HOUSE OF ASSEMBLY

Tuesday, October 11, 1966.

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

QUESTIONS

PREMIERS' CONFERENCE.

The Hon. G. G. PEARSON: I noticed from weekend press reports that the Premiers of Victoria and New South Wales had jointly sought an audience with the Prime Minister to press their requests for special financial assistance, presumably regarding their budgetary problems. I also understand that a conference has been held and that it is to be followed soon by a second discussion on the matter. As the Prime Minister appears at this time to be receptive to approaches of this nature, has the Premier made any specific request to be granted an audience to discuss this State's budgetary problems (and I do not refer to the special request now before the Prime Minister about a gas pipeline), or does he intend to seek such an audience? As it would appear (to use an expression everybody understands) that the turkey was about to be carved up, I should therefore assume that the South Australian Premier would want to see that South Australia received its share.

The Hon. FRANK WALSH: First, I should correct the statements by the Deputy Leader. I understood an important conference was to take place concerning the Liberal Party's Commonwealth election campaign, to which the Premiers of New South Wales and Victoria had been invited. As I am not a member of that Party, I was not invited to the conference. Of course, I have already made representations to the Prime Minister on the $40,000,000 involved in the gas pipeline. As a result of personal discussions between the Prime Minister and me at that time, we came to a firm understanding on the matter. If the Premiers of Victoria and New South Wales made a representation to him, the Prime Minister believed it would be his responsibility to have an interview with either of them, but not necessarily with both of them at the same time. He agreed entirely with my contention that, if a discussion was to be held concerning possible further allocations to any of the States, it would be necessary to convene a conference of all State Premiers so that each State would be able to present its case. In view of what has taken place, South Australia's case will be presented at the appropriate time, and it will include certain matters that I am not able to disclose today, as it is a Government responsibility. We will try to put before the Prime Minister and the Commonwealth Treasurer the best possible case for further finance for this State.

KADINA HOUSING.

Mr. HUGHES: Last week the Premier furnished me with a report concerning houses to be built by the Housing Trust at Kadina. That report stated:

> One house is almost completed and this, together with another not yet started, is being erected for sale to the Education Department and occupation by its officers. . .

Has the Minister of Education discussed this matter with his officers, and can he say who will occupy these premises?

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

UNIVERSITY GRANTS.

The Hon. D. N. BROOKMAN: My question concerns the increased grant for the Adelaide University's capital works in the 1967-69 triennium. Can the Minister of Education say in what year this State's grant will be spent and on what projects it will be spent?

The Hon. R. R. LOVEDAY: The answer to that can be given only after I have had discussions with the Vice-Chancellor of the university to see precisely in what way the university wishes to spend this money over the triennium. I shall endeavour to get that information for the honourable member.

PEDESTRIAN LIGHTS.

Mr. LANGLEY: For many years the pedestrian lights near the Goodwood Primary School have been of great benefit to schoolchildren and pedestrians. Recently much shop building has taken place at Unley, and there now seems to be a need for pedestrian lights of this type on the Unley Road. Can the Minister of Lands ascertain from the Minister of Roads whether similar lights could be installed on this road for the benefit of many people in the community?

The Hon. J. D. CORCORAN: I shall be happy to transmit the honourable member's question to my colleague for his consideration.

THEVENARD HARBOUR.

Mr. BOCKELBERG: For many years the fishermen at Thevenard have desired a boat haven or some other satisfactory facility for landing fish. I do not know whether the Minister of Agriculture has seen it, but the present method dates back to the 16th century. The boat is brought up and the fish are landed on the shore and have to be dragged up the cliff to the cooler. Will the Minister ascertain whether something can be done to assist the fishermen, who provide a percentage of the State's income, by building not the elaborate system that was planned by the Harbours Board but something to make it convenient for the fishermen to land fish?

The Hon. G. A. BYWATERS: I shall be pleased to consider this. True, an elaborate plan had been drawn up, and I received a report only this morning from the Minister of Marine on the suggested arrangement for Thevenard, which was to cost many thousands of dollars. Because of the present financial position, I am afraid that this could not be considered, but I shall be pleased to consider further the present suggestion and let the honourable member have a considered reply.

WATER ACCOUNTS.

Mr. HUDSON: At present (and for some years past) when householders are informed of their water consumption over a given period they receive from the person who reads the water meter a docket showing the consumption of water over the previous six months as being so many thousand gallons. The householder cannot check on the reading from the information given. As the Electricity Trust, in presenting its accounts, gives details of the meter reading between quarters, will the Minister of Works investigate the possibility of information being supplied to householders, not only in respect of the water consumption over a period but also in respect of the actual meter reading, so that the accuracy of the information supplied can be checked by the householder?

The Hon. C. D. HUTCHENS: Appreciating the importance of the question, I shall investigate the matter and bring down a report for the honourable member.

ELECTRICITY.

Mr. HEASLIP: Last week I asked the Premier a question about the postponement of extensions of electricity throughout country areas, and he replied:

Although this is normally a matter to be considered by the Minister of Works I am prepared to obtain a report which I hope will be more substantial than a rumour. Rumours are not positive or reliable and I should have thought the honourable member could have obtained more factual information with respect to the matter.

I hope that it is purely rumour, but can the Minister of Works say whether it is rumour or fact? If it is fact, can he say in what areas, and to what extent, country extensions of electricity have been curtailed?

The Hon. C. D. HUTCHENS: I received a report from the Electricity Trust this morning but, because of a Cabinet meeting, I could not forward it to the Premier. Summarized, the report is to the effect that the Electricity Trust this year is spending about $35,000,000 for developmental purposes, but because of the large cost of the Torrens Island power station and the need to have it completed on schedule, it has been found necessary not to postpone but to slow down some country projects. The trust has indicated that, if any member desires particulars of a specific country area, it will be pleased to supply them.

Mr. HEASLIP: I have heard that an important decision has been made to the effect that in future only one service will be supplied by the Electricity Trust to each rural holding. Can the Minister of Works say whether that decision has been made because, in fact, the trust has not received sufficient finance, as it has in the past, to supply services to various parts of a farm?

The Hon. C. D. HUTCHENS: Although I do not know of such a decision, I will certainly obtain a report and, if the decision has been made, I will ascertain the reason.

Mr. HUDSON: Can the Minister of Works say whether the capital expenditure by the Electricity Trust this year will be $35,000,000, as against $24,000,000 for last year, and whether the $35,000,000 is a record? If he has not the information with him today, will he ascertain also the capital expenditure of the Electricity Trust over the last five years?

The Hon. C. D. HUTCHENS: I assume the honourable member's deductions are correct. As I cannot report on the five-year period of capital expenditure by the trust, I shall obtain the information for the honourable member.

MURRAY RIVER.

Mr. CURREN: Early last week I intimated to the Minister of Works that I would seek information regarding Murray River water

storages and the rates of flow by way of the following questions:

(1) What are the capacities of the Hume reservoir and Lake Victoria and their present holdings?

(2) What is the present flow of the Murray River in South Australia?

(3) What is the expected flow for each of the next two weeks?

(4) Will it be possible during the present period of increased flow to release drainage water now held in evaporation basins at Renmark, Berri, Loxton and Cobdogla?

(5) What is the present salinity level at pumping stations for irrigation settlements? Has the Minister replies to these questions?

The Hon. C. D. HUTCHENS: Although I received the information last Thursday, it was too late for Question Time. The replies are as follows:

(1) The Hume reservoir's capacity is 2,480,000 acre feet, its holding being 1,911,000 acre feet as at September 28, 1966. Lake Victoria's capacity is 551,700 acre feet, which was also its holding on October 3, 1966.

(2) The latest figure taken on October 3, 1966, showed the flow to be 8,251 cubic feet a second.

(3) It is expected that river flow below Lake Victoria will be 10,000 cubic feet a second on October 11, 1966, and 11,000 cubic feet a second on October 18, 1966.

(4) Water has been released from the Berri evaporation basin since September 13, and further releases should be possible without interfering with irrigation requirements. Arrangements have been made for some releases from the Cobdogla evaporation basin but at Renmark and Loxton no release is likely, because of the level of the river at present flow rates.

(5) The present salinity levels at these locations are as follows:

Station	Sodium Chloride. (parts per million)
Berri	160 (as at 3/10/1966)
Loxton	160 (as at 3/10/1966)
Cobdogla	160 (as at 3/10/1966)
Waikerie	190 (as at 3/10/1966)
Cadell	180 (as at 29/9/1966)
Murray Bridge	370 (as at 3/10/1966)

MIDDLETON ACCIDENT.

Mr. QUIRKE: I am sure all members are deeply grieved by the shocking accident that occurred over the weekend at Middleton and extend their sympathy to the families of those young men who lost their lives. However, one feature of this accident is a repetition of what has happened in many other accidents at railway crossings. Although the car involved on this occasion ran into the moving train, it was carried by the train and rammed against and dragged through heavy steel rails, which are still used to protect these crossings and which are an absolute death-trap. Does not the Premier think it is time that hazards such as this were removed from level crossings? At present I do not believe they serve any useful purpose: they do nothing but maim and injure people driven against them.

The Hon. FRANK WALSH: If sufficient provision had been made for cattle pits in the surrounding areas probably there would have been no need for this type of construction which, I agree, is too solid for safety. However, I will take up the matter with the Minister of Transport and ask him to obtain the necessary information from the Railways Commissioner.

FREELING WATER SUPPLY.

Mrs. BYRNE: Has the Minister of Works a reply to my recent question about water supplies serving properties at Freeling?

The Hon. C. D. HUTCHENS: I have received a report from the Director and Engineer-in-Chief regarding section 365, hundred of Nuriootpa, owned by Mr. Michael Shanahan of Freeling. Investigations carried out by the department showed the old 2in. main serving this and other properties to be badly corroded and incapable of giving an adequate supply. It is therefore proposed that the main be replaced and enlarged with 3in. pipes. The work will involve the laying of 5,200ft. of new 3in. main at an estimated cost of $4,000. I am pleased to inform the honourable member that approval has been given for the necessary expenditure.

PSYCHOLOGIST'S EXAMINATION.

Mr. McANANEY: Last week a 10-year old boy in grade 5 (he is apparently fairly bright), attending a State school in my district, was interviewed by a psychologist for a period of at least 80 minutes and perhaps as long as two hours. I understand the boy has now been taken away from the State school. During the interview questions on sex were asked (they reach an involved stage), and questions were also asked of the boy about the marital relations between his father and mother. I do not question the good intentions of the officer of the department, but at no time was the boy's mother or guardian informed of, or their

permission sought for, the interview. As this appears to me to be an intrusion into individual rights and liberties, if I give details to the Minister of Education will he supply a report giving an assurance that such methods will not be used again?

The Hon. R. R. LOVEDAY: I shall be pleased to provide a report if the honourable member will supply me with the details. However, I am sure that if this officer was an officer of the Psychology Branch he would be pursuing his inquiries solely from the point of view of helping the child at school. I cannot give any undertaking on this matter unless I know all the facts. In some cases it may be necessary for the psychologist to ask questions of a child, without the parents being present, for the good of the child and to find out the actual circumstances of the case. I will have the matter examined and bring down a report.

ARBITRATION.

Mr. MILLHOUSE: Yesterday I was out of the State, but I have heard a disturbing report about the procession in which I understand the Premier took part. I am informed that, not marching with the Premier but some distance back in the procession, Senator Cavanagh was carrying a banner condemning arbitration. As I understand Senator Cavanagh is still a member of the Australian Labor Party, can the Premier say whether it is his Government's policy to attack arbitration or whether the Government intends to abide by the arbitral machinery of this State and of the Commonwealth?

The Hon. FRANK WALSH: This Government was elected on a policy of conciliation and arbitration, and we will maintain it.

STOCKWELL MAIN.

The Hon. B. H. TEUSNER: As the Minister of Works knows, the recommendations made by the Public Works Committee in connection with the proposed main from Swan Reach to Stockwell disclose that the estimated cost will be $8,000,000. In this year's Loan Estimates provision is made for $1,360,000 from which I assume work on the main will be commenced during the present financial year. Can the Minister of Works say what date has been planned for the completion of the main?

The Hon. C. D. HUTCHENS: The honourable member assumes correctly that certain work will be commenced this year. I cannot give the completion date, but, in view of the estimated cost and the amounts scheduled for expenditure this financial year, it will be some time before the main is completed. However, I will ascertain the proposed completion date and inform the honourable member when I have that information.

WHEAT.

Mr. FREEBAIRN: Has the Minister of Agriculture a reply to my question of last week about additional bulk storage for wheat at Port Adelaide?

The Hon. G. A. BYWATERS: The question as I understood it was whether the South Australian Co-operative Bulk Handling Limited considered that a surplus of wheat would need to be held in South Australia. The General Manager of the co-operative has now advised that, with the Agriculture Department's officers freely forecasting a record wheat production in this State within the next two years, the co-operative considers it is unnecessary for a surplus of wheat to be held in South Australia. Carryover stocks of wheat in the silo system from year to year could prejudice deliveries of new season's grain, therefore it is the aim of the co-operative to clear all grain of the previous season immediately prior to the commencement of new season's delivery, unless of course a year of below average production is imminent.

GRASSHOPPERS.

Mr. BOCKELBERG: Last week, while on Eyre Peninsula, I noticed a press report on grasshoppers which stated that a 50 per cent kill had been achieved. I have inspected some of the grasshopper country. Can the Minister of Agriculture say whether this report about the kill is fact or merely a rumour?

The Hon. G. A. BYWATERS: The information is approximately correct, for the first use of lindane as a pesticide proved to be only about 50 per cent effective. Mr. Birks, one of my officers, is very zealous in this matter, and he has taken it on as a personal challenge. He was rather disappointed at the overall effects of lindane. He is now changing the pesticide to something that he hopes will be more effective, and he is expected to have about another fortnight in which to prove his theory. Naturally, we will not get a 100 per cent kill, but a greater kill than we have so far had will help the farmers get a bigger crop than they would have had had no action been taken. I assure the honourable member that I appreciate the comments I have heard

from the people on the peninsula, who have been most generous in their thanks. This is always something that we are pleased to hear.

GOODWOOD SCHOOL.

Mr. LANGLEY: Has the Minister of Education an answer to my recent question about building improvements at the Goodwood Boys Technical High School?

The Hon. R. R. LOVEDAY: I regret that the need to build new schools and to provide additional accommodation in existing schools has prevented the carrying out of the proposal to make additions or improvements to the Goodwood Boys Technical High School. It is considered unlikely that the work can be undertaken in the near future.

STEEL PIPES.

The Hon. G. G. PEARSON: I think it is well known that there are two major pipe-producing firms in South Australia that regularly tender for the supply of steel concrete-lined pipes for reticulation of water in major mains. There is also, of course, the cement-asbestos pipe made by another company, to which I do not refer at the moment. I understand that for the most part the pipes that have been laid in some other States for the conveyance of oil (and I am looking forward to the possibility of requiring pipes for gas) have been imported from overseas for this purpose. I believe that sooner or later we will be successful in piping gas to our consuming centres in South Australia, and in that event a great quantity of steel piping will be required. I ask the Minister of Works, as the Minister controlling the Supply and Tender Board, to ascertain whether the South Australian firms manufacturing steel pipes have the capacity and the technical know-how for constructing pipes such as those that will be required for the piping of gas. Will he also enter into discussions with them so that this aspect of the project will not be lost to South Australia? I consider that it is most important that, when we have to lay pipes for gas, the pipes to be provided shall be made in South Australia, and I ask the Minister to look at that matter in the interests of the State.

The Hon. C. D. HUTCHENS: The Government has been keen to do all it can to put work in the way of South Australian industry. I shall certainly have the matter fully investigated in order to see that all possible work can be given to our South Australian firms. I shall call for a report on the matter and inform the honourable member.

CITRUS INDUSTRY.

Mr. SHANNON: I understand that there is some agreement regarding our trade relations with New Zealand that limits that country's capacity to take our fruit on the exchange of business between the two countries. I also understand that there is a market for our citrus fruit in New Zealand very greatly in excess of the present supply to that country. Rather than seeking less profitable markets in more distant fields, which we are doing, will the Minister of Agriculture see whether we could get a greater percentage of our trade in fruit with our sister Dominion by re-arranging our trade relations with that country?

The Hon. G. A. BYWATERS: I shall obtain the necessary information for the honourable member.

HIGHWAYS FUND.

The Hon. T. C. STOTT: Last week I asked the Treasurer whether moneys that should have been allocated to the Highways Fund had been taken into Consolidated Revenue. Has the Treasurer a reply?

The Hon. FRANK WALSH: No moneys which should have been allocated to the Highways Fund have been taken into Consolidated Revenue. No moneys allocated under "Special Acts" for highways purposes have been placed in Consolidated Revenue. No money allocated to the proposed Morphett Street Bridge have been transferred to Consolidated Revenue. The honourable member may be assured that the Auditor-General would draw the attention of Parliament to any unauthorized diversion of funds of the kind he has contemplated. The honourable member's attention is drawn to the certificate on page 1 of the Audit Report in the third paragraph, which reads, "I certify that all public moneys spent by the Treasurer were properly authorized by Statutes."

TREASURY FIGURES.

Mr. McANANEY: In view of the intense interest in the Budget position in this State, can the Treasurer say when the September Treasury figures will be available?

The Hon. FRANK WALSH: I shall ascertain when they will be available.

SCHOOL WINDOWS.

Mr. MILLHOUSE: Within the last hour Mr. S. J. A. Asser, who has a contract for cleaning a good part of the new Mitcham Girls Technical High School has seen me. Mr.

Asser has received the roneoed letter dated September 12 from the department, informing him that he will be no longer required to clean windows and informing him of the reduction in his remuneration as a result of that. This has caused Mr. Asser more than ordinary perturbation because, he says, since the school moved from the temporary premises at Clapham Primary School to the new buildings at Kingswood he has not cleaned any windows: the windows have been cleaned by an independent contractor who has come in three times in the last 12 months during school holidays, and it has not been part of Mr. Asser's duties to clean windows. He is therefore at a loss to understand why he has been sent the letter, why his remuneration has been reduced, and on what basis the department could possibly be working. In view of these facts, my constituent and I would appreciate it if the Minister of Education would consider this matter and rectify what seems to be a mistake. Will the Minister be kind enough to do this?

The Hon. R. R. LOVEDAY: I shall be pleased to do that. I have had one other similar case brought to my notice. As the formula for the cleaning of windows was laid down by the Public Service Commissioner's Department many years ago, I am having the whole matter reviewed to see why cases of this kind occur, and when I have that report I shall inform the honourable member.

WATER TANKS.

Mr. McANANEY: About eight weeks ago I wrote to the Director of the Engineering and Water Supply Department about having some old tanks removed from Woods Point, because they were untidy. As I have not received a reply, will the Minister of Works obtain a report for me?

The Hon. C. D. HUTCHENS: I shall try to obtain an early report.

STEELWORKS.

Mr. FREEBAIRN: Last week I asked a question about the prospects of exporting iron ore pellets from Whyalla. I was doubtful whether to ask the Minister representing the Minister of Industry or the Minister representing the Minister of Mines, but I understand that the Minister of Agriculture now has a reply from the Minister of Mines.

The Hon. G. A. BYWATERS: The Minister of Mines reports that the Broken Hill Proprietary Company Limited is installing at Whyalla a plant with the capacity to produce at least 1,500,000 tons a year of high grade pellets. Initially it is proposed that this plant will be fed by fine ores primarily from the Iron Prince-Iron Baron area, but ultimately the plant may form part of a project for the upgrading and pelletizing of the low grade ores of the Middleback Ranges. The export of high grade pellets is a matter which is subject to Commonwealth approval, and also requires the concurrence of the Government of South Australia. To date the matter has not been considered, and no request for consideration has been received from the company. It is unlikely that large-scale export of pellets made from high grade ore would be encouraged, but when the low grade ores are being treated, export could be seriously examined.

SHOW SUBSIDIES.

The Hon. T. C. STOTT: Can the Minister of Agriculture say when the subsidy to the Loxton show will be paid, and whether it has been reduced this year?

The Hon. G. A. BYWATERS: The application for a subsidy from Loxton was received late last year after all subsidies had been allocated. The procedure is for a letter to be sent to the secretaries of show societies stating the last date on which claims will be received. I believe that the date last year was March 30, but I understand that a reply was not received from Loxton until May. A letter was sent to the secretary of the Loxton show society pointing out that its application had been received late, but that it would be considered when next year's allocations were made. The same provision has been made on the Estimates this year as for last year for the payment of show subsidies. In the past, 25 per cent, up to $2,000, was made available for approved building projects, and until last year 20 per cent had been paid out of this sum for prize money subsidies. Because building subsidies were much higher last year, the amount for prize money subsidies was reduced to 15 per cent but, overall, a larger amount was paid last year than previously. I cannot say how much will be paid this year, but the amount provided on the Estimates is the same as that provided last year, and all subsidies will be considered at the same time. I believe that a letter has already been sent to secretaries requesting them to have applications in by the end of January next year. An amount will be allocated to

show societies according to the claims that are received. Loxton will probably have an additional claim, but all claims will be considered at the same time. The Loxton society was not the only late applicant (there were two others) and, because of this, we will have to see what money is available to societies that applied by the specified date. In a letter to the Loxton show society and the other two societies, I have intimated that their claims will be considered on the due date.

PENOLA COURTHOUSE.

Mr. RODDA: Last year I asked a question about a courthouse at Penola. The need for this courthouse is not less than it was then, and I know the people in charge of law and order at Penola are interested in this facility. Although I realize the difficulties facing the Government in providing these facilities, can the Attorney-General say whether provision for this courthouse will be made next financial year?

The Hon. D. A. DUNSTAN: I cannot guarantee that this project will be included in the Loan programme for the next financial year. The sum being spent by the Government this year on the total of the lines covering hospitals, police buildings and courthouses, and other Government buildings is, from memory, over $11,000,000, which is more than the total spent on these lines over the last four years of the previous Government. As we are so heavily committed to works undertaken by the previous Government in these areas, it will be some time before there is any flexibility on the line for providing new buildings in this area. However, as soon as we are able to consider the project to which the honourable member has referred, it will be considered; it is certainly one of the country courthouses on the list. The two that are immediately considered most urgent after the Mount Gambier courthouse, which has been on the list now for some time, are those for Waikerie and Ceduna where the greatest pressure occurs, but Penola is also on the list to be considered.

EGGS.

Mr. McANANEY: Has the Minister of Agriculture a reply to my recent question about the agenda to be considered at a meeting of the Federal Council of the Poultry Farmers' Association and about the South Australian Egg Board's attitude to an egg surplus?

The Hon. G. A. BYWATERS: I have received the following letter from the General Manager of the board:

In reply to the question asked by Mr. McAnaney, M.P., I have to advise that there is a surplus of eggs in Australia. The South Australian Egg Board is set up only as a marketing authority, and the board does not expect that there will be any difficulty in disposing of any surplus which will develop during the current season.

GAS.

The Hon. Sir THOMAS PLAYFORD (on notice):

1. What alternative routes for the gas pipeline from Gidgealpa-Moomba to Adelaide were considered by the Bechtel Pacific Corporation?

2. What was the estimated cost of the pipeline for each of these alternatives?

3. Is the reported recommendation in agreement with the report previously obtained by the Delhi-Santos company?

4. Is the estimated cost of the pipeline proposed for the Peterborough route, together with the proposed branch line to Port Pirie, less than the estimated cost of a pipeline designed to serve the northern Spencer Gulf towns?

5. If so, what is the saving in cost?

6. Is the saving considered sufficient to justify excluding these important and growing cities from the early supply of natural gas?

The Hon. FRANK WALSH: The replies are as follows:

1. The alternative routes considered by the Bechtel Pacific Corporation are: (1) that to the east of the Flinders Ranges which passes between the ranges and Lake Frome and passes close to Peterborough; and (2) that to the west of the ranges *via* Port Augusta.

2. The relative cost of the pipeline by these two routes differs at different stages. The initial cost of the eastern route (480 miles) is $31,000,000, including one compressor station. The initial cost of the western route (510 miles) is $33,600,000, including two compressor stations, which the extra distance makes necessary. The ultimate relative cost of the two routes is subject to several offsetting considerations; for example, the lateral to Port Pirie and Whyalla is reduced in length and diameter by the western route, but, on the other hand, the cost of providing "looping" at 18in. diameter, or possibly larger diameter, is increased by the extra 30 miles of the western route.

3. No, but the report of two years ago prepared by Delhi-Santos was based on ultimate market expectations rather than present economics. The report stated that it was premature to select a specific route at that time.

4. This question is covered in general by the answer to 2 above, and may be given specifically as "Yes". The present market for gas in the northern Spencer Gulf towns is, except for Whyalla, negligible.

5. The ultimate saving in cost will depend upon the diameter of the "loop" line, but could be several million dollars.

6. None of these important and growing cities will be excluded from the early supply of natural gas if the demand exists.

SUCCESSION DUTIES ACT AMENDMENT BILL.

The Hon. FRANK WALSH (Premier and Treasurer) moved:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution: That it is desirable to introduce a Bill for an Act to amend the Succession Duties Act, 1929-1963.

Motion carried.

Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

The Hon. FRANK WALSH: I move:

That this Bill be now read a second time.

The principal amendments contained in it are fivefold. First, in accordance with the election undertaking, it raises the basic exemption for widows and for children under 21 from $9,000 to $12,000, and for widowers, ancestors and descendants from $4,000 to $6,000. Secondly, it provides an entirely new and additional exemption of up to $2,500 for insurance kept up for a widow, widower, descendant or ancestor. Thirdly, it increases the rebate of duty in respect of land used for primary production and which passes to a near relative, so that an amount of $12,000 in a particular estate is entirely freed from duty, and so that larger estates receive substantial concessions in addition to the basic exemptions which are provided. Fourthly, it provides for exemptions and rebates where the matrimonial home passes to a surviving partner so that the aggregate exemption may be increased to $18,000 to a widow and $8,000 to a widower, and it allows such exemptions whether the home may have been held in joint names or wholly in the name of the deceased.

I point out in connection with exemptions that the rebate will be allowed at the average rate of duty chargeable on the whole of the property taken. Fifthly, the Bill provides for increased rates on higher successions as a taxation measure to raise revenue more nearly in line with revenues raised in other States, and at the same time provides for the elimination of a number of methods by which dispositions of property may be arranged to avoid or reduce duties payable. At present, an ordinary succession to a widow of $12,000 involves a duty of $450, and it is proposed that this will be entirely eliminated. The new duty will remain lower than the present rate on widows for successions under $46,500, and beyond that figure will be higher than at present.

The new provisions mean that a widow succeeding to a primary producing property with a net value of $24,000 will pay no duty, whereas at present she would pay $1,575, and she will pay less than at present if succeeding to primary producing property with a net value below about $54,000. A son succeeding to primary producing property with a net value of $18,000 will, under the new proposals, pay no duty instead of $1,225 at present, and he will pay less than at present if succeeding to primary producing property with a net value below about $39,000. The effective additional rebate which will be available to a widow succeeding to primary producing property as compared with the standard rebate available to widows generally will vary from $1,850, if the succession is worth $24,000 and includes at least $12,000 of primary producing property, up to $3,300 if the succession is worth $220,000 or more. In comparison with these proposals, the present provisions give a special rebate of $337.50 to a widow succeeding to $24,000 of which $12,000 is primary producing land.

The proposed special rebates to widows in respect of primary producing property remain more favourable than those provided at present up to successions of about $58,000 of such property. For other near relatives the rebates follow a closely similar pattern. The examples which I have given do not take account of the special provisions in the Bill relating to rebates in respect of insurances kept up by the deceased for the beneficiary. In point of fact the new provisions will mean that a widow succeeding to property including the matrimonial home and an insurance policy kept up for her by her husband could be entirely free of tax up to an aggregate succession of $20,500.

At the same time, a widow or child under 21 could succeed to primary producing property together with insurances kept up by the deceased aggregating $26,500 without tax.

For the year 1965-66, the succession duties raised in this State amounted to $6,134,000, or about $5.77 a head of population. For the other States the comparable revenues per head were New South Wales about $9.45, Victoria about $9.87, Queensland about $6.39, Western Australia about $4.83, and Tasmania about $5.39. The five other States together raised about $8.59 a head, or nearly 50 per cent more than South Australia at $5.77. This arose partly because the effective severity of our rates was appreciably lower than elsewhere, particularly on the larger estates, and partly because it has been practicable in this State to arrange various means of disposition of an estate to reduce duties payable. It is difficult to compare South Australian tax rates with those elsewhere, for the South Australian rates are levied upon successions according to the size of each succession and without regard to the size of the total estate.

Elsewhere the rates vary according to the size of the total estate and not according to the extent of each individual succession. However, a table derived from Commonwealth statistics of estate duty levied through State offices for 1963-1964 (the latest published), shows the percentages of State probate or succession duties allowed as deductions for Commonwealth duty purposes according to size of estates. I ask leave for this table to be incorporated in *Hansard* without my reading it.

Leave granted.

ESTATE DUTY.

	South Australia. Per cent.	All other States. Per cent.
$20,000 and under $30,000	7.6	7.2
$30,000 and under $40,000	8.1	8.5
$40,000 and under $50,000	9.8	9.6
$50,000 and under $60,000	10.3	10.4
$60,000 and under $80,000	10.9	11.8
$80,000 and under $100,000	10.9	13.9
$100,000 and under $120,000	9.9	15.9
$120,000 and under $140,000	13.5	18.0
$140,000 and under $200,000	13.6	21.3
$200,000 and over	18.4	23.9

The Hon. FRANK WALSH: The table shows that on estates up to $60,000 the present South Australian rates are broadly comparable with the average in the other States, but on estates of greater value than $60,000 they bear much less heavily than those of other States. The rates and provisions now proposed will narrow those differences.

Owing to the time taken in assessment and the time allowed for payment of duty, the net yield in revenue by virtue of these amendments is not expected to be very great in 1966-67. It will possibly be less than 4 per cent of the present yield, or about $250,000. For a full year, however, it is hoped that the net revenue will be of the order of a 15 per cent increase, or something like $1,000,000. Even so, the yield per head would still be below $6.75, whereas the other States combined last year raised $8.59 a head approximately.

I turn now to the provisions of the Bill in more detail. An important change made by the Bill is that an administrator of an estate will be required to include in the one return all property which by virtue of this Bill is to be deemed to be derived from a deceased person. This will avoid the present loss of revenue owing to the separate treatment of different successions, for example, testamentary successions, joint estates, settlements and gifts. At present, under the principal Act, separate and additional returns are required from the administrator, a donee of a gift, a surviving joint tenant, etc., and the property to which the returns relate is separately chargeable with duty and, except in a few specified cases, may not be aggregated with other property derived from the deceased.

New subsection (2) of section 7 af the principal Act (added by clause 7 (*b*)) provides for the general aggregation of property subject to duty so that duty will be assessed on the total amount of all dutiable property derived by a particular beneficiary and the whole of the composite duty must be paid by the administrator. (The amount of this duty must, by virtue of the general law relating to trusts, be paid out of the estate and the administrator will then have to recover from any donee, joint tenant, etc., the due proportion of duty attributable to any gift, joint property, etc.) This amendment will not affect the obligation of a trustee of a settlement or deed of gift to register the document even though the administrator is required to include the relevant property in his composite return and to pay duty on it. The requirement to register will ensure that the documents come before the Commissioner of Succession Duties and will protect the revenue because the trustee is not always the same person as the administrator and many settlements are made many years before the death of the settlor.

Clause 4 (*a*) tightens the provisions of the principal Act by inserting therein a definition

of "disposition", modelled on a definition in the New South Wales Act, so that any surrender, release or other like transaction will be subject to duty in the same manner as a simple transfer, conveyance, etc. There is some doubt whether the present provisions of the principal Act apply so as to render gifts by surrender, release, etc., subject to duty.

Clause 4 (*b*) revises the definition of "net present value" by removing the anomalous distinction that property passing under a deed of gift is valued at the time of the donor's death whereas, in the case of a simple gift, the date of the disposition determines the value. The new definition makes the date of the disposition the determining date in both cases, and the effect will be that once the beneficial interest in property has passed to the donee he will be taxed on the value thereof. He will not be able to reduce the amount of duty applicable merely by dissipating the gift. In other respects this definition is revised in keeping with the new provisions of section 8, which I shall explain shortly, and the effect of which is that many of the references in the principal Act to property accruing on a person's death are rendered redundant and misleading.

Clause 5 inserts new section 4a in the principal Act providing that, except in relation to persons dying on active service (which I shall explain later) the amendments made by the Bill apply only in relation to persons dying after the Bill becomes law. Clause 6 inserts a heading to sections 7 to 19 of the principal Act. Clause 7 replaces the portion of section 7 which provides for duty to be assessed on the total value of certain types of property with new subsection (2) requiring duty to be paid on the aggregate amount of all property derived by any person from a deceased person. This clause also adds new subsection (3) to section 7 as a machinery provision.

Clause 8 (*c*) effects a revision of Part II of the principal Act by adding new paragraphs (*d*) to (*p*) to section 8 (1) specifying all property which is to be deemed to be included in the estate of a deceased person and which is to be subject to duty, clause 8 (*a*) and (*b*) making necessary machinery amendments. Under the principal Act this property is dealt with, in slightly different fashion in each case, by sections 14, 20, 32, 35 and 39a. These sections are reproduced in the new paragraphs with minor drafting alterations. There is a change of substance in the case of gifts with a reservation (new paragraph (*o*)) which are at present subject to duty even if the reservation ceases or is surrendered many years before death. The new paragraph removes this anomaly by excluding such gifts from the dutiable estate if the reservation ceases and the donee assumes full possession and enjoyment continuously for one year before the death of the donor and there is no fresh or renewed reservation in that period. This paragraph (except for the one-year period) corresponds with a provision in the corresponding Victorian and New South Wales Acts. The words "whether enforceable at law or in equity or not" qualifying the reservation have been taken from the New South Wales Act. This will strengthen our Act by making gifts with a reservation subject to duty whatever the legal nature of the reservation.

Under section 8 (1), as amended, all property therein mentioned will be deemed to be derived from a deceased person so that the ancillary provisions of Part II will apply in like manner to all such property. The scheme of this subsection, as amended, will correspond with a provision in the Victorian Act. The new scheme envisaged by section 8 (1), as amended, necessitates a re-arrangement of several provisions of Part II and many amendments of a machinery or drafting nature which are provided for by many of the remaining clauses of the Bill.

New subsection (1a) of section 8 (inserted by clause 8 (*d*)) will give extra territorial application to all property mentioned in that section. At present the principal Act applies extra-territorially only in the case of property comprised in a settlement or deed of gift and in the ordinary case of property derived under a will or upon intestacy. Provision against double duty being payable in any such case is made by existing subsection (2) of section 8. New subsection (1b) of section 8 (also inserted by clause 8 (*d*)) is the same as subsection (5) of existing section 35 and new subsection (1c) of section 8, modelled on existing section 21, enables a different net present value to be given to property passing under a document which is part of a settlement and in part a deed of gift. The Bill provides for the repeal of existing sections 21 and 35.

Clause 9 (*b*) adds new subsection (2) to section 11 replacing subsection (3) of section 20 and clause 9 (*a*) makes a consequential amendment. Consequentially upon the new scheme of section 8 (1), as amended, the effect

of section 11, as amended, will be that duty chargeable on any property mentioned in section 8 (1), as amended, will be a first charge on such property which will include property passing by way of gift, but as mentioned in new subsection (2) of section 11, there will be exceptions in the case of a settlement, deed of gift or gift. Clause 10 (b) adds two new subsections to section 12 so as to enable the Commissioner, if the administrator is not able to pay duty on any property comprised in section 8 (1), as amended, to require a trustee of such property or any person who is or was beneficially entitled thereto to file a return. Clause 10 (*a*) makes a consequential amendment. Section 12, as amended, will conform to sections 26 (1) and 37 (1) of the principal Act. Upon approval of the return such person will, by virtue of new section 16a (inserted by clause 14), be required to pay the duty.

Section 14 relating to gifts made in contemplation of death is repealed (clause 11), and replaced in part by new paragraph (*a*) of section 8 (1) and in part by new section 19a. The amendments to sections 15 and 16 (clauses 12 and 13) are consequential on clause 10. Section 28 (1) provides that, in the case of property comprised in a settlement or deed of gift, a trustee or a beneficiary nominated by the Commissioner must pay duty out of such property. This provision is replaced by new section 16a (inserted by clause 14), providing that a trustee or other person who is required to file the statement pursuant to new subsection (3) of section 12 shall pay duty on the property concerned but, in the case of the trustee, liability for duty will be limited to the value of such portion of the trust property as, before the death of the deceased person, he had not disposed of pursuant to the trusts.

In the case of a beneficiary however, there is no such limitation—once he has become entitled to the beneficial interest in dutiable property he will be personally liable for his due proportion of duty. This appears to be a necessary amendment in view of the scheme of the Bill which makes the administrator (and through him, the estate) liable for duty in such cases. This amendment is designed to prevent (say) a donee of property from throwing the burden of duty attributable to such property on beneficiaries under the will of the deceased person where, for example, he was given the property two years before the death and in the meantime has dissipated or disposed of the property. Clause 15 amends section 18 consequentially on new section 16a. New section 19a, which I have previously referred to, is inserted in the principal Act by clause 16, which clause also inserts certain headings and repeals sections 20, 21, 21a and 22 now redundant by virtue of the new scheme of section 8 (1).

Clause 17 repeals sections 26, 27, 28, 29 and 30 and also inserts a heading to section 31, but the effect of the repealed sections is preserved by other sections of the principal Act as amended. Clause 18 repeals section 32, the provisions of which have been transferred to section 8 (1), and also inserts a heading to section 33. Clause 19 amends section 33 consequentially on the new provisions of section 8 (1). Clause 20 repeals sections 34, 35, 36 and 37, now redundant by virtue of the new provisions of section 8 (1), and also inserts a heading to sections 38 and 38a. Clause 21 makes a consequential amendment to section 38 by extending the application of that section to all property mentioned in the new provisions of section 8 (1). New section 38a (inserted by clause 22) recognizes administrative practice by enabling the Commissioner to extend the time for payment of any duty under the principal Act. At present the Act provides for an extension of time for payment only in respect of certain classes of property. This clause also enables the Commissioner to postpone the date from which interest is to run. The clause also inserts a heading to the remaining provisions of Part II.

New section 46a (inserted by clause 23) is complementary to section 46, which gives an administrator or trustee power to impose a charge on property for the purpose of adjusting duties as between persons beneficially entitled to property subject to duty. This power will no longer be sufficient in all cases because, in the case of property given away within three years before death, for example, the property may not be in existence or may have been disposed of by the donee at the time when the administrator is required to pay duty on it. Such duty must be paid out of the estate, and by virtue of the new section the administrator will be able to recover from the donee the due proportion of duty attributable to the property concerned. Subsection (2) of the new section provides that where duty is recoverable from a trustee there will be the same limitation on the trustee's liability as is provided for by new section 16a (2), and the trustee will have power of sale over the

trust property in order to indemnify the administrator who has paid duty. Subsection (3) of the new section is a machinery provision.

Clause 24 amends section 48 consequential on the new provisions of section 8 (1). Clause 25 adds a new paragraph to subsection (1) of section 55aa of the principal Act which confers a remission of succession duty on the estates of persons who died on active service in the world wars, in Malaya, or in Korea. The scope of this section is extended to any proclaimed areas or operations, and may thus be applied to any members of the Forces who die in Vietnam or Malaysia or in any operations that may be proclaimed, subject to the limitation that the deaths must be caused by wounds, an accident, or disease and must occur within 12 months thereafter. In addition, by clause 26 (*b*), the amount of the exemption is raised from $10,000 to $20,000. New section 55b (4) (inserted by clause 26 (*d*)) enables this remission of duty (namely, the exemption of $20,000) to be granted in the case of a person dying on active service in any such area if the death occurred before the Bill becomes law.

Clause 26 (*a*) and (*c*) and clauses 27 and 28 amend sections 55b, 55c and 55d consequentially upon the new scheme of section 8 (1). Clause 29 repeals the whole of Part IVE of the principal Act (which deals with rebates in respect of land used for primary production), and substitutes a new Part which covers all rebates to widows, widowers, ancestors and descendants. The new Part consists of 10 sections—55e to 55n inclusive. New section 55e re-enacts existing section 55e in substance (except that land used for forestry is now included as land used for primary production and not, as before, excluded). New section 55f provides for rebates to be calculated at the average rate of duty applicable to the value of any succession. New sections 55g to 55j provide for the amounts of the rebates. In all cases a rebate for insurance kept up for a widow, widower, ancestor or descendant, to a sum of $2,500 is provided for.

In addition, there are rebates in respect of matrimonial homes. The effect will be to enable a widow to succeed to an interest in a dwellinghouse valued at up to $9,000 together with other property of the value of up to $9,000 without payment of any duty. In these circumstances she would have a clear exemption of up to $18,000, so that she will continue to receive as extensive an exemption as is now received when a jointly-owned house is treated separately from a testamentary disposition. Likewise, a widower will be able to succeed to a dwellinghouse valued at up to $4,000 together with other property to the value of $4,000 without paying duty. The rebate will apply to direct testamentary dispositions and tenancies in common as well as joint tenancies. At present the provision for a succession is available only in the case of joint tenancies. The rebates in excess of the basic amounts will be reduced as the total amount left to the widow or widower increases beyond $40,000 in the case of a widow, and $20,000 in the case of a widower.

In the case of land used for primary production, additional rebates upon amounts up to $12,000 will be allowed to widows, widowers, descendants and ancestors. A widow or child under 21 years will be entitled to a rebate of up to $12,000 in addition to the basic exemption of $12,000; a widower, descendant over 21 or ancestor to a rebate of up to $12,000 in addition to the basic exemption of $6,000. Section 55k reproduces, with appropriate amendments, existing section 55h of the present Act which is of an administrative nature. Likewise new section 55n (i) reproduces existing section 55g. New sections 55l and 55m set out the rules for determining the value of land used for primary production and dwellinghouses. They provide that the amount of any charges or encumbrances on the land are to be deducted and in the case of rural land for an abatement of the estate where the beneficiary derives a portion only of the land.

Clause 30 amends section 56 consequentially upon section 8 (1), as amended. Section 56 enables the Commissioner to assess duty on property given to an uncertain person or on an uncertain event on the highest possible vesting under any will, settlement or deed of gift. This section is amended to extend its application to all property which is subject to duty and to any possible aggregation of property with any other property that a person derives from the deceased person. Clause 31 inserts a new section in the principal Act to provide for duty at the rate for a legally adopted child to be paid in the case of a child who although not legally adopted, has in fact occupied the position of an adopted child. The matter is in the discretion of the Minister and the provision is designed to cover cases of hardship. Clause 32 (a) repeals 58 (1) which provides against double duty being payable and which is no longer necessary

in view of the new scheme of section 8 (1). Clause 32 (b) makes a minor drafting amendment to subsection (2).

Clause 33 amends section 63 of the principal Act consequentially upon the new scheme of section 8 (1). Clause 34 (*a*), (*b*) and (*c*) extends the scope of section 63a of the principal Act which requires insurance companies to obtain a certificate from the Commissioner before paying out on any policy on the life of a deceased person. The amendment extends this requirement to policies on the life of the deceased person where the proceeds are payable to some other person but enables payment of 75 per cent of the proceeds in such cases. Clause 34 (*d*) and (*e*) and clause 36 are consequential on the new scheme of section 8 (1). Clause 37 makes an important amendment the effect of which I have explained earlier. This clause amends the Second Schedule to the principal Act to provide for a general increase in succession duty rates upon the larger successions although the basic exemptions are increased under the provisions of new Part IVB with which I have dealt. Clause 37 also amends the provisions in the schedule providing for lower rates in connection with property passing for the purpose of the advancement of religion, science or education by limiting the provision to cases where the sole or predominant purpose is one of those mentioned. Another amendment will provide for complete exemption for gifts to any university in the State; at present the exemption is limited to the University of Adelaide and, as honourable members know, we now have another university and the amendment provides for all universities, both existing and future.

The Hon. G. G. PEARSON secured the adjournment of the debate.

MONEY-LENDERS ACT AMENDMENT BILL.

The Hon. FRANK WALSH (Premier and Treasurer) moved:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution: That it is desirable to introduce a Bill for an Act to amend the Money-lenders Act, 1940-1965.

Motion carried.

Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

The Hon. FRANK WALSH: I move:

That this Bill be now read a second time.

Its object is two-fold. In the first place it is designed to prevent the avoidance of stamp duty on what are, in effect, loans by money-lenders. The Stamp Duties Act provides for amounts of duty on a sliding scale to be paid on money-lenders' contracts as required by section 23 of the Money-lenders Act. That section provides for written contracts in a certain form to be made in respect of the repayment of a loan by a money-lender.

"Loan" is defined in section 5 of the Act. It has come to the notice of the Government that some money-lenders are avoiding the payment of stamp duty by one or two expedients. Some adopt the procedure of entering into contracts for the arrangement of credits or loans prior to the actual loans being made. Others adopt the form of selling goods to borrowers on terms. In neither case is the contract made technically a loan under the Money-lenders Act and therefore it attracts only the normal duty of 10c applicable to ordinary agreements. In substance, in both cases the contracts or arrangements are arrangements for loans.

Clause 3 widens the definition of "loan" to include ''certain agreements for the sale of goods on terms'', and will thus attract duty where agreements of this kind are made by persons whose principal business is that of lending money. A complementary amendment is made by clause 4 (*b*) to section 23 of the principal Act so as to bring within its ambit documents evidencing such sales on terms. Where agreements to arrange loans are made, as I have said, these are not contracts for the repayment of moneys lent. Although section 23 of the principal Act requires a money-lender to enter into a proper contract for the repayment of money lent the only sanction for non-compliance at present is that no interest in excess of the rate of 12 per cent per annum is recoverable under the contract.

Clause 4 (*a*) provides that where a loan is in fact made, if the provisions of section 23 are not complied with to the extent that a contract is not issued, a money-lender is to be guilty of an offence and liable to a penalty. This is designed to ensure that, whatever preliminary documentation is arranged, a contract, stamped in accordance with the Stamp Duties Act, will be made when the moneys are acutally lent. The second main amendment to the principal Act is made by clause 5. Section 30 of the Money-lenders Act provides for an abatement of interest where a borrower from a money-lender terminates his contract either by default or by agreement before the

due date. The abatement is directly proportionate to the period which the contract has yet to run. Under the Hire-Purchase Agreements Act, section 11, the rebate of terms charges is collected on a different formula which makes the rebate somewhat smaller.

It will be seen that where a money-lender lends money for, say, the purchase of an article directly, and the contract is terminated before the due date, he has to grant to the borrower a higher rebate than he would have had to allow if he had sold the goods under a hire-purchase agreement, and is thus placed in a worse position. The formula for determining the rebate of terms charges adopted under the Hire-Purchase Agreements Act was worked out at Premiers' Conferences held in 1959 which were held in an endeavour to achieve some measure of uniformity in hire-purchase transactions throughout Australia. It is considered that, as the nature of the transactions evidenced by a hire-purchase agreement or by a money-lender's contract are basically the same, the amount of the rebate should be computed on the same basis as that which applies under the Hire-Purchase Agreements Act.

The amendment is made following representations to the previous Government by the Australian Finance Corporation that where a contract was terminated in the very early stages it was not able to recover even the stamp duty paid on the contract. The amendment will not fully meet this situation, but it will bring the rebate under the same formula as applies to early termination of hire-purchase agreements in this and the other States, and give to money-lenders the same small measure of relief against possible loss arising from early termination of contracts.

The Hon. G. G. PEARSON secured the adjournment of the debate.

STAMP DUTIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from October 6. Page 2133.)

Mr. MILLHOUSE (Mitcham): I do not intend to allow the Bill to come to a vote without adding my protest to the effect it will have on the economy of the State. I was amused at the fact that the Treasurer explained the Bill in what must be, I think, a record short second reading explanation. Of course, the brevity of the explanation given by the honourable gentleman simply masks the importance of the Bill and the effect it will have on us. Let us not forget that the aim of this amendment to the Stamp Duties Act is to increase taxation receipts under this head by $1,800,000. I believe that is the true figure, not the lower figure that has already been referred to in this debate.

It is noteworthy that in his second reading explanation the Treasurer did not at any time refer to the precise estimate of the increase in revenue he hopes to get from the Bill. If members examine (and I invite those interested to do so) the Estimates of Receipts on Consolidated Revenue Account (the paper which the Treasurer tabled a few weeks ago) they will see that the extra revenue expected to be collected from stamp duties in the current year is $1,867,585. That is under the heading "Stamp Duties" and, of this sum, $1,800,444 is extra revenue expected from stamp duty payable on various instruments; that extra revenue will result from the Bill. As I say, the additional revenue sought to be raised by the Bill is a little over $1,800,000. Members will know that this is about one-third of the total increase in State taxation contemplated by this Government in the present year, so in fact this is a most important measure and, as I say, the honourable gentleman scarcely did justice to it by the length of the report he presented to the House. It is in considerable contrast to the Bill he has just explained, the Budget estimate for which is a mere $615,000, only about one-third of this, according to the Estimates the Treasurer tabled some time ago.

The point I am making is that the Treasurer has just given a painfully long second reading explanation of that Bill, although it is really to raise far less money than this present measure aims to do. If one checks the Bill itself (it is always wise to do this) one finds that the increase in stamp duty comes under three heads. The first one is stamp duty to be paid voluntarily, apparently. It is voluntary in the sense that receipts will not be compulsory for amounts under $50, but if a receipt is demanded it must be given for an amount over $10, and it will then attract 2c duty. This, of course, is mere peanuts. The estimated loss of revenue when the stamp duties were altered before was a mere $100,000 per annum, and the Treasurer said that this amendment would restore the revenue to about that level. How on earth that estimate has been made I do not know, and one wonders how many people really will ask for a receipt.

I suppose they may do so, if a cash transaction is entered into and they need some record of it. However, it is interesting to notice that this matter was not mentioned by the Treasurer when presenting his Budget. If we look under the heading "Stamp Duty" we see that all he said was this:

The South Australian stamp duties on conveyances and upon hire-purchase and money-lenders' contracts are at present $2 for each $200. In other States the rates are significantly higher. It is proposed to bring these duties into line with those of other States by appropriate increases which it is anticipated will bring about $900,000 extra revenue this year and $1,350,000 in a full year.

However, nothing at all is said about the stamp duty on receipts, so apparently this is some thing that has been worked out only in the last couple of weeks. That is the first heading. As I say, I query the estimate, and I propose when the Bill gets into Committee to ask the Treasurer how he arrives at this estimate. I am giving him fair warning, and I hope he will have the answer, for once.

The second heading is the increase in duties on money-lenders' contracts and hire-purchase agreements, and, as I have said, this is a very substantial increase indeed. I could not help feeling that the Treasurer's ghost writers had stooped pretty low when to support this they had to run away to the press, the press which this Government apparently abhors, and quote recent press reports suggesting that the rates in Victoria may be reduced to $1.50 per $100 but that they will be extended to apply to a wider range of instruments. The ghost writer also had resort to New South Wales, where it was said that it had been reported that the rates might be increased by 1½ per cent. Well, if the Government has to sink to quoting press reports on a matter like this it has sunk pretty low indeed in looking for reasons to support this legislation.

Anyway, that is the second head which is explained by the honourable gentleman. I should like to point out for the benefit of members on the Government side that this is going to affect people on smaller incomes rather than those on larger incomes, because one of the instruments that will attract greater duty is a money-lender's contract, and it is notorious who resort to money-lenders and hire-purchase agreements. The people who buy on hire purchase are not wealthy people on the whole, Mr. Speaker: they are people on smaller incomes. I see that the member for Unley (Mr. Langley) is tickling his pencil; I guess he is going to reply in this debate. It will be interesting to hear what he has to say about this, although not quite as interesting as to see the reaction his constituents will have to this. That will be a very unpleasant reaction, I can assure him, from his point of view.

Mr. Langley: That's only your opinion.

Mr. MILLHOUSE: And it is a pretty well-based opinion. The honourable member can give his typically characteristic horse laugh, but the fact is that people in Unley will not like this because they are the sort of people who will be hit by it. I say again that this particular head will affect hire-purchase agreements (which are used mostly by people on lower incomes) and money-lenders' contracts. This tax will affect those people who traditionally have supported the Government Party. I come now to the third set of amendments which raises the rates of duty on conveyances. Here, of course, the Government has picked the figure of $12,000 as the upper limit for what the ghost writer is pleased to call "modest house properties".

The SPEAKER: I suggest to the honourable member for Mitcham that he does not make that reference to "ghost writers". The statements he is referring to are statements of the Treasurer for which he has to take full responsibility in this House. Members will know that Parliament expects that when a Minister gives an explanation of a Bill it is an expert explanation for which the Minister himself must take personal responsibility.

Mr. MILLHOUSE: Thank you, Mr. Speaker. Of course, I do not think any member in this House believes that the Treasurer wrote the speech himself, but he must stand up to what he says in this House, unpleasant thought that may be. My only reason for using this term, Mr. Speaker, is that I understand one is no longer allowed to refer to the Parliamentary Draftsman, who notoriously has a finger in this pie.

Mr. Clark: What has that got to do with it?

Mr. MILLHOUSE: Nothing at all; you, Mr. Speaker, made a comment and I felt in duty bound to explain why I had used the term.

Mr. Clark: You have not done it yet.

Mr. MILLHOUSE: I have; I said I used it because I was not allowed to refer to the Parliamentary Draftsman.

Mr. Clark: What has that got to do with it?

Mr. MILLHOUSE: If the member for Gawler was asleep when you spoke, Mr. Speaker, that is his bad luck.

Mr. Clark: I could be excused for being asleep, but I was not.

Mr. MILLHOUSE: If the honourable member was not asleep, then he is more stupid than I think he is.

Mr. Clark: Get on with your speech.

Mr. HUGHES: I rise on a point of order, Mr. Speaker. I think that is a reflection on the honourable member for Gawler.

Mr. MILLHOUSE: He does not mind; he is used to it.

The SPEAKER: There is no point of order. Interjections are out of order, and I ask members to desist.

Mr. MILLHOUSE: He brought it on himself, Mr. Speaker. I have a point to develop.

Mr. Clark: That will be a nice change.

Mr. MILLHOUSE: The member for Gawler is too sensitive. It is his training as a schoolmaster, but after all these years away from the chalk I thought he would get over it.

Mr. Clark: It gave me practice in hearing childish mistakes.

Mr. MILLHOUSE: The Government—and I use the neutral term to include the whole of the magnificent front bench—has chosen $12,000 as the upper limit for a modest house property, and this is the figure at which the rate of duty is now to change. The Government, in its scramble to get more money, apparently does not realize that is significantly lower than the figure chosen by the Commonwealth Government for its homes grant legislation. That upper limit is $14,000, which is far more realistic than the $12,000 the Government has inserted in this legislation. Obviously, the Government does not want to lose any possible revenue and if it pushed it to the realistic figure of $14,000 it would lose much revenue. This is a mere hollow gesture with no substance. I understand that the Commonwealth Government is considering raising the $14,000 limit to probably $16,000, which will make this apparent concession unreal, indeed.

Under the three heads under which taxation on stamp duty is to be increased in this State (although it is quite imponderable what the returns from the first head will be), the people to be hit are those who used to support the Government. Now, they are heartily sick of it and may not support it in future. The member for Semaphore sapiently wags his head. I do not know whether he thinks I am wrong: he is in for a nasty shock on November 26 when the Commonwealth election takes place and also when the next State election is held which, for me, cannot be held too soon.

Mr. Hughes: You didn't do too well in the Commonwealth sphere!

Mr. MILLHOUSE: The people who will suffer and who will pay the extra duty are those on lower incomes, rather than the people on higher incomes. Hire-purchase agreements, money-lenders' contracts, and conveyances of house properties are typical instances of transactions entered into by such people. I know, and it is admitted, that all State Governments are finding the financial climate difficult. I hope there will be a revision of the formula under which the Commonwealth Government reimburses the States, and I believe that will happen in due course. I cannot understand why the Premier has not been more active in seeking such a revision, as I know that the Prime Minister's attitude is that his door is always open to State Premiers. I was appalled to hear the Premier say that he would present South Australia's case at the appropriate time: apparently, he has not made up his mind when that will be.

Mr. Casey: The Prime Minister has made a statement on that.

Mr. MILLHOUSE: I am sorry that the Premier has not followed the example of Liberal Premiers in other States (as that is always a good example to follow) and gone to the Prime Minister, as this would be a way out of our financial difficulty rather than the expedient that the present Government is adopting. I remind Government members that the present Government is ruining the prospects of this State by raising the level of costs to such a height that we are unable to compete on markets in other States. It is imperative not that our level of taxation should be raised to the level of taxation in other States but that it should be kept appreciably below it. Yet, every justification one hears for increases in taxation is that it will only bring us to the level of other States. I am proud of this State: I believe that it should have a wonderful future if it is not marred by the present Government. However, the way in which that Government is conducting the affairs of the State now will lead to the marring of our future.

All signs point this way, and I know that the member for Semaphore does not care a hoot about industry and commerce in this State. That is why he can afford to take this lightly. Last week, the member for Glenelg referred to the increase in stamp duty imposed by the previous Government in 1964.

The great difference between the present and the previous Government is that the previous Government increased taxation only as a last resort: it did so with much reluctance and anxiety, and never did so if it could avoid it. The outlook and attitude of the present Government is diametrically opposed to that. The present Government, because of its Socialism, which between now and November 26 will be swept under the mat because it is unpopular, enjoys increasing taxation. It is part of its policy, and every time it gets the opportunity to do so, whatever the justification, it increases taxation. It enjoys seeing industry and commerce labouring under a greater burden.

That is the outlook and philosophy of members opposite, from the member for Frome (who, I understand, is a member of the Labor Party) down to the member for Adelaide. This Bill is one more example of this attitude. What the present Government does not realize and what its hollowly laughing supporters do not realize, is that this is leading to the ruination of the State, because we cannot keep going as we are with increases in taxation. I protest as vigorously as I can about this measure, because of the heavy extra imposition it will place on the people of this State. As I have said, about one-third of the whole increase in State taxation proposed by the present Government is contained in this measure. The figure of $1,800,000, which was carefully avoided by the Treasurer in explaining the measure, appears with the utmost clarity if one looks at the estimate of receipts on Consolidated Revenue Account. It clearly shows that under this very head over $1,800,000 extra is expected in the current year. This is a heavy extra imposition which I believe could and should have been avoided. I therefore add my protest to the protest voiced by other members at this measure.

The Hon. T. C. STOTT (Ridley): Mr. Speaker—

The SPEAKER: I am sorry, I cannot see the member for Ridley. The honourable member has already spoken.

The Hon. T. C. STOTT: Yes, Sir. I applied for leave to continue my remarks.

The SPEAKER: If the honourable member looks at Standing Order 175, he may realize that he is required to continue immediately on resumption of the debate. Because he was not in his place to answer the call, he was not able to do this.

The Hon. T. C. Stott: I'll speak in Committee, then.

The House divided on the second reading:

Ayes (18).—Mr. Broomhill, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan, Hudson, Hughes, Hurst, Hutchens, Langley, Lawn, Loveday, McKee, Ryan, and Walsh (teller).

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

Pairs.—Ayes—Messrs. Burdon and Jennings. Noes—Messrs. Hall and Nankivell.

Majority of 2 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Commencement."

Mr. MILLHOUSE: I should like to know the reason why the Treasurer has provided that this measure will commence by proclamation and when the proclamation will be made.

The CHAIRMAN: "That clause 3 stand as printed."

Mr. MILLHOUSE: I asked the Treasurer a civil question which, I think, deserves a reply.

The Hon. Frank Walsh: I didn't hear the question.

Mr. MILLHOUSE: I had to ask the question then, and I should have thought the Treasurer would be in his seat. Can he say why the commencement of this legislation is on proclamation and when he intends to have the proclamation made?

The Hon. B. H. TEUSNER: Having previously referred to contracts at present in the course of preparation, some of which may or may not have been signed, I ask the Treasurer whether the Government is prepared to hold the proclamation over for a reasonable time to enable documents concerning such transactions to be lodged with the Stamp Duties Department.

The Hon. FRANK WALSH (Premier and Treasurer): The Bill was introduced for the purpose of assisting the Government to fulfil some of its obligations and, as we are now about half-way through October, it may be proclaimed early in November.

Mr. SHANNON: In certain cases a deceased person could have entered into certain contracts before he died. These contracts might be in the process of being transferred. In such cases what the beneficiary would have thought to be the costs involved on the estate could be affected by the Bill. I think it would be

appropriate to insert in the Bill a provision that would protect the interests of such people who have acted in good faith and in conformity with the instructions of the deceased person. This would not have any major effect on the State's finances. I do not think it is asking too much to suggest that a little time be allowed for such transactions, although I do not suggest that the provisions of the Bill should not apply to transactions proposed now. In some cases probate takes a little time to be finalized and transactions must be held in abeyance until that time. That time lag could penalize a section of the community.

The Hon. FRANK WALSH: Whatever time is proclaimed some hardships will be suffered. In cases where an application has already been made and a delay is caused, I should like to be able to consider the factors involved to see whether or not relief could be afforded. On the other hand, where a delay is caused not by the desire to get an estate through probate but by some other matter affecting the beneficiaries, then it is a different proposition. If probate is held up because of sickness or an accident to a beneficiary, a sympathetic view should be taken. However, we should be able to examine the facts involved and to see whether hardship can be avoided.

Mr. HEASLIP: I know of a case where delay has been caused through difficulty in interpretation, the case having gone on for over five years. Probate has been granted and certain land transfers have now been lodged with the Registrar. However, delays can still occur. If this case has not been concluded by the time the Bill is proclaimed, does it mean that the people concerned will have to pay the extra duty? The claims are ready to be stamped but may not be stamped before the Bill is proclaimed.

The Hon. FRANK WALSH: I believe that the answer I gave to the member for Onkaparinga covers the case referred to by the honourable member.

Clause passed.

Clauses 4 to 7 passed.

Clause 8—"Amendment of Second Schedule to principal Act."

The Hon. Sir THOMAS PLAYFORD: I move:

In new paragraph (*b*) to strike out "for every $100, or fractional part of $100, of such amount or value . . . $1.50".

My purpose is to provide that the base exemption shall be carried on for amounts over $12,000. There are many taxation Acts in this State in which this principle has been adopted. This is the only way in which we can overcome the anomaly that is bound to occur if the provision relates to any amount in excess of $12,000, because it immediately puts into the higher range an amount of $12,100. The Bill provides for a tax of $1.50 for every $100. An anomaly immediately exists in that even a small amount above $12,000 attracts an increased tax of $60. The principle I am asking the Committee to accept is set out in the Land Tax Act. It is accepted in that Act even in respect of the exemption to primary producers.

Mr. Coumbe: And the principle is accepted in the Commonwealth income tax legislation.

The Hon. Sir THOMAS PLAYFORD: Yes. I think that if the Treasurer looks at the matter carefully he will realize that the amendment is fair; it is designed not to destroy the Bill but to give it at least some semblance of fairness. Any exemption should apply to all taxpayers fairly and properly. In this case, the exemption applies only to a figure below $12,000; the moment that figure is exceeded there is an additional 25c tax on every $100.

The Hon. FRANK WALSH: No matter where the demarcation line is drawn, somebody will be considered to be suffering a hardship. I said previously that we were down on stamp duty revenue last year and that we would have to take some steps to make up the deficiency. If the amendment was accepted, it would mean that for all conveyances over $12,000 the duty would be reduced by $30, and this would result in a loss of revenue of about $140,000. The rate of duty on conveyances below $12,000 is intended as a concession for people involved in such conveyances and not as a means of reducing the rate of duty on all conveyances above $12,000. As $140,000 is involved, the Government cannot accept this amendment.

Mr. McANANEY: It is not merely a question of hardship: the provision in the Bill is a rank injustice to people selling or buying a property worth just over $12,000. If the Government wants to collect that additional revenue, it should show some sense of fair play and justice. I consider that there should be a graded increase in this duty.

Mr. SHANNON: The member for Stirling referred to a graded duty. As pointed out by the member for Gumeracha, the provision increases the rate in every $100 if the figure involved is over $12,000. I am wondering whether this was really intended, or whether it was intended that the higher rate should be

payable only on the amount above $12,000, which appears to me to be fair and just. If that were done I would not complain.

The Hon. B. H. TEUSNER: In the Succession Duties Act, as amended in 1963, there are ample precedents for this proposed amendment. If the property being transferred has been sold by public auction or transferred to a complete stranger the Stamp and Succession Duties Department accepts the price paid as being the value of the property, and assesses the duty accordingly. If the transfer is to a relative of the transferor and the full value of the property is not paid, the Stamp Duties Department generally requires a valuation, and the duty is fixed on that. Valuators will be in a dilemma if they are requested to value a property, because transferees will probably try to persuade the valuator to keep the value below $12,000, if possible, so that the duty payable will be $1.25 for every $100 value. Under this Bill, if the valuation is above the $12,000, it will be necessary to pay duty 50 per cent higher than the present rate. The amendment means that $1.25 per $100 of value would be paid up to $12,000, and anything in excess of that value would pay a duty of $1.50 per $100.

Mr. MILLHOUSE: I support the amendment, and I am surprised that the Treasurer and his advisers should be so blind to the justice of this as to be adamant about it. The Treasurer said that this was a matter of $140,000 and, apparently, justice does not count for anything. I should like to know how the estimate of $140,000 was made. Let us assume that the value of the property is $11,000: for this the duty payable under the Bill is $137.50. If the value is $11,999, the duty payable under the Bill is $150, but if the figure is taken $1 above instead of $1 below the line, and the value is $12,001, the duty jumps to $181.50. For an extra $2 in value the duty payable under the Bill is increased by $31.50. Surely, the Treasurer will not adhere to such a table of values as that. When the value is just $1 above or below the line, it is absurd that there should be a jump of over $30 in the duty payable. Section 3 of the Land Tax Act Amendment Act, 1965 (which was iniquitous enough), provides for a sliding scale, and a Land Tax Act Amendment Bill at present on honourable members' files follows the same principle, so that the graduated severity of the tax is in accordance with the practice of the Government. Why does the Treasurer now leap to another scheme that will lead to what is obviously an injustice? I cannot believe that the Treasurer, now that he has received an explanation, will oppose the amendment moved by the member for Gumeracha merely because of an extra $140,000 to which he has referred. I should like to know how the Treasurer reaches that figure.

Mr. SHANNON: I move—

The CHAIRMAN: Order! As an amendment is before the Chair, the honourable member cannot move another at this stage, but he may indicate what he intends.

Mr. SHANNON: By inserting "in excess of $12,000" after "$100", I think the Treasurer will achieve the purpose for which the Bill is intended.

The Hon. FRANK WALSH: The honourable member's suggestion contains some merit. I am concerned at percentages applying to sums between $12,000 and $15,000. I ask that progress be reported so that the matter can be considered further. I point out, however, for the benefit of the member for Mitcham, that I am prepared to answer questions only when a reasonable degree of courtesy is extended to me.

Progress reported; Committee to sit again.

AUDIT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 29. Page 1966.)

Mr. McANANEY (Stirling): This Bill seeks to streamline the work undertaken by the Auditor-General's department in ensuring the efficiency of various Government departments. Although I think I understand the reason for some of the deletion, I am concerned at the provision in clause 4 seeking to delete the following part of section 27 of the Act:

> and after such queries and observations have been answered and after such further accounts, vouchers, statements, documents, and explanations have been rendered, shall certify the cash book, and, subject to any exceptions noted in such cash book . . .

I cannot see why that provision should be deleted. I should think it would be normal auditing practice for the person checking a cash book, for instance, to certify that he had checked it. I can understand that the last words of section 27 (1) are unnecessary because, like anybody else, the Auditor-General can make mistakes, and the certificate previously required by this subsection could affect a correction made at a later stage.

Another provision means that the Auditor-General can surcharge a person, who might have left a job, for any deficiency that could

have occurred whilst that person occupied the job. The Auditor-General's Report claims that it has not been possible under the Act to surcharge a person for certain defaults. Section 27 (2) provides:

> . . . the Auditor-General shall surcharge any deficiency or loss and any expenditure which has not been duly authorized, vouched, or certified, and shall forward to the Treasurer a statement of all such unsatisfied surcharges to be enforced by him against every person through whose fraud, mistake, default, or error any such surcharge has arisen.

Apparently, all that is lacking is a specific reference to the need to include the name of the person making an error. It appears that the insertion of the name only would overcome this problem. Clause 4 (*f*) provides that the following words shall be inserted in the Act:

> require, in the form contained in the Third Schedule or to the like effect, the accounting officer or other person concerned to show cause within such time not exceeding one month as the Auditor-General may allow, why he should not be surcharged and upon failure to show cause to the satisfaction of the Auditor-General, such person may by notice in the form contained in the Fourth Schedule or to the like effect, be surcharged by the Auditor-General with any deficiency or loss and any expenditure which has not be duly authorized, vouched or certified.

That provision enables the person concerned to have a chance to accept the fact that he has done something wrong, and it clears up the position. However, it provides that such a person may be surcharged by the Auditor-General. Does this mean that the Auditor-General will actually collect the money from the defaulting officer, or does it mean that he will merely get the person concerned to accept the surcharge, and then report to the Treasury, which will collect the money? I presume that the latter position will apply because the Act previously provided that the surcharge would be recorded in the Treasury. Perhaps some explanation could be given on this point. The Bill will expedite the means of collecting money and simplify the method by which the Auditor-General takes evidence from the defaulting officer. The officer concerned has certain rights and, if he is dissatisfied with the surcharge, he can appeal to the Governor. With those few remarks about possible difficulties in the wording, I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Amendment of principal Act, s. 27."

Mr. McANANEY: Is it to be the Auditor-General's task under this clause to levy the surcharge and collect it from the defaulting officer?

The Hon. FRANK WALSH (Premier and Treasurer): In my second reading explanation, I said that the Minister was not to be associated with these provisions, which were to be dealt with by the Auditor-General. Under the circumstances, the Auditor-General will be empowered to carry out all the matters associated with the Bill.

Clause passed.

Remaining clauses (5 to 8) and title passed.

Bill read a third time and passed.

BRANDING OF PIGS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 15. Page 1633.)

Mr. FERGUSON (Yorke Peninsula): I support the Bill, except for one clause that relates to the sale of pigs. The original legislation was introduced at the request of pig breeders and commercial pig raisers in order that diseases in piggeries might be detected. This Bill amends the Act in relation to the branding of pigs, and provides that the brand must be of a certain type. It cannot be other than a tattoo brand, as that is the only brand that will remain on a pig. The clause to which I cannot agree is 5 (*b*), which inserts new subsection (4) to section 5 of the principal Act, as follows:

> Notwithstanding subsection (1) of this section, a person may sell or offer for sale a pig which is not branded in accordance with that subsection if such pig is under the age of six weeks and is sold or offered for sale with a sow which it is at the time of the sale or offer still suckling.

In his second reading explanation, the Minister said that the second amendment would enable pigs under six weeks old to be sold unbranded. However, I believe that under this new subsection such pigs could be sold only with the suckling sow. The Minister went on to say that it was not practicable to brand pigs under six weeks old. As I have said, this legislation was introduced originally to assist in the detection of diseases in piggeries. I believe that if persons are allowed to sell pigs under six weeks old with suckling sows there would be a stage when the birth of these pigs could not be traced. If a commercial buyer went to three piggeries on one day and bought several five-week-old pigs, sold the sows two days later, and then mixed the young pigs together in a

yard or paddock, their origin could not be traced, because the Act provides that they do not have to be branded until seven days after purchase.

The Minister said that if this provision was accepted the origin of these pigs could be traced in 90 per cent of cases, but the other 10 per cent may carry diseases that will affect the piggeries of this State. I believe it is practicable to brand pigs less than six weeks old, and that this is the best time to brand them. If we accept clause 5 (*b*) we will destroy the object for which the original legislation was passed.

Mr. RODDA (Victoria): I agree with the comments of the member for Yorke Peninsula about clause 5 (*b*) and about the selling of unbranded pigs, or "suckers". The Minister said that it was intended that brands should consist of three letters but that the Government had been advised that there was no power under the Act to limit the form of brands in the desired manner. The member for Yorke Peninsula, who is an expert in this field, has pointed out the impracticability of selling "suckers" under the age of six weeks. If they are not branded, this can lead to spurious practices. If the Minister considers this aspect, I am sure he will meet the objection raised by my colleague.

The pig industry has expanded. I engaged in pig raising some years ago, but I was priced out of the market. Every Monday it is difficult to go along the Mount Gambier road because of the number of pigs on their way to the Mount Gambier market. Some of my constituents have bought pigs at that market, and they have turned out to be "suckers" for bringing them home. If the animal is branded and its origin can be traced, I am sure this branch of the livestock industry will be placed on a sound basis. I agree with the comments made by the member for Yorke Peninsula.

Mr. McANANEY (Stirling): I agree with what the two previous speakers have said. I know what a terrific danger we face from the exotic diseases that pigs contract. Pigs are more susceptible to these diseases than other animals are. A 10 per cent risk has been mentioned. However, I consider that unless we are going to make this foolproof it would hardly be worth while going to this trouble.

Mr. Clark: Won't there be a risk whatever age you do it?

Mr. McANANEY: If the branding was done at an earlier age that would enable us to trace the origin, it would be of some advantage.

Mr. Clark: What age are you suggesting?

Mr. McANANEY: I think pigs are usually marked at a younger age than six weeks. Although I do not know very much about pigs, I have carried out every performance on a farm and I once marked a dozen pigs on my own. I know that this marking is done at a young age, and I think the ear mark could be put on at that same stage. If three sows with "suckers" are purchased in a market and taken home by the one person, most likely the "suckers" will be weaned immediately and will be mixed in together. One of those pigs could develop a disease, and this would mean that the disease could have had three possible sources. I think that if the branding age was made four weeks the Act would be much more effective.

The Hon. G. A. BYWATERS (Minister of Agriculture): I thank honourable members for their comments. As intimated earlier, this Bill was introduced mainly to provide for the framing of regulations prescribing a three-letter stamp rather than what was provided normally under regulations. Several honourable members have raised points regarding the age at which pigs should be branded, but none of them actually stated the exact age at which this branding should be done.

The Hon. B. H. Teusner: The member for Stirling suggested four weeks.

The Hon. G. A. BYWATERS: Yes, and I believe that was in the mind of the other members who spoke. The main reason for specifying the age of six weeks was that it was thought anything under six weeks was too young; the reason was a humane one.

Mr. Clark: How do the pigs like this business?

The Hon. G. A. BYWATERS: I do not think they would like it at a tender age. At six weeks the "suckers" would not be weaned. It would be difficult to assess what percentage of pigs would be involved in this matter, although I suggest that it would not be as high as 10 per cent, which was the figure suggested by one honourable member. The principal Act provides that where pigs are being sold subsequently they must be branded seven days before sale, so the argument of honourable members that possibly the origin of a pig could not be traced is surely a little hypothetical. After all, the owner of the pigs would know just where the sow came from originally; he would have a record, and he

would have to brand the pigs before he sold them. Therefore, I would think the danger in this matter is not as great as honourable members seem to suggest. In any event the legislation could be amended again if necessary. I ask members to allow the Bill to pass in its present form.

Pig breeders have long sought an amendment to the Act, for they are anxious to have some form of protection. Those breeders have often asked me when legislation was going to be brought in to allow the regulation to come into force. Therefore, I am rather anxious for the matter to go through now. If it is found subsequently that there is any substance in the suggestions made by honourable members, I shall be only too happy to look at the matter again.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Duty to brand pigs before sale."

Mr. FERGUSON: I move:

To strike out paragraph (*b*).

The pig industry is becoming important. The Minister said that pig breeders and commercial pig raisers had sought this legislation. Actually, those people asked for this legislation simply because they wanted to be able to detect diseases. I think they would desire that this legislation be foolproof. The provisions of paragraph (*b*) would seldom be needed, for I do not think many pig breeders would want to sell a sow with a litter under six weeks old. If this paragraph was deleted it would become necessary for all pigs to be branded before sale, for if a person wanted to sell a pig six weeks old he would have to brand it prior to selling. The same thing would apply if they wanted to sell a pig aged eight weeks.

The Hon. G. A. Bywaters: If a person sold a sow with a litter, it would mean that all the litter would have to be branded at birth.

Mr. FERGUSON: They would not have to be branded until they were sold. It is not practicable to sell pigs at a very young age, and it would be done only in exceptional circumstances. I consider that to make the legislation work as originally intended it would be better to strike out paragraph (*b*) and thus provide that all pigs should be branded before sale.

Mr. RODDA: I support my colleague in this matter. I heard the suggestion that there was some stress on a pig being branded, but I consider there would be no more stress on a pig aged four weeks than there would be on one aged six weeks. It is a simple operation. The pig is pricked and rubbed over with Indian ink. Pigs are weaned at six weeks, and there are very few sales prior to weaning. If there were, the purchaser would be running a grave risk. If this provision is struck out, pigs must be weaned before they are sold.

The Hon. G. A. BYWATERS (Minister of Agriculture): I ask the Committee not to accept this amendment. If there were any danger here, we would be prepared later to look at this again. If we struck out this paragraph, in the case of a sow with a newly born litter sold soon after the birth of the litter, every piglet would have to be branded. The officer in my department to whom I have spoken about this thinks that this is a safe situation.

Amendment negatived; clause passed.

Clause 6 and title passed.

Bill read a third time and passed.

PLANNING AND DEVELOPMENT BILL.

In Committee.

(Continued from February 16. Page 4114.)

Clause 8—"The State Planning Authority."

The Hon. D. A. DUNSTAN (Attorney-General): I move:

In subclause (2) (*b*) after "acquiring," to insert "taking or letting out on lease,"

This clarifies the power of the authority in order to avoid any doubt that it has power to take or let out land on lease. This may be necessary in the course of the activities of the authority in the development of the various regional planning processes.

The Hon. D. N. BROOKMAN: I pointed out earlier that the authority had wide powers. I hope that in certain circumstances they will be somewhat modified but it appears that subclause (2) provides that the authority will be able to buy and sell land. As the authority will, apparently, be under his general control and direction, can the Attorney-General indicate its policy in this matter? Should it be able to buy and sell land on a big scale? For instance, should it be able to buy a large area of which it will require perhaps only a small portion, and then sell the unwanted portion at a great profit? If land acquisition is kept to the absolute minimum for planning requirements, that is all right but, if at any time the authority shows a tendency to buy land recklessly, knowing that it will certainly appreciate in value, it may then feel that it can sell some of the land at a great profit, and, if it needs

more money, it can find a way of selling land for that purpose.

The Hon. D. A. DUNSTAN: I cannot see that the authority will ever have money to go in for large-scale land speculation. That is not the purpose of these provisions. Basically, there are two purposes here. One is in redevelopment areas, and here it is essential that in the scheme of legislation being prepared local government bodies use the authority as their agent for acquisition of redevelopment areas. Indeed, that the authority should be able to do this and make the necessary arrangements with local government authorities has been an essential part of our discussions with those authorities as to the way in which the authority will co-operate with them. The authority should be able to acquire areas for open space and for its preservation. In acquiring land it must be able flexibly to execute schemes either with private developers, with councils, or with the Housing Trust, for the development or redevelopment of the land. There may be some conceivable limitations to do so that have been raised by councils, and these amendments are to make certain the authority in co-operation with councils will have complete flexibility of acquisition and preservation of open space areas, and for putting through the necessary redevelopment schemes.

The Hon. G. G. PEARSON: It is necessary for the authority to acquire land either for its own purposes or in collaboration with councils. In many cases where land acquisition powers are exercised the authority finds that the owner of the land may be either agreeable to the acquisition of all the land or may wish to retain some of it. However, perhaps the acquisition so mutilates the property that the residual is of no value to the owner and he wants the authority to buy all of it. If the authority does so, it acquires the land at acquisition prices that are usually based not on the market value but on some other value. Therefore, the authority may possess a substantial area for which it has no immediate or prospective use, and it sells the land at full market value, thus showing a considerable profit. Unless the owner requested the authority to take this action, it would be unfair for the authority to acquire land that it did not require, especially if it sold it at a profit. The owner can take the matter to court but he is not always awarded the true market value. There should be some protection for the owner under these provisions.

Amendment carried.

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

In subclause (2) (*c*) after "may" to insert:

> with the approval of the Minister, enter into any contract with any person to develop, or secure the development of any land in any manner consistent with any authorized development plan, and may

This gives the authority clear power to enter into the necessary negotiations with developers in the redevelopment of land and the carrying out of regional plans.

Amendment carried.

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

In subclause (3) after "Minister" first occurring to insert:

> or where the authority is required to give effect to a direction of the board,

This whole subclause raises the question of what control the Minister will have. This amendment will ensure that the Minister in exercising control over the authority cannot override a direction, if any, of the appeal board issued in connection with the determination of an appeal.

The Hon. D. A. DUNSTAN: The whole purpose is to ensure Ministerial responsibility. There must be Ministerial responsibility for basic policy decisions for which the Minister is answerable to Parliament. It is Government policy that no board or independent authority shall be responsible for an area of public administration without being answerable to members of Parliament. That is why we insist that Ministerial responsibility be retained in all measures introduced. If this clause is deleted the authority may not be responsible to Parliament. We have to find the money for redevelopment and the acquisition of open spaces, and it is essential that the Minister be able to make policy directions, as it would be hopeless if an independent authority, not answerable to Parliament and not directly subject to the Treasurer, could go ahead. The amendment maintains the right of Parliament and does not decrease it, and I am prepared to accept it.

Amendment carried.

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

In subclause (5) to strike out "nine" and insert "seven".

The amendment reduces the membership of the authority from nine to seven. I believe that a membership of nine is too large for an authority responsible for making executive decisions. I intend also to move other amendments, the first seeking to replace the Engineer-in-Chief, the Commissioner of Highways and

the Surveyor-General by one person representing both the Minister of Roads and the Minister of Works. I am concerned at too much Government representation on this authority. Further, I do not agree with the provision enabling a Housing Trust officer to be appointed to the authority, and intend to move an amendment to the effect that the Minister shall nominate an officer to the authority but not on the recommendation of the Housing Trust.

I wish also to replace the city of Adelaide representative with a representative of the Real Estate Institute. Although I do not wish to decry the importance of local government representation on the authority, I point out that the institute is a respected organization; it is given fairly heavy responsibility in other legislation; and it is extremely experienced in its particular field. An institute representative would provide a great protection for the ordinary citizen, and should be nominated by the authority. These amendments seek a wider representation, that is, to make the authority more workable, and to reduce Government representation in order to provide for a higher proportion of non-Government membership.

The Hon. D. A. DUNSTAN: I hope the Committee will not accept this amendment. Although it is true that for executive purposes the authority should be as small as possible, it would be difficult to have an effective authority if it did not include the persons set out in the Bill. The honourable member's amendments exclude three of those at present proposed on the authority, and substitute one; the Engineer-in-Chief and the Commissioner of Highways are to disappear for one composite person; and the Surveyor-General is also to go. The City Council member is also to go. However, we have included these people on the authority not because we wish to load it with Government nominees but because it is absolutely essential that we have the work of the various departments concerned co-ordinated and that their representatives should be present when the relevant decisions are made.

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

The Hon. D. A. DUNSTAN: It would be disastrous not to have the Commissioner of Highways on the authority. It is essential that the Director and Engineer-in-Chief be a member, because planning requires the closest co-operation of the Engineering and Water Supply Department. It will not be sufficient to have one person representing both departments, because the work of the departments cannot be so tied together. The Commissioner of Highways is not necessarily in a position to have decisions made on his behalf by a representative of the Engineering and Water Supply Department.

It is proposed that the Surveyor-General be not a member of the authority. The original planning of this beautiful city was done by a Surveyor-General and in most areas of the State the work of the Surveyor-General is an essential part of planning. For example, the effective planning of the city of Whyalla could not be carried out without the co-operation, knowledge and assistance of the Surveyor-General. That applies particularly in country and regional areas.

Regarding the proposal that there be not a reprsentative of the Adelaide City Council on the authority, the planning at the city centre must be done by that council and tied in with the work of authority if we are to have effective metropolitan regional planning. The present legislation is lacking because it is largely inapplicable to the city of Adelaide, and development cannot go on while the city of Adelaide is considered apart from the development areas that must grow up around it. The City Council cannot be represented adequately by delegates from other local government bodies.

In preparing this proposal, we endeavoured to keep the membership of the authority to a minimum so that the authority would be an effective executive. However, we cannot have off the authority people whose departments and decisions must be vitally affected by the day-to-day work of the authority. Representatives of independent statutory authorities such as the Housing Trust and the Highways Department must be present when decisions are made. In any redevelopment plan or in any further development of the metropolitan area of Adelaide, let alone of country cities, the Housing Trust inevitably will be involved as the major developer. Indeed, it will be the major developer in giving effect to other legislation affecting local government.

In Melbourne the development programme is being carried out by the Housing Commission, which is the major source of funds for that purpose. We have the authority so constituted that all the relevant organizations most immediately affected and those organizations with statutory powers, such as the Housing Trust and the Highways Department, will have representatives present when decisions are made. Otherwise, we will not have effective planning

and the left hand will not know what the right hand is doing.

The Hon. D. N. BROOKMAN: When I moved the amendment, I did not outline the proposed constitution of the authority. My amendments, when taken together, provide for the authority to consist of seven members. There will be the Director, and one nominee to represent the Engineer-in-Chief, and the Minister of Local Government and Roads. I do not see why it is essential to have two members to represent those departments if one good nominee is available to represent both. I have not provided for the Surveyor-General to be a member. He is a technical officer who can give assistance but there is no reason why he should be a member.

I suggest having as a member a nominee of the Minister of Housing, not necessarily from the Housing Trust. The provision whereby the Minister of Housing must have a nominee from the Housing Trust on the authority is illogical. I propose that the Director and two other officers be appointed directly by the Government. I also propose that there be one nominee from the Municipal Association, one from the Local Government Association, one nominated jointly by the Chamber of Manufactures and the Chamber of Commerce (which is small representation, but better by proportion than is proposed in the Bill) and one nominee of the Real Estate Institute.

Government representation is reduced in my proposal. The representation that I propose would give the general public much more confidence in the authority and would obviate allegations that it was a bureaucratic organization or a Government instrumentality. A subclause already passed provides that this authority will be under the general control and direction of the Minister.

The Hon. Sir THOMAS PLAYFORD: I support the amendment, although I would have preferred there to be more representation of the rural interests. I do not think the Adelaide City Council has any more right to have a direct representative than has any other council in the metropolitan area. In fact, many councils have larger areas with more population.

As a member of the Municipal Association, the city council would have the right to nominate a member. The authority has too many official Government nominees and not enough representatives of the people who will have to live under the decisions the authority makes. We want town planning which will interfere as little as possible with the rights of individuals and which will cause as little hardship as possible. The Bill provides for an extra-official authority which will be a controlling rather than a planning authority. Ultimately, another Government will have to straighten this up, because the decisions reached will be of such a regimented nature that they will lead to the authority's undoing.

Mr. COUMBE: One of the functions of this authority will be to control development. As the Housing Trust is a developer as well as the biggest builder of houses in the State, surely it should be on the same footing as any other developer. That it is bigger than the others should not give it the right to have direct representation. It could be almost a case of Caesar trying Caesar. As this authority will hear all developmental schemes put before it, why should one of the developers be a member?

The Hon. D. A. DUNSTAN: It is impossible to separate the function of the Housing Trust as a developer from its position as a State housing authority, for it is responsible not only under the South Australian Housing Trust Act but also under the Housing Improvement Act for redevelopment projects. It is a State instrumentality bound to carry out much of the policy that will be involved in town planning, so it cannot be put to one side and treated as a developer competing with private developers. Its duty is entirely to the public: it is not there just to make a profit. It would make the whole scheme unworkable if we were not to use powers in this Act and the Housing Improvement Act for redevelopment projects. The powers of the authority to carry out redevelopment works on behalf of and in co-operation with councils are essential, and the trust will have to be one of the major agencies involved; in many circumstances the powers of the trust under the Housing Improvement Act will have to be used.

Mr. Coumbe: You mean that it may be an agent of the authority.

The Hon. D. A. DUNSTAN: Certainly. The whole scheme is for the authority to act as agent for local government and for the Housing Trust to be agent for the authority in certain redevelopment schemes. The finance will have to come through the Housing Trust for many redevelopment programmes. Therefore, it is impossible not to have the trust most intimately concerned with what the authority is doing, and its representative must be there when decisions are taken.

Mr. Coumbe: Has the Housing Trust expressed any opinion on this?

The Hon. D. A. DUNSTAN: No, although it was informed of what the Government was trying to do, as all other Ministries were.

The Hon. G. G. PEARSON: Will the Attorney-General say what he believes will be the role of private builders in redevelopment schemes? From his remarks, I gather that he visualizes the Housing Trust playing a major role.

The Hon. D. A. Dunstan: A considerable, but not exclusive, role.

The Hon. G. G. PEARSON: The Lord Mayor has already referred to high density residentials within the city square, and similar problems interest other municipalities. When the Government took office it refused to allow the trust to go ahead with a project within the city square. Is this to be a permanent attitude of the Government? The amendment seeks to bring within the authority the Real Estate Institute. Of the total amount of housing built in this State now, the Housing Trust builds not quite 50 per cent: it varies from year to year, according to the opportunities available for private building.

The trust is only one of the agencies that builds houses in this State, and there is much scope for encouraging private investment in this type of building. Although I have a high regard for the work the trust has done, it was set up originally to fulfil a specific and necessary purpose when there was an urgent need for housing, and there did not appear to be any real desire or ability on the part of private builders to get on with the job in the volume necessary in the post-war period.

The trust has filled its role in this matter in a uniquely successful way in Australia. However, I do not look forward to the day when it will become a huge juggernaut type of authority that will have added to the advantages it already enjoys the advantage of fulfilling two roles under this authority. This will place it at such an advantage over other builders that private building will tend to be discouraged, and I should like the Attorney to give me some assurances on the role which he sees for the trust and on the role which he, as a matter of policy, is prepared to allow private builders to fulfil.

The Hon. D. A. DUNSTAN: The Government has no intention of treating the Housing Trust as the exclusive authority for redevelopment purposes. It is our aim to see that in all redevelopment plans private builders will be involved as much as possible. Indeed, this has been sought by the Housing Commission in many of its Melbourne developments. At one stage land was acquired and passed over to the Master Builders Association in Victoria, but unfortunately that development scheme was unsuccessful and resulted in a substantial loss. However, more recently, as part of the Carlton scheme (which has been very carefully costed) it has been possible to acquire land at a reasonable price (although very much more than we would have to pay here) and to hand it over, for instance, to the Public Service Co-operative, which has then engaged private builders for a very successful redevelopment of portion of Carlton.

Wherever this could be done, the Government would wish private developers to be involved in the redevelopment programme. The honourable member has referred to a specific instance in the city of Adelaide where the Housing Trust did not go on with a previously proposed high-rise block. However, that was one high-rise block completely unrelated to any redevelopment plan for the city of Adelaide.

The Hon. G. G. Pearson: I queried whether that was a pointer to Government policy.

The Hon. D. A. DUNSTAN: No, it was not. The Government is interested in getting high-rise development, but we want it properly planned. We do not want some isolated high-rise block somewhere unrelated to any other development, for that is foolishness, not planning. We were not satisfied about what was to surround that high-rise block, for the city of Adelaide at that stage had no planning; it had no redevelopment plan prepared; it did not know what the progress of the area was to be, and, as a matter of fact, it still does not. All the inner city areas have been asked to appoint their planners and consultants and to consult with the Planning Office in order to get ready longe-range plans for redevelopment so that we will know where we are going and just what sort of relationship high-rise blocks are going to have to the facilities around them.

In Melbourne the Housing Commission put up some high-rise development without knowing what was to go around it. The problems that have arisen there have been enormous, simply because the development was not fitting into an overall plan. The commission learned its lesson in Carlton, and we, too, should learn our lesson from what has happened there. The Government is interested in seeing to it that there is high-rise development. It has no policy against

private involvement in these redevelopment schemes; in fact, it believes it essential that private developers should be involved in schemes, and it seeks to involve them as far as possible.

The Hon. D. N. BROOKMAN: This is a completely new aspect of the cancellation of the arrangement with the city of Adelaide.

The Hon. D. A. Dunstan: You haven't listened; it has been said many times.

The Hon. D. N. BROOKMAN: The idea was to have a high-rise block. We do not know why that block was not suitable. It is possible that in the future the authority will put up a block on that site or close to it. At that time we were not given the explanation that we have now been given.

The Hon. Sir Thomas Playford: We were told it was against Government policy.

The Hon. D. A. Dunstan: I specifically said then what I have said now.

The Hon. D. N. BROOKMAN: I am not referring to what the Attorney said: I am referring to what the Premier said at that time, and it was certainly interpreted by me as being a doctrinaire objection to the building of a block of flats by the Adelaide City Council. The Government repudiated an arrangement with the council. This is a new interpretation of the action that was taken.

The Hon. Frank Walsh: We never repudiated anything.

The Committee divided on the amendment:

Ayes (14).—Messrs. Bockelberg, Brookman (teller), Coumbe, Ferguson, Freebairn, Heaslip, McAnaney, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, Shannon, Stott, and Teusner.

Noes (16).—Mr. Broomhill, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Langley, McKee, Ryan, and Walsh.

Pairs.—Ayes—Messrs. Hall and Nankivell, and Mrs. Steele. Noes—Messrs. Burdon, Jennings, and Loveday.

Majority of 2 for the Noes.

Amendment thus negatived.

The Hon. D. N. BROOKMAN: I shall not proceed with my next amendment, which was to provide for one person to be appointed by the Governor to represent the Minister of Local Government and Roads and the Minister of

Works, as the vote just taken rules that out, but I now move:

In subclause (5) (*e*) (i) to strike out all words after "Housing" first occurring.

This, in practice, would not mean very much. The nominee of the Minister of Housing is intended by the Government to be on the recommendation of the Housing Trust, but I want to eliminate the requirement of such a recommendation; so I want paragraph (*e*) to read:

five other members appointed by the Governor of whom (i) one shall be nominated by the Minister of Housing.

There is nothing to stop the Government from going ahead with its present plan if it wishes to, but I do not see why we should write into the Act that it must be on the recommendation of the Housing Trust. We all appreciate the work of the trust but we on this side of the Committee do not think it should have the right to recommend one of the members of the authority.

The Hon. D. A. DUNSTAN: I accept the amendment.

Amendment carried.

The Hon. D. A. DUNSTAN: I believe there is an amendment of mine that we have overlooked.

The CHAIRMAN: The member for Alexandra has an amendment to subclause (5) (*e*) (ii).

The Hon. G. G. Pearson: There is one I want to move before that.

The CHAIRMAN: There is nothing on the file.

The Hon. G. G. PEARSON: I accept that. Paragraphs (*b*), (*c*) and (*d*) of subclause (5) stipulate that the members of the authority shall include the person for the time being holding the office of Director and Engineer-in-Chief, the Commissioner of Highways and the Surveyor-General. To make it obligatory for the Director and Engineer-in-Chief and the Commissioner of Highways to be on the authority would make it unworkable. The Engineer-in-Chief is also South Australia's representative on the River Murray Commission, and the present officer is a member of the Electricity Trust. These are very busy men. It would ease the working of the authority if it was provided that the deputy of each of those three persons could act in his absence. I do not know what the Attorney-General thinks about this, but this end could be achieved by adding at the end of each of these three paragraphs the words "or his deputy".

The CHAIRMAN: The honourable member cannot move an amendment prior to subparagraph (i). The next amendment is that of the member for Alexandra to subparagraph (ii).

The Hon. G. G. Pearson: But we are dealing with clause 8.

The CHAIRMAN: Standing Orders provide that a member cannot move an amendment prior to the line with which the Committee has just dealt.

The Hon. G. G. Pearson: I sat silent listening to other members, realizing that we were on clause 8.

The CHAIRMAN: If the honourable member had had his amendment on the file, we could have called it on before subparagraph (i), with which we have just dealt. If an amendment is called and a member wants to speak to a previous line, he should draw the attention of the Committee to it.

The Hon. G. G. Pearson: May I ask the Attorney-General whether he is prepared to recommit the Bill to consider what I wish to do?

The Hon. D. A. DUNSTAN: I regret this. I endeavoured to facilitate members' discussions of this Bill in every way I could. This Bill has now been on honourable members' files for many months. Every facility has been given to honourable members opposite to prepare amendments in advance. If we are to start recommitting the Bill at this stage, with the number of amendments on the file we shall never get it through.

The Hon. D. N. BROOKMAN: Far more amendments to this Bill are on the file in the name of the Attorney-General than in the name of any other honourable member, and some of them relate to clauses that we have already passed. We will be asked to reconsider clause 3 after the remainder of the Bill has been dealt with.

The CHAIRMAN: I understand that the honourable member is asking for the clause to be reconsidered.

The Hon. D. A. DUNSTAN: Yes; I shall move for a reconsideration of clause 3.

The Hon. D. N. BROOKMAN: We are dealing now with a clause that has not been passed. It would not be feasible to put the rule into effect.

The CHAIRMAN: The honourable member is out of order in discussing the Chairman's ruling unless he wishes to move that it be disagreed to.

The Hon. G. G. PEARSON: I ask the Attorney-General to see that action is taken in another place to insert the amendment I now propose. I shall be satisfied if he gives me that assurance.

The Hon. D. A. DUNSTAN: I cannot do that, because I do not accept the amendment. This measure was introduced and left on the Notice Paper during the recess so that representations could be made on all parts of it. Representations were made on parts of the Bill that had been already considered by the Committee. Wide publicity was given to the measure so that anyone having anything to say could make representations and have amendments placed on file. Although the Government made known its proposed amendments weeks ago, I want to be helpful to members, but I ask that consideration be given to the Government's trying to get through this urgent measure. I will give the undertaking to the honourable member that when I move to have clauses reconsidered I will ask for reconsideration of this particular clause. However, I cannot continue to give such an undertaking.

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

> In subclause (5) (*e*) (ii) to strike out all words after "be" and insert the following:
>
> selected by the Governor from a panel of three names chosen by the governing body of the Real Estate Institute of South Australia Incorporated and submitted by that institute to the Minister.

This Bill has far-reaching effects throughout the State. I fully support representation of local government but the Adelaide City Council's interest is duplicated in that it has some say in the nomination of another member of the authority. The Real Estate Institute could nominate someone with wide experience of the State. I do not wish to expand the debate because I and the Attorney-General have many amendments, but I hope that members who think of any amendment that has not been placed on file will have the opportunity to introduce it. This is basically a Committee Bill and members will have further thoughts about it as we progress.

The Hon. D. A. DUNSTAN: I ask the Committee not to accept the amendment. It is essential that the Corporation of the City of Adelaide be directly represented on the authority. If someone else was to be included I do not think it should be a representative of the Real Estate Institute, because I do not consider it represents any particular interest that should be involved in decisions of the authority. I regret that there is no room to

include more professional planners but, because of the size of the authority, this is not practical. We have held discussions with the City Council as a result of which certain amendments have been filed, and it is satisfied with the Bill.

Mr. RODDA: I support the amendment. If decentralization is accomplished horse-and-buggy towns will disappear, giving way to provincial towns. The nominee of the Corporation of the City of Adelaide cannot view the interest of the decentralized country provincial towns in the same way as would a nominee of the Real Estate Institute.

Mr. SHANNON: Local government has not been overlooked, and I do not oppose it being represented, but I consider both the Municipal Association and the Local Government Association could adequately represent the city of Adelaide. Both the Chamber of Manufactures and the Chamber of Commerce have been considered too, but we have omitted one organization that should know more about this problem than any other. The member for Alexandra's amendment affects only one of the whole panel, and I should have thought that the Government desired a wide representation on this controlling body, for the wider that representation the less criticism likely to be levelled at any decisions reached. The Real Estate Institute is a qualified body with much background knowledge of the various parts of the State.

Mr. Langley: It was opposed to these provisions.

Mr. SHANNON: All the more reason why it should be represented on the authority! The best way to meet opposition is to give it some authority, but if it is to remain an opposition, this is the way to allow that to happen. A representative from the institute will not be able to influence the authority for his own special benefit; he will be only one of several. However, if we give the institute representation we shall ensure that the authority functions as well as it should.

Mr. HEASLIP: I support the amendment. I think the Government loses sight of the fact that this legislation affects not only the city of Adelaide but the whole of South Australia.

Mr. Hughes: It apparently won't affect the member for Victoria's horse-and-buggy towns.

Mr. HEASLIP: I thought we believed in decentralization and in fostering the development of country towns. The Real Estate Institute members, having a practical knowledge of the requirements under the Bill, are concerned about this matter.

The Hon. J. D. Corcoran: And about their pocket!

Mr. Langley: Yes, for their own pocket!

Mr. HEASLIP: I do not care about that; if their pocket is affected, surely better results will be obtained by the measure if the institute is able to express its views. The institute's representative cannot govern the authority; he can only advance ideas. Why is the Government frightened to make this appointment?

Mr. SHANNON: I deny that the Real Estate Institute has an axe to grind. The institute represents many people and I regret the suggestion that it cannot be trusted, though apparently the member for Rocky River accepted that suggestion. I have had much to do with that body and have found its members honourable in their dealings with both sides. The point I want to make is that they are not people who are not to be trusted. They operate not only under a public Act but also under a bond arrangement.

Mr. Hughes: The member for Rocky River (Mr. Heaslip) was the only one who made that suggestion.

Mr. SHANNON: No, he was not. I hope *Hansard* will make it clear that that member evidently accepted a suggestion that these people were not to be trusted. I am denying it for the honourable member, because I do not agree with it.

Mr. McKee: Why can't he deny it himself?

Mr. SHANNON: I am doing it for him. A suggestion that the Real Estate Institute cannot be trusted is beneath the dignity of the Chamber. I do not wish to nominate the member who said it, but an honourable gentleman not far away will recall it and it will appear in *Hansard*. The honourable member is not doing the institute any good by making such an approach to the matter. The amendment has much merit.

Mr. HEASLIP: Evidently, members opposite did not understand what I was trying to say.

Mr. Curren: That is not unusual.

Mr. HEASLIP: I thank the member for Onkaparinga for pointing out that members opposite have inferred that I said that members of the Real Estate Institute were not trustworthy. I deny having said that.

Mr. Shannon: You did not say it.

Mr. HEASLIP: No, and I do not think that.

Mr. Curren: The member for Onkaparinga (Mr. Shannon) thought you did, because he was making excuses for you.

Mr. HEASLIP: There are far too many interjections across the Chamber.

The CHAIRMAN: Unfortunately, the honourable member invites them.

Mr. HEASLIP: I probably asked, after interjections had been made, what the Government was frightened of, even if the members of the Real Estate Institute were suspect. The amendment moved by the member for Alexandra merely asks that one of a panel of three be nominated by the institute.

The Hon. D. A. Dunstan: What are you being obstructive about? You said all this before. Why are you holding up the debate? We have not got one clause through yet.

Mr. HEASLIP: I suggest that the Attorney-General ask his backbenchers why it is being held up. It is not my fault. When this sort of thing crops up, I shall hold the Bill up all night, if necessary. I shall not have it inferred that I said certain things that I did not say.

Mr. McKee: We did not say you had said it.

Mr. HEASLIP: I think the member for Unley (Mr. Langley) said it, but I did not want to name anyone.

Mr. Langley: I can take it, but you want to make sure!

The CHAIRMAN: Order! The honourable member is departing from the clause.

Mr. HEASLIP: I shall not have it inferred that I said things when I did not say them. I do not know what the raucous laughter from members opposite means, but I respect people engaged in real estate. They have done much for Adelaide.

Mr. Ryan: That is different from what you have told me.

Mr. Hughes: You are scared of them. You aren't excusing yourself, are you?

Mr. HEASLIP: No.

Mr. Hughes: What are you doing?

Mr. HEASLIP: I am denying having said certain things that were attributed to me. I want to know why the Government objects to representation on the authority from the Real Estate Institute. We have ample representation of the city of Adelaide, the Chamber of Manufactures and the Chamber of Commerce.

Mr. Coumbe: They don't necessarily represent the city of Adelaide.

Mr. HEASLIP: The voice of the people in the far-removed country town where I live, 150 miles from the city, does not count for much up there. I can see that the Attorney-General is getting hot in his seat, but he has brought this on himself and I shall keep talking for another hour if he wants me to do that. His backbenchers brought this about; I did not. I think another representative on this authority would add strength and I support the amendment.

The Committee divided on the amendment:

Ayes (13).—Messrs. Bockelberg, Brookman (teller), Coumbe, Ferguson, Freebairn, Heaslip, and McAnaney, Sir Thomas Playford, Messrs. Quirke, Rodda, Shannon, Stott, and Teusner.

Noes (16).—Mr. Broomhill, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Langley, McKee, Ryan, and Walsh.

Pairs.—Ayes—Messrs. Hall and Nankivell, and Mrs. Steele. Noes—Messrs. Burdon, Jennings, and Loveday.

Majority of 3 for the Noes.

Amendment thus negatived.

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

In subclause (12) after "shall" to insert "subject to subsection (5) of this section".

This amendment ensures that on the expiration of his term of office a member of the authority shall not be re-appointed unless he has qualifications prescribed in subclause (5). It was pointed out that it would be possible for someone to be appointed, say, as a nominee of one of the local government associations and then to cease to be a councillor or a person really representative of that association. If he lost that basic qualification he should not remain a member of the authority, and the amendment is designed to provide that he requires the necessary qualifications to remain a member.

Amendment carried; clause as amended passed.

Clause 9—"Removal from office of member."

The Hon. D. A. DUNSTAN: I move to insert the following subclause:

(2) Where a member of the authority, who was appointed pursuant to subparagraph (ii), (iii) or (iv) of paragraph (*e*) of subsection

(5) of section 8 of this Act, was at the time of his appointment as such a member or officer of a council, and after such appointment he ceased to be a member or officer of that council, the Governor may, at the request of the council, by notice in writing served on that member of the authority, remove him from office on the ground that he has ceased to be a member or officer of that council.

This is consequential on previous amendments.

Amendment carried; clause as amended passed.

Clauses 10 and 11 passed.

Clause 12—"Chairman."

The Hon. D. N. BROOKMAN: Why is it necessary for the Chairman to have a deliberative and a casting vote on a committee that already has an uneven number of members?

The Hon. D. A. DUNSTAN: It is there to ensure that where there is an equal vote a decision can be made; such a provision is not unusual.

Clause passed.

Clauses 13 to 17 passed.

Clause 18—"Powers, etc. of the authority."

The Hon. D. N. BROOKMAN: It has been put to me that the word "use" in subclause (2) (*a*) has the widest possible application. Several people have told me they object to the word; they say it is unnecessary to include it in the powers of the authority because the authority has extremely wide powers without it. However, although I can understand the point made by these people, I believe that when an authority is established it must be given plenty of power to enable it to carry out its task.

Clause passed.

Clause 19—"The Planning Appeal Board."

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

In subclause (1) (*a*) after "Judge" to insert "or"; to strike out subparagraph (iii).

My amendment would mean that the Chairman of the Appeal Board would be either a Local Court Judge or a special magistrate. I consider that the representation on an appeal board is of tremendous importance in the minds of the public. Although there are many competent and fair legal practitioners of not less than five years' standing, I do not think the public would have the confidence in such a legal practitioner that they would have in a judge or a magistrate.

The Hon. D. A. DUNSTAN: I hope the Committee will not accept this amendment. I believe it is essential that we should leave ourselves flexibility here. From time to time practitioners do have specific qualifications in the planning field, as well as legal qualifications. If we were able to get somebody, for instance, like Mr. Cartwright, who is a planning authority in Western Australia, he would be the best qualified person to chair a board of this kind. What is more, as things stand at present the ranks of magistrates are understaffed. It may be that I can get an experienced practitioner to do the part-time work of chairman of this board, but it would be distinctly inconvenient to the heads of the summary court or local court departments that I should deprive them of the services of a magistrate for this work. All of them at the moment are making applications to me concerning the situations they are faced with in getting magistrates. I was aware that an amendment of this kind was put down, but it was certainly not supported by a number of those people who made representations to the Government and who believed that the provisions should remain as they stand.

Mr. COUMBE: Although I appreciate that there is a shortage of magistrates, this should not water down the principle that we should use a magistrate for this work, for the board will be dealing with rather serious matters, especially in the first few years of its existence. I consider that the amendment has much merit, and that if the Attorney reconsidered this matter he would realize the importance of placing the chairmanship of this board in the hands of either a judge or a magistrate.

Mr. SHANNON: I noticed that we did not have any difficulty in getting a Supreme Court judge to deal with the important question of the emoluments of members of Parliament. This board will be dealing with appeals only as they arise, and will not be sitting continuously. I am sure the result of an appeal would be much more favourably viewed if the board was in the hands of a person thoroughly trained in the administration of the law, as a magistrate must be, rather than under the chairmanship of a legal practitioner of, say, five years' standing, who could still be a very young man without the necessary background to deal with problems from a purely magisterial point of view. An appellant will not lodge an appeal unless he has some very valid reason, and he will not want to feel there is any possibility of his being denied his full rights. I think this work could be undertaken by a magistrate without there being any embarrassment to the magisterial panel. From the point of view of strengthening the administrative side of this legislation, it is desirable

to have a magistrate in charge of any appeal hearing.

The Hon. Sir THOMAS PLAYFORD: I hope the Attorney will reconsider this amendment. The appeal board should be something that people can look up to as being an impartial board. Although the chairman would not necessarily be the same judge or magistrate every time, at least the board would have the status of being chaired by a judge or magistrate. I consider the amendment has real merit.

The Hon. G. G. PEARSON: One point not so far dealt with is that a Local Court judge and a special magistrate both act in a judicial capacity and are, therefore, removed from ordinary run-of-the-mill life. That in itself is important. Some appeals will probably be of real substance. That is the purpose of having an appeal board.

Mr. Shannon: The appellant could be employing counsel.

The Hon. G. G. PEARSON: Perhaps. I want to see justice done to the small man as well as to the big man. I agree that the board should be absolutely beyond reproach. It requires a judicial head. The judiciary of this State has an enviable reputation for being completely impartial and detached from the ordinary affairs of life. Legal practitioners as such are constantly involved in matters relating to the handling of property and therefore could be embarrassed by having to deal with a particular appeal that might bear some relation to their clients' interests or even their own interests.

The Hon. D. A. DUNSTAN: The Town Planning Committee is now dealing only with subdivisional appeals, nothing like the number of appeals that will come before this appeal board following the entirely new provisions of this legislation that will go to many things other than subdivisional matters. At the moment, the Town Planning Committee meets fortnightly to hear appeals, and we would be unduly restricted, given the present position and choice of people, if we were not allowed to consider persons other than magistrates. Some senior practitioners would accept work in this limited field, practitioners decidedly senior to those now accepting appointment as magistrates. British law through the ages has provided for people with part-time appointment to the bench who practised before the bench on other occasions. Nobody can say that the Recorders in England do not exercise judicial authority properly, yet they appear as counsel in other matters. This proposal mirrors the proposal of the previous Government in its 1960 amendment. That Bill lapsed in 1960, but the Bill as received from the Legislative Council and read in this place provided for an appeal committee—

To consist of a legal practitioner of not less than seven years' standing and the members of the Town Planning Committee other than the Town Planner.

The previous Government was satisfied with that provision.

Amendment negatived.

Mr. SHANNON: I move:

In subclause (1) (*a*) (iii) to strike out "five" and insert "ten".

The Attorney-General told us a moment ago that the previous Government had accepted a practitioner of "not less than seven years' standing". I am still worried about the qualifications of the chairman of this important judicial board. The present provision is for a legal practitioner of five years' standing. My view is that the chairman should be at least a senior member of the bar, preferably a Queen's Counsel.

The Hon. D. A. Dunstan: Oh no!

Mr. SHANNON: The Attorney-General should know. A member of the bar who has achieved the honour of being appointed a Q.C. is not without merit. He has some status in the legal field.

Mr. Coumbe: But would such a man accept this position?

Mr. SHANNON: I am not too sure. One Q.C. already has undertaken the task of inquiring into our liquor laws. We are putting in a puisne member, a junior member of the Bar, if he is only to have five years' experience of actual work in the legal profession before he can be appointed chairman of this appeal board.

The Hon. D. A. Dunstan: I think you are misusing the word. It means "having power".

Mr. SHANNON: Maybe. I did not intend to use it in the sense interpreted by the Attorney-General. I intended it to mean a very junior member of the profession. I do not think it is wise to give the Governor this authority to appoint a member of the legal profession with only a limited experience, although he may be fully qualified. More is learnt by practical experience than by theory.

The Hon. D. A. DUNSTAN: I accept this amendment.

Amendment carried.

The Hon. Sir THOMAS PLAYFORD: I move:

In subclause (1) (*b*) after "one" to insert "who shall not be a member of the authority".

This makes clear that the appeal board is distinct from the authority from which appeals will probably rise.

The Hon. D. A. DUNSTAN: I am prepared to accept this amendment.

Amendment carried.

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

In subclause (1) (*c*) after "names" to insert:

of members of the Commonwealth Institute of Valuers Incorporated who are not in the permanent service of the Crown or any instrumentality or agency of the Crown and are;

to strike out "Adelaide Division of the Australian Planning Institute Incorporated" and insert "South Australian Division of that institute".

The appeal board is of great importance and, as many people will be affected by its decisions, much public interest will be taken in its composition. As present constituted, the board would be unreasonably filled with professional planners, and I am sure the general public would consider that it should consist of more widely representative people, with experience in commerce and general business. It should be similar to the appeal board constituted under the Land Tax Act, as I am sure that members of the public, when forced to appeal to this board, have much confidence in it. They would not be so confident when lodging an appeal to a board composed almost entirely of professional town planners, who would possibly overlook the private and individual interests of people who wished to appeal. In addition to the authority's being heavily weighted with planners, the appeal board will probably have a planner as a chairman, anyway. The amendment also seeks to provide that members of the board will not be in the permanent service of the Crown or any instrumentality or agency of the Crown. Rather than wishing to see various public servants on the board, we are looking for a wider representation, so that the public will have confidence in it.

The Hon. D. A. DUNSTAN: I ask the Committee not to accept this amendment. The substitution of a member of the Institute of Valuers for the member nominated by the Australian Planning Institute is certainly not improving the board. Valuers, though well qualified in the field of valuations, have no specific qualifications in town planning and, indeed, most of the appeals will have little to do with valuing. We have followed the course that has been followed elsewhere; in Canberra, a member of the Planning Institute is on the appeal board, and we need to have somebody on the board who is fully qualified to deal with all technical aspects of an appeal. Nobody could be better qualified than a member of the Australian Planning Institute. The public can be much better protected by having somebody properly qualified on the board than somebody who is qualified in only a small area that will not be in any way relevant to most appeals. I ask the Committee to reject the amendment.

Mr. SHANNON: I should be interested to know how many members of the Adelaide Division of the Australian Town Planning Institute Incorporated were not members of the university staff.

The Hon. D. A. Dunstan: Quite a few.

Mr. SHANNON: I should be surprised if these people were as widely representative of the interests involved in appeals as those suggested in the member for Alexandra's amendment. Although I am not so sure that board members should be divorced entirely from the Public Service, I believe an opportunity should be afforded for whoever administers the legislation to select people who are able to deal with the problems concerning a particular part of the State, so that the confidence of those in the area concerned will be gained.

Mr. RODDA: I support the amendment, for it seeks to ensure the State-wide application that this legislation is intended to have.

The Committee divided on the amendment:

Ayes (15).—Messrs. Bockelberg, Brookman (teller), Coumbe, Ferguson, Freebairn, Hall, Heaslip, McAnaney, and Pearson, Sir Thomas Playford, Messrs. Quirke, Rodda, Shannon, Stott, and Teusner.

Noes (17).—Messrs. Broomhill, Burdon, Mrs. Byrne, Messrs. Bywaters, Casey, Clark, Corcoran, Curren, Dunstan (teller), Hudson, Hughes, Hurst, Hutchens, Langley, McKee, Ryan, and Walsh.

Pairs.—Ayes—Mr. Nankivell and Mrs. Steele. Noes—Messrs. Jennings and Loveday.

Majority of 2 for the Noes.

Amendment thus negatived.

Mr. COUMBE: In terms of subclause (9), the two lay members of the board could come

to a decision that was wrong in law, and that could defeat the earlier provision regarding the chairman and the period of 10 years.

The Hon. D. A. DUNSTAN: Some position could arise involving a matter of law. However, I should think it most unlikely that the two members would, in the absence of the chairman make a decision on a point of law.

The Hon. T. C. Stott: The chairman must be there to hear appeals.

The Hon. D. A. DUNSTAN: Yes, in terms of subclause (8). Technically speaking, a decision could be made by any two members of the board, but I think my further amendment tends to clear that up. It may be possible for a decision not concurred in by the chairman and affecting a matter of law to be made. The member for Alexandra has a later amendment dealing with this matter that I will accept. I think that will cover the matter raised by the member for Torrens (Mr. Coumbe). I move:

> In subclause (10) after "thereon" to strike out "the determination of"; and after "present" second occurring to add "when it shall be re-heard or reconsidered by the board, as the case may require"

The amendments are designed to ensure that, where during the hearing of an appeal only two members of the appeal board are present and are unable to concur in their decision, the appeal will be postponed until all members are present, when it will be re-heard.

Amendments carried.

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

> In subclause (13) after "shall" second occurring to insert, "subject to subsection (5) of this section".

This amendment will ensure that, on the expiration of his term of office, a member of the appeal board will not be reappointed unless he satisfies the conditions of subclause (1).

Mr. COUMBE: Does subclause (1) tie up the position completely so that this person could not be reappointed without renomination? Has the Attorney considered this aspect?

The Hon. D. A. DUNSTAN: Yes.

Amendment carried; clause as amended passed.

Clauses 20 to 25 passed.

Clause 26—"Board to hear appeals".

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

> To strike out subclause (1) and insert:
>
> (1) Any person aggrieved by a decision of the authority, the Director or any council under this Act to refuse any consent, permission or approval or to grant any consent, permission or approval subject to any condition or conditions may appeal to the board, and the board shall hear and determine such appeal and shall in every such determination state the reasons therefor.

This amendment would confer on any person aggrieved by a decision of the authority, the Director or a council to refuse any consent, or to grant any consent subject to conditions, a right of appeal to the appeal board. The proposed new subclause is wider than the original subclause, which imposed on the board a duty to hear and determine any appeal by any person on whom the right of appeal was conferred by legislation or any regulation made thereunder. At present the right of appeal is specified. The appeals may be made by people on whom is conferred the right of appeal.

The Hon. D. A. DUNSTAN: As I think the amendment is an improvement, I am prepared to accept it.

Amendment carried.

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

> To strike out subclause (3) and insert:
>
> (3) Subject to rules of court made under the Supreme Court Act, 1935-1966, any party to an appeal to the board may, within thirty days after the board's determination, appeal to the Supreme Court from such determination or any matter which in the opinion of the court involves a question of law, and the board may refer to the Supreme Court any question of law arising before the board, and on any such appeal or reference the Supreme Court may issue to the board such directions touching the matter in dispute, and make any order as to costs as between the parties, as it thinks just and the board shall confirm or vary its determination in accordance with those directions.

Subclause (3) as drafted was an obnoxious provision. My amendment provides that the board's determination is final and not subject to appeal, with a provision that confers on any party to an appeal to the board a right of appeal to the Supreme Court on any matter which, in the opinion of the court, involves a question of law. It also confers on the board power to refer a question of law to the Supreme Court. This provision is based upon a similar provision in the Land Tax Act. The absolute finality of the board's determination has been rather modified by my amendment, whereby an appeal can be made upon a question of law.

The Hon. D. A. DUNSTAN: I am prepared to accept the amendment.

Amendment carried.

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

In subclause (4) after "appeal" to insert:

> or, where an appeal or reference has been made to the Supreme Court under subsection (3) of this section, as soon as practicable after the board has confirmed or varied its determination in accordance with the court's directions,;

after "authority" to strike out "the Director or the council against whose decision the appeal was made"; after "appellant" to insert "and every other person who was a party to the appeal"; and after "determination" second occurring to add "or the determination as so confirmed or varied, as the case may be".

The purpose of the first amendment is to ensure that the authority, the appellant and every person who was a party to the appeal receives notice of the appeal board's determination. The other amendments are consequential.

The Hon. D. A. DUNSTAN: I accept the amendments.

Amendments carried.

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

In subclause (5) after "board" to strike out "may" and insert "shall"; and after "cause" to strike out "any of".

The first of these amendments will ensure that the board publishes its determinations. The second amendment is consequential.

Amendments carried; clause as amended passed.

Clause 27—"Provisions as to appeals to the board."

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

In subclause (2) after "within" first occurring to strike out "one month" and insert "two months".

This extends the time for a notice of appeal.

Amendment carried.

The Hon. D. N. BROOKMAN moved:

In subclause (3) before "The" first occurring to insert "A copy of".

Amendment carried; clause as amended passed.

Clause 28—"Declaration of planning area."

The Hon. D. N. BROOKMAN: My note on this suggests there should be a duty on the State Planning Authority, before making a recommendation that an area should become a planning area, to satisfy itself that a plan of development of such area can be prepared within 12 months from the making of a proclamation. Even more important, there should be a provision that any such recommendation shall be subject to the same procedures of Parliamentary scrutiny and possible disallowance as applies to all regulations made under the authority of an Act of Parliament. I should like to hear the Attorney on this subject. I have had advice from different people, and there is quite a serious suggestion that, first, the authority should be satisfied that the plan of development can be prepared within 12 months from the making of the proclamation and that, secondly, any recommendations should be subject to Parliamentary scrutiny.

The Hon. D. A. DUNSTAN: I do not see that that is absolutely necessary in all the circumstances, and I should prefer to leave it flexible. If one writes a specific time limit into the Act, it can become difficult at times, as arrangements have to be made with several different authorities.

The Hon. D. N. Brookman: You agree that it would be undesirable to have it indefinite?

The Hon. D. A. DUNSTAN: Yes, but I do not think we should have a specific time limit. Parliamentary scrutiny will occur in relation to any regulations that arise in the normal way. If, in addition to the public scrutiny that is to take place, we have a separate Parliamentary scrutiny, the delay in the procedures will be extreme. I do not think there is any difficulty here: this is standard procedure. The regulations arising out of a development plan must be subject to Parliamentary scrutiny in due course.

Clause passed.

Clause 29—"Examination of planning area by the authority."

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

To strike out subparagraph (ii) of paragraph (*e*).

This amendment is designed to prevent the authority from having regard to the extent of land within the planning area already divided into allotments and the extent to which such land has not been used for the purposes for which it has been directed when the authority makes its investigation for the purpose of preparing a development plan of the area. When the authority looks at an area, if it says, "There is enough land subdivided already that has not been built on", it may give rise to extreme anomalies.

Let us take an area that is new and developing where a subdivision has taken place on what was previously farm land and the owner has sold or subdivided. There are many blocks on it, but only a few houses are standing. A neighbour may wish to subdivide but is stopped by the authority, which says, "We have looked at this and there already are enough vacant blocks not built on." That can have a deleterious effect on the wouldbe house owner. It can increase the price of the land for the lucky person who has subdivided and has had his subdivision approved, and it can blight the

prospects of the wouldbe subdivider who has been refused. It could also alter the scale of values in an area for the wouldbe house owner and it could prevent him from building where he wanted to live. He would be told, "You have to live here because we do not think the time is yet ripe for any further subdivision." This provision should be struck out; otherwise it will create anomalies that will increase the price of blocks of land for the house builder.

The Hon. D. A. DUNSTAN: I hope the Committee will not accept this amendment. The words proposed to be left out contain one of the aspects that the authority has to investigate in preparing a development plan. It enables the authority to have regard to the scattered development that may have taken place on the fringes of any town. If this provision were deleted from the Bill the authority would still have to continue to study all these things as part of the process of preparing the development plan. It is desirable that the provision be retained so that direct representations can be included in the report and the accompanying plans for the guidance of the Director and the administration of the control of land subdivision. In making any examination of the area we have to look at the purpose for which the allotments were subdivided but, what is more, we should be able to make recommendations on that score as far as the plan is concerned. It is an essential feature of any planning operation.

Mr. SHANNON: The Attorney-General has not answered the main point, and that is this. A subdivision of land has taken place in a locality, and all of it has not been sold, perhaps for a good reason. Intending purchasers may be awaiting a more suitable site. In the area represented by the member for Alexandra and in my own district there is undulating country, some of which is eminently desirable for subdivision, while some of it is not quite so desirable. If we are to withhold from subdivision an area that is even more desirable for house building so that the other land may be sold, obviously what the member for Alexandra fears is that it will create a small monopoly for the lucky subdivider whose plans have been agreed to, while his neighbour has not been so fortunate and his land is not available for subdivision.

The main purpose of town planning is to ensure that, when subdivision takes place, it conforms to the overall plans. If that is so, is there anything wrong in having competition between people selling blocks of land, which would tend to keep down their prices? I should have thought that the Government would be interested in that aspect of it. It has occurred in my own electoral district where somewhat similar circumstances have arisen. In the interests of the purchasers of blocks of land, they should be encouraged to look around to see whether they cannot do a better deal with somebody else. If they can buy into only one subdivision, to be near their work, that will restrict their choice. If another block of land not far away is equally handy for their work, the competition in the selling of that land will keep land prices from rising. I do not want to interfere with the overall planning. It is only a matter of the time factor, when certain land shall be permitted to be subdivided in an area where ultimately it will be subdivided. If we are to delay that subdivision temporarily until the subdivider has got the land to a stage where he can sell it, then we are doing an infinite disservice to his neighbour and to the buying public.

Amendment negatived.

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

In paragraph (*f*) after "any" to strike out "other".

This is a drafting amendment designed to ensure that the matters referred to in paragraph (*f*) are not necessarily of the same kind as the matters referred to in paragraphs (*a*) to (*e*).

Amendment carried; clause as amended passed.

Clause 30—"Preparation and exhibition of development plan."

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

After subclause (2) (*b*) to add:

> and shall, after obtaining from the Commissioner of Highways his detailed proposals for the development of roads and associated facilities for road traffic within the planning area (which proposals the Commissioner is hereby authorized and required to give the Authority within a reasonable time of being requested so to do), give due consideration to such proposals.

This amendment is made at the request of the Commissioner of Highways to make certain that the Commissioner's proposals for roads will be taken into account by the authority in preparing plans.

Amendment carried.

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

In subclause (3) after "State" to insert:

and in a newspaper or newspapers, if any, circulating within the planning area in respect of which the development plan has been prepared.

This reasonable amendment provides for the fullest promulgation of the development plan.

The Hon. D. A. DUNSTAN: The authority will have to ascertain whether a local newspaper is circulating, and I do not want the development plan to be delayed on a technical question whether a newspaper is circulating or not. If notification is published in the daily newspaper that should be sufficient notice.

Amendment negatived.

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

In subclause (3) after "council" second occurring to insert "if any"; after "than" to strike out "one month" and insert "two months".

The first part is designed to clarify the position, and the second is designed to enlarge the minimum period of public inspection of the development plan from one month to two months from the date of publication in the *Government Gazette.*

Amendment carried.

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

In subclause (4) after "councils" to insert "if any".

This is a further drafting amendment designed to clarify the provisions.

Amendment carried.

The Hon. D. N. BROOKMAN: Does a right of appeal exist against the provisions of subclause (6)?

The Hon. D. A. DUNSTAN: Yes.

Clause as amended passed.

Clause 31 passed.

Clause 32—"Consideration of development plan."

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

In subclause (2) (*b*) after "by" second occurring to strike out "the authority and".

This is consequential on the proposed amendments to clause 35 where it is provided that a council may prepare a supplementary development plan in relation to which the authority would not make recommendations to the Minister.

Amendment carried.

The Hon. D. N. BROOKMAN: Subclause (2) provides for the Governor to examine the development plan and the summary and statement (if any) and the recommendations of the Minister, and then may decide to do one of four things. If the Minister had this obligation and not the Governor, would that provide greater freedom for appeals, or because the Governor has the obligation will that disqualify anyone from appealing against any decision?

The Hon. D. A. DUNSTAN: No. No provision exists for an appeal against the Minister's decision in this matter any more than there would be against the Governor's. It has been suggested that the exercise of Ministerial discretion might be the subject of court proceedings more easily than the exercise of discretion by the Governor. However, since we have provided for appeals on points of law from the appeal board to the Supreme Court, there seems to be adequate safeguards at law for anyone affected by this legislation. In fact, we took care to ensure that this was not merely a matter of Ministerial discretion. The honourable member, in other debates last year, took considerable exception to provisions that gave Ministerial authority in certain executive matters. Therefore, we took care in this case to ensure that the Governor was mentioned in the provisions and that the Minister had to make recommendations. We understood that that was the view that was strongly held by the Opposition.

The Hon. D. N. BROOKMAN: I shall be satisfied if the provision does not affect Parliament's right, for instance, to ask questions of the Minister on this matter. If the Minister can be openly questioned in Parliament, I suppose that is fair enough.

Clause as amended passed.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 10.22 p.m. the House adjourned until Wednesday, October 12, at 2 p.m.