

HOUSE OF ASSEMBLY

Thursday, November 11, 1965.

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

SUPERANNUATION ACT AMENDMENT BILL.

His Excellency the Governor's Deputy, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

LOTTERY AND GAMING ACT AMENDMENT BILL (DECIMAL CURRENCY).

His Excellency the Governor's Deputy, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

DISTINGUISHED VISITORS.

The SPEAKER: I notice in the gallery two distinguished visitors in the persons of the Hon. J. H. Ythier, a member of the Legislative Council of Mauritius, and Mr. G. T. d'Espaignet, the Clerk of the Legislative Council of Mauritius, who are *en route* to the Commonwealth Parliamentary Association Conference in New Zealand. I am sure that it is the unanimous wish of honourable members that they be given seats on the floor of the House, and accordingly I ask the Premier and the Leader of the Opposition to introduce our distinguished visitors.

The Hon. Mr. Ythier and Mr. d'Espaignet were escorted by the Hon. Mr. Frank Walsh and the Hon. Sir Thomas Playford to seats on the floor of the House.

MICROPHONES.

The SPEAKER: I have received a request from the press gallery, asking that honourable members co-operate by ensuring that their microphones are switched on when they are speaking or asking a question, as this would facilitate considerably the hearing in the press gallery. Members of the press gallery are having difficulty in hearing honourable members, and I have been asked to make this fact known.

QUESTIONS

PASTORAL LEASES.

The Hon. Sir THOMAS PLAYFORD: Will the Minister of Lands obtain a report from the Pastoral Board on the number of persons who have taken advantage of the most recent legis-

lation, and ascertain whether, as a consequence, there will not be the necessity of a large change-over in the occupation of pastoral areas in this State? Also, will he ascertain whether the new terms of the leases have been generally acceptable to pastoralists, and what percentage of pastoralists have taken them up?

The Hon. J. D. CORCORAN: I understand some have been taken up, but I shall be pleased to obtain a report for the Leader.

LOTTERIES REFERENDUM.

Mr. MILLHOUSE: My question concerns voting at the forthcoming referendum on lotteries, and in particular the escape clause that was agreed as a result of the conference between the two Houses, giving those with a conscientious objection to voting at the referendum the right not to vote. In this morning's newspaper appears a news item headed "Lottery Bill Conditions", which states, in part:

Conditions under which eligible people may conscientiously object to voting in the lottery referendum on November 20 were explained by the Assistant State Returning Officer (Mr. N. B. Douglass) yesterday.

According to the article, Mr. Douglass bases his remarks on the Crown Solicitor's opinion. The report continues:

Eligible people were required to vote on November 20 unless they satisfied the returning officer before the poll that they had a valid and sufficient reason for not voting.

That does not appear in the Act recently passed by the House. I remind the Premier that on October 14, in reply to a question by the Leader of the Opposition, he said:

I am prepared to consult the Attorney-General on the matter of obtaining a Crown Law opinion. If he considers this to be necessary—and apparently it has been considered necessary, because a Crown Solicitor's opinion has been given to and quoted by Mr. Douglass—

we will obtain that opinion and make it known to the House.

The Leader followed up this matter by question on November 2, and asked whether the opinion had yet been obtained, thereby reminding the Premier of the undertaking given in the House. Will the Premier say, first, why the Crown Solicitor's opinion has not been given to this House but has been made available elsewhere and, secondly, will he immediately take steps to have the opinion tabled for the benefit of all members?

The Hon. FRANK WALSH: As yet I have not been presented with the Crown Law opinion referred to by the honourable member. No subsequent question was asked of me, and consequently I have not pursued the matter further.

However, as soon as the opinion is presented, I shall be prepared to present it to Parliament and to give the information required.

TEA TREE GULLY WATER SUPPLY.

Mrs. BYRNE: Some families living in Haines Road and Rednall Street, Tea Tree Gully, have brought to my notice the fact that the pressure of their water supply is poor, and becoming worse with increased building in the area. Can the Minister of Works say whether the Engineering and Water Supply Department has plans to improve the pressure of the water supply in that area?

The Hon. C. D. HUTCHENS: I assure the honourable member that the department desires to supply adequate pressures wherever a service exists. I will have the matter investigated with a view to ascertaining whether work is necessary and, if it is, every endeavour will be made to provide a satisfactory pressure.

HUNDRED OF WOOLUMBOOL.

Mr. RODDA: I refer to the closer settlement area in the Fairview Estate in the hundred of

Woolumbool, where some settlers, finding their properties not coming up to a reasonable stage of productivity, are experiencing difficulty in meeting their commitments. Will the Minister of Repatriation ascertain whether this problem can be alleviated?

The Hon. J. D. CORCORAN: Yes. I have no doubt that my department is aware of the problems associated with this closer settlement, and I shall be only too pleased to do as the honourable member has asked.

HOUSING TRUST PROGRAMME.

Mr. HUDSON: Has the Premier a reply to the question I asked yesterday, concerning the number of completions of Housing Trust houses and flats, as well as information about the number of houses under construction?

The Hon. FRANK WALSH: I have a reply and, although I have not yet been asked, I will supply also the quarterly figures since 1962-63, which are as follows:

	House Completions By Quarters.				
	1st Quarter.	2nd Quarter.	3rd Quarter.	4th Quarter.	Total.
1962-63	687	745	692	758	2,882
1963-64	769	836	542	711	2,858
1964-65	849	914	646	908	3,317

Mr. HUDSON: I notice in the figures supplied by the Premier for the last six months of the financial year 1963-64, the trust completed 1,253 houses, as against the total for the whole year of 2,858. The figure of 1,253 houses in six months compares unfavourably with 908 houses completed in the three months from April to June this year. As there seems to have been a cut-back in the expenditure of the trust during the last six months of 1963-64, will the Premier say whether such a cut in expenditure by the trust did in fact occur in that year? If it did occur, will he say what was the extent of the decline in expenditure during those months? Further, will he ascertain whether the *Advertiser* at that time gave the same prominence (or any prominence) to such a cut in expenditure as it has given to the very minor adjustment that took place this year?

The Hon. FRANK WALSH: I shall be pleased to obtain the information concerning the activities of the Housing Trust. However, I point out that if the *Advertiser* happens to publish certain quarterly figures this month, the *News* may well publish them for the following

quarter. No preference is given in this respect, and I shall not seek the information required by the honourable member in regard to any prominence that may be given to this matter.

Mr. HEASLIP: Last Tuesday, in reply to a question, the Premier confirmed that there would be a reduction of £80,000 a month in the building programme of the Housing Trust, which represents about £1,000,000 a year. He further assured the House that no decrease would take place in building in country industrial centres. I then asked him whether this decrease would take place in non-industrial country centres and, if there was to be no decrease in those centres, where the decrease would take place. Has the Premier a reply?

The Hon. FRANK WALSH: I have a lengthy answer that I intend to keep for the member for Flinders. However, I notice that one paragraph refers to the question of the member for Rocky River about whether there would be a reduction in building in country towns or areas. No changes are being made in planned programmes in country areas: in fact, increases are being made in the rate of expenditure outside the metropolitan area.

The Hon. G. G. PEARSON: I regret that I was not in the House to accept the Premier's earlier invitation to ask my question. I now ask the Premier whether he has a reply to a question I asked last Tuesday regarding the suggested curtailment of the Housing Trust's building programme.

The Hon. FRANK WALSH: A report I have states:

The Deputy Leader of the Opposition in the House, on November 9, asked a number of questions which will be answered as far as possible in the order in which he asked them. Mr. Pearson first asked whether it is true that the trust will reduce the rate of its building programme for the remainder of the year. The answer to this is that the trust will reduce the number of houses started by certain of its contractors during the remainder of the year but, nevertheless, expects to complete a record or near record number of houses. Mr. Pearson then asked a question relating to the labour and material resources available to the trust and what was called the "private sector of house building". Since the trust in all its building operations uses private building contractors, it is in fact impossible to draw this distinction. If the Deputy Leader is referring to the private speculative builder, I would point out that in any case such builders seldom operate except in very restricted areas near the capital city and very seldom, if ever, in country or industrial areas where much of the trust's programme is concentrated. The Deputy Leader then asked whether the trust has been building more houses for rental than for sale. In point of fact, the balance has been around the other way, as the following figures show:

Year.	Rental.	Sale.	Total.	Per cent Rental.
1962-63	1,629	1,255	2,884	56.5
1963-64	1,054	1,804	2,858	36.9
1964-65	803	2,514	3,317	24.2

Over the last three years the number of houses built for rental has steadily decreased as a proportion of the whole. When it is remembered that the great bulk of the rental programme is in country industrial areas, it will be seen that the rental programme in the Adelaide, Elizabeth, Christies Beach area has been in negligible proportions. The Deputy Leader then asked whether the Treasurer took up the maximum amount available to the State by the Loan Council. Once again this is impossible to answer because there is no such thing as a maximum amount laid down by the Loan Council as far as housing is concerned. When the State's allocation is fixed by the Loan Council, the State can elect to take as much as it wishes of the total allocation under the Commonwealth-State Housing Agreement. Every increase in this amount automatically decreases the amount available for another purpose. The Government is supplying the trust with the total amount set out in the Loan programme. In fact the trust's main financial difficulty comes, as was reported in the previous statement given by the Treasurer, from the inability to obtain settlement for houses sold.

I do not think it necessary to repeat that part of the report containing the answer I gave earlier to the member for Rocky River in reply to his question.

The Hon. G. G. PEARSON: I thank the Premier for the information he has given me regarding the Housing Trust but there appears to be a slight misunderstanding about the reference I made to the private sector of house building in the State. I had in mind the activities of all builders other than the Housing Trust. The Premier will appreciate that of the total number of houses built in the State about 60 per cent are built by private owners or by builders building for private owners; in other words, it is building outside the scope of the trust, and it was this group of buildings and builders that I had in mind when I referred to the private sector. Will the Premier tell the House the number of houses that it is estimated will be built by the private sector this year? Will he ascertain also whether there has been, in fact, a noticeable slackening in building other than in the activities of the trust, and whether this has made materials and labour available to contractors of the trust to complete their contracts more rapidly than is normally possible? The Premier has undertaken to ascertain for the Leader of the Opposition the sums being made available through the State Bank, the Savings Bank, and the Housing Trust, for house building this year. In addition, will he also say how much money is being made available for house building by the Commonwealth Bank and by private savings banks in South Australia?

The Hon. FRANK WALSH: I will endeavour to obtain all the information possible. The main question raised by the honourable member is what is being done by organizations other than the trust. Unfortunately, some investigations into matters like this are creating extra work for the limited staff available to supply the information. I will obtain this information as soon as possible, but it may not be available immediately.

The Hon. G. G. Pearson: I did not expect that.

The Hon. FRANK WALSH: I believe that these types of question are over-taxing some staffs in obtaining the information as quickly as possible.

GRAPE PRICE PETITIONS.

Mr. CURREN: Have you, Sir, a reply to my question of last Thursday requesting information from you regarding petitions on wine grape prices presented during the 1959 session?

The **SPEAKER**: The Votes and Proceedings of the House disclose that the following petitions were presented in that year:

Petition No. 1, presented by the honourable member for Chaffey (Mr. King) from five electors of the District of Chaffey, praying that the House should order an inquiry to be made into the wine industry, with special attention to certain specified matters.

Similar petitions were received as follows:

From three electors of the District of Alexandra, presented by Mr. King. From three electors of the District of Angas, presented by Mr. Laucke. From four electors of the District of Barossa, presented by Mr. Laucke. From one elector of the District of Light, presented by Mr. Hambour. From 33 electors (two petitions) of the District of Ridley, presented by Mr. Stott.

No petition containing over 1,000 signatures was presented to the House in 1959.

The Hon. T. C. STOTT: I ask leave to make a personal explanation.

Leave granted.

The Hon. T. C. STOTT: Referring to the petition on the wine industry, I think there has been a misunderstanding about the dates. The year of 1959 has been referred to, but I think the date should have been 1960. On Tuesday, November 8, 1960, I presented a petition signed by 650 commercial growers of wine grapes in the Districts of Ridley and Chaffey and praying that a Royal Commission be set up to examine every aspect of the wine industry from the grapegrower to the consumer. That was a petition that was handed to me, but it was incorrectly worded and I had to correct it with the approval of the Clerk, after which I presented it to Parliament. On November 16, 1960, I moved:

That the prayer contained in Petition No. 1 from the commercial growers of wine grapes in the electorates of Ridley and Chaffey for the appointment of a Royal Commission to inquire into the wine industry, be granted.

The debate then followed.

RESTRICTIVE TRADE PRACTICES.

The Hon. Sir THOMAS PLAYFORD: It has been reported over the radio and in the press that the Victorian Government has decided not to introduce complementary legislation to the legislation at present before the Commonwealth Parliament on restrictive trade practices. I believe that at a conference between the States it was agreed that the States would pass complementary legislation to overcome some of the difficulties that were arising out of perhaps section 92 of the Commonwealth Constitution. Can the Attorney-General say whether the Victorian Government's failure to go ahead in

this matter means that the whole plan cannot now be successfully introduced? Does it mean that complementary legislation will not be introduced in this State, or does it mean that the plan can go ahead, but with perhaps limited application?

The Hon. D. A. DUNSTAN: There has been no agreement between the States that there will be complementary legislation to the restrictive trade practices legislation now before the Commonwealth Parliament. At the last meeting of the Standing Committee of Attorneys-General, the Commonwealth Attorney-General asked for the views of the States, and the two States with Labor Governments indicated that they would co-operate. Thus, Tasmania said that it would either refer its powers to the Commonwealth or pass complementary legislation, and South Australia said that it would not refer its powers, but that it would be prepared to introduce complementary legislation provided that we could get an agreement with the Commonwealth Attorney-General as to the administration by the Commonwealth of the State's proposals, which might in some details differ from the Commonwealth proposals. The Commonwealth Attorney-General said that he thought there should be no great difficulty about it. The other States were not prepared at that stage to state their views.

The Hon. Sir Thomas Playford: Actually, no full agreement was reached?

The Hon. D. A. DUNSTAN: That is so. All the other State Attorneys said they wanted to consult their Governments further. Since then I have had no official intimation on the views of the other States, and I know of the position in Victoria only from seeing the press reports referred to by the Leader. It is not necessary for the continuation of the scheme that each State pass complementary legislation, but the scheme will not operate effectively, in those States that do not pass complementary legislation, regarding intrastate arrangements and practices, although it will operate in respect of interstate practices and arrangements. The Commonwealth Attorney-General has pointed out that the Commonwealth legislation is drafted so that it can continue even if there is no complementary State legislation, but that for it to be fully effective within the State as to the whole area of restrictive trade practices or arrangements there should be State complementary legislation.

HARBORS BOARD CHARGES.

Mr. COUMBE: Has the Minister of Marine seen the press announcement today indicating

that the South Australian Harbors Board has announced increases in various port charges, and suggesting that they will be increased by 25 per cent, which will mean an extra income of about £450,000 a year to the Government? Can the Minister say whether these new charges will apply at the Osborne gantries, particularly in respect of the handling of coal from other States and from overseas for use by the Electricity Trust and other consumers? If these increases do apply, will the cost of generating electricity in this State be increased?

The Hon. C. D. HUTCHENS: I have ascertained the variations in the price in relation to coastal, interstate and oversea coal. Under the new prices, the variations in South Australia will be from 2s. to 2s. 6d. (that is, an increase of 6d.). I hasten to add that this is below the price of every other State, except New South Wales, for coastal and interstate coal. Recently the Electricity Trust was able to enter into a contract in regard to the supply of oil for providing fuel, at which time it indicated that it would therefore be able to reduce charges, rather than increase them. I hope the comparatively small quantity of coal used for electricity will not affect the charges levied by the trust.

DERNANCOURT SCHOOL.

Mrs. BYRNE: Can the Minister of Education say when the new primary school erected in Parsons Road, Dernancourt, will be ready for occupation?

The Hon. R. R. LOVEDAY: I shall be pleased to get that information for the honourable member.

DOCTOR'S DISMISSAL.

Mr. MILLHOUSE: It has been reported to me, that until recently, and so far as I am aware up to the present, Dr. Gillis (a medical practitioner who was summarily dismissed by the Government some time ago) has continued to occupy the house in which he was living prior to his dismissal. As he has continued to live in the house up to the present, or until recently, for a long time after his dismissal, can the Premier say what steps the Government intends to take? Does it intend to let Dr. Gillis stay there indefinitely, or has it other plans?

The Hon. FRANK WALSH: I am acquainted with some of the facts associated with this matter but, as it has been mostly dealt with through the Crown Solicitor's

Department, the Attorney-General may desire to give this information to the House.

The Hon. D. A. DUNSTAN: The examination of the difficulties of this problem has proceeded for some time. It is not possible to issue ejection proceedings against the doctor because, as the law in South Australia stands, ejection proceedings do not lie in relation to Crown lands. As a consequence, the only way in which possession of the premises can be taken is under the Crown Lands Act and by the issuing of an order by the Minister of Lands. That order has been issued.

Mr. Millhouse: Today?

The Hon. D. A. DUNSTAN: Yes.

Mr. Lawn: How does he know?

The Hon. D. A. DUNSTAN: I do not know how he knows, unless the Sheriff's officer has already attended at the house, but the order has been issued. Alternative accommodation is available to Dr. Gillis and he is being informed of that fact.

The Hon. Frank Walsh: How long has it been available?

The Hon. D. A. DUNSTAN: It has been available ever since he was dismissed, and he knows that.

Mr. Millhouse: But he is still in the house?

The Hon. D. A. DUNSTAN: Yes, but he is required to leave it, and action is being taken in accordance with the Crown Lands Act to see that in due course he does. If he desires to take up the alternative accommodation available, that accommodation has been kept for him, and he may go to it.

HOUSE CONTRACT.

Mr. RYAN: A few moments ago I interviewed a person who is greatly concerned over a housing transaction. This person, after paying a deposit, obtained a purchase house from a certain building contractor on the condition that a bank loan was approved, but he has received information that the bank will not approve the loan because the couple concerned have insufficient income to meet their financial commitments. They have sought a return of the deposit from the builder and contractor, but he has informed them that he will not return the deposit. These people have informed me that they did not enter into a contract with the builder and contractor. Can the Attorney-General say whether there are any means whereby the builder can be forced to return the deposit to these people, in these circumstances, and what would be necessary to force the builder to do that?

The Hon. D. A. DUNSTAN: Without seeing whatever documents have been signed in this matter (and I imagine there was signed a contract of sale and purchase of the land at least) it is difficult for me to give an opinion. If the honourable member will let me see the documents I shall try to advise him on the best course his constituents can take.

UREA.

Mr. FREEBAIRN: As every honourable member is aware, South Australia is now suffering one of the driest seasons it has ever known, and it is likely that fodder for livestock over the summer months will be very short. One of the latest techniques is to augment dry roughage by means of a protein supplement such as urea. A constituent of mine at Tarlee has achieved some success by feeding urea in solution form to cattle and sheep. In view of the great potential benefits that this method may achieve, especially in this State, will the Minister of Agriculture ascertain whether his department has undertaken experimental work in this regard and, if it has, what results have been obtained?

The Hon. G. A. BYWATERS: Investigations into this and other methods of supplementing feed have been made, and I shall obtain the information for the honourable member.

HOUSE PAINTING.

Mr. LANGLEY: Has the Attorney-General a reply to my question concerning house-to-house canvassing for painting work, involving a firm (I think by the name of Roof-savers) and other people receiving deposits but not performing the work involved?

The Hon. D. A. DUNSTAN: I do not remember offhand whether the firm mentioned by the honourable member previously was one that had been prosecuted for failure to register a business name. If it was not, a similar name was involved. There have been several prosecutions of people of this kind for failure to register business names. However, such a prosecution does not eliminate the racket involved. I believe the only way in which we shall deal effectively with such people is under a code that will deal with door-to-door salesmen of goods and services. We have had many complaints during the life of this Parliament about rackets involving door-to-door salesmen of one kind or another, and I hope that before the end of the session we shall be able to introduce a fair trade practices code to deal with this matter, as well as with other matters.

PINE POSTS.

The Hon. G. G. PEARSON: Has the Minister of Forests a reply to the question I asked on November 2 regarding the availability of treated pine posts from the Government departmental forest at Wanilla?

The Hon. G. A. BYWATERS: The Woods and Forests Department is anxious to increase the present production of treated posts from its small plant at Wanilla but, in view of the difficult labour position that has existed at this reserve for a number of years, it does not seem that prospects are bright. It is not considered that the ruling prices being paid contribute to this situation. The present price quoted by the honourable member is not the ruling rate for cutting and barking. In fact, the current price varies from 1s. 4d. to 1s. 6d. a post, according to diameter and, in addition, the department provides the necessary tools. I have no evidence that this rate is not a fair and reasonable one.

MURRAY RIVER SALINITY.

The Hon. T. C. STOTT: When visiting my district on Tuesday, I was approached by several constituents concerned about the problem of salinity in districts along the river as far up as Lyrup and Renmark. This is rather extraordinary because this area is below the basin across the river from Loxton that previously caused some concern. Apparently what is required is a flush-out of the river from upstream sources. Will the Minister of Works inquire about the salinity of the river in the Upper Murray reaches with a view to ascertaining whether a flush-out could be made in the Upper Murray Basin to keep the salt content down?

The Hon. C. D. HUTCHENS: I think that the substance of the honourable member's question was similar to that of a question asked by the Leader of the Opposition yesterday, in reply to which I undertook to obtain a full report. Since then I have had a brief discussion with the Director and Engineer-in-Chief (Mr. Dridan), from which I understand that we are in real difficulties in providing for a flush-out from the upper reaches of the Murray River, because this year that area is in a similar position to other areas, as the lakes above it have not sufficient water to provide the flow necessary to flush the river. However, I do not want that information to be accepted as final. I am concerned (as I believe are all members) about this matter because it is

most important for the Murray River irrigation areas. I am having the position investigated and, although I am a little concerned about it, I hope that I shall be able to get a report offering some relief.

FLORENCE TERRACE.

Mr. MILLHOUSE: This morning I was telephoned by a constituent of mine who lives in Florence Terrace, Belair. He was agitated because he heard yesterday that at a meeting in the district (he could not tell me where it was but he thinks it was held on Tuesday evening) discussions took place about the plans of the Highways Department for the eventual widening of Florence Terrace as part of the general road-widening programme to provide (and I deduce this from questions I have asked this session) for part of the main road to go along the western side of National Park. This would mean that people living in Florence Terrace would lose a substantial part of their block frontages for the road widening. One of my constituent's neighbours yesterday approached the Highways Department, and the officers to whom he spoke, although non-committal, suggested that people in the district should keep in constant touch with developments as this was a long-range project. To those living in the street this is disturbing and unsatisfactory because they do not know whether they will lose their block frontages now or in 10 years' time, or when they will lose them. Will the Minister of Education ask the Minister of Roads for as definite information as possible on the subject so that all concerned will know as nearly as possible where they stand?

The Hon. R. R. LOVEDAY: Yes.

HANNAFORD ROAD.

Mr. MILLHOUSE: A constituent of mine living in Hannaford Road, Blackwood, has been in touch with me and has handed me correspondence that she has had with the Mitcham council about the danger to children caused by traffic in Hannaford Road. She says that she has lost the original letter but that it outlined the dangers of this road, which has no footpaths and many curves, and asked whether, at the expense of the local residents, a warning notice to motorists about the children could be erected at two points along the road. The council told her, quite properly, that this was a matter for the Road Traffic Board, and that it would raise it with the board. That took place on June 9, and apparently the board did not answer the coun-

cil's letter. At her request, the council followed up the matter with the board and received an answer last month. This letter, dated November 1 and addressed to the Town Clerk, states:

In reply to your letter of June 9 regarding the erection of warning signs on Hannaford Road, Blackwood, I desire to advise that following an on-site inspection by an officer of the board, together with your Mr. Burford, it is felt that the situation, outlined in Mrs. Lillington's letter, could occur at a number of locations along Hannaford Road and that no useful purpose would be gained by erecting warning signs at any one particular location.

In other words, this is taken by my constituent to mean that the road is so dangerous along its whole length that it is no good doing anything. This opinion does not appeal to her, as the mother of young children, especially as she and her neighbours required permission only to do something at their own expense. In view of this, will the Minister of Education take this matter up, too, and ask his colleague personally to investigate it to see whether something cannot be done, at some spots anyway, along Hannaford Road to erect warning signs for the protection of children?

The Hon. R. R. LOVEDAY: Yes.

FLINDERS UNIVERSITY.

Mr. MILLHOUSE: My question refers to the announcement in the *Advertiser* this morning, I think on page 1, that the university at Bedford Park is to be an autonomous institution, separate from the University of Adelaide. With that, if I may say so, I entirely and respectfully agree. However, the announcement goes on to say that the Government has decided to name it the Flinders University of South Australia. This, too, is a good name, I guess, although other names might be suggested. However, what does surprise me is that in the Platform of the Australian Labor Party appears the following—

The Hon. D. A. Dunstan: You haven't got the amended version!

Mr. MILLHOUSE: I have not got to the question yet, and the Attorney-General does not know what I am going to ask. As I was saying, the Platform of the A.L.P. states:

A second university institution to open at Bedford Park in 1966, to be set up as a separate university known as The University of South Australia, with special provision, etc.

Mr. Hudson: You are out of date.

The SPEAKER: Order! Interjections are out of order when questions are being asked. There must be no debate. The honourable member for Mitcham will ask his question,

Mr. MILLHOUSE: Yes, Mr. Speaker. Has the policy of the A.L.P. regarding this matter been changed, and, if it has, has it been changed as a result of the application of the honourable member for Glenelg. If it has been changed for that reason, why was the name "Flinders" chosen and not the name "Kingston", which the honourable member advocated in this House?

The Hon. FRANK WALSH: The rule book the honourable member quoted from may be a little out of date because of the printing costs involved.

Mr. Millhouse: I paid for it.

The Hon. FRANK WALSH: I am not concerned whether the honourable member paid for his book or whether it was given to him. It is not the responsibility of the Premier of this State to arrange for any amendments of the rules from time to time to be incorporated in the rule book. However, it is the responsibility of the Premier on a matter such as this to be guided by the recommendation of the Minister of Education regarding the university that we expect to be opened early next year, to be known as the Flinders University of South Australia. What has been recommended is in keeping with the policy of the A.L.P. in this State.

ROYAL COMMISSION.

The Hon. D. N. BROOKMAN: Although it seems that the prospects for the 1966 vintage are sound, it would be of interest to members of this House to know when the report of the Royal Commission into the Grapegrowing Industry will be brought down, and particularly whether it will be available in time for it to be discussed in this House before the 1966 vintage.

The Hon. FRANK WALSH: Late last week or early this week I asked the chairman whether he could give me a report setting out prospects for the 1966 vintage generally, and he replied that he hoped some information could be given me some time in December, although I do not know whether he meant early in December or later. I have been in touch with the chairman from time to time to ascertain whether the proceedings of the Commission could be expedited in any way. However, his reply each time has been that, because of the volume of evidence submitted and the visits that have to be made to various centres, the proceedings are taking considerably longer than he originally expected. He also indicated that it had developed into a major inquiry.

Mr. Quirke: Better let it go that way, too.

The Hon. FRANK WALSH: If I am unable to get a report before the House adjourns, I will take steps, in the interests of the public, to give the widest possible publicity to any information that may come to me later.

COMMONWEALTH PARLIAMENTARY ASSOCIATION.

The Hon. Sir THOMAS PLAYFORD: The member for Gawler (Mr. Clark) is the delegate from South Australia to the Commonwealth Parliamentary Conference in New Zealand and, on behalf of members of the Opposition Party, I express to him best wishes. I am certain he will represent this Parliament effectively and with dignity. We realize that he goes to the conference at a difficult time, but I assure him that he goes with the goodwill of all members of the House, and particularly of Opposition members.

COMPANIES ACT AMENDMENT BILL.

Returned from the Legislative Council without amendment.

CONSTITUTION ACT AMENDMENT BILL (SALARIES).

Adjourned debate on second reading.

(Continued from November 4. Page 2609.)

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): This Bill makes a small adjustment to the salaries paid to members of the Joint Committee on Subordinate Legislation, and we on this side of the House offer no opposition to it.

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

SUCCESSION DUTIES ACT AMENDMENT BILL (RATES).

Adjourned debate on second reading.

(Continued from November 10. Page 2734.)

Mr. FREEBAIRN (Light): I support my Leader, and oppose this legislation. It is different in content from the impression some of us were given when we were present in the Westbourne Park Memorial Hall earlier this year and heard the then Leader deliver his policy speech. On that occasion he said:

Our policy on succession duties provides an exemption of £6,000 for the estates inherited by widows and children. It also provides that a primary producer will be able to inherit a living area without the payment of any succession duties, but a much greater rate of tax

will be imposed on very large estates. This will be more in keeping with that which is in operation in other States.

This is the promise the then Leader gave to the public, but it is a promise that the new Treasurer does not seem to be keeping.

The Hon. D. A. Dunstan: Do you say there are no concessions for primary producers?

Mr. FREEBAIRN: If the Attorney-General would bear with me—

Mr. Millhouse: He is not feeling well today.

Mr. FREEBAIRN: He is having a bad time. In his second reading explanation the Treasurer said:

Secondly, it increases the rebate of duty in respect of land which is used for primary production and which passes to a near relative, so that an amount of £5,000 in a particular estate is entirely freed from duty . . .

The Hon. G. G. Pearson: Magnificent!

Mr. FREEBAIRN: Yes it is.

The Hon. D. A. Dunstan: It is better than you did.

Mr. FREEBAIRN: I am interested in knowing what members of the Labor Party think should be the size of the farm living area. I am sure no member would maintain that a farm of the value of £5,000 could possibly be a living area.

Mr. Quirke: It may buy the shearing shed.

Mr. FREEBAIRN: It may, and that sum may buy a couple of holding paddocks as well. The same economist for the Australian Labor Party, the member for Glenelg, made some revealing remarks earlier this session when speaking in the Budget debate.

Mr. Millhouse: He revealed so much!

Mr. FREEBAIRN: He did. During the Budget debate the following exchange took place:

Mr. Hall: What amount would you say a small primary producer would need to have invested in order to gain a livelihood?

Mr. HUDSON: Do you mean what is his net investment, free of encumbrances?

Mr. Hall: What would be his capital outlay in order to gain an income?

Mr. HUDSON: It has to be net. I think it would be about £20,000.

Mr. Hall: He would not get far on that.

Mr. HUDSON: I said "net".

Nowhere in his Budget speech did the member for Glenelg define precisely what he meant by "net".

Mr. Hudson: I thought it would be obvious.

Mr. FREEBAIRN: I know that the member for Albert has been seeking for several years to find out what the Australian Labor Party considers a living area would be, and I know

he has been trying for several weeks to find out the meaning of "net" in this context.

Mr. Hudson: It is perfectly simple. Do you want to know?

Mr. FREEBAIRN: I hope the member for Glenelg will explain what he means.

Mr. Hudson: I will tell you now if you like. Do you want to know?

Mr. FREEBAIRN: Yes I do.

Mr. Hudson: Well, listen to me now.

Mr. FREEBAIRN: The honourable member can tell me when he speaks later in this debate. I know he will be keen to expound his views and theories as they apply to South Australia, and in particular to the man on the land.

The Hon. G. G. Pearson: I hope he will tell us how to get a living from £5,000 worth, because I would like to know.

Mr. FREEBAIRN: The member for Glenelg quoted a figure of £20,000. I think he was ready with this figure, or else we dragged it out of him. As I interpret this legislation, if a beneficiary wished to enjoy a farm worth £20,000 he would have to inherit one worth over £25,000, to allow £5,000 for State and Commonwealth duty, for the privilege of having an area of land large enough from which to earn a modest living. That is not realistic in the terms of assurance that the then Leader gave before the election when he said that he would legislate to provide for a living area to be inherited free of succession duty. It is worth considering the duties to be paid on an estate of £25,000, and to consider the extent of the beneficiary's enforced generosity to the Treasury in respect of a living area. I notice that in section (b) of the tables the rate of duty on an estate in excess of £20,000 is £2,800, plus 20 per cent of the excess over that £20,000, which means that £3,800 in succession duty would have to be paid before the estate would become his own property. In addition, the Commonwealth duty at the rate of 6 per cent means that a further £1,500 goes to the Commonwealth Treasurer, before that farmer can obtain his living area of land.

The present succession duty is £3,200, less the three-tenths provided by the previous Government to render the incidence of succession duty less onerous in respect of land used for primary production. Under the Bill, however, the primary producer's concession will be completely abandoned which will mean that regardless of how much agricultural land will increase in value (and I do not think any genuine farmer wishes land values to rise unreasonably) no allowance will be made for that factor. The figure of £20,000 used

so freely by the member for Glenelg (Mr. Hudson) is a little unrealistic, when we remember the cost of establishing a soldier settler in the South-East which, even at the most favourable time, amounted to about £27,000. I believe the capital cost of establishing a settler under the Australian Mutual Provident Society's scheme at Keith amounted to about £28,000. We must remember that these two schemes were undertaken with the aid of every known scientific and technological development, as well as with the most modern machinery that could be obtained.

I am sure that the Australian Labor Party has no idea of the real dimension of a block of land that a man would require to gain an adequate living. I cannot stress too greatly the importance of considering the incidence of death duties on rural land. The member for Albert (Mr. Nankivell) yesterday went into the various charges in detail, and he is to be congratulated on the homework he has done. Unlike the member for Glenelg, the member for Albert is a practical economist, as well as an agricultural scientist, on whose statements we should therefore place much weight. I oppose the Bill.

Mr. QUIRKE (Burra): It is easy for me to address myself to this matter, because I always have opposed and always will oppose succession duties in any shape or form. The only time I have given a vote in favour of succession duties was when a measure was before the House to reduce them. In one of the Middle East countries a spirit known as a ghoulish is said to exist, which is a predator on dead bodies. Whilst succession duties are not quite doing that, they are destroying the right of succession of people that follow a man who is dead. It is one of the most vicious and devastating forms of taxation that exists. We know that taxation is necessary, right, and proper. People are expected to contribute according to their income for the well-being of the country that they hold as their mother land. Whilst they are alive they carry out that duty and pay taxation, as well as indirect taxation in many other ways. If they are smokers or enjoy a glass of beer they are heavily taxed. More than 50 per cent of the price of many commodities is extracted from them, not very willingly on their part, of course, but nevertheless with some degree of resignation.

Mr. Coumbe: You've got no choice!

Mr. QUIRKE: At least people have the right to voice a protest when they are alive, for when they are dead they have no voice.

A man rears and educates his family and provides, as far as he can, for what will happen after his death, for nobody knows when the dread hand will rest upon his shoulder. If he is worth his salt, every man, from the time he is married and starts to rear a family, commences to prepare for the security of his wife and children, so that if he is suddenly taken from them, at least he has done his best to see that they do not suffer privation and misery consequential on his early death. Some people can do this in a small way; some do it in a substantial fashion. However, in comes the ghoul and says, "Notwithstanding the fact that you have paid your taxes, now that you are dead I am going to extract from you that which made provision for your family and your descendants." This form of taxation is as ancient as civilization, but that does not remove from it the stigma of a rapacity that cannot be sustained and in support of which there is no argument.

It is not within the capacity of the ordinary untrained layman to adjudicate exactly on what will be the results of any particular increase, decrease or proposal in relation to succession duties; that is a specialist's job. However, a specialized job of extracting from the middle-class families has been done. Of course, middle-class persons are anathema to the Labor Party. Every attack made by that Party is made on people who have tried to get out of the rut.

Mr. Hall: It is bad to try any more!

Mr. QUIRKE: People may try to lift themselves out of the rut but the norm of the socialistic mind is to put all on the same level. Of course, I do not say that members of that Party are the only ones who have tried this idea, but they are certainly bringing it forward on this occasion. An effort was made previously to alleviate the position for many people.

The Hon. R. R. Loveday: You are loading your statements, too, aren't you?

Mr. QUIRKE: No. I have been accused of engaging in histrionics, of making loaded statements, and so on. Well, if I am doing that, why does not somebody reply to me? I have trailed my coat in this House for years but no-one has yet done anything except by way of interjection, to try to refute what I have said. I trail my coat again on this occasion and honourable members will have the opportunity to try to prove that I am incorrect. If they take that opportunity, I shall welcome the change from the accepted procedure of saying nothing at all.

Although I do not like using the word "stupid", this idea of a living area that is allowed to a primary producer is stupid. I do not know what a living area is, nor do I think anyone can tell me, because the variation is so great. In the Murray Mallee, 10,000 acres may be a living area; in the eastern or western suburbs, 20 acres of celery-growing land may also be a living area. What is £5,000 today? It is the price of a Housing Trust house. What can a man earn from such an investment in land?

Mr. Freebairn: In addition to having an investment in the land, a man must have a house in which to live.

Mr. QUIRKE: Even if the total value, including the value of the house, is £20,000, that is only £20 a week at 5 per cent on a net basis.

The Hon. D. A. Dunstan: Don't you want the primary producer to have substantial remissions? These are much better than you have ever given them!

Mr. QUIRKE: We shall await the proof. The Government has certainly given no indication of it yet. We have all the evidence necessary to refute anything that honourable members opposite can put forward. Isn't it extraordinary—

The Hon. D. A. Dunstan: Extraordinary humility!

Mr. QUIRKE: I am not being humble at all about this—

The Hon. D. A. Dunstan: I'm well aware of that.

Mr. QUIRKE: —but I am not as arrogant as the honourable and learned Attorney-General. I concede that he is a learned man as far as law is concerned but he would not get any title for his knowledge of practical things. When honourable members laugh, they remind me of Goldsmith's *The Deserted Village*. We used to paraphrase a couple of lines in this way:

The dogs bark floating down the wind,
The loud laugh that betrays the vacant mind.

There is almost a vacuum here on many subjects that are brought before the House, because the only attitude that honourable members opposite can adopt is a laughing one. I want to see them get into these debates. They have a majority and, because they are in Government, they seem to be almost completely absolved from the need to say anything, apart from what Ministers say when they introduce measures.

The whole subject of succession duties is abhorrent to me. No one has given a tangible reason why it is just and proper to exact tribute in the form of succession duties, death duties and so on. This is a pulling down process: nothing is built up. The right of succession is destroyed in some measure and this is particularly dangerous in country areas. That right does not matter much in the city, because anyone living there loses his identity in three generations, anyway. The Labor Party wants to bring everybody down to clogs. I shall not argue what this does; the Leader has brought one case forward, the Government has said it has an answer and that the Leader is wrong, and other members are prepared to substantiate what the Leader has said. I listened to the so-called attempt to refute what the Leader said, and I know that other members on this side have had first-hand experience of the type of thing he has mentioned and know people who can make a first-class analysis. They say the measure will be particularly detrimental and devastating to what are known as middle-class estates. These estates are far different now from what they were 20 or 30 years ago, as £10,000 worth of property now can only be a house—and not a mansion, either. One cannot get very much land in a good area for £20,000. These people are now the middle-class people, and whatever powers of analysis I have indicate to me that they are the people who will suffer most from this legislation, as most of the money will come from them.

Certainly, the tall poppies will pay, but most of the money will come from people who by no stretch of the imagination can be classed as wealthy. They are ordinary people, the backbone of the nation; they maintain the conditions that we have and the very life-blood that courses through the veins of this country. When things go bad and nature sends her afflictions, these are the people who are affected most. The return of grain alone this year will be £15,000,000 to £20,000,000 less than last year, and the impact of that on this State will be terrific. I do not blame the Government for that, although the Government would like to blame the Opposition for many things; I sincerely sympathize with any Government that has to run a country suffering from the impact of drought. This country is suffering from that impact, and it will be found to be very severe. This State will be deprived of at least £15,000,000 in purchasing power, and this will be felt throughout the city and the

whole State. However, those who derive their living from the land will suffer most. These are the people who, after doing their job and working with and against the forces of nature, will receive as thanks legislation that will make it difficult for their families to follow in their footsteps. That is always the effect of succession duties. I detest the very name, and I think the country does itself harm now and in perpetuity if it persists, instead of having a decent financial order of things, in extracting from the dead that which it should have had the courage to obtain by other means. I oppose the second reading.

Mr. HEASLIP (Rocky River): I strongly oppose the Bill. The objections of the Opposition have been so well explained by the Leader, the member for Torrens (Mr. Coumbe) and the member for Albert (Mr. Nankivell) that I do not want to go over the same ground again. However, I shall express my opposition in a slightly different way. One of my main reasons for opposing this measure is that it strikes at the very fundamentals of family life. We come into this world, marry, raise a family and save for our children to give them a chance in life, but this Bill will take away all incentive to save. Will parents make sacrifices for the sake of their children if they will not be able to pass on what they save? They will not, and this is a tragedy, as it will destroy the very way of life that we have been brought up to expect. Unfortunately, some people do not realize that they have a responsibility to their children, but many do, and they will be deprived of their right to give to their children the things they deserve.

I believe it is the policy of the Labor Party to take from those who have and give it to those who have not, but do members opposite understand where this must eventually finish? The Russian people are extreme socialists, but they have come to realize that capitalism is the only way. They abandoned the previous policy that they thought was so good, and if it is in power long enough this Government will realize just where this policy will get it. This measure takes away from those who have to give to those who have not, and many people have not because they have not tried to save. More money will be given to them to spend, which is what they have been doing with their money in the past. After a few years the people will be levelled so that there will be nobody who has anything and there will therefore be nobody to take anything from. That is what will happen under the socialistic policy the

Labor Party is so keen to put into operation; it will destroy all incentive to save.

Since a report of the Treasurer's second reading explanation appeared in the *Advertiser* I have met many people who have said, "I was saving to give my children something, but now I am going around the world again. I am going to spend my money while I still have it." These people have lost all incentive to save. They will spend money as it comes. So eventually, under this policy, no-one will have anything. That is the policy of the Labor Party: to get everyone down to the same level—all peasant farmers, all peasant people. What will happen to our industries; who will find the money to carry them on? Who will employ people in those industries if money is to be taken from them? This is evidently the aim and policy of the Labor Government.

I go from there to the Labor Party's policy speech. I hope that honourable members will forgive my repeating these words, but these points have to be emphasized. These are concrete facts, not fancy; they are here in black and white, given by the Treasurer. He said:

Our policy on succession duties provides an exemption of £6,000 for the estates inherited by widows and children. It also provides that a primary producer will be able to inherit a living area without the payment of any succession duties, but a much greater rate of tax will be imposed on very large estates.

I emphasize the words "a primary producer will be able to inherit a living area without the payment of any succession duties". I have nothing to say at the moment about the larger estates.

Mr. Freebairn: I think the member for Frome (Mr. Casey) is worried about the duty on the bigger estates.

Mr. HEASLIP: He will be hit to leg, as many other people in the country will be. I do not say that the member for Frome is one of the biggest owners but he has a worthwhile estate of the type that is important to South Australia. The very backbone of this State are the people who save and accumulate sufficient money to be able to look after themselves and provide for their families.

Mr. Freebairn: The member for Frome is an example for the Labor Party.

Mr. HEASLIP: Like thousands of others, he is essential to South Australia or any other country. His Party says that he "will be

able to inherit a living area without the payment of any succession duties". The honourable member knows something about this—probably as much as I do.

Mr. Clark: Let us hope he does.

Mr. HEASLIP: He knows he does, because he is from the country.

Mr. Casey: And he is proud that he comes from the country.

Mr. HEASLIP: Exactly. Always be proud—never be ashamed of it. We may work 16 hours a day but we earn everything we get. The member for Frome has had the opportunity of inheriting some of the wealth that his parents were able to leave to him but, under this policy, he will not be able to leave to his children the money he is earning and is entitled to leave to them. That is where this Bill breaks down the fundamentals of family life. We bring children into the world, spend money on educating them and hope to leave them something when we depart from this world; but the Labor Government will not afford people that opportunity, under this Bill.

I have quoted what the then Leader said before he became Treasurer. In the second reading explanation of this Bill we got some more words of wisdom from him, still relating to the man on the land, the primary producer, the backbone of the country, the man without whom South Australia could not flourish. He said:

The new provisions mean that a widow succeeding to a primary-producing property with a net value of £11,000 will pay no duty, whereas at present she would pay £682 10s., and she will pay less than at present if succeeding to primary-producing property with a net value below about £23,000.

That part of the second reading explanation has been well dealt with by the Leader. He confounded that statement—but I do not intend to go over it again. The Treasurer continued:

A son succeeding to primary-producing property with a net value of £8,000 will, under the new proposals, pay no duty instead of £525 at present, and he will pay less than at present if succeeding to primary-producing property with a net value below about £17,500.

We have to be realistic about primary producers and these "living areas". We have had some words of wisdom, too, from the member for Glenelg (Mr. Hudson) about what is a "living area". I do not know where he got his information. It may have been from the same source that he got his land valuations, but those people are not authorities. They have not lived on the land and have not had to make their living off the land. When the

honourable member gives the figure of £20,000 as being sufficient for a farm—

Mr. Hudson: Is the honourable member going to misquote me, too?

Mr. HEASLIP: I am sorry if I do.

Mr. Hudson: I used the word "net". If the honourable member for Light (Mr. Freebairn) does not want to know what the word "net" means, I hope you do.

Mr. HEASLIP: I think I am sufficiently educated to know what that word means, although I have not had the advantage of a university education. I think I know the difference between "net" and "gross".

Mr. Hudson: I said, "£20,000 net".

Mr. HEASLIP: I am talking net.

Mr. Jennings: You are talking rot at the moment.

Mr. HEASLIP: I would not know whether it was rot or not but I do know what I am talking about—the primary producer—and I do know that, when the member for Glenelg says that £20,000 is sufficient—

Mr. Hudson: Net.

Mr. HEASLIP: —to buy a living area, he does not know what he is talking about.

Mr. Freebairn: He will tell us all about it when he speaks on this Bill.

Mr. HEASLIP: He interjects but does not speak to the Bill. We have not had one speech on this Bill from the Government side. Evidently, members opposite cannot refute what has been said by us on this side.

Mr. Jennings: There is nothing to refute.

Mr. HEASLIP: Evidently not, because members opposite have no argument against what we say. The member for Glenelg said that £20,000 would be sufficient to buy a living area.

Mr. Hudson: This would imply that the value of the property would be well in excess of £20,000 net.

Mr. HEASLIP: Here are the words of the honourable member, as reported in *Hansard*. The member for Gouger said:

What would be his capital outlay in order to gain an income?

That is what I am talking about—capital outlay. The reply from the member for Glenelg was:

It has to be net.

What he means by that I do not know. "Capital" is "capital", and "net" is a different thing altogether. I do know the difference between "net" and "capital".

Mr. Hudson: How many primary producers does the honourable member know without any indebtedness at all?

Mr. HEASLIP: I do not know any. The honourable member was asked by the member for Gouger what capital a person had to have to buy a living area, and he replied that it had to be net. I may be dumb, but I do not know what that means. He then said that he thought it would have to be about £20,000. This is a matter of the capital required for a living area and the member for Glenelg said that £20,000 was sufficient. When he said that he did not know what he was talking about.

Mr. Hudson: You don't know what you are talking about.

Mr. HEASLIP: I have been on the land 50 years; I know what I have invested in the land and what I have got out of it; and I know how much capital it took.

Mr. Hudson: If a person had £20,000, are you denying that he could not set himself up on the land at all?

Mr. HEASLIP: I am saying that if I had only £20,000 capital to invest in a property I would go broke.

Mr. Hudson: Independently of being able to borrow on top of that.

Mr. HEASLIP: Exactly; that is the point, because the return a primary producer gets on money borrowed is not sufficient to repay the interest on the amount he has borrowed. A primary producer cannot return 7 per cent on his capital investment. One needs only to look at statistics to find that this is the position. The net return from capital invested in primary production today is 3½ per cent to 4 per cent and money cannot be borrowed under 6 per cent. Therefore, if a man does not have sufficient capital and has to borrow he will be worse off than he was before.

Mr. Casey: I do not think that is true. People have come before the Land Settlement Committee who have made a go of it.

Mr. HEASLIP: That may be so but the general rule can be seen from statistics.

Mr. Hudson: That is not making any allowance for the return received by a person who goes into primary production.

Mr. HEASLIP: I think that the member for Glenelg should stand up and tell us about this. He could tell we people from the land what we should do.

Mr. Hudson: I have not told you what to do.

Mr. HEASLIP: The member for Glenelg makes many interjections but only a few speeches.

Mr. Hudson: I interjected only because the honourable member was continuing to misquote me.

The ACTING SPEAKER (Mr. Lawn): Order!

Mr. HEASLIP: Thank you, Mr. Acting Speaker. The member for Glenelg said that £20,000 capital was sufficient for a person to make a living on the land. I will talk about land about which I know something—land in my area. In my area land is worth about £30 an acre and, for £20,000 outlay, 650 acres could be purchased. If the member for Glenelg had lived long enough he would know what people went through in country areas during the period when farms were too small. Farms had to be aggregated to enable farmers to make a living from them. If the honourable member had seen these small farms he would know that 600 acres is insufficient for a person to make a living. On farms of that size the land would wear out and we would get back to the erosion that we had in the 1930's. Instead of farming land this is mining it—all that is put into the land is being taken out plus 50 per cent or 100 per cent more. This causes erosion and the loss of land that has been handed down from one generation to another. If that is the way the member for Glenelg thinks that farming should be carried on then he has a very short idea of economics. Land should be handed down from one generation to another and each generation should leave it equally as good as, if not better than, it was when they took it over. If land is mined instead of farmed it will become eroded and nothing can be grown on it. A farmer could not make a living off 600 acres in my area. The member for Glenelg does not realize that land without plant is useless. The honourable member said that £20,000 was sufficient.

Mr. Hudson: Do you mean to say that nobody borrows at all?

Mr. HEASLIP: In addition to the £20,000 another £10,000 must be spent for plant and very little plant to work the 600 acres could be purchased for £10,000. Therefore, we are up to £30,000. The Treasurer has said that estates of £30,000 will be exempt from succession duties. However, they will not be exempt and, under the provision of the Bill, people inheriting them will have to pay more than they have ever paid before. In his second reading explanation the Treasurer gave a list of percentages that was supposed to show that South Australia had a much lower percentage than any of the other States. However, it is not lower in estates under £40,000, and it is these estates that will pay most of the succession duties. These are estates of people who, in the past, were encouraged to work and save

for their children. This Socialistic Government is going to not only take from those who have and give to those who have not but also take from these important people with small estates and give to those who have nothing. It is going to rob the very people whom it is supposed to support, and these people are the backbone of the country.

Evidently the Government does not realize that South Australia has been built up on its proud record of having the largest savings in banks and the greatest number of houses owned by individuals in the Commonwealth. In this State there has always been an incentive to save and to put aside. Socialistic policy may be all right in England where tenement housing is popular and where people do not own their own houses, and it may be all right in more industrialized States. However, this Government will take away from the people it is supposed to help. I believe these people are capitalists because they own houses, have money in the bank and have investments. The Government will take away the incentive for these people to continue saving as they have in the past, and South Australia has been built up by people saving and by efficiency. The Government will destroy the desire to save. In no shape or form can I support a Bill along these lines, although it will not affect me or my children in the least because I have passed on to my children all I own, and I did this more than three years ago.

Mr. Shannon: You'd better watch out; they might make it 10 years.

Mr. HEASLIP: I did it even before that. The Bill would affect the very people in this State that we cannot do without, for it would discourage them and destroy their incentive and I would not support anything that did that.

Mr. HUDSON secured the adjournment of the debate.

STAMP DUTIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 2736.)

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): Before I say which provisions I consider should be eliminated, I should like to deal with clause 9, on which we need much more information than we have been privileged to receive. That clause seeks to insert new section 60a (1), as follows:

Subject to the provisions of this section, any instrument whereby property is conveyed or transferred to any person in contemplation of a sale of that property shall be deemed to be a conveyance on sale of that property for

a consideration equal to the consideration for the contemplated sale or the value of that property whichever is the greater.

Later, it says that if the sale does not take place the duty shall be refunded. I would have thought that the stamp duty would apply to an agreement that is actually arrived at.

Mr. Shannon: An enforceable one, not a contemplated one.

The Hon. Sir THOMAS PLAYFORD: Yes. I do not know whether the Government is trying to get next year's revenue this year. The Treasurer, in introducing the Bill, did not indicate why this provision was necessary, or what its merits were, and unless I can get some satisfactory answer I intend to try to have clause 9 deleted, because in my opinion it is completely undesirable and, indeed, against the general principles of the stamp duties legislation.

Clause 13 contains the provisions about which I complained earlier. As I said, often a person does not want a receipt, and in many instances receipts are not given. Nevertheless, under these provisions a receipt has to be made out and a stamp has to be put on it. The interesting thing is that the person who receives the money gives the receipt to himself. Have honourable members ever heard of such ridiculous rot in all their lives? A trader produces a receipt which is not wanted by the person who has paid the account, so the trader must stamp the receipt and give it to himself. Not only does he have to do that, but he has to keep it in safe custody for two years. This is supposed to be intelligent legislation! The member for Glenelg usually doubts what I say, so I will read the clause to him and invite him to put any other interpretation upon it if he can do so. This is the most remarkable clause I have ever seen in any Bill. It states:

Where a receipt has not been requested a receipt shall be deemed to have been given for the purpose of this section if a receipt is made out and duly stamped notwithstanding that the receipt is not sent or delivered to any person.

This is a receipt that is not sent or given to any person! The clause goes on to make it clear that this valuable document (which is not wanted by anybody except the revenue-hungry Treasurer) has to be retained for two years. It states:

Where a receipt is made out and duly stamped but not sent or delivered to the person who has made the payment, the person making out the receipt shall retain possession of that receipt for at least two years after the receipt has been made out.

Then we have an important proviso, as follows:

Provided that this subsection shall not apply where a receipt for an amount of money paid by cheque is made out on such cheque.

I have been here a long time (I suppose the Attorney-General would say I had been here too long) but I have never yet seen such a ridiculous provision as that one. What is the purpose of it? I say its sole purpose is to try to extract more taxation from the people of South Australia in order to boost up the extravagant expenditure that we see almost daily. One other provision relates to the Attorney-General himself, although in his less dignified capacity as Minister of Aboriginal Affairs. This provision is not explained, either. The Bill merely states that hire-purchase agreements made or entered into by the Minister of Aboriginal Affairs are exempt. He is exempt, but no other Minister is exempt. For some reason or another the Minister of Aboriginal Affairs is exempt when he enters into a hire-purchase agreement.

The Hon. D. A. Dunstan: What other Ministers enter into any?

The Hon. Sir THOMAS PLAYFORD: I was about to come to that. How often and for what purpose does the Minister of Aboriginal Affairs do it?

The Hon. D. A. Dunstan: We advance moneys continually to Aboriginal people for the purchase of furniture, and that is why we must have this provision.

The Hon. Sir THOMAS PLAYFORD: In that instance, then surely it is not the Minister of Aboriginal Affairs who gives the receipt but the person who gets the goods and who has to pay for them. The Minister of Aboriginal Affairs is not giving the receipt but is providing the money. If the purchase is made by hire-purchase, will this exempt the Minister?

The Hon. D. A. Dunstan: I shall explain it to you later. You obviously need an explanation.

The Hon. Sir THOMAS PLAYFORD: That is the best news we have had for the week. It is a bright moment in an otherwise dull week.

The Hon. D. A. Dunstan: I have been having an entertaining time with all this buffoonery.

The Hon. Sir THOMAS PLAYFORD: I believe clause 13 is unnecessary, and has been placed in the Bill to try to extract additional revenue from the public. The effect of this clause is that the public will pay about four times as much in taxation as they did previously by having to give a receipt, post it and do the other things associated with this. I do not like increased duties as introduced in other sections of the Bill, but this clause has been

introduced for the purpose of inconveniencing the public and to extract revenue from receipts that are not required. The Opposition will do its utmost to defeat this provision, because it is bad, not in the interests of South Australia, and is the type of legislation which, if freely indulged in in this State, will make South Australia unpopular with industry and commerce. I shall not vote against the second reading, but if the compulsory receipt aspect is not amended, I assure members there will be further debate after the Committee stage.

Mr. COUMBE (Torrens): I protest against certain aspects of this Bill, which is another revenue-raising measure. The Government has introduced endless taxing Bills, and we are entitled to know how much farther the Government intends to go in this regard, and when it will call a halt to further imposts on the unsuspecting public. If we consider the Bills that have been introduced, we find tax after tax has been imposed and charge after charge increased. People are realizing that taxes are being severely increased. This Bill contains two major categories: the first deals with doubling the duty payable on cheques, and the second is the compulsory issuing of receipts with duty stamp attached. With respect to the first point, the cost of the present duty stamp on a cheque is 3d., but this is to be doubled to 6d., or 5c. This will provide an increase of £500,000 revenue to the Government in a full year, but only those people who use cheque books will pay this increase.

In the main, this additional impost will affect the commercial, industrial, and mercantile sections of the community, but in recent years, with different standards of living, the trend has been for workers and housewives to open and use cheque accounts to pay domestic bills. This practice has been accelerated because of the facilities now available through the Savings Bank of South Australia, and with trading banks opening savings bank sections, in addition to there being more branches of the trading banks and the Commonwealth Bank in the suburbs and country areas. More people are using cheque accounts, but they are mainly people with modest incomes. This impost will affect many people in the community: not only the person handling large sums but also those with a modest income. To pay an average household account, the cost will be 6d. for a cheque, 5d. for a postage stamp, and perhaps 1d. for the paper and envelope, a total of 1s. The traders will be forced to return a receipt at a cost of 5d. for the postage stamp, plus the cost of paper and envelope, and the duty stamp.

Mr. Casey: What does it cost today?

Mr. CUMBE: It is 3d. less, in addition to the saving on the duty stamp, as they are not often issued. This is an example of the increased costs so common today, and as more and more people are affected the increased charges will be passed on to the consumer. The Bill provides that, on purchases of over £5, receipts shall be issued with duty stamps placed thereon. We all know that the present procedure is that a 2d. duty stamp may be placed on a receipt for a sum over £2, but this is rarely observed. This is a flat rate, but—

Mr. Hudson: There is a fair amount of evasion going on at present.

Mr. CUMBE: I said it was rarely used.

Mr. Hudson: It should be used.

Mr. Heaslip: There's nothing illegal about it.

Mr. CUMBE: Pursuant to the Bill, a 2c duty stamp will apply after February 14 to any sum over £5, and will increase as the sum increases. No choice is given; a duty stamp must be affixed to the receipt, whether one is asked for or not. Having perused the Treasurer's second reading explanation, I came across this priceless gem:

It is expected that the extended list of receipts exempt from duty will almost cancel out the increases in duty, leaving possibly a small net over-all increase.

If that is to be the case, why go to all this trouble?

Mr. Curren: What are you complaining about?

Mr. CUMBE: Because the Bill is so silly!

Mr. Nankivell: It's another form of "co-ordination" isn't it?

Mr. CUMBE: More like regimentation! This procedure will cause no end of extra work and confusion to the public.

Mr. Shannon: Why should we have to keep in our own drawer for two years a receipt that we have written out?

Mr. CUMBE: I doubt if anyone knows the answer to that. It is utter humbug, and it will not bring in the slightest amount of revenue. It is quite impossible to assess how much this provision will cost the business community, let alone the public generally. I have heard estimates of several hundreds of thousands of pounds a year in relation to the business community as a whole. Some business houses undertake many cash transactions and business dealings, and this will be a heavy impost on them, which will tend to lower their efficiency, whereas others may get off more lightly. I am sure that many will wonder whether ways and means exist of avoiding the implications of the

Bill (and I do not use the word "evading"). Additional cost will be involved not only in duty stamps and postage but in the extra time taken by clerks in the offices concerned.

Mrs. Steele: I think the Postmaster-General's Department will be happy about it.

Mr. CUMBE: The P.M.G. will undoubtedly benefit, but this Government will not. As all purchases over £5 will require a receipt and duty stamp whether we desire it or not, I suppose this will force many people to use charge accounts, because of the nuisance that would otherwise occur, and because of the extra impost in respect of their cheque accounts. Another interesting feature of the Bill is that it relates also to cash dockets. Often, a person doing his weekend shopping at a supermarket will pay £5 and over for the goods he purchases (especially if the weekend meat is included), and one can well imagine the queue that will be lined up waiting for the cashier to write out a receipt and to affix a duty stamp. That is just another example of the nuisance that will be created. The Leader has already shown how absolutely ridiculous and absurd are the provisions of clause 13. How on earth will it be enforced if it ever comes into operation?

Mr. Nankivell: By inspectors you will have to pay!

Mr. CUMBE: How will they be paid?

Mr. Nankivell: By the profits made.

Mr. CUMBE: I vehemently protest against the introduction of these clauses, and I will certainly support the suggested amendments when the Bill reaches the Committee stage.

The Hon. G. G. PEARSON (Flinders): This is just another dose of medicine that the community is being compelled to swallow, as a result of trusting the promises made by the then Leader of the Opposition during the election campaign. In the last week or two one Bill after another has been introduced into the House severely increasing taxation, and it seems that before the session is done we shall have traversed the whole field of taxation available to the State Government. In every case we shall have witnessed substantial increases in charges to the public in one way or another. Already, a long list of charges have been raised. Some of them have not been raised for some time which, in my opinion, is a compliment to the previous Administration. After all, we provided services to the public—

The Hon. D. A. Dunstan: Far worse than those in any other State!

The Hon. G. G. PEARSON: The Attorney likes to talk on this at every opportunity and to suggest to the public that these services can be provided *ad lib* at no cost to the community.

The Hon. D. A. Dunstan: Nonsense!

The Hon. G. G. PEARSON: Whenever the Attorney speaks on the radio or in the House (although he has not said much here lately) or when he talks to the press, he invariably discloses only one side of the picture and talks glibly about all that he proposes to do. He has introduced Bills and his second reading explanations have been reported in the press, but the public has been given the impression that these proposals have already been carried out, when, in fact, they are merely contemplated or projected.

The public does not know what effect these proposals will have in terms of hard cash. The Treasurer is unfortunate enough to be obliged to try to provide the financial sinews to pay for the projects that are being announced to the public. Even if the public were not interested in this topic two months ago, they are interested now, because day after day the Budget proposals are being unfolded. The Treasurer has been compelled to introduce these measures in order to support the announced projects.

When the then Leader of the Opposition made his policy pronouncement to the electors, he said that in respect of taxation generally, substantial provisions would be made at little cost. That is another instance where the public has been somewhat deluded and is being faced with a severe impost. Honourable members on this side who have addressed themselves to the measure have dealt with the main objections of the Opposition to the Bill. Possibly, the doubling of stamp duty on cheques is in itself the kind of thing that the community could expect, perhaps somewhat grudgingly but in a realistic fashion because as the people demand more of the Government, so it is axiomatic that the Government must demand more from the people. I think the people realize that, although many hope that they will reap the benefit while somebody else pays the piper.

However, the objection to the increase in stamp duty on cheques is that it is coupled with another proposal regarding the issue of receipts. It has become the widespread and accepted practice in the commercial world generally to pay for services or goods by cheques, which are traceable and identifiable documents that prove the payment of the money. In fact, the banks hold cheques for six years so that transactions can be traced, if necessary. As this practice has become accepted, so the practice of issuing receipts has somewhat fallen into disuse. Of course,

it is the legal right of any person who pays money to demand a written receipt and, as the law stands at present, if the receipt is for an amount of £2 or more, it must be stamped.

The effect of the taxation aspects of the Bill will hit commerce and industry and every household budget with a double-barrelled gun. Not only will a person be obliged to pay 5c or 6c for the privilege of writing a cheque, but the effect of these proposals will be far greater in the final analysis than people realize, because businesses pass on their administrative and commercial costs to the buyers of the goods. The stamp duty increases progressively with the amount for which the receipt is given and the proposals are bad because they set back the clock of progress in the commercial world.

The Treasurer said in his explanation that the Government has decided to repeal all the provisions relating to amusements duty. I have no quarrel with that and commend the Government for it. However, no amusement duty was charged by the previous Government for many years, and so it is magnanimous of the present Government to repeal the provision. The Treasurer said, in explaining clause 6:

Clause 6 empowers the Commissioner to refund the stamp duty on registration of a motor vehicle or the transfer of a motor vehicle where there has been some mistake or the vehicle has been returned by the purchaser to the vendor within seven days. Cases have arisen where a vehicle has been delivered and the purchaser has returned it on the ground that it was not what he ordered. Clearly in such cases provision is required for a refund of the stamp duty.

I commend the Government for picking up this point and providing for a refund in such cases. However, it is interesting to notice that the Government is not abolishing the stamp duty on the transfer of motor vehicles. I thought they would have done that at the earliest opportunity, because when the previous Government brought in the measure in 1964, it was opposed by no less a person than the honourable member for Norwood. For the first time in many years, he saw fit to speak on the Budget and his speech is at page 1812 *et seq.* of *Hansard* of that year. This is what he had to say about this particular duty:

The proposed new impost upon motor vehicles, not only new but also second-hand, will fall most heavily upon the working section of the people. These people are the heaviest buyers of used cars within the community, and also constitute a large proportion of those who purchase new cars.

He went on to speak in similar vein about other taxes, and I well remember his speech because not only by his words but also by his demeanour he indicated, with the histrionic capabilities that he undoubtedly possesses, his complete and utter distaste of the measure and everything associated with it. Indeed, he almost convinced me that we had committed a sin. However, although he did all that, he now sits silently while I verbally castigate him, and by his silence he condones the very matter about which he accused the then Government in such robust terms. Apparently his convictions, if he still possesses them, have not been sufficient to overcome his desire to support his department by additional revenue, because he apparently has not been able to sway the Treasurer to remove this particular form of tax.

Mr. Quirke: I think he is trying hard.

The Hon. G. G. PEARSON: I do not know whether he is or not; I know that if things are different they obviously are not the same. There is no suggestion that this tax will be removed; rather, there is the magnanimous provision to refund stamp duty where a transaction has obviously been at fault or where for some reason the contract has fallen through.

Briefly, these are my main objections to the Bill which, because of its effect on the commercial world, is a retrograde step. Another interesting aspect of the measure is that the Minister of Aboriginal Affairs is to be absolved from the payment of duty on hire-purchase agreements made by him.

The Hon. D. A. Dunstan: You are not suggesting it is on the receipts?

The Hon. G. G. PEARSON: No, I will be careful to quote the second reading explanation precisely. The Treasurer said:

Clause 15 (k) exempts from duty hire-purchase agreements made by the Minister of Aboriginal Affairs.

He did not say anything about receipts and departmental issues. He continued:

From time to time financial assistance for the purchase of furniture is made available to Aboriginal families under hire-purchase terms free of interest. As Government moneys are involved, there is no point in these instruments being stamped.

Fair enough, but I fail to see why the Aboriginal Affairs Department should be in any privileged position in this matter compared with other Government departments. After all, the Engineer-in-Chief is required to register all his vehicles, and the Highways Department, Public Buildings Department, Mines Department and every other department must register theirs. This is done to protect the Road Fund

as, under the previous Government, all moneys collected from these sources, less the cost of collection, went to this fund. I know it is a very small matter, but I cannot see any reason why the department should not bear the cost of these agreements and show that cost in its figures.

The Hon. D. A. Dunstan: The administration would have to be altered completely. The Aboriginal Affairs Department has to do many things that other departments do not have to do.

The Hon. G. G. PEARSON: That may be so, but why should it not show its proper figures? The revenue should benefit and the department should be debited. I have always favoured each department's showing its proper figures, and I cannot see any reason why that should not be done here. Although it is a small matter, it is of some principle, as I think the department should carry out proper accounting so that the Minister in charge, the Auditor-General and the public can see what its administration costs are.

These are my main objections to the Bill. In Committee, I shall support the foreshadowed amendments, which are substantial and which will, I think, reduce this Bill to reasonable proportions by having taxation at a level that the community can possibly be expected to accept.

Mr. HEASLIP (Rocky River): I speak with mixed feelings on this Bill. The first part I will support, as I realize that any Government has to get revenue to carry on the essential functions of the State. Money must be raised, and one way of raising it is by increasing stamp duty. I do not know that this is the best or fairest method, but probably it is fairly equitable, although the 100 per cent increase in stamp duty on cheques is steep.

Mr. Bockelberg: It is better than succession duties.

Mr. HEASLIP: Yes, it is more equitable, although it may hit people who have been encouraged to open cheque accounts; they may be discouraged from operating on them. However, the Government has to get revenue, and this is one method by which it can obtain £450,000 and spread the effect throughout the community. The second part of the Bill, to which I object strongly, will cost a large sum and not bring in very much revenue. This State has a shortage of labour, yet many more people will have to be employed to do something that is unnecessary. It will take much time and money but no-one will benefit, according to the second reading explanation. If the Government was to get

some money out of it, there might be some justification for it but, as it will only break even, I see no justification for loading industry.

Mr. Nankivell: To control it.

Mr. HEASLIP: If we are to have control, let us have control; but under this Bill there are certain exemptions. It is not really control: it is sectional. It is picking out some sections of the community that will be controlled or be forced to issue receipts, while other sections will not be forced. That is not equitable and should not be done. The issuing of receipts will not mean any more revenue to the Government but it will mean a big increase in costs to the people. We in South Australia have been able to make the progress we have only because we have kept down our unnecessary costs. The issuing of these receipts will force up costs unnecessarily. If they are forced up to such an extent that we are only on a par with the eastern States, we shall not get the markets for our goods that we now enjoy where the population is, because we shall have the added cost of transport to get our goods to those States. If we are to maintain our secondary industries, we have to be careful that we keep our costs to a minimum without losing our efficiency; otherwise, we must lose our markets in the eastern States.

This issuing of receipts is an added cost that we can ill afford. There are certain exemptions. Why they are made exemptions I do not know. Perhaps the Minister will be able to give us a reason but I do not see why some of these categories should be exempted from the compulsory issuing of receipts. In the second reading explanation, the Minister said:

In addition to the exemptions already provided for in the principal Act, all receipts for payment of salary, wages or pensions will be exempt.

I do not know why they are exempt. He continued:

Receipts for gifts will be exempt if the amount concerned does not exceed \$20 (£10) instead of £5 as at present.

The exemption there has been doubled. The Minister continued:

Other exemptions include receipts in respect of bets on races or on totalizators.

Why in the world should bets on races or on totalizators be exempt? Why should industry, which is producing something, be compelled to issue receipts while the person who is betting and putting his money on totalizators does not have to pay this duty? I am at a loss to understand that. If anybody can afford to pay this increased tax, it is the person who is prepared to put his money into an industry where he knows he cannot win. The odds are against him. It is like the one-armed bandits:

on balance, one cannot win. He has money to spare to put there but, because he puts it there, he is exempt from this extra tax. That is not fair or right. The Minister continued:

Receipts for income by way of dividend or interest, receipts in relation to the allotment, purchase or sale of Government or public stock, debentures, bonds and the like, and receipts for money delivered by a carrier to or from any bank.

There may be some justification for the exemption of those things but they are still just business transactions. Why do we tax certain sections and exempt others? They are all business undertakings, yet some get exemption while others do not. Perhaps the Minister can explain that to us.

Clause 4 strikes out the existing provisions governing amusements duty. We have to go back many years to the time when we last had an effective tax on amusements, but under this Bill it is brought back. It is another means of raising revenue. This tax is voluntary, not compulsory. It is different from the case of the housewife who has to buy groceries and, if they cost over £5, a duty stamp has to be affixed to the receipt. However, one need not go to the cinema or other places of amusement. In that sense the amusement duty is not compulsory taxation. The money raised in this way will assist the Government in its efforts to raise revenue. I shall oppose the Bill but, if it is passed, I shall seek leave in Committee to move or vote for amendments, particularly in regard to the compulsory duty on the issuing of receipts.

Mr. McANANEY secured the adjournment of the debate.

HARBORS ACT AMENDMENT BILL

(Second reading debate adjourned on November 10. Page 2739.)

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Harbour improvement rates."

The Hon. G. G. PEARSON: I move:

In paragraph (a) to strike out "five" and insert "three".

An increase from 1s. to 5s., as is provided in the Bill for the port improvement rate, is too steep. The provision in the clause has not been used at any time during the operation of the Harbors Act and, therefore, there does not appear to be a good reason for retaining the provision. However, I have discussed the matter with the Minister and I believe that he desires that the principle contained in the clause should remain. I am prepared to concede that point but a five-fold increase in one step is heavy, and I cannot imagine any

justification for it (particularly as this provision has not been used in the past although it could be used under special circumstances in the future). I emphasize the word "special" because I believe the circumstances should be special.

The Hon. C. D. HUTCHENS (Minister of Marine): I accept the amendment. As far as we know, the provision has never been used but there are special circumstances in which it could be used. I appreciate the meaning of the word "special", and it is not intended that the provision shall be applied in anything but a special case. When the board came to me on this matter the suggestion was that the fee be increased to 6s. to bring it into line with the increased money values. I then suggested 5s. but I am now forced to agree that a five-fold increase is fairly drastic.

Amendment carried; clause as amended passed.

Clause 5 and title passed.

Bill read a third time and passed.

EXCESSIVE RENTS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 9. Page 2675.)

The Hon. D. N. BROOKMAN (Alexandra): I do not have much to add to the doubts I expressed when I last spoke. I then raised the possibility of the Bill's interfering with a purchase that had already been made. Although the Bill is designed to correct abuses it could also catch many people who make agreements under genuine circumstances. Accordingly, since I last spoke, I have had drafted a small amendment. I should like to see an agreement to purchase now operating continue without interference. It would be extremely unfair, to people who in good faith have agreed to sell and purchase, to alter this provision later by Act of Parliament because this would enable one of the parties (either on his own behalf or by action of the Housing Trust) to bring an action that would annul that transaction. It is reasonable that the Bill should have effect on agreements to purchase from the day the Bill is introduced into Parliament. This would affect any transaction made in a hurry once the Bill was known to the public, but transactions made before that date should not be interfered with.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Act not to apply to certain letting agreements."

The Hon. D. N. BROOKMAN: This clause provides that letting agreements for three years or more shall be outside the scope of this Act. However, I consider that no matter what period is prescribed there will still be plenty of people who are desperate for housing and who will be inclined to sign the agreement that is put in front of them, and I doubt whether the effect of altering this provision from one year to three years will be of any particular significance.

Clause passed.

Clauses 5 and 6 passed.

Clause 7—"Applications by purchasers of substandard houses."

The Hon. D. N. BROOKMAN: I move:

In new section 15a (2) after "writing" to insert "made on or after 2nd November, 1965".

November 2 is the date the Bill was laid on the table of this House and ordered to be printed, and it is selected as the date when the provisions of the Bill became public. People who wished to make some quick move to circumvent the provisions of the Act could have done it only after the tabling of the Bill. On the other hand, it will ensure that the minimum injustice is done to those people who in good faith have agreed upon a transaction in the past. While undoubtedly there may be evidence of unsatisfactory transactions, to provide that all agreements to purchase in respect of substandard houses can be brought under review is, to my mind, most unfair. The provision, as I see it, is that unless the person who buys the house has paid for it in full he has the right to bring the whole matter into court, and the court can make virtually any decision it wishes upon it. I consider we should limit the operation of the provision in the way I have suggested.

The Hon. FRANK WALSH (Premier and Treasurer): My first thought was that there was some merit in the honourable member's proposition, but my view has been somewhat altered. The honourable member agrees, I think, that it is desirable to provide greater protection. It is necessary to consider many agreements. Often people are paying extra rental while awaiting settlement of a purchase, but in the end they are unable to find the money. In view of what the honourable member himself has indicated I am not prepared to accept the amendment.

The Hon. G. G. PEARSON: I support the honourable member's amendment, if for no other reason than that I think it is a completely new concept in legislation to abrogate a contract by Act of Parliament.

The Hon. D. A. Dunstan: When they are bad contracts.

The Hon. G. G. PEARSON: The Attorney suggests that these are bad contracts.

The Hon. D. A. Dunstan: It is only if they are bad that they will be abrogated.

The Hon. G. G. PEARSON: That is not quite the case. As it is drafted, the clause leaves the whole matter open and affects all contracts of this sort. The Attorney can say they are unconscionable contracts if he likes, but who is to be the judge: the parties who contract, or the Attorney-General?

The Hon. D. A. Dunstan: The court.

The Hon. G. G. PEARSON: Is the court to be brought into all these matters? Is the court to take the normal business of the community out of the hands of the contracting parties? One cannot help feeling some concern for people who are unwittingly trapped in a contract which is burdensome or which causes them injustice or undue hardship, but in this case there is no question of its being unwitting. The parties to the contract know precisely what the payments are from week to week, and in effect what they elect to do under these contracts is to say, "Well, I have a roof over my head; it will cost me £6 a week, and I am prepared to pay that." This clause will provide a means of escape from a proper contractual obligation on the part of two parties who were willing parties in the first instance. In many instances they will take advantage of this provision because it offers them some substantial advantage so to do. I think what has passed and what is a contract at present should not be abrogated by an Act of Parliament, and a provision enabling this should not be included in legislation. I am happy for this sort of thing, if it is unjust or unconscionable, to be prevented in future. However, that is an entirely different matter in principle. I agree with the honourable member that this provision should take effect from the day he has suggested.

The Hon. D. A. DUNSTAN (Attorney-General): I oppose the amendment, and emphasize the kind of contract that this measure was designed to deal with. Members should know that the contracts are those where the house concerned is within the terms of the Housing Improvement Act. They are substandard houses for a start. At present, there is great pressure on housing in the metropolitan area, particularly in slum areas which have received publicity recently, and

rents of £6 or £7 a week are being paid for substandard premises.

Parliament attempted to prevent the payment of that kind of money for substandard housing by passing the Housing Improvement Act, which made it possible for the Housing Trust to fix the rent of substandard premises so that landlords were not getting unconscionable rentals for these houses. A class of racketeer grew up in Adelaide and took a leaf out of the book of Mr. Rachman, and a widespread racket was going on in substandard houses in South Australia, particularly with rows of cottages. A certain Baltic gentleman, who was, I think, unlike other people from his country, went into this scheme in a big way. He bought up rows of cottages and purported to sell them to people who were desperate to get a roof over their heads. And they are desperate, too. Those who represent certain constituencies have a procession to our offices every day—

Mr. McKee: This goes on in Port Pirie, too.

The Hon. D. A. DUNSTAN: —of people desperate to get somewhere to go, and it is difficult to find somewhere to go without paying £7 a week for a substandard house. This man purports to sell a house and people buy it on a contract on the never-never plan, not getting anything more than a tenancy in common in the row of cottages. The contract purports to give them the right to buy a cottage, but they are buying an undivided share in the whole and are liable to repairs to the whole row for any notice given to them by the local board of health. In this contract, since it is one for purchase, an amount is stipulated for a weekly payment far in excess of the fixed rental, and is really a means of evading the provisions of the Housing Improvement Act: what purports to be a weekly payment of principal and interest to purchase the house is really a payment of rent, and the people will never own these places.

That is what this is designed to catch, and under this provision the trust or the person concerned may go along to the court and if it is shown that the purpose of the agreement was to defeat the provisions of the Housing Improvement Act, or the agreement is harsh or unconscionable and such that a court of equity would give relief—and the court has to be satisfied in that—then the court may intervene to set aside the contract. It is only right that we should be intervening to set aside contracts which exist now. I have seen the things that can be done by this racket to poor

people in my district, and have had to intervene personally on occasions. I was threatened with assault by one individual when he tried to put someone into the street without a court order. The furniture was on the footpath, and I put it back. No reputable seller of property would be involved in this sort of thing, and would not be caught by this provision. The only people to be caught would be the racketeers, and I see no reason why we should exempt them in respect of the rackets that already exist, and say that we shall take action only from November 2. Where the rackets exist, it has to be clear to the court that they do exist and, if that is clear, the court should have the right to intervene to protect poor people concerned.

The Hon. Sir THOMAS PLAYFORD (Leader of the Opposition): The fact still remains that, by an Act of Parliament, we are upsetting an agreement which, at the time it was entered into was lawful (notwithstanding the terms the Attorney-General has applied to it). The Attorney-General suggests that a racket is involved. Indeed, the agreement may have contained undesirable features, but it was freely entered into. For the sake of argument, suppose a high-pressure salesman sells to my wife an article that is grossly over-valued (say, an encyclopaedia which costs five times more than it should). What has Parliament done in connection with that? It has taken steps to stop what is an undesirable practice. However, Parliament, as far as I know, does not nullify all the contracts that may have been made under that undesirable practice. Suppose some smart person does not desire to pay income tax, and finds a new method of adjusting his affairs so that he does not pay it, but continues to live within the law. What happens in that case? Retrospectivity is not applied to the transaction (whatever it may be), but the law is altered to stop an undesirable practice. The Opposition has complimented the Attorney-General in saying that the Bill is desirable. It is the type of Bill I personally would have introduced, had I been in office. As a matter of fact, I introduced the original legislation at a time when it was regarded as being advanced in its provisions.

The Hon. R. R. Loveday: The cases you mentioned are not quite analogous, are they?

The Hon. Sir THOMAS PLAYFORD: I believe they are. This House should not, by law, seek to abrogate an agreement that has been legally entered into (although it may not have been desirable). I have heard not last

year but this year, complaints made here that houses with faulty workmanship, containing cracks, etc., have been sold. If a law were introduced to stop the selling of unsound houses purporting to be sound, I would support it, but it is entirely different to tear up an existing agreement. A hard case can make a bad law, whether we let the court handle the matter or whether we handle it. By this Bill, we are tearing up an agreement that has been entered into. Bad agreements are entered into every day. When people buy worthless shares, do we say, "We will cancel those shares"? No-one can go to the court if he purchases shares that do not turn out to be to his liking. There will always be bad agreements and some people will be caught by them.

While it is the correct function of Parliament to prevent practices of that nature, we shall be doing nothing else here if we consider transactions already entered into. There is no more reason to tear up this kind of agreement we have in mind than to tear up other agreements that I could mention. The Attorney-General and I saw one not long ago but he did not say that it should be torn up. He told me, "I do not see that I can do anything in connection with it. It is a bad agreement but it has been entered into and this person has exercised reasonable caution in entering into it. There is nothing that can be done legally to give relief." The Attorney-General stated the position correctly.

However, he is now saying that an agreement to purchase was not proper because no deposit was paid, or words to that effect. I agree that these agreements are not in accordance with the spirit of the original Act but the point is the amount of deposit that has been paid. If there is an exorbitant charge on the one hand, an insignificant or nominal deposit has been paid on the other. This is a good Bill and I compliment the Government on bringing it forward. However, the member for Alexandra is right when he says that the Bill should date from the day when it was laid on the table, so that any time taken in debating it will not be at the expense of the tenant or would-be purchaser. I hope the Government will consider the amendment again and decide that it is not unreasonable. It will make the Bill acceptable to Parliament as a whole. I support the amendment.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 5.47 p.m. the House adjourned until Tuesday, November 16, at 2 p.m.