LEGISLATIVE COUNCIL

Tuesday, November 19, 1974

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

DEATH OF HON. L. H. DENSLEY

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

That this Council express its deep regret at the death of the Hon. Leslie H. Densley, a former President of the Legislative Council and member for Southern District for 23 years, and place on record its appreciation of his public services, and that, as a mark of respect to the memory of the deceased honourable gentleman, the sitting of the Council be suspended until the ringing of the bells.

The late Mr. Densley was President of this Council from 1962 to 1967. Among the many positions held by Mr. Densley were that of Liberal and Country League Whip from 1945 to 1960 and Chairman and Leader of the Party in the Council from 1960 to 1961. He was a member of the Industries Development Committee from 1951 to 1964, and Chairman from 1959 to 1964. He was Chairman of the Decentralisation Committee from 1962 to 1963 and a member of the Council of the University of Adelaide from 1953 to 1965. Prior to becoming a member of this Council, he was a farmer and grazier for 40 years and served within the Tatiara district as councillor for 20 years and as Chairman for five years. It is appropriate that we recognise and appreciate his outstanding public service and extend to his relatives the sincere sympathy of all honourable members.

The Hon. R. C. DeGARIS (Leader of the Opposition): I should like to be associated personally with the remarks of the Chief Secretary in the regret expressed at the death of the Hon. Les Densley. The Chief Secretary has outlined quite fully the services of the Hon. Les Densley to this Parliament for 23 years as Whip, as Chairman of the L.C.L. Party, and as President of the Council. He has pointed out, too, the Hon. Les Denley's long service to his own district, both as a farmer and grazier and as a councillor of the Tatiara council. Those of us who knew and worked with the Hon. Les Densley knew him as a very kindly gentleman who, at the same time, had a good deal of strength of character.

He was President when I first came to this Chamber and he acted to me, as a new member, as guide and mentor for quite some time. He was, as we all know, the running mate of the Hon. Sir Norman Jude, who has retired from Parliament. I appreciate being associated with the expressions of the Chief Secretary in memory of the late Les Densley.

The PRESIDENT: I ask honourable members to stand in their places and carry the motion in silence.

Motion carried by members standing in their places in silence.

[*Sitting suspended from* 2.20 *to* 2.25 *p.m.*]

PETITION: FUEL TAX

The Hon. G. J. GILFILLAN presented a petition signed by 19 citizens of South Australia alleging that the proposed 6c a gallon fuel tax by way of a licence selling fee on petroleum products would severely disadvantage all rural people in the State and praying that the tax not be levied in rural districts, more especially in respect of those petroleum products consumed by the rural producer.

Petition received and read.

QUESTIONS

ABATTOIRS ACT

The Hon. R. C. DeGARIS: Can the Minister of Agriculture say whether the Government intends to deal with amendments to the Abattoirs Act this year?

The Hon. T. M. CASEY: Not this year; it will be brought in as soon as possible in the new year, which is part of this session. I have previously indicated to honourable members that, as I went overseas earlier this year and Dr. Harvey also went overseas, on our return we were not able to get this legislation before Parliament in time for this part of the session. However, I assure the honourable member that it is well on the way but it would be disadvantageous to everyone not to prepare it properly. However, I hope it will be ready in the new year.

FIRE PROTECTION

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

Leave granted.

The Hon. M. B. DAWKINS: My question refers to fire protection and the serious situation in which we find ourselves at present. I was interested to read, in view of the serious situation facing us, that the Minister had taken action to ban completely the lighting of fires in a large portion of South Australia as from next Thursday. Although I realise that I am not permitted to debate this matter, I wish to indicate that I commend and support the Minister in that action. However, having regard to the abnormally dangerous position that faces us, as well as the need for some necessary exceptions and exemptions and, possibly, the need for a later starting date in some cases, I ask whether the Minister has in these circumstances considered imposing a complete ban on the remaining rural areas in South Australia.

The Hon. T. M. CASEY: No. The situation is that the people who live in these remote areas and who have formed themselves into a committee-type organisation wrote to me and asked that this action be taken as a step to control the fire hazard for the coming summer. The first area about which I gave instructions was the North-East of the State and, more recently, the North-West of the State. I am now awaiting instructions from people living in the Far North regarding the introduction of such a ban. I appreciate the problems to which the honourable member is referring, but this is outside any council's area. Those areas that come within a council district can be dealt with adequately by the council itself. Having journeyed throughout the State, I am pleased to say that I am sure everyone is conscious of the fire hazard that exists this summer. There is no doubt in my mind that there is a potential holocaust just around the corner.

RIVERLAND PROPERTY AMALGAMATIONS

The Hon. B. A. CHATTERTON: I seek leave to make a statement before asking the Minister of Lands a question.

Leave granted.

The Hon. B. A. CHATTERTON: Last Friday I attended in Berri the inquiry conducted by the Industries Assistance Commission into the dried fruits industry. During the hearing, the President of the Federal Grapegrowers Council, Mr. Preece, said that the Lands Department administration was such that amalgamation of holdings was extremely difficult: the regulations prohibited the amalgamation of holdings under Government-administered schemes. This is not my impression of the regulations, and I should like to

ask the Minister of Lands whether he would prepare a clear statement on the Government's policy and give it as wide publicity as possible in the Riverland area, as there is much misunderstanding regarding what can be done in relation to property amalgamations.

The Hon. A. F. KNEEBONE: I shall be pleased to do what the honourable member suggests and bring down a reply as soon as possible.

LAND TAX

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to my recent question about land tax?

The Hon. A. F. KNEEBONE: The Treasurer has announced the Government's intention to introduce an equalisation scheme for land tax to operate from July 1, 1975, in order to reduce the impact of sharp increases in the amounts of tax payable caused by the present five-year valuing cycle. A working party comprising the Valuer-General and the Deputy Commissioner of Land Tax has been formed to develop an effective equalisation method. They have been requested to submit to the Treasurer by November 30, 1974, any legislative changes which would be required to implement a system from July 1, 1975.

The Hon. R. C. DeGARIS: I seek leave to make a short explanation prior to directing a question to the Chief Secretary, representing the Treasurer.

Leave granted.

The Hon. R. C. DeGARIS: I thank the Chief Secretary for getting me a reply to my question, but I do not think the reply quite answers the original question. I drew attention in my previous question to the dramatic increase in land tax payments on certain properties in South Australia. My question now is: am I to understand from the Minister's reply that the Government does not intend reducing the rate of this tax?

The Hon. A. F. KNEEBONE: I shall have to refer the question to the Treasurer and bring down a reply as soon as possible.

DRUGS

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

Leave granted.

The Hon. V. G. SPRINGETT: About five weeks ago, in reply to my question about the availability of some drugs in South Australia, the Minister told me that the matter was under investigation and review by the Australian Drug Evaluation Committee. Since then I have noticed in the papers, particularly New South Wales papers, that there has been an unnecessary hold-up in the release of some drugs for use. Can the Minister say what guidelines are used in connection with the release of drugs in this State, bearing in mind that some of the drugs held up have been in clinical use overseas for two or three years?

The Hon. D. H. L. BANFIELD: I am not aware of any hold-up in the distribution of the drugs. As I understand it, the standard is set by the Australian Government. I will get a report for the honourable member. If he gives me the name of the drug about which he is particularly concerned, I will get a report on it.

The Hon. V. G. SPRINGETT: The drug I have in mind is carbidopa, and I could give the Minister the names of other drugs as well.

The Hon. D. H. L. BANFIELD: I shall be pleased to look into the matter and bring down a reply.

TROTTING MEETINGS

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

Leave granted.

The Hon. A. M. WHYTE: Last year amendments to the Lottery and Gaming Act gave permission for 12 trotting meetings of country status to be held at Globe Derby Park. At that time the Chief Secretary, in reply to the considerable discussion that took place, said that he did not believe that there was any likelihood of these country meetings remaining at Globe Derby Park for very long. He said that they would be phased out; that was his opinion. Currently a rumour, which is causing concern among the trotting fraternity, is circulating that the number of meetings may not be decreased but could possibly be increased. Can the Chief Secretary say whether the number of meetings of country status at Globe Derby Park will stay at 12, be decreased, or be increased?

The Hon. A. F. KNEEBONE: I will seek a report from the Trotting Control Board in regard to the matter. It is the first time I have heard of the rumour, but I will get a report on the matters raised.

ABORIGINAL CENTRE

The Hon. C. R. STORY: On behalf of the Hon. Mr. Hill, I ask the Chief Secretary whether he has a reply to the honourable member's question concerning an Aboriginal centre.

The Hon. A. F. KNEEBONE: The estimated cost of the proposed Aboriginal cultural centre tourist resort project is $1 869 000, not $2 500 000 as described by the honourable member. Moreover, the estimated cost of the Australian Tourist Commission's "developments along the Murray" proposal of $448 000 does not include the cost of a proposed cultural centre near Adelaide. If this were included the cost would be increased significantly. The South Australian Government considers that the Tourist Commission's report has made several valid points regarding alternatives available for development projects to increase employment for Aboriginals and promote an understanding of Aboriginal culture. The proposals are being examined with a view to establishing a joint Australian Government/State Government committee with substantial Aboriginal representation to investigate the availability of resources for the alternatives suggested and to develop a more detailed implementation programme.

MAGILL INSTITUTION

The Hon. C. R. STORY: On behalf of the Hon. C. M. Hill, I ask the Minister of Health whether he has a reply to the question asked by my colleague concerning the Magill institution.

The Hon. D. H. L. BANFIELD: The buildings at Magill Home were erected in about 1916. Although they are structurally sound and have been well maintained generally over the years, some of the facilities are outdated. In particular, the toilets and ablution facilities in the wards are inadequate and archaic and require upgrading to bring the premises to current acceptable standards. These matters have been under review by the Community Welfare Department for some time, especially in relation to the best means of providing modern facilities to the residents in the home in an economic and feasible way. Two alternatives were available. The first was to seek the erection of an entirely new complex. This would be a multi-million dollar programme spread over several years. In the meantime, minor improvements only can be expected

to the existing buildings to make them only barely satisfactory. The second was to carry out major alterations to the existing buildings.

In May, 1973, the matter of upgrading the toilet and ablution areas was referred to the Maintenance Superintendent of the Public Buildings Department responsible for these buildings, with a view to an on-going programme to up-date these facilities one ward at a time. Other priority work requested by this department at the McNally Training Centre and by other departments prevented the commencement of this work during 1973. When the project was prepared in more detail, it became apparent that a full architectural assessment was necessary before any expenditure was approved. This was commenced in March, 1974. Several sketch plans have been discussed with the architects. On October 15, 1974, a final project was submitted to the Community Welfare Department by the Public Buildings Department, recommending a programme to remodel completely eight wards at the home. This would be carried out in four stages (two wards at a time), and would provide toilet and ablution areas built to current health standards, improved living areas, more privacy in sleeping quarters, better staff working areas, and air-conditioning throughout.

The total estimated cost for the whole project is $980 000. In view of this, the matter will now have to be referred to the Public Works Committee for investigation and approval before any funds can be allocated and work undertaken. It is estimated that completion of detailed working drawings and carrying out of building contracts for all eight wards will take 18 to 20 months. If all approvals are available by February, 1975, this means a completion date for all wards near the end of 1976.

LEYLAND AUSTRALIA

The Hon. M. B. DAWKINS: Has the Minister of Agriculture a reply to the question I asked last month concerning changes involving Leyland Australia and the effect of those changes on the motor industry and ancillary industries in South Australia?

The Hon. T. M. CASEY: I am informed that the closure of the Leyland plant is not expected to have a major effect on component suppliers in South Australia, except for Castalloy, which has geared itself for major contracts with Leyland. Sales of the Leyland P76, which is the vehicle that will go out of production in the change, formed only a very small percentage of the total automotive market, and any gaps left by the cessation of this model will undoubtedly be taken up by the "big three". The total effect therefore on South Australian componentry manufacturers is likely to be minimal.

LARVAE

The Hon. V. G. SPRINGETT: On October 31, I asked a question of the Minister of Agriculture regarding larvae in some metropolitan water supplies. Has he a reply?

The Hon. T. M. CASEY: The Acting Minister of Works states that, following recent variations in flows through the Wattle Park storage reservoir, small red (blood) worms have been detected in the water supply system in the eastern metropolitan area. These small blood worms are the larval stage of the chironomous midge, which is a small non-biting mosquito-like insect. They are natural inhabitants of water, but present no health hazard to consumers. Similar occurrences of blood worms were detected in the Modbury terminal storage in October, 1971, and March, 1973. The following corrective measures to improve the physical conditions of the water have been implemented: surveillance of the storage waters by the water and water pollution control laboratories; removal of Wattle Park storage from the operating system on Friday, October 25; and dosing of the storage water with calcium hypochlorite (equivalent 10 milligrams a litre of chlorine) to disinfect and "kill" larvae. This storage was subsequently placed back in service on Wednesday, October 30, 1974. The Public Health Department is aware of the situation and the system is being monitored closely.

FIRE BAN BROADCASTS

The Hon. R. A. GEDDES: I wish to direct a question to the Minister of Agriculture, and ask leave to make a short statement.

Leave granted.

The Hon. R. A. GEDDES: My question relates to the Australian Broadcasting Commission and fire ban announcements over the radio. When announcing fire ban information, it is mentioned that, although a fire ban may not apply in a particular meteorological area, local government areas may be imposing a fire ban within that meteorological area. The Minister and other members will be aware of a fantastic fire potential in South Australia this year. Is it possible for the Minister to arrange for publication of the local government areas having fire bans so that people, whether tourists or those travelling, or people living within the local government area itself, will be familiar with the position? The situation is rather anomalous at the moment with the A.B.C. announcing that there is no fire ban but that local government areas may have fire bans.

The Hon. T. M. CASEY: I shall look at the situation. It is rather embarrassing for tourists when they have to check with district council offices as they are travelling. It could be even more confusing if, during the course of the A.B.C. fire ban information, a number of councils in a fire ban district were to be mentioned. We have looked closely at the matter over the years, and it is difficult to find a solution to the problem without creating more difficulties. However, now that the honourable member has raised the matter I shall see whether we can streamline it, although I doubt whether we can do so.

WEEVIL IN WHEAT

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

Leave granted.

The Hon. C. R. STORY: I was interested to read in the latest issue of the *Sunday Mail* an article regarding weevil in wheat in South Australia. I thought it an extremely good article, and I gathered from it that it might be the intention of the Minister of Agriculture to bring down legislation to be used as a last resort if complete co-operation could not be obtained from the farming community in relation to the cleanliness of wheat. This subject has State ramifications as well as Australia-wide ramifications, and it seems that it is most important to the farming community. What does the Minister intend to do in this regard; will he bring down legislation during this session?

The Hon. T. M. CASEY: Yes. I have already indicated my intentions to the industry, and the industry has given its approval of this legislation on weevil infestation in grain. I think I indicated to the Council on one occasion that South Australia was the only State in the Commonwealth, apart from the Northern Territory, that did not have such legislation.

The Hon. R. C. DeGaris: Is that a State?

The Hon. T. M. CASEY: South Australia is the only area in the Commonwealth that does not have legislation

covering this matter, with the exception of the Northern Territory. It is most desirable that such legislation should be on the Statute Book because, if we have a major outbreak of weevil infestation in grain and Parliament is not sitting, we have no Act and we could be in real trouble. I do not think the industry will be disadvantaged in any way by such legislation, and I think it is vital that we have this control. New South Wales, even though it has had controls for some time, is in a fearful predicament today in relation to weevil infestation in grain. While I agree that South Australia has a fairly weevil-free grain situation, I do not think we can rest on our laurels; we must make absolutely sure it remains that way.

PLANNING AND DEVELOPMENT LEGISLATION

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to my recent question regarding planning legislation?

The Hon. A. F. KNEEBONE: Amendments to the Planning and Development Act are being drafted, and it is intended to introduce a Bill during this session.

SOUTH-EASTERN DRAINAGE

The Hon. M. B. CAMERON: Has the Minister of Lands a reply to my recent question about South-Eastern drainage?

The Hon. A. F. KNEEBONE: Section 3 (1) (*a*) of the Ombudsman Act excludes any decision, act, omission, proposal or recommendation of a person while discharging or purporting to discharge any responsibilities of a judicial nature vested in him, or any responsibilities which he has in connection with the execution of judicial process. It follows, therefore, that the decisions of the South-Eastern Drainage Appeal Board do not come within the Ombudsman's jurisdiction. However, the Premier has informed me that the question whether South-Eastern drainage ratepayers should be given a right of appeal following the decisions of the appeal board is currently under investigation.

PUBLIC WORKS COMMITTEE REPORTS

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

Camden Primary School—Replacement,
Coromandel Valley South Primary School.

FAIR CREDIT REPORTS BILL

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

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

That this Bill be now read a second time.

In this State as elsewhere a large volume of personal data is accumulated and used for a variety of commercial purposes—for example, to enable informed decisions to be made on whether credit is to be granted, whether an insurer should assume a particular risk, whether employment should be offered to a particular person, and so on. Credit bureaux are growing, and considerable mutual co-operation between grantors of credit occurs with the object of facilitating the flow of information about people who do business with them. I do not for one moment deny the value of this; the sort of society in which we live makes it inevitable, and I suppose desirable, that information be available on which a well informed judgment can be made in commercial matters. But the existence of accumulated personal data and the dissemination of information about people and their lives render it imperative that precautions be taken to ensure the accuracy of the information. The possibility of individuals and business concerns being severely harmed by inaccurate or misleading information arouses a real and widespread fear and warrants intervention by the Legislature. At present, a person may be denied credit on the basis of mistaken information although he has no knowledge of the source or even the existence of the information, and thus no opportunity to rectify the mistake. The law leaves him without a remedy.

The Bill recognises the important role played by credit reporting agencies in our economy. Those who extend credit or insurance or who offer employment have a right to the facts they need to make sound decisions. Likewise, a person who has been the subject of a report from a credit reporting agency should have a right to know when he is being denied credit, insurance or employment because of adverse information in a credit report, and a right to correct any erroneous information in his credit file. The procedures established in the Bill assure the free flow of credit information. At the same time they give a person who has been the subject of a credit report access to the information in his file, so that he is not unjustly damaged by erroneous information. The Bill is based on the principle that, if a person is denied a business benefit, he should know of information about him which is in the possession of the person denying the benefit and should have an effective opportunity to correct it.

Clauses 1, 2, and 3 are formal. Clause 4 contains a number of definitions required for the purposes of the new Act. A "reporting agency" is defined as a person or body of persons that furnishes consumer reports to traders, for fee or reward or on a regular co-operative basis. Clause 5 deals with the application of the Act. It will apply in any case where the consumer report is supplied to a trader carrying on business in this State and the subject of the report is a person domiciled or resident in this State.

Clause 6 deals with certain general principles that a reporting agency must adopt. First, it must adopt all reasonably practicable procedures for ensuring the accuracy and fairness of the contents of its reports. Secondly, it must use the best evidence available and, where unfavourable personal information is to be included in a consumer report, it must make reasonable endeavours to substantiate the information if the primary source of that information is merely hearsay. Thirdly, a reporting agency is prohibited from including in a consumer report information as to the race, colour or religious or political belief or affiliation of any person. Clause 7 imposes obligations on a trader. Where a trader denies a prescribed benefit, or grants such a benefit but on terms that are less favourable than those upon which they may be available to other persons, and the trader has, or has had during the preceding period of six months, a consumer report in his possession, the trader is required to inform the person to whom the report relates of that fact. Where the consumer wishes to take the matter further, he may obtain from the trader disclosure of the substance of the information contained in the consumer report and the name and address of the reporting agency.

Clause 8 deals with the duties of the reporting agency. Where a person has been denied a benefit by a trader, he may apply to the agency for disclosure of the information contained in its files relating to himself. The agency, in order to test the *bona fides* of the applicant, may require him to make a declaration stating that a trader has informed him of the report, or that he reasonably suspects on grounds stated in the declaration that the trader has had possession of a consumer report. The reporting agency is

obliged to take reasonable steps to ensure that information is disclosed to a consumer in a form that is readily intelligible to him.

Clause 9 deals with the correction of errors in a consumer report. A consumer who disputes the accuracy or completeness of information compiled by a reporting agency may serve a notice of objection on the agency. The agency is then obliged to verify or supplement the information in accordance with good practice. It must inform the consumer whether it has made any amendment to its file in consequence of his objection. In the event of an amendment being made, it must also inform traders who have received the erroneous or incomplete report within a preceding period of two months. Where the agency fails to make any correction, the consumer may appeal to the tribunal against its failure to do so. The tribunal is empowered to make such orders on the hearing of any such appeal as it considers just.

Clause 10 protects a reporting agency, and a person from whom it may have obtained information, from civil liability in defamation. Clause 11 confers on the Commissioner for Prices and Consumer Affairs powers of inspection that he will require in order to ensure that the new Act is complied with. Clause 12 establishes a number of offences. Clause 13 confers on the tribunal a general power to enforce, by order, compliance with the provisions of the new Act. Where an agency commits an offence under the new Act, or is guilty of behaviour that shows it is unfit to furnish consumer reports, the tribunal may, on the application of the Commissioner, prohibit it from furnishing such reports. Any contravention of such a prohibition may lead to a penalty of up to $10 000 or imprisonment for two years.

Clause 14 extends criminal liability attaching to a body corporate under the new Act to a director of the body corporate unless he can prove that he had no knowledge of, or could not by the exercise of reasonable diligence have prevented, the commission of the offence. Clause 15 deals with the procedure to be followed in prosecutions for offences against the new Act. Clause 16 provides for the making of regulations. In particular, power is conferred for prescribing the form of declarations to be made by consumers who seek disclosure of information from a reporting agency.

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

ROAD TRAFFIC ACT AMENDMENT BILL (RULES)

Second reading.

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

That this Bill be now read a second time.

Its object is to give effect to a decision made by the Australian Transport Advisory Council in February of this year. It was decided at the meeting that, in order to achieve uniformity between all the States of Australia in the laws relating to the "give way" rule, a "stop" sign at an intersection or junction must mean "stop and give way to all other vehicles, whether on the left or the right". At that time, only three States, one being South Australia, did not have such a provision in their legislation. Accordingly, an undertaking was given that the Bill now before the Council would be introduced during this session of Parliament. A similar undertaking was given in respect of New South Wales, and has recently been implemented. The only State that does not now conform is Queensland.

The desirability of uniformity between the States is obvious, and I need not emphasise it further. The other principal advantages are, of course, the extra protection that will be afforded to the users of major roads protected by "stop" signs, a better flow of traffic along protected roads and a channelling of the users of minor roads to intersections that are governed by lights, or some by some other means.

A full and careful survey of all locations where "stop" signs are installed will be undertaken by the department if this Bill becomes law, so that there will be no chance of there being any conflicting signs when this law comes into operation. "Stop" lines will be incorporated in all situations. For these reasons, the commencement of the proposed Act will be on a day to be proclaimed. However, it is hoped that the survey will have been completed, all necessary changes made and the public advised and adequately informed on the matter by March, 1975.

Clause 1 is formal. Clause 2 provides for the commencement of the Bill on a day to be proclaimed. Clause 3 amalgamates those provisions of the principal Act that deal with giving way at intersections or junctions. A driver will now be obliged to give way to all vehicles when he approaches or enters an intersection or junction and is faced by a "stop" sign or "give way" sign. The obligation to give way to the right in all other cases is unchanged. Clause 4 repeals that section of the Act which deals with giving way at "give way" signs; this is now dealt with in section 63, as amended by this Bill.

Clause 5 effects some consequential amendments. Clause 6 repeals that section of the Act which deals with giving way at roundabouts, now included in section 63, as amended. Clause 7 effects some consequential amendments. The position is clarified with respect to a driver turning left in a "turn left at any time" lane: he must obey a "stop" sign at the intersection or junction if a "stop" line is marked across the lane. Clause 8 brings section 92 of the Act into line with the other "stop" sign provisions, so that the obligations imposed on a driver at a "stop" sign at a ramp or jetty leading to a ferry are the same as at any other "stop" sign.

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

MOTOR VEHICLES ACT AMENDMENT BILL (POINTS DEMERIT)

Second reading.

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

That this Bill be now read a second time.

It is consequential on the Road Traffic Act Amendment Bill (No. 6), 1974, now before the Council. The amalgamation by that Bill of the provisions relating to giving way at intersections or junctions necessitates a few minor changes to the demerit points schedule of the Motor Vehicles Act. The effect of the changes will be that, for all offences connected with failing to give way at an intersection or junction, the number of demerit points will be four. As the Act now stands, the number of demerit points for failing to give way to the right is four, but the number for failing to comply with a "give way" sign is three. In effect, the only change will be that, for the latter offence, the number of demerit points will be increased from three to four. This increase is desirable in that the two classes of offence are obviously equal.

Clause 1 is formal. Clause 2 fixes the commencement of the Act on a day to be proclaimed. Clause 3 amends the third schedule to the Act by removing references to those sections of the Road Traffic Act which are proposed

to be repealed by the Road Traffic Act Amendment Bill (No. 6), 1974.

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

STAMP DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 14. Page 1978.)

The Hon. C. M. HILL (Central No. 2): The Government has introduced this Bill as a means of improving the serious financial situation that confronts the Government at this stage of the financial year. I should have liked to see a statement in the Minister's second reading explanation that the Government had been looking at the question of its own expenditure to see whether or not some improvement could be made, as this year progressed, in the proposals for expenditure, that the Government referred to in the Budget debate earlier this year. However, I can see no reference to that.

The Government seems to take the attitude that it will go on bleeding the people of this State almost white so that it can ultimately put its financial situation in order. I make the point that at some stage the Government will have to turn back and try to check this expenditure in certain areas, because it may well find that the estimates referred to in the Minister's second reading explanation and the money that the Government expects to receive from these measures will not be obtained. That is likely to occur particularly in relation to the expected new stamp duty revenue from conveyances.

There seems to be an ever-decreasing number of real estate sales being effected in this State, and, when this happens, the revenue that goes through the stamp duty office reduces considerably. This was admitted by the Government earlier this financial year when it stated that during July and August this year the State Budget showed a $19 000 000 deficit. That was totally unexpected.

This situation was brought about, to a certain degree, by the reduced number of sales. Many of these transfers occur because of the plans of corporate bodies and others to restructure their affairs. However, when revenue from stamp duty reaches the heights that it will reach if this Bill passes, invariably those people who otherwise would have proceeded with such transfers will look to every possible alternative.

When an alternative arrangement can be arrived at, the Government, of course, is the body that loses because that revenue does not pass through its stamp duty office. The increase in stamp duty on conveyances is extremely severe, and I agree with those honourable members who have already expressed alarm in the debate regarding this matter.

Finally, I want to bring to the Minister's notice a situation that has been pointed out to me regarding the new tax on mortgage discharges; I refer to the proposed fee of $4 for each discharge. Representatives of the banking industry have pointed out that it would be far more preferable for this fee to be fixed by way of the old-type adhesive stamp rather than the impress system that applies when the document has to be taken to the stamp duty office for the stamp to be affixed to it. It seems to me from my reading of the legislation that provision is made for the payment of stamp duties on some documents by way of an adhesive stamp. However, it is not clear whether that method can be adopted for stamp duties on the discharge of mortgages.

The banks say that invariably at settlement times the representative of the purchaser insists that all the documents be in order and that, if the title being transferred has previously been mortgaged, the actual discharge of the mortgage be stamped prior to settlement. If this is carried out by the owner's agent (let us say that the agent is a trading bank), it means an officer of the bank has to make a trip to the stamp duty office for the notation to be impressed on the document. The bank understandably would have to charge its client a fee for that, and, in that case, it may well be that the owner of the title, apart from paying the Government $4 for stamp duties, may even have to pay a sum greater than that, because the bank may charge a fee for taking the document to the stamp duty office to have it stamped. This would be an unnecessary expense for the client.

If the bank could affix an adhesive stamp to the instrument of discharge, such a fee would not be necessary; at least, if a fee was charged, it would be far less than the fee applicable if the document had to be taken to the stamp duty office for stamping. So, the banks would like to know whether it is possible to have an adhesive stamp affixed. Will the Minister, when he replies to this debate, explain whether there is a provision in this connection? As I see the situation, it may be necessary for the notation of the new stamp duties to be impressed on the instrument.

The Hon. A. F. Kneebone: This is for a discharge of a mortgage?

The Hon. C. M. HILL: Yes. It would greatly benefit the consumers if the tax could be charged by way of an adhesive stamp. I support the second reading of the Bill.

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

LAND TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 14. Page 1978.)

The Hon. M. B. DAWKINS (Midland): I support this small Bill with mixed feelings because it deals with only one small part of the land tax problem. In his second reading explanation the Chief Secretary said:

> Its main purpose is to overcome difficulties in determining liability for land tax.

I agree with that. The Chief Secretary also said:

> Clause 2 makes metric conversion amendments and introduces a consolidated definition of "owner" drawn from the material previously contained in sections 4 and 31. Clause 3 repeals and re-enacts section 31 of the principal Act which imposes liability for land tax on the owner of land.

Section 31 of the principal Act provides:

> The taxpayers in respect of the land tax shall be—
> (*a*) The owner of the fee simple:
> (*b*) As regards land of the Crown subject to any agreement for sale or right of purchase, the person entitled to the benefit of that agreement or right of purchase:
> (*c*) As regards land held under perpetual lease as mentioned in section 19, the holder of that lease.

The section is being consolidated as follows:

> Subject to this Act, an owner of land shall be liable for land tax levied in respect of that land.

I take it that that is intended to convey that the owner, not necessarily the person who still may be on the books, will be the person liable for the land tax. In his second reading explanation the Chief Secretary also said:

> Clause 4 provides that the Commissioner may refuse to recognise any change in the ownership of any land where notice of the change has not been given as required by the regulations and that, upon such refusal, the person who is recognised by the Commissioner as the owner of the land shall remain the taxpayer. The regulations will be amended to require owners to give a prescribed notice to the Commissioner if they part with their ownership in the circumstances in which a transfer will not be lodged for registration at the Lands Titles Office before June 30 of the relevant year.

I believe that the Government is endeavouring to overcome an anomaly whereby a person who had disposed of land could still find himself liable for a considerable amount of land tax in the following year. I commend the Government for introducing this Bill to correct that anomaly, which exists because of the long delay that often occurs when the necessary paperwork has not been completed before the new accounts are sent out. However, while I support this small Bill, I draw attention to the chaotic state of land tax in this State at present. We have a new system whereby 20 per cent of the State is revalued each year. This means that after five years the whole State will have been reassessed. It alo means that some people are being treated unfairly at present; perhaps "victimised" would be a more accurate term.

The result is so chaotic that land tax at the new (and often very high) levels is being levied in one council area whilst in a neighbouring council area, which in some cases may be just over the road, land tax is being charged on the old valuation. This is grossly unfair. When the new valuation is completed over a five-year period, no doubt a new and more realistic rate will be set. To be fair, I believe that the Treasurer has undertaken to look into this matter next year, but in the meantime grossly unfair amounts of land tax continue to be levied on some citizens. This problem exists not only in the country but also in the city, where there have been many justifiable complaints. Such a haphazard state of affairs should not be countenanced in this day and age. I could give instances of problems that have arisen. I have been informed of cases where land tax has been increased astronomically—by 800 per cent and in one instance by up to 1 500 per cent. Whilst I support this small Bill, I believe that the Government has an obligation to withdraw and redraft the Bill to provide not only for the relatively small matters that it now deals with, for which as far as I can see it caters, but also in some way to alleviate the problems I have only touched on in the last few minutes. I now refer to a letter which was referred to by the Hon. Mr. Hill some time ago regarding land tax. The letter was circulated to other honourable members by the Gumeracha District Clerk (Mr. J. T. Grosvenor). The letter states:

> Over the past year the efficiency and effectiveness of local government in South Australia has been under perhaps more scrutiny than ever before—the highlight of this being the Royal Commission into Local Government Boundaries, the general basis of this costly inquiry being that areas should be enlarged to increase ratable revenue to a point of making each area "viable". It is obvious at this point of time that the report of the Royal Commission will not be adopted in its entirety (if at all); thus, it is most unlikely that this exercise will prove to be of any real assistance in the financing of local government generally. Government policy is that local government should stand on its own feet—

that is a subject that could be debated—

> and Government has decreed how local government can raise revenue—it being restricted to the rating of properties. However, councils in South Australia are hampered even in this one field because the Government "skims the cream" from this by levying land tax—and the ability of local government to exploit this "restricted" field is being seriously threatened by the extremely steep increases in the land tax assessments. Council believes that the future of local government lies in its ability to be self-supporting and that its revenue-raising fields should not be trespassed by the Government. Members therefore respectfully request that serious consideration be given by the Government to vacating this area to allow local government to accept the responsibilities and provide the services demanded of it by ratepayers.

In common with Mr. Grosvenor and other honourable members, I believe that land tax should be abolished, especially in respect of rural land (not buildings or improvements). This step has been taken in most other Australian States. The unfair imposts placed on primary production as well as secondary industry through the levying of excess amounts for land tax have a damaging effect on the whole economy of the State. The damage is being alleviated only in one very small area through this Bill; that is, a man may no longer be liable for land tax charges after he has sold his property, provided he has carried out the requirements of the regulations to which I have referred.

If I were a member of another place, which deals more directly with money matters, I would seek an instruction to have the Bill expanded to correct the serious anomalies I have mentioned or, even better, I would seek to have the Bill withdrawn and redrafted to achieve this desirable goal. As it is, we do not have the numbers elsewhere to be able to do this, and we may have to wait for some time until we do. In supporting this Bill, I wish to place on record my great regret that in the meantime some people have to suffer such unfair imposts. I refer to a recent Gallup poll showing that only 44 people in every 100 now support the Australian Labor Party in South Australia: a year ago it was 49 people in every 100, later it was 48, even later it was 47, and now it is only 44. The Government's supporters are becoming fewer all the time. Therefore, I believe that in about 18 months some of the injustices to which I have referred can be corrected. I support the Bill.

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

LICENSING ACT AMENDMENT BILL (HOURS)

In Committee.

(Continued from November 14. Page 1984.)

Clause 2 passed.

New clause 2a—"Leigh Creek coal field."

The Hon. A. F. KNEEBONE (Chief Secretary): I move to insert the following new clause:

> 2a. Section 16 of the principal Act is amended—
> (a) by striking out the second and third sentences and the proviso;
> and
> (b) by inserting after the present contents thereof as amended by this section (which are hereby designated subsection (1) thereof) the following subsection:
> (2) The trust shall be exempt from the obligations imposed by the following provisions of this Act:
> (a) subsection (5) of section 19;
> (b) section 168;
> and
> (c) any other provision from which the court thinks fit to exempt the trust.

The Bill provides that premises operating under a full publican's licence shall stay open for 11 hours, but this is not desired in respect of the Leigh Creek coal field. This new clause seeks to exempt the South Australian Electricity Trust from this provision.

The Hon. C. R. STORY: I have pieced this amendment together with the Bill, and I can find nothing that can be objected to. The amendment merely deals with the exemption in section 168, which deals with a full publican's licence, and section 19, which deals with the Leigh Creek coal field. I believe that the general public has to be catered for, as well as the employees of the trust, and the amendment allows more adequate catering for the general public, as well as for trust employees. It also facilitates the licence holder in that area going to court and getting special permission, if necessary, but the situation is

still under the control of the court. I believe the amendment is proper.

New clause inserted.

Clauses 3 and 4 passed.

Clause 5—"Retail storekeeper's licence."

The Hon. J. C. BURDETT: I move:

In new subsection (2), after "subsection (3)", to insert "and subsection (3a)"; and to insert the following new subsection:

(3a) Where an application for the removal of a retail storekeeper's licence was lodged with the court before the commencement of the Licensing Act Amendment Act (No. 2), 1974, and had not been determined at the date of the commencement of that amending Act, the application shall be determined according to the provisions of this Act as in force immediately before the commencement of that amending Act.

I mentioned this in the second reading debate. It is quite fair, and I think it is common ground that, if the Bill were to pass in its present form, an application for the transfer of a retail storekeeper's licence made prior to the commencement of the amending legislation would have to be dealt with on the basis of the new law. I suggested that, in many respects, that is contrary to the principle often observed by this Chamber that legislation should not have retrospective effect. While I agree that many abuses have occurred in transfers from one place to another, especially from country to metropolitan areas, of retail storekeeper's licences, and while the Bill seeks to redress that, there is no reason why *bona fide* applications made at present should not be dealt with in accordance with the existing law. That would seem a proper and reasonable course and it would not be adverse to the interests of anyone. It does not follow that all those applications (I understand there are about 16 of them) will be granted. They will be considered by the courts on the basis of the present law. It seems proper that this is the basis on which they should be considered.

The Hon. A. F. KNEEBONE: I cannot accept the amendment. I have discussed this with the Minister in charge of the Bill and he has said that, although he has given much thought to it, he does not believe it would be right in principle to make exemptions in favour of people who have current applications before the court. Having checked as far as possible, he says it appears that, in regard to past changes in the licensing law, this has never been done. People have always had to take the law as they have found it at the time the court has actually made a decision. I think that is right. The Minister believes that is the only satisfactory approach to the matter. The honourable member's suggestion is that the person who has made application for a change in a storekeeper's licence should not be bound by the proposed change in the law. Several factors could be involved. Why should it stop there? What about people who have licences? They are subject to changes in the law. I oppose the amendment.

The Hon. C. R. STORY: I support the amendment, and I think the Chief Secretary has used a generalisation when he talks of the position prevailing in most cases regarding a change in the law and the effect on cases before the court. I think this would be the exception rather than being so in the majority of cases. When people have gone about their business without any guarantee that they would get a licence, even under the old legislation, surely in the name of ordinary British justice, or even of rough bush justice, they should be given a run for their money. They have bought a ticket and they are in the lottery. They should at least have their marble put in with a chance of having it pulled out.

The Hon. A. F. KNEEBONE: If they are in the lottery they do not know that the law might not be changed as soon as they have got into it. What about the man who has just got his licence when the law is changed?

The Hon. C. R. STORY: It is quite futile for this Government to go to such pains and for us to spend many hours in sittings of Parliament setting up legislation for hard cases which I believe make bad laws. We spend hours debating legislation to protect people. In every way there are laws to protect people. This Government is notorious for that and has traded on it. In the matter of motor car sales, land sales, consumer affairs, and everything else, this Government has gone to tremendous pains to protect people. Then, in a matter such as this, the whole thing is thrown overboard. All the great principles are thrown overboard and those people do not get a chance to go to court under the rules existing at the time of the transaction. This is a simple request and a just one.

The Hon. C. M. HILL: I support the amendment and, in doing so, I press the point as firmly as I can that it is a fair amendment and that any Government interested in justice to the individual should agree to it. If a person makes business arrangements in the knowledge of the law and in accordance with the law, doing everything that is lawful in the procedure to effect ultimately a transfer of the licence, and if, unbeknown to him, the Government of the day decides to change the law, especially where people might have committed themselves financially under the existing law, surely it is not asking too much of that Government to permit those people who have made applications to have them heard under the old law.

The Hon. A. F. Kneebone: What about the man who has had his licence for a day?

The Hon. C. M. HILL: If he has got it, then he has got it.

The Hon. A. F. Kneebone: The other man is in no worse position. He takes the risk of a change in the law.

The Hon. C. M. HILL: If a transferee has been granted a transfer and the law then changes—

The Hon. A. F. Kneebone: If it changes the next day, the other man is in no worse position.

The Hon. C. M. HILL: The example quoted referred to a person who has had his licence under the new law for only one day; in other words, the transfer was effected under the old law. He would be in no different position from holders of existing licences.

The Hon. A. F. Kneebone: He would be in relation to other provisions of the Bill.

The Hon. C. M. HILL: We are talking of the person who is endeavouring to place himself in the position of the transferee, the person who has possibly made financial commitments, and the man who has acted in accordance with the law in every respect. The amendment provides that that application should be heard under the old provisions because it would be extremely unfair for him to have to comply with new conditions of which he had no knowledge when the transfer was set in train.

The Hon. A. F. Kneebone: Neither had the other man.

The Hon. C. M. HILL: But the other man has already obtained his transfer and he has his licence. Like all other holders of licences, he is affected by the new law. I quite agree with that. He is not disadvantaged in the same way as the person who has put in an application and has not had his application for transfer heard by the court. I cannot understand the Government's not accepting the amendment, which I wholeheartedly support.

The Hon. B. A. CHATTERTON: If this amendment was passed, could people who at present have no application before the court lodge one quickly within a short period and so obtain a benefit from the amendment?

The Hon. J. C. BURDETT: It would be technically possible. I have had some, though not much, experience of such applications. In my view, it is not practicable to prepare such an application before this Bill becomes law and the Act is proclaimed. The Chief Secretary referred to what I was taking as an exemption. It is not an exemption: it is simply to make the position clear because of the peculiar wording of clause 5, that existing applications shall be dealt with on the basis of the existing law. The Chief Secretary remarked that he had checked with the Minister, who had informed him that, as far as he was aware, in the case of changes in the Licensing Act, generally speaking, once it was on it was on, with an existing application. I do not know about that under the Licensing Act but, generally speaking, when there is a change in any court procedure, of which I can recall many instances, existing proceedings are protected and exempted and dealt with in accordance with the law as it applies at that time. One example that occurred in this Chamber recently was the Arbitration Act Amendment Bill.

I asked the Chief Secretary: would the Bill apply to contracts that had been made before the passing of the Bill? Consequently upon my asking that question, the Chief Secretary himself moved the amendment that the Bill should not apply to contracts that had been made before the passing of the Bill. That is not an exact analogy, but it is all part of the general concept I have put and which other honourable members (and particularly the Hon. Mr. Story and the Hon. Mr. Hill) put so well. If a person is making an application to a court that has a legal background or basis pursuant to an Act of Parliament, he is entitled to say, "This was the law at the time I was making the application; that is the basis on which I prepared it and went to some expense, and that is the basis on which it should be judged."

Amendments carried; clause as amended passed.

Clauses 6 and 7 passed.

Clause 8—"Vigneron's licence."

The Hon. C. R. STORY: Do I take it, from the Chief Secretary's explanation of clauses 6 and 7 (which deal, respectively, with a brewer's Australian ale licence and a distiller's storekeeper's licence) that the same reasons are given for extending the hours for a vigneron's licence as are given for extending the hours in the case of the other two types of licence?

The Hon. A. F. KNEEBONE: That is my understanding; I have no other information I can give the honourable member on that.

Clause passed.

Clause 9—"Club licence."

The Hon. C. R. STORY: This clause seems to have caused much consternation, and I think it needs further explanation. Honourable members have been petitioned by various clubs about this clause, which amends section 27 of the principal Act. What worries some people is new subsection (3a), which provides:

> Where the court grants a licence under this section after the commencement of the Licensing Act Amendment Act (No. 2), 1974—

which is this amendment—

> (*a*) the court shall impose a condition under paragraph (*b*) of subsection (3) of this section; and (*b*) the court shall not revoke any condition so imposed, unless the licensee proves that it is unreasonable that such a condition should be imposed or should continue in force.

The situation was that those clubs which were brought into operation after the commencement of the amendments to the 1967 Act and which had as one of their obligations an obligation to buy from the holder of a full publican's licence, provided their turnover had not reached $15 000 a year, were, in some circumstances, enabled in the early stage to get the court to vary the purchasing amount; but, under the provision set out here, some new arrangements have come into the whole of the amendments, one being that the $15 000 previously mentioned now becomes $25 000. Having reached this figure, those concerned change over from a permit fee to a turnover tax. The position is that $100 is the maximum chargeable under these amendments for those permit clubs provided the turnover is not in excess of $25 000. Some people seem to think that all clubs will be brought under the new provisions, that every club will have to buy its supplies through a licensed person under this Act. However, that is not the position as I see it. Any new clubs will be obliged to do this and, when a club gets large enough to stand on its own feet and it transfers over from a permit club, having paid its $100, it will also be obliged to buy in the same way as has always been the case. However, the court can look at any situation if peculiar circumstances are involved. The position now becomes obligatory, whereas previously there was a means of escape. Will the Chief Secretary say whether my interpretation is correct, as there is much apprehension in clubs regarding this matter?

The Hon. A. F. KNEEBONE: In order not to cause any more confusion regarding this clause, I ask that progress be reported to give honourable members and me a chance to clarify the matter.

Progress reported; Committee to sit again.

Later:

The Hon. A. F. KNEEBONE: I am informed by my advisers that new subsection (3a) affects only new licences granted after the date of the commencement of this legislation.

The Hon. C. M. HILL: I thank the Chief Secretary for his explanation, and I am now satisfied with the situation.

The Hon. M. B. CAMERON: People who represent clubs have expressed concern to me that, while in the past prices have remained fairly constant, with the passing of the Trade Practices Act some people are selling cut-price beer. My informants are concerned that this tendency may accelerate. It will be possible for the supplier of beer to a club to reduce his prices by almost the full amount of the discount allowed to a club. Does the Chief Secretary consider that sufficient provision is made for the court to consider the people who may be affected by the selling of cut-price liquor within a franchise area?

The Hon. A. F. KNEEBONE: I believe that the coverage is there.

Clause passed.

Clauses 10 to 12 passed.

Clause 13—"Club permits."

The Hon. G. J. GILFILLAN: The upper limit of fees for club permits is being increased from $50 to $100. I believe that the court, in fixing some fees, has charged a fee higher than that intended by Parliament when the legislation was amended to give concessions to small clubs. A bowling club with a membership of 24 was charged the full $50 for its licence. This club sells liquor only on Saturday afternoons during pennant bowls matches or during an occasional tournament, in deference to the local hotel; the club is in a small community. If the fee were increased to $100, that fee would be far in excess of any profit that the club made on its bar trade.

I hope that, when the court considers these new fees, the increased amount will apply only to the larger clubs that are making a substantial profit and are coming close to the maximum amount applicable to a club with a permit. If it is found that some small clubs are being charged an amount proportionate to the doubling of the fee, will the Chief Secretary bring the matter before Parliament again, so that a more definite instruction can be given to the courts?

The Hon. A. F. KNEEBONE: Yes. If the honourable member considers it necessary, he can bring the matter to the attention of the Attorney-General, who will consider it.

Clause passed.

Remaining clauses (14 to 20) and title passed.

Bill read a third time and passed.

FOOTBALL PARK (RATES AND TAXES EXEMPTION) BILL

Adjourned debate on second reading.

(Continued from November 14. Page 1985.)

The Hon. R. A. GEDDES (Northern): I rise to support the Bill. The South Australian National Football League is leasing 42·5 acres from West Lakes Limited on a 99-year lease and at an annual rental of $31 365.

The Hon. Sir Arthur Rymill: How many hectares is that?

The Hon. R. A. GEDDES: I am not sure, not having worked it out. The first stage was commenced in April, 1973, after the Industries Development Committee recommended to the Treasurer that the Government should guarantee a loan, with one of the leading banks in Adelaide, of $2 250 000 at a rate of interest of 8 per cent. Of that sum, $2 000 000 is on a 20-year loan, and $250 000 is on mortgage. The Government has guaranteed the first stage of the programme, which is designed to cater for 60 000 people, 10 000 of whom can be seated under cover. Last year, it was expected that the total project would cost about $6 500 000, by which time there would be grandstand accommodation right around the perimeter of the oval. With the escalation of prices, it is anyone's guess what the total cost will eventually be.

One of the problems that concerns me regarding this Bill is that, in the evidence it gave to the committee, the South Australian National Football League predicted that its net income in 1974 would be $469 000, of which $401 000 would be distributed to various football clubs as their share of the gate, with other contributions being made in the name of football. This seems to be a generous hand-out when one remembers that the league had to come cap in hand to the Government to obtain a guarantee in order to finance the project, anyway.

On December 10, 1971, the Premier wrote to the league indicating that he was willing to grant to Football Park certain exemptions in relation to land tax and water rates. That the Premier gave this undertaking as far back as 1971 was one of the factors instrumental in the committee's considering favourably the recommendation of a Government guarantee on a loan for $2 250 000. Every charge that Football Park has to pay becomes another liability to the league and to those responsible and could, in turn, jeopardise the guarantee given by the State Government. No-one wants the State to have to cover up for any association that borrows money on a Government guarantee, and least of all for sums of $2 000 000 or more. The statement made in writing by the Premier was clearly understood. It is interesting to note that, as early as April, 1973, Woodville council estimated that council rates for Football Park would be $6 000 a year. I am now reliably informed that the council rates will be $13 728 a year.

In his speech, the Hon. Mr. Whyte said that this Bill should possibly have a terminating time (say, five, eight or 10 years hence), when Parliament could review the exemption given to Football Park. If that organisation was then found to be financially sound and successful, and if it deemed fit, Parliament could make Football Park pay portion of its taxes. There is merit in that argument, especially when it is remembered that Adelaide Oval is leased for a 25-year period from the Adelaide City Council, which lease expires in 1987. The terms of that lease are far more reasonable, in financial terms, than those of the lease for Football Park. However, when the lease for Adelaide Oval expires in 1987, the City Council may have to examine this matter in a different light, especially when one considers the inflation that we are experiencing. If this is an argument in support of the Hon. Mr. Whyte's contention, there is merit in it.

However, it must be remembered that the first stage of Football Park has only just been completed and that much more needs to be done for the league to honour its promise, made to its followers and the Government, to complete work on the total area for the betterment of those people who find football such a fascination that they cannot resist spending their time watching that sport in the best possible conditions. I am rather horrified at the conditions available for members of Football Park. People can watch the game on colour television there while they are having a drink in the bar. It disappoints me to see many people enjoying the game in that way.

The Hon. M. B. Cameron: Did you sit and watch the game?

The Hon. R. A. GEDDES: I enjoyed watching the game. I support the second reading of the Bill.

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

PRIVACY BILL

Adjourned debate on second reading.

(Continued from November 14. Page 1985.)

The Hon. F. J. POTTER (Central No. 2): This is a short Bill: it covers only three pages but, despite that, I consider it is the most important measure I have had before me in the 16 years I have been a member of this Council. It is a historic Bill, so far as the law is concerned, which I think should receive the closest attention of all honourable members. Not only has the Bill been recommended by the Law Reform Committee, established by a previous Government—

The Hon. R. C. DeGaris: They didn't all agree. It was not a unanimous decision.

The Hon. F. J. POTTER: I did not see any dissenting opinions. In the most recent edition of the Law Society bulletin, which I received only a few days ago, it is stated that the full council of the society adopted the report of one of its subcommittees on the matter, and the council supports the concepts of this Bill. Therefore, I am disappointed at the reception the Bill has been given by some honourable members in this Council and in another place. Indeed, I have been perturbed that the Bill has been treated in such a shallow manner by some speakers. Because I believe that there have been some misunderstandings about its aims and purposes, and attempts have been made to create a smoke screen, thereby causing further confusion about its purposes, I want to try to bring the debate back to some fundamental matters. Consequently, I intend to try to state as clearly as I can, first, what I consider the Bill is

intended to do, and secondly, what it does not do. After that, I will comment on the speeches made by all honourable members who have so far spoken against the Bill in this Council, not only to make some critical comment about what they said or did not say but also because I think that is the most convenient way for me to develop some of the points I want to put in contrast to their views.

I ask: "What is the purpose of this Bill? What will it really do?" The Bill creates a statutory tort. This is historical, because so far as I know it is the first time that a statutory tort has been created. Indeed, it will probably be the first and only time it is done, for I can think of no other aspect of our present way of life that calls for legal action of this kind. To the question "What is a tort?" my reply is that it is a civil wrong. Indeed, when I took my law course at university, the subject was called the law of wrongs, not the law of torts, as it now appears in the calendar. There is one declaratory sentence in the Bill stating that every person has a right of privacy, but that has been included, so far as I can see, as we say *ex abundanti cautela*, because the Bill could work without it. It is not absolutely necessary there.

The remainder of the Bill deals entirely with the framework for a civil action for a breach of privacy. Breach of privacy (I emphasise that phrase) is the new statutory tort created, and this is in line with the historical development of the civil law of torts. Where do we find such law? It is not in the blue volumes of Statutes on our shelves but in the textbooks written by legal scholars, and the principles enunciated in those textbooks are derived from decisions made by the civil courts in respect of the individual cases coming before them over perhaps the past 500 years. The edifice of our common law was built up by the judges painstakingly forging every brick and using precedent and example—that is, the circumstances in individual cases as they arose.

The Hon. R. C. DeGaris: How do you forge a brick?

The Hon. F. J. POTTER: I am saying that they constructed the edifice. Of course, I am talking in metaphorical terms. It is the essential genius of the English common law that it was created by the use of quite artificial procedures, with hardly any assistance from Parliaments in the form of statute law. I emphasise that our civil rights arose from the attention of the courts to the creation of civil wrongs. Even today the legal aspects of some of our so-called rights are still rather shadowy, for the reason given in the quotation from Dr. Fleming's book, which was referred to by the Hon. Mr. Burdett. I shall repeat a portion of the quotation, as follows:

> The traditional technique in tort law has been to formulate liability in terms of reprehensible conduct rather than of specified interests entitled to protection against harmful invasion.

Nevertheless, the English law has, in many aspects of its development of the law of wrongs, shown that it has always had a shadowy concept of what is compendiously called a right of privacy. Had the way of life been more sophisticated and technological 100 years ago, it might very well have happened that the courts would have extended their protection to citizens who had suffered an invasion of privacy. But they did not, and the reasons are purely historical.

The Hon. Mr. Burdett said he had sufficient confidence in the genius of the common law to believe that protection would be further developed by the courts. I cannot share this optimism, because development of the common law in the old artificial ways has come to an end. The Legislature has now taken over the role it so long neglected as the initiator of law reform, and the courts must look to the Legislature for these initiatives. That is why it is necessary for the first and (as I said earlier) perhaps the last time to have a Bill that creates a statutory tort. We in the Legislature have to create it. The courts will be able to handle it once we put the matter into their hands. We do not now have to distrust the courts when we have never distrusted them previously in this matter.

Because it is a statutory tort, and because it is necessary to have a firm point at which the courts can begin their work on the subject, it is necessary to follow the statutory method of defining the new tort and, incidentally (or consequentially), to define the right of privacy. The Bill defines the right in terms of the wrongs that may be committed. I find little to quarrel with about the form of the words used, and naturally the definition (if it can be called that) has to be in general terms, having in mind the purpose we are about. The Hon. Mr. Burdett complained about the use of these general terms and said we could have no idea of how they would be applied in particular cases before the court. I think this is quite a misconception on his part, and I put to him and to all honourable members this question: what if we did not happen to have a civil wrong of trespass, nuisance, negligence, or defamation, and as a result we had to create those wrongs by Statute? How would we describe them in a Bill in other than the most general terms?

As this is a substantial question, I took the trouble to consult *Osborne's Law Dictionary* on the matter. I also looked at other books, but I found this fairly suitable for the purpose. It showed me just how difficut the job would be if we had to tackle it. Take trespass, for instance. The dictionary gives many examples but can go no further in definition than to say that trespass is a wrong or tort. Its chief varieties, the book says, are: (*a*) injury to the person accompanied with actual force or violence; (*b*) entering the land of the plaintiff without lawful authority; and (*c*) wrongful taking of chattels.

The Hon. J. C. Burdett: They would not be hard to legislate for, would they?

The Hon. F. J. POTTER: I am saying it would be most difficult to get a definition. The dictionary says that negligence is a tort actionable at the suit of a person suffering damage in consequence of the defendant's breach of duty to take care or to refrain from injuring him. It goes on to say that it is the omission to do something that a reasonable man (note that) would do, or doing something that a prudent or reasonable man would not do. The degree of care the law requires is that which is reasonable in the circumstances of the particular case. When we turn to the matter of defamation, the dictionary states:

> The tort consists in the publication of a false and derogatory statement respecting another person without lawful justification.

It goes on to say that it is for the judge to say whether the words are capable of a defamatory meaning. I hope the Hon. Mr. Whyte will take note of the use of those words, because he said he could not understand what "reasonable" and "substantial" meant.

The Hon. A. M. Whyte: If you did not have the dictionary, you would not understand them either.

The Hon. F. J. POTTER: If I had the time (which I have not) to find out how many amendments have been moved in this Chamber in the years I have been here incorporating those words, I am sure I would be able to present the honourable member with a list that would be astounding.

The Hon. M. B. Cameron: Would it include "likely to annoy"?

The Hon. F. J. POTTER: I am not here to give an opinion on that at the moment. It may or it may not. The truth is that these words are well known to the law. At times they are the very tools it uses, and I can assure honourable members they will present no difficulties or dangers in the context of this Bill. I hope I have made my point. Perhaps I have said enough about what the Bill attempts to do. I turn now to what it does not do. First, it does not interfere with or disturb any existing law. The Hon. Mr. DeGaris thought it was like putting a large marble on top of a heap of marbles so that they would all be scattered. I think this analogy is quite wrong. I do not mind his thinking of legal remedies in terms of marbles to be used, as it were, by a player in the game of life. Frankly, I have never heard of that analogy previously but, if it is apt, those marbles are not built into a pile, this one is no bigger than the rest, and no marbles will be scattered. If we want to follow the honourable member's analogy a little and regard the law as a bag of marbles, this Bill is the missing cat's eye that is needed to hit the target when none of the others will do the job.

I repeat that this Bill does not interfere with any existing law, statutory or otherwise. Secondly, it does not create any criminal offence punishable in the ordinary criminal way. I would have thought this was obvious, yet one or two previous speakers used the word "offence" and spoke in rather ambiguous terms so that I did not know exactly what they meant. These misunderstandings sometimes occur in general conversation, but I think it behoves us here to be especially careful when speaking in debate about a measure such as this. Thirdly, this is not a Bill to give any power to the Government of the day to direct the press or the media what they may or may not do. I do not know how this rumour has been generated. Fourthly, it is not a Bill to curtail the freedom or autonomy of the press or of anyone else. The concept of privacy is concerned with the matter of freedom of the individual. Apart from life itself, nothing is more precious to the individual man than his freedom and, when we think of freedom, as someone put it, it can be refined into two concepts. First, there is the freedom to do things in the way one wants to do them. This is the aspect of freedom about which the press and the media are concerned. In other words, they are concerned with their autonomy, and this measure is not about autonomy. The other aspect of freedom is not the freedom to do things but the freedom from things, that is, from intrusion, from disclosure of private facts and opinions. That is what the Bill is all about, and this is the aspect that the courts are uniquely capable of handling.

"Give us the tools and we will finish the job" might be an expression we could use if they were called upon to make a statement on the matter. The Bill preserves the right of the press to publish in the public interest. All the suggestions that they would be muzzled or hampered are greatly exaggerated. As Mr. D. M. Ross, one of the two dissenters from the Younger committee report, says:

> If the rights of the press to publish in the public interest were preserved, what is the loss to the press or the public if the press are precluded from otherwise invading the privacy of individuals?

Mr. A. W. Lyon, the other dissenting member of the committee, says:

> My colleagues recognise that a balance has to be kept between the public's right to know and the individual's right to a private life. They claim that a general law would be an unjustifiable suppression of the truth. The law already puts curbs on dissemination of true facts in the area of breach of confidence, criminal libel, copyright and patent. To these we now propose to add curtailment of the use of electronic and photographic devices and the use of information obtained by unlawful methods.
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> In addition they support stronger curbs on the dissemination of truth which depend on voluntary action. The journalist and the banks are to be goaded into improving their standards. This acknowledges that we all have a moral obligation to refrain from passing on truthful facts where they would be hurtful and no useful purpose would be served.
>
> In other words truth is not inviolate, any more than any other value in our society. When it conflicts with the commendable interest of privacy who must draw the line? At present it is the intruder himself. I think that in those cases where an individual can be seriously damaged by a wrong judgment of the intruder, he ought to have the right to ask society at large to adjudicate. The only acceptable instrument we have devised is the law.

Fifthly, this is not a political Bill. It is a measure for the good of society and of the individual in particular. I agree with the Hon. Mr. Hill that it should have been thrown open to a free vote. If it is possible to bring politics into the matter, all I can say is that I believe it is a measure that my Party could take pride in presenting. I received through the mail the other day a summary from the national headquarters of the Liberal Party, and it had a statement in it setting out the results of a survey that had been made into people's attitudes on certain current social and other questions. Under the heading "Law reform" I noticed that the statement showed as number one on the list that people wanted legislation to take care of privacy. So one cannot help but wonder why so many difficulties and doubts arise when we do have a chance to do something about it.

We talk much in this Chamber about our independence. Sometimes, in exercising that right, we fight or argue like tigers over braking systems on trucks or axle weights or local government problems, but occasionally when a really big issue confronts us our real weakness is that we do not exercise the independence or depth of thought that we should. One or two leading honourable members make pronouncements, as it were *ex cathedra,* and it is remarkable how the voting line forms up. I suppose there are barrows to be pushed on nearly all issues, and I have been guilty of pushing them myself sometimes, so I had better not press my point too far in case I get a guilty conscience. Finally, a matter which I do not wish to advance strongly but which seems to have escaped everyone's attention is that this proposed law need not be permanent if we do not wish it to be. If it proves unsatisfactory in the way it is used by the courts (which I do not think for a moment will happen) it can be repealed *in toto,* so the position would instantly revert to what it is at present.

The Hon. M. B. Cameron: How long would you give it?

The Hon. F. J. POTTER: I am happy about it, but if (I do not put this point strongly, and I do not want to waffle about it) it proves unsatisfactory in the way the courts handle it (because that is all we have to worry about), it can be repealed *in toto,* so the position would instantly revert to what it is at the moment. It is only on very rare occasions that this can be done in other legislation. By contrast, I am sure that under the Hon. Mr. DeGaris's proposed scheme, if I understand it correctly, such repeals or reversals might present major difficulties.

The Hon. R. C. DeGaris: You have not seen the Bill.

The Hon. F. J. POTTER: I know I have not seen the Bill, but I have some idea of the format of the scheme from what the Leader said. I should now like to comment briefly on the speeches that have been made in opposition

to the Bill so far and deal chronologically with some of the points that have been raised. First, we heard opposition from the Hon. Mr. DeGaris but, apart from the "marbles" analogy, which I have already mentioned, I do not cross swords with him on the attitude he took. As always, he did his homework thoroughly, made his decision and argued it well. I was pleased that he thought something must be done about protecting the privacy of the individual, and I agree with him that we can either tackle the problem in the manner prescribed by this Bill or try another approach. I regret that he thought the problem should be tackled in another way. I do not think it can be done in the way he has foreshadowed both because of the difficulties of specific definition, which I have mentioned, and also because I see his method as probably leading to a prohibition by Statute of a list of specific offences carrying penalties for infringements—that is, an extension of the criminal law rather than the civil law, which would be most unfortunate. However, the honourable member is always a stubborn trier and I have little doubt he will get his opportunity in due time.

Incidentally, coming back to the chapter in Dr. Fleming's book that was cited earlier, if the honouroble member reads that chapter he will see some interesting examples, taken from actual cases, which show that life is of such infinite variety that one cannot prepare a code to cover some of the odd happenings that occur. Also by the way, while I am on it, I was sorry that the Hon. Mr. Burdett did not go on and perhaps say something about the rest of Dr. Fleming's chapter when he made his quotation. I have read it in full and I get the distinct impression that the learned author was in favour of legislation—to use his words, "to fill the notable gap in our legal armoury". I now turn to the Hon. Mr. Burdett, who spoke in this debate as though he had accepted a brief to argue the case against the Bill.

The Hon. J. C. Burdett: I said what I thought.

The Hon. F. J. POTTER: As always, he did a competent job.

The Hon. M. B. Cameron: Are you speaking for him or for yourself?

The Hon. F. J. POTTER: I am making my own comments. In the latter half of the honourable member's speech, we had some real emotional jury stuff—lawyers and editors going through hell; no idea what would come out of the pipeline; 100 years before we knew where we stood. I cannot believe that my honourable friend and colleague really believes that. If this Bill passed into law and somebody consulted me as a legal practitioner the following week about his rights or liabilities under the measure, I am sure I could consider the facts of his case and give him some fairly sound advice on where he stood. I know that I would be a lot more sure about giving such advice than I would if he wanted to know where he stood under the Commonwealth Restrictive Trade Practices Act. If honourable members are worried about how this Privacy Bill might be interpreted, I invite them just to glance at the Restrictive Trade Practices Act by way of comparison. That Act not only creates various trading and economic offences but also modifies what would normally be considered people's civil rights.

As for the bogy that it will take 100 years for a body of law to grow up around this new tort, I think this is an exaggeration. As I have said earlier, the law already has the concepts of infringement of right of privacy. All it lacks is the form of action to deal with it: the missing cat's eyes, as I have said. There will not be many cases brought to law, but the first one will be adjudged and the reasons given. We will not be groping in the dark for 100 years and, even if we were, that fact would not disturb me, as in this kind of law reform we should be thinking 100 years ahead to the needs of our great grandchildren. This is the very challenge that this kind of measure presents to us.

I was called from the Chamber when the Hon. Sir Arthur Rymill spoke on the Bill so I had to read his speech later in *Hansard*. His remarks bewildered me. At one stage he spoke of the Bill as though it was a Socialist plot brought in by an Attorney-General of doubtful veracity and trustworthiness, and all designed to disturb his privacy as it already existed under British law. I do not know to what extremes we can go, but I cannot agree with Sir Arthur that it is not the job of the courts in these days to make laws. The courts still continue to adapt and apply existing civil laws. They undoubtedly also "make" laws by their interpretation of Acts of Parliament.

The difficulties which the Chief Justice encountered in interpreting what is "pornographic matter", when those words were used in a penal Statute, have very little or nothing to do with how the courts will use a newly created statutory tort. The point was advanced that the Bill would give an advantage to people of wealth and substance. This contention is really no more true of this matter than it is of any other civil proceeding: it is a deficiency that we are all striving in this day and age to remedy. Nearly all the leading cases over the years have been brought by people of wealth and substance, and it is the poor and humble citizen who has ultimately benefited as a result.

The next speaker against the Bill was the Hon. Mr. Whyte. In contrast to the Hon. Sir Arthur Rymill, he thought the Bill was an honest attempt by the Attorney-General to do something about privacy, but he then went on to say that he thought we could all do something about looking after ourselves by giving a good punch on the nose where necessary. I hope he never has to contemplate doing that to the *Advertiser* or Channel 9, because I think he will find that a corporation has neither a nose to be punched nor a soul to be damned. The Bill obviously confused him (as he admitted), and he therefore concluded that it would confuse the courts.

The honourable member seemed not to understand how the civil courts made rules out of individual cases, and thought that exemplary damages was a new concept. I assure him it is not. Strangely, he also saw some reversal of the onus of proof in the Bill. I have looked in vain for it. So, in general, the Hon. Mr. Whyte was unhappy about the measure. I thought that in his heart of hearts he was more unhappy about the attitude he had chosen to adopt concerning it.

Last Thursday's speaker was the Hon. Mrs. Cooper, who made a very short and, to me, strangely contradictory speech in some respects. She poked a stick at the Bill and called it nasty names. "You're a jellyfish of a Bill—a spineless blob", she said. Again, we heard a plea for specificity of detail with all the difficulties that poses. She complained about a mass of verbiage in this unusually straightforward Bill. Again, I suggest that the honourable member read the Income Tax Assessment Act or, as I said earlier, the Restrictive Trade Practices Act and she will really see a mass of verbiage that is not easily interpreted. At the end of her speech, she admitted that legislation in the field was urgently needed, so I commend her for that. I have not yet heard the Hon. Mr. Cameron speak on the Bill, although I have listened to some of the

interjections he has made when other honourable members have been speaking, and his attitude is entirely predictable. For that reason, I feel very sad, because his Party—

The Hon. M. B. Cameron: Here we go!

The Hon. F. J. POTTER: —claims to be the great custodian of liberty for the individual and the utmost protection and freedom that the law can give. Its representative should stand here and speak trumpet-tongued for the cause that this Bill seeks to advance but, alas, he is on the side of the big battalions, of the press and public media, because it is politically expedient for his Party. Necessity does make strange bedfellows at times.

I have said enough. By this time, all honourable members know that I support the Bill and, like the dissenting members of the Younger committee, I have no fears whatsoever in trusting the courts to use it to do justice to all men according to the law. In making decisions on the cases that will come before them, they will be making legal judgments having regard to various social considerations. However, the courts are well fitted to balance any conflicting interests of privacy *versus* freedom of speech. I could say much more and argue my case in great detail, but I hope that what I have said will prove helpful to other members who may still be troubled about some aspects of this important issue.

The Hon. M. B. CAMERON (Southern): Just to clear up the matter at the start, I oppose the Bill. I must say that I appreciated the last few remarks made by the Hon. Mr. Potter. There was a time when it was "our group" and, almost, "our Party". I would like to invite him back so that I can put him on the right track. Unfortunately, I do not think he would be able to get people to accept him again.

The Hon. T. M. Casey: Have you been lobbying in this place?

The Hon. M. B. CAMERON: No, I have not. It would not be of much use. If this Bill passes, it will be the beginning of the end of two vital parts of democracy: the freedom of expression and the freedom of the press. Much has been said about how this will not affect the press, but I think it must. In fact, every honourable member who has contributed to the debate has said something on this matter, and the Hon. Mr. Hill confirmed it for me. Let me refer first to the freedom of expression. A report has been sent to me by Mr. Fisse, of the University of Adelaide. Putting it in a nutshell, he said:

A general right of privacy, such as that created under this Bill, is necessarily defined in wide terms which leave at large the balance to be struck between freedom of expression and invasion of privacy. In a country where freedom of expression is firmly entrenched there may be little danger in leaving the courts so wide a discretion. But in our society, in my opinion, the commitment to freedom of expression is so weak that a right of privacy should be very closely defined, if, indeed, it is considered desirable to create any such right prior to the enactment of a Bill of Rights.

Surely that gives some indication that there is a danger of freedom of expression disappearing or being curtailed under this Bill. I turn now to the freedom of the press, a very important topic in this connection. The half-hearted summing up of this matter by the Law Society indicates even the society's attitude to the Bill: the society agrees that the Bill will curtail the press in some measure. The Society said:

It is true that if the Bill becomes law for some time there will be a period of uncertainty while the Courts work out the scope of the tort. The mass media like everyone else may for some time have some difficulty in knowing where it stands. However, if one accepts the concept of the right of privacy as desirable, the Bill goes as far as possible towards defining the tort and any more precise definition would be likely to result in a situation where the objects of the Bill would be defeated.

In his contribution to the debate the Hon. Mr. Hill said:

This measure protects the freedom of the citizen to his right of privacy, and at the same time will not, in my view, adversely affect the rights of others. This latter point leads me to mention the objections to the Bill by media representatives; particularly, representatives of the press are most concerned. I can well understand this concern and, if this Bill passed in its present form, the work and role of the media, and particularly the press, would on occasions be somewhat difficult and worrying. At least, this could apply in the early period after the Bill passed, until precedents were established. However, I do not believe that the legitimate and respected freedom of the press, in which I wholeheartedly believe, would be restricted or curtailed.

If that is not having a bet each way, I should like to know what it is. The honourable member has said that, until the details of the Bill have been decided by the court, there will be a restriction on the press. It is a matter of deciding how long it will take. The Hon. Mr. Burdett said that it would take 10 years to decide a broad outline and it would take 100 years to decide the details. The Hon. Mr. Potter said that this was nonsense. So, it is a matter of deciding who is correct. I am coming down on the side of the Hon. Mr. Burdett, but that will not happen very often. The simple fact is that this Bill to some extent transgresses the normal common law principle of a person being innocent until he is proved guilty. Clause 8 provides:

In any action it shall be a defence for the defendant to show that—

The person who has written or said something that allegedly invades a person's privacy is the defendant and has to prove his innocence. I have heard much said about the British Columbian Act, but there is a clear difference between that Act and this Bill: this Bill says that "it shall be a defence for the defendant to show" and it gives various defences, while the British Columbian Act says that "an act or conduct is not a violation of privacy where" and there are various let-out clauses. This comes under the heading of "Exceptions", whereas the corresponding clause in our Bill uses the term "Defences". There is therefore a clear difference here: one is a defence, while the other is an exception.

The Hon. F. J. Potter: You should have taken a law course.

The Hon. M. B. CAMERON: The lack of definition in this Bill is unbelievable, and I agree wholeheartedly that it could take 100 years to determine the outlines of the legislation, and even then, because there could be so many variations, the outlines could still be doubted. Who has asked for this principle to be placed in our Statutes? The majority reports have not favoured it. I believe it is being done on the whim of our soon-to-retire Attorney-General, who wishes to leave some sort of legal monument behind. He has improved our consumer legislation, but in this case he will be leaving not a legal monument but a legal monster. Clearly, every editor in the State would be restrained from the day this Bill was passed. Even the Law Society's report supports this view, although it does not directly state it.

There is an ever-growing tendency for politicians to knock the press. It is easy to reflect on a journalist when one has said something that one regrets or when something that one has said does not quite come out the way that one thinks it should. It would be very easy, under this Bill, if one thought a journalist had published something that might be an invasion of privacy, to obtain an injunction to stop it. The journalist has a job to do,

and I do not envy him his job of refining and condensing the long and tedious remarks of many people in high office; if a journalist is occasionally in error, quite often it is because of the lack of clarity of such people. I am rarely impressed by people and politicians who claim to have been misrepresented. On most occasions they appear to be trying to wriggle out of something that they regret having said: they say, "I have been misrepresented, and this is an invasion of privacy."

This Bill is a first step to the inevitable muzzling of the free press. Far too much is left to the courts to interpret and, as this Parliament will be held responsible for this legislation and for the interpretation that stems from it, we should not pass this vague and meaningless piece of legislation. It would be no use saying afterwards that we did not know that the courts would put a specific interpretation on some words: we will still be held responsible.

Television will be vitally affected by this Bill. Television is the simplest and least demanding way of presenting politics to a mass captive audience. A live programme is not subject to editing; the cameras roll while a person is speaking.

The only way the public can question a politician is through an interviewer, and the only brake on outpourings to the public is provided by the journalist, who acts as an intermediary for the public. We must ensure that television does not become a propaganda medium; therefore, the interviewer must be subject to as few checks as possible. One can imagine an interviewer, in the middle of an interview, speaking off the top of his head and wondering whether a comment will be an invasion of privacy. He has no way of finding out during the course of the interview, whereas an editor can get a legal opinion on where his paper stands. The law of libel has covered this field satisfactorily, but if this Bill is passed a whole new field will be opened up for restraint on the questioner.

If a person is well enough versed in his subject and if the subject is unassailable, the issue will normally be decided in the public mind in favour of the politician or person putting forward the issue. If a man is not subject to any questioning, he will be able to put forward whatever he likes. If this Bill is passed, television stations may not present live programmes because they will not be able to get a legal opinion quickly enough. Their programmes would be affected by the law of privacy. If this Bill is passed the interviewer could become almost redundant; he will be in severe trouble until the court establishes guidelines. Questions in an interview come as a result of answers given but, if this Bill is passed, the person asking the questions will be in extreme doubt, and it may lead to the end of live interviews, with their obvious spontaneity. I prefer a live interview to a recorded one, which is subject to editing, and I certainly object to the almost automatic curb on journalists' questioning during television programmes. Questioning is essential to prevent abuse of the media by politicians and others. I predict that, if this Bill becomes law, live current affairs programmes will become a thing of the past, and television programmes will be much the poorer.

The Hon. G. J. GILFILLAN (Northern): I have listened to the opposing views of the two honourable members who have contributed to this debate today. We are in an age where there is much concern about the way many things are heading. I am inclined to agree with the Hon. Mr. Whyte that the Attorney-General in preparing his legislation had some grounds for concern about the rights of the individual, and I am not referring to organisations in that respect. In fact, in recent years the position has been such that people almost need protection, at least so far as their privacy is concerned, from the Government itself. This Council has passed several Bills empowering Government departments and their officers, without any great qualification, to enter people's houses to make a search. I refer to the Pig Branding Act, which empowers an officer to enter a house to inspect a person's records to see whether he has branded his pigs, as required by that Act. Other Government officers have the power to enter a person's home to search refrigerators or other appliances to see whether there are any out-of-season ducks in store. The Government itself has created many such intrusions into the individual's privacy.

The situation is equally alarming in other areas, and I refer to the situation today, as it applies much more so than it did several years ago, in regard to the two specific areas of television and computers. Let us consider the information about every individual that is maintained on a computer. Every person with a bank account has details of that account recorded somewhere on a computer. This same situation applies to health tests conducted by the Institute of Medical and Veterinary Science. That test and record is documented somewhere on a computer. I refer to the wide field of taxation—income tax, land tax, and all other taxes, the records of which are stored on computers. The valuation of a person's property, if he has property, is recorded for taxation purposes.

Driving licences, too, contain information about age and other matters. I refer to the statistics that most business people must provide in respect of what their employees are paid, and what their production is, to name just two items. This type of information is sought from a wide field, as any person reading the report of the Government Statistician can see. Credit card records indicate the spending habits of people. In the field of computers it is alarming that if all the information stored was collated it would show details about a person's health, age, the amount of property owned, its valuation, information about bank accounts, and the way in which he spends his money. Such a report would include many other personal details, but I will not refer to those, as I have already made my point. Such recording represents a real danger of an unwarranted intrusion into people's privacy. I refer to agencies, which keep dossiers on people. Such information is provided to business houses involved in providing credit. We know that situation exists, and all these things could lead to a serious intrusion into a person's privacy.

In this age television has the greatest coverage and impact of any of the media. There can be only a few houses within range of a television station that do not have a television set. As most people watch television for several hours a day, right from when they are young children, it is clear that this form of communication has a great influence. Indeed, I am aware of what can be done through recorded television interviews. I have been an amateur photographer for some years, and am well aware of how, by cutting and joining, the film of a story can be made out of unrelated events. By interviewing, say, 10 people in the street, it is possible to select half of those interviews and project a predetermined point of view.

When the Bill dealing with the control of live hare coursing was before another place, reference was made to the matter on television. A film showing two dogs chasing a hare was shown. The film later depicted two dogs tugging at a hare. Was that the same hare in both pictures? We

presume that it was, but the first hare photographed could have escaped and a substitute could have been picked up, perhaps on the side of the road after it had been knocked over by a car. All this is possible in a television news report, because such reports are compiled before they are shown. The film to which I have referred was shown more than once, and it could have had an emotional impact on people who were not previously critical of the sport. Certainly, such a film would have an impact on animal lovers. Its bias was against live hare coursing. I have used this example to show that it is possible to present a story on television in such a way as to influence people emotionally.

A person being interviewed on television is at the mercy of several people. If he is not an experienced television performer, he might face a hostile questioner, and a different side of a matter could be brought out from that which the person sought to present. A person being interviewed also depends on the cameraman's presenting attractive or unattractive pictures or angles, as this could lead to a different impression from that which was sought, by people watching the programme in their own homes.

There are big forces in the world today affecting people's lives and their privacy. There is a growing world of communication, and I believe guidelines should be established in this respect. Some guidelines should be more explicit than those currently applying. Much emotional reference has been made to the freedom of the press and the freedom of the media. However, freedom can operate only when there is absolute discipline among the people who enjoy that freedom. We must never confuse freedom and licence, because they are two different things. This applies to all forms of human behaviour; where absolute freedom is desired, in the interests of the community, we must always have absolute self-discipline.

In the press, although not to the same extent as on television, misleading articles can be written. Quite often, headlines bear little relation to the article that follows. It is interesting to note that, when people are popular, we see in the press smiling photographs, but when they are falling from public favour different photographs are published. I refer, for instance, to President Nixon. Some most unflattering photographs were printed when he was falling from public favour. It is possible, by withholding from publication certain letters written to the editor of a newspaper and by printing others, to substantiate a point of view that newspaper is taking. We know this happens, but we are not in a position to say whether or not it is done deliberately. From personal experience, I can speak only of the political scene here, because we know what happens in Parliament and we read what is published. This is probably the only field members here are truly competent to assess in relation to presentation of facts.

Going back to 1972 (and I do not include the provincial press in this, because that type of reporting is quite different), there was something to be desired in both the reporting and editing of events concerning the behaviour of a minority group in politics which was newsworthy as far as the press was concerned and was given a tremendous amount of publicity, when its real contribution was not to the State, but to attacking the colleagues of the members of the group. It is all very well to talk about Watergate, but we know that a member's office was gone through, his papers were searched, and a dossier built up on him. Although the press knew of this, the group was still given public support. This is the antithesis of the way in which the press has worked in America in exposing Watergate. I know that there was nothing in the office of the member who was searched that was of any value to the people who searched it. He is a man or integrity and I know that the press, through those months, gave him a great deal of distress. This is a period that does not do credit to the people responsible for reporting at that time. I am not talking of the present, but in some cases news was taken over the telephone and printed without being checked. I do not know, in other instances, whether it was known that the news presented was untrue, but certainly there was the sin of omission in that the other side was not checked out.

People who report to the public have a responsibility, when they get statements, to search for the other view in order to make sure that a balanced report is presented. We could learn a lesson politically from Westminster, from which we take our Parliamentary system. In Westminster there is a place called the strangers' bar in which members of the press or feature writers mingle with members of Parliament, talking freely. It is claimed by the reporters that, in the history of the Parliament there, they have never betrayed a confidence. I believe this to be substantially true, because no member of Parliament has taken issue with this claim. If a confidence had been betrayed, of course, that reporter would lose the benefits gained by such talks. By this practice, the reporter or feature writer is able to gauge different viewpoints. We know that a person with a strong point of view may not be right, although he may believe that he is. The reporters and feature writers are able to gauge a cross-section of opinion among members of Parliament which allows a balanced form of approach from much of the British press. We could look at this practice in relation to our Australian politics, because frequently we see articles published and television interviews reflecting on public leaders.

In this day and age of so much impact, with the media being accessible to almost everyone, we have seen a shortening of the public life of many figures. It is interesting to reflect on the short time that public leaders throughout the world now enjoy in office before falling from favour. We can look at practically any country in the free world and at almost any political Party to see what an impact the fast communication of modern-day press and television has had on people's thinking and on the forming of opinions.

Having said those things, I do not believe the Attorney-General has achieved his object in this Bill. I am interested in what the Hon. Mr. DeGaris is proposing, and I believe it is a practical approach to the problem. Although a learned speech was given today about the full content of the Bill, the vagueness of the definition makes it a difficult Bill to administer, and it would be difficult to work within the confines of the definition. For that reason, I do not intend to support the second reading. However, because of the statements I have made, especially regarding computers, I shall look with interest at any legislation giving reasonable protection to the privacy of the person, whether from a private person or from a Government.

I should look at any reasonable legislation that could be administered with common sense. I do not believe the Bill meets that criterion. The Government has not suggested any amendments and I do not believe it is up to this Council to attempt to amend the Bill, because it is a Government policy Bill. If the Government wishes to have it accepted, the Government itself should attempt to put it right. As it stands, I do not support the second reading.

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

BUILDERS LICENSING ACT AMENDMENT BILL

Consideration in Committee of the House of Assembly's message intimating that it had disagreed to the following amendments and suggested amendments inserted by the Legislative Council:

Amendments:

No. 1. Page 4, line 10 (clause 14)—Leave out "two years" and insert "one year".

No. 2. Page 4 (clause 14)—After line 25 insert new subsection (6) as follows:—

"(6) Before the Board orders the holder of a licence to carry out remedial work under this section it must—

(*a*) allow him the opportunity to make representations personally or by counsel to the Board;

and

(*b*) satisfy itself that it will be reasonably practicable for the holder of the licence to comply with the terms of the proposed order."

No. 3. Page 5 (clause 14)—After line 19 insert new section 18b as follows:—

"18b. Compensation when complaint made frivolously, vexatiously or for an ulterior purpose—(1) Where, in the opinion of the Board, a complaint has been made under this part against the holder of a licence—

(*a*) frivolously or vexatiously;

or

(*b*) for some ulterior purpose,

the Board may order the complainant to pay to the holder of the licence a sum, fixed by the Board, to compensate him for the time, trouble and expense incurred by him as a result of the complaint.

(2) A sum that a person is ordered to pay under subsection (1) of this section may be recovered from him summarily by the person in whose favour the order has been made."

No. 4. Page 5, lines 31 to 34 (clause 14)—Leave out all words after "members" in line 31 and insert:—

"as follows—

(i) two shall be persons with wide knowledge of, and experience in, the building industry appointed by the Governor on the nomination of the Minister;

(ii) one shall be a person with wide knowledge of, and experience in, the building industry appointed by the Governor on the nomination of the Master Builders Association of South Australia Incorporated;

and

(iii) one shall be a person of wide knowledge of, and experience in, the building industry appointed by the Governor on the nomination of the Housing Industry Association."

No. 5. Page 8, lines 39 and 40 (clause 14)—Leave out ", or of its own motion,".

No. 6. Page 10, line 6 (clause 14)—After "court" insert "unless the appellant, in the instrument by which the appeal is instituted, elects that the appeal be heard and determined by a single Judge of the Supreme Court".

Suggested amendments:

No. 1. Page 2 (clause 3)—After line 6 insert—"Part IIIc—The Building Indemnity Fund.".

No. 2. Page 10 (clause 14)—After line 15 insert new Part IIIc as follows:—

"PART IIIc

THE BUILDING INDEMNITY FUND

19m. *Building Indemnity Fund*—(1) There shall be a fund entitled the 'Building Indemnity Fund'.

(2) The fund shall be maintained and administered by the Board.

(3) The fund shall consist of all moneys raised by way of levy under this Part.

19n. *Levy*—(1) The Board may, by notice published in the *Gazette*, impose a levy upon the holders of general builders' licences and provisional general builders' licences.

(2) A levy imposed upon a person under this section shall be an amount fixed by the Board in the notice published under subsection (1) of this section (not exceeding ten dollars) for each dwellinghouse constructed by him.

(3) Where a levy has been imposed under this section, a person liable to the levy shall on or before the first day of February and the first day of August in each year pay to the Board the amount payable by him in consequence of a levy under this section in respect of dwellinghouses completed by him during the preceding period of six months.

19o. *Application of the fund*—(1) The Board may apply moneys from the fund in satisfaction or partial satisfaction of claims approved under this section.

(2) Where a person lodges with the Board a claim in the prescribed form and satisfies the Board by such evidence as it may require—

(*a*) that he has a claim for damages or compensation against a person who holds, or formerly held a general builder's licence, or a provisional general builder's licence in respect of domestic building work that he has performed, or has contracted to perform; and

(*b*) that by reason of the insolvency of the person against whom the claim lies, or for any other reason, he (the claimant) is unlikely to obtain, satisfaction of his claim, the Board may approve the claim as a claim against the fund.

(3) No claim shall be lodged with the Board under this section—

(*a*) in respect of an act or default that occurred before the commencement of the Builders Licensing Act Amendment Act, 1974; or

(*b*) in respect of an act or default that occurred more than one year before the date on which the claim is lodged with the Board.

(4) The Board shall fix a day in each half-year as the day for payment of claims approved by it during the preceding period of six months under this section and on that day the Board shall—

(*a*) apply moneys from the fund in full satisfaction of those claims; or

(*b*) where the amount standing to the credit of the fund is insufficient fully to satisfy those claims—apply moneys from the fund to satisfy those claims to such extent as the amount of the fund allows.

(5) In this section—

'domestic building work' means building work in relation to a dwellinghouse or its curtilage:

'half-year' means the period commencing on the first day of January and ending on the thirtieth day of June in any year and the period commencing on the first day of July and ending on the thirty-first day of December in any year."

Amendment No. 1:

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

That the Legislative Council do not insist on its amendment No. 1.

I spoke at some length on this amendment previously. The Bill provides that the board may investigate and it is reasonable that it should be left to the discretion of the board to determine whether the nature of the complaint warrants its attention within a particular period. In so far as the two-year period is concerned, matters relating to the stuctural stability of a building often need more than one sequence of seasons to manifest themselves in all their seriousness—for example, footing failure, roof spread problems, inadequate damp-proofing, etc.

It has been the board's policy in the past to require that complaints be lodged promptly and it has not pursued matters where circumstances of use or lack of maintenance have not been proved, or where, owing to the lapse of time, it has not been possible to determine with accuracy the responsibility of either party. The board intends continuing to evaluate the merit of each complaint on this basis. For these reasons, I ask the Committee not to insist on its amendment.

Motion carried.

Amendment No. 2:

The Hon. A. F. KNEEBONE: I move:

That the Legislative Council do not insist on its amendment No. 2.

Under the previous legislation, the licensee had the right of legal representation where the board held a formal

inquiry that could have resulted in the loss of a licence. However, the board has adopted the practice of having informal discussions with builders, where the circumstances of the complaint warranted such action, rather than a board of inquiry. As a result of these discussions, the board has frequently requested the builder to seek professional advice before attempting rectifications. However, in the board's view, a competent licensee should be capable of discussing technical matters without the assistance of an architect or engineer. For those reasons, I ask the Committee not to insist on its amendment.

The Hon. J. C. BURDETT: I ask the Committee to insist on its amendment. The reasons for the amendment were given when it was before the Committee previously. This amendment and the remaining amendments were fully debated at the time. The decisions were not lightly made by the Committee. We should be given much more adequate reasons than we have been given why this amendment should not be insisted upon. The reason I gave for the amendment when I moved it was that, in regard to the opportunity for a builder to make representations personally or by counsel to the board, under the Bill the board would have power to order the builder to carry out remedial work, and there was no limit to the amount of money involved in such work: it could be a substantial amount, thousands of dollars. Under the present law, the builder has the right to representation by counsel before the board. In effect, this is taken away from him by the Bill.

In other matters I have no complaint, but it is not common justice that a builder can be ordered to carry out remedial work with no limit to the expense involved. In almost every other Bill where an order is made requiring a person to pay thousands of dollars, there must be an adjudication by the court and there must be an opportunity for the person involved to make representations either personally or by counsel. I see no reason why that should not apply in this case. The Chief Secretary has said there have been informal discussions in the past: so there can be in the future. There is nothing to prevent that. All that this amendment provides is that, before the board orders the holder of a licence to carry out remedial work, he must have the opportunity to make representations either personally or by counsel.

Motion negatived.

Amendments Nos. 3 *to* 6:

The Hon. A. F. KNEEBONE: If it is the wish of the Committee, I will deal with amendments Nos. 3 to 6 together. I therefore move:

That the Legislative Council do not insist on its amendments Nos. 3 to 6.

I can only repeat that new section 18b is not favoured as no account is taken of the board's procedures in dealing with complaints. The licensee is first given the opportunity to state his case in writing before any action is taken on a complaint by the board. If in the course of the first exchanges of correspondence it is established that the complaint is trivial, then the board takes no further action. It should be noted, however, that few complaints coming from the board are wholly without substance, although many deal with minor defects. In the board's opinion, a minor defect is one that has no bearing on the structural stability of the building.

Regarding amendment No. 4, this proposal presumes that none of the lay members will be actively engaged in the building industry, whereas it is possible that some (possibly all) of the lay members may be members of the Housing Industry Association, the Master Builders Association of South Australia, or the Australian Institute of Building. However, as a matter of principle, it is undesirable that specific organisations, having a vested interest in the protection of their members, should have the right of representation on the tribunal other than in the circumstances previously enumerated.

Amendment No. 5 is to strike out the words "or of its own motion" in clause 14. Similar powers to investigate and discipline "of its own motion" are contained in the Land and Business Agents Act and the Legal Practitioners Act, and are vested in many other disciplinary boards. If this power is removed, the Builders Licensing Board must necessarily assume the position of prosecutor in every instance, and this would impose an additional administrative burden on the board.

Amendment No. 6 inserted in clause 14, after "court", the words "unless the appellant, in the instrument by which the appeal is instituted, elects that the appeal be heard and determined by a single judge of the Supreme Court". I oppose the amendment on which I have commented previously, on the basis that it would be referring matters of this nature to a judge of a different court, which action was not thought necessary. I therefore ask the Committee not to insist on the amendments.

The Hon. J. C. BURDETT: I ask the Committee to insist on these amendments. The Chief Secretary has not raised any new matter, and I do not intend to do so either. I suggest generally that all these amendments are reasonable and just and do not deprive the consumer of any protection. Regarding amendment No. 3, I stress that the board has discretion and, before it exercises its discretion, the board must be satisfied that the complaint has been frivolous, vexatious or for an ulterior motive. Only then can it exercise its discretion to order the complainant to pay to the holder of the licence the sum fixed by the board to compensate him for the time, trouble and expense incurred. I do not know how that can be regarded as unjust.

On my information, many complaints have been made, particularly for ulterior motives, that is, not because the consumer is genuinely upset about the quality of the workmanship but because he does not want to pay and wants to prevent payment. I suggest that the builder may be, and often is, put to considerable trouble and expense in answering complaints of this kind.

Amendment No. 4, which relates to the constitution of the board, seeks to provide that one of the four lay members of the board shall be a member of the Master Builders Association and have a wide knowledge of and experience in the building industry, the other member to be a similar person nominated by the Housing Industry Association. The Hon. Sir Arthur Rymill said that this would give the board balance. Regarding the common practice of directing that a member of a board shall come from a certain area, there are still two lay members on the board and, therefore, there will be plenty of flexibility. I therefore suggest that this is a sound amendment.

Amendment No. 5 is designed to prevent the appellate tribunal from acting of its own motion. This Chamber did not seek to disturb the provision in the Bill that the board may act of its own motion. This is fair enough, as the licensing authority should be able to inquire into anything and act of its own motion. However, the appellate tribunal should surely deal with matters brought before it. It should not of itself be able to go out and look at matters but should deal with complaints that are made by the board, or with appeals.

Regarding amendment No. 6, part of the clause provided that an appeal from the appellate tribunal should be to the

Full Court. I suggest that, as these are almost entirely practical matters, such an appeal could, in some cases, be handled just as well, if not better, by a single judge of the Supreme Court. This does not take away the appellant's right to go to the Full Court if he so desires. The clause would still provide that the appeal should be to the Full Court unless the appellant, in the instrument by which the appeal is instituted, elects that the appeal be heard and determined by a single judge of the Supreme Court. This amendment is necessary to give a real right of appeal to the builder or the other appellant, whoever he may be. I said previously that the costs of an appeal to the Full Court, and even the cost of transcript that would have to be provided to each of the judges, could be substantial and, if the appellant could not appeal and had to go to the Full Court, this would in many cases be taking away altogether from him his right of appeal.

Motion negatived.

Suggested amendments Nos. 1 *and* 2:

The Hon. A. F. KNEEBONE: I move:

That the Legislative Council do not insist on its suggested amendments Nos. 1 and 2.

These suggested amendments relate to a proposed building indemnity fund. I said earlier that the Government had been considering a scheme in this connection; a committee is currently investigating the matter. The committee has considered what has happened in this connection in Victoria, New South Wales and the United Kingdom. Such a scheme ought to be administered not by the Builders Licensing Board but by the State Government Insurance Commission, which has expertise in relation to underwriting. Such expertise does not reside in boards such as the Builders Licensing Board, nor is it intended that such expertise reside there. Such a scheme should not be introduced in this Bill. For those reasons, I ask the Committee not to insist on the suggested amendments.

The Hon. C. M. HILL: I oppose the motion. Much investigation is still needed, especially as it applies to the question of consumers and of tradesmen with restricted builders licences. The matter of a person suffering loss at the hands of a general builder stands on its own. My scheme is a practical means of consumer protection in its real sense, and it could be administered by the Builders Licensing Board to assist consumers. If the Government intends to pursue this matter along the lines mentioned by the Chief Secretary, I shudder to think of the circumstances. In other States where levies of this kind are made on builders, the amount involved is much greater; I think that the figure in some States is $30, while in other States it is about $50. The passing on of that kind of sum to consumers will increase building costs.

The Hon. A. F. Kneebone: Do you think your scheme would be viable?

The Hon. C. M. HILL: Yes. The Chief Secretary said that the Government hoped to put its scheme in the hands of the State Government Insurance Commission, and he referred to the underwriting expertise of that commission. In view of the losses sustained by that organisation, I point out that taking on this new business could also involve considerable loss.

The Hon. A. F. Kneebone: Do you expect your scheme to run at a loss? You said that it would be viable.

The Hon. C. M. HILL: Under my scheme, about $70 000 will accumulate annually if the maximum fee is charged. However, if an unusual situation occurred, perhaps for a year or two it might not be possible to pay some applicants the amount of their loss in full. If that matter was put in the hands of the State Government Insurance Commission, the applicants would be paid the full amount of their loss, but the commission's losses would be further aggravated. In so far as funds are available, my scheme is undoubtedly viable. It will be helpful to people who are disadvantaged in the way to which I have referred, and I am amazed that the Government has not accepted it.

Motion negatived.

A message was sent to the House of Assembly requesting a conference at which the Legislative Council would be represented by the Hons. J. C. Burdett, C. W. Creedon, G. J. Gilfillan, C. M. Hill, and A. F. Kneebone.

STATE GOVERNMENT INSURANCE COMMISSION ACT AMENDMENT BILL

Consideration in Committee of the House of Assembly's message intimating that it had disagreed to the Legislative Council's amendments.

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

That the Legislative Council do not insist on its amendments.

The amendments inserted by this Council provided that, instead of the Treasurer's approving investments by the State Government Insurance Commission, he would do so "on the advice of the committee". The committee to be established was to consist of the Under Treasurer, the Public Actuary, and another person appointed by the Treasurer. The Treasurer always has the advice of his officers, and in relation to investments of S.G.I.C. funds advice would also come from commission officers, as well as the Manager of the commission. Such matters would be closely examined before recommendations concerning investments were made. In fact, the commission has stated that it will not invest its funds in any institution in which there is any element of doubt, and no recommendation will be made for an investment that is not on a sound basis. I have faith in the Treasurer, Treasury officers, the Under Treasurer and other officers, who are well informed in respect of investments and who would give only proper advice on such a matter. Therefore, I ask that the Committee do not insist on its amendments, because there is no need for them.

The Hon. R. C. DeGARIS (Leader of the Opposition): I am sorry that another place cannot accept these amendments, which I thought were reasonable. In most matters involving investments and outside trustees, the Public Actuary provides advice, and I moved my amendment because I thought it was the right thing to do. It is not a matter of overly great importance; the motion was designed to assist the Treasurer and reduce the load on him regarding investments. Therefore, I agree to the motion.

Motion carried.

MARGARINE ACT AMENDMENT BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's alternative amendment to the House of Assembly's amendment No. 1.

ABORIGINAL LANDS TRUST

The House of Assembly transmitted the following resolution to which it requested the concurrence of the Legislative Council:

That this Council resolve that, pursuant to the final proviso of section 16 (5) of the Aboriginal Lands Trust Act, 1966-1973, it hereby authorise the sale by the Aboriginal Lands Trust of the land comprising 23 Elizabeth Street, Maitland, certificate of title register book volume 2723, folio 118, to the Point Pearce Housing Association Incorporated.

ADJOURNMENT

At 6.3 p.m. the Council adjourned until Wednesday, November 20, at 2.15 p.m.