LEGISLATIVE COUNCIL

Thursday, November 21, 1974

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Highways Act Amendment,

Licensing Act Amendment (Fees),

Statute Law Revision.

BUILDERS LICENSING ACT AMENDMENT BILL

At 2.22 p.m. the following recommendations of the conference were reported to the Council:

As to amendment No. 2:

That the House of Assembly amend this amendment as follows:

(*a*) by leaving out from paragraph (*a*) of new subsection (6) the passage "personally or by counsel to the board" and inserting in lieu thereof the passage "to the board either personally or, subject to subsection (7) of this section, by a representative approved by the board";

(*b*) by inserting after new subsection (6) the following subsection:

(7) Where the board proposes to order the holder of a licence to carry out remedial work and, in the opinion of the board, a fair estimate of the cost of carrying out the proposed remedial work is two thousand dollars or more, the board shall, if the holder of the licence desires to be represented by counsel, allow the holder of the licence to make representations by counsel to the board before it proceeds to make an order.

and that the Legislative Council agree thereto.

As to amendment No. 3:

That the House of Assembly amend this amendment by striking out the words "frivolously or" from paragraph (*a*) of subsection (1) of new section 18b.

and that the Legislative Council agree thereto.

As to amendment No. 4:

That the House of Assembly amend this amendment—

(*a*) by striking out from proposed subparagraph (ii) the passage "on the nomination of" and inserting in lieu thereof the passage "from a panel of three nominees submitted to the Minister by";

and

(*b*) by striking out from proposed subparagraph (iii) the passage "on the nomination of" and inserting in lieu thereof the passage "from a panel of three nominees submitted to the Minister by".

and that the Legislative Council agree thereto.

As to amendment No. 5:

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

As to amendment No. 6:

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

As to suggested amendment No. 1:

That the House of Assembly agree to amend the Bill in terms of this suggested amendment.

As to suggested amendment No. 2:

That the House of Assembly—

(*a*) amend the suggested amendment by leaving out from subsection (2) of proposed new section 19n the passage "the board in the notice published under subsection (1) of this section (not exceeding ten dollars)" and inserting in lieu thereof the word "regulation";

and

(*b*) amend the Bill in terms of the suggested amendment as so amended.

and that the Legislative Council agree thereto.

Later:

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

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

The conference was one of the best conducted I have attended, and I have attended a few in my time in this place. A spirit of co-operation was evident from the first moment of the conference. It was apparent that the Minister from another place had come along in a spirit in which we could negotiate and arrive at a decision. However, it was not quite so easy to reach agreement in relation to one or two clauses; at one stage it appeared that the conference could break down on one point only. However, in regard to the amendments and suggested amendments other than that one exception, the managers from both Houses swiftly reached agreement. It took a little while to arrive at a solution to the other problem, but eventually it was reached. I want to say how much I appreciated the support of the other managers from this Chamber.

The Hon. J. C. BURDETT: I support what the Minister has said. The House of Assembly managers eventually agreed in substance, with some alterations (in one case fairly substantial alterations), to the amendments proposed by the Legislative Council. We agreed at the conference not to insist on one of the amendments we had proposed. To summarise, amendment No. 2 had two main points. The first was to give builders the right to representation by counsel before the board before they were ordered to carry out remedial work. The compromise agreed to was that this should obtain but only in cases where, in the opinion of the board, a fair estimate of the value of the remedial work to be ordered would exceed $2 000. The second part of the amendment was that the board, before making an order for remedial work, had to be satisfied that the terms of the order were reasonably practicable. This was agreed to.

Amendment No. 3 sought to give power to the board to order costs in favour of the builder where the complaint was made frivolously, vexatiously, or from ulterior purposes. We agreed that the word "frivolously" should be struck out, so that such costs could be awarded where the board was satisfied that the complaint was vexatious or for an ulterior purpose. That seems to make no real difference; if a complaint is made frivolously it is bound to be vexatious. In amendment No. 4 there were to be, according to the Bill, four lay members of the appellate tribunal, and the Council, by its amendment, sought to provide that one of those be appointed by the Governor on nomination from the Master Builders Association and another on nomination from the Housing Industry Association. The managers for the Council agreed that, in lieu of such people being nominated by those associations, each association should provide a panel of three from which one would be chosen.

Amendment No. 5 was to strike out the words "of its own motion" in regard to the jurisdiction of the appellate tribunal, because the Council considered it was not appropriate that the appellate tribunal should be able to act of its own motion. The House of Assembly managers agreed not to oppose this amendment further. Amendment No. 6 sought to give the holder of a licence, when he appealed from the appellate tribunal to the Supreme Court, the right to elect to go to a single judge instead of to the Full Court. The Council managers agreed not to insist on this amendment further. That is a summary of

the amendments decided on at the conference, and in general it is fair to say that the Council has retained the main points it thought should be incorporated in the Bill.

The Hon. C. M. HILL: Regarding the establishment of a Builders Indemnity Fund, which was disputed by the other place, the compromise reached is that the fund in the form suggested has now been agreed on, the only difference being that, instead of the contribution of up to $10 for each house completed, the contribution will be fixed by regulation. That is the kind of compromise I like.

Motion carried.

PETITION: LOCAL GOVERNMENT

The Hon. R. A. GEDDES presented a petition from 191 petitioners stating that community of interest was sufficiently strong to maintain the *status quo* and that they desired to remain attached to the Georgetown District Council.

Petition received and read.

QUESTIONS

STATE FINANCE

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before asking a question of the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: On October 9 the Chief Secretary was not in the Chamber when the second reading debate on the Appropriation Bill was closed. The Minister of Agriculture therefore closed the debate. In doing so, he said (*Hansard*, page 1363):

The Leader has seen fit to imply that the Government is not honest in providing information to Parliament in connection with taxation legislation.

The Minister then dealt with the question of pay-roll tax, which I raised during my contribution to the debate. Later in his reply to the second reading debate, the Minister said:

As should be obvious, however, the figures being discussed are not even remotely like the estimate put forward by the Hon. Mr. DeGaris. The Leader has estimated that the deficit for 1974-75, following on the changes which have occurred since the Budget was brought down late in August, will be $40 000 000 and not $22 000 000, as suggested in my second reading explanation. The calculations which lead to the figure of $22 000 000 are quite clearly set out in the explanation, but just to make sure there is no misunderstanding I shall repeat them.

The Minister then repeated the figures. Since that time, only four or five weeks ago, the Treasurer has admitted that the State's deficit will possibly be $36 000 000. Therefore, would the Chief Secretary like to reappraise the figures given on October 9?

The Hon. A. F. KNEEBONE: I will study the figures and let the Leader know.

MOTOR VEHICLE INDUSTRY

The Hon. C. M. HILL: Has the Chief Secretary a reply to my recent question in relation to the motor vehicle industry in South Australia?

The Hon. A. F. KNEEBONE: The South Australian Government is not opposed to manufacture, in Australia or South Australia, by Japanese interests, provided that they do so using existing production facilities as far as possible. It sees no reason for concern at the prospect that this could involve part ownership of South Australian factories by the Japanese interests. The Government would try to ensure that any developments in this area were in the best interests of the State.

COOBER PEDY BUSH FIRE

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

Leave granted.

The Hon. R. A. GEDDES: I have received information from an extremely reliable authority that the bush fire burning west of Coober Pedy has broken out again. Because of the sparsity of population and the difficulty of the country in relation to the feed position this year, can the Minister say whether the Government can do anything to help in the control of this fire, perhaps with the thought in mind that, if future fires occur in the North-West or North-East this year, further Government help may be provided?

The Hon. T. M. CASEY: Apparently news travels fast, as do the bush fires in that area. What the honourable member says is correct: the fire that was burning some time ago in the North-West has broken out again. Unfortunately, because of the variable winds in the area (as the honourable member will know from personal experience) it is difficult to estimate which way the fire is heading, although it is moving on a very broad front. When I heard of this outbreak this morning, I immediately contacted Mr. Fred Kerr, the Director of the Emergency Fire Services. We are attempting to get equipment into the area, but it is very difficult to do so because not many units of equipment are available there. I have contacted the Minister for Defence (Mr. Barnard) in Canberra, and also his Deputy (Mr. Morrison) to see whether we can get some equipment from the Woomera area. Mr. Morrison has agreed to make available equipment from Woomera and I understand negotiations are now going on between the officer in charge (Major-General Stretton) of the Civil Defence Force in South Australia and Mr. Fred Kerr to see how best we can make use of the equipment to be made available by the Commonwealth from Woomera.

WHEAT QUOTAS

The Hon. B. A. CHATTERTON: The Minister of Agriculture was recently asked a question in this Council on his attitude towards the suspension of wheat quotas, which was dependent on the co-operation of all the other States in Australia. Can the Minister say whether any progress has been made in relation to the lifting of wheat quotas in Australia?

The Hon. T. M. CASEY: As I informed the Council in reply to a question some time ago, as soon as I received a telegram from Senator Wriedt asking whether South Australia would agree to the suspension of quotas I replied in the affirmative. I am pleased to say that all States have now agreed and have informed Senator Wriedt that, as from the 1975-76 wheat years, there will be no quotas in Australia.

HIGHWAY 12

The Hon. C. M. HILL: Has the Minister of Health a reply to a question I asked recently regarding road construction and maintenance work on Highway 12 between Parilla and Pinnaroo?

The Hon. D. H. L. BANFIELD: The reconstruction of the Tailem Bend to Pinnaroo road between Parilla and Pinnaroo is not included in current advance programmes of the Highways Department, but these programmes are at present under review in the light of the availability of funds and the terms of the new legislation by the Australian Government. The deterioration of this section of road is known to the Highways Department, and arrangements are in hand to improve its condition pending reconstruction when funds and other resources become available.

NARCOTIC AND PSYCHOTROPIC DRUGS ACT AMENDMENT BILL

The Hon. D. H. L. BANFIELD (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Narcotic and Psychotropic Drugs Act, 1934-1972. Read a first time.

The Hon. D. H. L. BANFIELD: I move:

That this Bill be now read a second time.

It makes a number of miscellaneous amendments to the Narcotic and Psychotropic Drugs Act. The first, and most important, of these is to amend the definition of "Indian hemp". Indian hemp has up to this time been defined as the plant *Cannabis sativa L.* However, it now seems possible that there are two other species of the plant, namely *Cannabis ruderalis* and *Cannabis Indica.* The definition is, therefore, amended to include any species of the Cannabis plant. The definition is also amended to remove from the definition fibrous material from which all resin has been extracted. The fibre is of course used in hempen rope. The Bill also overcomes a deficiency in the section of the Act dealing with consumption of prohibited drugs. New offences of administering such a drug to another person, and allowing another person to administer such a drug to oneself, are created. A new power is included in the principal Act enabling a court to forfeit to the Crown any money, substances or articles used or received in connection with the commission of an offence under the principal Act. Advertisements promoting the use of drugs to which the principal Act applies are prohibited. This new prohibition does not, however, apply to a magazine, journal, circular or paper that is circulated only amongst legally qualified medical practitioners, registered dentists or veterinary surgeons, or is exempted by the Minister from the provisions of the new section.

Clause 1 is formal. Clause 2 amends the definition of "Indian hemp" in the manner described above. Clause 3 creates the new offences of permitting another to administer a drug or of administering a prohibited drug to another person. Clause 4 enacts the new powers of forfeiture. Clause 5 restricts the publication of advertisements relating to prohibited drugs.

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

FAIR CREDIT REPORTS BILL

Adjourned debate on second reading.

(Continued from November 20. Page 2101.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I began discussing this Bill yesterday. There can be no doubting the fact that reporting agencies and credit bureaux and employment reporting agencies will play an increasingly important role in the credit orientated society that we are developing. I have examined movements in this field around the world, and I now refer to some of the legal problems that arise from the reporting industry. The two main distinct areas which emerge are, first, the operation of credit bureaux themselves, and secondly, the rights of the consumer on whom bureaux hold an information file. It is those two areas with which this Bill deals.

I have already dealt with the question of inaccuracies contained in such files. This could be common to all bureaux. In the book *Consumer versus Credit Bureaux* J. S. Pop draws the rather stark analogy that if 99 per cent of the files held in American credit bureaux are accurate, and only 1 per cent contained inaccuracies, then over 1 000 000 people are affected as a result of files held by bureaux. In referring to the consumer's dilemma, I draw to the Council's attention that with the effluxion of time society is moving more and more to a credit orientated situation with more importance continually being placed on this type of information. The dilemma is further aggravated by the fact that all credit records have traditionally been confidential.

Therefore, the consumer on whom a report is being made is denied access to his file and is unable to ascertain whether or not his file is accurate. Any amount of information on this matter can be drawn from the American situation. In gathering evidence a neighbor or someone who knows a person could deliberately provide a reporting agency with inaccurate information, because he wanted to affect the credit standing of the person involved. That has been done on several occasions, and the consumer would have no knowledge that a false report may be the basis for a refusal of credit or a benefit in respect of credit. Considering the ever-increasing importance of credit ratings and the reliance on credit reports, inaccurate and out-of-date information on files could have a devastating effect, especially in the future when we move into an area of computerisation and data banks. Current usual remedies available to consumers in these cases are, first, action involving common law defamation.

Traditionally, victims of inaccurate reports have sought relief through libel action, but the consumer in these actions has rarely been successful. It is virtually impossible to succeed in an action for defamation unless malice can be proved. Then there are legislative remedies. Contemporary legislation in the United States has tried to regulate the activities of credit bureaux and to protect the consumer by enacting safeguards. Various State Acts in America, as well as the Federal Fair Credit Reporting Act, have already been enacted. Sometimes, the State Act fills in gaps left by the Federal Act, and on other occasions the State Act is not as wide-ranging as the Federal Act. The stated purpose of the United States Federal Fair Credit Reporting Act is to ensure that information supplied to agencies is furnished in a manner that is fair and equitable to the consumer with regard to the confidentiality, accuracy, relevancy and proper utilisation of such information.

Having examined the legislation enacted in Canada, the United States and Queensland, which is the only State in Australia that I can find that has legislation touching on this matter at this stage, I know that there are a variety of means of approaching this question. At present, I do not believe this Bill will serve much purpose. I said this when I referred to my own association with the business world, in that for more than half the time the credit provider relies on the information obtained from the person making the report. It is not just a question solely of the personal facts; it involves the opinion as to the creditworthiness of the person making the report.

This Bill appears to me to be little bits and pieces taken from all existing legislation. I believe it has certain disabilities that are inherent in much of the legislation that has been enacted elsewhere. I think I can say with some certainty that we in this Parliament have for the last two or three sessions been plagued with emotional, eye-catching, privacy, consumer protection-type legislation which, in my opinion, is achieving very little in the community. We have a Mock Auctions Act and a Pyramid Selling Act, under which no prosecutions have been launched. We also have consumer transactions legislation, which was given almost world-wide publicity as a massive step forward in consumer protection, and under which the court can annul a contract that is overbearing on the consumer involved. I believe only one

action has been taken in relation to such a contract under that legislation, and my information is that the action would have succeeded, in any case, under the common law.

That is indeed a point worth looking at in all these barrowloads of legislation that have been poured into this place. I do not think, in all the circumstances, that this is achieving very much. Part II of the Bill deals with reporting agencies. Clause 6 (1) provides as follows:

A reporting agency shall adopt all procedures reasonably practicable for ensuring accuracy and fairness in the contents of its consumer reports.

Clause 6 (2) provides:

(2) A reporting agency shall not include in any consumer report made to a trader—

(*a*) any information based upon evidence that is not the best evidence reasonably available;

or

(*b*) any unfavourable personal information based upon hearsay evidence—

and I ask the Council to note those words. I would love a lawyer to tell me what that means—

> unless it has made reasonable efforts to substantiate the evidence on which the personal information is based and, where the information is unsubstantiated, the lack of substantiation is stated in any report in which the information is given.

I ask what are "reasonable efforts"? Are they efforts that lead us to contradiction? Would the inclusion of efforts lead to no substantiation? What is hearsay? Clause 6 (3) provides:

A reporting agency shall not include in any consumer report made to a trader information as to the race, colour, or religious or political belief or affiliation of any person.

Why not? It may be that that information is important to a person. I see no reason why, if a person wants to report on another person, all the information should not be available to him if he so desires. Clause 7 (2) provides as follows:

A trader shall, at the request of any person who has obtained, or has sought to obtain, a prescribed benefit from him (whether or not that person has received, or is entitled to, notification under subsection (1) of this section) disclose—

(*a*) the substance of any information contained in a consumer report made by a reporting agency in relation to that person which is, or has been within the period of six months preceding the date of the request, in the possession of the trader;

By the time this operates, the damage has been done, the credit having been refused. It will not therefore satisfy the consumer who, after being refused credit, suddenly has some information on his credit file changed. As I said earlier, so often it is not necessarily the information regarding a person but the assessment of him that matters. I could give the Council any amount of cases in that regard that are quite interesting.

One comes, then, to other parts of the Bill. In clause 9, for instance, the words "within a reasonable time" are used. Clause 11, which comes within Part III (the miscellaneous section) of the Bill, provides as follows:

For the purpose of ascertaining whether a reporting agency or a trader has contravened or failed to comply with any provision of this Act, the Commissioner—

that is, the Prices Commissioner—

may require the agency or trader to permit him, or an authorised officer, to examine the files or records of the agency or trader.

If the Prices Commissioner is to have power to look at and investigate the files and records of an agency or trader, should not this be at least at the instigation of the consumer? Clause 6 (1) provides:

A reporting agency shall adopt all procedures reasonably practicable for ensuring accuracy and fairness in the contents of its consumer reports.

Clause 11 (1) provides:

For the purpose of ascertaining whether a reporting agency or a trader has contravened or failed to comply with any provision of this Act, the Commissioner may require the agency or trader to permit him, or an authorised officer, to examine the files or records of the agency or trader.

We have recently dealt with the question of invasion of privacy, and it would be an invasion of the privacy of many businesses if an inspector inspected the files or records of an agency or a trader. The provision should be made more restrictive so that an inspection is made only at the instigation of a consumer who complains that an incorrect credit report has been issued concerning him. I fully appreciate that there is a need to ensure that there is available to people in a credit-orientated society information on the creditworthiness, the employment potential and the insurance potential of people who may be strangers to the credit provider, employer or insurer. There can be inaccurate files. We must consider the good of society in relation to the question of the consumer. I do not object to the Bill, but it could well be part of the examination, on a much wider basis, of the privacy commission that I should like to see established in South Australia by the Bill I introduced yesterday. This is the sort of work that the commission should do. It should get involved in the practicality of the situation, look at all these questions, and make recommendations to Parliament on necessary legislation. This Bill contains many flaws, the first being that it does not cater for the rapid expansion of data banks and computers. The Bill contains provisions, particularly clause 11, that this Council should examine extremely closely. Clause 4 provides:

"reporting agency" or "agency" means a person, or body of persons that—

(*a*) for fee or reward; or

(*b*) upon a regular co-operative basis—

note those words—

furnishes consumer reports to traders.

"trader" means any person or firm that—

(*a*) carries on trade or commerce; or

(*b*) lets any land or premises.

The question of employment is also involved. So, one can see that this is a wide-ranging Bill with powers of inspection of a trader's business, files and records by the Commissioner for Prices and Consumer Affairs. I do not object to the principle of having control over credit bureaux and reporting agencies, but we must ensure that the legislation does not inhibit the supply of the normal information required by the business community. The consumer should be not only protected but also provided with a system that enables him to get credit as quickly as possible. I support the second reading of the Bill, but I will make a further contribution in the Committee stage.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

The Hon. A. F. KNEEBONE (Chief Secretary): To enable honourable members to do additional research, I ask that progress be reported.

Progress reported; Committee to sit again.

ADELAIDE TO CRYSTAL BROOK STANDARD GAUGE RAILWAY AGREEMENT BILL

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

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

That this Bill be now read a second time.

It seeks the ratification by Parliament of an agreement made between the Australian and South Australian Governments for the construction of a standard gauge railway between Adelaide and Crystal Brook. It is the second of two Bills seeking sanction by this Parliament to upgrade the State's railway system significantly. The construction of a standard gauge rail line between Adelaide and Crystal Brook has special importance to South Australia. We are presently the only capital of a mainland State in Australia not connected to the standard gauge network. Obviously this situation has been to the detriment of local industries seeking easy and fast access to markets in other capital cities. Like the Tarcoola to Alice Springs Railway Agreement Bill, the Australian Parliament has seen the merits of constructing this vital rail link and has ratified the agreement signed between the respective Governments in May this year.

This project has a long history. It dates back to 1949, when the standardisation agreement was finalised seeking to convert the entire South Australian railway system to standard gauge. The first tangible step towards implementing this pact was in the early 1960's, when work began on the construction of the standard gauge rail between Port Pirie and Broken Hill. Following that, in 1964, talks began between the Australian and State Governments to provide a link for the new standard gauge line to Adelaide. After protracted negotiations, the Australian and State Governments jointly appointed a team of constructing engineers (Maunsell and Partners) to examine and determine the most economic method by which Adelaide could be connected by standard gauge to the new interstate railway between Port Pirie and Broken Hill.

Following consultation between the Australian and State Governments, agreement was reached on the scope of the project to be planned by the consultants. The principal items of the project examined by Maunsell and Partners, and subsequently included in this Bill, are as follows:

A new independent standard gauge railway from Crystal Brook to Adelaide;

standard gauge lines from Dry Creek to Islington and Gillman yard;

standard gauge connections to the Mile End yard;

standard gauge facilities at Islington and Dry Creek, including facilities for inwards and outwards freight, vehicle servicing, bogie exchange and standard gauge access to Pooraka and Islington workshops;

standard gauge facilities at Adelaide passenger terminal;

standard gauge connection to Wallaroo by conversion of the line between Snowtown and Kadina from broad gauge to standard gauge and the construction of a new standard gauge line between Kadina and Wallaroo; and

standard gauge rolling stock, new and converted, based upon expected traffic at the end of the first year of full standard gauge operation.

The construction programme agreed on between the Australian and State Governments will enable limited standard gauge operation to begin within four years of work beginning on the building of the line. It is proposed in this Bill that the work will be carried out by the South Australian Railways, and it is contemplated that the project will take about five years to complete.

When the consultants reported in January, 1974, the cost of constructing the main line and branch line was about $81 000 000. In the agreement the Australian Government is committed to meeting the total initial cost of the project. Seventy per cent of the total cost will be regarded as a non-repayable grant, and the State will be required to repay the remaining 30 per cent of the expenditure, plus interest over 50 years. This is in line with other standardisation projects previously undertaken between the State and Australian Governments.

Honourable members will be aware of the tremendous benefits that will be forthcoming when Adelaide is linked to the national standard gauge network. It will result in greater efficiency and lower transportation costs for our local manufacturing industries, on which this State greatly depends for economic stability. The transportation of grain and other rural products from Yorke Peninsula will also be a more efficient operation with the conversion of the line between Snowtown and Kadina from broad gauge to standard gauge and the construction of a new line from Kadina to Wallaroo.

The passing of this Bill by Parliament, and another seeking approval for the construction of a line between Tarcoola and Alice Springs, will also greatly improve the attractiveness of passenger travel by rail. Passengers will no longer have to change trains when travelling to Alice Springs or when on the Indian-Pacific. It is essential to South Australia's continued well-being that this project go ahead as soon as practicable.

Clauses 1 and 2 of the Bill are formal. Clause 3 approves the agreement and authorises the State Government to do all things required of it under the agreement. Clause 4 expresses the consent of the State to the carrying out by the Commonwealth of the works contemplated by the agreement. Clause 5 incorporates the projected Act with the South Australian Railways Commissioner's Act, 1936-1973.

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

ABORIGINAL LANDS TRUST ACT

Consideration in Committee of the House of Assembly's resolution:

That this House 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.

(Continued from November 19. Page 2025.)

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

That the resolution be agreed to.

A house property was purchased by the Aboriginal Lands Trust to be used as a residence for one of its staff working at Point Pearce. The trust has since reorganised its staffing position at Point Pearce, and the house is no longer required for that purpose. The Point Pearce council negotiated with the trust for the purchase of a house, and agreement was reached on the basis of the valuation of the property by the Valuation Department. The Point Pearce council will use the house as a residence for one of its employees.

The motion was moved in another place by reason of the provisions of section 16 (5) of the Aboriginal Lands Trust Act, which provides:

The trust may—

(*a*) with the consent of the Minister, sell, lease, mortgage or otherwise deal with land vested in it pursuant to this Act; or

(*b*) develop such land subject to compliance with the provisions of any Act or law relating thereto,

as it thinks fit: Provided that neither the trust nor any lessee or assign of the trust shall depasture any stock on any land situate within the pastoral area of the State as defined in the Pastoral Act, 1936-1960, and vested in the trust without the approval of, and upon such conditions (including the number of stock to be depastured on any such land) as may be specified by the Pastoral Board. The Minister shall not withold his consent unless he is satisfied

that the sale, lease, mortgage or dealing fails to preserve to the Aboriginal people of South Australia the benefits and value of the land in question:

This is the proviso to which I direct attention:

Provided that no land vested in the trust may be sold unless both Houses of Parliament during the same or different sessions of any Parliament have by resolution authorised such sale.

That is why the resolution is before us. I ask honourable members to support the motion.

The Hon. M. B. DAWKINS: I support the motion. As the Chief Secretary has said, it is necessary to approve this motion, as the requirement of the Aboriginal Lands Trust Act is as follows:

Provided that no land vested in the trust may be sold unless both Houses of Parliament during the same or different sessions of any Parliament have by resolution authorised such sale.

It seems that a house situated at 23 Elizabeth Street, Maitland, was purchased by the Aboriginal Lands Trust with moneys made available by the Government for that purpose. I understand that this house at present is occupied by the supervisor of the farming operations at Point Pearce. I believe that the administration of the farming programme at Point Pearce is to be changed and that this property, as has been stated, will be surplus to requirements for that purpose. If the management is to be changed, I should be grateful if the Chief Secretary would indicate just how the Point Pearce project would be managed in future. If he cannot do that now, I should be grateful if he would make that information available in due course. If a change is imminent, the house is no longer needed for the purpose for which it was purchased, and it is to be sold to the Point Pearce Housing Association Incorporated for $12 500, which I understand is the price recommended by the Land Board. The Aboriginal Lands Trust Act requires the approval of both Houses of Parliament. I understand there is no objection to this change in the town of Maitland or by the council in the area, so I support the motion.

Resolution agreed to.

LISTENING DEVICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 20. Page 2084.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill but I am not so sure that, when we get to the Committee stage, we may not have to consider carefully one or two aspects of its provisions. The Bill, which is very short, seeks to add another section to the existing Listening Devices Act passed in 1972, the purpose of the additional section being to enable a court that may have convicted any person for illegally using a listening device or recorded information to order the forfeiture of that listening device or record to the Crown in order that it may be destroyed.

I do not profess to know very much about listening devices, but I gather they can range from the ordinary little dictaphone type of instrument, which I presume nearly all of us might have, to very sophisticated equipment which, I am told, may cost up to $25 000, which, of course, is a large sum of money. The new section makes it discretionary, and not mandatory, on the court to order the forfeiture for destruction of the device. I should have thought that possibly the court would think seriously if it had to order the destruction of something costing $25 000. The Act itself has not been invoked since its passing; at least, I am not aware of any prosecutions having been launched under it. Section 8 allows the Minister to declare a listening device of a class or a kind, and a person shall not, without the consent of the Minister, have in his possession, custody, or control, any declared listening device. The only declaration made under that section was in February of this year. I looked at that declaration, and it seems to be a declaration not so much about specific listening devices but giving permission for certain people in the broadcasting and television world to use a specific listening device. I suppose that can be done under section 8, but it does seem a little back-handed, as it were, in saying that, instead of declaring something one should not have, the Minister has declared a device that people can use in connection with their job.

Section 4 prevents anyone from using a listening device to overhear, record, monitor, or listen to any private conversation, whether or not he is a party to that conversation, without the consent, expressed or implied, of the parties to that conversation. That is a fairly direct provision. In other words, I cannot make a recording of any conversation I have with someone else unless I tell that person that I am recording the conversation and ask whether I am permitted to do so.

Section 7 provides that that provision does not apply if I use the listening device to record a conversation when I am a party to that conversation and in the course of my duty and in the public interest for the protection of my lawful interests. That is not exactly easy to follow: I do not know what my course of duty would be. The rest of it may not be so difficult to follow, but it seems that there are only very restricted circumstances anyway in which I can record a conversation when I am a person taking part in it. Unless that conversation is for my lawful interest or the protection of my lawful interests, I should not record it. If I used my small tape recorder and was unaware or did not believe that I was committing an offence, and if I were mistaken in my belief and were convicted, I hope that the court would not order that my dictaphone, or whatever device was involved, be destroyed. The court could do that, although I think it would do it only if it thought my offence was blatant.

I suppose the situation in respect of the destruction of listening devices is a logical sort of thing to include in an Act of this kind, although it would be just as logical for the court to order the destruction of a motor vehicle, which was used in the commission of a crime, or even the destruction of house-breaking instruments used in the commission of a burglary. I have not looked at this. Perhaps the Hon. Mr. Burdett would know what a court can do in this respect.

The Hon. J. C. Burdett: It has power in respect of firearms.

The Hon. F. J. POTTER: True, that is the only area over which I think the court has such control. We are taking an extra step here. Perhaps the situation is unusual. I am not against the Bill. This matter should be considered by the Committee. Perhaps the Committee will consider whether or not such a provision should apply to a declared listening device only, and not to any listening device in particular. That is about the only possible amendment that has occurred to me without my considering the matter in more detail. The Bill is straightforward, but sometimes with these measures there are one or two hidden problems that are not easy to see at first glance.

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

ROAD TRAFFIC ACT AMENDMENT BILL (RADAR)

Adjourned debate on second reading.

(Continued from November 20. Page 2081.)

The Hon. D. H. L. BANFIELD (Minister of Health): I seek leave to make an explanation before the Hon. Mr. Hill makes his speech.

Leave granted.

The Hon. D. H. L. BANFIELD: I point out that in my second reading explanation I referred, in respect of clause 4, to deferment until 1976. This was a mistake: it should have been 1975. This mistake does not affect the Bill in any way, because the provision refers only to the month, without mentioning the year. I apologise for this mistake.

The Hon. C. M. HILL (Central No. 1): I thank the Minister for that explanation. It was obvious to me that a typing error had been made in the notes prepared for the Minister in respect of the second reading explanation. Had the Minister not given that explanation, I can assure him that many country people would have welcomed his generosity in deferring the operative conditions relating to weight limits under subsection (4) and (5) of section 147 of the principal Act, because those people had been told by the Minister's colleague in another place that the deferment was to be until July, 1975. The matter is now completely cleared up.

The Bill does two things. First, according to the Minister's explanation, it provides for an amphometer to be used to detect speeding motorists and, secondly, it provides for the extension to which I have just referred. The Bill goes further than just providing for the use of amphometers, which have not been described by the Minister in any way in his explanation. I asked him about this briefly a few minutes ago, and he was kind enough to describe this machine to me.

The apparatus consists of two air tubes stretched across a road, about 25 metres or 26 metres apart. As a result of the bumping caused by vehicles passing over these two tubes, the speed of the vehicle is indicated on a meter located further along the road at a point where the speeding motorist is stopped, so that he can read the meter himself and see the actual speed he was travelling when he crossed the tubes on the road. As the Minister said, such an instrument may not be interpreted as being an electronic traffic speed analyser and so, in effect, apparatus of this kind will now be denoted within the Act simply as "traffic speed analysers".

The Bill goes further than this. It permits any apparatus, which the Government may approve in future, to be used in the whole general area of radar control. I have some misgivings about this. In clause 2, the following new definition has been added:

"traffic speed analyser" means an apparatus of a kind approved by the Governor as a traffic speed analyser.

There is much public disquiet regarding the use of radar and of this new instrument known as an amphometer. I would be satisfied if we had a complete explanation regarding that instrument. In effect, its use having been approved, that instrument and electronic radar will be the two instruments that will be used in this way.

Under the Bill, any further apparatus could be invented or purchased by the Government from, say, other States or overseas. Simply with the Governor's approval, such equipment could be automatically used on our roads for this kind of traffic speed detection.

There is something about this form of detection that is not acceptable to the public at large. Although some people do not mind it, one hears considerable criticism of it. Perhaps the criticism is levelled more at the principle involved. In some instances, the radar apparatus is set up behind a tree or shrubbery. I know that it is at times set up on the median strip at Elizabeth. This kind of detection attracts some criticism by people who claim that, although they should be proceeded against for having broken the law by speeding, this method is bad.

Not only are we approving of this apparatus in the Bill but also the Government is seeking the right to use apparatus of any kind that it, the Government, approves. If any other apparatus is to be used, Parliament is the body that ought to approve it.

The Hon. A. F. Kneebone: Don't you think we should make every effort we can to stop speeding on the road?

The Hon. C. M. HILL: That is a strong argument, and I have said many times in the Council that we should go to great lengths to prevent speeding and thereby reduce traffic accidents. I agree with the Chief Secretary that this is indeed an important point to be considered in this whole matter.

However, I think some balance must be made between the method of detecting these speeding offences and the need for an optimum amount of safety precautions and speed control, which would result in a reduction in road accidents, speed being such an important factor in road accidents and fatalities. I return to the point that I think the Government is going too far in seeking the right under this Bill to use, without further reference to Parliament, any instrument or apparatus that it, the Government, approves in future.

I think the proper procedure would be for the Government to bring back to Parliament for approval any further apparatus that it may in future want to use. There may not be any other items that the Government will consider using. I do not think there will be, as I consider that the electronic machines that we call radar and this amphometer, in which apparently electric current is not used, should be sufficient.

I have no objection to the amphometer as I understand it. However, I do object to this wide coverage being taken by the Government in seeking this blanket approval for the use of apparatus of this general kind. I express appreciation to the Government for the extension from January 1 to July 1 next of the operative provisions relating to weight limits. This will be a great help to many people who have been concerned about this whole matter.

Because of the other matters to which I have referred, it is with much misgiving and doubt that I speak to this Bill. I should like to hear the Minister's views in reply before I make a decision on the matter. I hope he will give an undertaking that no apparatus, other than the amphometer and radar, will be used in future without Parliament's first being told.

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

FILM CLASSIFICATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 20. Page 2082.)

The Hon. J. C. BURDETT (Southern): I support the second reading of this Bill with some pleasure, as it is unusual for one to find this Government introducing legislation to do something towards preserving moral standards in the community. On the contrary, much of the social legislation seems to tend towards permissiveness. In this case, the Government has recognised its duty to preserve reasonable community standards.

The principal Act provides that, where a film to which an R classification has been applied is about to be, or is being, exhibited in a theatre, the exhibitor or his employee can require any person seeking admission to the theatre to state his correct age and, where such a person has reason to suspect that the age stated is not correct, he has power to require the person to produce satisfactory evidence of age. The first thing this Bill does is to extend to a member of the Police Force the power that an exhibitor or his employee at present has to demand a person's correct age or proof thereof. Previously, only the exhibitor himself or his employee could do that. I am very pleased to see that police officers have been given these powers, because they are much more likely to be assiduous in protecting community standards than are the exhibitors. When one considers some of the films at present exhibited under an R classification, one can well doubt whether an exhibitor will be very assiduous in ensuring that people seeking admission are over the age of 18 years.

The Bill also provides that, where an exhibitor, his employee, or a police officer suspects on reasonable grounds that a person has unlawfully obtained admission to a theatre in which an R classification film is being exhibited, he may require that person to leave the theatre forthwith and, if the person fails to comply with that requirement, he may use reasonable force to remove that person from the theatre. I have studied the Bill carefully, and I cannot see any dangerous provisions in it. I am pleased to support it because it shows that the Government has, in this case, acknowledged that it has some responsibility to see that reasonable moral standards are preserved in the community.

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

PUBLIC FINANCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 20. Page 2082.)

The Hon. R. C. DeGARIS (Leader of the Opposition): According to the Chief Secretary's second reading explanation, this short Bill is a machinery matter; I suppose it is. Under the Bill, the expenditure of moneys from the Revenue or Loan Accounts which will, at some time in the future, be reimbursed by the Commonwealth Government will be dealt with through a separate fund. I suppose some of the Budget papers may not give the correct impression, particularly where expenditure is to be reimbursed by the Commonwealth Government; I assume that that is the reason why the Treasury wishes to use this separate fund, to be known as the "Treasurer's Advance". I see no great difficulty in the Bill. In the Budget Estimates of Receipts the Treasurer included a sum of $6 000 000 that was the subject of a verbal promise, according to the Treasurer, between Mr. Whitlam and the Treasurer. That sum was included in the Budget documents.

The Hon. Sir Arthur Rymill: Would you think this is a justification?

The Hon. R. C. DeGARIS: Perhaps. New section 35 (3) provides:

> Where moneys have been expended from the General Revenue or the Loan Account and the Treasurer certifies that the expenditure has been accepted by the Commonwealth as expenditure that will in whole or in part be reimbursed by the Commonwealth and the moneys required to effect that reimbursement have not been received from the Commonwealth, the Treasurer may issue from the Treasurer's Advance any amount, not exceeding the amount of the expenditure so certified, by way of reimbursement or partial reimbursement of the General Revenue or the Loan Account in respect of the amounts so expended from those accounts.

The Hon. Sir Arthur Rymill: Do you think that that could apply, in fact?

The Hon. R. C. DeGARIS: I do not know, but it probably could. If the Treasurer was willing to give his certificate that he had been promised, verbally or otherwise, $6 000 000 for some purpose, I believe he could draw from the Treasurer's Advance. I put this question to the Council: should there be a clear provision that a Commonwealth promise of reimbursement has to be in a document? Perhaps if the Treasurer is hard pressed (and he is hard pressed at present) he may well use this account, knowing that the Commonwealth money is the subject of only a verbal statement from one head of Government to another. I ask the Chief Secretary, either in his reply to the second reading debate or in the Committee stage, to inform me whether an amendment would cover the position to which I have referred.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Grants from Commonwealth."

The Hon. A. F. KNEEBONE (Chief Secretary): I listened with interest to the comments of the Leader on new subsection (3) to be inserted by this clause. The wording covers the situation. It "certifies that the expenditure has been accepted by the Commonwealth as expenditure that will in whole or in part be reimbursed". Apparently the verbal promise of the Prime Minister was not accepted by the Commonwealth.

The Hon. R. C. DeGaris: It was accepted by your Treasurer as having been accepted by the Commonwealth. That is the point.

The Hon. A. F. KNEEBONE: It is certified as having been accepted by the Commonwealth.

The Hon. R. C. DeGaris: If you accept it you put it in the Budget.

The Hon. A. F. KNEEBONE: That is what I would have thought.

The Hon. R. C. DeGaris: You are not thinking in the same way as your Treasurer.

The Hon. A. F. KNEEBONE: It must be accepted by the Commonwealth, too. The $6 000 000 was definitely promised but it was not forthcoming. It is evident that the Government has not spent the money because it has not had it.

The Hon. R. C. DeGaris: I would not think that that is any bar to this Government.

The Hon. A. F. KNEEBONE: We would not otherwise be in the situation we are in at present of introducing additional taxation to cover the deficiency. I have no suggestions regarding amendments. If the Leader is not satisfied with the Bill in its present form, he could suggest an amendment. The answer I have given is that the Treasurer must certify that the expenditure has been accepted by the Commonwealth as expenditure that it will reimburse. This is different from our previous experience. Previously, it has been anticipated. There would have to be some documentary evidence of its availability, otherwise the certificate could not be given.

The Hon. R. C. DeGARIS (Leader of the Opposition): Although it is difficult, I think the Bill is all right. However, I ask the Chief Secretary whether progress could be reported. I am not entirely satisfied and, while I think what he said is right, the Treasurer thought what he put in the Budget was an acceptance by the Commonwealth. I should

like to look at the clause to ensure that the expenditure is accepted and reimbursed by the Commonwealth in some concrete fashion.

The Hon. A. F. KNEEBONE: I am quite willing to report progress.

Progress reported; Committee to sit again.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 20. Page 2082.)

The Hon. R. A. GEDDES (Northern): I support this Bill. As members will notice from the title of the Bill, the Industries Development Act was first introduced into the South Australian Parliament in 1941 by the then Chief Secretary (Hon. A. L. McEwin, M.L.C.) and in his second reading explanation he referred to the need for secondary industry to be established in South Australia as the complement of primary industry. He said also that, because of the war, there was a need for defence requirements and for industry to assist in defence within South Australia. It was contemplated in the second reading explanation that the Bill would assist in the rehabilitation of ex-servicemen returning from the war.

The greatest critic of the Bill was the Hon. Sir Collier Cudmore, who said that freedom of enterprise was far better than any Government industries development committee or corporation. The Industries Development Bill was introduced after the Industries Development Corporation had been in operation for about three years, and it is interesting to note that the corporation was set up with public subscriptions and was able to raise a sum of money; quoting from *Hansard*, 632 public minded persons took up 5 per cent cumulative preference shares of £1 and £8 500 was subscribed as A class shares paid up to 2s. each. This money was subsidised by the State Government to the value of £25 000, and the total of £34 000 was then deposited with the bank and became the nucleus of a fund from which people could borrow money, which was lent to industry at the magnificent rate of 4 per cent per annum. The directors of the corporation were: Messrs, F. T. Perry, O. L. Isaachsen, J. H. Gosse, J. W. Wainwright, E. R. Dawes, and the Hon. E. W. Holden. Those are all names well known to anyone who has studied the industrial growth of South Australia.

The Hon. A. J. Shard: None of them is with us now.

The Hon. R. A. GEDDES: No, but their memory lingers on by virtue of *Hansard* and the fact that there is still an Industries Assistance Corporation, although without any public contribution now, unfortunately. It is completely looked after and financed by the Government, and it is still doing a worthy and worthwhile job. As a member of the Industries Development Committee, I am interested to know how many industries are coming now to the corporation asking for carry-on finance for four to six months, or sometimes a little longer, seeking money in the $50 000 to $80 000 class, and all because of the financial uncertainty and the financial climate, largely created and fostered by our State and Commonwealth Governments. With the lack of confidence in industry and the lack of confidence in the public sector, one can foresee greater demands being made on the corporation in the future for carry-on finance.

It is not the role of the corporation to be providing carry-on finance; its role is to help new industry or to allow established industries to expand. It is designed, too, to assist and give approval when the Housing Trust wishes to build a new factory for an industry or enlarge a factory. The figures I have are of considerable interest. Since 1971 until this year the Industries Assistance Corporation has made 28 advances to industries totalling $1 988 000; the Industries Development Committee up until 1974 has approved 10 guarantees, totalling $2 285 000, and approved South Australian Housing Trust approvals of 11 industrial sites to a total value of $6 071 000.

The Bill is simple and deals with changing monetary values. Its main three points are these. Whereas at the moment the Industries Assistance Corporation can borrow only $3 000 000 from recognised sources with Treasury approval, that has been increased to $5 000 000; the gross value of assistance to any one industry or any one person has been increased from $200 000 to $300 000; and it will no longer be necessary for the corporation to refer to the Industries Development Committee for grants or loans for moneys below $100 000. I wish to direct one question to the Minister and ask his advice on clause 2, which provides:

(*c*) the Committee has reported to the Treasurer that, in its opinion, the giving of the guarantee will be in the public interest and has recommended that the guarantee be given.

In the second reading explanation, the Chief Secretary said:

Although express reference to the criterion of an increase or the maintenance of employment in the State is thereby being deleted, that may properly be regarded as one element of the public interest.

This means that, prior to this Bill coming in, the clause read:

The Committee has reported to the Treasurer that, in its opinion, the effect of giving the guarantee will be to give or increase employment in the State at recognised award rates of pay or the giving of the guarantee will be in the public interest.

Then the Government deleted all reference to employment or recognition of award rates of pay. Being a member of the Industries Development Committee, I believe that this suggestion was never brought before the committee or recommended by the committee to the Government as an amendment. It seems strange to me, particularly with a Government concerned, I believe, with employment, as the Australian Labor Party is, that in future the committee will need only to recognise for guaranteeing loans on behalf of the State that, in the committee's opinion, the giving of the guarantee will be in the public interest. That is a very broad provision and I do not doubt that the committee will honour the obligation of interpreting "public interest". However, it seems strange to me that the maintaining of employment or workmen getting recognised award rates of pay is being deleted by this Government. It does not seem that this Government is running true to form. I would appreciate it if the Minister could give me the reason why. I support the second reading.

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

HOUSING AGREEMENT BILL

Adjourned debate on second reading.

(Continued from November 20. Page 2083.)

The Hon. C. M. HILL (Central No. 2): This short Bill ratifies an agreement made following the meeting of Housing Ministers of the States and the Commonwealth held on October 11, 1974. That agreement is supplementary to the original Housing Agreement made on October 17, 1973. Three principal changes are being introduced by this new agreement arrived at this year between the Housing Ministers. The first of them is that, whereas previously there had been certain conditions that the States had to be

subject to before they could allot more than 30 per cent of the housing fund allocation from the Commonwealth into the Home Builders Account, apparently the Commonwealth Minister wants more money to go into that account throughout the various States, and therefore provision is made for this to occur without those same previous provisions applying.

The effect of this is very small on South Australia, which has allocated more than 30 per cent previously to the Home Builders Account. Therefore, I do not think we can in any way object to this change. I have been continually advocating a greater proportion of our housing funds being appropriated into the Home Builders Account. Therefore, I support this change. The reason why I have been advocating that is that channelling more moneys through the building societies and the State Bank will enable more young people in particular to borrow money for their houses at reasonable rates of interest.

The second change introduced by the supplementary agreement appears to be that the Commonwealth Minister is simply seeking to grant more than the previously agreed allocation for housing from the Commonwealth to the State. This supplementary agreement makes that possible. The last alteration to the principal agreement deals with the eligibility of an applicant for a loan having regard to the applicant's income. Whereas previously the income was based on average gross weekly earnings (which included overtime), apparently the Commonwealth Minister now insists that overtime should be excluded from that calculation. There is some wisdom in this, because a young married man who commits himself to high repayments on the basis of his average weekly earnings when he is working a great amount of overtime may find himself in a serious plight if his overtime ceases.

Although I do not want to press the point too much, I think we are now approaching the time when the amount of overtime previously enjoyed will not be available in the future, which is a very sad story. However, the change provided by the Bill will be, in effect, some protection for those people who may find themselves in serious financial difficulty if they have committed themselves to high repayments on the basis of a much greater income than they were receiving when the money was first borrowed. Therefore, I support that change. As I have said, it is only a short Bill. It ratifies an agreement that has been made in the whole area of housing. I support the second reading.

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

TARCOOLA TO ALICE SPRINGS RAILWAY AGREEMENT BILL

Adjourned debate on second reading.

(Continued from November 20. Page 2083.)

The Hon. A. M. WHYTE (Northern): It is with great pleasure that I rise on this occasion to support the Bill and assist the Government to expedite this legislation, for which we have been waiting for such a long time. The Bill is simple, and ratifies an agreement that has been signed by the Premier and the Prime Minister to allot revenue to facilitate the completion of the standard gauge line from Tarcoola to Alice Springs. Negotiations in respect of this project originally began in 1910, between the then Labor Premier of South Australia and the Prime Minister (Mr. Deakin). At the time an English company was willing to build the line from Darwin to Adelaide in exchange for certain land grants adjacent to the proposed line.

One of the conditions in that arrangement between the then Premier and the Prime Minister was that South Australia would make a grant of what is now the Northern Territory (it would transfer its power of control to the Commonwealth). This was agreed, but the operative word "when" had not been noticed by the South Australian Premier. Nowhere in the arrangement between the two Governments did the Commonwealth Government say when the agreement would be effected. The South Australian Government became most annoyed in realising it had overlooked the small word "when" and every time we have a Labor Government in South Australia it sets about belabouring the Commonwealth for having tricked it in respect of one measure or another. The present situation is an example.

Since 1910, various suggestions have been made to achieve a communication link between the north and the south of Australia. The existing line has encountered many difficulties. During the last season the line was out of commission for about three months. In total, no train ran for about three months, and at one stage no train ran for nine consecutive weeks from Marree to Alice Springs. This was the longest disruption to the service since 1960. This year's flood served two purposes, the first being that it gave the authorities a splendid opportunity to assess the extent of flooding on the suggested new route. There is now no question that the new route is the most practical route available. It covers 1 435 km, of which about 830 km is in South Australia and the remainder is in the Northern Territory.

The overall project will cost $145 000 000, of which $2 000 000 is allotted for this financial year. I refer to the great work done by Senator Don Jessop. He made continual efforts during his time as the Commonwealth member for Grey, and he continued this work in seeking to have this programme advanced as an Australian Senator. It was partly due to his efforts in 1972 that the then Treasurer (Mr. Snedden) was able to allot $3 400 000 to start this railway line. What a pity it is that our State Government at that time could not reach some compromise or agreement with the Commonwealth. In retrospect, the overall scheme then would have cost about $54 000 000, while now it will cost $145 000 000. Of course, as it is a five-year programme, no-one knows exactly what the final cost will be. However, the project has all of the attributes necessary to provide a continuous link between the north and the south of the nation. Perhaps even in my lifetime I will see the line extended to Darwin, as was first foreseen in the agreement between the Commonwealth Government and the State Government.

It is interesting to note that in 1910 it was believed that, had the rail link been built, one could have travelled from Adelaide to London in 17 days by using the Siberian railways to reach Europe. This would have been a remarkable feat. However, it was not to be, and today we see what I hope is a start on a new north-south link. The standard gauge has been settled on. This matter has been tossed around for 50 years. It is pleasing to find that much of Australia has at least reached agreement that standard is the gauge that will be used and that all lines constructed in South Australia and other States will be of that gauge.

Much has been said regarding the type of sleepers that should be used, that is, whether they should be concrete or timber sleepers. I know that contracts have been let for concrete sleepers, but whether or not these are to be assigned to this line I do not know. The Commonwealth

Railways has lost no time in this matter. The Commonwealth and State Governments having reached agreement regarding this line, and the Commonwealth Government being willing to finance the whole project, the Commonwealth Railways has called tenders for earthworks and culverts for the first 160 kilometres from Tarcoola to Robin Rise.

It is a pity that this Bill has been introduced without our having a map to show exactly where the line goes. You, Mr. President, may recall that we on this side of the Chamber were somewhat duped during the debate on the Redcliff project. We never really knew that part of the land to be acquired was freehold land. I have told the Minister in charge of this Bill that it is still not too late for a sketch plan, even an ordinary map, to be displayed so that honourable members can see where the line is to be built.

The old railway line from Marree to Alice Springs will be phased out. Whether it will be removed, or merely that no more trains will run on it, I do not know. However, I imagine that there will be no service from Marree to Alice Springs on the old line once the construction of the new line has been completed. The town of Oodnadatta and Abminga Siding will also go by the way. As Oodnadatta serves a pastoral area, I suppose its community will continue, although it will be reduced somewhat because of the closure of this line. I now refer to a report headed "Oodnadatta to die" in the November 3 issue of the *Sunday Mail*, part of which states:

One town will die and another will be born in South Australia's Far North within the next five years. The town to die will be Oodnadatta (population 350) and the new one will be nearly 200 miles to the north-west at Mount Chandler.

Mount Chandler is close to the Indulkana Aboriginal Reserve. I refer now to a report in the *Sunday Mail* of November 17, 1974, part of which states:

Aborigines at Indulkana Reserve in the Far North of South Australia do not want a proposed new town . . . if it means more liquor.

I have spoken to people in that area, and it seems that neither the local pastoralists nor the Aborigines want the town to be built at Mount Chandler. There are many good reasons for this. It is obvious from the location of the various cattle stations in this area that most of them would have to cart their cattle a long way in order to reach Mount Chandler. I am told (and I agree with what I have been told) that it would be much more central for the new town to be at or near Mount Willoughby, which would be accessible from Oodnadatta and stations to the north. However, if the new township was established at Mount Chandler, cattle would have to be transported west or north by road and would then have to travel south by rail. It would be more sensible if they had to travel south by road to link up with the railway line at a more suitable spot.

The Aborigines are opposed to the establishment of the new town in the proposed position because they do not want a hotel or a grog supply of any kind so close to their reserve. When these people take a step in this direction themselves, we ought to take notice of it, especially when we know how detrimental liquor has been to their way of life. I believe that about 310 800 km^2 of land is held in reserve for the Aborigines in this area. That is indeed a lot of land, although not much of it will be populated. It comprises some of the best cattle country in the State, and it is hoped that the Aborigines will make use of its pastoral potential some day.

Another point that has been brought to my attention regarding Mount Chandler is that it never has a water supply. The Mines Department has done its best to find water in this area; however, most of the water has proved to be salty. Over the years, much water has been carted for the Aborigines at Indulkana. It therefore seems from the evidence in my possession that there must be a better site for a town than that which has been proposed.

If we had a map, as I hoped we would have before debating the Bill, it would be possible to see where the line goes and where the proposed sidings are to be placed. I understand that there will be one at Kulgera, just inside the Northern Territory border, another at Mount Chandler, and another at Mable Creek, which will serve Coober Pedy. As I have already said, from all I can gather the one at Mount Chandler seems to be in the wrong place.

The advantages of the new route are well known. The Stevenson, Hamilton, Macuma, Neales, Peak, Warriner Margaret, Stuart and Gregory Rivers all flow with tremendous force in flood years, and some of them do not need a real flood to put the present narrow gauge line out of commission. However, the new route skirts the headwaters of all those rivers and will cross only the Finke and Alberga Rivers, and a few smaller creeks. Those are the only two rivers of any consequence, and the crossing is made at a point where they have not gathered any great momentum.

In his second reading explanation, the Minister said that provision was being made for the line to stay open as far as Leigh Creek until the coal deposit had been exhausted. Agreement has been reached to enable the Crystal Brook to Adelaide line to be standardised and put into operation. What a wonderful thing that will be! I hope nothing stands in its way until it is completed. Reference is made to the Stuart Highway. I have always promoted this project, believing that, even when the railway line is built, a high-class highway will be necessary to serve the inland. I have argued that a high-class highway can be established more quickly than, and for one-third of the cost of, a railway line. I have therefore advocated that perhaps the road can be put through first. I have estimated a cost of $70 000 for each 1·6 kilometres to construct the highway; this would result in a total cost of about $45 500 000, compared with $145 000 000 for the railway line.

We will, I believe, see the Stuart Highway commenced when the Eyre Highway and other major roads now under construction are completed. I am certain that the Highways Department will then be ready to construct the Stuart Highway. I believe that three routes for the highway are under consideration. It will run nearly parallel to the route of the railway line from Tarcoola to Alice Springs, but the road in some sections will be more direct. I am pleased that that line is to be constructed. In time it will be a practical proposition to link the new line and the east-west line with the railway system on Eyre Peninsula and possibly through to Whyalla. This old suggestion has been revived over the years. In conversations with the Railways Commissioner some time ago I found that he, too, hoped that serious consideration could be given to such a link. It would provide a wonderful service for Eyre Peninsula in connection with store stock from the North for fattening, the sale of stock to Western Australia, and the exchange of grain and fodder to the north.

I cannot help mentioning the wonderful engineering feats performed by Commonwealh Railways engineers. The east-west line is a monument to the work force of Australia. I do not believe it could have been constructed in any other country, except by slave labour. A very

interesting book *The Desert Railway*, by Patsy Adam Smith, has good photographs showing how the line was surveyed by men with camel teams and pack convoys. Even the Railways Commissioner and the Chief Engineer visited the project. While riding on a camel, Professor Gregory and his wife also inspected the line in those hard days.

The Hon. D. H. L. Banfield: How was the line financed?

The Hon. A. M. WHYTE: They got the Treasury to make some more bills, I am told. Bill Twilly is one of the old-timers connected with the line. He is still fit and able, and he is a most respected railwayman, still residing in Port Augusta. The book quotes him as saying:

The navvies on the line had a hard life and most of them said, "A day's work for a day's pay." If there was a loafer in the gang, the rest of them told him off. They lived in tents with an old wire stretcher for a bed, water in a kerosene tin, no shower.

I wonder how we would get on if, in constructing the north-south line, we subjected people to those privations or even asked them for an honest day's work for an honest day's pay! I support the Bill.

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

PARLIAMENTARY SALARIES AND ALLOWANCES BILL

Consideration in Committee of the House of Assembly's message intimating that it had agreed to the Legislative Council's suggested amendments and had made a consequential amendment; the Hon. A. F. Kneebone having moved:

That the House of Assembly's consequential amendment be agreed to.

(Continued from November 20. Page 2093.)

The CHAIRMAN: I have examined the "consequential" amendment made by the House of Assembly and am of the opinion that it is not in order. However, following the practice laid down in the seventeenth edition of May's *Parliamentary Practice* at pages 576 and 577, I consider it my duty to put the question moved by the Chief Secretary "That the amendment be agreed to", despite the fact that the amendment, though relevant to the Bill, was not consequential on the Council's suggested amendments, and leave it to the Committee to agree to the amendment, or to disagree, on the ground of inconsequence or any other ground. I have also been guided by the statement made by the then President, Sir Walter Duncan, on June 27, 1951, as recorded in the Council Minutes at page 6. I propose the question "That the amendment be agreed to".

The Hon. R. C. DeGARIS (Leader of the Opposition): Thank you for your ruling, Mr. Chairman. I believe, although I am not certain that I am correct, that the House of Assembly's amendment is not consequential on the other amendments. For that reason I ask the Committee to oppose the motion. This poses other problems, which I will deal with later.

The Committee divided on the motion:

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

Noes (13)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 7 for the Noes.

Motion thus negatived.

The Hon. A. F. KNEEBONE (Chief Secretary) moved:

That a message be sent to the House of Assembly requesting a conference at which the Legislative Council would be represented by the Hons. D. H. L. Banfield, R. C. DeGaris, C. M. Hill, F. J. Potter, and A. J. Shard.

The Hon. R. C. DeGARIS: I am prepared to support the request for a conference only on the basis that it may save the Bill. In no way must my acceptance of a conference be taken to mean that I agree that an inconsequential amendment should be made to a clause from another place. I should like to quote from *The Law, Privileges, Proceedings and Usage of Parliament*, by Erskine May. At page 587, alongside a marginal note in relation to consequential amendments, it states:

But it is a rule, that neither House may, at this time, leave out or otherwise amend anything which they have already passed themselves; unless such amendment be immediately consequent upon amendments of the other House, which have been agreed to, and are necessary for carrying them into effect. And if an amendment be proposed to a Lords' amendment, not consequent on, or relevant to, such amendment, the question will not be put from the Chair. In 1678, it was stated by the Commons at a conference, "That it is contrary to the constant method and proceedings in Parliament, to strike out anything in a Bill which hath been fully agreed and passed by both Houses." and in allowing consequential amendments, either in the body of the Bill, or in the amendments, the spirit of this rule is still maintained. So binding, indeed, has it been held, that in 1850, a serious oversight, as to the commencement of the Act, having been discovered in the Pirates' Head Money Bill, before the Lords' amendments had been agreed to, no attempt was made to correct it by way of amendment, but a separate Act was passed for the purpose. The title of a Bill has been amended, to make it conform to amendments made by the Lords to the body of the Bill.

On that one basis alone do I agree to a conference: to save the Bill. I know that the amendment is not consequential and should not have come into the Bill from another place.

Motion carried.

LICENSING ACT AMENDMENT BILL (HOURS)

Consideration in Committee of the House of Assembly's message intimating that it had agreed to the Legislative Council's amendment No. 1 but had disagreed to amendments Nos. 2 and 3.

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

That the Legislative Council do not insist on its amendments Nos. 2 and 3.

The amendments to which the other House has disagreed are matters on which I spoke in Committee previously. I said that people should take their chance, along with other people who abided by the provisions of the legislation when it came into force. I have already given my views on this matter in the second reading debate and in Committee, and I ask that the Committee do not insist on its amendments.

The Hon. J. C. BURDETT: The reasons that influenced most honourable members who voted for the amendments and spoke in favour of them was that some people had already made applications to the court. In some cases, they had gone to considerable expense in having their applications prepared and in doing whatever was necessary to meet the requirements for such applications. They were entitled to operate on the basis of the law as it existed at the time and are now entitled to have their applications considered on that basis. I ask the Committee to insist on the amendments.

The Hon. M. B. CAMERON: I support the view that the Committee insist on its amendments, because the people concerned carried out everything according to the law. The provision will apply only where a change in the law has been made, but people who had made their applications before the change in the law should not be subject to the change. I instance the case of subdivision applications in the Adelaide Hills, whereby people were able to carry through whatever applications they had made. The case we are now considering is no different in principle from the subdivision applications. These people, who operated within the confines of the law, should not be subjected to a loss merely because of a change in the law.

Motion negatived.

PUBLIC WORKS STANDING COMMITTEE ACT AMENDMENT 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.

It is intended principally to increase from $300 000 to $500 000 the limit of the estimated cost below which a proposed public work need not be referred to the Public Works Standing Committee. The present limit of $300 000 was fixed in 1970 and is not now a realistic figure, having regard to the effects of inflation and, in particular, the increase in building costs, which has been estimated at more than 80 per cent since 1970. Projects which in 1970 would not have needed to be referred to the committee must now be referred and, to this extent, the intention of the principal Act is not now being given effect to.

A particular area in which this problem arises is that of the building and upgrading of schools. The recent trend in school construction of integrating infants and primary schools has raised the cost of construction of the "average" school. Thus, despite cost savings due to economies of scale, a single school providing services which earlier were provided by two separate schools (which may not have been referred to the Public Works Standing Committee) now would require reference to the committee.

Clause 1 is formal. Clause 2 amends section 25 of the principal Act and increases from $300 000 to $500 000 the limit of the estimated cost of a public work that does not require reference to the committee. This clause also preserves the application of the existing provisions of the Act so far as they relate to public works referred to the committee before the Bill becomes law. Clause 3 makes an amendment to section 25a of the principal Act which is purely consequential on the amendment made by clause 2. In addition, by proposed subsection (2) of section 25a, it is made clear that it will be lawful to introduce a Bill providing for a "public work" without having previously submitted the proposal to the committee where the Bill incorporates a provision to the effect that the principal Act will not apply to the proposed work.

Honourable members will recall that, in the past, Bills authorising major public works have been introduced on the basis that their importance justifies consideration by the whole Parliament rather than a committee thereof. I point out that the proposed provision in no way inhibits Parliament's consideration of the proposed work or even forecloses the possibility that subsequent reference to the committee may be required.

The Hon. G. J. GILFILLAN (Northern): I support the Bill, the contents of which I was aware of before the Chief Secretary gave his second reading explanation. I believe it completely reasonable, with the changing value of money at present, that the sum should be increased from $300 000 to $500 000. I point out that, under the Act, every project involving public finance estimated to cost more than a certain figure must be reported on by the Public Works Standing Committee, and that it is realistic that the sum be increased to $500 000. I also point out that nothing prevents the Minister from referring a public work of any estimated cost below $500 000 to the committee, if desired. I believe that, because of the changing value of money and because many works other than schools, such as water tanks for the Engineering and Water Supply Department, would come into the range of $300 000. I believe that the Government intends to keep a close watch on expenditure on public works and, from time to time, will refer to the committee projects of a lesser nature perhaps than those costing over $500 000. Because departments would never know when a project might be referred to the Public Works Committee, I think this would be a more effective way of keeping a watch on the State's finances than by using an arbitrary figure from which departments would assume that they would be free of investigation when preparing their estimates. The only other matter of consequence in the Bill is new subsection (2), sought to be inserted by clause 3, which provides:

Subsection (1) of section 25 of this Act shall not apply and shall be deemed never to have applied to any Bill introduced by a Minister if that Bill contains a provision that, or to the effect that, this Act shall not apply to the public work proposed to be authorised to be constructed.

It seems that some doubt has been expressed by the Crown Law Department about the legality of passing a Bill in this House authorising expenditure and stating that the matter need not be referred to the Public Works Committee. As I understand the matter, it has been suggested that a Bill could be unlawful until it is passed, when it becomes law. I do not oppose this change, because Parliament will have the final oversight of any project that it authorises to proceed without being referred to the Public Works Committee. I believe Parliament should be alert in ensuring that any legislation that includes this provision is not too sweeping in the powers it gives; that is, by excluding a wide area of projects from scrutiny. I support the Bill.

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

NURSES' MEMORIAL CENTRE OF SOUTH AUSTRALIA, INCORPORATED (GUARANTEE) ACT AMENDMENT BILL

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

SOUTH AUSTRALIAN MUSEUM BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 3 and 5, but had disagreed to amendment No. 4.

ROAD TRAFFIC ACT AMENDMENT BILL (RULES)

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

MINING ACT AMENDMENT 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.

Its purpose is to put beyond doubt that all statutory and other references to the Minister of Mines as so designated are to be read and construed as references to the Minister of Development and Mines or other Minister to whom the administration of the Mining Act is for the time being committed. This was the intention when the Ministerial offices of Minister of Mines and Minister of Development were discontinued on October 15, 1970, and the Ministerial office of Minister of Development annd Mines was created.

However, by section 9 of the Mining Act, 1930-1962, the Minister of Mines and his successors in office had been continued as a body corporate under the name the Minister of Mines. Section 3 of the Petroleum Act, 1940-1971, also defines "Minister" as the Minister of Mines, and that Act contains several references to the Minister as so defined. On October 15, 1970, the administration of certain Acts (including the Mining Act, 1930-1962, the Petroleum Act, 1940-1969, and the Petroleum (Submerged Lands) Act, 1967-1969), was committed to the Minister of Development and Mines, and he thereupon became the body corporate which had been continued under the name the Minister of Mines by section 9 of the Mining Act, 1930-1962, but whether at the same time the name of the body corporate also became changed to the name of his Ministerial office (namely, Minister of Development and Mines) is not free from doubt.

There is also a reference to the Minister of Mines in section 139 (3) of the Petroleum (Submerged Lands) Act, 1967-1969, and doubts might also well arise in the interpretation of the references to the Minister of Mines in that Act and in the Petroleum Act. This Bill, if approved by Parliament, will remove those doubts.

Section 11 of the principal Act, as now in force, provides that the Minister (the Minister of Development and Mines) and the Director of Mines shall each be a corporation sole. The suggested amendment (which is contained in clause 2 of the Bill) adds the following passage to that provision, namely:

and any reference in any Act, regulation, rule, by-law, agreement or in any document or other instrument (whether directly or indirectly) to the Minister of Mines shall, unless the context otherwise requires, be read and construed and be deemed to be and, since the commencement of this Act, to have been a reference to the Minister.

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

MARGARINE ACT AMENDMENT BILL

The Hon. A. F. KNEEBONE (Chief Secretary) moved:

That Standing Orders be so far suspended as to enable the conference on the Bill to be held during the adjournment of the Council and that the managers report the result thereof forthwith at the next sitting of the Council.

Motion carried.

ADJOURNMENT

At 5.17 p.m. the Council adjourned until Tuesday, November 26, at 2.15 p.m.