LEGISLATIVE COUNCIL

Tuesday, November 13, 1973

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

QUESTIONS

GOVERNMENT PAMPHLET

The Hon. R. C. DeGARIS: I seek leave to make a statement prior to asking a question of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. R. C. DeGARIS: I refer to a pamphlet entitled the *South-East of South Australia Water Pollution Control* that has been extensively circulated in the South-East. The department has issued several pamphlets over the years that have explained to people the various aspects of water control and pollution control. Hitherto, the services of the Government Printer have been used for this purpose. Regarding the rather expensively produced pamphlet to which I have referred, I notice that it was designed by Hansen Rebensohn McCann Erickson Proprietary Limited, Adelaide, and printed by R. M. Osborne Proprietary Limited, Adelaide. Will the Minister refer to his colleague in another place the following questions: how many of the pamphlets were published; what was the cost of publication, including the cost of design; what was the cost of launching the publication at an official function in Mount Gambier; and why was the Government Printer not used for the production of the pamphlet?

The Hon. T. M. CASEY: I shall be happy to refer the honourable member's questions to my colleague and bring down a reply.

MARKET GARDENERS

The Hon. M. B. DAWKINS: I seek leave to make a statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. M. B. DAWKINS: My question is supplementary to the one I asked on October 23 with regard to hail damage in the Virginia area in particular. I am aware that the Minister has sympathetically received representations from various people and that he stated last Thursday that money would be made available on loan at the existing rate of 8¾ per cent. The Minister was also good enough to say that, in necessitous circumstances, he would consider the possibility of remitting interest in some cases. Last evening I attended a further meeting of tomato growers in the Virginia area, who were unhappy with the result of the Government's deliberations on this matter. Some of them are in very necessitous circumstances and will face ruin if they cannot get money at a cheaper rate, either by grant for capital replacement or at a cheaper rate than was offered by the Minister last week. Will the Minister further consider this matter and ascertain whether it could be reconsidered by the Government so that relief of a more practical nature may be given, because people at last evening's meeting pointed out that they could get money from their banks at a similar rate of interest to that offered by the Government? It is the problem of capital replacement, and not crop loss, that concerns them considerably at present. I ask the Chief Secretary, in his capacity as Minister of Lands, to consider this matter further to see whether the Government can provide more help for these people.

The Hon. A. F. KNEEBONE: I am aware that a meeting was held last night. Indeed, I was invited to attend it but, because I had been requested by the Governor to attend a reception at Government House, I was unable to do so. However, a telegram was sent to the Premier by those attending the meeting and a request was made by the member for the district that the Premier should meet a further deputation to reconsider the matter. Unfortunately, the Premier is not available now, and will not be available for a few days, because of a minor operation that he is undergoing. However, I have already spoken to the Deputy Premier regarding this matter, and we are trying to arrange for a suitable time at which a deputation can meet him to discuss the matter. I also will attend that meeting.

MURRAY RIVER

The Hon. J. C. BURDETT: I seek leave to make a statement before asking a question of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. J. C. BURDETT: The present flooding of the Murray River is causing grave danger and concern regarding the dairy swamps along the river. There is danger of the water rising above the banks and of the banks collapsing because of the extended floods that are likely to continue for some time. Some of these swamps are privately owned and have been recently drained. They are new banks, and those concerned term them as green banks; in other words, they are not properly consolidated and will easily collapse. These dairy farmers are perturbed to find that not all the logs are out at Goolwa or all the gates open on the other barrages. Having inquired of the department why all the logs are not out and the gates open, these people have been told, first, that this is necessary to maintain pool level at Goolwa and, secondly, that there is a danger of sea water coming back into the river system. They find it difficult to see that, with the present flow, which one can see from an aircraft and which takes the ground water many miles out to sea, there is any danger of salt water entering the river. Also, they do not see the need to maintain a high pool at Goolwa, with a considerable body of water still to come down the river system. It is considered that opening all the gates and removing all the logs would considerably reduce the flooding up-river. Although I am a complete layman regarding this matter, it seems to me to make sense that, if the water is allowed to get away, there is less danger of further flooding up-river. Will the Minister ask his colleague to investigate this matter and to say why all the gates are not kept open and the logs removed? Also, could the barrages be operated so as to reduce the risk of flooding further up-river?

The Hon. T. M. CASEY: I will refer the honourable member's questions to my colleague and bring down a reply as soon as it is available.

MONARTO STEERING COMMITTEE

The Hon. JESSIE COOPER: During the Appropriation Bill debate I asked, in connection with the $90 000 allocated to the Monarto steering committee, to whom this State had been committed for research and planning in this area, what contracts had been signed for such services, and under what financial terms. As I understand that the Chief Secretary now has a reply to those questions, I ask him to give it to the Council.

The Hon. A. F. KNEEBONE: The reply I have received for the Hon. Mrs. Cooper is as follows:

P. G. Pak-Poy and Associates has been commissioned to undertake the Monarto planning studies at a cost of

$153 000. This assignment will cover the preparation and submission of alternative long-term concept plans based on population projections of between 150 000 and 200 000 over the next 20 to 25 years, a strategic plan and report that will relate the proposed development of Monarto to a wider regional context, feasibility and economic evaluation of selected concept plans, an urban development plan for the first 10 years, and growth and detailed proposals for annual stages of the urban development plan, including action plans and programmes, promotion and marketing programmes and reports.

Mr. Boris Kazanski, an architect and urban designer who is currently an independent associate with the leading German architect and planner, Professor Gutbrod, in Stuttgart and Berlin, will be retained by the South Australian Government for planning assignments related to Monarto, and, from time to time, other growth centres in South Australia. Mr. Kazanski will be paid an annual consultant's retainer of $4 000 a year for two years only, during which period he will be commissioned for separate assignments on terms and conditions to be negotiated as the brief for each assignment is prepared. No such assignments have yet been negotiated. Funds for these planning studies are included in the 1973-74 budget of $1 200 000 which the Australian Government will provide for initial activities at Monarto during the current financial year. Both Mr. Kazanski and the Pak-Poy planning team will work at the offices of the proposed commission at 129 Greenhill Road, Unley, and will be responsible to the General Manager of the commission. Contracts are currently being drawn up for both the Pak-Poy and Kazanski assignments by the Crown Law Department.

SAUSAGES

The Hon. V. G. SPRINGETT: I seek leave to make a short statement prior to asking a question of the Minister of Health.

Leave granted.

The Hon. V. G. SPRINGETT: In one of yesterday's newspapers, the question was posed, "What is in a sausage?" The article went on to say that there is no stipulation that meat shall be as defined on the label—for instance, pork, beef, mutton, and so on. At present it is possible to buy pork sausages which have never been near a porker; neither is there any guarantee that the meat, fat, and starch content is in accord with the regulations, as the Food and Drugs Act is not strictly enforced. The article further stated that the situation was being reviewed and it was hoped that it would be rectified shortly. Can the Minister say how soon this review is likely to take place; secondly, if labels meanwhile do not accurately state the contents, are not manufacturers guilty of false advertising?

The Hon. D. H. L. BANFIELD: I know this matter has been looked at and is still being studied by my department. However, I shall get a report for the honourable member on this mysterious question.

CONTAMINATED FISH

The Hon. R. A. GEDDES: I wish to ask a question of the Minister of Health. Yesterday, I understand the Commonwealth Scientific and Industrial Research Organization issued a warning in Hobart that fish caught in the Derwent River were dangerous to the health of humans and should not be consumed. Will the Minister alert his department to the establishment of the industrial complex to be built at Redcliffs, in the northern extremity of Spencer Gulf, which will be discharging effluent into the gulf; secondly, will his department investigate this matter to ensure that the waste material from this complex will in no way affect the feeding habits of fish caught and used for human consumption?

The Hon. D. H. L. BANFIELD: I think this is a matter for my colleague in another place. However, I shall bring down a report as soon as possible.

DRINK CONTAINERS

The Hon. C. M. HILL: On October 17, I asked the Minister of Agriculture, representing the Minister of Environment and Conservation, questions regarding the oversea trip of Dr. Inglis. I asked the cost involved, and whether a summary of the findings could be made available, and I asked these questions mainly because of a query that had appeared in the Adelaide press in which the manager of a local can manufacturing company had claimed that, as a result of investigations, there might not have been a need for such a trip. Has the Minister a reply?

The Hon. T. M. CASEY: My colleague, the Minister of Environment and Conservation, has informed me that the Director of Environment and Conservation was sent overseas by the South Australian Government to study drink container deposit systems in operation in the United States and Canada. This was prompted by industry saying that the Oregon legislation did not work. In order that honourable members would have the fullest information available to them when the legislation covering the Government's proposal was introduced, it was decided that the Director should go overseas to investigate this matter. The newspaper report referred to by the honourable member did not cover the main reason for the Director's visit and only highlighted his comments about latest developments in the United States with button-top cans. He had already discussed this matter with industry in South Australia before going overseas and was aware that this type of can was not on the Australian market.

The Director looked at deposit systems already in operation in Oregon, British Columbia, Alberta, and Saskatchewan and obtained some indication of the reactions of people involved in the scheme. He also had discussions with the authorities and industry in Ontario, where the introduction of a deposit scheme has been considered for some time. The Director's report has not as yet been presented to the Government but, when it has, the Minister of Environment and Conservation has indicated his willingness to make it available to members. The cost of the Director's oversea trip was $3 487.

SALEYARDS

The Hon. M. B. CAMERON: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. M. B. CAMERON: My question concerns the investigation into the establishment of saleyards in the South-East which is being undertaken by the Government. Considerable concern has been expressed by people in the South-East that insufficient notice was given of the visit of the consultant and many people were, therefore, unable to give evidence. In fact, the consultant has indicated that that will be his one and only trip but he will accept written submissions from now on. In view of the lack of notice of the visit of the consultant, will the Minister see whether a further visit can be made and whether sufficient advertising can be done to ensure that people have full opportunity to give both oral and written evidence?

The Hon. T. M. CASEY: I am happy to inform the honourable member that this matter has already been taken care of. I have had discussions with the people concerned, and advertisements will be placed in the newspapers in all areas in the South-East about this investigation. Those advertisements will be worded to the effect that a

consultant will be going to the South-East. From memory, I think the dates are from November 26 to November 30. People will then be given ample time in which to make oral submissions.

URRBRAE HIGH SCHOOL

The Hon. R. A. GEDDES: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. A. GEDDES: In a recent issue of the *Stock Journal*, there was a disappointing statement that read:

About a quarter of the students in the two fourth-year certificate classes at Urrbrae Agricultural High School have left half-way through the course. All except one of the 12 boys to have left from the two classes, 4J and 4W, are from country areas.

If that report is correct, it is a disappointment, as the headmaster indicates. Can the Minister say whether this report is correct and, if it is, can he instigate some inquiry into why these students drop out? Is it a problem of the personnel at the school, that there is no liaison between students and staff, or is there some other reason? This is a serious thing, in a small way.

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague, because the Urrbrae school comes under his jurisdiction.

STRIP BRANDING

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply to my recent question about strip branding of carcasses?

The Hon. T. M. CASEY: The board of South Australian Meat Corporation has considered the question of strip branding at Gepps Cross, and in fact has the necessary equipment and personnel available to undertake the procedure. In fact, it already strip brands for interstate markets. However, it is considered that little purpose would be served by introducing the system at Gepps Cross for the local trade unless other establishments which supply meat for the local market followed suit. The whole question will be considered in more detail in conjunction with legislation now being drafted for reorganization of the meat industry in South Australia. As I indicated to the honourable member previously, I completely agree that there should be strip branding of lambs in this State.

PROTECTED BIRDS

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister of Agriculture, representing the Minister of Environment and Conservation.

Leave granted.

The Hon. C. M. HILL: Earlier this session I asked questions concerning the permits that had been issued by the Minister of Environment and Conservation for the destruction of protected animals and birds in this State. In his reply the Minister said that permits had been issued during 1972-73 to destroy 20 crimson rosellas and 265 Adelaide rosellas. I referred to this matter during the debate on the Prevention of Cruelty to Animals Act Amendment Bill. As a result of that previous question and further consideration of the matter, I ask the Minister whether he will change his policy of issuing permits to destroy such beautiful South Australian birds and, in lieu thereof, permit the trapping of such birds under supervision, so that they can be released elsewhere or disposed of among aviculturists for retention and conservation in captivity.

The Hon. T. M. CASEY: I will certainly refer the honourable member's question to my colleague, but I dare say there are many cherry-growers in the Adelaide Hills, and I could name one specifically, who would not be at all happy with the honourable member's suggestion. Nevertheless, I will bring down a reply when it is available.

BRIGHTON TRAIN

The Hon. M. B. CAMERON: Has the Minister of Health a reply to my recent question about the Brighton train service?

The Hon. D. H. L. BANFIELD: A survey was taken in August, 1972, to determine the times which would best suit the interests and requirements of residents of the Marino to Hallett Cove area. The survey indicated that a train was required to travel to Hallett Cove between the one departing from Adelaide at 3.35 p.m. and the next one departing at 5.10 p.m., and to meet this requirement it was decided that the 4.40 train from Adelaide to Marino would be extended to Hallett Cove. As a result, it was necessary to terminate the 4.55 p.m. train from Adelaide at Brighton. The practicability of extending this train from Brighton to Marino has been examined once again, but unfortunately there are operating restrictions which prevent this. Since the introduction of these time schedules, following the survey in August last year, the Railways Department has received no queries other than this one raised by the honourable member. I assume that he does not travel on the train service referred to.

VITICULTURAL SPRAYS

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

Leave granted.

The Hon. R. C. DeGARIS: Concern has been expressed to me by some landholders in the Coonawarra district regarding aerial spraying of vineyards. I am informed that approaches have been made in relation to their complaints to the Agriculture Department and also to the Department of Civil Aviation. Has the Minister any information on the nature of the complaints and has he any views that the department may have on the matter?

The Hon. T. M. CASEY: I have not received any information regarding the aerial spraying of vineyards in the Coonawarra area, but as the honourable member has raised the question I will look into it and bring down any information that is available.

FLAMMABLE CLOTHING BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

From time to time honourable members will have been distressed by reports appearing in the daily press and elsewhere of people, particularly young children, being severely burned when items of nightwear have caught fire. The Government, in common with the Governments of the other States, has been active in taking the necessary preliminary steps to enable legislation to be enacted in regard to this problem, and the Bill is the result of this activity. It is appropriate that I should refer to the steps

that have been taken since the State Ministers of Labour first discussed the need for Government action in this matter at their 1966 conference.

The problem of flammable clothing is basically that all fabric burns, even though the ease of ignition, rate of burning and heat output, surface burning characteristics and other factors may vary. The possibility of clothing, particularly that worn by young children, catching alight when close to room heaters or fires is a domestic hazard and, whilst the number of burn accidents to young children in which nightwear is involved is relatively small, the injuries can be highly traumatic. Over the past decade, there has been a growing concern throughout the world that has led to demands for controls on flammability, but these controls can be introduced only if acceptable levels of flammability can be set in accordance with some criteria against which they can be tested in a meaningful way.

In 1966, when Ministers of Labour first discussed what action could be taken, the matter was also receiving the attention of the National Health and Medical Research Council, and subsequently the Health Ministers considered a report from the council. However, they decided that it would be more appropriate for legislative action to be taken by the Ministers of Labour, who in the meantime had appointed a committee of officers to consider the matter in detail and make recommendations. About the same time, the Standards Association of Australia set up a committee to prepare an Australian standard, to which committee the State Labour Departments were invited to nominate representatives.

In 1966 and 1967, suggestions were made that, as an interim measure, British legislation should be adopted. On investigation it was found that the British legislation had not proved really satisfactory but, more importantly, the British standards were inappropriate in the different climatic conditions that apply in Australia. Although Ministers wanted to take action, they unanimously agreed that a prerequisite to any legislation was the formulation of a satisfactory Australian standard method for determining degrees of flammability.

The State Ministers of Labour obtained assurances of willingness to co-operate in labelling from the Associated Chambers of Manufactures of Australia, the Australian Council of Retailers, and the Associated Chambers of Commerce of Australia, but those bodies pointed to the need of first resolving technical problems, particularly as to what should be labelled and how. The Standards Association technical committee, which had by 1968 commenced work on testing fabrics and evaluating the British standards, recommended that legislation should not be introduced until Australian standards for flame-proof fabrics and piece goods had been prepared, for which purpose some further detailed study was necessary.

Ministers of Labour of all States, although concerned at the delay, recognized that it would be useless to introduce legislation which was impracticable or which could not be enforced. They resolved to undertake an educational programme. This has continued for several years, and it will be recalled that a few months ago the Minister of Labour and Industry distributed to all honourable members a copy of a reprint of a booklet titled *Safer Nightclothes for Children* produced by his department, copies of which have been printed in the Greek and Italian languages as well as English. Honourable members will be interested to know that so great has been the demand for this booklet that stocks are already exhausted. A revised edition containing reference to this legislation, and the regulations it is proposed be made under it, will be printed as soon as the Act has been passed and regulations made. Not only was considerable research undertaken into burning characteristics of various fabrics by the Standards Association of Australia but, with the concurrence of the Commonwealth Minister concerned, the Commonwealth Scientific and Industrial Research Organization gave considerable assistance. This research confirmed that oversea test methods had been found to be unsatisfactory.

I have recounted this history in some detail to indicate to honourable members that, although it may appear on the surface that the matter has been delayed, a considerable amount of involved and highly complex technical research was involved in the production of the four Australian standards that have now been produced. So far as can be ascertained, far more work has been put into the preparation of these standards than in any other part of the world, and I am sure that the Australian standard will prove to be satisfactory. It will also be appreciated that, having regard to the constitutional situation in Australia, legislation of this nature must be uniform in all States, and similar requirements must apply in respect of imported goods. Agreement between the States was finally reached last July, and the Bill which I now introduce arises from that agreement. It is a short enabling Bill that will permit regulations being made in respect of articles of clothing that will be prescribed by regulation. I should add that initially it is intended that the regulations will be made only in respect of children's nightwear, and a draft of those regulations has been prepared since the Ministers' conference and is being considered by all States. Ministers have asked their permanent heads to consider whether regulations should also be made in respect of other items of clothing and whether warnings can be conveyed by readily recognizable symbols as well as by words.

Clause 1 is formal. Clause 2 provides that the Act shall come into operation on a day to be fixed by proclamation, and in this regard I indicate that it is intended that the Act will be proclaimed to commence on January 1, 1974. It is expected that enactments of similar effect will also be brought into operation in all the States. Clause 3 sets out the definitions necessary for the purposes of this measure. I draw honourable members' particular attention to subclause (2) of this clause, which will enable different descriptions of clothing to be brought within the provisions of the measure at different times. This flexibility is important to ensure that this Act can be applied to various types of clothing, should that be found necessary.

Clause 4, which is the operative clause of the Bill, makes it an offence to sell clothing to which the measure applies unless that clothing is labelled or marked in accordance with the regulations. An appropriate defence is provided at subclause (2) of this provision. Clause 5 sets out with some particularity the powers of inspection under this measure. These powers are, in substance and in form, similar to powers conferred elsewhere on inspectors in other regulatory legislation of this nature. Clause 6 is intended to enable inspectors to carry out their duties without being impeded in any way, and clause 7 is a formal and usual provision protecting an inspector who carries out his duties in good faith.

Clause 8 is formal. Clause 9 is an evidentiary provision that should prove useful. Clause 10 confers a necessarily wide regulation-making power under the Act. It is submitted that this power, the heads of which are

reasonably self-explanatory, is no wider than is necessary in the circumstances where, ultimately, numerous articles of clothing of varying designs and descriptions may have to be dealt with. It is important that the Act should permit the incorporation of the appropriate Standards Association codes in regulations. Regulations so made will, of course, be subject to the scrutiny of the Council in accordance with established procedures in this matter.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

HIGHWAYS ACT AMENDMENT BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

The main purpose of this Bill is to amend the principal Act so as to enable that Act, as amended, to be consolidated. The opportunity has also been taken to convert to their equivalents or nearest equivalents in decimal currency the references in the Act to the old currency and to proportions expressed in the old currency. Clauses 2 and 3 amend sections 12 and 26 respectively, by converting references to proportions and to amounts of money expressed in the old currency to their equivalents expressed in decimal currency. Clause 4 (*a*) makes a grammatical correction to paragraph (*a*) of section 30e of the principal Act. Clauses 4 (*b*) and 5 make conversions to equivalents in decimal currency of references to amounts expressed in the old currency.

Clause 6 (*a*) amends section 36 of the principal Act by substituting for the passage "four pence in the pound" wherever it occurs in subsection (2) of that section its nearest equivalent in decimal currency. Clause 6 (*b*) makes a consequential amendment. Clauses 7 and 8 make direct conversions to decimal currency of amounts expressed in the old currency. Clause 9 amends section 39g of the principal Act by substituting for the reference to the South Australian Harbors Board (which is no longer in existence) a reference to the Minister of Marine in his corporate capacity. Clause 10 makes another direct conversion to decimal currency of an amount expressed in the old currency. The expeditious passage of this Bill will enable the new edition of the consolidated legislation presently being prepared to be brought out without undue delay.

The Hon. C. M. HILL secured the adjournment of the debate.

SNOWY MOUNTAINS ENGINEERING CORPORATION (SOUTH AUSTRALIA) ACT AMENDMENT BILL

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

The Hon. T. M. CASEY (Minister of Agriculture): I move:

That this Bill be now read a second time.

Honourable members will no doubt be aware that in 1970 the Commonwealth Government established a body to be known as the Snowy Mountains Engineering Corporation. This body was formed for the purpose of keeping intact the specialist skills acquired by the Snowy Mountains Hydro-Electric Authority during the construction of the Snowy Mountains scheme and for the making of those skills available to the Commonwealth, the States, private organizations and foreign countries. On constitutional grounds, a view was taken that full effect could not be given to the Commonwealth's intentions in relation to the corporation without supporting legislation by the States. For this reason, this State amongst others enacted supporting legislation which here took the form of the Snowy Mountains Engineering Corporation (South Australia) Act, 1971.

The effect of the State Act was to give the corporation status under the law of this State and also, so far as it is within the legislative competence of this State, to enable the corporation to carry out the functions envisaged, by the Commonwealth Act that constituted it, in relation to this State. However, by the Snowy Mountains Engineering Corporation Act, 1973, of the Commonwealth, section 17 of the original Commonwealth Act has been amended. The effect of this amendment is slightly to enlarge the powers of the corporation to carry out engineering works in Australia or elsewhere. Subsection (4) of this section as it stood had the effect of somewhat limiting the powers of the Commonwealth Minister to approve certain activities of the commission. The proposed amendment will enable the Minister to approve the corporation carrying out work of a specified class without the need for it to obtain specific approval for each work that falls within that class.

While the internal arrangements for the exercise of the functions of the corporation are, of course, entirely a matter for the Commonwealth and the corporation, this amendment does infringe, to some extent, on our State legislation adverted to above. The Act of this State at section 4 (2) ensures that the powers conferred on the corporation by the State Act shall not be construed as to enable the corporation to exercise its functions without the necessary approval of the Minister required under the Commonwealth Act. Accordingly, this short Bill, as it were, picks up the references to the slightly changed procedure envisaged by the Commonwealth Act and does so by striking out a reference to subsections (4) and (5) of the Commonwealth Act that are no longer apposite.

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

FRIENDLY SOCIETIES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ROYAL STYLE AND TITLES BILL

Second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

It proposes to adopt, for the purposes of the law of South Australia, the Royal Style and Titles that Her Majesty is empowered to declare by proclamation mentioned in the Royal Style and Titles Act, 1973, of the Commonwealth. This accords with constitutional practice in that it has been for the Sovereign herself to determine by what Royal Style and Titles she will be known and, from time to time, the Sovereign's will has been known by means of proclamations. Since 1952, it is also settled constitutional law that the Royal Style and Titles applicable to any member of the British Commonwealth may be different from those applicable to any other member of that Commonwealth.

The Statute of Westminster provides in its preamble that no alteration to the Royal Style and Titles applicable to a "Dominion" shall have effect unless the Parliament of that Dominion has assented to it and, as a consequence, two Acts of the Commonwealth Parliament, one in 1947 and another in 1953, have assented to changes in the Royal Style and Titles. Recently the Royal Style and

Titles Act, 1973, of the Commonwealth was passed by the Commonwealth Parliament, and this Act provides for Her Majesty to make a proclamation setting out a Royal Style and Titles somewhat more distinctly Australian; there Royal Style and Titles appear in clause 4 (2) of this Bill.

It seems appropriate that it should be made clear that the Royal Style and Titles Her Majesty has been pleased to adopt in relation to Australia should be expressed in a Statute of this State, and the Bill is in the same form as a similar measure enacted when the Royal Style and Titles were last changed. It would be contrary to constitutional practice for Her Majesty to have a Royal Style and Titles in this State different from that in the Commonwealth, aside from the fact that such a difference could give rise to some confusion.

I now deal with the Bill in detail. Clause 1 is formal. Clause 2 provides that this Act shall come into operation on a day to be fixed by proclamation. Clause 3 repeals the Royal Style and Titles Act of 1956. Clause 4 provides, in effect, that Her Majesty may be referred to in any document, as defined in this section, by the Royal Style and Titles set out in subclause (2). Subclause (3) saves any description of Her Majesty in any other terms.

The Hon. SIR ARTHUR RYMILL (Central No. 2): Having read a certain letter in the *Advertiser* this morning, I thought this Bill might have been referring to the Prime Minister rather than to Her Majesty the Queen. This is an echo of what has been happening in Canberra. Indeed, the Minister said in his second reading explanation that the Royal Style and Titles Act, 1973, was passed by the Commonwealth Parliament and that it would be appropriate that the Royal Style and Title that Her Majesty has adopted in relation to Australia should be the same in this State's Statute Book. This is probably correct; otherwise, it would be confusing. However, I think the whole matter is unfortunate. I do not go along with this very much, but I do not see that I can vote against, or object to, this Bill. However, I consider that nationalism is being carried too far. The matter of the Australian flag has been raised, but we have a magnificent flag. Why should be want to change it? It is appropriate to the country to have the stars and southern cross on its flag, but apparently some people do not like the Union Jack in the corner of it, which I find sad. The same applies to the National Anthem. Apparently, we are to be given a choice of three songs: *Advance Australia Fair, Song of Australia* and *Waltzing Matilda*, the last apparently being the popular choice. However, it has absolutely no resemblance to a National Anthem or a hymn, and I say that as a person interested in music.

The Hon. R. C. DeGaris: What about *Land of Hope and Glory?*

The Hon. SIR ARTHUR RYMILL: That is a magnificent song. I think Elgar is an under-rated musician. He is renowned for *Pomp and Circumstance* and not for his greater music, because this is popular music. *Land of Hope and Glory* is a good composition. It seems strange that we are being asked to choose between these three songs for a National Anthem for Australia but are not being given a chance to vote on whether to retain the present National Anthem. Again, this is extremely sad to me. However, that is the position.

The powers that be in the Commonwealth arena apparently think differently from what I have always felt and still feel. However, I suppose one must go along with this. There is nothing really objectionable about this Bill except its undertones, which I do not like at all. Clause 4 (2) provides that the Royal Style and Title of Her Majesty will be as follows:

Elizabeth the Second, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.

I do not find that objectionable: it is a good title for Her Majesty in this country. All I do not like are the undertones that are apparent in this Bill, as indeed they are apparent regarding the national flag and the National Anthem. However, I support the Bill.

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

ROAD TRAFFIC ACT AMENDMENT BILL (WEIGHTS)

Second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill be now read a second time.

It amends the law relating to speed limits for heavy vehicles and at the same time introduces gross vehicle weight limits and gross combination weight limits that will be applicable to heavy vehicles. The Bill also provides for regulations to be made introducing braking requirements that are more consistent with modern technology. It follows closely the recommendations made in the Report on Commercial Road Transport by a committee under the chairmanship of Mr. A. G. Flint. I have already acknowledged the excellent work done by that committee.

Prior to 1956 speed limits applying to commercial motor vehicles ranged from 20 miles an hour to 30 miles an hour (32 km/h to 48 km/h) according to weight. Amendments were introduced in 1956 providing for differential speed limits in urban and rural conditions. These speed limits, which were introduced in 1956, have remained largely unchanged to the present time. The speed limits applicable to commercial motor vehicles in most other mainland States are generally less restricting than are the speed limits that apply in South Australia. Honourable members who are interested in the interstate comparison will find the various speed limits clearly tabulated in the committee's report.

The committee found a general acceptance of the proposition that the present speed limits were unrealistic in present-day conditions. It was satisfied that the vast majority of commercial vehicles in service today were capable of operating at speeds well above the present statutory speed limits with an equivalent or greater degree of safety compared to vehicles of 10 years ago operating at the speed limits that applied at that time. The committee, however, acknowledged that excessive loading of commercial vehicles (that is to say, loading beyond the limit for which they were designed) is a factor that can seriously reduce standards of safety. In South Australia the present limitations on loading are defined by reference to axle loadings. It is an offence to drive a vehicle on the road if the load on the front axle exceeds 6·5 tons (6·6 t), if the load on any other axle exceeds 8 tons (8 t), or if the aggregate load on all axles together exceeds 38·5 tons (39 t).

These limits apply to any vehicle regardless of the load capacity for which it was designed. In present conditions, it is usual for manufacturers of commercial motor vehicles to specify gross vehicle weight and a gross combination weight limit for each model that the manufacturer produces. The gross vehicle weight limit represents the maximum aggregate weight to which the vehicle may be loaded in accordance with the manufacturer's recommendation. The

gross combination weight limit relates to the total weight of the vehicle and of any trailers or other vehicles that may be drawn by the vehicle. The committee points out that, for vehicles in the lighter weight categories, loading to axle weight limits normally results in loading considerably in excess of gross vehicle weight or gross combination weight limits. For vehicles of a heavier type, normally the axle load limitations prevent the vehicle being loaded beyond these weight limitations.

All other States of Australia provide for limits on the loading of commercial motor vehicles imposed by reference to gross vehicle weight and gross combination weight limitations. Generally a tolerance of 10 per cent to 20 per cent is allowed over and above those ratings. The committee recommended that a tolerance of 20 per cent be allowed in excess of gross vehicle weight and gross combination weight ratings. This is a generous tolerance in comparison with the limitations that apply in some other States.

Clause 1 of the Bill is formal. Clause 2 provides for the Act to come into operation on a day to be fixed by proclamation. At the present time this commencing date is expected to be July 1, 1974. It should be noticed, however, that the limitations of gross vehicle weight and gross combination weight do not apply until January 1, 1975. Clause 3 inserts a number of definitions required for the purposes of the new Act. Clause 4 inserts a new provision in lieu of the present sections 53 and 53a of the principal Act. An absolute speed limit of 80 km/h is imposed in respect of a motor vehicle whose laden weight exceeds four tonnes. An omnibus or a motor vehicle carrying more than eight passengers is subject to a speed limit of 90 km/h. These speed limits, of course, do not affect other lower speed limits that may be applicable to a vehicle if it is, for example, within a municipality, town or township or being driven in circumstances where lower limits apply.

Clause 5 repeals section 53a of the principal Act. Clauses 6 to 9 remove from the principal Act specifications relating to braking and provide for those provisions to be included in future in the regulations. This is highly desirable in view of changes in vehicle manufacturing technology. It is expected that the regulations along the lines recommended by the committee will be drafted in readiness for the commencement of the new legislation. Clause 10 deals with the imposition of limitations on gross vehicle weight and gross combination weight. These limitations will be determined by the Registrar of Motor Vehicles on the advice of a specialist advisory committee. The limitation applicable to a certain vehicle will be inserted in a certificate of its registration. The operator of the vehicle will be allowed to operate at a weight of up to 20 per cent above the relevant weight limit so determined. The power of exemption contained in section 147 (6) should be particularly noticed. This will enable the board to grant exemptions where, for example, grain or timber is being hauled over level terrain and there is no danger in the gross vehicle weight or gross combination weight limits being exceeded.

Clause 11 makes consequential amendments to section 150 of the principal Act. Clause 12 provides for the weighing of motor vehicles. In particular, it provides that the whole of a motor vehicle does not have to be weighed simultaneously but that separate readings can be taken of the weight bearing on various axles of the vehicle, and those readings may then be aggregated. The provision is inserted safeguarding operators of vehicles by providing that the weighbridge on which the vehicle is weighed must have a level weighing surface; that is to say, no point on the surface on which the weight bears may be more than 15 millimetres above or below any other point on that surface.

Clause 13 provides for the painting of gross vehicle weight limits and gross combination weight limits of vehicles to which they apply. Clause 14 makes consequential amendments to section 175 of the principal Act, which is an evidentiary provision. Clause 15 amends section 176 of the principal Act providing for the making of regulations dealing with the brakes with which vehicles must be equipped.

The Hon. C. M. HILL secured the adjournment of the debate.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

It arises from a proposal that the Public Trustee should acquire alternative accommodation to that which his office presently occupies. The suite of offices that he presently occupies in the Reserve Bank Building is now required for the expansion of other Government departments. The most satisfactory means of solving the present accommodation problem is for the Public Trustee to acquire land upon which he may erect his own office accommodation, or to acquire an existing building if in fact a satisfactory building is available for purchase. The Bill, therefore, enables the Public Trustee with the consent of the Minister to acquire land and to erect a new building thereon or to alter any existing building upon the land for his own purposes. If the accommodation that he acquires exceeds his existing requirements, the Public Trustee is empowered to lease parts of the building to other tenants. The Bill empowers the Public Trustee to apply moneys from the common fund for these purposes. The interest that is to be paid upon moneys so applied and the terms upon which they are to be repaid to the common fund are to be determined by the Minister, on the advice of the Auditor-General. The interest to be paid upon these moneys will be in line with comparable trustee investments.

Clause 1 is formal. Clause 2 inserts a definition of "the common fund" in the principal Act. Clause 3 provides that the Public Trustee is an instrumentality of the Crown. This appears to follow from the existing provisions of section 76 of the principal Act but, in order to remove any possible dispute about the matter, a specific provision to that effect is inserted in the principal Act. Clause 4 enacts new section 118a of the principal Act, which empowers the Public Trustee with the consent of the Minister to acquire land and to erect and furnish a building, or to alter an existing building for his purposes. Subsection (3) enables the Public Trustee to apply moneys from the common fund for these purposes, and subsection (4) provides for the terms and conditions upon which the Public Trustee shall use those moneys to be determined by the Minister on the advice of the Auditor-General. The interest will be not less than the current long-term bond rate.

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

PYRAMID SALES BILL

Second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

Amongst other things, it is intended to proscribe some of the more obnoxious features of what are known as "pyramid selling schemes" or sometimes "multi-level marketing schemes". All honourable members will be aware that schemes of this nature have become very much a feature of developments in this State as they have in the rest of Australia, and indeed in many other parts of the world. They are generally most attractively presented, those responsible for their presentation being highly skilled in the arts of persuasion; and they appear to have particular appeal to persons of limited means who frequently, but not invariably, lack business experience. They have one feature in common, in that participants in the scheme are, by one means or another, enjoined to recruit other participants and frequently the profit that may accrue to the participants depends as much on their ability to recruit participants as it does on their capacity to dispose of the goods or services the scheme is designed to promote. This continuing recruitment of participants gives rise to the name "pyramid scheme".

Where, under the scheme, the initial participant recruits further participants and each of these further participants, in turn, recruits further participants, there is established a kind of geometric progression and the total number of participants grows with considerable rapidity. If one assumes that there is a finite market for the product, it is clear that, sooner or later, there is just simply not a fair share of the market available to each participant; so, while the early joiners have some prospect of making a profit out of the scheme, those who come into the scheme at a later stage almost invariably find great difficulty in getting a fair return for their likley financial outlay and subequent selling efforts. Where the scheme is coupled with a system of overriding commission, however provided for, there is also a tendency for the price of the product to the consumer to be rather higher than it would be without those commissions, and this fact again may inhibit sales.

Attempts to regulate such schemes have occupied the attention of the Legislatures in the United States, in Canada, and in the United Kingdom and, while the evil that should be struck at is relatively clear, it has proved quite difficult to give proper protection to the public in these matters without creating difficulties for the operations of quite legitimate business concerns. This Bill, which follows a close examination of the legislative approaches attempted elsewhere, is modelled generally on the relevant portions of the Fair Trading Act of the United Kingdom, which was enacted as recently as July 25, 1973, and it may be convenient if I now embark upon a detailed examination of the provisions of the Bill.

Clauses 1 to 3 are formal. Clause 4 sets out the definitions necessary for the purposes of this Act and, of these definitions, quite the most important is that of "pyramid selling scheme". A scheme is a "pyramid selling scheme" if it possesses the following elements: (*a*) goods or services are to be supplied under the scheme; (*b*) participants are to effect the transactions under which goods or services are to be supplied; (*c*) transactions are generally carried out "door to door"; and (*d*) financial rewards are offered for recruiting other participants. Matters ancillary to this definition are set out in subclauses (2), (3), (4), and (5) and I would draw honourable members' particular attention to these. Clause 5 is a formal provision.

Clause 6 vests the administration of the Act in the South Australian Commissioner for Prices and Consumer Affairs, and subclause (2) of that clause ensures that the Commissioner may exercise his usual powers under the Prices Act in relation to matters under this measure. Subclause (3) will enable the Commissioner to act for participants in any legal proceedings connected with this Act in the same way and under the same conditions as he may act for "consumers" under the Prices Act.

Clause 7 makes it an offence to induce a person to make a payment on joining a pyramid selling scheme where that payment is made in the expectation that the person making it will receive payment if, amongst other things, he recruits further participants. A person guilty of an offence against this clause may be tried either summarily or on information, and different penalties are provided depending upon the method by which he is tried. There is a power in this clause for the Minister to approve payments that would otherwise be caught by this clause where, in the opinion of the Minister, the substantial consideration for those payments is represented by sales demonstration equipment or some similar matter or thing. The effect of such an approval is to render such payments quite lawful.

Clause 8 entitles a person who made a payment of a kind prescribed by clause 7 to recover from the person to whom he made the payment, or for whose benefit the payment was made, the amount of that payment. However, if in consideration or part consideration of that payment the person who made the payment receives any goods, that person must return the goods before he can exercise his right of recovery. If he has already sold all or some of the goods, the amount he can recover is abated by the value of the goods he does not return. In keeping with an announcement made some months ago by which promoters were enjoined not to continue to recruit participants into pyramid selling schemes, this clause has been given some retrospective effect, in that it applies to payments of a kind referred to in clause 7 that were made after July 1, 1973. The acceptance of such payments will not, until the coming into force of the Act presaged by this Bill, result in any criminal liability being incurred. However, any such payment will be recoverable in the same manner and to substantially the same extent as those made after the commencement of that Act.

Clause 9 touches on a matter which, whilst not of the same kind as pyramid selling, is equally obnoxious and is the practice of what is known as "referral selling". Under this practice customers may be offered discounts if they secure other customers for the seller of the particular goods. Where referral selling practices take hold, considerable annoyance may be caused to members of the public who are subject to these referrals. Clause 10 touches on another obnoxious trading practice which, while not necessarily connected with pyramid selling, is not infrequently found in connection with it. It is the practice of insisting that purchasers of goods for resale take as a condition of their participation in a scheme excessive quantities of those goods. Clause 11 is an evidentiary provision and is generally self-explanatory. Clause 12 is formal.

Clause 13 confers what at first sight may appear to be an excessively wide regulation-making power. No apology is made for this, as experience has shown that the promoters of these obnoxious schemes are quick to vary slightly their method of operation so as to permit them to operate within the enacted law. Accordingly, it is of paramount importance, for the proper protection of the public, that there should be a means whereby these variations are dealt with as swiftly

as possible. The United Kingdom experience and the investigations that preceded the enactment of this legislation make it quite clear that this is really the only effective method of ensuring that the public gets the protection that it deserves. Every head of power proposed in subclause (2) has been carefully considered so as to ensure that as far as possible there is an inherent capacity to deal with all the contingencies that can be foreseen. I need hardly mention that the regulations so made will, of course, be subject to the scrutiny of this Council in accordance with the usual practice.

The Hon. F. J. POTTER secured the adjournment of the debate.

PAWNBROKERS ACT AMENDMENT BILL (LICENCES)

Second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

This short Bill is intended to simplify the procedure for obtaining a pawnbroker's licence. At present, licences must be renewed annually, and before each renewal the applicant is required to make application to a local court for a certificate that he is a fit and proper person to be issued with a licence. When the applicant has obtained the certificate he may then take out a licence for one year from the Treasury. This system appears to the Government to be expensive and time consuming and really quite unnecessary. Accordingly, it is proposed that any new applicant for a licence will be required to obtain a certificate of fitness on the occasion of an application for his first licence and thereafter he may renew his licence on simple application to the Receiver of Revenue at the Treasury and that present holders of licences may renew their licences in the same way. At the same time opportunity has been taken to increase the licence fee, which was fixed in 1888 at £10, to $50.

Clause 1 is formal. Clause 2 repeals section 37 of the principal Act which provided for the issue of an annual licence and replaces it with a section that sets out in some detail the new procedure. As has been mentioned, in future the only certificates of the court that will be required will be on an application for a new licence. However, if a current licence is permitted to expire before a renewal is taken out the former licence holder may be required to obtain a certificate from the court. This is provided for in proposed new section 37 (6).

Clause 3 repeals sections 39, 40 and 41 of the principal Act. These sections are now redundant in the light of the amendments effected by clause 2. Clause 4 makes a consequential amendment to section 42 of the principal Act. Clause 5 repeals and re-enacts the fourth schedule to the principal Act which sets out the form of licence under the Act. This re-enactment is rendered necessary by the amendments effected by clause 2 of this Bill. Clause 6 repeals and re-enacts the fifth schedule to the principal Act. This schedule sets out the form of the certificate to be provided by the court on a first application for a licence.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

LAND AND BUSINESS AGENTS BILL

Adjourned debate on second reading.

(Continued from November 8. Page 1677.)

The Hon. R. C. DeGARIS (Leader of the Opposition): Last Thursday, when I sought leave to conclude my remarks, I had indicated to the Council that I did not intend to deal at length with the general philosophy of the Bill but, rather, to deal more explicitly with matters contained in some of the clauses. During the debate on this issue last year the general philosophy of the legislation was fully explored at the second reading stage, so I do not intend to go over that ground again. Last Thursday I had reached clause 61, which is the clause that will cause most debate. This clause prohibits a person, for fee or reward, from preparing instruments relating to any dealing with land unless he is a legal practitioner or a licensed land broker. This, of course, is similar to the existing provision in the Land Agents Act. The provision I have just referred to is in clause 61 (1), but subclause (2) then goes on to provide that an agent or a person who stands in a prescribed relationship to an agent shall not prepare any instrument relating to a dealing in land. To this proviso there are qualifying provisos, one of which is covered in clause 61 (4), as follows:

Subsection (2) of this section does not apply to the preparation of an instrument by a legal practitioner or licensed land broker where—

(*a*) he stands, at the time of the preparation of the instrument, in a prescribed relationship to an agent acting for a party to the transaction in respect of which the instrument was prepared, and that relationship has existed continuously from the first day of September, 1972, or some earlier date;

(*b*) he was licensed as a land broker, or admitted and enrolled as a practitioner of the Supreme Court of South Australia, or was qualified to be so licensed, or admitted and enrolled, on the first day of September, 1972;

and

(*c*) in the case of a person acting in the employment of an agent that is a corporation, he is not a director of the corporation, or in a position to control the conduct of the affairs of the corporation.

The second proviso to the proviso in subclause (2) is subclause (3), which defines the words used in subclause (2) as follows:

For the purposes of this section, a person stands in a prescribed relationship to an agent if—

(*a*) he is an employee of the agent;

(*b*) he is a partner of the agent;

or

(*c*) he is an employee of, or is remunerated by, a corporation and—

(i) the agent is a director of, or shareholder in, the corporation, or is in a position to control the conduct of the affairs of the corporation;

or

(ii) the agent is also an employee of, or is also remunerated by, the corporation.

I do not think there is any further need for me to describe exactly what clause 61 does. I ask the Council to consider its approach to Part IV, dealing with land salesmen, in relation to this clause. In Part IV a new provision is proposed but, in relation to land salesmen, existing practices in most circumstances are permitted to continue. In connection with Part IV I extended my support to the Government for the realistic way in which it had tackled the question. However, in connection with land brokers the approach is not as realistic or as humane. I believe that the approach in clause 61 should be along similar lines to the approach in Part IV, whereby land brokers, licensed or qualified at the proclamation of the Act, can remain as brokers in any capacity until they surrender their licences or retire from the profession. Brokers licensed when the Act is proclaimed should be able to be employed by an agent if they so desire but, if the Government has misgivings about certain aspects of the system, land brokers could be precluded from

preparing a transfer if the agent employer acted for the vendor. This appears to be a more realistic and rational approach, and follows closely the philosophy the Government followed in Part IV, when dealing with the question of land salesmen.

In past debates on this legislation in this Chamber we have examined at length the different systems of conveyancing and brokerage that exist in the other States of Australia compared with the existing system in South Australia, and I will not retrace that ground. After reading those debates that took place in previous sessions I discovered there was general agreement among all members in this Chamber that the advantages of our present system should be preserved. One has only to look at the interjections and comments during the previous second reading debate and Committee stage to understand that Australian Labor Party members also agree that in South Australia we have a system which, while it may have some minor problems compared with existing systems in other States, is an excellent system. Its speed and low cost to the consumer (if one can use that word in relation to land transactions) are factors that must be considered seriously. I was told today that land brokers have existed in South Australia for about 112 years and that there has never been a prosecution in relation to the misuse of trust funds. I have not checked the records, but I believe that is true, because the source of my information is reliable. If this is true it is a remarkable record. To support my remarks I will read two letters, from many I have received, regarding this legislation, but I will delete names when reading the letters.

The Hon. Sir Arthur Rymill: Perhaps someone should move that you lay them on the table.

The Hon. R. C. DeGARIS: The Hon. Sir Arthur Rymill has that right if he wishes, and I would be only too pleased to oblige him. The first letter relates to the Land and Business Agents Bill, 1973, and reads as follows:

I invite your interest and help in the above Bill, and give my own case history as an illustration of the injustice of what I regard as retrospective legislation. In August, 1969, I joined a firm. I am a qualified accountant and an Associate Fellow of the Australian Institute of Management. Being very happy in the service of my new employer, and desiring to equip myself to the best of my capability, in November, 1972, at the age of 53, I qualified with credit at the licensed landbrokers' examinations. Since obtaining my land broker's licence I have worked as a land broker with my employer, and am naturally desirous of continuing in this capacity.

The proposed legislation of 1973 is retrospective legislation and, as such, in my view is unjust. I would emphasize that I have been in the continuous employment of my employer since 1969, and embarked upon a course of study in good faith to protect my security with the firm. The proposed legislation would deny me that security.

Whilst I personally believe that all brokers currently in the employ of land agents should be protected (not only those who were so employed on September 1, 1972) I definitely submit that those persons who were in the employ of a land agent and who qualified in the November, 1972, examinations should be protected. Anything less would not be British justice. Your help in this vital matter would be appreciated.

One can see the point made in that letter. Here is a person who, in good faith, at the age of 53 became a qualified land broker, has been in constant employment since 1969 and, because he qualified as a land broker in the November examination, is virtually out of his position because of this Bill, whereas had he qualified 12 months earlier he would have been covered by the Bill. The second letter deals with a similar case, but the circumstances are slightly different. It reads as follows:

As the law has existed during the last 12 months and with the assistance of our solicitors, our firm was made into a proprietary limited company with the same staff, principals, office etc., in all respects as in the previous firm, which it replaced. This company was incorporated on July 10, 1973, and obtained a new land agents licence which was granted to the new company under the Land Agents Act, 1955-1964, dated August 23, 1973, from September 1, 1973, to March 31, 1974. This company has taken over all the assets, staff, and is exactly the same as the previous firm, and was done for the purpose of facilitating legal matters because of a pending seventieth birthday on August 27, 1973.

If the Bill now before Parliament is passed in its present form the arrangements made with Mr. X, who was employed by the previous firm as a licensed land broker as from August 7, 1972, on a contract basis and on a salary, with annual increments, on a profit sharing basis, and with superannuation benefits, would be in serious jeopardy as we understand that because he was not employed by our present limited company prior to September 1, 1972 . . .

This is an interesting situation—because of a person's retirement from a firm at the age of 70, and the rearrangement in the title of a firm where the name is the same except that the words "Proprietary Limited" are added, a person employed as a land broker by the previous firm is no longer covered by the Bill. This is a matter for concern. One can see that the question of retrospectivity can cause unfair upsets when one is dealing with legislation that dates back to September 1, 1972, which is about 14 months prior to the present date. Clause 61 will probably be the clause that will cause the most debate and comment in this Chamber.

The land broking profession, which has served this State extremely well for 112 years, should be looked at closely before radical changes are made to the system. The system has provided low-cost brokerage to the consumer, and it has provided an excellent service to people who use it. I believe once again that the same philosophy applied in Part IV in relation to land salesmen could also be used in clause 61 in relation to land brokers.

I turn now to clause 88, which provides a cooling-off period and which one must admit is a somewhat novel approach to land transactions: it means that a purchaser who has signed a contract for the sale of land may rescind the contract within a certain period. The cooling-off period shall not apply to a body corporate, an agent, a registered manager, a registered salesman, a licensed land broker, a legal practitioner, a sale by auction or where the purchaser receives independent legal advice. The first comment I make is that the procedure is cumbersome, and unfair to the vendor. No vendor will sell or sign a contract in the future unless the purchaser has taken independent legal advice; it would indeed be foolish for him to do otherwise. If as a Legislature we are to introduce the concept of a cooling-off period, surely the vendor should be protected against an unscrupulous purchaser.

As the clause now reads, the purchaser is to be given an option (it could be for four days or five days), for which he pays nothing. The cooling-off period will produce more problems than it will cure. If the cooling-off period is to be proceeded with, protection is necessary for agents and vendors against unscrupulous purchasers who will attempt to obtain unofficial options for a number of days or on a number of properties. The concept of a cooling-off provision in relation to land sales is full of difficulties, and needs close examination and considerable thought. The practice now of obtaining an option appears to be somewhat anomalous. A purchaser may take an option on a property for a week or a fortnight and pay for the right to have that option; that is reasonable. Then he signs the

contract, only to find that he has a further two clear days (although it could be four days or five days) in which he can still rescind the contract.

I view the question of a cooling-off period with a good deal of scepticism. The Bill now before us contains several approaches to this question. It provides that there shall be a cooling-off period but that it shall not apply to certain people in certain circumstances. However, it can be overcome by taking legal advice but, as I have said, what will happen is that no vendor will sign a contract unless the purchaser has taken independent legal advice; that appears to be the main reason for the cooling-off period.

I turn now to clause 90, which deals with information to be supplied to the purchaser before the execution of a contract. Subclause (1) provides:

Subject to subsection (2) of this section, before a document that is intended to constitute a contract or part thereof for the sale of any land or business is executed by the purchaser, the vendor shall annex or cause to be annexed, to the document a statement signed by or on behalf of the vendor containing:

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

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

and

(*c*) where the vendor obtained his title to the land or business within the 12 months preceding the date of the contract of sale, prescribed particulars of all transactions involving transfer of the title to the land or business occurring within that period including particulars of the consideration for which the title was transferred in pursuance of each of those transactions.

Paragraphs (*a*) and (*b*) were in a previous Bill that came before us, whereas paragraph (*c*) is a new concoction. We have heard much lately about the right to privacy; yet the clause I have just read out seems to take a totally different approach. I believe that it is a breach of the vendor's right to privacy to have to declare to a purchaser details of all mortgages, charges and prescribed encumbrances affecting the land subject to sale. We know that certain mortgages are discharged at settlement, and I see no reason for such a wide provision in this legislation. I should like the Minister to explain the meaning of the phrase "charges and prescribed encumbrances". Does this mean a normal bank overdraft? I think it does; it could well mean that, anyway.

The Minister's second reading explanation gave no reason why this information should be disclosed. One would have thought that the information required in clause 90 (1) (*b*) would be ample, that is, particulars of all mortgages, charges and prescribed encumbrances that are not to be discharged or satisfied on or before the date of settlement. The Minister's second reading explanation gave no reasonable explanation why information is required on mortgages, charges and prescribed encumbrances that are not to be discharged or satisfied before the date of settlement; yet, these have to be disclosed. I do not know what would happen at an auction sale if the auctioneer was to say, "We are selling today on behalf of Mr. D. Smith, Esq., and would like to say that he has a bank overdraft of $17 000 with the A.N.Z. Bank", and gave all the details of his private financial arrangements that had nothing to do with the proposed sale. But that is how it appears in this clause. I take that as a gross invasion of the private financial details of the vendor, and I see no reason why they should be disclosed.

Then one turns to the new provision, namely, clause 90 (1) (*c*), which has been included in this Bill but which was not included in the Bill that was introduced last year. Once again, this unnecessary provision adds nothing to the concept of the Bill. The vendor is responsible under paragraph (*c*) for providing to the purchaser particulars of all transactions that have occurred in relation to the land within the previous 12 months. This also appears to be an unwarranted provision. The whole of clause 90, particularly subclauses (1) (*a*) and (1) (*c*), which I have criticized, deserve close scrutiny.

I have summarized most of the contentious points. I repeat that, because of its attitude to this Bill, the Government has done itself little credit. Many of the provisions contained in the Bill are urgently required and, with a more realistic attitude being taken by the Government, could have been operating by now. However, because the Government wanted to use the previous Bill purely for political motives, it shelved the Bill for the pursuit of those political motives, casting aside the urgency of some of its provisions. I trust that in the interests of all concerned the Government will approach this Bill with a more realistic attitude.

I should like finally to make some general comments. Having examined the legislation controlling auctioneers, agents, and so on in other States, I know that South Australia is the only State that uses the term "land agent". The titles of the legislation in the States of Queensland, New South Wales and Victoria use the terms "real estate agent" or "estate agent". Although this may be a minor point, a change in the title of this Bill would seem appropriate and would bring South Australia into line with the approach taken by the other States.

Also, the Bill contains certain provisions that I do not think it should contain. I have already referred to the provisions concerning land brokers, which I believe should be in the Real Property Act. The whole of Part X, which includes clause 90, should be contained not in this Bill but in the Real Property Act. I am sure that the Government would be willing to examine this matter and that, if it agreed to my suggested arrangement, the legislation would be improved. Having touched on the clauses that I consider will cause most debate, I support the second reading.

The Hon. C. M. HILL (Central No. 2): I support everything that the Leader has said. Although many of the points that were raised at length and in detail when this legislation was before the Council previously could be raised again, I do not intend to do so. The Leader stressed the important issues. In some respects, the Bill is a Committee measure, because it is long and deals with diverse subjects relating to land agents. Many of the matters can be more appropriately discussed in Committee.

Many of the Bill's provisions are indeed welcome. As has already been said, attempts to alter the legislation affecting land agents have not been successful over the last decade, although efforts have been made during the term of each consecutive Government to introduce major changes in the legislation. However, for one reason or another these attempts have not yet succeeded. It is therefore pleasing to see this Bill, which includes many improvements. If the Bill passes with some of the major proposals now contained in it, many people in the real estate industry and others interested in this measure will indeed be pleased.

The controversial issue in the Bill remains the aspect that concerns licensed land brokers. As the Leader said,

this change is included in clause 61. The first point I want to raise regarding this controversial matter is that, although the Government has made an attempt to compromise, some people who are making at least part of their livelihood as licensed land brokers will, if the Bill passes in its present form, have to relinquish that work. This means that their livelihood will be directly affected, which is grossly unfair and unjust.

I refer, for example, to a person who holds a licence as a land agent and as a land broker and who will, if this Bill passes, have to relinquish one of those licences. Many people are in this category, particularly in rural areas. Apart from carrying on business as general commission agents, many agents in the country hold these two licences. I cannot understand why Labor Governments allow a measure of this kind, which cuts off a man's remuneration and livelihood, to be introduced. Licensed land brokers have done nothing to deserve this sort of treatment.

I fail to see, as I failed to see previously, how a Government with any conscience at all does not, when introducing a legislative change, consider the principle that a man should be entitled to continue with the work he was doing and obtain the remuneration he was obtaining before the promulgation of that legislation. If the Government wants change, it should implement it from the time the legislation is passed. Then, everyone will know where he stands. However, it is grossly unfair to make a broker, who does not deserve to be treated like this, forgo part of his income.

Strangely, the principle to which the Leader referred regarding part-time salesmen is maintained by the Government in this Bill. That principle is that part-time salesmen who are licensed and operating in this manner when this Bill passes should be permitted to do so in future. However, unless special circumstances apply, no further licences will be granted for work of this kind. That is the principle which the Government should apply when dealing with licensed land brokers. Where one single operator in a business holds the two licences, he must stop carrying on the work applying to either one of those licences. There is no principle in that approach, and I ask the Government to look further at the matter, to see whether something cannot be done at least to allow those people to carry on and to obtain the income they had obtained previously.

The second point that worries me is the question of retrospectivity. I cannot see why the Government has back-dated these changes to September 1, 1972. I, too, have received letters and have been told of examples of changes in business structure over the period between September 1, 1972, and the present. It seems that people who have made changes in that way are being treated very cruelly by this legislation, and I cannot support the retrospectivity contained in the Bill.

In an endeavour to be positive in its approach and to make some compromise in its attitude toward licensed land brokers, the Government should be willing to allow the *status quo* to remain; changes the Government wishes to introduce should be effective only on those who obtain such licences from the date of proclamation of this Bill. If all those licensed land brokers, none of whom deserves the harsh treatment being meted out, were to be permitted to continue to obtain their income in whatever sphere they had been obtaining it, whether as employee or employer, surely that would be a fair approach to the question in looking at the means by which compromise might be achieved.

Lastly, I shall touch briefly on the history of licensed land brokers. They have served the public well in the area of conveyancing work in South Australia since 1886, and their being in South Australia has proved an inexpensive way by which those who deal in real estate can have their conveyancing work carried out.

The system of brokers has been unique in Australia, and it is interesting to hear from time to time of inquiries being carried out elsewhere in Australia to see whether a comparable system could be introduced. When one hears reports of this kind, it is strange to look at the situation here and see the picture in reverse, where the Government, in my view, is endeavouring to dispense with brokers' services.

I have never been impressed by the argument of conflict of interest, on which the Government's whole approach to the question of brokers has been based. Such an argument neglects completely the concept of the practical effects of licensed land brokers and the general concept of common sense that has always applied, in my experience, where licensed land brokers have worked as employees of licensed land agents.

In practice, the system has worked exceptionally well and the record of such people, whether from the viewpoint of the standard of their work or of their conduct in the handling of trust moneys, and so on, has been exemplary, yet this is the group being hit so hard in this Bill. My personal view is that it was a sad day when licensed land brokers started to go out on their own and set up in business.

Although many people in the real estate business would not agree with that opinion, I have always maintained that licensed land brokers should have remained employees and continued to give the service traditionally given in that capacity. However, they started to set up in business on their own account, and it is interesting to see that some of them now are not only carrying on the work of licensed land brokers but are doing other work and obtaining remuneration through other sources.

That is another matter; the point that worries me greatly is that I foresee the day when there will be no licensed land brokers left in South Australia, when they will not have enough work if they are in business on their own account and when that happens they will have to turn their skills to other work. I say that because the trend in this Bill is that licensed land brokers in the main will form a group of business people in business on their own account.

Brokers not in that category will be those who will still remain employees or partners of licensed land agents. Those two categories will run down because such licensed land agents will not in future be permitted to employ licensed land brokers. Those two groups, employees and partners, will form a group the numbers of which will gradually diminish with the effluxion of time.

The general grouping will occur when licensed land brokers set themselves up, as apparently the Government wants them to do, as brokers on their own account. This group will contain some employees of licensed land brokers, but their fate in future will go hand in hand with that of their principals. There will come a time, as a result of this legislation, when all brokers will be either principals or employees of principals, and I suppose some may work in the offices of solicitors.

When that stage is reached, and when these brokers in the main are set up in this semi-professional capacity to carry out work on their own account, it needs only one legislative act to cut the ground completely from under their feet and to extinquish them from business as brokers.

That simple legislative measure is that the Government of the day could introduce legislation insisting that contracts for real estate be drawn up only by solicitors.

The Hon. R. C. DeGaris: Most of them would be in the Crown Law Department by then.

The Hon. C. M. HILL: Well, some brokers would be in the Crown Law Department by then. If, for example, this present Government in future introduced this simple change, to cause all real estate contracts to be prepared by solicitors only, the work of licensed land brokers, in the main, would cease overnight. That is the future I fear regarding licensed land brokers.

The Government of the day (I refer particularly to the present Government because I think the Attorney-General has this general scheme in mind) can make out a strong case for contracts being prepared by solicitors only. The Attorney-General can make out a far stronger case for that change than he can for the change he is introducing in this Bill as it affects licensed land brokers.

One cannot help wondering whether or not the present change in the legislation is part of the scheme of things and part of the chain of events. That chain of events will lead to that one measure to which I have referred and, when that occurs, the situation in South Australia will change and brokers will seldom be seen in business here; the whole situation in regard to real estate conveyancing will change and will be similar to what applies in other States of the Commonwealth.

I wonder whether the Attorney-General, through the Minister representing him in this Council, would put my mind at rest on this matter by giving an undertaking that he will never seek to introduce legislation to effect the change by which only solicitors must prepare real estate contracts. If that assurance was given, I would accept that the Minister had not in mind the plan to which I have alluded.

Will the Minister seek that undertaking from the Attorney and speak to that point when he replies to this debate? It is an important matter, for the future of many licensed land brokers in South Australia hangs in the balance on that one question. Indeed, I think the whole good faith of the Government on this Bill hangs on that one matter.

I support the second reading of the Bill but, as I said earlier, several matters must be looked at closely in the Committee stage. I commend the Government for all the clauses in this Bill that will improve and tighten up generally the method of licensing and the general policing of these provisions within the business of real estate in South Australia. However, I hope that, before the Bill passes, all parties will approach its further consideration in Parliament in some spirit of compromise, especially as it applies to licensed land brokers.

I hope that all those people who are making their livelihood, or part of it, from this work at present will be given the opportunity to continue to do just that, and that the changes that will be agreed to will not be made retrospective and will affect only the people who obtain a licence after the date when this measure is proclaimed.

The Hon. A. M. WHYTE secured the adjournment of the debate.

COMMERCIAL MOTOR VEHICLES (HOURS OF DRIVING) BILL

Adjourned debate on second reading.

(Continued from November 8. Page 1675.)

The Hon. A. M. WHYTE (Northern): Legislation similar to that before us, regulating the hours of drivers who handle commercial vehicles, has been in force for several years in other States, and its various strengths and weaknesses are well known to most professional drivers. Most people are prepared to accept that, because some drivers exceed reasonable speed limits, it is necessary to exercise a degree of control, and that degree of control has been the bone of contention during the designing of the Bill. Right from its inception, the Minister's first attempt to control the industry ended in an absolute fiasco. It is to the Minister's credit, of course, that he withdrew that Bill, rethought the whole matter, and appointed the 14-man committee under the chairmanship of Mr. Tony Flint, the Assistant Commissioner of Highways.

That committee did an excellent job, as I think everyone who had any dealings with it would agree and as the Minister said when introducing the Bill in this Council. I had the pleasure of seeing that committee work on several occasions. Everyone who had any dealings with it was pleased and gratified that it had been formed. Although it is hard to make special mention of one man in isolation from the rest of the team, I think it would be appropriate to say that all those people who gave evidence before the committee were gratified by the manner in which Mr. Flint chaired its meetings and by his ability to assist those people who were sure of their facts but not always well groomed in public speaking. Mr. Flint gave those people the greatest assistance, and the committee's report was all the more valuable because of his attitude. I am sure no-one would contradict that.

Some points need clarification or amendment. They are not, perhaps, big matters, but surely it is the desire of the Minister and all those people who have worked so hard to prepare this legislation that transport in the State should not be impeded in any way but that it should be co-ordinated, assisted, and kept flowing. We do not want to design legislation that will in any way interfere with the transport of produce throughout the Commonwealth. Many of the provisions in this Bill will be uniform with those applying in other States. Many provisions stem from the Australian Transport Advisory Council, which recommended to the Commonwealth Government that there should be uniform controls throughout Australia.

I am pleased to see that in some respects this Bill is more generous than are corresponding Bills in other States. However, I believe that some aspects of the Bill should have been even more generous. Other States may do things wrongly, but that is no reason for us to follow suit. In clause 3 the definition of "commercial motor vehicle" has been substantially altered from the definition that was provided in the Bill when it was introduced in another place. I wonder whether the alteration has resulted from a misprint or from an amendment in the other place. In the Bill now before the Council the definition is as follows:

"Commercial motor vehicle" or "motor vehicle" means a motor vehicle (including an articulated motor vehicle) as defined in the Motor Vehicles Act, of an unladen weight exceeding four tonnes which is used or intended to be used for the carriage of passengers or goods for hire or reward or—

It is this word "or" which has been inserted; it was not in the Bill when it was introduced in another place. The definition continues:

in the course of any business or trade:

The inclusion of the word "or" makes a very substantial difference to the interpretation, because the Bill now covers the transportation of any goods for any business. I should like the Minister to comment on this point, because I believe it is most necessary that the word "or" be struck out, so that the Bill will be in the form in which it was

introduced in another place. An unladen weight exceeding four tonnes is referred to in the definition; this is a matter of great concern. To make the legislation work, the limit ought to be increased to five tonnes, which would exclude from some restrictions the average vehicle used by primary producers, thereby allowing them to transport goods from their farms in a less restricted manner. I am thinking of the transportation of apples, pears and wheat. The farm truck is generally the most uneconomic piece of machinery on a property, because it is of very little value except during the harvest period.

I do not believe that, when the trucks are taken on the highway in competition with professional drivers, they should not then meet the requirements of the legislation. However, insufficient contractors are available to cart grain to silos during the harvest period. Further, farmers could not provide sufficient storage to enable them to reap and store the harvested wheat until it could be carted on a contractor's truck. So, the farm truck plays a very important part in the economy of the country, and I believe it would be unwise to leave the limit at four tonnes. I would like the limit to be increased to five tonnes, so that the exemption will cover the average farm truck. Regarding clause 4, it has been suggested that, should the professional driver get within a reasonable distance of his depot or home, some leniency should be extended to him so that he can cover the remaining distance. It is only common sense that, if a transporter has to stop for 12 hours within 20 miles (32·19 km) or 25 miles (40·23 km) of his home, he will be an encumbrance on the road. Clause 4 (1) provides:

> A person shall not drive a commercial motor vehicle in any of the following circumstances, namely, where . . .
>
> (*b*) he has driven a commercial motor vehicle for periods amounting in the aggregate to more than 12 hours within the period of 24 hours immediately preceding that time.

Most professional drivers are very responsible persons, and they haul goods over possibly millions of miles annually with a splendid safety record. They have requested that they be allowed the leniency I have referred to if they are within 25 miles of their depot, which is not a great distance. In the drive from Melbourne a 12-hour period would result in a driver being near Hahndorf, or a little closer to Adelaide; if a driver had come from the north or the west he could easily be stranded near Elizabeth. The drivers ask that they be given the opportunity to reach their depot, and I can see no reason why that valid request should not be considered. Clause 6 (4) states:

> A person who forges or fraudulently alters an authorized log book or lends an authorized log book to, or allows an authorized log book to be used by, any person other than the person to whom it was issued shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding five hundred dollars or imprisonment for six months.

The same penalty applies in two instances. Surely a person should not be gaoled for this offence. Also, $500 is an extremely heavy fine to prescribe.

The Hon. D. H. L. Banfield: That is the maximum penalty, though.

The Hon. A. M. WHYTE: Yes, but in Victoria the maximum is $200, and there is no gaol sentence; in New South Wales it is $300 and no gaol sentence. If South Australia wishes to have uniform legislation, the Government ought to consider the penalties applying in other States.

The Hon. M. B. Dawkins: We are very keen on uniformity in this State!

The Hon. D. H. L. Banfield: It depends on which part you want in the Bill.

The Hon. M. B. Dawkins: Perhaps it is only the Government that is keen.

The Hon. D. H. L. Banfield: These people are better in gaol than killing people on the roads.

The Hon. R. A. Geddes: It's the open Government of fear again.

The ACTING PRESIDENT (Hon. G. J. Gilfillan): Order!

The Hon. M. B. Cameron: How many people have been killed on the roads because drivers have altered a log-book?

The Hon. A. J. Shard: I have seen a few nasty accidents on my way to town.

The Hon. D. H. L. Banfield: Someone was killed at Unley not long ago.

The Hon. C. M. Hill: Was that because of bad tyres?

The Hon. D. H. L. Banfield: It may have been.

The Hon. A. M. WHYTE: No matter how one goes about it, people will always be killed on the road and, no matter how smart the Government is, it will never overcome this problem, because a person cannot live forever. Indeed, the Government will find it difficult to prevent road accidents.

The Hon. M. B. Cameron: The Victorian Government has not prevented all road accidents in Victoria.

The Hon. A. M. WHYTE: True. Therefore, we should try to do our best before this Bill is passed, and without using stupid arguments we should look at the submissions made by various organizations, which were made in good faith and which were given due consideration. This legislation has been contemplated for more than 12 months now, and I congratulate the Minister of Transport on forming the Committee of Inquiry into Commercial Road Transport, but there has been comment on its membership and how it was formed. By and large the recommendations of the committee were well accepted by the public and those involved in the industry. The committee has done a good job, but I am not sure whether all this legislation follows the committee's recommendations. In the Committee stages of this Bill certain amendments will be moved. With those few comments, I support the second reading.

The Hon. C. M. HILL secured the adjournment of the debate.

MOTOR FUEL DISTRIBUTION BILL

Adjourned debate on second reading.

(Continued from November 8. Page 1679.)

The Hon. R. A. GEDDES (Northern): I rise to speak against this Bill. With the exception of clause 4, which deals with undisputed arrangements, I can see little merit in it, and can see the repression of competition and an increase in costs, for which the motorist will pay. If it is desired to reduce the number of petrol outlets in this State or to increase the lot of the petrol reseller, thus giving him an increased income, then let the companies that provide the fuel get their own houses in order first.

Surely an amendment to the Industrial Code could be introduced to provide that petrol resellers with a licence or permit should receive remuneration commensurate with the income of the type of person who has recently been on strike at Port Stanvac. They should go before the Arbitration Commission and obtain a similar wage or standard of living. Then let the oil companies decide where they can provide fuel outlets for the public: let them be the arbitrators for this industry and say where

it is going. This Bill is just another load of bureaucracy and provides more inspectors, boards, and courts of appeal. It loads the Statute Book with even more controls. This Bill gives the board power to inquire into the conduct of any person engaged in or upon premises conducted for the resale of motor fuel.

The Hon. M. B. Dawkins: The inspectors can go into any premises.

The Hon. R. A. GEDDES: That gives the board an open door. Later in the Bill the board is given power to do all things that are necessary or incidental for the discharge of its functions.

One can well foresee, as we have seen from other boards set up, that this board, in order to justify its existence, will set up a host of petty restrictions and regulations to curb and control this industry. In fact, the board will probably require the same type of information that the Builders Licensing Board requires when it asks for financial details of assets and liabilities of a man, his wife, his partners, and his company. For what reason is this done? It is done to ascertain whether the builder should be licensed, and to give the board proof of the need for its existence. I can see the same thing happening with the board to be set up under this legislation. Before a licence or a permit is granted it will require the full financial details of the industry and the people concerned. So, the board will mete out its judgment on the question of ability to pay. This, in itself, is repressive.

The board is to consist of three members, and the Government is not generous enough to say from which walk of life or interest these board members will come. Strangely enough, the board of three has a board of three deputies. The Governor may, in relation to each member of the board, appoint a person to be a deputy of each member. To me, it is a ludicrous situation whereby the correctly constituted board could be adjudicating and not finish its business within a certain time. If all the board members were not available at the next meeting, the deputies would attend, but they would not necessarily be familiar with the thinking behind the board's previous decisions and the evidence it had considered. One can well imagine the delay that will be caused and the ridiculousness of the situation of a deputy saying, "I am a deputy for Mr. So-and-so, but I am unsure of the way in which he thinks." Because of this problem of having a board of three and also three deputies, we have a Gilbert and Sullivan situation in clause 13 (2), which provides:

> In the absence of the Chairman of the board and the deputy of the Chairman from the board the members of the board present shall, from amongst their own number, elect a member to preside at that meeting.

If one studies this provision in its context, one will see that it would be peculiar and ridiculous to have a board to control the outlets of fuel, petrol and oil throughout the State on a half-mastered approach; this is beyond my comprehension.

The Hon. Sir Arthur Rymill: The deputy of the Chairman is placed above the other two permanent members of the board.

The Hon. R. A. GEDDES: That's not much help, is it?

The Hon. Sir Arthur Rymill: That seems strange, doesn't it?

The Hon. R. A. GEDDES: Yes.

The Hon. C. M. Hill: It's a strange Bill.

The Hon. R. A. GEDDES: Then we come to the role of the inspector, who may at any time, with such assistance as he considers necessary, and without any warrant, enter any premises for the purpose of ascertaining whether the provisions of the Act are being complied with and, for that purpose, question any person he finds in or on the premises. All honourable members are no doubt familiar, particularly country honourable members, with petrol outlets that also have a cafe or restaurant attached to them. One pulls in to have a meal, to buy a milk shake for the children or to buy petrol. It is not unusual, when the owner is away, for the person who serves behind the counter to oblige by filling the petrol tank and checking the oil and water. That person, who may be a young girl or boy, could be asked many questions by the inspector and could perhaps be induced to give evidence to the inspector that might be detrimental to the lessee of the premises.

The next provision of which I disapprove relates to the suitability of premises; this provision applies to those who have licences and those who will have permits. In both cases, the board shall decide, before granting a licence or permit, the suitability of the premises intended to be the subject of the permit. I remind honourable members of when the Bill to amend the Licensing Act was introduced. Parliament gave wide powers to the court to grant permits to clubs to enjoy the use of liquor on specific occasions. There is nothing in this Bill to pinpoint in the way in which the court pinpoints many of the clubs, particularly in rural areas, on the requirements with which they must comply before they can obtain a permit to sell liquor. I recall the case at Buckleboo, where there was no running water. The court said that there must be septic tanks and proper toilet facilities before a licence could be granted to the football club, regardless of the fact that there was no water to make the cisterns work.

How will the board determine the suitability of premises? I can see the board, in wanting to justify its existence, insisting on the updating of the premises of the permit seller or the licensed seller of petrol, so that the capital costs to the owner will necessitate an increase in the rental and charges to the lessee. Of course, the payer of all these costs will be the motorist, because he is at the end of the line in this type of legislation in which the sale of petrol is the principal feature. The Hon. Mr. Dawkins referred to the wideness of the interpretation of "owner". That interpretation, in relation to premises, means the person who is the owner of those premises at the time the application was made. The owner could own a shop that had a petrol pump as part of the business of the shop. (I do not know why we can't use the word "garage" any more; but "shop" is the word used in the Bill.) The owner would have to be approached by the lessee who must ask the owner to apply for a permit to sell petrol. If the owner did not want this to be done, the lessee would have no redress: he just would not be permitted to sell petrol.

However, if the owner obliges, applies for a permit, pays the necessary fees, and the permit is granted, well and good. But if the board says that the shop cannot have a permit and the lessee says, "It is essential for my financial well-being in running the shop that I have the privilege of being able to sell petrol to the public, particularly on weekends or when other petrol outlets are closed," the owner could say, "I am not going to appeal to the board or to the court on your behalf. You can go your own way." There is no possible hope for the person who operates the shop to take his complaint past the owner. I see difficulty arising here, because the Government has said that the owner shall be the person to have the permit or licence. The complications that could arise from this legislation would produce a hardship, which may

be well meant as far as the Bill is concerned, but the problem will still exist.

Another interesting provision in the legislation is the investigation and inquiry provision whereby the inspector shall, at the direction of the board, make any investigations, and the board may cancel a licence or a permit. The board can reprimand, impose a fine not exceeding $500, or suspend or cancel a licence or permit. It can also take disciplinary action if a licence or permit is improperly obtained, or if the holder of a licence contravenes any law or refuses to comply with any limitations or restrictions imposed by it. However, there is no right of appeal, which seems to me to be unreasonable and unjust.

The Hon. Mr. Hill referred to clause 4 dealing with certain "undesirable arrangements". This is a most interesting provision, which I commend. Apart from this aspect, I object to the Bill. When a person who has a contract with a company finds that its terms are unjust or unfair, he should be able to appeal to the board for help. This is a wise course, especially in the metropolitan area. I refer, for instance, to the cutting of fuel prices, which, although commendable to the motorist, is not in the best interest of the trade or of those who are not tied to a petrol company and who need, therefore, to make the most from commission on petrol sales in order to make a living. As this Bill introduces another board, more inspectors, repressions and control, and a possible increase in prices, I do not support it.

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

ADJOURNMENT

At 4.58 p.m. the Council adjourned until Wednesday, November 14, at 2.15 p.m.