HOUSE OF ASSEMBLY

Tuesday, October 19, 1965.

The SPEAKER (Hon. L. G. Riches) took the Chair at 2 p.m. and read prayers.

MEMBER FOR MILLICENT.

The SPEAKER: I notice in the House the honourable member for Millicent (Mr. Corcoran). I assure him that the thoughts of all other honourable members were very much with him in his sickness. I am sure that I speak for all members when I say how pleased we are that he is now apparently enjoying a good measure of health and strength and is able to be with us once again.

Members: Hear, hear!

QUESTIONS

HOUSING TRUST.

The Hon. Sir THOMAS PLAYFORD: I associate myself and other honourable members on this side with the remarks that you, Sir, have just made concerning the honourable member for Millicent. My question refers to the announced proposed alterations to legislation affecting the Housing Trust. The law now governing the trust was carefully worked out at a conference between the late Prime Minister (Mr. Chifley) and me to ensure, on the one hand, that the trust did not become liable to pay Commonwealth taxation, and, on the other hand, that it retained its semi-governmental status for the purpose of borrowing money. It is extremely important that the trust does not become a State department because, as such, it could then obtain its finance only through the official agencies of the Commonwealth Government. From memory, I believe that about £1,250,000 is being borrowed as semi-governmental loans by the trust, and this sum could not have been borrowed had the trust been a department of the State, as it would have had to obtain its money through the official programme. Will the Premier, in the preparation of this legislation (which is at present no doubt exercising his mind), have examined the question of what the implications would be if the trust lost its semi-governmental status and its present right to borrow money in addition to that which it obtains from the official Loan programme of the State?

The Hon. FRANK WALSH: A few weeks ago, in relation to this matter, the Leader indicated that I was about to feed red meat to the tigers. This, however, is an entirely different question. I doubt whether there would have been any immediate proposition had it not been for the impossible position in which I was placed. In order to prevent a recurrence of this position, the legislation will deal with certain aspects of Ministerial activity in respect of the trust. The question of the Housing Trust's borrowing powers is awaiting a decision of Cabinet, and that is why there has been some delay in the matter.

BEACHPORT WATER SUPPLY.

Mr. CORCORAN: May I take this opportunity, Mr. Speaker, of thanking you very much for your words of welcome on my return to the House. I also thank members for the manner in which they responded. My question concerns the sinking of test bores in the town of Beachport to supply that town with a reticulated water supply. The Minister of Works told me in June this year that those bores were to be sunk shortly. Will he obtain a report on whether the bores have been sunk and, if they have, on their effectiveness?

The Hon. C. D. HUTCHENS: I shall be pleased to get a report for the honourable member and let him have the details as soon as they are to hand.

SELLICK BEACH WATER SUPPLY.

The Hon. D. N. BROOKMAN: Earlier this year the Minister of Works was good enough to consider the possibility of extending water to the Sellick Beach estate. At that stage the economics of such an extension were not good enough, but since that time considerable building activity has taken place in the area, and I hope that the area will now qualify for an extension of the water supply, which it needs badly. Only a few days ago a small fire could have been serious. If I give the Minister all the necessary details, will he again consider this matter?

The Hon. C. D. HUTCHENS: I am pleased to hear that further development has taken place. I assure the honourable member that the Government is as anxious as he is to encourage further development, and I believe that a water scheme would so encourage it. I should be happy to have the details of the development that has occurred, and I will make every endeavour to see whether something can be done to meet the honourable member's request.

INFECTED STOCK.

Mr. CASEY: My question concerns the movement of stock from South Australia to

Western Australia. I draw the attention of the Minister of Agriculture to the fact that a very large number of sheep sold to Western Australian interests is being rejected by the Department of Agriculture in that State because of three factors: pink-eye, horehound seed on sheep, and scabby mouth. As the Minister is aware, more stock is being sold to Western Australia every year, and it is essential that the flow of stock from South Australia to Western Australia should continue. Will the Minister of Agriculture discuss this matter with his officers to see whether they can confer with the Agriculture Department of Western Australia so that this matter may be settled and so that stock from this State may be allowed to enter Western Australia without undue hindrance?

The Hon. G. A. BYWATERS: I appreciate the question and realize the importance of this market in Western Australia for our stock. Last week the Acting Director of Agriculture was in Western Australia but, as yet, I have not had an opportunity to discuss with him the outcome of his talks. I will do so, however, and try to get a report for the honourable member.

FREE MILK.

Mr. McKEE: Has the Minister of Education a reply to my recent question about the supply of free milk to children in kindergartens at Port Pirie?

The Hon. R. R. LOVEDAY: Under the terms and conditions of the free milk scheme, all kindergartens, irrespective of whether or not they are affiliated with the Kindergarten Union, are eligible to receive the free milk issue. Child-minding centres, creches, nursery schools and Aboriginal missions, in addition to all private schools, are also entitled to participate in the scheme. However, before arrangements can be made for the supply of milk, an application from the head of the schools or the director of a kindergarten must be made to the Education Department for consideration and approval, if it is considered that the scheme can be operated in the school economically and in compliance with the administrative requirements. It is suggested that the honourable member advise the director of the kindergarten concerned to make immediate application to the department, stating the number of children eligible to receive the milk and the number of one-third pints required daily. On receipt of this information, arrangements will be made for milk to be delivered to the kindergarten within two or three days.

STRIKE.

Mr. MILLHOUSE: I guess that the Minister of Transport has reported to his Cabinet colleagues on the strike by Municipal Tramways Trust employees, which is at present crippling a great part of Adelaide's public transport. Can the Minister of Works, deputizing for the Premier, say when the Government first knew of this strike; whether those who are on strike now are thus disqualifying themselves from the payment of service pay that was granted to them by this Government some time ago; and, in view of the Minister of Transport's faith, declared in another place, in conciliation and arbitration, what steps are being taken by him or by the Government to get the buses running again?

The Hon. C. D. HUTCHENS: The first the Government knew of the strike was after it had commenced yesterday. It would be improper and wrong for me to discuss the strike at this moment, as it is being considered by a conciliation commissioner, and the Government would not want to do anything to prejudice what it hopes will be a settlement in the near future.

Mr. MILLHOUSE: I gather from the Minister's reply that the Government has not taken, and does not intend to take, any steps in the matter?

The Hon. C. D. HUTCHENS: I repeat that the matter is before a conciliation commissioner, and the Government believes that it should not intervene at this moment, as it hopes that there will be a settlement soon.

Mr. MILLHOUSE: I either read in the press or heard over the wireless that the Railways Department did not intend to run extra services during the currency of the strike and that the normal services were to be run today. If this strike is to continue (as I fear from the answers I have been given in the House today it may), will the Minister representing the Minister of Transport take up with his colleague my suggestion that the Railways Commissioner be requested to run extra metropolitan services in order to reduce as far as possible the inconvenience being suffered by members of the public?

The Hon. C. D. HUTCHENS: I am confident that the Government will not panic in this situation. However, should additional railway transportation be needed, I am sure that my colleague will make representations at the right place and at the right time.

SCHOOL CANTEENS.

Mr. CLARK: For years I have been concerned with the erection of school canteens. Recently, I have had the opportunity to inspect canteens at schools whilst attending gala day functions, and, having seen the facts and figures in relation to these canteens that have been erected on a subsidy basis, I believe it would be a better financial proposition to have the shell of a canteen erected as part of the original school building. Will the Minister of Education have this matter considered with a view to ascertaining whether such a practice can be followed?

The Hon. R. R. LOVEDAY: This is an interesting question, which I have been considering during the last two weeks, because I have thought that considerable economies could be effected by having the shell of a canteen area embodied in the original school building, thereby saving on the construction of canteens, generally. Indeed, I believe this would be a much cheaper way of providing canteens, which are now regarded as necessary in the larger schools. By adopting this practice the school committee could proceed promptly with the fitting out of the canteen, a responsibility it would undertake on a subsidy basis. In other words, the Education Department would provide the canteen, and the committee could then fit it up. I am sure this would be a better way of tackling this problem than the practice adopted hitherto. I am giving the matter urgent consideration with a view to implementing this policy, provided our investigations show that economies can be made and that it will be a satisfactory departure from the previous practice.

WARREN RESERVOIR.

The Hon. B. H. TEUSNER: As the Minister of Works knows, vegetable market gardeners in the Barossa Valley depend for their water supplies on the Warren reservoir. In view of the present abnormally dry spell, and of the quantity of water in the reservoir, some market gardeners are concerned whether it would be prudent to continue normal plantings of vegetables during the summer months. I understood from a reply given by the Minister to a question I asked about a month ago that the Warren reservoir then held about half its total capacity of 1,410,000,000 gallons, and that water at the rate of 21,000,000 gallons a week was being pumped from the Adelaide-Mannum main. Can the Minister of Works say whether pumping at that rate is continuing, and whether there is any cause for alarm on the part of market gardeners in the district, concerning plantings of vegetables over the summer months?

The Hon. C. D. HUTCHENS: I am glad to receive that question and, although there is concern about this matter, there is no cause for panic at this time while pumping at the rate of 21,000,000 gallons a week is being maintained. The Engineering and Water Supply Department is continually keeping a close watch, and will, if necessary, authorize additional pumping to ensure that sufficient supplies are available to all consumers, and that activities may be carried on as usual, in spite of the dry year.

PARINGA CREEKS.

The Hon. T. C. STOTT: Last Friday the Minister of Works visited the Pike and Mundic Creeks in the Paringa area of my district, and had discussions with certain representatives about overcoming a problem that has been harassing the local district council and the settlers concerned for some time. Has the Minister, as a result of his inspection, reached any conclusions or made any recommendations that he could make available to the House?

The Hon. C. D. HUTCHENS: As the honourable member said, I met many of his constituents in the presence of the Hon. Mr. Story. It was regrettable that the honourable member was so busily engaged in other parts of his district that he could not be there; his apology was noted. I promised the deputation that, after investigation, I would inform both the honourable member and the Hon. Mr. Story of the outcome of such investigation. With the approval of Cabinet I can say that the Government intends to set up a committee (consisting of representatives from the Treasury, the Lands Department, and the Engineering and Water Supply Department) to work out the cost of the Government's financing the scheme entirely or in part. When these figures are worked out I will inform the honourable member so that this information can be made known to the constituents concerned to enable them to set up some form of trust in order that their requests may be granted. I was greatly impressed by the amount of work done by the council and by the people concerned, and I assure the honourable member that the Government will give these requests full and sympathetic consideration.

RESTRICTIVE TRADE PRACTICES.

Mr. RYAN: During the weekend a resident in my district approached me and said that he was greatly concerned about a business problem. Having recently opened a wholesale

and retail sporting goods business, he now finds himself caught in a vicious circle of restrictive trade practices of wholesalers and suppliers. Can the Attorney-General say whether a conference has taken place recently between the Commonwealth and State Attorneys-General in respect of restrictive trade practices? Also, can he say when this long overdue legislation will be introduced and whether it is possible that it will operate this year?

The Hon. D. A. DUNSTAN: At the last conference of Attorneys-General, about three months ago, the Commonwealth Attorney-General asked for the views of the States concerning the introduction of complementary legislation or the reference to the Commonwealth of powers in relation to restrictive trade practices in the intrastate field. Only two States then indicated that they were prepared to enact legislation complementary to the Commonwealth's proposals. Tasmania indicated that it would either do that or refer powers; South Australia indicated that it would be prepared to enact complementary legislation. The other States would give no undertaking. At this stage it is not possible for the South Australian Government to indicate when complementary legislation can be introduced because the nature of the complementary legislation will depend ultimately on the fate of the Commonwealth legislation.

Mr. Jennings: We would not know what we had to complement.

The Hon. D. A. DUNSTAN: Exactly. As the honourable member for Port Adelaide has said, consideration of the Commonwealth proposals has been long and drawn out. They are now before the Commonwealth Parliament but when they will be passed and in what form it is difficult to say at this stage. In consequence, I do not expect that State legislation will be in force during the current financial year. I hope that the Commonwealth will have completed its arrangements and that we will be able to introduce our legislation during the next session of Parliament.

PORT AUGUSTA ABORIGINES.

Mr. HEASLIP: In the *Sunday Mail* of last weekend appeared an article headed "Aboriginal Drinking Bane of Port Augusta", which stated that the lifting of the drink ban on Aborigines had plunged Port Augusta into trouble. It said that this week businessmen, shopkeepers, and townspeople had said that the situation caused by the Aborigines in the streets of Port Augusta was grim. The article then enlarged on the problem at Port Augusta. As my district is near Port Augusta, I know something of the position there. Although many people might think that the press article is exaggerated, I say it definitely is not. This is a real problem at Port Augusta: instead of the licensing provision integrating Aborigines with Australians, it has segregated them so that one hotel in Port Augusta of which I know has been practically taken over by Aborigines—no Australian will go there. Will the Minister of Aboriginal Affairs ask the Commissioner of Police to obtain reports on this matter from his officers in the various districts of South Australia and will the Minister make those reports available to the House?

The Hon. D. A. DUNSTAN: There is no necessity for me to get a special report from the Commissioner of Police. My department is constantly in touch with the various areas of South Australia both through its welfare officers and through reports of police officers as to the position concerning Aborigines drinking in South Australia. Regarding the article to which the honourable member has referred, I say categorically that it is both exaggerated and inaccurate. Let me give a couple of examples. The article exhibited some photographs of Aborigines in the streets of Port Augusta, and it captioned these photographs "It is early in the evening in the main street of Port Augusta" and "They sit around in the streets, waiting and waiting". In fact, the photographs were of three Aborigines; two of them appeared in both the photographs of Aborigines. One of these men was the departmental bus driver employed by the Aboriginal Affairs Department, another his father, and the third another Aborigine. All the men, resident and employed on the Davenport Reserve, were waiting, before 5 o'clock in the afternoon, for the departure of the departmental bus for the reserve. That is how accurate that part of the article is! In the article appears a statement that 250 Aborigines live in the sandhills, whereas a departmental survey shows the total population of the sandhills as 30 adults. True, there have been problems in Port Augusta, but these stem largely from two sources. One source is about seven Aborigines, well known to the department, who have caused trouble in practically every area where they have been. Unfortunately, there are seven of them together in Port Augusta at the moment. They have been in some other towns. One family was in a town in the honourable member's district only a short while ago, but it left permanent accommodation that had been provided for it there. We have problems with these people, just as we

have problems with unsatisfactory Europeans elsewhere, but most of the difficulty in Port Augusta has occurred in respect of this small group, and most of the begging has been done by this group. Just recently, however, there has been an influx of transients from the Northern Territory, because of a change in employment conditions there. This matter is being taken up with the Commonwealth department. Since the article was published I have had reports from departmental officers that they have now been approached (they previously had not been) by a certain number of Port Augusta residents who have given them instances of disorderly behaviour toward women in Port Augusta by certain Aborigines. Unfortunately, of course, these instances were not reported at the time; had they been, immediate action could have been taken.

I understand also that it is widely suggested in Port Augusta that there has been a Ministerial direction that the police are not to take action against Aborigines. Sir, that is completely untrue; indeed, the contrary is the position. Aboriginal people are given the same rights and are required to undertake the same responsibilities as other citizens in the community. Where citizens find that Aboriginal people are guilty of disorderly behaviour, they should report that behaviour to the police in the same way as they would report that behaviour in other people. We believe that where there has been transgression by any citizen in the community the police should take the appropriate action. I hope these words of mine will be reported in Port Augusta and that the local citizens will find it proper, when they find there is something of which they have to complain, to complain immediately to the police so that action can be taken. I believe that proper action by the police in respect of disorderly behaviour will produce the necessary deterrent effect to minimize any such activity in Port Augusta.

Mr. HEASLIP: The Minister seems to think the reports are exaggerated, and he has referred to certain photographs (for the authenticity of which I cannot vouch) and to numbers on the reserves.

The Hon. D. A. Dunstan: In the sandhills.

Mr. HEASLIP: Part of the report in the *Sunday Mail* lists the following:

Aborigines, their wives, and in some cases children barely in their teens, drunk in the streets. Obscenities shouted out in the hearing of townspeople and children. Soliciting in the streets and hotels by Aboriginal women—with husbands sometimes acting as agents. Aborigines begging in the streets.

I point out that I do not think those reports are exaggerated, and that, as these people have been granted full citizenship rights, they are liable to prosecution as if they were white people. However, they do not seem to have been prosecuted. Will the Minister say why they are not prosecuted? Does he imply that the police are not doing their duty?

The Hon. D. A. DUNSTAN: I am certainly not suggesting that the police are not doing their duty: I am suggesting that citizens have complained privately about this sort of thing, but have not reported the matter to the police. I know there have been conferences between civic authorities (including you, Mr. Speaker) and the local police inspector concerning regular patrols to ensure that the police are apprised of public activity of this kind. In fact, prosecutions of Aborigines have been laid, but the number has not been significantly greater recently than it was before the ban on drinking by Aborigines was lifted. As to the begging and soliciting for prostitution that have taken place, we are aware that there is an Aboriginal woman in Port Augusta who has taken part in this and who has caused much trouble to the department over many years. It is not new for her to do this, and she has been prosecuted.

There are two girls in Port Augusta who were previously in Vaughan House and who have caused considerable trouble to the department, as they caused trouble to the Children's Welfare and Public Relief Board when they were under its control. We are having some difficulty with them. There are four male Aborigines who have been responsible, we believe, for disorderly behaviour. The police have endeavoured to check on the activities of these people. They are certainly expected to prosecute wherever they have adequate information. I am asking that, where local residents have information about activities which are improper and which should be prosecuted, they promptly inform the police so that the activities can be investigated on the spot and prosecutions laid. We have had much evidence that people have had complaints about which they have notified the department long after the event, but, if they have certain information and go to the police when evidence can be collected, I think there would not be the slightest doubt that prosecutions would take place accordingly.

SUBORDINATE LEGISLATION.

The SPEAKER: I desire to refer to the question asked by the honourable member for Mitcham as to the manner in which Subordinate Legislation regulations are shown on our Notice Paper as compared with the Legislative Council Notice Paper. I point out that the listing of regulations on the two Notice Papers will rarely be identical, because the Legislative Council usually sits on less days than the House of Assembly. This factor gives rise to two possible variations: first, the last date for giving of notice of motion for disallowance in the Legislative Council is usually later than that in the House of Assembly, and, secondly, reports of the Joint Committee on Subordinate Legislation are tabled in the House of Assembly occasionally before being tabled in the Legislative Council. As time is of the essence in giving a notice of motion for disallowance of regulation, an innovation on the Notice Paper this session has been to place an asterisk against a listed regulation as soon as the committee's report recommending no action has been prepared. This ensures that the most up-to-date information is available for the benefit of members. The Legislative Council asterisks only those regulations on which the committee has actually reported to that House, whereas our Notice Paper shows an asterisk against regulations on which the committee has decided to take no action, whether that fact has been reported to the House at that stage or not. It will be seen, therefore, that the asterisk on the two Notice Papers has a slightly different meaning, but this is clearly indicated in the respective headings preceding the listed regulations. The initial differences in the asterisks on the two Notice Papers, to which it appears the attention of the honourable member had been drawn by someone outside the House, will largely disappear by tomorrow. I have conferred with the President of the Legislative Council on this subject, and we agree that the information shown on each Notice Paper is a matter for the respective Houses, and that the manner in which regulations are listed thereon gives no cause for concern or confusion.

ALLENDALE NORTH WATER SUPPLY.

Mr. FREEBAIRN: My question relates to an application made a few months ago by a group of eight farmers for a water service in the Allendale North area. At present the water service these farmers are using comes from Allen's Creek and from a small creek joining Allen's Creek. This year, because of the lack of rain in the Kapunda area, these creeks are not running at all, and dams are dry. (This is the first time this has been noted at Allendale North.) I understand this application for a water service is being processed by the Minister of Works' Department at present, but, in view of the special circumstances that exist because of the dry season, I respectfully ask the Minister to make a special note of this application in an endeavour to expedite action.

The Hon. C. D. HUTCHENS: In view of the special circumstances mentioned, I will take steps to obtain an early reply for the honourable member.

EYRE PENINSULA DRILLING.

Mr. BOCKELBERG: Last week I asked the Minister of Works a question regarding drilling for water on Eyre Peninsula. Has he a reply?

The Hon. C. D. HUTCHENS: My colleague, the Minister of Mines, has forwarded me the following report from the Director of Mines:

Over the past 10 years, drilling for water on Eyre Peninsula, excluding Uley, Polda and Witera areas, has been undertaken by the Mines Department as follows:

(1) Within several miles of Elliston, good quality water was obtained from several bores drilled to supply that township.

(2) Along the Eyre Highway No. 1, a number of bores drilled seeking road construction water encountered only saline water except for one bore near Kimba which produced 100 gallons an hour of good quality water.

(3) Investigational drilling over a large area from the Coolta area to Mount Hope yielded only small supplies of good quality water, the maximum yield being 1,000 gallons an hour.

(4) Investigational drilling is now under way in County Musgrave, and will be extended over the next few years to systematically test all the areas thought likely to contain useful supplies of underground water in this portion of Eyre Peninsula.

SIMMS COVE CLIFF.

Mr. HUGHES: Over the weekend I received a telephone call from one of my constituents living at Simms Cove, situated between Moonta Bay and Port Hughes, asking me if I would visit the cove to inspect the dangerous overhang of a portion of the cliff brought about over a period of time by the wind and the sea. The cliff, which overhangs the beach, is undermined for several feet. I was shocked on my inspection to find the footprints of small children directly under hundreds of tons of

earth that could collapse at any time. The number of footprints indicate that small children play under the overhang. Apart from the children living permanently in the area, visiting children reside nearby over the weekends and on public holidays, and at present visitors are driving cars within 10ft. of the top, not knowing of the grave danger that exists there. The only indication of danger in the area is the word "Danger" painted on a large log at the top of the cliff, and a home-made red flag stuck in the log, which I think was placed there by nearby residents. As residents in the area think that the portion of the cliff to which I have referred is controlled by the Harbors Board, will the Minister of Marine consider this an urgent matter and investigate it immediately, with a view to having the overhang dropped and a report submitted on whether action can be taken to prevent a repetition of this situation?

The Hon. C. D. HUTCHENS: I thank the honourable member for bringing this matter to my notice, as, like him, I consider that this area is controlled by the Harbors Board. I will ask the General Manager of the Harbors Board to treat this matter as urgent, and I will not only obtain a report but try to have a greater degree of safety provided in the area.

RURAL ADVANCES GUARANTEE ACT.

Mr. McANANEY: A constituent of mine approached the State Bank for an advance under the Rural Advances Guarantee Act, and was informed that little money was available for this purpose. He was told that he could apply but he would probably have only a slight chance of the application being granted. As there have been few applications this financial year under the Act, will the Minister of Works ask the Treasurer for an explanation of the Government's policy in this matter?

The Hon. C. D. HUTCHENS: The honourable member will appreciate that this is a matter under the jurisdiction of the Treasurer, and, accordingly, I have not the details he has asked for. I will ask the Treasurer to obtain an answer for the honourable member.

NARACOORTE NORTH SCHOOL.

Mr. RODDA: Last year a shelter shed was transferred from Rowland Flat to the Naracoorte North school. At present it has a dirt floor, although the Public Buildings Department is to place an asphalt floor in the building. As yet nothing has happened, however, and the floor is wet in the winter and dusty in the summer. Will the Minister of Works investigate this problem to see whether anything can be done to have this work completed?

The Hon. C. D. HUTCHENS: The work done on schools is done in conjunction with, and at the request of, the Education Department. I do not know whether a request for this work has been forwarded, but from what the honourable member has said, certain works seem to have been approved. I will inquire and, if no request has been received, I will discuss the matter with the Minister of Education to see whether something cannot be done.

METROPOLITAN DRAINAGE.

Mr. COUMBE: I have asked questions regarding the setting up of a metropolitan drainage authority which was foreshadowed last year by Sir Thomas Playford. The drainage problem is at present exercising the minds of metropolitan councils which wish to proceed with a joint drainage scheme and which would prefer to do so in accordance with the method outlined previously for the metropolitan drainage authority, rather than through the long and drawn out process of a Bill being introduced and the matter investigated by the Public Works Committee. Will the Minister of Education ask the Minister of Local Government whether Cabinet has considered the setting up of this committee, and if it has, what action has been taken?

The Hon. R. R. LOVEDAY: I shall be pleased to get a considered reply from my colleague.

NORWOOD SCHOOL.

Mrs. STEELE: Can the Minister of Education say when the new craft block at the Norwood Boys Technical High School is to be commenced?

The Hon. R. R. LOVEDAY: I do not have that information with me, but I will check and get it as soon as I can.

GRASSHOPPERS.

Mr. CASEY: Has the Minister of Agriculture a reply to the question I asked last week about the grasshopper plague in the Hawker district?

The Hon. G. A. BYWATERS: This matter has been discussed between the clerk of the district council and the department's research officer in entomology (Mr. T. R. Birks). It is common for grasshopper hatchings to occur in considerable numbers in this area, resulting in local damage to pastures. However, only one generation is produced each year and the insects rarely migrate far from the site of

hatching. The situation regarding grasshoppers in the Hawker district is not regarded as being abnormal.

WALLAROO WAVE SCREEN.

Mr. HUGHES: On a recent visit to Wallaroo the Minister of Marine met many local fishermen and considered a proposal to build a wave screen to protect fishing boats. After the inspection the fishermen were told that their request had been referred to a joint committee representing the Harbors Board and the Fisheries Department. That committee was to visit Wallaroo and report on the proposal. Can the Minister of Marine say whether this committee has visited Wallaroo and investigated the proposal and, if it has, whether it has presented its report to the Minister?

The Hon. C. D. HUTCHENS: As the honourable member kindly intimated he might ask this question today, I have been able to obtain the following report:

The Fishing Havens Advisory Committee has not yet had an opportunity to visit Wallaroo in regard to this matter, but it has considered the fishermen's representations. The committee was of opinion that, before any plans were drawn for a wave screen, a detailed report should be obtained from the Harbourmaster concerning moorings in general and in particular the condition of moorings. This report has been furnished and will be considered by the committee shortly. The committee will arrange to visit Wallaroo as soon as practicable.

I may add that the report from the Harbourmaster came to hand only a few days ago.

SOUTH-EASTERN ELECTRICITY.

Mr. RODDA: Has the Minister of Works a reply to the question I asked about a fortnight ago concerning the efficiency of the repeater stations at The Gap and Coonawarra?

The Hon. C. D. HUTCHENS: The repeater station at The Gap is supplied with electricity by the Electricity Trust. The trust has had no complaints from the Postmaster-General's Department about voltage levels that appear to be quite satisfactory for the operation of the station. Auxiliary plant at the station was operated for initial testing purposes, but will now be used only for emergencies. The repeater station at Coonawarra is supplied not by the trust but by Penola Electricity Supply Limited. We have not heard that there are any difficulties with voltage levels at this station.

HANNAFORD ROAD.

Mr. MILLHOUSE: Has the Minister of Works a reply to my question of a few weeks ago regarding the laying of a water main in Hannaford Road, Blackwood?

The Hon. C. D. HUTCHENS: When first considered, about two years ago, the return of revenue on this extension was not sufficient and the five applicants were therefore asked to enter into guarantees to ensure a satisfactory return. As not all applicants were prepared to do this, the proposal did not proceed. However, following the honourable member's recent inquiry, a further investigation has shown that additional houses have since been built and, as a result of the improved financial return, it is now possible to provide this main without guarantees. On the recommendation of the Director and Engineer-in-Chief, I have accordingly approved an amount of £1,375 to enable this extension to be provided. The work involves the laying of 1,180ft. of 4in. main which it is hoped will be completed before the end of this year.

OMBUDSMAN.

Mr. MILLHOUSE (on notice):

1. Has the Government given consideration to establishing the office of Ombudsman in South Australia?

2. If so, what decision was reached?

3. If not, is it the intention of the Government to consider this matter?

The Hon. C. D. Hutchens, for the Hon. FRANK WALSH: The replies are:

1. No.

2. *Vide* No. 1.

3. It is not the Government's intention to consider an appointment, because it is felt that such an office is unnecessary in this State. There is no need for me to remind the honourable member of the rights and privileges that private members of this Parliament enjoy, because he himself has that knowledge and has exercised his rights in relation to questions, petitions, motions, private members' Bills, and also grievances. In addition, the Parliament gives precedence to private members' business on Wednesday afternoons. All members, therefore, have the opportunity to keep the activities of the Government and its various departments under constant scrutiny and to raise matters in the House concerning the administrative decisions or acts of the Government, its departments, and instrumentalities.

SPRINGFIELD TANK.

Mr. MILLHOUSE (on notice):

1. Where in Springfield is the land the Government is endeavouring to acquire for the urgent erection of a tank?

2. What is its area?

3. What are the restrictive covenants encumbering this land?

The Hon. D. A. DUNSTAN: The replies are:

1. A small parcel containing portions of part section 1078 and part section 1090, hundred of Adelaide, together with an easement over part section 1078.

2. The area of the land is 2 acres and 11 perches, and the area of the easement, 2 roods 17 perches.

3. An encumbrance No. 1217900 on the whole of part section 1090 requiring it to be used for the same agricultural purposes as part section 1078 is used by the Waite Institute. As the purpose of the transfer is to erect a tank, this is not an agricultural purpose.

SAVINGS BANK DEPOSITS.

The Hon. G. G. Pearson, for the Hon. Sir THOMAS PLAYFORD (on notice):

1. What is the approximate aggregate amount of deposits with the Savings Bank of South Australia for the metropolitan area?

2. What is the corresponding figure for the remainder of the State?

The Hon. C. D. Hutchens, for the Hon. FRANK WALSH: The Savings Bank of South Australia has supplied the following answers:

1. £104,550,687 as at June 30, 1965.

2. £56,869,812 as at June 30, 1965.

EVIDENCE ACT AMENDMENT BILL.

The Hon. D. A. DUNSTAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Evidence Act, 1929-1960. Read a first time.

The Hon. D. A. DUNSTAN: I move:

That this Bill be now read a second time.

This Bill to amend the Evidence Act, 1929-1960, provides for four substantial amendments to the Act which constitute significant measures of reform to the law of evidence in this State. The amendments may be considered in the order in which they appear in the Bill under the following headings:

(*a*) the incorporation of the Judges' Rules as part of the law of evidence of this State;

(*b*) the admissibility in evidence of any memorandum or record in writing of any act, matter or event subject to certain safeguards;

(*c*) the admissibility in evidence of reproductions of documents;

(*d*) the prohibition against the publication in the press, radio or television of the name of an accused before conviction and against the publication of evidence generally in a preliminary investigation.

A body of rules known as the Judges' Rules were first drawn up in England in 1912 by a committee of judges, and were designed as a guide to police officers conducting examinations of persons suspected of committing an offence. They are concerned with the admissibility in evidence against a person of answers oral or written given by that person to questions asked by police officers and of statements made by that person. The first body of rules were criticized, *inter alia*, for lack of clarity and efficacy for the protection of persons who are questioned by police officers and, on the other hand, in that they unduly hampered the detection and punishment of criminals. A new body of rules were drawn up by the judges in England in 1963 after considering representative views and devoting considerable time and attention to the subject, and it is this body of rules which have been adopted in this Bill. It is generally accepted in England by the courts, the police and the legal profession that the new Judges' Rules are an improvement on the old rules.

Consequent to the laying down of those rules in England they became rules of practice, and as a matter of practice the courts would not normally admit evidence that had been acquired in breach of those rules. It should, however, be emphasized that a statement obtained in breach of the rules is not rendered inadmissible in law. It is inadmissible only if it is involuntary in the special sense of that term evolved in the law relating to confessions. If the statement is not voluntary, it is admissible in law though obtained in breach of the rules. The judge may then exercise his discretion to exclude that statement. There is nothing unusual about this, since it is common for courts to exclude evidence against the prisoner which in strict law is admissible because it might, it is thought, operate unfairly; for example, the admission of "similar-fact" evidence of a highly prejudicial nature which has become admissible. These rules are not in force as rules of practice in South Australia, though the courts have resorted to the rules from time to time, according to the ideas of a particular judge, in deciding whether or not questioning has been fair.

Statements of accused persons are very often tendered as confessions in the courts and it is the absolute rule of English law that a statement must be fairly and voluntarily given.

There must be no form of third degree to get a man to incriminate himself. There must not be any cross-examination of an accused person and no inducement held out to persuade him to make a statement. He should have every opportunity to ensure that it is his statement which is being given in evidence and not some other statement. In Australia there have been a number of cases where it has been held that police questioning was unfair and prejudicial to an accused, but no real criterion has been laid down, and it is merely the personal view of the judge at the time. One of the major differences between the English practice regarding police questioning of accused persons and our practice in this State—and in this we are somewhat unique—is that it is not required of the police in this State to call upon an accused to sign his statement. The lack of such a practice lays the procedure followed in police questioning in this State open to abuse.

The new rules laid down by the judges in England are set forth in the Fifth Schedule, and I shall refer to them briefly. The duty to caution arises (rule 2) "As soon as a police officer has evidence which would afford reasonable grounds for suspecting that a person has committed an offence." That is the caution that is laid down in the rules. The test is an objective one and is independent of the state of mind of the particular officer. The caution is in the following terms—"You are not obliged to say anything unless you wish to do so, but what you say may be put into writing and given in evidence." This caution is, in fact, used here, although what is said by an accused is not taken down in writing at the time it is made by the police officer but afterwards. This rule states that the caution must be given in these circumstances whenever there is evidence which would afford reasonable grounds for suspecting that a person has committed an offence before asking any questions or further questions relating to that offence. A police officer has a duty to ensure that the suspect or accused person knows that he need not answer any questions unless he wishes to do so. This is not normally known to a member of the public charged with an offence or informed that he may be prosecuted for it. Many feel they are under police control and must answer questions put to them.

Rule 1 does, it will be noted, enable police officers to question a person whether in custody or not (and this is a departure from the old rules) so long as he has not been charged with the offence or informed that he may be prosecuted for it. The Government is, as regards the application of this rule (and, indeed, of the rules generally), conscious of the need to strike a fair balance between on the one hand the duty of the police to investigate crime and prosecute and punish offenders, and on the other hand the need to confer adequate protection upon an accused person while being interrogated. It would be as undesirable unduly to restrict the former as it would be to extend the latter to unreasonable lengths. At first sight it might appear that the duty to give a caution at this stage (which is earlier than in the old rules) might greatly increase the difficulties of the police. It is considered that in fact it is unlikely to make a great deal of difference. The effect of the caution is to put the innocent person on his guard. No-one can object to this. The guilty person is on his guard already. The suspect, it is true, is reminded that he need not say anything. But experienced criminals will already know this. And the questioning may continue. It is not easy to remain silent in the face of persistent even though proper questioning. The policeman now has to administer a second caution (rule 3). The policeman may properly continue his questioning after he has reasonable grounds and has decided to make a charge, provided he does not actually do so or inform the suspect that he may be prosecuted. This enables the police interrogation to continue beyond the point at which formerly it would under the old rules have had to stop. Another point to observe is that rule 1 appears to confer wider powers on the police than under the old rules in allowing the questioning of a person in custody, so long as he has not been charged, if he thinks that useful information may be obtained.

The next rule I would like to refer to, and which is an important one, is rule 4 which provides that all written statements made after caution shall be made in writing and either be made by himself or at his request by a police officer and be read over by the accused person and signed by him as being correct. The statement will be prefaced with the words, "I make this statement of my own free will. I have been told that I need not say anything unless I wish to do so, and that whatever I say may be given in evidence"; in other words, that it is a voluntary statement, made after caution. At the end of the statement also he would certify that he had corrected it and that it was a true and voluntary statement. If the person who made the statement refuses to read it or to certify or sign it, the senior police

officer present—shall record the circumstances. Or if the person making it cannot read or refuses to read it, the officer who took the statement shall read it over, ask him if he wishes to correct it, etc., and ask him to place his signature or mark at the end thereof and the officer shall then certify on the statement what has happened.

The foregoing rule represents a radical departure from the practice at present followed by the police in this State, or at least by most of them. I may say that certain police officers do follow this practice as a matter of course—they follow out the English Judges' Rules. The present Secretary of the Police Association, in my experience, always followed this procedure when he was an investigating officer. I do not think it was ever alleged against him at any time when he was in the Police Force either, that he was not a very effective police officer (he was), or that he was in any way unfair. His fairness was admitted, his effectiveness was admitted, and I think all the police officers who followed this procedure here and elsewhere are all satisfied that that can be perfectly properly done. But in most cases at the moment, since the Judges' Rules have not been in force, when a man is taken to the police station and questioned he may or may not be cautioned at some stage of the proceedings. The caution is often very casually and loosely worded and often not likely to put the accused upon his guard. In any event the police in many cases will already have decided to charge him, and the suspect does not know that he is not obliged to answer any questions. After the questions are put and answers obtained, he is charged—and this is the crux of the matter—and the suspect is then taken to the cells, and some hours later the arresting officer puts down from his general recollection of what the accused person said to him and what he said to the accused person. The accused is not shown this record of what he has said and what was said to him by the police officer. He is then taken to court and charged, and if he pleads "Not Guilty" is remanded for trial. The trial may be set down two or three weeks later, or even months later. When at the trial the police officer states that he made notes of the accused's answers some hours after they were made, he may be asked if the facts were still fresh in his memory and invariably says "Yes". It is exceedingly difficult for defence counsel to show, and much more difficult for an undefended person to show to the satisfaction of the court that the facts were not fresh in the policeman's memory. It can be many days afterwards, and statements have been admitted in evidence, the record having been made days afterwards. Even where a police officer is entirely honest and is trying to do his duty, he has come to a conclusion about the accused and naturally enough his recollection of the way in which the gist of the conversation went could be a little biased in the expression of the gist. Counsel who have practised in the criminal courts know that a prosecution can often turn on a word. This is where it is so important to have a contemporary check on what is said to be fair to everyone. In many cases the policeman is permitted by the court to refer to his notes and defence counsel has little chance of proving that they are not an accurate record of what took place. The testimony of the police constable is then admitted in evidence as a voluntary statement of what accused has said. A word missed here or added there to what was said by the accused, or a different emphasis or colouring put upon the words by the police officer without any conscious attempt to falsify the record could make all the difference as to a finding of guilt or innocence.

The statement is therefore tendered in evidence as the accused's verbatim account of what he has said. His counsel has little opportunity of breaking its authenticity, and if the police witness is unshaken in cross-examination as to the substance of the statement, the accused could be prejudiced in his defence, and an injustice could result. It is not suggested that police officers do, as a matter of practice or policy, deliberately falsify a statement made by an accused, but the present "hit-or-miss" system of recording accused's statements does permit mistakes and abuses to occur. The introduction of these rules would, I would urge, go a long way towards remedying those abuses, and by conferring protection upon an accused at the early stage of police questioning would guarantee to an accused the prospects of a fairer trial.

Rule 5 is designed to remedy another serious abuse in the present system of police questioning which involves the separate questioning of accused persons. This rule provides that after a person has been charged with or informed that he may be prosecuted for an offence, a police officer wishing to bring to the attention of that person that another person charged with the same offence or informed that he may be prosecuted has made a written statement, must hand to that person a copy of the written statement, and nothing shall be said

to invite a reply or a comment thereon. If that person says he would like to say something in reply or starts to say something, he shall at once be cautioned or further cautioned. Under the present system a statement is often taken from one accused and the other accused asked to comment on it. The most grave abuses can arise from this practice, and it is not uncommon for an accused to be tricked into making a confession by the police misrepresenting to one person what another person charged with the same offence, may or may not have said. This abuse would be removed by these rules.

I am not making these specific allegations in regard to the Police Force in South Australia, nor am I alleging that a particular police officer in South Australia has tricked an accused person into making a false statement by misrepresentation. However, it has been found elsewhere in the British Commonwealth that, where these rules do not obtain, such practices easily occur. Indeed, in another State investigations in this matter have shown much more than what is suggested as a possible abuse here. The Crown Solicitor in Victoria has had to table a most serious report on the subject of police questioning, and thank goodness we have no allegations of that kind in relation to our Police Force. Rule 6 provides that these rules shall apply where practicable to persons other than police officers who are charged with the duty of investigating offences, etc.

The rules proposed by this legislation differ from the Judges' Rules in England in two respects. Firstly, there has been added to the rules in rule 4 (*g*) a provision that a copy of the statement made by an accused person shall be made available to the accused person upon his request. Though this provision has not been written into the Judges' Rules in England, it is an invariable practice there and in other jurisdictions where the rules are applied, as a matter of practice, for an accused or his counsel to be supplied with a copy of his statement. I have practised in jurisdictions where these rules obtain, and that was the invariable practice. There can be no objection in law or reason to this. Such a provision in no way fetters the police in the fair investigation of crime and prosecution of offenders. Secondly, in rule 3 (*b*) the word "shall" is substituted for the word "should". This is a necessary amendment of the Judges' Rules, since the rules in the Fifth Schedule are mandatory and not merely declaratory or exhortative.

With regard to the application of the Judges' Rules generally, the judges in England, and other Commonwealth jurisdictions and States in Australia, where they are applied as a matter of practice, have not found that they place an inconvenient fetter on the exercise of their discretion in determining the admissibility of evidence, nor have the police found that they place a hindrance on their duties in the investigation, prosecution and punishment of offenders. The rules, if adopted, will provide a fair and just basis upon which the police are to conduct their investigations and prosecutions. It must never be forgotten that it is a salutary principle of our criminal law that a person is presumed innocent until proved guilty. These rules, it should be emphasized, in no way conflict with or affect the law laid down by the judges in the leading South Australian case of *R. v. Lynch*. The rules retain the principle and the spirit of this and other decisions of the courts where *R. v. Lynch* has been followed. The law laid down by Lynch's case has not, however, been consistently followed and applied by the judges in this State. What the present amendment is intended to accomplish is, quite shortly, to write into our law of evidence those rules of practice which are applied elsewhere with regard to the police questioning of suspects and accused persons.

If these rules become law, it is the Government's intention that administrative directions will be issued to the police, based upon the administrative directions issued to the police in England, concerning the various procedural points which may arise in the course of interrogation and the taking of statements. The rules do not purport to envisage or deal with the many variations of conduct which might render answers or statements involuntary and therefore inadmissible. The rules deal only with particular aspects of the matter. Other matters such as affording reasonably comfortable conditions, adequate breaks for rest, special procedure for persons of immature age, etc., are proper subjects for administrative directions to the police. The rules do not affect the principles—

(*a*) that citizens have a duty to help a police officer discover and arrest offenders;

(*b*) that police officers, otherwise than by arrest, cannot compel any person against his will to come to or remain at any police station; and

(*c*) that every person at any stage of an investigation should be able to communicate and consult privately with

his counsel.—This is so even if he is in custody, provided that in such a case no unreasonable delay or interference is caused to the investigation or the administration of justice by his doing so;

(*d*) that when a police officer who is making inquiries of any person about an offence has enough evidence to prefer a charge against that person for the offence he should without delay charge that person or inform him that he may be prosecuted for an offence;

(*e*) that it is a fundamental condition of the admissibility of evidence against any person equally of any oral answer given by that person to a question put by a police officer and of any statements made by that person, that it shall have been voluntary in the sense that it has not been obtained from him by fear of prejudice or hope of advantage exercised or held out by a person in authority or by oppression.

The principle set out in paragraph (*e*) above is overriding and applicable in all cases. Within that principle the rules in the Fifth Schedule are proposed as a basis on which police questioning must be constructed. Non-conformity with these rules may render answers and statements liable to be excluded from evidence in subsequent criminal proceedings. Clause 3 accordingly inserts a new section 29a in the principal Act, and provides that where upon the trial of a person who stands charged with an offence, evidence is tendered by the prosecution of any statement made by that person to a police officer, the court shall not admit such evidence unless it is proved that the provisions of the rules in the Fifth Schedule have been complied with. An important proviso follows to the effect that the court may admit statements in evidence where the rules have not been complied with, if it is satisfied—

(*a*) that there were reasonable grounds for non-compliance; and

(*b*) the non-compliance has not unfairly prejudiced the accused.

That means that the non-compliance on some technical ground would not mean that the thing is inadmissible. In other words, the court will have power to administer the spirit of the rules and not to be bound to the absolute letter. Subclause (2) lays down that notwithstanding the provisions of subclause (1) no statement shall be admitted if the judge is of the opinion that it has been invited, provoked or procured by means of a trap, etc., or has been obtained as a result of an unguarded answer made in circumstances as to render it unreliable or unfair. This provision puts into legislative form what has been stated in leading cases in England and this State on the subject of unfair questioning of accused persons by police officers, and is a salutary safeguard which is designed to ensure that the accused will have a fair trial. Subclause (3) makes it clear that the application of the Judges' Rules as a matter of law in no way affects the rules of evidence applicable in determining whether a statement made by an accused person is voluntary or not in the special meaning that this word conveys in the law relating to confessions. This is, as I have said, an overriding principle which is applicable in all cases. The rules only deal with a particular aspect of this matter. Subclause (4) is designed to ensure that the application of the provision in subclause (1) shall extend to courts of summary jurisdiction conducting a preliminary investigation.

I shall now deal with clause 4 which inserts a new section 34i in the principle Act. This clause has been prepared with the concurrence of the Chief Justice and is designed to facilitate the admissibility of certain business records in evidence. It has been enacted already in Tasmania in a similar form and, for the information of the member for Mitcham (Mr. Millhouse) and the member for Angas (Hon. B. H. Teusner) it is specifically designed to overcome the difficulties created by the rule in the Austin car case. The admissibility of a record of a business transaction is, under the existing law of evidence, precluded by the operation of the hearsay rule of evidence. As a general rule statements whether verbal or in writing made by persons not called as witnesses are inadmissible to prove the truth of the facts stated. This general rule has been relaxed in three important classes of statement: admissions and confessions; statements by deceased persons; and statements contained in public documents. The proposed amendment is therefore intended to create a further relaxation of the hearsay rules. The clause confers a discretion upon a judge to admit a record or memorandum of a business transaction if he is of the opinion that such record or memorandum was made about the time of such business transaction and in the regular course of business and the circumstances are such as to indicate the trustworthiness of such memorandum or record.

Subclause (3) lays down some of the relevant circumstances to which the judge is to

have regard in admitting evidence under this section. Subclause (4) gives a discretion to the judge as to what kind of evidence he may require with regard to the substance of the record or the memorandum on which the record was prepared. Subclause (5) enables a reproduction of any writing to be admissible in evidence if the judge is satisfied that the reproduction has been made in good faith and the writing has been lost or destroyed, etc. Subclause (6) confers an overriding discretion on a judge to reject a reproduction in the interests of justice notwithstanding compliance with subsection (5). Subclause (8) makes it clear that this new provision does not affect the admissibility of any evidence which is otherwise admissible. The definition of "business" for the purposes of this clause is wide and all-embracing and includes both governmental and private businesses of all kinds. Clause 5 inserts a new division (Division II) in Part IV of the principal Act. This new division is concerned with the reproduction of documents. It deals with the form in which a document may be admitted and not with the principle whether documentary evidence is or is not admissible. The purpose of this clause is to facilitate the use of reproductions of documents as evidence. It arose from a uniform measure prepared by the Standing Committee of Attorneys-General.

The practice among business concerns, Government departments and institutions of making reproductions of documentary records has grown considerably in recent years. The use of microfilming or microphotography appears to be the photographic process generally used by the business community in making these reproductions because, among other reasons, it is a relatively cheap process, speedily operated and a means not only of making accurate microscopic copies of original documents but also of providing insurance against loss or accidental destruction of such documents and at the same time conserving storage space. Although such reproductions may sometimes prove to be necessary and valuable as evidence, their use as such is considerably restricted because of the requirements of the "best evidence rule". This is a cardinal rule of evidence which means that the best evidence procurable must be given of the facts sought to be proved; in the case of a document the best evidence is, of course, the production of the original document. The question whether some relaxation of the rule is warranted to facilitate the use of reproductions as evidence has been under consideration for some time by the Governments of the Commonwealth, Victoria and South Australia, as has the question whether any relaxation of the rule would be likely to increase the possibility of a court admitting erroneous or fraudulent copies.

The Chief Justice's Law Reform Committee of Victoria has examined a proposal of the Victorian Employer's Federation and the Law Institute of Victoria for amendment of the Victorian Evidence Act, 1958, to provide for the admission in evidence of photographs and microfilms of documents. The committee's report recommending that legislation be introduced to facilitate the use and admission in evidence of photographic copies has been made available to the Standing Committee of Attorneys-General which has been studying this matter closely for over two years. The standing committee has, in addition, had access to a summary of data obtained from American, Canadian and other sources where legislation has been made on this subject. In the result, the Standing Committee of Commonwealth and State Attorneys-General has accepted the following conclusions from the abovementioned Chief Justice's Reform Committee and other sources with regard to the need and desirability of legislation on the reproduction of documents:

(1) On the law of evidence now generally applicable throughout Australia a reproduction of a document may, without legislative help, become admissible in evidence under the "best evidence rule" where it is shown that the original document is lost or has been destroyed and that the reproduction is a true likeness of the document.

(2) The "best evidence rule" does not classify the various forms of secondary evidence or exclude any particular form but will permit the use of any form that can be shown to reproduce the original document.

(3) Although the existing situation may meet carefully planned cases, it is cumbersome, lacking in certainty and quite unsuited to modern business methods and practice. There is, therefore, strong need for facilitating the use of accurate reproduction methods.

(4) Technical advances in photocopying methods and the production and widespread use of machines able to copy documents speedily enough to meet commercial needs make legislative action imperative.

(5) Large sums are now expended annually on building or renting storage space for large masses of documents. Replacement of documents by microfilm would result in immense savings. It is estimated that 90 per cent of paper storage space at present being used would be saved.

(6) Machines or processes found to be accurate and reliable might be regarded as producing copies as effective for evidentiary purposes as original documents.

A draft Bill was prepared which attempted to reconcile the differing views that have been expressed in relation to these matters and at the request of the standing committee this draft Bill was circulated for general discussion and criticism to State Government departments, professional organizations and to a representative selection of business enterprises of all kinds, for example, the Australian hire-purchase and insurance companies and the Australian Banking Association. In this State the Law Society, the judges and various departmental heads and prominent business enterprises have had an opportunity of giving their views on the proposed provisions. This amendment to Part IV of the principal Act now before honourable members reproduces the draft Bill drawn up to amend the Victorian Evidence Act (subject to minor modifications and drafting improvements) and has been accepted by the Standing Committee of Attorneys-General. It is expected that legislation modelled on the Victorian Draft Model Bill will be introduced into all States and Territories soon. The proposed legislation envisages the comprehensive microfilming of Government records and the records of banking, insurance and commercial undertakings.

Division II of Part IV contains two basic provisions:

(*a*) a reproduction of a document is admissible as prima facie evidence of the document upon proof that it is a true reproduction and that the original has been destroyed or is lost or that it is not reasonably practicable to produce the document (new section 45c);

(*b*) a reproduction of a document made in the course of a business by means of an approved type of machine is as admissible in evidence as the original document whether that document is still in existence or not, upon proof that the negative was made in good faith by means of such a machine and that the print reproduces the whole of the image of the document on the negative (new section 45d).

With regard to (*a*) above the maker of a machine copy or a negative of a document would be proved by the affidavit or declaration of the maker made at or about the time he made the machine copy of a negative (new section 45c (2)). Where a series of similar documents are copied, or where documents bear a common identification mark, or where documents are in respect of the same subject matter one affidavit or declaration is sufficient (new section 45i). With regard to (*b*) above, the making of microfilm, etc., will be proven by the affidavit of declaration of the maker made at or about the time that he copies a document by means of an approved machine (new clause 45d (5)). Where a document is processed by an independent processor whose business it is to reproduce documents, the document is proved by an affidavit or declaration of the person who had custody and control of the document and who delivered it to the independent processor (new clause 45e).

A "business" in the new section 45a includes Government and any private business, profession, occupation and calling of every kind. This definition is wide and all-embracing. "Reproduction" in relation to a document means a machine copy of the document or a print made from the negative of the document. "Machine copy" and "negative" are also defined as follows: "Machine copy" in relation to a document means a copy made of the document by any machine or process wherein or whereby a permanent image of the contents of the document is reproduced in the same or similar dimensions from surface contact with the document by the use of photo-sensitive material other than transparent photographic film. This definition, like the definition of "negative" has been moulded from technical data from various sources. "Negative" is defined in relation to a document as a transparent negative photograph of the document used or intended to be used as a durable medium for reproducing the context of the document and includes any transparent photograph made from surface contact with the original negative photograph.

New section 45b provides that a certified reproduction of public documents in the custody and control of the Registrar-General of Deeds, the Government Statist, the Master, Registrar, Clerk or other appropriate officer of the court, and a reproduction of any document filed in or issued out of any court or of the official record of any proceedings or any copy of any judgment, etc., is admissible in evidence without further proof as if it were the original document. Any of these departmental heads served with legal process to produce a public document or record in any court may sign certified reproductions in answer thereto to the appropriate court officer. This provision will result in very substantial saving of storage space by Government departments.

By new section 45d power is conferred upon the Attorney-General to approve machines for microfilming, etc., if he is satisfied that the

machine automatically photographs documents in such a way as to prevent any tampering with the document by any would-be forger. New section 45j introduces a necessary safeguard by providing that no reproduction made through the medium of a negative shall be admitted in evidence unless the negative is in existence at the time of the proceedings and that the document reproduced was kept by the maker of the reproduction for a period of not less than 12 months after the document was made or was sent to the other party to the proceedings. Such a limitation is felt to be necessary to discourage such practices as reproducing a series of documents with the same loose duty stamp resting on each and forthwith destroying the originals to prevent detection. Treasury officials were consulted on this question and thought that a holding period of 12 months was not unreasonable and would be sufficient for their purposes. It will be noted, however, that this holding period is not essential if the reproduction was sent to the other party to the proceedings.

A further safeguard included in this section is that the court may order a further reproduction to be made from the negative at any time (new section 45j (2)). A reproduction of a document may be taken to be a reproduction notwithstanding that the colour or tone of any writing, printing or representation of the document is reversed or altered (new section 45k). To facilitate proof of a reproduction of a document or to dispense with formal proof thereof: (*a*) no notice to produce is required (new section 45l); (*b*) no proof of comparison with the original document is required if the court is satisfied that the document is complete and legible (new section 45l (2)); (*c*) any presumption that may be made as to the documents over 20 years old may be made with respect to any reproduction of that document (new section 45m); (*d*) a court is to take judicial notice of the seal or signature of any court, person or body corporate on a reproduction of any document if the law requires that it should take judicial notice of the seal or signature on the original document (new section 45p).

New section 45n provides for the admissibility in evidence in this State of reproductions made in another State or Territory of the Commonwealth so long as it is admissible as evidence in the State in which it was made. Similarly, reproductions of documents in South Australia will become admissible in other States or Territories under similar legislation in those States or Territories. New section 45q provides that where any law requires a document to be preserved or copies for any purpose for a period of time longer than three years the microfilm may be preserved in lieu of that document together with an affidavit or declaration referred to under section 45d. This provision will also result in very considerable saving of storage space for Government and private businesses.

New section 45r is an important section for it confers a discretion upon a court to reject a reproduction, notwithstanding that the requirements of this new division have been satisfied, if it feels that the interests of justice so require. This is a further necessary safeguard. In new section 45s a court in estimating the weight to be attached to a reproduction rendered admissible under this new division may have regard to the fact that the person making the affidavit or declaration is not called as a witness and therefore not subject to cross-examination, and also to all circumstances which would indicate the necessity: (*a*) for making the reproduction, etc.; (*b*) the accuracy of the reproduction; and (*c*) any incentive to tamper with the document or misrepresent the reproduction. This section, like the preceding section, retains a full discretion in a court when determining the admissibility of a reproduction.

New section 45t provides that this provision shall be construed in aid of and not in derogation of any other law or practice with respect to the admissibility as evidence of copies of documents; for example, section 39 of the Evidence Act which permits public documents to be proved by examined or certified copies thereof. New section 45u makes it an offence for any person in any advertisement to claim that a machine is a copying machine approved by the Attorney-General punishable by a maximum fine of £100 or imprisonment for a term not exceeding three months.

Clause 6 inserts a new section 69a in the principal Act. This is pioneering legislation in this field. In subclause (1) provision is made to prohibit the name of any party or intended party in any proceedings before a court either before or during the course of the proceedings unless the party consents to the publication of his name or is convicted at the end of the proceedings of the offence or any other offence for which he may properly be convicted. The reason for this amendment is to prevent any injury or embarrassment to an accused person by harmful publication of his name without his consent. Subclause (2) provides that no

person shall publish any evidence on a preliminary investigation into an indictable offence unless the court by an order under subclause (4) permits publication. The reason for the amendment in subclause (2) is to reduce the risk of any potential juryman learning of the evidence in a preliminary investigation before he attends the trial and hears the evidence in the course thereof.

Subclause (3) provides for a maximum penalty of £100 or imprisonment for six months for contravention of subclauses (1) and (2). Subclause (4) introduces a qualification that if a court is satisfied by evidence on oath that the effect or probable effect of non-publication of the name of a party or any evidence in any proceedings would be to obstruct or hinder the apprehension of any other person connected with the offence, the court may permit publication of the proceedings subject to such conditions as it thinks fit.

Subclause (5) lays down that this section shall not apply in any preliminary investigation if the person charged has pleaded guilty to the offence. "To publish" in subclause (6) would extend to cover publication by newspaper, radio or television but would not include a publication, for example, on a court notice board. Subclause (7) makes it clear that the provisions of this clause do not limit the application or operation of certain other Acts, *e.g.*, the Juvenile Courts Act, 1941, as amended.

The purpose of this last provision is, first, to avoid what is so often now an injustice to a man accused before the courts but later acquitted. A man may be accused of a serious crime before the courts. He is presumed to be innocent until proved guilty but, even though in due course he is acquitted, the publication of his name in relation to the offence may do him untold harm, because so often some of the mud sticks. We ought not to publish a man's name to the world until it is found by the court that he is guilty, unless the non-publication of the name unduly interferes with the proper administration of the court in gaining knowledge of the truth of the question before it.

The second point is that it is grossly unfair (and this has been often raised by counsel before in our courts) that we should have preliminary investigations into serious crimes and allegations of indictable offences where the whole of the prosecution's case is put at a preliminary inquiry. In the past, as that has been published to the world, everyone knows the full nature of the prosecution's case. However, they do not get the defence case in a preliminary inquiry—normally a man reserves his defence. The jury is almost inevitably apprised of the details of the prosecution's allegations about a crime which it is to investigate before it enters the jury box. Members of the jury are then asked to dismiss from their minds all this background and all the newspaper reportage of what has gone on before and asked to come to the thing completely fresh and unprejudiced. It is asking a bit much of the average fallible human being to ask him to do that, and it is proper, if we are to have a completely unbiased investigation by a jury, that its members should come to this inquiry fresh, without a pre-knowledge or speculation or discussion of the events that have taken place in the preliminary inquiry. Sometimes the allegations that are made by prosecution witnesses and the somewhat argumentative course of proceedings in preliminary inquiries ought not to be put before jurymen before they come to make their investigation and the accused puts himself upon his country, as he does when he pleads "Not Guilty" to the arraignment. I may say that in these two pioneering provisions I have the support of the Law Society of South Australia and of the Chief Justice. The Chief Justice and the Law Society were both consulted before this Bill was prepared, and they indicated their assent in principle to the latter proposals. I commend the Bill to the House.

Mr. MILLHOUSE secured the adjournment of the debate.

CROWN LANDS ACT AMENDMENT BILL.

The Hon. G. A. BYWATERS (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Crown Lands Act, 1929-1960. Read a first time.

The Hon. G. A. BYWATERS: I move:

That this Bill be now read a second time.

Its object is to amend the Crown Lands Act, 1929-1960, by making three major amendments thereto as follows: first, by clause 5, a new section 6b is inserted in the principal Act and provides that where an agreement is to be entered into between the State and the Commonwealth for the acquisition by the Commonwealth of Crown lands, a land grant or lease, etc., executed by the Governor shall be valid and effectual to vest the land in the Commonwealth. This procedure, if adopted, would simplify the issue of titles where land is purchased or acquired by the Commonwealth. It would also enable Crown lands to be sold to the Commonwealth without first being

offered at auction, and for leases to be issued to the Commonwealth without the need to call for general application by the public. At present only miscellaneous leases for grazing and cultivation may be allotted without gazettal, but the Commonwealth does not require this kind of lease. The method mostly used when Crown lands are being transferred to the Commonwealth is that of compulsory acquisition, though sometimes the methods of transfer as surplus lands under section 262a, and dedication and issue of a grant for Commonwealth purposes, are employed. These methods are, however, cumbersome and unsatisfactory. The proposed new section 6b is modelled on section 8 of the Commonwealth Lands Acquisition Act. By sections 8 and 54 of the Crown Lands Act, all minerals, etc., are reserved to the Crown. This clause accordingly negatives the effect of those sections by conferring the power to transfer mineral rights.

Secondly, by clause 22 a new section 228b is inserted in the principal Act, and provision is made for Crown lands to be sold at reasonable prices to certain corporate bodies, such as the War Service Homes Commission and the South Australian Housing Trust. This would avoid the necessity of offering the land for sale by public auction, which must be done as the law now stands. A provision similar to the instant one is to be found in section 35a (1) of the Irrigation Act, 1930-1946. Thirdly, clause 24 inserts a new subsection in section 232 (*h*) of the principal Act, and provides that the Minister, when selling any Crown land in the Town of Whyalla and other towns (by virtue of section 234a (3)), has power wholly or partially to remit or vary any of the conditions, including the power to extend a condition as to the time in which a purchaser must erect premises on the land. It is felt that such a power is necessary and desirable in cases where purchasers who have every intention of fulfilling the conditions are prevented from erecting their premises by circumstances beyond their control. Provision is also made to ensure that the grant of an extension of time for the foregoing purpose does not prejudice the right of the Crown to cancel the land grant.

Apart from these major amendments, the following clauses, which are principally designed to remove anomalies and improve the administration of the Act, deserve comment. Clause 4 amends section 5 (*e*) of the principal Act and provides for the resumption of the land without necessarily cancelling the grant. When lands dedicated and granted for school purposes and other public purposes are no longer required, no simple method exists whereby these lands may be disposed of, and it is desired to obtain the necessary power to dispose of lands of this nature as surplus lands similar to provisions of section 262a of the principal Act. There does not appear to be any necessity to cancel the existing land grant which could be transferred and the trust extinguished and a new title issued by the Registrar-General. As regards the insertion of a new paragraph (*e*1) in section 5, this confers power upon the Governor by proclamation to free from the trusts and where necessary cancel the grant of any lands set apart for a particular purpose where the lands are not used for that purpose. It is considered that such a power is necessary to enable the Crown to deal with reserves no longer required for the purpose for which the land was set apart. There are many cases where lands have been set apart for some particular purpose and granted but such lands have not been dedicated by proclamation. If such lands have been dedicated by proclamation, power is contained in section 5 (*e*) to cancel the grant and resume dedicated lands which are not used or required for the dedicated purpose, etc. Prior to 1875 there was no power in the State legislation to dedicate by proclamation, and often land was granted on trust to trustees for a public and charitable purpose. In course of time trustees died or moved out of the State, and if it was desired to transfer title the only possible method open was to invoke section 5 (*b*), but this was useful only if the land was required for the public benefit and use. Section 37 of the Trustee Act could not be used if the personal representatives of the last surviving trustee could not be traced. The provision in clause 28 is also material in this connection.

The amendment proposed by clause 6 is to insert a new paragraph (*v*) in section 9 of the principal Act to enable the Minister to authorize any officer to enter upon lands held from the Crown. Clause 7 repeals section 14 of the principal Act, and substitutes a new section 14 which provides for the appointment by the Minister of a deputy chairman. Clause 8 amends section 15 of the principal Act by deleting the provision that the chairman of the board shall have a casting as well as a deliberative vote. It is not considered necessary or desirable that the chairman should retain this additional voting power. Clause 9 repeals sections 23a and 23b of the principal Act, since the Crown Lands Development Act, 1943, now provides for arrangements for the clearing and cultivation of Crown lands for purposes of

pasture. The repealed sections cover the same ground and are no longer necessary.

Clause 10, which repeals section 25 of the Act, deals with the lodging of deposits on an application for a perpetual lease. The lodging of a deposit serves no useful purpose: the amount is almost always small. It creates unnecessary work in issuing receipts or following up cases where deposits are not received so as to enable applications to be dealt with, and in drawing cheques and returning deposits to unsuccessful applicants. It is considered further that such a provision is a needless inconvenience to applicants. Clause 18, which repeals section 180, and clause 23, which repeals section 232b (2), achieve a similar purpose. Clause 11 amends section 41e of the principal Act by deleting the reference therein to "section 34". This section was repealed in 1939. Clause 12 amends section 42 (1) (*b*) of the principal Act, which provides that agreements under Part IV of the principal Act are to be for a term of 30 years. The proposed amendment enables agreements for less than 30 years to be entered into. Such a power is considered desirable. Clause 13 amends section 47 of the principal Act, and substitutes "a pound" for "five shillings" as the minimum annual rental under a perpetual lease or half-yearly instalment under an agreement. Such an increase is necessary to make the minimum rental more realistic in present day conditions.

Clause 14 amends section 66 (*a*) of the principal Act by increasing the value of small areas of land that can be sold by the Minister from £100 to £200. An increase is desirable in view of changed land values. By clause 15, a new section 66b is inserted in the principal Act, which confers power upon the Minister to sell for cash small parcels of land not exceeding in value £200, to adjacent registered proprietors of freehold land, and to consolidate the title of such small parcels of land with the land of the registered proprietor who has purchased the same from the Minister. A similar procedure is followed under the Roads (Opening and Closing) Act, 1932-1946. By clause 16, sections 67 to 73a of the principal Act are repealed. These sections relate to leases with a right of purchase granted under repealed Acts. All such leases have now expired or have been surrendered for other tenure or the purchase of the land has been completed. There is no provision in the Act for issuing further leases of this nature. Clause 17 repeals section 80 of the principal Act, as the control of forest lands and the issue of leases over forest reserves is now provided for in the Forestry Act, 1950, which supersedes the Woods and Forests Act, 1882.

Clause 18 repeals section 180 of the principal Act for the same reasons that section 20 of the principal Act is repealed, namely, that the lodging of a deposit for every application for an agreement to purchase acquired land is considered unnecessary and inconvenient. Clause 19 amends section 211 of the principal Act by striking out subsection (5). This subsection is no longer needed, as no right of purchase leases remain in existence nor is there any provision in the Act for the issue of new ones. By clause 20, section 211a of the principal Act is repealed. This section, which extends the right to freehold in terms of section 211 (5) until one year after the end of the Second World War, has become obsolete by effluxion of time Clause 21 amends section 228 of the principal Act principally by adding a new paragraph v, enabling land to be sold at auction for cash. This amendment is considered desirable since it will assist the department in finding a simpler method of disposing of small areas that have reverted back to the department by various means. The minor amendment in paragraph I is designed to improve the administration of the Act.

Clause 23 amends section 232b for the same reasons as are given in clauses 10 and 18. Clause 25 repeals section 233 of the principal Act. This section, which provides for purchase moneys for the sale of lands under Part XIII to be applied primarily to payment of public liabilities is never used, as the purchase moneys from the sale of such lands are paid into consolidated revenue. By clause 26, section 253 of the principal Act is amended by providing that all police officers shall be Crown lands rangers. This provision is necessary, as, because of resignations, transfers and promotions, etc., of police officers, it has been found that the practice of merely appointing mounted police as rangers in country districts is unsatisfactory.

Clause 27 corrects a printing error in section 261 of the principal Act. By clause 28 a new section 262aa is inserted in the principal Act, and provides that the Minister may sell, on the recommendation of the board, lands formerly dedicated or reserved for any purpose (other than by dedication by proclamation) which have been resumed, etc., by the Crown. Power is also conferred on the Minister to execute the transfer and register such transfer without production of the duplicate land grant.

Clause 29 amends section 262b of the principal Act and clarifies the position as regards disposal of improvements on Crown lands or lands which have reverted to the Crown. Clause 30 makes a drafting amendment to section 263b. Clause 31 amends section 263b of the principal Act to provide that an interest element should be added to costs incurred by the Minister in insuring improvements where the lessee has failed himself to insure them. Clause 32 inserts a new section 271d in the principal Act along the lines of section 65 of the Land Tax Act, to enable freehold land to be transferred to the Minister. At present leasehold land or land held under an agreement to purchase may be surrendered absolutely and thus become Crown lands, but for freehold land it is necessary to invoke section 65 of the Land Tax Act. Though section 271 (*c*) of the Crown Lands Act enables the Minister to accept a gift of land this only applies to an allotment to an ex-serviceman from the Second World War, or his dependants. Clause 33 repeals section 272 of the principal Act and enacts a new section that more specifically defines unlawful occupation of Crown lands, etc., and enables the Minister to remove or destroy any structures or materials on the land at the expense of the person who unlawfully erected or deposited them thereon. A penalty of £50 is provided.

Clauses 34, 35 and 36 amend sections 273, 274 and 275 respectively, of the principal Act by increasing the penalties therein so as to bring them into line with present day values. The present penalties have not been changed since 1915. Clause 37 amends section 278 (1) of the principal Act to bring it into line with section 9 (*n*) of Act No. 26 of 1944. This Act authorized the Minister to give permission for persons to construct and maintain grids and ramps, as well as gates, on such lands. I commend the Bill to honourable members.

Mr. QUIRKE secured the adjournment of the debate.

MARKETING OF EGGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 1. Page 1409.)

The Hon. D. N. BROOKMAN (Alexandra): I support the Bill, as it provides some creditable amendments to the Act, one being the provision whereby a casual vacancy may be filled without the necessity and the trouble of holding an election. Although the principle of elections is good in respect of producer members of the Egg Board, and although it is accepted as such by the industry generally, I think no-one would wish to see an election involving much work and expense held to fill a casual vacancy. I also favour the provision widening the voting qualifications of members of the Egg Board. Producers keeping 250 or more hens will be entitled to vote at an ordinary election of producer members of the board, which will not only simplify the present provision in the Act but bring the Act up to date with the conditions of the Council of Egg Marketing Authorities plan. I support, too, the other measures outlined in the Bill.

Concerning conditions in the egg industry at present, it has become clear that, as previously forecast by other honourable members and me (namely, that because of the C.E.M.A. plan the small producer would be discouraged from keeping fowls), many smaller producers have, in fact, abandoned that practice to avoid paying the tax. Indeed, many hatcheries have found that their orders are fairly heavily down on orders of previous years, and it is indicated that a considerable shortage of eggs will take place, perhaps in the next season, because of the changed condition. I believe many people in the industry will naturally be complacent about this matter, because the fewer producers in the industry, the better it will be for those left in it. To my mind, the small producer with only a few hens has not had a good deal under the C.E.M.A. plan. Generally, though, the Bill contains some sensible amendments, and I have no hesitation in supporting it.

Mr. FREEBAIRN (Light): I support the Bill for reasons similar to those outlined by the member for Alexandra. The South Australian Egg Board begun functioning during the war years when conditions in the poultry industry were favourable. Honourable members may recall that before the Second World War the industry was in a most unhappy and unstable situation. Prices were low, ranging from 1s. 6d. a dozen in the scarce season down to literally nothing in the flush season. The realizations of many farmers selling eggs in the flush season (the spring) to merchants in the city were practically nil. However, with the advent of the Second World War, the situation dramatically changed, and our whole economy became geared to a war-time footing. Egg production in South Australia rose by about 50 per cent between 1939 and 1942, because of the increased demand on the United Kingdom market.

The egg producer's—conditions during the war were good, but at the end of the war, when countries such as Denmark and the Republic of Eire resumed trading with the U.K., the situation in this State declined. It was the South Australian board's difficult task to find a profitable outlet for our surplus eggs. It has always been the board's policy to endeavour to charge domestic consumers a reasonable price for their eggs, the price having some relationship to the cost of production. As a result, export losses have had to be shared between producers who marketed their eggs through board channels. One of the producer's grievances in the past has been that, although half the board's members represented producers, egg-producer members of the board were not directly elected by the producers, but chosen from a panel of names submitted to the Minister by egg-producer organizations.

Consequently, the elected members did not have any immediate responsibility to egg producers, and the producers naturally believed that the board did not represent their interests as well as it should have represented them. In 1963 some advance in appointing members to the board was made when the then Government was instrumental in legislating for the election of three producer representatives by a pool of producers. In November, 1963, the Egg Marketing Act was amended to provide that producers who sold 3,000 dozen eggs a year through board channels would be entitled to vote in a ballot for the election of grower representatives. I favoured that legislation at the time, not realizing then (and I doubt whether many honourable members realized it, either) just how few producers in South Australia produced 3,000 dozen eggs a year or more.

The Hon. G. A. Bywaters: But some producers sold in other States.

Mr. FREEBAIRN: Even the Minister cannot be sure how many egg producers producing more than 3,000 dozen eggs a year were selling outside the board channels at that time.

The Hon. D. N. Brookman: It was a sound provision in those days but the C.E.M.A. plan altered the position.

Mr. FREEBAIRN: Yes. When I supported the earlier Bill I did not realize how few egg producers would be included in the 3,000-dozen category. I moved to amend a clause in that Bill relating to one of the districts to make it appear that three electoral districts would be roughly equal in size. However, when the Egg Board rolls were prepared some disparity was found in the three districts.

The essential feature of this amending legislation is that the franchise for the election of Egg Board members will be widened by giving the franchise to producers who keep 20 or more hens instead of providing for only those who produce 3,000 dozen eggs a year. I believe that the Bill (which I hope Parliament will pass) will greatly increase the interest held by poultry farmers in the Egg Board. If the vote is extended, I believe that even the smallest producer (and I think all members would agree that a producer who keeps 20 hens is a small producer) will feel some sense of responsibility in that he has taken part in the election of the board members. In the past I do not believe that poultry farmers have felt that the board was really their board. The Auditor-General's Report for 1963-64 (the latest report to hand) shows that the cost of preparing the roll, under the 1963 legislation, of the qualified producers was about £4,000 or .11d. a dozen. As it was necessary to pay for this democratic process, I do not think poultry farmers would begrudge that cost. If and when this legislation is passed it may be found that the cost of preparing the next roll will be more than £4,000.

The Auditor-General's Report shows that there has been some disagreement on the policy that the Egg Board has adopted in the past. I do not state this as a criticism but it shows that strong differences of opinion have occurred. I hope that when the Egg Board becomes much more representative poultry farmers will appreciate the difficulties that it has to face in the marketing of a product that is in plentiful supply and at a low price overseas. The Auditor-General's Report states:

> The prices at which first quality eggs were sold by the board were generally higher than the previous year. The price obtained from interstate sales was below that ruling in South Australia at the same time, the local selling price being kept high.

That amplifies the point I made earlier about the problem the board has had in returning a profitable price to producers. The report continues:

> For this reason and because the prices were not sufficiently reduced when first quality eggs were used for pulping, I consider that the prices at which eggs were sold by the board to the South Australian consumers were too high. The prices charged to certain interstate agents, in view of the wholesale prices ruling interstate at the time, were, in my opinion, far too low.

The effect of the Bill and of the C.E.M.A. legislation enacted by the Commonwealth Parliament last year (which has greatly increased the number of suppliers paying the contribution towards the export loss) has been to make poultry farmers much more conscious of the activities of the South Australian Egg Board. I am pleased with the Bill, and I hope that it will work to the benefit of the poultry industry in South Australia.

The Hon. G. A. BYWATERS (Minister of Agriculture): I thank both the honourable members for Alexandra and Light for their comments and their support. I trust that the legislation will receive the same support in another place, and will soon operate. The member for Alexandra talked about the C.E.M.A. plan and said some small producers had left the industry because of it. When the plan was agreed to by the Government, on my initiative, and became law, I came in for much criticism and faced a torrid time. I am now agreeably surprised to hear the remarks made by people who were violently opposed to the scheme in the first place. They now say that they believe I did the right thing. Only two weeks ago, when attending a school function, I sat next to a man who had violently opposed the scheme at a meeting which I attended and which was also attended by the member for Alexandra and the Leader of the Opposition; this man was one of the chief spokesmen. However, he now admits that the scheme is turning out much better than he had thought it would turn out. He said that he was relieved to see that it had not had the adverse effect that he thought it would have.

Mr. Freebairn: It has not been going for long.

The Hon. G. A. BYWATERS: No, but at the same time those people who strongly opposed it did so because they had been misinformed.

The Hon. D. N. Brookman: I think that their main objection was that the scheme was forced on them without their getting a chance to vote on it.

The Hon. G. A. BYWATERS: That is past history; I think they are now more reconciled to the position and that much of the opposition to the scheme has abated. I am glad that that is the case. I thank honourable members for their comments in support of the second reading, and I look forward to the passage of the Bill through its remaining stages.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. D. N. BROOKMAN: Can the Minister of Agriculture say whether producers know who has and who has not to pay the levy under the C.E.M.A. plan at present? Is the tax being paid by everybody who should pay it? Is the legislation being policed, or is there merely a public relations campaign?

The Hon. G. A. BYWATERS (Minister of Agriculture): When this was first introduced there were queries, but as I have not had a query now for some time I assume that people have ascertained their obligations. I understand that the inspectors who have been employed have been well received by poultry farmers and by those engaged in egg production as a sideline. I have heard favourable comments from people in my own district, where an officer is stationed, and I have not heard any adverse comments regarding the officer in the Mid-North. I know the people in my district are happy with the approach of the inspector there. I think he has carried out his public relations function quite well, although his main purpose, of course, is to police the legislation. I have not heard of any evasions of the levy, and I am sure that if evasions occurred it would not be long before neighbouring farmers would complain to the responsible officer. The scheme is in its early stages, and possibly some complaints could arise, but at this stage we do not know of any. I am very pleased with the smooth working of the operations.

Mr. FREEBAIRN: Under the Commonwealth wool levy legislation, which is not dissimilar to this, a producer who is a member of a partnership can apply his share in the whole of the goods owned by that partnership to bring him within the voting qualification. Under this clause, "producer" means a person who keeps 20 or more hens. Would a partnership of four farmers with, say, 100 hens be entitled to four votes or only one vote? There could be an anomaly here, bearing in mind the Commonwealth legislation.

The Hon. G. A. BYWATERS: I will ascertain the exact position, but my view is that that partnership would be entitled to only one vote.

The Hon. D. N. BROOKMAN: The Victorian legislation was designed to ensure that all eggs sold in Victoria were graded by or through the Victorian board. I understand that that legislation was challenged by some South Australian producers. So far as I know, that is a direct attempt to circumvent the working of section 92 of the Commonwealth Constitution.

Can the Minister say what is happening in that regard? If Victoria persists with its legislation, I think the South Australian Government should at least consider what stand it will take in relation to that legislation.

The Hon. G. A. BYWATERS: As the honourable member knows, this matter is *sub judice*. However, he can rest assured that the Government is keeping it in mind.

Clause passed.

Remaining clauses (4 to 8) and title passed.

Bill read a third time and passed.

COMPULSORY ACQUISITION OF LAND ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 7. Page 2036.)

The Hon. G. G. PEARSON (Flinders): I regret to say that in my opinion this Bill is bad and unnecessary legislation and that the reasons given for its introduction are entirely inadequate. I therefore oppose it. I do not know of any more difficult administrative duty that a Minister of the Crown or an executive of a semi-government body has to carry out than the procurement of land for public purposes, and I am aware of the problems in this regard. As Minister of Works over a period, I was obliged to acquire large areas for public purposes. As one who came up, may I say, the hard way to get together a living area from which to make a living, I possibly have some rather deep feelings for those who own a little land and are reluctant for various reasons to part with it. As a consequence, as Minister I always scrutinized very carefully any recommendations made to me for the compulsory acquisition of land.

It is the duty of every instrumentality, officer or the Minister to ensure that the ordinary processes of purchase and sale are exhausted before notice to treat is issued; that is a proper prerequisite. I do not suggest that those processes should continue interminably, because I know that frequently land is urgently required for a public purpose at comparatively short notice, so the reluctance of the owner cannot be permitted to carry on the matter for an indefinite period. However, the owner has substantial rights in the matter, and every effort should be made to reach agreement on the value of the land and the conditions of sale and purchase before the axe is brought down and a notice to treat is issued. When the parties cannot reach agreement, further steps need to be taken, but agreement should be reached if possible.

What are those steps and what is the degree of urgency or the requirement that makes acquisition necessary? Under the old law notice to treat was served on the owner, and this provision still obtains under the amending legislation. Under the principal Act the owner could still negotiate with the promoter after notice to treat was served, but if the values set by the two parties were so far apart that there was no hope of reaching agreement the owner could elect to do one of two things. He could, for example, say, "I want the court to finally determine the value of the land, but without prejudice to my rights. I am prepared to give access to the promoter provided that he pays into court the amount of my claim." Alternatively, he could say to the promoter, "You have indicated your valuation of this property. If you are prepared to pay me that amount, I am prepared to hand over the title to you, without prejudice to the final determination of the court." If the promoter has been genuine (and I am not saying that he has not been) in many cases this practice has been resorted to and the owner has agreed to transfer the title and has accepted the valuation of the Land Board or some other authority, and the promoter has obtained access to the land to carry on his activity. Having regard to those alternatives, the only problem that has arisen is in regard to entailed estates, where the trustee has no power to transfer the title. When he introduced the Bill the Minister referred to this aspect. He said that the Engineering and Water Supply Department had had some difficulty in obtaining land at Springfield for the purpose of erecting a tank, and said:

> Under the present law, compulsory acquisition of this land could lead to prolonged litigation and serious difficulties of conveyance, because the land is encumbered by restrictive covenants which seriously hamper the power of the registered proprietor to convey an unencumbered fee simple to the Minister of Works.

I do not know why these isolated cases could not be dealt with without our having a Bill to alter the whole nature of the principal Act. There is really no difficulty apart from that which the Minister has mentioned. In my experience as Minister for six or seven years, I cannot recall any other serious problem having arisen. If that be so, why is it not possible to deal with special cases in a special way without applying a dragnet to the whole process, which, as I hope to be able to show, will result in serious changes to the Act and will

have the effect of producing legislation that I consider to be bad and unjust?

Apart from the difficulty relating to entailed estates the Minister mentioned one or two other problems of the promoter. Incidentally, he did not mention the second alternative I mentioned—that the owner could agree to transfer his title at the promoter's valuation, which has been done in many cases. The Minister has said that in some cases the owner's valuation is inflated, and often this is so. In one case an interesting piece of land north of Adelaide was valued at a large sum by the owners. There was also another famous case in which the court ordered the payment of a sum that was small compared with the price that was sought. It could well be that in many cases the owner's valuation is heavily inflated. The Minister said that this meant that in order to obtain access the promoter must pay into court the inflated sum claimed by the owner, and that this resulted in the money lying idle. That is not correct: the money does not lie idle in court. When I first dealt with the acquisition of land at Bolivar, it seemed incongruous that a large sum should be lying idle in court, but the Treasurer informed me that no money in any Government account is lying idle. If it is paid into court, it goes to the Treasury and into the cash balance for the day. If the present Treasurer is as good a Treasurer as the last one (at least he is briefed and advised by the same officers), no money that can be used is left lying idle. This argument therefore falls to the ground. In many cases, in order to obtain access to the land, the promoter has had to pay the amount into court. Under the old law it rests with the owner whether he is prepared to agree to a price, or to accept the promoter's valuation and give the title to the land; he may not do either, but may ask that the money be paid into court so that he can fight the case, and there the matter rests until the court deals with it.

Mr. Shannon: Provided the promoter needs immediate possession.

The Hon. G. G. PEARSON: He can get it by a price agreement or, if the owner is prepared to agree to transfer the title at the promoter's valuation without prejudicing his right in court; or, if both fail, he can get the right of entry by paying the full amount into court and he then has the right of entry without the owner's consent. He is not unduly hampered. When the matter is analysed in these terms, no valid reason is shown for the introduction of this Bill. The only case for it is in an entailed estate, and it would be better to deal with special cases in a special way with special legislation, rather than drag the whole thing into a net and produce a piece of legislation such as this. This is a typical example of socialistic legislation. The Attorney-General can smile, but that is true.

The Hon. D. A. Dunstan: It is the same legislation as that introduced by the Socialist Governments in Canberra and Western Australia!

The Hon. G. G. PEARSON: I do not care who introduced it: it is manifestly unjust. The Minister expresses the view that the requirements of the State are paramount and the rights of the individual come a poor second. Under this Bill, today an owner can be sitting on a piece of land, or living on it, or deriving his living from it, but in 28 days he will be served with a proclamation that automatically transfers the title to the promoter; and the whole of the rights of any people interested in the land (and this is what the Bill states) are hereby converted into a claim for compensation before the court. In a short time the owner is out of his property, on the street, with no house, no land, no money, and no means of earning a livelihood, until the court decides on the compensation to which he is entitled. No one can live on a claim for compensation. This does not apply only to the big boys in the land business. If we are thinking of drafting legislation only in terms of a wealthy landlord at Springfield (if there is one) or someone at Bolivar who is hoping to make money out of the Government's need for that land, we should re-think our ideas.

One has only to consider the Town Planner's report and to look at the maps that show where freeways cut across the city of Adelaide, to realize that every freeway will result in the acquisition of many city properties and suburban houses. These will be in addition to houses in wealthy suburbs. In many houses in the districts represented by the member for Glenelg, the Attorney-General and the Premier are people (many pensioners) living in modest comfortable houses with reasonably low values, but with a limited life, for which they would receive a few hundred pounds if the house were sold. After they have received a notice of compulsory acquisition they will be out in the hard cold world, because it will probably be 18 months before the court deals with their claim.

Mr. Nankivell: What will that amount buy them?

The Hon. G. G. PEARSON: That is the whole point. I am thinking not only of freeways but of suburban areas ripe for redevelopment. A narrow strip may be required for a freeway, but whole blocks of houses will be demolished for the redevelopment of inner suburbs.

Mr. Shannon: The freeway is only a part of it: there have to be access roads everywhere to get on to the freeway.

The Hon. G. G. PEARSON: I have said enough to outline the depth of this problem. Numerically, we are dealing with 10 times more little people than big people, and we are not dealing only with valuable properties in the Adelaide Hills or at Bolivar: under this legislation we are dealing with hundreds of little shops, little houses and little people. The House could not possibly go ahead with legislation of this sort without being aware of its consequences.

This Bill puts all the cards in the hands of the promoters, and there is a poor outlook for the man who happens to be the owner in the way. The result will be that the owner will realize he is out on the street with no premises, money or means of providing himself with a home or livelihood. The degree of duress on him under those conditions is little short of intimidation—I was going to say "blackmail" but I will not go that far. Again, the Minister may smile but I venture the opinion that, if the previous Government had brought in a Bill of this sort, the Minister would have stood up in his place and screamed to high heavens about the rights of little people. But now he comes here with this piece of legislation that does exactly that: it disenfranchises the citizens. There is no need for this. The Act has worked well. So far as I can recall, it has not injuriously affected any operation of the Crown; it has not prevented the Government or Government instrumentalities from getting the land needed. The fact that it may have taken a little longer here and there was only a fair protection to the owner.

I have received some letters about this legislation. The Adelaide Chamber of Commerce has written as follows to the Minister of Lands:

As the new procedure vests the land in the promoters forthwith, and gives them unqualified right to possession, interest upon the amount of compensation should begin to run at least from the date upon which the former owner is dispossessed, or even from the date of vesting in the promoter, since he will then become the absolute owner and presumably entitled to the rent and profits, etc.

That is a point that not everybody realizes: that, if the title is transferred, the promoter then becomes the owner and thereby has complete rights to the title, with all that goes with it; and he could well be in receipt of rents from the property before he had paid over any money by way of consideration for the property. Again, is this a reasonable proposition? It is not. A legal authority has written to us on this, and I take the liberty of quoting him:

As the Act now stands, except in unusual circumstances an owner of land does not have to give up possession until he is paid out or payment is secured to him under section 69.

The Hon. D. A. Dunstan: He does not have to under section 69.

The Hon. G. G. PEARSON: Not if he elects not to take it but, if he elects to take it, he does get payment.

The Hon. D. A. Dunstan: If he does not get the land immediately, normally he does not take it to court.

The Hon. G. G. PEARSON: It depends entirely on his circumstances. If he does not need the money immediately, he may say "I do not want to take any money now; I will take it to court." But, in other circumstances, if he needs his money immediately, he can get it, and he can get it without prejudice to his rights before the court. There were cases at Bolivar where some owners elected to do one thing, and some the other.

Mr. Hall: In other words, they had some freedom of choice?

The Hon. G. G. PEARSON: Yes; but under this provision their alternatives are abruptly terminated, because every claim to entitlement under a title becomes converted into a claim for compensation that the law will get around to settling some day. The letter continues:

Under the proposed new Act a man can be put out of his house or out of his office without payment and left to buy another house or another office without money to do so unless he chooses to accept the usually inadequate offer made by the promoters. This means that he has a pistol put to his head to settle on their terms.

I referred to that earlier when I mentioned the degree of duress; it cannot be interpreted in any other way. The letter continues:

Provided he could get what they offer forthwith without taking it in full settlement he could use that to finance another house or another office and he could still follow up his claim (less the amount paid) in the ordinary way.

What is wrong with that principle? Why should we not have legislation that ensures that a title, a valuable instrument, does not change hands without a consideration changing hands also? That is the first principle in any matter of sale or purchase. It would be a breach of any contract and no contract in ordinary circumstances would be enforceable unless there was a consideration on the transfer of the valuable instrument. So this is not only an abrogation of ordinary rights in the ordinary terms of sale and purchase: it is also improper, in my view, for this House to agree to legislation that puts into the hands of a Government instrumentality or the Minister (or, for that matter, any body entitled to acquire land) the right to take property without paying for it, and without paying for it at a time that will enable the owner, who depends upon the property for his livelihood or for a roof over his head, to be provided with some money forthwith when the title changes hands so that he can make other arrangements and provisions. That is the crux of the argument.

I oppose the second reading, and I think my colleagues will follow my lead in this matter. But, in the event of the House's voting solidly on Party lines on this, my opposition will not mean very much. However, I intend to have on the file within the next day or so amendments to ensure that the owner who is dispossessed shall have some money in lieu of his property. That is the main substance of my argument. This Bill is unnecessary. I said I thought it was Socialist legislation. Although I believe that to be so, I may have been unwise to say that, because it may give members opposite the impression that this is a political argument. I advance it not politically but as an exercise in common justice. When Ministers and members on the Government side really appreciate the points I have made, they will realize that this Bill will create much hardship and many problems for people who cannot afford legal fees to fight for their rights in court or to be deprived of their modest little homes in order that the activities of the State should carry on. I believe they will appreciate that there is some substance in what I have said, and I appeal to honourable members to consider this matter. I believe it can be easily remedied by amendments that I intend to move. I hope the Attorney-General will see fit to withdraw the Bill. I do not think he will, but I hope that he will at least advance some better reasons for introducing the Bill than he has advanced up until now. I believe he has certain difficulties in mind, which he says will be completely overcome by this legislation. Indeed, I have no doubt that the Bill will overcome those difficulties, for this process is sudden death, and there are no "beg your pardons" about it. It means that, apart from any ordinary legal process, the lapse of time will ensure that a promoter obtains the land 28 days after notice to treat has been given. If the Attorney-General does not have any good reasons for this legislation, I think it will savour rather sourly in the minds of many people, including the small man. I oppose the Bill, because I consider it to be unnecessary and unjust.

Mr. SHANNON (Onkaparinga): I shall give to the House one or two examples of what is happening at present under the existing law which has been in force for a while now, and which gives most promoters concerned all the land they require. Delays sometimes occur, which are not all one-sided, and which are not always caused by the unfortunate owner of the land. They are frequently caused by the department concerned with the acquisition which, for some good reason of its own, does not want to catch up too quickly because its works programme has stretched its existing financial commitments to such an extent that it is happy (knowing it will not require the land for, say, a year or two) to let the owner wait for his settlement.

The Hon. D. A. Dunstan: In those cases this legislation need not be used.

Mr. SHANNON: That position will be aggravated by the Bill. The route of the freeway to pass through portion of my district and portion of the district of the Leader of the Opposition, and finally to reach the plains on the other side of the hills, has not yet been firmly fixed by the department concerned. However, where the route has been fixed, where acquisition has commenced, and where notice to treat has been given one particular owner concerned, having asked for no more than the value fixed on his property by a reputable valuer, has received an offer for his property considerably less than that value. The owner's property comprises a home he has built and paid for; he owes no money on it. In addition, he is a working man, and he has no more to his name than the ordinary daily-paid worker.

Naturally, that man is arguing the point, as would anybody who had practically all his life savings tied up in such a property. Naturally, too, the man wants value for his property; he knows it will be acquired, and his house demolished. The owner concerned has gone to the trouble of borrowing money to purchase

another house in the hills, where he desires to reside because it is near his work. At the present he is paying £7 or £8 a week interest on the money he borrowed to buy that house. If he could obtain a price for the property similar to the value at which it has been assessed, he could satisfy tomorrow the people from whom he has borrowed the money. However, he cannot obtain that price, because the department is pig-headedly saying, "No, we will give you £1,000 less." Another case involves an elderly couple living in what is called a hills cottage which is quite comfortable for them, but which does not contain the modern amenities that many people look for these days. This couple have been contented with the house all their lives and, although obviously not a property of great value according to present-day standards, it would satisfy these people for the rest of their days.

However, they happened to be in the line of fire for the freeway, and their house had to be demolished. They were prepared to accept (and finally did accept) what would have been a land valuer's price for the property, a paltry sum compared to what it would cost the couple to re-house themselves elsewhere. Unfortunately, they cannot go along to buy another hills cottage, because these are just not available. To re-house themselves they had to put a burden of debt on their shoulders, and are paying interest on the purchase price of the new house they had to buy. These things are happening to people who are not able to look after themselves. What happened at Bolivar concerning the treatment works is an entirely different kettle of fish from what has happened in regard to certain moves by the Highways Department.

I do not criticize the department for building freeways, for that has to happen, but I am suggesting that a freeway to be constructed through many of our little hills towns has meant that even in the small area between Crafers and Stirling more than eight houses have been demolished, despite the fact that no sign of a freeway is yet in sight. Some of the houses were demolished two or three years ago. This does not seem to be common sense; it is getting ahead of things a little too much. The bulldozing of a house nowadays is not a major operation; much of the salvaged material forms a useful filling for the cut and fill that has to be provided for the highway. When introducing this measure the Attorney-General said, " . . . until compensation has been assessed and paid." Surely a man who has his Torrens title to a piece of land has some rights left! The only acceptable proposition between individuals is that before the buyer takes possession the agreed sum is paid. Surely that is not unreasonable. However, in this case it is different, and a Government department is the buyer. This makes the position worse because the Government represents all and not some of the people. The people who own property should have some rights. Surely powers are not going to be given to Government departments that are not enjoyed by individuals in their dealings with each other. It seems to me fundamentally just that possession should not pass from one person to another until agreement has been reached and the money paid. I admit that this would speed up some of the negotiations.

Most Government departments plan their programme of works well ahead (generally a year or two), and this is desirable. Unfortunately, the owner of a property to be acquired by a particular department gets virtually only a few days' notice of the intention to acquire. The first knowledge he has is when he receives the notice to treat. However, it is likely that the department knew some years before that the property would need to be acquired for one form of public works on another. People who live near schools realize that their properties may have to be acquired; they have some knowledge of what is likely to happen. In my district many people are on tenterhooks because they do not know whether a freeway will affect their properties. As soon as the final plans are decided and the freeway route fixed I have no doubt that the department will start giving notice and then the people will know that their property is to be acquired.

Hardly a week passes without one of my constituents asking me whether his property will be affected by a new freeway. It would be unfortunate if the Bill were passed and these people had an added worry. After having had the notice to treat served on them they would have to make arrangements for another house or small farm (whatever the case may be) without having received payment for their property. Many small farms will be no longer usable if they are cut up for a freeway, and to re-establish oneself in a house or small farm needs much money. Yet, under this Bill, a Government department can get possession of property and start bulldozing without paying a penny. That is totally unjust. The Attorney-General stated that problems arise in estates and from my own experience I know that this can happen. A deceased person may have provided for his wife and family, and problems

arise in such cases. The trustees of an estate will have the same problems the individual will have in finding alternative accommodation.

Before I will support the Bill the Government will have to produce sufficient evidence to satisfy me that the normal terms under which land is at present acquired are ineffective and make it impossible to obtain land. However, I have not heard of that happening. Occasionally individuals over-value their land, but I suppose that is a human failing. Perhaps it is one of the unhappy features of land acquisition. However, those matters can be resolved and machinery should be set up to resolve them without having to resort to a confiscatory approach. Although it is not proposed to confiscate in the normal sense, the Bill does provide for possession without payment. I do not think it right for the Government to go as far as that. It could be fairly said that the Bill is an impingement on what has always been regarded as an inalienable right.

The Hon. T. C. Stott: The law has been over-ridden in the past.

Mr. SHANNON: Yes, that was done where people thought they had a right to land. It is the sort of thing that happens with Governments. There should be justifiable reasons for a Bill that goes as far as this one does. It should be possible to draft legislation to deal with difficult problems arising from land acquisition where land is held in an estate or in such a way that a quick decision on the transfer of the title is difficult. Such legislation should not be beyond the ingenuity of the draftsman. I am not disposed to support such a sweeping change in the laws relating to land acquisition. Reference is made in the Bill to "other departments". We do not know what these other departments will be. So long as they are Government departments they will qualify for the purposes of the Bill. I oppose the Bill without any qualifications whatsoever.

Mr. HALL (Gouger): I oppose the Bill. My knowledge of land acquisition extends only to the acquisitions in connection with the Bolivar sewage treatment works. I have seen what has happened there over a number of years, and I understand that several claims arising from the acquisition are still not settled. Some of my constituents were wrathful with the previous Government because of the amounts they were offered in this acquisition process. As the honourable member for Flinders mentioned in his remarks opposing this Bill, one of the claims was proved to be fictitious. It was for an amount far above the value of the land. I believe the amounts offered to several people in this area, whose land had been taken, were not sufficient by comparison with values of surrounding lands.

The problem was aggravated because the district changed from a large scale primary-producing area to an irrigation area. Because of the change there is now a mixture of types of production, which renders difficult the fixing by an assessor of the true value of the land. People have informed me that they accepted a sum of money without prejudice to the final outcome and purchased other land. In this way, their sons were able to engage in alternative forms of production in other districts, although they did not want to go to other districts, before values were ultimately fixed.

In this Bill we have an alternative means of acquisition, and it seems to be an intimidatory one. It appears that the prescribed authority will be able to say, "You accept a notice to treat, or you may not receive any money until the matter is settled in court." In my opinion, departmental thinking that a person is crooked if he disputes a claim is entirely wrong. Until a court assesses the value of a piece of land, there should be no reflection on any landowner for disputing the prescribed authority's valuation. This is the normal course to be followed, as laid down in the Act, because there is no final arbiter of a land valuation.

However, it has been pointed out to me that if a person returned after an absence of several months, during which time his address was not known, he might learn for the first time that his land was owned by the Crown. Then unless he agrees to accept the sum offered by the prescribed authority he may not receive anything for several years. That this is so is borne out by the cases at present before the courts.

People have been expressing to me fears that the route of the proposed freeway in my district will pass through housing land and will necessitate the destruction of houses that have been erected for only three or four years. Apparently, if the people concerned disagree with the valuations, this new process may be used against them and, as the honourable member for Flinders said, where will the people live and with what money will they be able to purchase a house whilst awaiting settlement? On the basis of the local instances that I know of, particularly the Bolivar cases, I cannot see how the new procedure will speed up the matter, except by reducing the period from six months to two months when the onus

is on the prescribed authority if no claim is made to the previous owner.

I want to know the real reason for the Bill, if it is not to intimidate a person to accept the first value assessed by the authority. If there is no other reason, I resent the proposal, because I do not believe that a person should be regarded as "anti" simply because he does not accept such a valuation. I agree with other honourable members on this side and oppose the Bill.

Mr. McANANEY (Stirling): Nobody denies the right of the State to acquire property for the common good, but if the State is to acquire land in such a way as to jeopardize the rights of the individual it must be opposed in principle as well as in practice. I have had experience of the Government's taking land and being treated unreasonably. It was in connection with the River Murray Waters Agreement, and when the land around the lake was acquired it became valueless. It took me four years to secure a settlement through an arbitrator in respect of the damage done.

Under the terms of this Bill the Government will not have the incentive to move quickly in paying for acquired land; it will have already obtained the land and, therefore, there will not be the pressure on it to go through the legal processes. The result will be that years will elapse before people obtain settlement. In the cases mentioned the judge severely castigated the Government because it had made no reasonable offer of settlement, and the same thing could happen in cases arising from this amendment.

The Attorney-General cited the case of a person who applied for £163,000, whereas the actual value of the property was only £130,000. To meet cases like that, there could be a condition that when an unjust claim comes before the court, costs might be awarded against the claimant. The Attorney-General also claimed that it sometimes took a year to acquire laid, but surely the practical thing would be to speed up the acquisition process. In one case the Town Planner has taken 2½ months to decide whether an area of 30 sq. ft. at the back of a property at Henley Beach Road may be transferred to the owners of adjoining land. There is no difficulty in it at all. The land remaining is quite suitable and acceptable as an urban allotment. It is this slowing down of the process of Government that we should tackle. As the honourable member for Flinders said, these things should be speeded up, for it is not necessary for all this time to be wasted in the process of acquisition. What would happen if farmers took as long as that to get their grain in? The member for Flinders also said that this money, even though it is in the court, could still earn interest for the State.

I oppose the Bill, mainly because it provides no incentive for the Government to get ahead with the process of acquiring land. Matters will be further delayed, resulting in greater hardship to the individual owning the land that is to be acquired. If the old legislation is not satisfactory in a case where, for instance, there are certain covenants on the land, surely it should be possible to amend the Act to cover such difficulties. If the Government speeded up the process of acquisition the position would not be hindered in any way. I strongly oppose these additional powers of acquisition.

Mr. HEASLIP (Rocky River): I think the honourable member for Flinders has covered the ground very well. His views are my views; therefore, I oppose the Bill. I wonder why a Government that has been in power for only six or seven months should rush in with such a complete change in the legislation. It is not because it knows of the problems that could exist.

The Hon. D. A. Dunstan: We are trying to get something done.

Mr. HEASLIP: I do not think this is the right way to get it done. The Government could not possibly know of the difficulties (and, of course, there are some) that arise under this legislation. I point out that the legislation has existed for years and years.

Mr. McKee: That's the trouble with it: it has got a bit outdated.

Mr. HEASLIP: If we reach the stage where the tenure of land is jeopardized and the Torrens system of land titles is outdated, it will be a poor state of affairs for South Australia.

The Hon. D. A. Dunstan: No-one has said anything about that.

Mr. HEASLIP: Our system of land titles is something we boast about. Under it, if a person buys land it is his land. I appreciate there are times when it is necessary to acquire land, but such acquisition has taken place in the past under legislation we have had for years. Under the proposed legislation, after 28 days' notice a person's land can be taken and he has lost the title to it. The present Government has not been in power long

enough to know the difficulties of this legislation, and I maintain that the Act is being altered for some other reason. I fully agree with the member for Flinders that this new policy is Socialism.

Mr. Lawn: What about Alex Downer's property? Was that transaction Socialism?

Mr. HEASLIP: That was dealt with under the old legislation, but much more than 28 days' notice was given, and it was acquired not compulsorily but by agreement. Practically all acquisition carried out in the past has been done that way, and although this has certainly taken time it has been satisfactory to both parties. Governments are notoriously tardy in paying; they pay all right, but they take a long time to do so. I know of a case at Melrose where the right was given to the previous Government to acquire land for the supply of water to the town, and 12 months later the owner of the land had not received his money. There was some trouble about the title, and it took time to get it cleared up. I took the matter up with the Government, and finally the Government paid the owner of the land interest on the money (and, of course, he was entitled to that) until he was paid in full. In another case the Minister of Roads is interviewing a man at Crystal Brook. The Highways Department has gone straight through that person's property and cut his paddocks in two, leaving a narrow strip between the proposed road and a creek, and he now thinks a railway line will also go through his land. The result will be that his property will be cut in three pieces. The value of the remainder of the land will deteriorate.

We know that certain things must be done because the interests of the public and the State have to be served. The point is that that person has had due notice of what is to happen, whereas under the proposed legislation there would be no such notice. Governments plan ahead and they know 12 months or two years ahead what their requirements will be. I know that school sites have been acquired up to five years before building operations have begun. Governments know that far ahead and plan that far ahead, and they do not need this rush to get land in their name. It is all wrong that a property owner, having held land all his life, should have to get off it at 28 days' notice. In my opinion, there is no need for this legislation. The old legislation has served us for years and years, and although it may be cumbersome in some ways it has never been so cumbersome that difficulties could not be overcome. It has served its purpose well. I oppose the Bill.

The Hon. T. C. STOTT (Ridley): I think this legislation can be described as an attempt to be in a hurry too quickly. We know that in the past it has been necessary at times for Governments to acquire land for governmental purposes. Experience has shown that previous Governments have been most reluctant to use powers of compulsory acquisition, and I think that reluctance has been justified. The principle has been that if it is absolutely necessary for a Government to acquire land it has taken some time over it and has treated on a person-to-person basis, making an offer and finding out whether the individual has been prepared to sell or treat for the purpose of selling it. That is the way all land transactions take place—the person wanting to buy asks the owner to discuss terms. This Bill is going too far too fast, as it provides, if the Government wants land, that that is the end of it, because after 14 days' notice the deeds must be handed over to the Registrar-General, in default of which the owner is liable to a penalty not exceeding £50. Where are we going? I draw the attention of honourable members to the portrait of Sir Robert Torrens on the wall of this Chamber. If he were able, I am sure he would be frowning now. Under the Torrens system of land titles, land has been sacrosanct; that has applied not only in South Australia but everywhere. If the Government wants land for schools or other purposes it should be forced to treat, as other people have to do. Almost without exception the Government tries to beat down the owner in price and on the other hand, when the owner knows that the Government wants his land, he raises his price. However, under this Bill the title or evidence of the instrument of title must be handed over to the Registrar-General within 14 days, which will decrease the value of any property.

Mr. Clark: Don't you think many people are prepared to hold the Government to ransom?

The Hon. T. C. STOTT: I have said that, but I have also said that the Government tries to beat down the owner in the matter of price.

Mr. Clark: There is the Land Board.

The Hon. T. C. STOTT: Perhaps so, but the member for Onkaparinga (Mr. Shannon) told the House of an instance where the Government wanted land and offered considerably less than the value placed on it by the local valuer.

Mr. Clark: But he is working with the local people.

The Hon. T. C. STOTT: That happens in land transactions. A most absurd situation arises in the values of local authorities compared with those of the Commonwealth authorities. I have evidence on my file showing that the value fixed by local authorities for probate and succession duty purposes is usually lower than that fixed by the Commonwealth authorities.

The ordinary individual has to treat with another person, and eventually agreement is reached, but under this Bill the Government will obtain land simply by saying it wants it. If the owner is not satisfied the matter can come before the court for decision, but even big landowners cannot afford such litigation. Because of this, land values will immediately decrease when a notice is served on an owner. Although the owner may point to sales of comparable land, he will not get anywhere. I am greatly opposed to this idea. In the past the Government has often entered into arrangements to treat for property for railway or school purposes, and that system has worked well.

The Minister seems to be worried about the time factor; he wants to shorten the period from six months to two months. I know that sometimes delays have occurred through haggling over values, but what of it? Surely the owner is entitled to some time to ensure that he gets adequate compensation? Delays are not always the fault of the owner; sometimes the Government has adopted a parsimonious attitude. If the Government had paid according to the price paid for comparable land there would have been no delay.

I think the legislation is unjust. I am satisfied that, if the Government needs land for its purposes, it should follow the same practice as an ordinary individual has to follow. It may be said that the court has power to award compensation. That is so, and in this respect I refer members to section 8 of the principal Act.

[*Sitting suspended from* 6 *to* 7.30 *p.m.*]

The Hon. T. C. STOTT: For some time I have not been satisfied about these negotiations for the acquisition of land, and I believe the question of compensation is tackled wrongly. The Commonwealth Constitution provides that, if land is acquired, the compensation must be on just terms, but there is no provision in this legislation that if compensation is to be paid it must be on just terms. I am not competent to interpret what "just terms" means under the law, but in the Land Tax Act the value of unimproved land is interpreted as being what the land could be expected to sell for. I am sure this would be a good principle to introduce into this legislation, where the Government, and Minister, or a Government department is involved in land transactions where acquisition is undertaken. I suggest to the Minister that if such an amendment were made much criticism of this Bill would probably disappear. The difficulty in negotiations concerning land acquisition is to find one or other party willing to give way. When an owner has notice that the land will probably be acquired, naturally he increases the price, while the other party decreases the price, and generally, the margin is too great to bring the treating parties together. If Parliament could lay down instructions it might be possible to eliminate these delays which seem to worry the Attorney-General. Perhaps that was one reason for introducing this Bill. I do not like the Bill as it is. The member for Flinders (Hon. G. G. Pearson) suggested there may be some amendments on the file, but I am not prepared to support the second reading to get his amendments in.

The Hon. G. G. Pearson: I said I would oppose the second reading.

The Hon. T. C. STOTT: I, too, oppose the Bill, and if the second reading is agreed to, I am prepared to consider some of the amendments. I suggest that the Attorney-General hasten more slowly with this Bill. When its principles are known in country districts, there will be many reactions against it. I do not like it at all.

Mr. Shannon: The same applies to the city, too.

The Hon. T. C. STOTT: Yes, but the country people get alarmed about these things. Will the Attorney-General try to get the parties together to lay down some fundamental rule for getting compensation on just terms? This is the Attorney-General's Bill, not mine. I am not prepared to move amendments to it. It should be defeated and the Attorney-General should look again at this matter, which vitally concerns all landowners, large and small.

Not far from where I live a freeway is proposed, under the town planning proposals. One old lady is holding it up. She wants to sell a house that is too big for her and to move into a home unit. But people have got to know that her property is probably in the path of the freeway, so she can sell it for neither love nor money: it has no value. Again, within 150 yards of where I live a man sold his house, the new owner intending to build units or flats. Nothing has taken

place. I do not know the whole story but, unofficially, I have heard that he cannot go ahead and build on the block because he has been told that it may be in the path of a freeway. Nobody has any legal power. The Town Planner has no power under his Act, and we are holding up these things. How long will town planning continue in this way? We should proceed more slowly. In the interests of Government and the welfare of this State, if somebody has land in the path of a freeway and it must be acquired for the sake of the State's development, the underlying principle must be that it is acquired on just terms.

Mr. QUIRKE (Burra): Although I oppose this Bill, I should like to correct one or two things that have been said. It would appear from what has been said that all acquisitions so far have not been on just terms. That is not true. I was associated with the Land Board for two years. The board members are very fair people who do not make extravagant valuations or an extraordinary number of mistakes. But this is entirely different. In this case, the Land Board would value a property, a price would be offered and not accepted, and eventually the matter could go to court. From my experience, long before a matter went to the court the Land Board often negotiated with the person concerned.

The Hon. G. A. Bywaters: That is common sense, after all.

Mr. QUIRKE: Very often a solution was found that was suitable to both the Government and the person whose land was being acquired. One has only to compare the number of acquisitions made in 12 months with the number that go to a court to realize that the sudden-death nature of this legislation is not warranted. At the end of a short period, after notice has been served, the owner is required to hand over his title. If he does not agree to the valuation, the matter is left indefinitely, during which time the person concerned has no money and no property. If a freeway is not to be constructed for, say, three years no earthly necessity exists for this expeditious transfer of titles. If the freeway is constructed soon it simply means that, before a price has been agreed on, the house is demolished and a freeway exists in its place. That is not the way it should happen.

If a Land Board valuation is to be made and if the owner is approached, and is required to hand over his title, why not hand to him the equivalent of the boards' valuation, not as a final payment but as a sum to enable him to obtain another property in the meantime? Otherwise, he could well be left with nothing. If he can obtain any more compensation from a court he will not be left lamenting. Is there any legal obstacle to this procedure? It would not slow down the acquisition and it would ensure that the owner was not left without his house or land. The Land Board would, of course, value a house in the hills on the basis of land values in that area.

Mr. Shannon: It would be a high value, I hope.

Mr. QUIRKE: It might or might not be. A similar house at Toorak may bring more than one in the Adelaide Hills which has not the ordinary amenities, such as sewerage, etc. If the house has been built for 10 to 15 years it will cost much more than its assessed value to build another one similar to it. This is where we must be fair. We must also consider the case where a man's property is bisected to make way for a freeway and where one piece of land that is not acquired becomes valueless to him. In such a case the property should be valued more highly, because it could be the basis of a livelihood for the person concerned. That is where a court may assist. The Land Board does not necessarily examine these factors. However, the court can make awards. Why should the person whose land is acquired be put to the expense of legal action? In this case the Government pays the Land Board's valuation. A person may feel that certain factors have not been taken into consideration, and that the valuation should be greater. If he wishes to place these matters before the court in order to get a just valuation he should not be asked to meet the court costs. These procedures can be slow but this is no reason for the Government to express its irritation in this form.

The Hon. D. A. Dunstan: This same provision has worked well elsewhere in Australia.

Mr. QUIRKE: That's no reason why the Government should use it here. Where has it worked so well?

The Hon. D. A. Dunstan: In Western Australia.

Mr. QUIRKE: Do people have to wait for two years for their money in Western Australia?

The Hon. D. A. Dunstan: No.

Mr. QUIRKE: The Attorney-General says "No", but he does not know. Under the Bill a person's title must be handed over in 14 days. When will he get the money for his property? If an owner is not satisfied with the

Land Board's valuation and wants arbitration or goes to a court or takes other action, this all takes time. In the meantime he receives no money and has no house because his title has been taken away. I do not care where this provision operates well: I do not want to see it here.

The Hon. D. A. Dunstan: Would anyone be worse off under this provision than under section 69 of the present Act?

Mr. QUIRKE: He has a right. A man is not forced off his property.

The Hon. D. A. Dunstan: Not necessarily.

Mr. QUIRKE: Under the present Act a person can be forced off his land if a tramline or railway line is to be built over it, but for ordinary purposes he is not forced off his land, and can continue to live on it. This is not a matter of what is done in other States and what is done here. Can members of the Government Party stand up and say that it is perfectly just to take away compulsorily a man's title to his property and give him nothing for it except a receipt within 14 days. If honourable members think that is fair, then let them stand up and say so. It is because of this provision that I oppose the Bill, but I am not opposed to the acquisition of property for legitimate public purposes.

Mr. Jennings: The honourable member has done his share of it.

Mr. QUIRKE: Of course, but I have never done it in the way provided in the Bill. I have not disagreed with the valuations, and the people concerned have expressed their satisfaction to me. The difficult cases are few because the Land Board is an expert negotiator, and I have had plenty of evidence of that. Only odd cases are troublesome and there is certainly no necessity to apply a straight-out hammer and tack Bill like this for a few cases on which it is necessary to have a quick decision. If a quick decision is necessary, then the Government should pay for the titles, when it receives them, on the Land Board's valuation. Does any member object to that? Is there any reason why a man should not receive money in return for the titles that prove his ownership to land? Would any honourable member like to part with his title and receive something for it only in the nature of Kathleen Mavourneen?

Mr. Jennings: Did you read the second reading explanation?

Mr. QUIRKE: Yes.

Mr. Jennings: You didn't understand it.

Mr. QUIRKE: I understood it quite well. This Bill definitely does what I have said it does: it enables the Government to take a man's title to land in return for nothing more than a receipt until a price has been arranged. When a man's land is acquired, he should be given the amount of the Land Board valuation, pending finalization of the matter. Is there anything wrong with that?

Mr. McKee: Nothing.

Mr. QUIRKE: Then we are in perfect agreement. For the reasons I have given, I oppose the measure.

The Hon. Sir THOMAS PLAYFORD secured the adjournment of the debate.

LAND TAX ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 13. Page 2136.)

The Hon. D. N. BROOKMAN (Alexandra): I oppose the Bill and shall discuss the major reasons for doing so. There are certain features of it that are most interesting, the first of which is that its purpose is not strictly in accordance with Labor policy. I am not particularly concerned about that, but, while this tax purports to affect relatively few people and large property owners, it will go further and also seriously affect many other people. It is not the gentle increase that was mentioned in the Treasurer's second reading explanation but, rather, it will be extremely onerous on owners of small properties.

It was introduced as a humble measure that would not disturb anything to any great extent. However, it completely disregards the important quinquennial assessment that is due shortly, and I shall explain why these assessments are so significant in relation to land tax. When the Treasurer introduced the Bill, he said that it was an essential part of the 1965-66 Budget. In other words, it was a measure designed to obtain greater revenue.

I thought that Labor believed that the purpose of land tax was other than the collection of revenue. My understanding has been that Labor considered that, by the application of progressive land tax, the subdivision of large rural properties could be brought about. However, it is obvious that that is not what is in the Treasurer's mind today. He has in mind a revenue-producing tax, as he explains in his second reading explanation. Now is that or is that not Labor policy? If this tax was designed simply to do what I thought was traditionally Labor policy, namely, to break up large rural estates, then the tax would not have the application that it has to all property, whether country or city property. On the one hand, this Bill is aimed largely at city

property, but it is also aimed significantly at many rural properties. If it were intended merely to cut up rural estates, it would not have the effect on city properties that in fact it will have. Of course, as the Treasurer explained, it is a measure to gain greater revenue. I will explain why I thought that this was not Labor policy. The Treasurer said:

The Bill is an essential part of the 1965-66 Budget and makes one of several revenue adjustments designed to reduce the gap between revenue and proposed expenditure to manageable proportions.

The most articulate speaker that I have heard in this House on Labor policy, and a man well known to most people here, was the late Mr. O'Halloran. I think everybody would agree that Mr. O'Halloran was both experienced and articulate. When he spoke he spoke Labor policy, and at the time he spoke it none of his Party ever contradicted him. When he dealt with land tax he took a very different attitude from that taken by the Treasurer in this debate. He spoke on land tax at considerable length in 1952, and these were his words:

Labor believes in progressive land tax for the purpose of breaking up large rural estates. The larger the estate, the higher the rate of tax. It was not intended to be a revenue-producing tax.

This particular amendment, as I have explained, is intended to be a revenue-producing tax, a fact that was admitted by the Treasurer. However, in 1952 Mr. O'Halloran said it was not intended for that purpose, and he went on later to say that a progressive land tax could only be justified on the assumption that it had some such purpose. Speaking of Labor policy (and nobody from his Party contradicted him at that time), he said:

Merely for revenue purposes, any tax on land should be at a flat rate. I think a progressive tax on land is an unfair method of raising revenue.

I do not know what Mr. O'Halloran would have thought about this Bill and the way it has been introduced here, but I am sure that what I have quoted should convince everyone that he would not have agreed with this tax as a revenue producer, which it is today.

As I said earlier, although this Bill purports to tax only larger properties it is actually onerous on the smaller ones. I am sure that Government members do not appreciate just how the capitalization of rural properties has changed over the last few years. Rural land values have increased sharply without a consequent proportionate rise in farm income. Today even a modest farm requires enormous capital. Honourable members may have seen an article in the last edition of the *Sunday Mail* which stated:

There lurks in the heart of many a city man a love of the soil and the ambition to run a farm. Mr. Robert Herriot, principal at the Roseworthy Agricultural College, agreed with me when we talked at the annual visit paid by farmers on Friday to the College. Mr. Herriot gave a cold douche to such dreams when he told me that £50,000 was the minimum capital a man should have to make those dreams come true.

He said that with £50,000 a man could expect a 640-acre property in the Mid-North capable of providing a living for the farmer and his family. It would be a mixed farm, producing cereal crops, running sheep, and a small dairy herd. Mr. Herriot said: Farming has become a business proposition so business experience is an asset. The biggest farm in most districts uses more capital than the biggest business in the main street of the nearest town.''

The Hon. G. A. Bywaters: The honourable member is speaking of improved land values.

The Hon. D. N. BROOKMAN: Mr. Herriot is one of the most experienced agricultural men in the State. I thought I would finish the sentence before I dealt with the interjection from the Minister, because if the Minister thought he had a brilliant brainwave—

The Hon. G. A. Bywaters: It was not a brainwave; it was true.

The Hon. D. N. BROOKMAN: I would not for one minute try to fool the Minister or any of his supporters into accepting that £50,000 was the unimproved value. Everybody should know that Mr. Herriot meant £50,000 was the purchase price of the farm. That is obviously what he said, and £50,000 would obviously be the improved value and much greater than what it was assessed at for land tax.

The Hon. G. A. Bywaters: That is right; between improved and unimproved value there is a big disparity.

The Hon. D. N. BROOKMAN: It seems that the Minister thinks he has dropped on to something new.

The Hon. G. A. Bywaters: Not new; it is old.

The Hon. D. N. BROOKMAN: I assure the Minister that I was not overlooking the fact that the £50,000 referred to by Mr. Herriot was improved value and if he will try to work out the unimproved value of a £50,000 farm he can see that it would be high indeed.

The Hon. G. A. Bywaters: Not under land tax valuation.

The Hon. D. N. BROOKMAN: It is no good trying to work out what it would be, because every farm is different. Unimproved

value is the capital value of the fee simple less the improvements made thereon, and a £50,000 farm of about a square mile would be highly assessed and in those circumstances it would be in the scale of properties that would bear greatly increased tax in the next assessment, when we get it. Supposing that this property consists of 640 acres and the cost is £83 an acre; I think that would work out at about £50,000. If the price was £83 an acre it could well be something like £50 an acre unimproved value.

The Hon. G. A. Bywaters: It is more likely that it would be £10 an acre under the present valuation.

The Hon. D. N. BROOKMAN: Did the Minister say £10 an acre?

The Hon. G. A. Bywaters: Yes, on the land tax valuations.

The Hon. D. N. BROOKMAN: I suggest that it would be wise for the Minister to discuss with the Commissioner of Land Tax the impact of the assessment. If he believes what he has said, he needs instructing.

The Hon. G. A. Bywaters: The land tax valuations are far below actual unimproved values.

The Hon. D. N. BROOKMAN: I am shocked at the Minister's suggestion that the unimproved value placed on the type of property I have been talking about is as low as £10 an acre. Some agricultural properties are assessed at more than £50 an acre unimproved value. I know of some properties assessed at over £100 an acre unimproved, and they are not capable of being subdivided.

The Hon. G. A. Bywaters: Will you say where they are?

The Hon. D. N. BROOKMAN: I will not bring individual properties into discussion, but I know of them. Some properties in my district have such values.

The Hon. G. A. Bywaters: They are subdivisional values.

The Hon. D. N. BROOKMAN: They are not. I am shocked that the Minister does not realize how high some assessments can be. If assessments increase, the owners of these properties will be seriously affected; I point to the effect there will be if assessments follow the trend of the last few years. The Treasurer said that collections from this source would increase by about 20 per cent. That does not sound very much until one realizes that, as many people will not pay any extra, some people will pay much more than this percentage increase.

Mr. Hudson: How many of the typical farms you mention would there be in South Australia?

The Hon. D. N. BROOKMAN: I cannot say how many, but there are some that have a much higher unimproved value than anyone opposite seems to realize.

Mr. Hudson: Would there be 5,000 farms in this position throughout South Australia?

The Hon. D. N. BROOKMAN: The honourable member is trying to get from me something that I do not know. Certainly there would not be 5,000, but I cannot say exactly how many there would be. However, I know of many farms on which the assessed unimproved value is much higher than the Minister speaks about. I was staggered to hear him mention £10 an acre, as I know of hundreds of farms valued at much more than that.

Mr. Quirke: Most farms with over a 15in. rainfall would be assessed at more than £10 an acre.

The Hon. D. N. BROOKMAN: That is so. I know of owners of farms away from subdivisional areas who pay 10s. an acre as a normal thing, and that is quite a slug. The effect of this new rate on such a property could cause a serious situation. The Treasurer would have been justified in his mild approach to this Bill if he had not omitted to mention the quinquennial assessment due within the next 12 months. He ignored the fact that that is going to have a tremendous effect on assessed land values throughout South Australia. The present rate increases should not be considered in isolation from the new values that will be fixed next year. To introduce a new scale of rating immediately prior to a quinquennial assessment is something new to me. I believe that it is a dangerous gamble for the Government to take, especially as the results of the quinquennial assessment are not known. In 1961 land tax rates were decreased to meet a situation caused by a rise in land values. The Ligertwood committee of inquiry, which was not even asked to discuss land values as such, was interested in the problem of increasing assessments. This committee, consisting of Mr. Justice Ligertwood, Mr. Reiners (a former Commissioner of Land Tax), Mr. Tyler, and Mr. Shanahan, stated in its report:

There was one interesting submission on the effect of the progressive scale of rates of land tax when it is applied to an increase in land values. With the steady increase in land values, there has been a steady increase in the amount of tax which each taxpayer has to pay. But under the progressive system there is an additional factor in that the amount of tax may increase not only because of the higher land value but also because the rate of tax may increase. There are successive increases in the rate when the total value of all land owned exceeds £5,000, £10,000, £20,000 and so on up

to £100,000. As the value of land has increased at least threefold since these steps were last fixed, it was submitted that the critical land value for an increased step should also be increased threefold. Thus £5,000 would become £15,000, £10,000 would become £30,000 and so on. The argument was developed by examples and calculations and was an interesting exercise. The committee however came to the conclusion that the submission was outside the terms of reference, which were concerned with the valuation of land and not with scales or rates of tax or rating.

It is significant that the committee should have gone beyond its terms of reference to comment on that matter and describe the submission in detail, although it knew it was not entitled to make recommendations on it. The committee realized the enormous effect that reassessments have on the incidence of land tax. As a matter of interest, I have plotted a graph, which I cannot show honourable members but which indicates the tax increases. The first line shows the increase in State taxation since 1952, a relatively steady increase. The line is fairly straight and regular. The second line I have put on the graph shows the percentage of land tax to the total State taxation, and this line has some steep ups and downs. In fact, it looks more like a cross-section of some geological phenomenon than anything else. The percentage of land tax to State taxation increased rapidly when each new five-year assessment came out. I have here a table of land tax. Most of the information I used was obtained from Parliamentry papers but some percentages I worked out myself. I ask permission to have incorporated in *Hansard* the following table without my reading it, and then I will deal with the figures in greater detail.

Leave granted.

TABLE OF TAXATION RECEIPTS AND PERCENTAGES, 1951-1966.

	Land tax receipts. £	Total receipts from State taxation. £	Percentage land tax to total of State taxation.
1951-52	404,991	4,792,928	8.4
1952-53	574,088	4,991,636	11.5
1953-54	568,178	6,536,526	8.7
1954-55	567,507	7,546,140	7.5
1955-56	567,219	8,074,924	7.0
1956-57	1,400,571	9,309,920	15.0
1957-58	1,390,254	9,770,671	14.2
1958-59	1,396,793	10,217,321	13.6
1959-60	1,359,529	11,148,477	12.2
1960-61	1,399,850	11,712,327	12.0
1961-62	2,388,049	12,575,049	19.0
1962-63	2,457,049	13,470,233	18.2
1963-64	2,449,483	14,912,523	16.4
1964-65	2,484,650	17,450,471	14.2
1965-66	2,890,000 (Est.)	19,565,448 (Est.)	14.8

The Hon. D. N. BROOKMAN: The table shows that in 1951-52 land tax receipts were £404,991, and total receipts from State taxation were £4,792,928. That represented a percentage of land tax to total State taxation of about 8.4. I will give round figures for succeeding years. In 1952-53 land tax went up to £574,000; the next year it was £568,000, and the next year £567,000. Receipts from land tax remained fairly steady in those years but in 1956-57 they increased tremendously—about 150 per cent on the previous year. In 1955-56 there was a receipt of £567,219 from land tax: in 1956-57 it was £1,400,571—an enormous increase. In 1955-56 the percentage of land tax to the total of State taxation was 7 per cent: it jumped the following year to 15 per cent.

It remained relatively steady for several years. It varied just a fraction downwards. The increase in total State taxation continued gradually, with the percentage of land tax to total State taxation gradually dropping until we had a new quinquennial assessment, the effect of which was felt in 1961-62. In 1960-61 land tax receipts were £1,399,000-odd; in 1961-62 they were £2,388,000-odd. The percentage of land tax to total State taxation jumped from 12 per cent to 19 per cent in that one year. Again, this has remained at a relatively steady rate until we see an estimated receipt of £2,890,000 for 1965-66, representing 14.8 per cent of the total State taxation. The total State taxation is expected to be £19,565,000, and, if the result is anything like the trends that emerged after the last re-assessments, land tax will steadily increase to an all-time high as a percentage of total State taxation. It could increase to 25 per cent of the total of State taxation receipts, although we do now know at present whether it will. I am explaining this in detail in an attempt to demonstrate the utter folly of increasing the rate of land tax just prior to an assessment's being made.

If the matter had been left until after that assessment was made, there would have been a better case for Parliament to consider changing the rate. In 1961 the rate had to be reduced to meet the increased assessments and to keep it on a realistic basis. As a matter of fact, in 1961 this Parliament enacted several important land tax measures, one of which provided that primary producers, wishing to continue to farm land that was subject to subdivisional values, could apply for concessions that would, in effect, lead to their land's being assessed on rural values. That measure

actually saved farming in many areas adjacent to the metropolitan area from being completely eliminated, and it was an extremely important and beneficial measure. Incidentally, the Ligertwood committee, in praising that action, stated:

The committee agrees with the principle of the legislation by which an owner pays a tax related to his current primary production use of the land until he realizes the land's market value in cash out of which he is required to pay in respect of the immediate past five years, the difference in tax calculated on the same basis as for other taxpayers.

I infer from that that there is a risk of a considerable economic upheaval as a result of this rate's being changed before the assessments are made. If the assessments are gradually increased I believe land tax will in due course represent 25 per cent of the total of State taxation, which is an enormous burden on the landowner. When we consider that it is a diminishing group of people holding city properties and rural properties of both large and modest sizes, we shall see that, by passing this legislation, we could be harming the productivity of our State. In comparing our rate of land tax with that in the Eastern States, one sees that the receipt per capita in New South Wales is higher than it is in South Australia. So also is the per capita receipt in Victoria, but are we to assume that because South Australia is below those States we can safely increase taxes here? I do not think we can, because those States are different in many respects—they are bigger and economically much richer. They have great advantages over the smaller States in being able to attract industries, and it appears that South Australia is going to chase these States in its land tax provisions and, I believe, in other matters, too, and this could cause us considerable harm.

Many amendments are on the file; I think two were placed there by the Leader of the Opposition and one by the member for Gouger. Although I oppose the Bill, I support the amendments. The member for Gouger's amendment is particularly sound because it limits the operation of the Bill to the end of the financial year after which Parliament will have to have another look at it. This would give honourable members a chance to see the effect of the new assessments. The effect will not be known for some months yet but, when it is, if the amendment were passed, we would have ample opportunity to decide what we should do about land tax. Under the Bill, land tax for some people has been increased steeply and to a dangerous degree. The increase on properties at £10,000 assessment is 29 per cent (not just the 20 per cent referred to); at £20,000 the increase is 31 per cent; at £50,000 it is 29 per cent; at £100,000 it is 25 per cent; and at £200,000 it is 22 per cent. Those are large percentages. Whilst we have heard of an overall increase of 20 per cent it should be recognized that the increase is really much heavier on properties valued over the basic minimum, which has not been altered. As I said, by reason of new assessments, many farming properties may well be within the scope of the heavier tax paying groups.

I support the amendments of my colleagues that will be discussed if the Bill reaches the Committee stage, which I presume it will despite my opposition to it. I detest the idea of increasing land tax before an assessment is made. I have never objected to seeking a reasonable amount of revenue from land tax although I think this should be carefully considered before it is done. I believe the Labor Party is quite inconsistent in its approach to land tax, and looks on it as a revenue producer. It is a revenue producer all right, and it could produce enormous revenue with the increase in assessments that may follow. If this happens it could have an extremely debilitating effect on the State's economy. I believe it could affect that part of the economy that is far more important than members of the Government Party at present realize.

Mr. HUDSON (Glenelg): I have been staggered by some of the arguments used by Opposition members. The Leader of the Opposition tells us that these proposals will tax the heart out of the city; the honourable member for Gouger tells us that this is class legislation that will tax the heart out of the country and the honourable member for Stirling says that this sort of tax is all right, that we are taxing ability to pay, and that the only trouble is that adequate valuations cannot be obtained.

The Hon. Sir Thomas Playford: I am waiting to hear what the people of Glenelg think of it.

Mr. HUDSON: I shall tell the Leader. The Leader of the Opposition, when speaking on this Bill, said:

If we consider the previous quinquennial assessment, we shall be paying land tax in South Australia double that of Queensland. If anyone can justify that, I am prepared seriously to consider giving him a garden party.

I would like to put in a claim for a garden party. When I make a simple point that the Leader of the Opposition should have known

about, he should be prepared to give serious consideration to giving me a garden party, to which I can invite all my friends on this side of the House. In Queensland, as the Leader should know, the greater part of the land has not been alienated and is not subject to land tax, and that is the basic reason for the great difference between the amount of tax collected in Queensland and that collected in the other States.

South Australia has a much higher degree of industrialization, and high degrees of industrialization, as the Leader correctly pointed out, lead to increased land tax collections, because some of the heaviest land tax collections come from the centre of any city area and on the more highly valued industrial properties. That is the simple explanation of why the amount collected in land tax in Queensland is so much less than in South Australia. If the new Queensland Government allows land in that State to be alienated to the extent that applies in South Australia, we shall soon see the amount of land tax collected in Queensland rising to and exceeding the South Australian figure, because the rates of land tax in Queensland are the most progressive of any State.

The rates commence at 1d. in the pound and rise to 10d. in the pound, which is the highest rate in Australia, but it is applicable where the capital value is more than £75,000. A higher rate is reached at a lower level than is the case in other States. The simple answer to the contrast between the two States is that over two-thirds of the land in Queensland has not been alienated and is not subject to land tax. I say that on this argument we should get a garden party, and, if we do, I am sure we shall enjoy it.

I was interested in the Leader's contradiction of the Treasurer's statement that land tax in South Australia on a per capita basis is not as heavy as in the other States. The Leader said that the Treasurer's argument was fallacious. He gave the all-States' average on a simple arithmetic basis as £2 5s. 1d., as against £2 17s. given by the Treasurer. The Leader claimed he had proved that the Treasurer's calculations were incorrect. After the Leader had said that the figure had never been given as a weighted average, I interjected and said that it had been so given in the Grants Commission's report. The Leader then said:

It is not given that way. With due deference to the honourable member, he must have another look. The Grants Commission figure is a simple average of the State figures, as were the figures given by the Treasurer last night.

That statement is simply not correct. The Grants Commission figure is a weighted average. What it gives for the all-States' figure is the average per capita land tax paid over the whole of Australia, and it is a weighted average of the figures given for the various States, as was the Treasurer's figure in his speech introducing this Bill. I am sure that now that the Leader has had the opportunity to have another look at that matter he will have realized that it was he who made the mistake and not I. In view of that, in view of the fact that the Leader's remarks in this connection cannot be pursued because they are invalid, and in view of the fact that his remarks may well have created a misleading impression in the press, I think it is worthwhile reiterating the Treasurer's argument, which was that for 1964-65 the average per capita tax for the whole of Australia was £2 17s., whereas for South Australia it had been £2 7s. 7d., and that the proposals now before Parliament would raise the average per capita figure for South Australia to £2 15s., which would still be below the Australian average.

If we are to compare South Australia with other States, I think it is fairer in some respects to compare it with New South Wales and Victoria than it is to compare it with Queensland, Western Australia or Tasmania, because I think we must recognize that the degree of industrialization in South Australia has gone a very long way indeed, and that if we applied the measure of industrialization to our economy we would find that South Australia, in terms of its degree of industrialization, ranked third behind New South Wales and Victoria, and well ahead of the other States. We would find also that the per capita figure for the Australian average of £2 17s. is heavily weighted downwards by the influence of Queensland's very low figure which, as I have explained, is due simply to the peculiarity in Queensland that so much of the land has not been alienated and is not subject to tax, although the people who lease that land pay higher rentals than the equivalent in South Australia do. However, if the rental component was put partly to land tax, the Queensland figure for land tax would be so much the higher, and this reinforces my argument that if we put Queensland and South Australia on a comparable basis we would then have to say, "Well, we will have to take account of the lower rentals paid in South Australia and lop off land tax because of that in making the comparison," or "We will have to take account of the higher rentals

paid in Queensland and say that this is equivalent to a higher land tax per capita.''

I was particularly interested in certain remarks of the honourable member for Gouger, who in an earlier debate asked me what I would say was the amount a small primary producer would have to invest in order to gain a livelihood. I gave an answer to that question which the honourable member, in this particular debate, proceeded to misquote and misrepresent entirely. I object to that sort of procedure; I object to the sneering attitude of the honourable member for Gouger that suggests he is going to spread this sort of misrepresentation over the length and breadth of the State if he can get away with it. Let me reiterate what I said. I was asked, ''What is a reasonable amount of land, in value terms, in order to obtain a livelihood?''—not a good living, necessarily, but a livelihood—and I said, ''A value of £20,000, free of any debt''. That is a net investment of some £20,000. I am not saying that would give anybody a good living: I am just saying it would give a man a livelihood. I hope that the honourable member for Gouger, if he quotes me again in future, will at least do me the honour to quote my view accurately and not give a complete misrepresentation. The honourable member for Gouger asked me what would give anybody a livelihood. I say that everybody should have as good a living as the community as a whole can provide. I believe what we have to achieve is a good living, as good a living as we are economically able to provide. I was asked not this, but another question, and I want my answer to be quoted correctly in future.

The Leader of the Opposition also had much to say about what he called ''taxing the heart out of the city area''. He pointed out, correctly, that probably over 60 per cent of total land tax was paid on land within the metropolitan area. A rough estimate would suggest that last year some 50 per cent of the total land tax paid was paid on land situated within the area of the city of Adelaide—that is, North Adelaide and South Adelaide. I think it is fair to recognize this. If we are to discuss the amendments sensibly, we must recognize where the main weight of land tax falls. In his remarks the Leader of the Opposition said:

> One ordinary city hotel today pays £4,000 in land tax. That makes one realize how destructive this tax is. No capital city will be a good economic organization if we tax the heart out of it, as this Bill will do in respect of Adelaide.

I think that is a completely incorrect picture and a completely misleading argument. First of all, the Leader knows, as we all know, of the extraordinary rises that have taken place in land values in the centre of the city area around Rundle Street. The increase in land values would have been over 200 per cent since 1945. In the period from 1955 to 1960 the increase would have been about 40 to 50 per cent, and over the last five years the increase would probably have been only 10 per cent. On the fringe of the city of Adelaide, around the terraces, the increase over the last five years would have been much greater. That means that there have been enormous increases in the capital values of some old city hotel properties without any comparable rise in the income they can earn. No hardship can be involved for the owners of such land if the weight of land tax forces them to sell, and I am certain that in most cases it does not; what forces them to sell is the prospect of the very attractive capital gain they can make and the very large income they can earn if they obtain what they can for the property, invest the money in some other way, and get a reasonable rate of return on it.

Basically all that land tax does in this connection is partly to tax the capital gain made and partly to encourage the transfer of this sort of land from its older use, which is now completely uneconomic, to a newer use that is more economic. To say that we are taxing the heart out of the city and being destructive is incorrect and completely misleading. The opposite is the case: we are encouraging the most economic use of land within the centre city area. Do members opposite think that the use of land at the corner of King William and Grenfell Streets by the old Imperial Hotel was more economic than its use by the National Mutual group? Which is the most economic use of the land on which the Gresham Hotel stood—as a hotel or as an insurance company site? The land now occupied by the Mutual Life and Citizens Assurance Co. Ltd. was previously occupied by the Earl of Windsor Hotel. Many of us regret the passing of these hotels, but which use of the land gives the best return? Surely the land now occupied by Cox-Foys Ltd. earns more now than it did when it was occupied by the Rex Theatre—although I admit that may be a little doubtful! However, members can see that many of the older hotels and theatres could not earn as much income as the buildings that have replaced them, as the income gained from their original purpose could not keep pace with the rise in land values and other prices. However, the people who owned that land were

sitting on a capital asset and making an extraordinary capital gain. As soon as they sold the land they realized on the capital gain and used the money to invest in some other way. To say that land tax is destructive to the heart of the city is so much poppycock, just as is the statement by the Lord Mayor that the Government is really getting at the city of Adelaide in a way that is entirely unfair.

The Hon. T. C. Stott: You are objecting to the unearned increment?

Mr. HUDSON: All I am saying is that, if people are taxed according to their capacity to pay and that is combined with an overall ethical attitude to that capacity to pay (none of us can decide this question purely on a factual scientific ground), I think that, relatively speaking, the people on higher incomes should contribute more to the running of the community. If people make capital gains (and some make fantastic gains) they should be prepared to contribute something to the community. The member for Ridley agrees with me when it is a question whether we should have S.P. bookmakers who make some sort of gain, or whether we should have T.A.B., an organization that contributes something to the community.

The Hon. T. C. Stott: Are you favouring a capital gains tax?

Mr. HUDSON: The Leader of the Opposition said that land tax was destroying the heart of the city, but, in fact, it is operating, if at all, as a minor capital gains tax.

The Hon. D. N. Brookman: Do you mean it is of benefit to the city?

Mr. HUDSON: Yes, to the development of the city, if land tax worked in that direction; but it is not a sufficiently heavy impost to work that way. The main inducement was the capital gain people got and the alternative income they could have as a result of the re-investment of the money.

The Hon. D. N. Brookman: It may have been invested outside the city.

Mr. HUDSON: Someone else buys the land and it is converted to a different use. The more rapidly that happens the more rapidly the city develops and becomes more modern, and the more the council gets from its rates.

The Hon. D. N. Brookman: Do you think the City Council should ask for higher rates?

Mr. HUDSON: In certain circumstances it may do so. I point out to the City Council and to the member for Alexandra that in 1963-64 the council collected £1,100,000 in rates from the city of Adelaide. I do not have the 1964-65 figures, but the total would be about £1,150,000 or £1,200,000, whereas the land tax collection for 1964-65 was about £1,250,000. The amount collected in rates and land tax over the city of Adelaide area would probably be much the same, although the incidence of it would vary considerably, because the city rating is on improved values whereas the land tax is on unimproved values. On average, I should imagine the weight of the land tax is heavier closer to the centre of the city, that is to the Rundle-King William Street area, whereas the City Council rate is higher towards the fringes. I have discussed this matter with people who own businesses towards the terraces, and they say the rates they pay are in excess of land tax, whereas closer to Rundle-King William Street the reverse would apply.

With some trepidation, I comment on the incidence of land tax on farms. From my knowledge, the examples given by the member for Alexandra were minor, and there are not many such cases. The member for Gouger said that in an area which concerned him (and it was not an area of subdivisional land) people paid £1 an acre a year and were trying to carry on normal farming activities. If one had 500 acres one would pay £500 in land tax and, under the new rates (not the old), that would mean an unimproved value on the property of £40,000 and an unimproved value of £80 an acre. With 200 acres, the person would pay £200 in land tax, and the capital value under the new rates (not the old) would be £23,000, or an unimproved valuation of £115 an acre. How accurate is that figure of £1 an acre? I do not know of examples of land having an unimproved value over £80 or £100 an acre where it is not land to be used for subdivisional purposes. My figures (and they are not in line with the kind of figure quoted by the member for Alexandra) suggest that, in the Mid-North (and this is probably a fair way north) where there is improved value of land or a capital valuation of £50 an acre—

Mr. Heaslip: You don't know anything about it.

Mr. HUDSON: I know enough to work out figures and reveal a false argument when the honourable member tries to put one up. Land in his area that sold at £50 an acre on the open market would have an unimproved value (for land tax purposes) of between £7 and £12 an acre. If one had a property of 2,000 acres at £50 an acre capital value in the Mid-North, its market value would be about £100,000.

The Hon. Sir Thomas Playford: Where does the honourable member get his information?

Mr. HUDSON: I am not at liberty to say.

Mr. Heaslip: Did you go into some offices and get confidential information?

Mr. HUDSON: I am not permitted to discuss that matter with the member for Rocky River or with the Leader of the Opposition, but, as far as I know, it is reliable information. Honourable members opposite may check it from their own experience if they want to, instead of making the dreary remarks they are now making. The market value of £100,000 would, therefore, imply an unimproved value (for land tax purposes) of between £14,000 and £20,000. Land tax at the lower limit of £14,000 would increase from £69 15s. 10d. per annum to £84 7s. 6d. per annum, and at the upper limit of £20,000 it would increase from £119 15s. 10d. to £156 5s. 6d. per annum.

The Hon. Sir Thomas Playford: Can the honourable member give us his authority for those figures?

Mr. HUDSON: I have already said that I cannot give the authority. At least, I will not say "the Grants Commission" merely because they are the first words that come into my head. I am reasonably careful about these things.

The Hon. Sir Thomas Playford: Is the information from the same source available to honourable members on this side?

Mr. HUDSON: If the Leader of the Opposition went to the source from which I got this information, I think they would be only too willing to co-operate with him. Honourable members opposite who pay land tax (and I hope some of them do) will see that the sort of figure I have just quoted may well be fairly typical. The member for Rocky River pays land tax on the Grosvenor, although I have absolutely no sympathy for him in that respect.

Mr. Heaslip: We pass it on to the public.

Mr. HUDSON: If the demand for the honourable member's product falls off, he will not pass it on to the public, as the rooms at the Grosvenor will not be filled.

Mr. Casey: The Grosvenor has a good name.

Mr. HUDSON: Many honourable gentlemen would consider it highly, indeed. However, when we consider land tax even in the city area, where its imposition and weight are obviously the greatest, and when we consider the sum collected for the whole of the city of Adelaide in 1964-65 (£1,250,000) and compare that figure with the profit made by the Myer Emporium in Rundle Street, and with the profits tax that organization paid to the Commonwealth Government in one year, then we start to place things in their proper perspective and to arrive at a sensible conclusion. If the member for Rocky River, for example, will tell us what is the land tax paid by the Grosvenor as compared with its profits tax paid to the Commonwealth Government, that would be an interesting comparison. Indeed, if we could obtain profits tax figures in respect of all the commercial concerns throughout the city of Adelaide area, and compare that figure with the sum paid in land tax, I am sure we would find an extraordinary comparison, which, again, would place this matter in its proper perspective. Honourable members opposite have been attempting to avoid doing just that.

The member for Stirling (Mr. McAnaney) tried to make the point that the trouble with land tax was that the basis of valuation seemed to be inconsistent, but I do not think we can compare the land tax paid in one place (as against a council rate paid in that place) with the land tax and council rate paid elsewhere. It may be that the system of rating is different for council purposes.

Mr. Casey: Some are on improved values.

Mr. HUDSON: Yes, and others are on unimproved values. Of course, land tax is based on unimproved values, but it can certainly be said that the valuation for land tax purposes is conservative. I suspect that a greater part of the variation mentioned by the member for Stirling could be explained quite simply in terms of differences in the systems of rating. For example, the Adelaide City Council fixes its rate on improved values, using a flat scale, whereas land tax, which is on unimproved values, is progressive. Clearly, if we have an acre of land on the fringe of the city area with a considerable capital improvement on it, and if we have another area of land in the inner city area with little capital improvement on it, the relationship between the land tax and the council rate paid in those two places will be incompatible.

In conclusion, Labor Party policy is to tax according to capacity to pay, and this land tax is justifiable. In almost no case will it have an incidence that could be described as completely unfair or unjustified or be described in the way that Opposition members have tried to describe it. It will still be true that the land tax collected in South Australia will be below the Australian average. The land tax collected per capita will be well below the land tax collected per capita in New South Wales and Victoria and, as I have tried to

argue, that is a more relevant comparison than the comparison with Queensland. I hope I have answered the Leader of the Opposition on that point and, as I said at the beginning of my speech, I hope that when he considers the points I have made he will give the garden party he has promised to give and that he will invite me as the guest of honour and allow me to invite many of my friends as well.

Mr. QUIRKE (Burra): I have no great complaint about land tax but in this case one can take grave objection to the sort of confidence trick that is being put over taxpayers by increasing the rate now when a quinquennial assessment will be made in a few months' time. I do not pretend to know what the difference in figures will be, but all honourable members know that the resultant increase will be considerable.

Mr. Hudson: Not as great as it was in the previous assessment in 1961-62.

Mr. QUIRKE: Possibly not, but it will still be great. This is the sort of thing that is constantly creeping up on people: they are being taxed in a way they have no knowledge of. With the vast value of Adelaide and the enormous secondary industry associated with the metropolitan area, on the figures available the value of production of primary industries in this State, according to the quarterly summary of statistics, is £172,000,000 and of secondary industries, £213,000,000. Of course, that £172,000,000 is likely to be seriously reduced this year. Two sections of people in any State get hit from every angle: ordinary workers, who have no power to pass on their costs, but do have power to seek an arbitration court award to increase their weekly income; and those who produce the £172,000,000, and who have no power of self-protection whatever. He has to meet all the burdens that are heaped on him in the way of rail freights and increases in prices. He can raise his voice as much as he likes but his is a voice crying in the wilderness. The honourable member for Glenelg mentioned the Imperial Hotel that has now given way to a mighty edifice that can return much more.

Let us look at the other strategic corners in the city area. A hotel just opposite Parliament House is being replaced by a major insurance company building and on the opposite side of King William Street there is a large bank building. Farther down North Terrace we have a large finance and pastoral building. At the King William and Hindley Streets intersection, one corner is occupied by an insurance building. At the intersection of King William Street and Grenfell Street we have financial institutions on all four corners, and so it goes on. Certainly, those firms have more financial resources but they are possibly the most expensive sections to the ordinary people in the community.

To take an example, these insurance (or assurance) companies lend money on first mortgage at 6½ per cent and on second mortgage at 7 per cent. That is a tremendous incubus on land used for production which has to return all its costs without any capacity whatever for meeting them through the prices received for primary production. As a matter of fact, farmers are on a falling market today. Every single item that they produce, with the exception of beef, is down in price. That must have a tremendous effect eventually upon those people in the environs of the city area.

Mr. McKee: It has no effect on the honourable member for Ridley!

Mr. QUIRKE: The honourable member for Ridley is capable of answering for himself. However, we are rapidly getting out of balance. I do not think anyone can deny that. It is of no use attacking the Government for not doing things unless it has the money. Under our system, it has only certain ways of raising money, and that is per medium of taxation, succession duties, and so on. Incidentally, when we are talking about what the man in the country pays in land tax, it is well to remember that he is the man who really pays and his family are the ones who really pay when he dies. Anything that he owes in land tax will be made up when he dies. There is a growing imbalance in relation to the city, which is the greatest market for the production of gardener, farmer and fruitgrower. The purchasing power of those in the towns is falling to such an extent that the producers cannot get decent prices for their goods. Yet, the country man squares off in all this taxation and comes into the picture all the time. We have one section of the community today that can make everybody walk if it does not like a certain condition of employment. There is a power resident in that section of the people that is not resident in any part of the country producers, who have to take it all.

When we increase taxation in any form we are increasing it to the man on the land who is getting a decreasing return for the goods he produces, and although that man is getting a lower return for his products the man in the city who consumes those products

is not getting them at a comparably low price. I have seen the time when people producing oranges on the Murray River were getting a net return of 2s. 3d. and 2s. 9d. a case, while the oranges were being sold in the shops for 5d. each. We are taking steps to remedy that position. However, it is most important to correct the imbalance, otherwise we will slide down. When we look at the town acres the honourable member for Glenelg mentioned we find that all those big buildings are a dead weight incubus around the neck of the people, although they are probably yielding high returns to their shareholders.

Insurance, such as motor vehicle insurance, serves a purpose, but the charges being imposed by insurance companies today are high. When I was Minister of Lands I refused to sign some mortgage documents because the interest rate was too high, and I was able to get the rate altered, but the insurance companies can get over that by executing an entirely separate instrument. They are expensive organizations, and because of their terrific return they can occupy these valuable corner sites. Perhaps their buildings return greater value to people than did the old hotels, but I guarantee that the whole lot of them lumped together will never give as much merriment, good feeling and good fellowship as did those old pubs that have been replaced.

I have no objection to land tax provided it is a reasonable tax and does not fall too heavily upon the people. I recognize that the Government has a motor tax. I think it costs about £36 now to get a comprehensive insurance policy for a Holden motor car, and with the comprehensive cover, third-party insurance, and registration, it costs about £56, or more than £1 a week, to put such a car on the road. Such costs as these are going up, and everything that increases the charges to the producer, who is without the power to recover those charges, is having an adverse effect on the economy of the country.

My only objection to this tax is that the people do not understand just what it means because the taxation that will be levied today will be much greater next year without there being any necessity to pass any other Bill. The increased taxation will accrue automatically because it will be consequential on the quinquennial adjustment of taxation and that is the one point that I object to. My other argument concerns fairness of taxation, but we shall accept some greater burdens because at the present time the Government, which is in need of money, has no other source of supply. However, I think the time must come when not only this State, not only this Commonwealth but the nations of the world will see the futility of the present action because it is only through a change of the system today, particularly in world-wide finance, that peace will ever be achieved. It is peace that everybody inside and outside Australia desires.

Mr. HEASLIP (Rocky River): I cannot support the Bill as it stands, but I would support amendments that are on file. I wish to say a few words without entering into the big discussion on economics that the honourable member for Glenelg entered into. He was talking on a subject about which, unfortunately, he could not possibly know a great deal, and that subject is land, together with the working of land, primary production and taxing of land. The honourable member went to some trouble to try to confound the Leader of the Opposition. He mentioned the rates of land tax that are charged in Queensland, but I am now going to give a few other figures as they relate to Victoria. The member for Glenelg did not touch on Victoria.

Two systems operate in Victoria—one for primary producers and the other for what is called "other land". In general, the rates for primary producers are 1d. below those for other land. The rates do not start until £8,750 and then the rate is 1d. in the pound. The figures are:

Exceeding £10,000 but not exceeding £15,000:
- Victoria: 2d. in the £ for other land and 1½d. in the £ for primary producers.
- South Australia: 2¼d. in the £ (proposed rate).

Not exceeding £20,000:
- Victoria: 2¼d. in the £ for other land.
- South Australia: 3d. in the £.

Mr. Nankivell: That is our old rate.

Mr. HEASLIP: No, it is the new rate proposed under this Bill. The primary producers' land in Victoria is about 1d. in the pound below that figure. To return to the table:

Not exceeding £30,000:
- Victoria: 2½d. in the £.
- South Australia: 3¾d. in the £ (proposed rate).

Not exceeding £40,000:
- Victoria: 3¾d. in the £.
- South Australia: 4½d. in the £ (proposed rate).

For amounts not exceeding £50,000, £60,000 and £70,000 respectively the rates in Victoria are 4½d., 5d. and 6d. in the pound whereas in South Australia the corresponding rates are

5¼., 6d. and 6¾d. in the pound. For properties not exceeding £80,000 in value, our proposed rate is 7½d. and the Victorian rate is 6½d. In Victoria the rate for properties valued at between £80,000 and £85,000 is 6¾d., and for those valued at over £85,000 it is 7d. In South Australia the rate for properties not exceeding £90,000 in value will be 8¼d., and for those valued at over £90,000 it will be 9d. The Treasurer has said that this Bill will make our rates uniform, but I do not know why we must be uniform. His statement is not correct, however; the Victorian rates are lower than ours will be.

Mr. Jennings: You would like uniformity with Victoria!

Mr. HEASLIP: I do not like uniformity for the sake of uniformity; I would rather be an individual. The rates for rural land in Victoria are about 1d. below those I have quoted for other land, so our rates will be considerably higher. I will not deal with what the member for Glenelg (Mr. Hudson) has said about the city square except to say that I am vitally concerned with what is happening in it and I know that it is dying already. The value of land has not increased in the city in the last five years; people who have bought in that time have not been able to get their money back.

The Hon. T. C. Stott: Some businesses have gone out of the city.

Mr. HEASLIP: Yes. A good example is Colton, Palmer and Preston, which was forced out of the city because of increased charges and parking problems. This Bill has been introduced to raise revenue. It has been suggested that the Government has changed its attitude, but that is not so; it is taking from those who have and giving to those who have not, which is Socialism all over. A Government must have money to enable it to carry on, but that money must be spent wisely. What is this money to be spent on? Since this session has started the Government has granted increased holidays and service pay, and it has introduced legislation to abolish capital and corporal punishment, to amend the Juries Act and the Maintenance Act, and to hold a referendum on lotteries. The referendum will cost £50,000. I wish I had some of this money to spend in my district! All these things will cost money.

The Hon. D. A. Dunstan: What money will the Bill for the abolition of capital punishment use? It will save the salary of a hangman!

Mr. HEASLIP: We shall have to keep these people in gaol, and if that is not spending money I do not know what is. We shall fill our gaols with these people until we release them and let them have another go. It will take money to keep them there for life or for whatever term they get. We are collecting from those that have, to look after those that have not. This is a wonderful philosophy for those that have not. All money collected is being spent on social activities and not on production. If the Government collects more money it should be spent wisely.

Mr. Jennings: I will use my influence to get a special appropriation for the Grosvenor Hotel.

Mr. HEASLIP: It could do with more money. The honourable member does not realize that it is mainly working people who stay there, and they do not have much money.

Mr. Jennings: They have a lot less when they leave it!

Mr. HEASLIP: They have a good time while they are there and do not mind paying for it, but increased land tax and other charges have to be passed on if the hotel is to continue. Unfortunately, the people have to pay more because we have to pay increased charges. The man on the land cannot pass on increases, but pays them himself. People on the land, needing rain and with no crops materializing, are faced with increased land tax without income to pay it. This will increase the cost of production. Over the last 20 years South Australia has built up fine secondary industries, and primary producers have been prosperous. This situation has been achieved not by increasing costs but by keeping costs down.

Mr. Jennings: It would not have been without the 40-hour week!

Mr. HEASLIP: Thank goodness that is uniform in Australia. We cannot compete with countries where the people work 50 hours a week while we work 40 hours a week.

Mr. Nankivell: What about a 35-hour week?

Mr. HEASLIP: Some people are looking for that. South Australia has been built up by a wise Administration keeping costs down. We get a change of Government and up go costs. Our secondary industries will be destroyed if this continues. South Australia does not have the population or the markets, and cannot complete with the Eastern States unless the costs are kept down.

Mr. Hurst: How would wages compare with other States?

Mr. HEASLIP: They are the same as in other States. The working conditions here keep people working. People must have work and to provide it we must be able to compete

with the other States. Of all increases, the land tax increase is particularly vicious. It certainly affects the man on the land as well as the man in secondary industry.

Mr. Jennings: Are you supporting the Bill?

Mr. HEASLIP: There are two types of legislation—social and revenue-producing. This land tax is, of course, revenue-producing, but it is not the only such legislation before the House. We shall not raise enough money by land tax to pay for the social services we are handing out, so we move on to succession duties and the co-ordination of transport, which will raise £1,000,000. That, again, will be paid by the primary producer. So we have land tax plus another £1,000,000. These charges have all to be borne by a section of the community that cannot pass them on. Water charges have been increased. The man on the land has to pay them—he cannot pass them on. Stamp duties have been doubled and Harbors Board dues increased. The primary producer has to pay them. The Harbors Board passes on the increases but the primary producer or the exporter, whether primary or secondary, has to bear the extra cost. Unfortunately, the more revenue-producing legislation we have the higher go our costs and the sooner we shall be unable to compete with other States. Also, the new land assessment is coming in. This year there will be the first cost: next year there will be another. It certainly will not double but it will increase considerably. There is much merit in the amendment to be moved by the member for Gouger (Mr. Hall), which will provide for a 12-month period only. As the Bill is at present, I cannot support it.

Mr. COUMBE (Torrens): I shall not speak as a man on the land (which I certainly am not) or about the difficulties of dealing with rural property (about which I am completely unsuited to speak) but, as a city member, I can add a contribution from the man in the street.

Mr. Hurst: Your colleague said that it did not affect the city man.

Mr. COUMBE: I did not hear him say that, but I did hear him say that it principally affected the man on the land. The man in the metropolitan area is greatly affected by this measure because it is aimed purposely at bringing in more revenue. It was specifically stated in the later stages of the Budget debate that this was an integral part of the Treasurer's plan to raise extra revenue. It is definitely a straight-out measure to attract more revenue, but it is also designed, if we look at it carefully, to slug the large landholder, whether he is in the city or the country. This is, of course, in keeping with the comments made by many speakers in the Labor Party when a similar measure was last debated in 1961. It is interesting to look at the recent history of land tax in this State. Under the Act we have a quinquennial re-assessment on all the properties in the State. In 1956 no adjustments of rates were made; the rates established in 1951 were continued. It was not until 1961 that the former Government made any change at all in the rates.

Therefore, it is true to say that for 10 years no increase or alteration in the rates of tax has occurred. Then, in 1961, the previous Government made a reduction in the rates to be charged, the exemption being lifted from 5s. to £1, which meant that below £1 no tax was paid, and the rates applying to properties over £5,000 in value were dropped ½d. in the pound. This was done deliberately by the former Government to ease the impact on the taxpayer of the natural increases in assessment that had occurred over the previous 10 years. It will be extremely interesting to see whether the present Labor Government does the same thing next year when the quinquennial adjustment will be made, or whether it will persist with the new rates in the Bill now before the House. In 1961 speakers in the Labor Party said the rates should be reduced even more than was proposed by the previous Government on that occasion, and yet this Bill sets a steep increase not only in the rates to be charged but also in the graduations or increments in the scales that will apply. This is a sudden switch in Labor's policy, and in its action, now that it is in Government. There are more graduations and increased rates to catch more and more people, and to bring them into the category where they will be paying more and more tax.

Of course, this taxation will snowball next year when the quinquennial adjustment has to be made. Therefore, we shall find that the Government will be having two bites at the cherry, the cherry, in this case, being the taxpayer. We shall have fairly steep increases in two successive years. This measure will be severe on the taxpayer who has more than one property, for his properties will be aggregated. It is a sectional land tax; it is not spread equally over all the taxpayers. Some pay much tax, some pay little, and some pay nothing. Speaking particularly as a city member, and not as a man on the land, I point out that it has been suggested that most of the increased imposts of this new tax will fall on the man

on the land, but let me assure the House that that is not the case. Many landholders in rural areas will have to pay more tax, and there is no mistake about that. However, more than 60 per cent of the total revenue raised from land tax in South Australia is paid in the metropolitan area. In other words, the metropolitan area pays more in land tax than the rest of the State. In the metropolitan area most of the tax is collected from within the city of Adelaide, part of which is represented by the member for Adelaide and the North Adelaide part of which is in my district. Increased taxes are having a serious effect on North Adelaide. In particular, new enterprises (such as the building of large blocks of flats) are being affected. The business, commercial and professional sections of North Adelaide, such as O'Connell Street, Melbourne Street, Brougham Place and especially around the terraces, are also being affected. The assessed value of these properties is rising, and year by year they are attracting more and more taxes. If the Bill is passed those properties will certainly be paying much more tax. As I represent that area, I am concerned to see that the spectacular progress that has been made is not retarded in any way. Speaking not only of the city square but also of North Adelaide, the Lord Mayor was reported in the *Advertiser* of October 15 as saying:

The heart of the city was in danger. There was a very real danger of the Adelaide city centre being taxed out of existence. There was no doubt that proposed land tax increases would have a depressing effect on city property.

All members know that rates are the main source of revenue for not only the Adelaide City Council but also for all local government bodies and municipal councils throughout South Australia. Now it is intended to impose this tax—a property tax—on the ratepayers as well as the taxpayers within those areas. This is a sectional tax and not all people pay the same amount; some pay much, some a modest amount, and some nothing at all. The Lord Mayor is also reported to have said:

It is very hard now to persuade people to build and to increase the density of our population, which is essential if we are to survive. With the proposed increases, it would be more difficult.

The Lord Mayor said this on his return from the Brisbane conference of the Lord Mayors of the various capital cities, where this very aspect was discussed. Alderman R. E. Porter, who is the chairman of the Adelaide City Council Finance Committee, is reported to have said:

At present there are a large number of properties for sale within the city and it seems likely that this number will be increased. Already the Government has frustrated the council's efforts to build flats within the city area. The effect of this legislation, if passed, will be a calamity for the city of Adelaide.

Those two statements have been made by responsible people who represent the citizens within their districts and who are charged with the responsibility of raising finance within their boundaries, as well as of seeing that those areas flourish and provide services.

The honourable member for Glenelg had something plausible to say on this subject. He made a rather extraordinary statement without submitting authorities, and he went on to talk about the city square. He denied that land tax was taxing the heart out of the city and added that certain hotels and other businesses had been sold because of capital appreciation.

This may be correct in some cases but no one can deny that, because of the increased land tax and other rates, these people have no longer been able to afford to conduct hotels in the city of Adelaide. In fact, this has been stated in several cases where properties being conducted at a loss were sold. The income from many of the old hotels in the city square was not going up, but land tax was increasing. We find that because of this, people are moving to flourishing suburban hotels where, because of the assessed values of the properties, the incidence of land tax is not so severe. A drive around the suburbs enables one to see the many imposing hotels that appear to be well patronized.

The hotels that were in the city square would have been able to flourish also, had it not been for the taxation imposed on them at a time when their income was not going up.

Mr. Corcoran: That is a fairly weak argument, and you know it.

Mr. COUMBE: I said that in many cases they were not making capital gains, but the main reason for their going out was that they could not afford the taxation, and this was stated at the time. They bowed to the inevitable and got out. Why is the population of Adelaide falling remarkably? Why are many houses in the city square and in North Adelaide being sold? Why are so many families moving to Elizabeth, in the member for Gawler's district, and into the district of Glenelg? Why are all these former constituents of the member for Adelaide moving out, leaving him with the smallest electoral district numerically, whereas in 1955 all districts had fairly equal enrolments?

These people are moving out because they cannot afford to pay the tax imposed in this area. To be fair, I say that this applies equally in the North Adelaide section of my district, because the same assessment is made there as in the Adelaide square. The *Year Book* of the Adelaide City Council shows that the population in the city square has fallen by about 2,000 in two years. Of course, the member for Adelaide agrees that that is correct.

Mr. Lawn: You are condemning the whole capitalist system, the way you are speaking.

Mr. COUMBE: My point is that as assessments are increased more land tax is payable, and that when this was reviewed in 1961 the then Liberal Government reduced the rates to ease the burden on the taxpayer. Now, however, we find that the present Government is not content to wait the normal five years before making an adjustment: it gets in first and has two bites of the cherry, because in the year before the quinquennial assessment is due it goes ahead and raises the rate. Many people who supported the Government at the last election are already regretting their support, and they will regret it even more when they get their new accounts from the Land Tax Department later this year. Those people will certainly have second thoughts next year when they feel the effect of the new quinquennial adjustment.

Mr. Lawn: Has there been a land tax increase in the last 32 years?

Mr. COUMBE: The honourable member was not here when I canvassed that point. I am not going to go back 32 years. However, I did canvass the period that I have been in this House, and I said that this matter was last reviewed in 1961. The member for Adelaide then spoke vehemently when advocating reductions in rates, yet here he is supporting a Bill that increases the rates. On that occasion I pointed out that for 10 years there had been no adjustment in the rates, and that in the previous five-year period the Government had not increased the rates.

Mr. Hudson: When was the last quinquennial assessment?

Mr. COUMBE: The last time a Bill to increase land tax came into this House was in 1961. On that occasion the member for Adelaide even went so far as to quote from the Bible—I think from a couple of Psalms. The Government on that occasion proposed an alteration in the rate, and, of course, this was not agreed to by the honourable member, but tonight we find there is a complete switch. On this occasion the member for Adelaide, true to form, has switched over and is advocating in his support for this Bill that the rates be increased. I think this is going a bit too far. I am strongly opposed to this Bill, and I will vote against it.

The Hon. FRANK WALSH (Premier and Treasurer): I wish to comment particularly on the figures submitted by the Leader of the Opposition. The latest figures on land tax revenues in each State are those for 1964-65, and they agree closely with those quoted by the Leader except in the case of Tasmania, where the per head figure differs considerably. I have already checked with the *Hansard* proof the figures the Leader has indicated, and I do not intend to quote the figures again, except to say that for the five States the average per head of population is £2 17s. 3d. and for South Australia it is £2 7s. 7d. a head. The £2 17s. 3d. per head is, of course, the true average over the five States, not the simple average of the per capita figures, which is rather meaningless because it gives New South Wales no more importance than Tasmania, although it is 11 times as great in population.

Contrary to the Leader's statement, the Grants Commission quotes not the simple average of all States but the true average, and this is shown in the Table 7 of figures that has been quoted. Where the commission uses a simple average it is as applied to its standard States for grants assessment, that is, for New South Wales and Victoria, and this is, of course, a higher figure.

The comparison the Leader makes between South Australia and Queensland is quite unreal, for it must be pointed out that Queensland has only a relatively small proportion of its land alienated, and therefore subject to land tax. Queensland, of course, gets its comparable revenues from its leasehold rents where the land has not been alienated. An analysis made some years ago by Treasury officers for the Grants Commission indicated that, if Queensland lands were alienated to the extent they are in South Australia, the Queensland tax yield would have been about $2\frac{3}{4}$ times as high as actually it is. The actual severity of land tax levied in Queensland in relation to unimproved value taxed is considerably higher than in South Australia. Over the scales to be adjusted in South Australia the rates, in most instances, will still be much lower in this State than in Queensland. For instance, on town lands worth £10,000 Queensland tax would be £102 1s. 8d. compared with £46 17s. 6d. proposed here. For £20,000 value the figures are £310 8s. 4d. and £156 5s. For £50,000 they are £981 5s. and £718 15s.,

whilst for £100,000 they are almost the same figures.

It is true that the revaluation of lands which will be effective next year will mean some increase. Whether the Leader is right in his guess at 30 per cent increase is conjectural. Of course, periodic revaluations occur in all States, and accordingly the comparisons made in the second reading speech are not thereby invalidated. It may be that the effect of the proposed increases will, in 1966-67, give a per capita yield a little above the overall per capita yield of land tax in the other five States together. But it would be expected that our per capita yields would tend to fall behind again in South Australia as we got further away from the revaluation date.

While it is not my intention to delay the House for any length of time, I mention the argument put forward by the member for Torrens. He referred to certain sales that had taken place in some sections of his area, particularly in North Adelaide, but, when looked at from the point of view of an investment in the form of doctors' consulting rooms and other professional chambers that have been made from houses, it is understandable that the land tax has gone up. However, had such places remained as normal dwellings there would not have been any comparison between the two amounts mentioned by the honourable member. Let us be reasonable in such matters. Take, for instance, the question of hotels. The Leader said that one hotel in Adelaide was paying £4,000 a year in land tax. The simple fact is that if that amount is paid the unimproved value would be £150,000 for the block of land, and that is excluding buildings and anything else that would yield a return. When a proper comparison is made, a different light is thrown on the matter. Apart from the drought, it is reasonable to expect that, with increased returns brought about by improved methods in land husbandry, extra taxes should be paid. My Party has never hidden its light under a bushel in relation to taxes on big estates. The revenue of the State must be increased to meet the expenditures being incurred. The cost of hospitals, schools and other undertakings is increasing all the time. Are we to wait for further Loan money for these purposes?

The Hon. D. A. Dunstan: The cost of administration of hospitals has gone up; it is not just Loan money.

The Hon. FRANK WALSH: That is so; we must get the revenue. The Government is prepared to face the consequences of this legislation, and it has no alternative but to put it forward. Early this evening a conference was held in my room at Parliament House between the Chairman of the Municipal Tramways Trust, the Minister for Labour and Industry and me. Some agreement was reached, and I am pleased to announce that there may be an early meeting of tramwaymen tomorrow and, I hope, a resumption of bus services.

The House divided on the second reading:

Ayes (19).—Messrs. Broomhill, Burdon, Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens, Jennings, Langley, Lawn, Loveday, McKee, Ryan, and Walsh (teller).

Noes (16).—Messrs. Bockelberg, Brookman, Coumbe, Ferguson, Freebairn, Heaslip, McAnaney, Nankivell, Pearson, Sir Thomas Playford (teller), Messrs. Quirke, Rodda, and Shannon, Mrs. Steele, Messrs. Stott and Teusner.

Pair.—Aye—Mrs. Byrne. No—Mr. Hall.

Majority of 3 for the Ayes.

Second reading thus carried.

The Hon. Sir THOMAS PLAYFORD moved:

That it be an instruction to the Committee of the whole House on the Bill that it have power to consider new clauses to repeal sections 15 and 16 of the principal Act.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 10.15 p.m. the House adjourned until Wednesday, October 20, at 2 p.m.