local government.

The greatest effect of planning should be that it satisfies not the planners but the people affected by the planning. Country people will find themselves much happier when controls, which they have to live with, at least can be in the hands of local government and not of the State Planning Authority in Adelaide. That is one of the most important parts of the Bill. I support the second reading.

The Hon. R. A. GEDDES secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (CONSOLIDATION)

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

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

That this Bill be now read a second time.

It makes a number of amendments that are essential to enable the Local Government Act and its amendments to be consolidated and reprinted under the Acts Republication Act. When the principal Act and its amendments were examined and checked with a view to preparing them for consolidation and reprinting, a number of errors and obsolete provisions were detected in some of the Acts concerned, as well as a number of references to proportions expressed in the old currency which have no exact equivalents that can be expressed in decimal currency. These would need amendment by Parliament before the Act can be consolidated with its amendments and reprinted, and that is the main purpose of this Bill.

Although there is authority in the Acts Republication Act for a reprint made under that Act to express in exact equivalents in decimal currency, where this is possible, any references to the old currency, it is preferable for this to be done by Parliament. The opportunity has, therefore, been taken at the same time to convert to decimal currency the other references to the old currency which are in the principal Act and which are directly convertible but have not been dealt with in the other Bill to amend the Local Government Act which is before Parliament.

Clause 1 of the Bill is formal. Subclause (1) of clause 2 amends various provisions of the principal Act, and I shall explain those amendments when I deal with the first schedule to this Bill. Subclause (2) of clause 2 repeals section 895 of the principal Act. That section amended the Industrial Code, 1920, which was repealed by the Industrial Code, 1967, and is no longer required in the Act. Subclause (3) of clause 2 repeals the present tenth schedule to the principal Act and re-enacts it with exact decimal currency conversions except that the charge relating to sale and delivery of goods of 6d. in the £1 has been converted to 3c in the $1.

Clause 3 strikes out an erroneous amendment from the Local Government Act Amendment Act, 1946, as the word "exceed" purporting to be struck out of paragraph VII of section 206 of the principal Act by that amendment was not included in that paragraph. Clause 4 inserts into the principal Act as section 319a the whole of section 6 of the Local Government Act Amendment Act (No. 1), 1954, which had been enacted by the amending Act in 1954 as a substantive provision but without a "home" in the principal Act. Unless that section is included in the principal Act by Act of Parliament it could not be incorporated in a reprint of the principal Act (of which it is not a part) and it would probably be forgotten.

Clause 5 corrects an obvious error in the Local Government Act Amendment Act, 1968. Clause 6 also corrects an obvious error in the Local Government Act Amendment Act (No. 3), 1969. I shall now deal with the first schedule to the Bill. The amendments that make direct and exact conversions to decimal currency need no explanation. I would, however, like to draw honourable members' attention to the amendments to sections 234 (ii) (*a*), 234 (ii) (*b*), 240, 244, 245, 246 (1), 247, 248, 424 (1) II, 424 (1) V, 488 (*a*), 488 (*b*). In recommending the conversions made by these amendments, the Secretary for Local Government has had regard to the fact that exact equivalents are not practicable and he has, therefore, recommended the nearest equivalent proportions that would be practicable in the circumstances of each case.

The amendment to section 307 is consequential on the enactment of the Planning and Development Act, 1966-1967. The amendment to section 425 (1) corrects an old drafting error. The amendment to the heading immediately preceding section 528 is consequential on the removal of the divisional heading to Division I of Part XXV. The amendments to section 883 (1) and (1a) merely update the references to the district council of Kapunda. The last amendment to the thirteenth schedule substitutes for Form 5 a new form setting out in decimal currency a specimen table to be incorporated with a debenture for the repayment of principal and interest by instalments. The new form is set out in the second schedule to the Bill.

It is hoped that the Bill will be dealt with expeditiously to enable the principal Act and its amendments to be consolidated and reprinted at an early date. The Bill was introduced in another place this afternoon and was dealt with expeditiously there. Finally, I would like to compliment Mr. E. A. Ludovici for the work undertaken in the preparation of this Bill. Mr. Ludovici was, of course, recently Parliamentary Counsel. Since his retirement he has continued his duties in connection with the consolidation of the Statutes and this Local Government Bill represents part of those duties. I would like to place on record appreciation to Mr. Ludovici for his work as Parliamentary Counsel in addition to the work in which he is currently involved.

The Hon. C. M. HILL (Central No. 2): I know honourable members will all support the Minister in his comments on and compliments to Mr. Ludovici, the former Parliamentary Counsel. We are indebted to him for the work he did and also for the work he is able to do for us now. I support the Bill. The Minister graciously permitted me to read his second reading explanation earlier in the evening. Obviously, the Bill is a very formal measure dealing mainly with the conversion to decimal currency from the old currency and also other conversions which the Local Government Act requires are incorporated in it. I support the Bill.

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

CROWN LANDS ACT AMENDMENT BILL

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

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

That this Bill be now read a second time.

This short Bill is intended to provide some financial assistance in an amount not exceeding $138,000 to the Lyrup Village Association, which is continued in existence by Part VIII of the Crown Lands Act. The decision of the Government to make certain moneys available to the association arose from a submission by the association with regard to a programme of work involving the rehabilitation of irrigation and drainage works in the district in relation to which the association is established. The salient points that emerge from the submission by the association are that the carrying out of the works proposed would be of great benefit to the settlers in the area and that irrigation water supplies would be used more economically. It is also clear that the carrying out of the work would be beyond the financial resources at present available to the association. The assistance that may be provided under the proposed amendments is a direct grant of an amount not exceeding $55,000, with the balance of $83,000 being provided by way of loan bearing interest at 5 per cent and repayable over 40 years.

Clauses 1 and 2 are formal. Clause 3 amends section 107 of the principal Act, which in its present form prevents the Minister having the administration of this Act from making advances to the association. Although, strictly speaking, the advances proposed will be made by the Treasurer, it is thought desirable that, from an abundance of caution, the proposed provision for these advances should be set out as an exception to this provision. Clause 4 is the principal operative clause of the Bill and sets out in some detail the conditions under which grants or loans may be made. It is thought that this clause is self-explanatory. The Bill was referred to and approved by a Select Committee in another place. I believe honourable members of this Council have a copy of the report of the Select Committee, so I will not read that report; however, I draw their attention to it.

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

ADJOURNMENT

At 10.52 p.m. the Council adjourned until Wednesday, November 15, at 2.15 p.m.