HOUSE OF ASSEMBLY

Tuesday, November 1, 1966.

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

QUESTIONS

ADULT EDUCATION.

Mr. HALL: Can the Minister of Education say whether fees for adult education classes have been significantly increased? If they have, does the Minister of Education expect this increase to have a detrimental effect on enrolments in these classes?

The Hon. R. R. LOVEDAY: Cabinet has decided to raise fees from next year but this increase is unlikely to have much effect on enrolments. As it is necessary to bring the total receipts from fees more into line with costs, this small increase has been imposed.

Mr. SHANNON: It seems to me that the redundant schools in various country areas form an excellent clearing house for adult education. Such centres are operating in my own district, to my great satisfaction. I am concerned that this excellent move does not receive such a set-back as it received during the life of the previous Government, when the then Minister increased the fees for adult education and virtually cut the enrolment in halves almost overnight. It was a shocking blow to an excellent team of people who do much work in organizing these classes and finding rooms for instructors. This is no small task, and I admire those people tremendously. The Minister suggested that the increases were moderate, but I do not think that is correct: I think the increase is fairly steep and will discourage people from continuing with this very desirable opportunity for education. Will the Minister be good enough to examine the relationship between overall fees collected and the actual cost to the department of operating adult education facilities?

The Hon. R. R. LOVEDAY: As Minister, I am most anxious to promote adult education in the department. The cost of adult education activities was considered when we were considering the increase in fees. When fees were increased under the previous Government it had some effect on attendances, but after the first impact there was a decided improvement in attendances.

Mr. Shannon: They dropped back again.

The Hon. R. R. LOVEDAY: I think the honourable member will agree that people who attend the adult education classes are people who in the main are earning normal salaries and wages and therefore would hardly expect the Education Department to continue to run adult education classes at an increasing loss; I think they would recognize, in fairness, that the fees had to be adjusted from time to time to meet the rising costs the department had to face in running the classes. May I say that the increases I referred to do not by any means yet meet the full cost of these classes.

Mr. Shannon: The most modest increase is 20 per cent.

The Hon. R. R. LOVEDAY: Even with such increases, these classes are still being subsidized by the community. I think that when all these points are borne in mind it will be recognized, in fairness, that the increases are reasonable. Regarding the disposal of old schools that are no longer in use, the Government is favourably disposed to having these used to the best advantage of the local community. The honourable member for Victoria (Mr. Rodda) recently was greatly interested in one about which we were able to make arrangements with the National Trust, and in this regard I am sure not only that this old primary school will be used as a museum where things of local historical interest can be collected, but that other groups will use this building to the advantage of the local community. As Minister, I am always prepared to consider such applications.

WALLAROO FIRE.

Mr. HUGHES: In yesterday's *Advertiser* an article appeared informing the public that the Wallaroo Fire Brigade attended at a fire on the Wallaroo wharf on Saturday afternoon, when an electrical switchboard panel caught fire. I understand the fire caused slight damage to the decking on the wharf, but was extinguished before it could spread. In view of the valuable equipment installed in connection with the handling of bulk grain, plus the valuable asset of the wharf itself, and the excellent reputation of the men attached to the Harbors Board at Wallaroo, will the Minister call for a full report on the cause of the switchboard panel catching alight and the extent of the damage caused to the panel and to the wharf?

The Hon. C. D. HUTCHENS: I read the article and heard about the incident on the radio news broadcast, but, as yet, I have not received a report from the Harbors Board. I appreciate the work of the firemen who so

effectively attended at the outbreak. I shall call for a report and inform the honourable member when I have it.

GAS.

Mr. COUMBE: Following the submission by this State to the Prime Minister on natural gas, can the Premier say whether he has had (or knows of) any reaction from the Prime Minister or his officers, and can he indicate when a reply will be received to his submission?

The Hon. FRANK WALSH: That is the $1,000,000 question. No-one would be happier than I to be able to inform not only the House but the people of South Australia that the Prime Minister had agreed to the submissions that I presented to the Commonwealth Government on behalf of the State. However, I cannot give the House any information at this stage, simply because I have not received any. I believe that the officers who visited South Australia shortly after our submissions had been made have reported to the Commonwealth Government on their findings which, I believe, coincide with those contained in the report. Although I cannot confirm that information, I have heard of no statements to the contrary.

CIGARETTES.

Mr. BROOMHILL: An Australian authority recently suggested that the incidence of lung cancer was associated with the tar content in cigarettes which, it has been claimed, varies considerably in cigarettes available in Australia. As it has been stated that the disclosure of the varying degrees of tar content may result in manufacturers' seeking to reduce that content, will the Attorney-General refer the matter to the Minister of Health to ascertain whether facilities exist in the Minister's department to analyse and to publicize the tar content of all brands of cigarette? If such facilities do not exist, will the Minister of Health consider referring this question to the Commonwealth Minister for Health to ascertain whether such facilities could be made available to provide this information?

The Hon. D. A. DUNSTAN: I will take up the question with the Minister of Health and let the honourable member have a reply as soon as possible.

HOUSING CONTRACTS.

Mr. MILLHOUSE: My question refers to the financial difficulties that have arisen in connection with the Fairview Park building estate. I understand that some time ago the Premier attended a meeting at which he assured those present, who were personally involved, that he would do everything he could to help them. I have in mind the information given to the House by the Premier about 10 days ago in answer to a question asked by the Leader of the Opposition. As some time has elapsed since the meeting and since the Premier last gave information to the House on this matter, can he say whether the Government can give specific help to those who find themselves in unfortunate circumstances because of what has happened?

The Hon. FRANK WALSH: We are at present seeking information, and there is more to this problem than at first seemed evident. Both the State Bank and the Savings Bank are doing their utmost to ascertain who have applied for advances in connection with this matter, and I believe many applicants are involved. When that information has been obtained, an inspection will be made to ensure that the standard of the houses concerned meets with the requirements of the lending institutions offering long-term advances. The income and assets of the people concerned must also be considered. At present such detailed information is not available. I said in this House that we would do what we could to assist, and that still applies.

Mrs. BYRNE: Last Thursday I directed a question to the Attorney-General seeking an investigation into one of the major secured creditors concerned in the affairs of an estate developer (Betro Harrison Construction Proprietary Limited and associated companies) charging a higher weekly repayment than that being charged by the other three creditors. Has the Attorney a reply to this question?

The Hon. D. A. DUNSTAN: The question the honourable member raises is one of the difficult questions in the whole of this unfortunate situation arising from the Greenways Betro Harrison failure. It appears on investigation that what was happening was that the Greenways group of companies was subsidizing the payments of people to whom it had sold houses and was paying the difference between their payments and the amounts paid to mortgagees pending the obtaining of bank finance. The bank finance in numbers of cases was applied for in circumstances which could give rise to charges. One of the companies appeared to have placed money in the bank account of the applicant financed in order to create a fictitious deposit in the name of that depositor to give that person priority in obtaining bank finance, and had withdrawn the money from

that account within three days of the application being made on the basis to the mortgage department of the bank that so much was in the depositor's account. In the interim, until the obtaining of bank finance for these houses, the company was paying more to the mortgagee under the mortgage taken than was being paid under the contract with the purchaser: the purchaser was contracting to pay, say, $10 to the company and the company was paying $14 a week to the mortgagee.

The major secured creditors of these companies have, rather than put in receivers, tried to make an arrangement amongst themselves and with unsecured creditors to see that the business of these companies is carried on in order to obtain the greatest benefit for all persons involved, all creditors of the company being purchasers from the company or those who had advanced moneys to it, because, if the whole show should collapse without the support of the major secured creditors, this could have profound effects not only on the creditors but on the whole market of developers in this area. Therefore, the company referred to by the honourable member has insisted that at any rate the money to service its mortgages be paid. That is more than the amount contracted for by the vending company to the purchasers of the properties. However, there remain no moneys, as far as can be seen, to subsidize the difference between the two amounts. At present it is not clear to the Government or to the secured creditors exactly what is the financial position of the group of companies.

Mr. Quirke: Do they know anything about it themselves?

The Hon. D. A. DUNSTAN: They know something, quite obviously. However, one of the major secured creditors, with the agreement of the others, has put an accountant in to sort out the whole position. Although originally I had the Senior Companies Inspector examine the position of the associated group of companies, since one of the secured creditors has supplied an expert accountant to do this work it is better that it be done by him rather than that I take the Senior Companies Inspector off other urgent work to do the same job.

We are satisfied that the work being undertaken in this area by the accountant concerned will be done effectively, and the Government is concerned to see that every assistance is being given to those people who are involved one way or another with the financial difficulties that arise from the unwise financial activities of this group. More than this at this stage we cannot say, but I point out to the honourable member in relation to the matter that she has raised that the mortgagees are undoubtedly in a position to foreclose if the moneys to service their mortgages are not paid. The company selling the properties has given undertakings to the purchasers which it could not conceivably keep in the long run, and it is in difficult circumstances as a result. Where the Government can properly give assistance, the Premier has seen to it that instructions are duly given so that bank finance can be available to give assistance and to maintain a position which, if it were to collapse utterly, would considerably affect not only people immediately concerned but many others in this class of activity in the State. We have done everything we can, but have no direct responsibility for what has been done in this matter by the group of companies concerned. However, we have tried to give every assistance and to give the greatest protection to everyone involved in this unfortunate mess.

EVAPORATION BASINS.

Mr. CURREN: Last week I asked the Minister of Irrigation for information regarding the release of drainage water from evaporation basins into the Murray River and also the expected rate of flow in the river in the next three weeks. Has the Minister that information?

The Hon. J. D. CORCORAN: I am able to confirm that water has been released in recent weeks from the evaporation basins at Berri and Cobdogla and that a small quantity of water was released last week from the Block E evaporation basin at Renmark into the lower portion of Ral Ral Creek. No water has been released from the evaporation basin at Loxton. The flow in the river into South Australia is expected to be 9,000 cusecs next week, 8,000 cusecs the week after, and 6,000 cusecs a week later. However, recent rains in the area of the upper reaches of the Murray River and its tributaries may result in flows in excess of the forecast figures, which were based on river conditions prior to the rainfall.

UNIVERSITY QUOTAS.

Mr. RODDA: Last Tuesday I asked the Minister of Education a question regarding university quotas, particularly as they affect people who through certain circumstances had had a break in their education and were now interested in matriculating to go to universities. Has the Minister an answer to this question?

The Hon. R. R. LOVEDAY: At each university selection will be based as far as practicable on academic merit, within the student's

preferences as to university and course; but, in reaching decisions, admissions committees will give consideration to any special circumstances such as genuine interruptions to formal education or handicaps to education (for example, illness, financial problems, limited school facilities, etc.). Claims for consideration of special circumstances must be substantiated by certificates or written statements from appropriate persons which should be attached to the application form.

Mr. MILLHOUSE: On October 19 I asked the Premier whether, as quotas for both our universities had been announced, it would not be possible to re-arrange the priorities of Government spending to allow more money for the universities of the State in order to avoid the necessity for the quotas which, we had been told, would have to be imposed next year. I understand the Premier has a reply to my question.

The Hon. FRANK WALSH: The honourable member has asked whether the Government will reconsider its financial priorities with a view to making more money available to the universities. Prior to consultations being held with the Commonwealth Government earlier this year on the matter of grants for tertiary education purposes the Government had made a very careful review of probable future revenues and expenditures to determine the extent to which available funds could be allocated to universities and institutes of advanced education. As a result of the consultations the Commonwealth Government made a public announcement about the level to which it and the six State Governments were prepared to support the recommendations of the Australian Universities Commission and the Advisory Committee on Advanced Education. The matter of finance for tertiary education was then debated fully in this House and members will recall that on September 27 the Minister of Education pointed out in detail how well this State had pulled its weight in supporting tertiary education and how it would continue to do so.

Mr. Millhouse: That was under the last Government, surely.

The Hon. FRANK WALSH: I do not usually accept interjections. The honourable member can read this report later if he wishes, instead of making interjections in which his facts are not correct. The Minister of Education gave figures which showed that in the period 1964-66 the approved programmes for tertiary education in South Australia were greater than in any other State, and that for 1967-69 approved programmes would be virtually the same per capita as for the highest of the other States and would remain well above the average of the other five States.

A few days after that debate, following a visit to Adelaide by the Chairman of the Universities Commission, the Government sympathetically considered a submission by the University of Adelaide that a further $790,000 would be essential to permit construction of buildings urgently required. As a result the Government agreed to approach the Commonwealth to arrange mutual support of an increase of $790,000 in that university's building programme. The Commonwealth has agreed to provide its one-half share of the additional funds. However, reconsideration of the funds likely to become available in the next three years, and of the probable requirements of all competing demands for those funds, shows that it would not be practicable to further increase the allocations to universities without restricting unreasonably other essential services, including secondary and primary education. We would all like to see more extensive funds available for the needs of tertiary education but we all realize that cannot be. I am confident that the councils of the two universities and of the Institute of Technology will endeavvour to make the most effective use of the funds which can be provided, that they will do all in their power to provide places for as many students as possible, and that they will keep to a minimum the effect of any necessary limitation upon enrolments. I would point out to the honourable member that in recent debates on revenue-raising measures the Opposition has time and again attacked comparisons of South Australian rates with those in other States and has maintained that virtually every tax and charge should be held at a level below that applying elsewhere. It would not be logical to argue in favour of grants for tertiary education well above the levels of other States at the same time as maintaining that the necessary sources of funds should not be raised even to the levels of charges effective elsewhere.

Mr. MILLHOUSE: On a number of recent occasions I have asked the Minister of Education whether he could give the House information about the quotas likely to be imposed at the Flinders University next year. Has the Minister that information?

The Hon. R. R. LOVEDAY: The Council of the Flinders University of South Australia has made a careful study of the university's capacity to teach students in the light of resources that will be available to it during

the next three years. As a result of the study the council has decided to fix a quota of 275 new arts and economics students and 150 new science students. In case the honourable member has not seen a press release published on October 22 in the *Advertiser*, which is an enlargement of the above statement, I quote it as follows:

The council . . . had decided to offer places (in 1967) to 275 new arts and economics students and 150 new science students . . . These figures represented an increase of about 40 per cent on the number of arts and science students admitted to Flinders University in 1966. In addition, the university would admit 70 first-year medical or dental students who would transfer to the University of Adelaide for their second year and later work. The selection of students offered admission to the Flinders University would be based on academic merit.

PIMBAACLA TANK.

Mr. BOCKELBERG: Has the Minister of Works a reply to my recent question about the extra tank at Pimbaacla?

The Hon. C. D. HUTCHENS: The Director and Engineer-in-Chief has informed me that investigations into the foundations for the 2,000,000-gallon tank at Pimbaacla and the tank design are almost complete. It is expected that tenders for the construction of the tank will be called in December, 1966. Provision has been made in this year's Loan Estimates for the construction of the tank, and it is expected that the work will be completed during the winter of 1967 and that the tank will be operating for the 1967-68 summer.

MELBOURNE CUP.

Mr. HURST: Can the Minister of Agriculture say whether there is anything in the fodder grown in South Australia which has enabled Galilee to win the Melbourne Cup, with Light Fingers second and Duo third?

The SPEAKER: Although the question may be of interest to some members, the honourable member is giving information rather than seeking it. There are at least three other Standing Orders on which the question should be disallowed and I therefore rule it out of order.

PEAKE WATER SCHEME.

Mr. NANKIVELL: Has the Minister of Works a reply to my question of October 18 concerning the commencement of work on the Peake water scheme?

The Hon. C. D. HUTCHENS: This is the second reminder I have had about questions asked by the honourable member. I have not yet received a reply, but will obtain it as soon as possible.

Mr. NANKIVELL: I had hoped that the Minister could supply me with information concerning the Peake water scheme. I am delighted that work has already commenced. Can the Minister say whether this work is likely to be completed before Christmas so that the supply will be available during the summer months?

The Hon. C. D. HUTCHENS: I admit that the honourable member asked this question a fortnight ago. When members direct questions to me I try to get answers as quickly as I can, and as soon as answers are available I go to no small pains to advise members of that fact by placing a note on their desk. Although I do not have the full particulars regarding the Peake water supply, I understand from conversations I have had with the Director and Engineer-in-Chief that every endeavour will be made to complete the scheme in time for the summer supply. Of course, this is the natural desire of the department because once it commences work it wants to receive revenue from the expenditure involved.

GAUGE STANDARDIZATION.

Mr. CASEY: I asked the Premier to obtain a report from the Minister of Transport about the future of the link in the standardization work between Broken Hill and Cockburn. As this section is an important link in the present standardization work between Broken Hill and Port Pirie, has the Premier received that report?

The Hon. FRANK WALSH: Negotiations are at present taking place between the Governments concerned on standardization of the section of line between Cockburn and Broken Hill. It is expected that firm agreement will be reached very soon, thus enabling this work to proceed.

POONINDIE ROAD.

The Hon. G. G. PEARSON: My question deals with a local matter in my district, the road between Poonindie and White Flat. Three years ago the first section was completed and steps were taken to survey other bad sections of the road, some of which were and still are dangerous, with a view to considerably improving the road, which has become increasingly important in recent years. Last year it was expected that some work could be done, but it was not possible because of financial restrictions. This year survey

work was done in the hopeful anticipation of getting more funds to tackle this work. The land acquisition has been completed and it requires only the funds to enable the work to proceed. I have been informed this week by the Chairman of the Port Lincoln District Council that road grants for this work have been cut again this year and that there is no possibility of reconstruction work commencing. As the matter is becoming increasingly urgent, will the Minister of Lands consult the Minister of Roads to see whether funds cannot be made available this year to commence the work?

The Hon. J. D. CORCORAN: Yes.

SCHOOL MILK.

Mr. HEASLIP: I refer to the *South Australian School Post,* the official organ of the South Australian Public Schools Committees Association Incorporated, in which an editorial states:

Free Milk: Many years ago, the Commonwealth Government introduced the free milk scheme for schoolchildren as an anti-tuberculosis measure. Whether the measure is satisfactory or not we leave to the medical men to decide, but we are most concerned with the unsatisfactory distribution arrangements for this milk to our schools. The milk the children receive is by no means cool, the containers may have been contaminated by dogs or insects after delivery and in this condition it could be subject to many disease-carrying organisms.

Later, an advertisement appears from a firm advertising refrigeration equipment on a rental basis for as little as $2 a week. Can the Minister of Education say whether the department would subsidize school committees renting this equipment, as so many other projects are subsidized, or would the committee have to pay for it?

The Hon. R. R. LOVEDAY: I do not agree with the strictures and criticisms in the publication on the distribution of milk in our schools. One milk supplier provided refrigeration equipment for schools to which that firm delivered milk. However, it has decided not to continue with this idea because it was found that, although the refrigeration unit was supplied, it did not increase the consumption of milk, which was the aim of supplying the refrigeration unit. Consequently, there is no prospect of that firm, or any other firm, continuing with the supply of refrigeration units. I shall inquire on this matter, because I do not know the exact answer to the question.

HOSPITALS.

Mrs. STEELE: Last week I addressed a question to the Premier relating to the Government's plans for new hospitals, believing that the matter involved Government policy. However, the Attorney-General, representing the Minister of Health, took the question. The Attorney-General made a statement but, although I expected that he would refer the matter to the Minister of Health and call for a report, he did not undertake to do so. It has since been reported to me that the Minister of Health, during a conversation at a certain function, was asked to amplify the following statement which he made and to which I referred last week:

A community hospital of, say, 100 beds could provide many of the services required of a modern hospital.

The Minister is reported to have said:

We have not the slightest intention of building another teaching hospital. There is no shortage of general hospital beds. We have no money to build major hospitals and community hospitals are far cheaper.

The Hon. D. A. Dunstan: Oh?

Mrs. STEELE: I refer to the Minister of Health, not the Attorney-General. This greatly disturbed the person to whom the remark was addressed and, if it is true, it must disturb everybody concerned with hospitals, especially when a new teaching hospital is obviously required. Can the Premier say whether the statement to which I have referred represents the Government's policy?

The Hon. FRANK WALSH: The remarks quoted by the honourable member do not represent the Government's policy.

Mrs. Steele: The Minister said it.

The Hon. D. A. Dunstan: You've taken a private conversation out of context. It's disgraceful.

The SPEAKER: Order!

The Hon. D. A. Dunstan: It's obviously misrepresentation.

The SPEAKER: Order! The Premier is replying.

The Hon. FRANK WALSH: If the honourable member will give me the information from which she has quoted—

Mrs. Steele: I have quoted it.

The Hon. FRANK WALSH: I want a copy, too.

The Hon. D. A. Dunstan: Give us the source, too.

Mr. Quirke: Which you so readily do!

The SPEAKER: Order! The honourable the Premier!

The Hon. FRANK WALSH: Being prepared to investigate the matter fully, I shall desire to know all about the statement alleged to have been made.

Mrs. Steele: It was made.

The Hon. D. A. Dunstan: To whom?

The SPEAKER: Order!

SADDLEWORTH SCHOOL.

Mr. FREEBAIRN: As some members may know, a new Samcon school has been constructed at Saddleworth on a different site from that of the old school. I have been approached on several recent occasions by the local Controller of the Midlands Civil Defence Organization, which controls all civil defence activities and training in the district council areas of Saddleworth, Riverton and Upper Wakefield, in conjunction with the district branch of the Emergency Fire Services, asking whether it would be possible to use the old school, which is in a sound condition and on high ground, for their own purposes. As I understand that this property has been passed from the control of the Minister of Education to that of the Minister of Lands, will the Minister of Lands investigate this request?

The Hon. J. D. CORCORAN: I have also received inquiries about this matter and about the disposal of the old school property. Normal procedure, of course, would be for the department to dispose of this building, and the land surrounding it, on behalf of the Education Department. As the honourable member has asked about the Saddleworth branch of the Emergency Fire Services using the building, I shall inquire and inform the honourable member whether that can be achieved.

THIRD PARTY INSURANCE.

Mr. CASEY: A constituent recently approached me, having been refused an application to take out a compulsory third party insurance policy with a wellknown and presumably reputable Adelaide insurance company. The company apparently refused to issue the policy because the person concerned had no other policy, such as one relating to house insurance, with the company. Bearing in mind that it is compulsory to take out a third party insurance policy in respect of a motor vehicle, does the Attorney-General know why an insurance company can refuse to underwrite such a policy if the person concerned has no other insurance with that company? I shall later give the Attorney-General the name of the company responsible for rejecting the insurance, if he so desires.

The Hon. D. A. DUNSTAN: If the honourable member will supply me with the names of the insurance company and the applicant, the matter will be taken up immediately. It is improper for any member of the pool to refuse an insurance on the grounds that other profitable lines of insurance are not with that company. This is not the first complaint we have had recently against members of the pool on this score, and I shall be grateful if the honourable member supplies me with the necessary details.

SNOWTOWN POLICE.

Mr. HALL: At the weekend I received a telephone call from the Chairman of the Snowtown District Council, who is extremely worried about the prospect of police services in Snowtown being terminated because of the lack of suitable facilities. On previous Loan Estimates brought in by the last Playford Administration provision was made for the building of new police facilities at Snowtown. At the time I am speaking of, this was included in a line allocating $296,000 to the building of facilities at various places. In subsequent Loan Estimates this allocation has disappeared, and now the Chairman of the council has been told that because the facilities are inadequate the police officer will be taken away from Snowtown, although it has been freely admitted that the services of at least one officer (and possibly two officers) are required. The council, understandably, is concerned about this. Although the town is to be served by periodic visits from nearby policemen, this service is considered to be totally inadequate for the needs of the town. Has the Minister of Works any knowledge of the present planning for the provision of new police facilities at Snowtown, and will he endeavour to reinstate this project at the earliest opportunity?

The Hon. C. D. HUTCHENS: The Leader of the Opposition is well aware that often lines have appeared on the Estimates and no effective work has been done for up to 10 years. I have had that experience in my own district. The building of police stations is somewhat determined by the priority allocated to it by the Chief Secretary, who is in charge of the Police Department. I have no knowledge of the Snowtown building, but in view of the Leader's question I will take the matter up with the Public Buildings Department and the Chief Secretary and bring down a reply.

MILE END INTERSECTION.

Mr. BROOMHILL: Has the Minister of Lands, representing the Minister of Roads, a reply to my question of last week about the department's intention to widen the Bagot Avenue and Rowland Road intersection?

The Hon. J. D. CORCORAN: My colleague reports that plans for the reconstruction of the intersection of Rowland Road with Bagot Avenue have been prepared and all necessary land, including that from the Postmaster-General's Department, has been acquired. The reconstruction of the intersection, however, is being held up pending finalization of negotiations with the Corporation of the City of West Torrens regarding overhead lighting. It is not known when these negotiations will be completed.

SEED GROWERS.

Mr. RODDA: Last Thursday, the Minister of Agriculture received a deputation of seed growers from the South-East concerning a regulation that was to have some bearing on the inspection and certification of small seeds in South Australia. I understand that the Minister was able to make constructive suggestions to that deputation. I draw attention to the anomaly that exists regarding late applications in a season such as this when rain is experienced at this time of the year. This causes a situation which could not have been foreseen and results in late applications for certification. Will the Minister inform the House of the result of the deputation? Also, will he comment on the situation regarding late applications caused by seasonal conditions and will he say whether the arrangement made for inspection will apply to next year's production?

The Hon. G. A. BYWATERS: I think it could be safely said that I had taken a personal interest in the small seeds production in the South-East, as I have realized its value not only to seed growers but to agriculturists throughout South Australia. The purpose of small seeds production in the South-East is to provide seed at a cheaper rate and to allow people on Eyre Peninsula, in the Murray Mallee, and in other parts of the State to obtain local seed that is certified. This contributes towards increased fertility in the soil and shows that, overall, the small seed growers are contributing much to the success of agriculture in this State. The complaints raised by the deputation were mainly concerned with weeds and with late entries for seed certification, as the honourable member said. I told the deputation that the position would remain as it was, at least for this season, and would be examined sympathetically next year. One matter I raised with members of the deputation was that perhaps they could assist regarding late entries for certification. They were astounded to hear that more than half the applications were late. In fact, this figure struck me as rather high. Of course, it is appreciated that anomalies occur in a season such as this or could be brought about by the fact that a person might not have been aware that he would qualify for seed certification and, on realizing that he possibly would, would then apply for certification. Because the cost is not high, I believe that perhaps many people have not been attending to this matter at the appropriate time but have accepted the possibility of making a late application and paying a fine. Of course, the proceeds of fines do not compensate the department for the inconvenience involved. A fine is provided so that people will understand that this provision is necessary. The members of the deputation agreed to urge members of the particular association to do everything they could to ensure that economy was exercised as far as possible and that money was not wasted regarding inspection and certification. The deputation was worth while because the result was that the position was restored to what it had been and these people received some enlightenment on the department's difficulties. It is essential that the greatest co-operation take place between officers of the department and the growers, and I believe this will be achieved.

KULPARA-PASKEVILLE ROAD.

Mr. HUGHES: I always give credit where credit is due, and I have been staggered by the great progress of the ripping up of the road between Kulpara and Paskeville and re-forming it in preparation for its re-sealing. Since the work began I have travelled over the road at least twice a week, and millions of tons of filling has been shifted in preparation for the re-sealing of the road. I give credit to the men on the job: never has so much roadwork been carried out in such a short period by so few men. As survey pegs are placed on the Kadina side of Paskeville, will the Minister of Lands ask the Minister of Roads whether the Highways Department intends to continue to re-form and re-seal the road to Kadina? If it does not, will he ascertain how far it is intended to carrry out this work?

The Hon. J. D. CORCORAN: I shall be happy to obtain a report from my colleague, who will appreciate the Churchillian style used by the honourable member in praising the men of the Highways Department.

GILBERT RIVER BRIDGE.

Mr. FREEBAIRN: I, also, should like to give credit where credit is due, and I think it is due to the contractor who completed the renovation of the bridge over the Gilbert River at Hamley Bridge before the scheduled date. The bridge is now finished and is awaiting the Highways Department to do its share to complete the bridge. Will the Minister of Lands ask the Minister of Roads when the Highways Department will make its contribution towards the completion of this bridge?

The Hon. J. D. CORCORAN: Yes.

ST. JOHN AMBULANCE.

Mr. COUMBE: Has the Premier an answer to my question of October 27 about the financial support to be given by the Government to the St. John Ambulance appeal, which was conducted so successfully last Sunday?

The Hon. FRANK WALSH: The Government is subsidizing the expenditure on the building of St. John centres on a dollar-for-dollar basis. This year $60,000 has been provided for this purpose, the same amount as for 1965-66 and for 1964-65. In addition, $195,000 has been provided for maintenance purposes, for which $180,600 was provided in 1965-66.

ANSTEY HILL ROAD.

Mrs. BYRNE: On August 9, in answer to a question requesting that an inspection be made of the inadequate fencing bordering the steep Anstey Hill road with a view to placing appropriate guard rails in strategic positions, the Minister of Roads said that the erection of a guard rail was being progressively carried out at the most hazardous locations and that another inspection would be made to determine whether the erection of a further length of guard rail was justified. Will the Minister of Lands obtain a report from the Minister of Roads about the results of that inspection?

The Hon. J. D. CORCORAN: Yes.

M.T.T. FARES.

Mr. COUMBE: As today is the first day of the month, many parents of schoolchildren have found, for the first time, that they have to pay an increased price for students' monthly concession passes. In many cases, some of which have been referred to me, these increases are nearly $1 a month, which is substantial. As the figures I now seek have not been given to the House, will the Premier obtain a report from the Municipal Tramways Trust indicating how much increased revenue the trust will obtain in a full financial year from the sale of students' concession passes?

The Hon. FRANK WALSH: I shall obtain that information and let the honourable member have it soon.

BOOL LAGOON.

Mr. RODDA: Has the Minister of Agriculture an answer to the question I asked last week about the establishment of a game reserve at Bool Lagoon?

The Hon. G. A. BYWATERS: A report from Mr. A. C. Bogg, Director of the Fisheries and Fauna Conservation Department states:

In reference to the question asked by the Hon. Mr. Rodda in the House of Assembly regarding Bool Lagoon, I wish to advise that there is some confusion regarding the statement made by the Senior Wildlife Officer, Mr. Delroy. He stated that it was proposed to make Hack's Lagoon a fauna reserve (under the Fauna Conservation Act, 1964-1965). This is not the same as a "fauna and flora" reserve which is the old term referring to areas now under the control of the Commissioners of National Park and Wild Life Reserves. The proposal by the Director of Fisheries and Fauna Conservation, Mr. Bogg, "that section 249 (Hack's Swamp) be retained as a closed area, while the balance of the area could be shot over" is correct. However, the term "closed area" refers to the Animals and Birds Protection Act, 1917-1958. Under the Fauna Conservation Act the term "closed area" has been replaced by two terms, the first of these is "sanctuary" being an area closed to shooting (usually over farming property), the second term refers to an area of land which is closed to shooting and dedicated in perpetuity with complete habitat preservation for wildlife purposes. This is known as a "fauna reserve".

The first recommendation of the Land Settlement Committee is stated in *Hansard*. However, in the conclusions preceding this recommendation the Land Settlement Committee states:

> The committee, after full consideration of the evidence, considers that in the public interest Bool Lagoon should be developed as a game reserve. By so doing, not only would native flora and fauna be protected, but those interested in shooting would still be permitted to shoot over the open area during periods when certain species of wild fowl were in excess numbers.

It is inferred that there is a "closed area" as recommended by the Director of Fisheries and Fauna Conservation as well as an open area. Further, the second recommendation of the Land Settlement Committee states:

> That any adjoining area of land required for the proper management of the reserve should be purchased and incorporated in the reserve.

The recommendation of the Director of Fisheries and Fauna Conservation stating that section 249 was essential for the proper management of the reserve, is therefore, in accordance with this recommendation. It is highly desirable that section 249 remain closed to shooting as it is proposed to reintroduce rare fauna, once abundant on the lagoon, back to the Bool Lagoon area as a whole—for example, Cape Barren geese and pied geese. Shooting of the area would prevent this. Also it would be undesirable to have shooting around the manager's home.

It is considered that the closure of one-twelfth of the game reserve to shooting will not seriously harm shooting on the game reserve and in the long run should improve it. In past shoots relatively little shooting has been done on Hack's Lagoon. The development of the lower portion of Bool Lagoon near the outlet drain for water birds will more than offset the closure of the section. It is recommended that if the closure of section 249 does seriously affect the shooting on the game reserve, then consideration in, say, two or three years' time should be given to including this section in the game reserve.

In the case of any danger occurring, as suggested by the honourable member last week, I am prepared to examine the matter and to ascertain whether the area should be declared open, leaving, of course, the house area as it exists. The matter will be reviewed possibly in 12 months or so after the plan is implemented.

SALISBURY SCHOOL.

Mr. HALL: Has the Minister of Education a reply to my recent question about the purchase of land in the Salisbury area?

The Hon. R. R. LOVEDAY: The report which the honourable member has received is not entirely correct. The fact is that the Education Department is in the process of effecting settlement for an area of about 40 acres on the Salisbury Highway north of Shepherdson Road. It is to be used for technical high school purposes. Although it is the normal practice of the department to buy a site of only 30 acres where boys and girls technical high schools will be situated on the one area, the land mentioned by the honourable member is the whole of the property contained in one certificate of title. The Land Board considered that the owners would have a legitimate claim for compensation if only 30 acres of the land was purchased, leaving an unattractive 10 acres of rear land. The board therefore recommended, and Cabinet approved, that the most economic manner of dealing with this matter was to purchase the whole property and, after erecting the school, to dispose of the remaining portion later.

WAR SERVICE LAND SETTLEMENT.

Mr. RODDA: The matter of eventually settling on the land men at present serving in combat areas has been exercising the minds of people in the South-East. Although this matter relates to Commonwealth Government policy, can the Minister of Repatriation say whether the Government intends to offer assistance in this regard?

The Hon. J. D. CORCORAN: This matter has been the subject of some discussion in my department which, as the honourable member may know, is responsible to the Commonwealth Government for the administration of the war service land settlement scheme. As recently as this morning a minute was placed before me dealing with the question of whether the Commonwealth Government intended to do anything about this matter. As soon as this inquiry is transmitted to the Commonwealth Government and I have received a reply, I shall be happy to give the honourable member an answer.

TRANSPORT DRIVERS.

Mr. HALL: Has the Premier an answer to the question I recently asked about issuing driving licences to migrants?

The Hon. FRANK WALSH: Classes of licence issued in the United Kingdom are not the same as those issued here. Whilst everyone who comes to South Australia from another State or overseas must demonstrate his knowledge of local traffic laws by passing the written examination, we do exempt some from practical test for a class "A" licence, but only if there is clear evidence that he previously held a licence of an appropriate class and has passed a practical test in a vehicle of that class. We have been informed that in many cases in the United Kingdom, a person obtains a licence of higher classes by effluxion of time without having to do a practical test. It would be wrong in principle if we allowed these people a licence without a practical test when all other South Australian residents have to do one. The Act provides that the Registrar may accept a practical test conducted by some authority other than a police officer in this State if the Registrar is satisfied with the standard of that test. In the cases in point, the department was not satisfied that the applicants had done a practical test at all, nor could they provide

other clear evidence of their ability as drivers of heavier vehicles, and therefore it is quite proper that they should undergo a test.

A complaint is that no vehicles are available to do a test. In this respect they are placed in a position no different from others who have always resided here. In our experience employers are usually prepared to make a vehicle available for the purpose of a practical test if a prospective employee is otherwise suitable. The department is charged with the responsibility of ensuring as far as possible that an applicant is competent to drive the appropriate class of vehicle, and, road safety being of such paramount importance, I believe the practices we are adopting should continue.

NATIONAL FITNESS COUNCIL.

Mr. HALL: I understand the Premier has an answer to my question regarding Commonwealth assistance to the National Fitness Council.

The Hon. FRANK WALSH: I am advised that the annual Commonwealth grant to the State National Fitness Council has been increased from $20,030 to $34,630 a year, South Australia receiving about 15 per cent of the total. In addition, South Australia's share of the $1 for $2 matching grant for capital purposes of $200,000 over three years is this year $10,000, which is also 15 per cent. Whereas the State Government is already providing the local National Fitness Council with an annual grant of $40,000 a year, the council is able to apply $20,000 of this to capital projects and thus expects to qualify for the Commonwealth matching grant. I understand there will be no immediate request for further State Government grants.

PORT AUGUSTA HOSPITAL.

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Port Augusta Hospital.

Ordered that report be printed.

BIRTHS, DEATHS AND MARRIAGES REGISTRATION BILL.

Received from the Legislative Council and read a first time.

SECOND CLERK-ASSISTANT.

The SPEAKER: I desire to inform the House that, in order to facilitate the business of Parliament, the Government has approved of the creation of the office of Second Clerk-Assistant, House of Assembly, and that His Excellency the Governor in Council has appointed to this office Mr. John William Hull, A.A.S.A.

CHAIRMAN OF COMMITTEES.

The CLERK: Pursuant to Standing Order No. 24, I have to inform the House of the likely absence for two weeks of the Chairman of Committees (Mr. S. J. Lawn) because of illness.

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

That Mr. J. R. Ryan be Acting Chairman of Committees of the whole House during the absence of the Chairman of Committees (Mr. S. J. Lawn), and in the absence of the Speaker he take the Chair as Deputy Speaker; that the Acting Chairman of Committees shall, while acting as Deputy Speaker or as Chairman of Committees, perform the duties and exercise the authority of the Speaker or of the Chairman of Committees, as the case may be, in relation to all proceedings of the House or of any Committee: provided that, if the House shall adjourn for more than 24 hours, the Acting Charmain shall continue to perform the duties and exercise the authority of the Speaker for 24 hours only after such adjournment.

Motion carried.

PLANNING AND DEVELOPMENT BILL.

In Committee.

(Continued from October 18. Page 2366.)

Clause 36—"Planning regulations."

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

To strike out paragraph (r) of subclause (4) and insert the following new paragraph:

(r) require the owner of any land on which any building, structure or work has been erected or carried out in contravention of any provision of this Act to remove such building or structure or to restore such land as far as is practicable to its former state and make provision for the enforcement of any such requirement;

This amendment is designed to enable the removal of unauthorized works or the restoration of land to its former state when unauthorized works have been carried out.

Mr. COUMBE: Can the Attorney assure me that in striking out the original paragraph we are not taking away powers that are contained elsewhere in the Bill?

The Hon. D. A. DUNSTAN: The provisions for appeal to the board are contained in the Bill. The original regulation-making power is, in fact, surplusage: it is already in the Bill.

Amendment carried.

The Hon. G. G. PEARSON moved:

In subclause (7) (*a*) after "authority;" to insert "or"; in subclause (*b*) to strike out "or" second occurring; and to strike out subclause (*c*).

The Hon. D. A. DUNSTAN: These amendments are designed to ensure that all formalities in the making of planning regulations have been complied with. The omission of paragraph (*c*) will not materially affect the administration of the measure and may be agreed to.

Amendments carried.

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

In subclause (8) before "conditions" first occurring to strike out "compliance with".

This is a drafting amendment.

Amendment carried.

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

In subclause (9) to add:

and such consent, permission or approval may be revoked by the person or body that granted it.

This amendment is designed to empower approval to be revoked when a condition attached to such approval has been breached.

Amendment carried.

The Hon. D. A. DUNSTAN: I move to add the following subclauses:

(12a) Where by any planning regulation:
(*a*) any land is reserved for any purpose referred to in paragraph (*d*) of subsection (4) of this section;
and
(*b*) the carrying out or completion of any work or class of work on that land without the consent in writing of the Minister is prohibited,
the owner of the land may, if the consent of the Minister is refused or granted subject to conditions, serve upon the acquiring authority, within six months after such consent is refused or granted subject to conditions, a written notice requiring that the land be acquired by the acquiring authority.

(12b) The owner shall, not later than seven days after the notice is served on the acquiring authority, serve a copy thereof on the Minister.

(12c) If within two months after the receipt of the notice the acquiring authority does not inform the owner in writing that the acquiring authority intends to acquire the land as soon as practicable and within four months after so informing the owner the acquiring authority has not acquired the land or served on the owner a notice to treat pursuant to the Compulsory Acquisition of Land Act, 1925-1966, with respect to the land, the owner may proceed to carry out or complete that work or class of work on that land without the consent in writing of the Minister and without incurring any penalty therefor.

These new subclauses are intended to replace clause 36 (4) (*d*) (iii). New subclause (12a) provides that where, by any planning regulation any land is reserved for acquisition and the carrying out of any work on that land without the Minister's consent is prohibited, the owner may, if the Minister's consent is refused or granted subject to conditions, by notice require the acquiring authority to acquire the land. Subclause (12b) requires the owner to serve a copy of the notice on the Minister. Subclause (12c) provides that, if within two months the acquiring authority does not inform the owner that it intends to acquire the land and within four months thereafter has not acquired the land or served on the owner a notice to treat under the Compulsory Acquisition of Land Act, the owner may carry out the work without the Minister's consent and without incurring any penalty therefor. I believe this is a significant improvement to give adequate protection to people who will be subject to declarations under the Bill.

Amendment carried.

The Hon. Sir THOMAS PLAYFORD: I move to insert the following new subclauses:

(14) Every planning regulation made under this section shall be:
(*a*) published in the *Gazette*:
and
(*b*) laid before both Houses of Parliament within fourteen days after such publication, if Parliament is then in session, and if not, then within fourteen days after the commencement of the next session of Parliament.

(15) If no notice of a motion to disallow a planning regulation is given in either House of Parliament within fourteen sitting days after the regulation was laid before that House of Parliament, the regulation shall take effect on the day following the fourteenth sitting day after it was so laid before that House or the fourteenth sitting day after it was laid before the other House, whichever occurs later, but if any notice of motion to disallow the regulation has been so given in either House or both Houses of Parliament, the regulation shall come into effect only if and when that motion or those motions is or are negatived.

The purpose of the amendment is to make a slight alteration to the procedure applying to regulations. However, the procedure I propose has been accepted in other Acts. It applies to this Bill, especially regarding the provisions of this clause. Often where wide regulation-making powers are given and where they can interfere with the rights of individuals, regulations must be laid before Parliament before they operate. My amendment would enable a regulation to come before Parliament and to be subject to disallowance by Parliament before it operated. I can see no way in which a person can effectively appeal against a plan, as such, under the Bill. An

effective appeal can be made against certain decisions, but not against the plan, which can have a great effect on the rights of a particular person. Many regulations will be administered by councils, and severe penalties can be provided under these regulations. This clause gives wide powers and can interfere with the rights of the individual before Parliament can take any action.

The Hon. D. A. DUNSTAN: I hope the Committee will not accept this amendment. The Bill provides for the preparation and exhibition of development plans, and public objection is possible. The plans have to be considered before being adopted; they have to go to the Minister, and the Governor has to approve them. Every opportunity for exception can be taken before the plans are adopted, and there is provision for periodical amendment of the plan. To hold up the provision for regulation-making by the appropriate authorities would make the administration of this Act well nigh impossible. Such a provision exists in no other Act in this or any comparable country. Section 28a of the existing Town Planning Act provides for consultation with councils beforehand, and regulations do not come into effect until they have lain on the table of Parliament for 14 sitting days without a motion by a member for disallowance. That has been a considerable delaying factor in providing adequate protection for people in this State. Last session, we had the spectacle that motions were put down, not only in this House, but in another place, that held up important regulations for the protection of the hills face zone until almost the last day of sitting. If the motion had not been withdrawn, but Parliament had prorogued without that motion being dealt with, we would have been in an impossible situation. This amendment may cause the whole of the administration of the Act to be hamstrung. The only effective way is to proceed with regulations in the normal manner.

Mr. Coumbe: Still subject to disallowance?

The Hon. Sir Thomas Playford: But not subject to any re-adjustment of the person's rights.

The Hon. D. A. DUNSTAN: The most extensive rights of appeal against decisions of the authorities under these regulations are already provided. True, a person's individual rights as to decisions under these regulations are not provided for, but greater protection is given for the merits of the case in an appeal to the board, and for its effect in law, in further appeal to the Supreme Court. It is vital that, if planning is to be carried out, decisions as to the regulations may be made effectively at the relevant time. Protection is still given for due disallowance, as in the case of regulations concerning all other statutory authorities in South Australia. Although I appreciate the honourable member's motives in bringing this amendment forward, planning authorities could be subject to interminable delays under his amendment, because a motion for disallowance could be postponed indefinitely. Whilst that may not be true of this place (because the Government could insist that the matter be brought on), a motion could be postponed interminably in another place, which would mean that no regulation was in force, even though its merits had been discussed in the Chamber.

Provision for disallowance exists, as well as provision for appeal, which should be sufficient to protect the rights of citizens. True, certain people approached the Hindmarsh council originally concerning zoning regulations under the Building Act as to building uses. Recommendations were then made to the town of Hindmarsh concerning the provisions under the Town Planning Act for the replanning of the council area. In those circumstances the town could not be forever bound to decisions originally made as to building user, because this was an entirely new subject being considered. Provision in those circumstances as to the restriction on non-conforming uses could be given effect to in this Chamber by the original disallowance provisions, without what the honourable member proposes. Protections as to non-conforming uses are now provided for in the amendments intended to be moved to the Bill which have been accepted by the Government.

The original town plan could, under the Bill, be exhibited. The opportunities arise for the necessary objections to be taken to point out that a non-conforming use exists, which should have been taken into account by the Committee. Provisions for amendment to the plan are made long before it gets to the regulation-making stage. I do not think the honourable member's amendment will serve satisfactory town planning; I believe that all the protections that he seeks are already effectively provided in respect of all citizens. I hope the Committee will not accept a measure that could severely delay to the detriment of the public the carrying out of measures of town planning in this State.

The Hon. Sir THOMAS PLAYFORD: The Attorney-General did not say that the regulation which was before the Chamber last year and which was not debated for some time (but was ultimately accepted) would, if it had been carried out in its entirety, never have been accepted. A Minister in another place gave an assurance that the regulation would not be used to the detriment of primary-producing properties. The delay was justifiable, because the Government agreed that the regulation would be implemented on its former wording being modified. The Hindmarsh regulation was much more important than the Attorney-General would lead us to think, because it specifically over-rode assurances given by the council less than two years previously. When a regulation infringes on the rights of an individual, Parliament should examine it. The amendment will not impede the implementation of the Bill; rather, it will lead to the measure's acceptance.

Amendment negatived; clause as amended passed.

Clause 37—"Continuance of existing use."

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

Before "this" to strike out "Unless otherwise expressly provided by" and insert "(1) Notwithstanding anything contained in section 36 or any other section of"; and to add the following subclause:

(2) Notwithstanding any other provision of this Act where:

(a) a person carrying on the business of manufacturing, warehousing or storage of goods had, before the commencement of this Act, been using any land in connection with that business or had acquired any land for use in connection with that business;

and

(b) such use or intended use was permitted or authorized by or under the Building Act, 1923-1965, or any by-law made thereunder, as in force at the commencement of this Act,

such person or his successor in business may, so long as he is the owner of occupier thereof, use or continue to use the land in connection with that business in accordance with such permission or authorization but the foregoing provision does not exempt such person from compliance with any provision of this Act or of any regulation requiring the provision on such land of space or accommodation appropriate to the use of such land for the parking, loading, unloading, turning or fuelling of vehicles on such land or regulating or prohibiting the construction, forming or laying out of any means of access to or from a road abutting, adjoining or adjacent to the land.

The first of these amendments is merely a drafting amendment. The second amendment inserts in clause 37 a new subclause which provides that where a person carrying on an industry has, before the Bill becomes law, been using any land or acquired any land for the purposes of that industry and such use was permitted or authorized by or under the Building Act or any by-law thereunder as in force when the Bill becomes law, such person or his successor in business may, so long as he is the owner or occupier of the land, use or continue to use the land in connection with that industry in accordance with such permission or authorization, but such person will not be exempted from compliance with any provision of the regulations requiring space to be provided for parking, etc., of vehicles on such land or regulating means of access to or from a road adjacent to the land.

This copes with the very matter raised by the member for Gumeracha a few moments ago as to non-conforming uses permitted by the zoning regulations under the Building Act but not fitting in with the uses required in an authorized development plan. This was a matter on which the regulations under the Town Planning Act by the Hindmarsh Corporation foundered during the last session, where it was found that people had acquired certain land in connection with long-established businesses and then had discovered that under the regulations these were not allowed. We are here endeavouring to provide that people shall not be prohibited from non-conforming uses which were authorized under the Building Act originally, but that they shall be able to carry on where non-conforming uses already exist.

This amendment is designed to see to it that people are not unduly hampered by the provisions of town plans, and that unless the authority is going to acquire property or do something of this kind where non-conforming uses exist, they may continue to exist, provided those non-conforming uses have already been authorized under provisions of by-laws or regulations under the Building Act. This gives real protection. It is a matter that was raised as one of the serious objections to the provisions of this Bill originally by chambers of manufactures and commerce, and it is an amendment the Government thought was necessary in order to give protection to people in these circumstances.

Mr. COUMBE: I thank the Attorney for that explanation. I raised this matter last year when the Hindmarsh regulations were being discussed. Can the Attorney say whether the 50 per cent increase limitation still applies,

or whether this amendment gives a complete waiver of this limitation where permission had previously been given to an extension?

The Hon. D. A. DUNSTAN: If the honourable member reads the second amendment carefully I think the position will be clear. If a person sells the premises, his successor in business (so long as it is a successor in business and he is not selling a piece of that land for some other purpose) gets the same right. Of course, it has to be the same business. This gives a protection that did not exist in the regulations provided under the Town Planning Act.

Mr. McANANEY: I have previously mentioned a furniture factory at Campbelltown that is not at present in use. The person who has a mortgage over it is now in possession; he has been unable to sell because several intending purchasers wished to extend it. Can the Attorney say whether this amendment covers that position, if the building is sold now?

The Hon. D. A. DUNSTAN: In my opinion, it would cover it, provided there were regulations under the Building Act which would authorize the carrying on of business in this area. If there are no regulations under the Building Act authorizing such activity, one cannot complain. A person cannot forever claim a right to a non-conforming use as to which he has had no permission whatever from the local government authority. The point is that the mere acquisition of title does not mean that for ever and a day there are no restrictions whatever upon usage of the particular property, either under the Building Act or the Town Planning Act.

The Premier has just handed me a note in relation to the property mentioned by the honourable member. It appears that the area in the vicinity of these premises is zoned for residential premises, so the amendment would not cover this case. Use of the premises for industry therefore constitutes a use contrary to the purposes for which the area is zoned. It is understood that the council has refused major extensions of the factory owing to the zoning provisions, and also because of the opposition to such extensions by local residents. There is no question of extensions having been stopped by the Town Planner, who has no jurisdiction in this matter; there has been no consultation between the Town Planner and the council, neither has there been an application to the State Planning Office to subdivide or resubdivide.

In that case, the answer to the honourable member is that this amendment does not affect that position, because the only people affected by this amendment are those who have non-conforming uses because they are within the provisions of a zoning by-law under the Building Act and that zoning by-law has allowed a particular use of the land in that area which would be a non-conforming use under the planning regulation.

The Hon. Sir THOMAS PLAYFORD: The Attorney-General's amendments meet substantially the point I made regarding the Hindmarsh council by-law. However, they do not meet the other matter I had in mind. Under the regulation-making powers of clause 36, when a plan has been prepared and a regulation is made there is scarcely any limit to what that regulation may provide. I do not want to see any interference with the carrying on of primary production. If land were used for primary production it would be undesirable if it were zoned for a different use. That is why I wanted to have the regulation come before the Parliament before it became effective.

The Hon. D. A. DUNSTAN: Generally speaking, regulations are unlikely to interfere with primary production. That cannot be an entirely blanket assurance because, if there were a continuance of a piggery, for instance, in what turned out to be a developing residential area, it would be possible that some restriction would be placed on it. Indeed, today restrictions are placed on such things in residential areas under the Health Act. The continuance of horse stables and that sort of thing can come under some regulation. In the existing Town Planning Act protections are given for the continuance of primary production in certain instances, with remissions in tax rates. I draw the honourable member's attention to the provisions of clause 38 which provide extensive protections of the ways in which recommendations of planning regulations may be made. As those protections are given quite beyond those normally given in the making of a regulation by a Government instrumentality, I think the honourable member's points are adequately covered.

Amendments carried; clause as amended passed.

Clause 38—"Recommendations foı the making of planning regulations."

The Hon. D. A. DUNSTAN: I mc/e:

In subclause (2) before "of" third occurring to strike out "statement" and insert "copy"; in subclause (3) before "of" first occurring to strike out "statement" and insert "copy"; and after "such" to strike out "statement" and insert "recommendations".

These amendments are designed to ensure that, before a recommendation for the making of planning regulations is made, a copy of the recommendation (instead of a statement of the recommendation) is to be made available for public inspection.

Amendments carried.

Mrs. STEELE moved:

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

Amendment carried.

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

(10) No recommendation for the making of any planning regulation whereby any land is to be reserved for any purpose referred to in paragraph (*d*) of subsection (4) of section 36 of this Act shall be submitted to the Minister under this section by the authority or a council unless:

(*a*) the acquiring authority concerned has consented in writing to such recommendation; and

(*b*) a copy of such consent is attached to such recommendation.

The Commissioner of Highways has expressed concern that a planning regulation reserving land for future acquisition could be made without the knowledge of the acquiring authority. This would be unlikely in practice, but the proposed new subsection will ensure that the making of such regulation is not recommended without the consent in writing of the acquiring authority.

Amendment carried; clause as amended passed.

Clause 39 passed.

Clause 40—"This Part not to limit application of other provisions."

The Hon. D. N. BROOKMAN: Part V is of such far-reaching importance that the Minister should inform the Committee the reason for it being as it is instead of leaving the development of Adelaide to the ordinary provisions of the Act. I have a statement from a lawyer, in which he states:

These three sections, 40, 41 and 42, have an enormous potential for affecting drastically the rights of the majority of citizens in this State. The scheme of the section is to apply to the metropolitan planning area in relation to which a metropolitan development plan has already been published, a system of control far more arbitrary than the system which is to apply to land elsewhere. It is to be noted that the system for the implementation of authorized development plans, dealt with in Part IV, is expressed to apply generally, that is to say, to any part of the State including the metropolitan planning area. However, special provision in 40 to 42 are provided for the metropolitan planning area, and the decision whether or not these special provisions are to be invoked in any given case is entirely one for the executive Government, "on the recommendation of the authority". These special provisions are to the effect that everything may be done by proclamation as the proclamation is, of course, not subject to Parliamentary disallowance. Once an area is proclaimed under this Part of the Act, the consent in writing of the State Planning Authority will be required for any change in the existing use of the land or buildings, or for the construction, conversion, or alteration of any building. The right of appeal to the board against any decision by the authority on such a point is surely not a sufficient protection. Moreover, this Part of the Act attempts to give the force of law to the "zones" indicated in the metropolitan development plan, for example, general industrial zone, light industrial zone, hills face zone, etc.

I emphasize the importance of this Part dealing with interim control: it would be fair for the Minister to give a justification for its inclusion.

The Hon. D. A. DUNSTAN: From memory, in every other case where a metropolitan plan has been prepared for a capital city of this Commonwealth, an interim development order has been made protecting the existing situation until such time as provision can be made under general regulations to carry into effect the provisions of the plan. The report of the Town Planning Committee was the basis for the plan for the city of Adelaide, and was published in 1962. The Government went to the elections in March, 1965, with the specific proposal that it was going to give force and effect to the recommendations of that committee. Nothing had been done about it before: when we took office the interim development order had been prepared but nothing had been done, and we intended to do it urgently. The recommendations of the Town Planning Committee have existed for a long time, and have been subject to much public discussion and, while it is subject to amendment, it is not a static but a dynamic document. However, in order to protect its provisions we must have an interim development order. This is standard practice: it existed in Perth, Melbourne, Hobart and Sydney, and is now in force in Brisbane. Without it, the preparation of the detailed regulations to carry into effect the various provisions under sections 36 and 38 of the Act would take such time that the recommendations of the committee could be torn up before we could have regulations effectively in force. We have to protect the existing situation and to freeze it, and that is what this section does. A provision for appeal is given as to any decisions that are made. I disagree with the

views expressed in the opinion read by the member for Alexandra that the appeal provisions do not give adequate protection: they do. Nothing unreasonable will occur, but what can occur is that the recommendations of the Town Planning Committee need not be torn up if the provision for an interim development order is enforced. It is absolutely essential for the provisions of the Bill.

Mr. COUMBE: This is an important point. We possibly have a problem in that where a plan is proposed and a person holds land or has a business or some other organization operating within that district he is likely to be, under a foreshadowed amendment, controlled for a period of five years, and could not do certain things without the consent of the authorities. There is a right of appeal, but it may be possible for a person not to be able to alter his property in any way for five years, without the written consent of the authority. Can the Attorney-General say whether a person who may suffer hardship in this regard will receive compensation?

The Hon. D. A. DUNSTAN: True, under this clause restrictions on alteration of existing uses could be imposed. I do not see how in those circumstances we are to provide compensation; it would be compensating for a speculative loss. Some compensatory provisions exist at large in the Western Australian Act, which are written down to such an extent that, on investigation in Western Australia, I find they have never operated. I see no point in including that type of window-dressing here. I think that where hardships could be shown to exist, a person's rights of appeal must be the only protection; indeed, I think it is the only protection we can provide for the public. We must have power generally to freeze the situation but, of course, that should not be done unreasonably. However, I do not expect that the authority will act unreasonably in those circumstances.

Mr. COUMBE: The authority might give consent in writing to a person who wished to alter or convert, say, a house into two flats, if that conformed to the ultimate plan. The person concerned would not necessarily be deprived of earning income in this way; I take it that that type of thing may be approved.

The Hon. D. A. DUNSTAN: Yes.

Clause passed.

Clause 41—"When land is declared to be subject to this section."

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

In subclause (2) after "exceeding" to strike out "three" and insert "five"; in subclause (3) to strike out paragraph (*b*); and in paragraph (*c*) to strike out all words after "occurs".

Clause 41 deals with the bringing of land within the metropolitan planning area under interim control. As drafted, the clause provides for declarations to be made from time to time bringing land under interim control for periods not exceeding three years and that any land that ceases to be under interim control can be re-declared for further periods not exceeding three years in each case. The amendments are designed to limit interim control to one five-year period without power to extend the period. We have to have the regulations in force within that time. This should enable steps to be taken to make planning regulations regulating the use and development of the land within the period of the interim control. Paragraph (*b*) of subclause (3) is to be deleted as that provision is not sufficiently definite and it would be adequate that the land will cease to be subject to the section at the expiration of the period specified in the proclamation or upon the declaration by a subsequent proclamation under subclause (4) that it has ceased to be subject to the section. Interim development control will therefore be limited.

Amendments carried.

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

In subclause (5) after "authority" to insert "or where the authority has by notice published in the *Gazette* delegated its power under this subsection to a council within whose area the land is situated (power to make or revoke such delegation being hereby conferred on the authority), without the consent in writing of that council"; and in subclause (7) after "authority" to insert "or council"; and to strike out all words after "plan" in paragraph (*a*).

These amendments are designed to confer on a council the powers exercisable by the authority in interim development control, for which certain councils, particularly the Adelaide City Council, have asked.

The Hon. D. N. BROOKMAN: Subclause (5) (*b*) could lead to many applications and, therefore, much delay. Is the Attorney-General aware of the great work that may be involved, and will efforts be taken to minimize delays in this respect?

The Hon. D. A. DUNSTAN: Yes.

The Hon. D. N. BROOKMAN: Subclause (7) contains different references to "community". Is the distinction deliberate and, if so, why should there be a difference? It seems

to me that the two matters are parallel in every other respect.

The Hon. D. A. DUNSTAN: Certain developments within the metropolitan area may impose in due course very considerable charges upon the community as a whole. The economic and other advantages or disadvantages to the economy of urban sprawl, for instance, are things that the authority could properly take into account. It may well be that development of this kind will not involve the local community or the community immediately in the vicinity with considerably increased charges, but what of the charges to the community in general in additional school facilities, transport facilities, electricity, water and sewer supplies? These all fall on the community as a whole. Therefore, the economic advantages or disadvantages of general sprawl are things that are quite vital to any system of town planning.

Amendments carried.

The Hon. D. A. DUNSTAN moved:

In subclause (8) after "authority" twice occurring to insert "or council".

Amendment carried.

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

To strike out subclause (9).

This subclause is superfluous, as any person aggrieved by a decision of the authority, the Director or a council has a right of appeal to the board under the amendment to clause 26 that was moved by the member for Alexandra and accepted.

Amendment carried; clause as amended passed.

Clause 42—"Plans of subdivision of land in prescribed localities within Metropolitan Planning Area."

The Hon. D. N. BROOKMAN: Subclause (3) provides that the Director shall send to the applicant notice of his decision to refuse to approve the plan of subdivision, together with a copy of the report of the authority. As I understand it, this means that the applicant may not be given any reason for the refusal to approve of a plan, and if he is given no reasons, what chance has he of making an appeal? Is he not entitled to some reasons, on which he could then argue in an appeal?

The Hon. D. A. DUNSTAN: I think this is covered in the honourable member's amendment to a later clause, I think clause 54, which I am prepared to accept.

Clause passed.

Clause 43—"Application of this Part."

The Hon. D. N. BROOKMAN: This clause, again, is extremely far-reaching. Had I given this more thought I would have been tempted to move an amendment to strike out in subclause (1) (*c*) the words "and are subject to any agreement, lease or licence granted by or on behalf of the Crown". Will the Minister explain the need for these words?

The Hon. D. A. DUNSTAN: If those words were deleted we would have no town planning control, even within the areas of the Metropolitan Development Plan. All sorts of little ribbon development would take place—farmlets and the like of three acres in extent. The reason this Part is confined to those things in which there is some direct relation to the Crown is that there is a Crown control. Otherwise we could run into trouble because we would simply not have control of land subdivision in areas like those around Virginia and Two Wells.

The Hon. D. N. Brookman: Do you think this paragraph is the only one that governs what is in the old Act?

The Hon. D. A. DUNSTAN: This Part controls land subdivision and replaces the control of land subdivision in the Town Planning Act. This is the major feature of whatever town planning we have. If the honourable member's projected amendment were passed we would have no control over the subdivision of any lands that were used or intended to be wholly used for the business of primary production. We would therefore do away with many of the controls we already have.

Mr. COUMBE: Does this provision not apply to any primary production land which is in some way subject to control by the Crown?

The Hon. D. A. Dunstan: Yes.

Mr. COUMBE: So that all other land used for primary production is subject to control under the Bill. Therefore, if the projected amendment were carried it would mean that no land used for primary production would be subject to control.

Clause passed.

Clause 44—"Land not to be sold, etc., except in allotments."

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

In paragraphs (*a*), (*b*), and (*d*) of subclause (1) after "allotment" to insert "or an individual share of an allotment".

These amendments are designed to enable an undivided share of an allotment to be dealt with without the approval in writing of the Director.

Amendments carried.

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

In subclause (1) to strike out paragraph (*c*).

The purpose of the amendment is to make it possible for people to grant options. It would lead to an absurd position if, in the negotiation for buying and selling land, a person had to go to the Director and obtain authority in writing before he could approach the other party concerned.

The Hon. D. A. DUNSTAN: I think the honourable member's proposal is useful and I am pleased to accept it.

Amendment carried.

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

In subclause (4) after ''building'' third occurring to insert "unit".

This is a drafting amendment designed to clarify subclause (4).

Amendment carried.

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

In subclause (4) after "comprising" to strike out "three" and insert "two".

My amendment is designed to reduce the number of units provided from three or more to two or more. I believe this will be useful and harmless.

The Hon. D. A. DUNSTAN: Subclause (4) provides that subclause (1) shall not apply to any land that constitutes a building or portion of a building designed as a unit for separate occupation within a building scheme comprising three or more of such units. This amendment reduces the number of such units from three or more to two or more of such units. This amendment is not recommended as it could possibly have the effect of rendering it possible for the owner of a dwelling with a ''granny flat'' to dispose of the ''granny flat'' without complying with the necessary requirements for approval of plans. The subclause as drafted would remove home units from the prohibitions contained in the clause and will be in line with proposals for strata titles legislation which the Government hopes to introduce shortly. I hope the Committee will not accept this amendment.

The Hon. D. N. BROOKMAN: In many houses there are properly designed flats, and they should not be dealt with in the same way as one with more units.

Mr. SHANNON: Large houses can accommodate easily three or four families when subdivided, so that an old home, as it is self-contained, may become a building unit within the terms of the clause.

The Hon. D. A. DUNSTAN: There is no precise definition of "unit", but this section provides that the consent of the Town Planner must be given to any subdivision of land. That does not mean that people are prevented from subdividing as there are certain exceptions that allow people to proceed without the specific consent for subdivision. The purpose of the amended subclause (4) is to provide a holding provision until the strata titles legislation is introduced some time this session. Overall, the restriction of this clause is that people cannot subdivide land without the consent of the Town Planner.

Amendment negatived.

The Hon. D. A. DUNSTAN moved:

After "situated" to insert "if such land is held and dealt with as a unit for separate occupation within such a scheme".

Amendment carried.

The Hon. D. N. BROOKMAN: I move to add the following subclauses:

(5) Subsection (1) of this section shall not apply to any piece of land over twenty acres in extent.

(6) It shall not be an offence under subsection (1) of this section if the contract, agreement, lease or licence referred to in that subsection contains a provision that such contract, agreement, lease or licence, as the case may be, is subject to the approval in writing of the Director.

The first amendment seeks to ensure that a genuine primary producer (as against, say, the small farmer) will be able to continue to buy and sell land with the usual freedom. The second amendment is simply to permit the same sort of contract as that drawn up in respect of transactions involving land on perpetual lease which are subject to the approval of the Minister of Lands.

The Hon. D. A. DUNSTAN: I am happy to accept both amendments.

Amendments carried; clause as amended passed.

Clause 45—"Plans of subdivision and resubdivision to be approved.''

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

In subclause (1) after "been" to insert "certified by a licensed surveyor within the meaning of the Surveyors Act, 1935-1961, and".

Surveyors approached the Government and pointed out that it was proper that some recognition be given to their practice and to their institute, and that it should be required that a licensed surveyor undertake this work. The Government is happy to accord with that view.

The Hon. D. N. BROOKMAN: I am not happy about this; the amendment seems to be an addition to the Bill for the sake of recognizing a group of people. I agree that it is advisable to have a surveyor draw up a plan.

The Hon. D. A. Dunstan: How could it be effectively done without a licensed surveyor?

The Hon. D. N. BROOKMAN: The amendment will make it mandatory, and seems to be an unnecessary complication.

The Hon. D. A. DUNSTAN: Given the fact that from time to time we find that plans in the Lands Titles Office contain incorrect provisions, which lead to expensive re-surveys, I should think it was for the protection not only of the subdivider but of people in the area, and subsequent persons entitled, to have a plan properly prepared by a licensed surveyor. What sort of redress would a person have against an unqualified person acting as a surveyor?

Amendment carried.

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

(5) For the purposes of this Part, a council may authorize an officer of the council to approve or refuse approval of a plan of re-subdivision and any approval or refusal of approval of such a plan by that officer pursuant to such authorization shall be deemed to be an approval or refusal of approval, as the case may be, by the council.

This is designed to empower a council to authorize an officer of the council to approve or refuse approval of a plan of resubdivision. It is a necessary administrative amendment.

Amendment carried; clause as amended passed.

Clauses 46 and 47 passed.

Clause 48—"Effect of acceptance of plan by Registrar-General.''

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

In subclause (1) after "subdivision" to insert "of any land, other than land subject to any agreement, lease or licence granted by or on behalf of the Crown,''; and after ''new re-subdivision" to insert "of any such land".

These amendments are designed to remove lands under Crown leases from the operation of the clause.

Amendments carried; clause as amended passed.

Clause 49—"Grounds upon which the Director or a council may refuse approval to a plan."

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

In paragraph (*h*) after ''has'' second occurring to strike out ''been refused'' and insert ''not been accepted''; and after ''council'' third occurring to insert ''within three months after the offer has been made''.

These amendments deal with the power of the Director or a council to refuse approval of a plan of subdivision or plan of resubdivision if the proposed mode of subdivision or resubdivision would destroy any site of exceptional natural beauty or of architectural, scientific or historical interest. The relevant provision as drafted provides, however, that the approval shall not be refused if the Director or the council is satisfied that the land in question has been offered by the owner for sale to the Government, the authority and the council at Land Board valuation and the offer has been refused by them. The amendments provide that the approval shall not be refused if the offer has not been accepted by them within three months of the making of the offer. The amendments do not affect the policy governing the clause.

It seems that the intention of the Bill could be circumvented considerably if the authority merely did nothing about an offer. My amendments provide that there will at least be a specific time limit on the acceptance or rejection of an offer.

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

Amendments carried.

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

In paragraph (*n*) after "graded" to insert ''or so capable of being graded''.

This amendment clarifies the paragraph and is desirable, as roads will not have been made or graded when plans are first submitted.

Amendment carried.

The Hon. D. A. DUNSTAN: I move to strike out paragraph (*p*) and insert the following new paragraph:

(*p*) adequate provision for roads is not made on the plan;

The intention of the present paragraph (*p*) is not clear, and the amendment is designed to clarify the position. It is intended to ensure that roads will be provided where necessary.

Amendment carried.

Mr. COUMBE: The original Act contained many of the provisions that are now contained in this Bill. In fact, they have been extended. I am conversant with these provisions, because I sat on the old Town Planning Appeal Committee, which is now to be abandoned. Some of these provisions were the downfall of many appellants because they failed to observe certain conditions. An important aspect of the original Act as it concerned the metropolitan area was the necessity for a certificate by the Engineer-in-Chief regarding water supply and sewerage. I take it that only some of the provisions of this clause will apply to the whole State. For instance, a subdivision in a country district may consist of only 20 acres, and in some circumstances it would not be necessary for a water supply to be provided to every allotment in that area. I take it that the same thing will apply also

regarding sites for shops. Some of the other provisions could not apply.

I take it that the Director, when considering applications, would consider the appropriate paragraphs of this clause as they would apply to a special locality within South Australia. It may well be that in the metropolitan area the consideration of "natural beauty" would not arise; it should do so, but it may not do so. On the other hand, it may not be necessary in the country to provide for shops, etc. I take it that discretion would be used in this regard, and that the Director or a council would not capriciously hold up an application because it did not comply with all these provisions. Can the Attorney assure me that that is so?

The Hon. D. A. DUNSTAN: Yes.

Clause as amended passed.

Clause 50 passed.

Clause 51—"Further grounds of refusal by council."

The Hon. D. A. DUNSTAN: I move to strike out paragraph (*a*) of subclause (1) and insert the following new paragraph:

"(*a*) that:

(i) the roadway of every proposed road or street, to a width of at least twenty-four feet, and every water-table, channel and footpath of every proposed road or street has been formed in a manner satisfactory to the council and in conformity with a road location and grading plan signed by a licensed surveyor within the meaning of the Surveyors Act, 1935-1961, and submitted to and approved by the council prior to the commencement of the work;

and

(ii) the roadway of every proposed road or street has been adequately constructed, paved and sealed with bitumen, tar or asphalt or other material approved by the council and all bridges, culverts, underground drains and inlets thereto necessary in accordance with recognized engineering design practice, and the water-tables, channels, kerbs and footpaths of every proposed road or street have been constructed in a manner satisfactory to the council and in conformity with detailed construction plans and specifications signed by a prescribed engineer and submitted to and approved by the council prior to the commencement of the work;".

This amendment contains a redraft of paragraph (*a*) to draw a clear distinction between the responsibilities of a licensed surveyor and a prescribed engineer in relation to plans of subdivision.

The Hon. D. N. BROOKMAN: It seemed to me somewhat unnecessary to provide not only that the plans and specifications should be prepared in a manner satisfactory for a council and submitted to and approved by a council before the commencement of the work but that they should also be signed by a prescribed engineer. Amongst those who noticed this provision were licensed surveyors who did not see why prescribed engineers should be included, and they should not be. I decided that I would move to strike out the provision relating to prescribed engineers. The preparation of plans can be grossly overdone. Therefore, I decided that it would be going too far to include licensed surveyors as well. However, I do not oppose the Minister's amendment, and I will not persist with my amendment.

Amendment carried.

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

(1a) Notwithstanding anything contained in sections 319 and 328 of the Local Government Act, 1934-1964, as amended, where a plan of subdivision has been approved by a council and:

(*a*) the roadway of any proposed road or street shown thereon has been formed, paved or sealed by or on behalf of the owner of the land delineated thereon, or any necessary bridges, culverts, drains or inlets or the water-tables, kerbs or footpaths of any such proposed road or street have been constructed by or on behalf of that owner, in a manner satisfactory to the council and in conformity with detailed construction plans and specifications signed by a prescribed engineer and submitted to and approved by the council prior to the commencement of the work;

(*b*) such proposed road or street has by virtue of section 48 of this Act become a public road or street; and

(*c*) any work of a kind referred to in paragraph (*a*) of this subsection which had been carried out by or on behalf of the owner aforesaid is also carried out thereafter by the council.

the council shall not be entitled to recover the cost or expenses of such work or any part thereof from the owners of any ratable property abutting on such public road or street, or abutting on the footpath of any such public road or street, as the case may be, where such ratable property constituted or formed part of the land delineated on the plan of subdivision.

The Local Government Act enables councils to recover the costs of constructing roads, drains, kerbs, footpaths, and so on from owners of abutting land when the work has not been

carried out previously. Doubt exists whether the costs are so recoverable if the work had previously been carried out unsatisfactorily by a person other than the council concerned. The proposed amendment will ensure that a council cannot recover from owners of abutting land for roadworks, and so on carried out by, and at the expense of, the subdividers if the work has been carried out with the approval of the council and in conformity with construction plans and specifications under this clause. In other words, people purchasing land in subdivisions, when work has been carried out with the approval of the council, cannot be hit twice.

Amendment carried.

The Hon. D. N. BROOKMAN: As the amendment standing in my name is consequential upon the amendment I did not move, I do not seek to move it.

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

In subclause (2) to strike out "subsection (1) of"; and to insert the following subclause:

(3) Before a council approves a plan of subdivision, it may require the applicant to satisfy the council that all connections for water supply and sewerage services to any allotment defined therein, which, in the opinion of the Director and Engineer-in-Chief of the Engineering and Water Supply Department, are necessary and would need to be laid under the surface of any proposed road, have been made before the roadway of such road has been sealed.

The new subclause is designed to ensure that all necessary connections for water supply and sewerage services to an allotment are made before proposed roads are sealed, thus avoiding the unnecessary breaking up of made roads. This provision has been sought by local councils, and is happily acceded to by the Government.

Amendments carried; clause as amended passed.

Clause 52—"Further grounds of refusal by the Director."

Mr. McANANEY: I move:

In paragraph (*b*) to strike out "ten" and insert "twelve and one-half".

Last session, when the figure of 15 per cent was included in a private Bill, the Attorney-General said he would consider the matter. I have now decided to move that the figure should be 12½ per cent. I understand that the Municipal Association favours this amendment. Sufficient land has not been set aside in the Adelaide area for recreational purposes, and some increase should be made in this percentage. The minimum size of allotments has been reduced and, as more living space is needed for our increasing population, the need for more recreational areas is obvious.

The Hon. D. N. BROOKMAN: I oppose the amendment. Older built-up areas have insufficient reserves, but for new subdivisions a 10 per cent provision for reserves is ample, as national parks and other recreational areas provide facilities for people. We are continually being attacked by planners because the sprawl of our one-storey houses adds to the costs of services. However, Australians like this way of living and are happy with the layout of recent subdivisions. This amendment will increase the cost of establishing a house in areas where provision is made in subdivisions, and will not correct the shortages in areas where provision was not made 50 or 60 years ago.

Mr. McANANEY: With more migrants we need more recreational areas because of our increased population, as insufficient land is available for this purpose. Although land is being bought in country areas, it should be provided in all subdivisions so that families can enjoy living in those areas.

Mr. RODDA: As the member for Stirling has satisfactorily summed up the need for more space for recreational areas, I support the amendment.

Amendment carried.

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

In subclause (1) (*c*) after "defines" to insert "more than three but".

This amendment seeks to exempt from the requirement to provide reserves or contribute to the "open space" fund any plan defining three allotments or less. In respect of any such plan, it is unreasonable to insist on the provision of a reserve. I think we should let the little ones go.

The Hon. D. A. DUNSTAN: I hope the Committee will not accept this amendment. The creation of even one new allotment to house a family creates a demand on open space and it is basically fair to require the provision of reserves or the contribution to the fund in the case of even one new allotment. Besides, if an arbitrary limit of exemption (such as that proposed) were fixed, it would make it possible for a subdivider of a large area to escape the requirements of the clause by limiting each plan to three allotments at a time until the whole area was subdivided without provision of any reserves or any contribution to the fund.

Amendment negatived.

Mr. McANANEY: I move:

In paragraph (*c*) (*i*) to strike out "ten" and insert "twelve and one-half".

This amendment follows my previous one.

Amendment carried.

The Hon. D. N. BROOKMAN I move:

In subclause (1) (*c*) (ii) after "extent" to add the following proviso:

> Provided that, for the purposes of this paragraph, where the plan divides a number of existing allotments into an equal or a lesser number of allotments, such last mentioned allotments shall be deemed not to be new allotments defined by the plan and where the plan divides a number of existing allotments into a greater number of allotments, the number by which the greater number of allotments exceeds the number of existing allotments shall be deemed to be the number of new allotments defined by the plan, and the appropriate amount referred to in subparagraph (ii) of this paragraph shall become payable in respect of each of such new allotments as are not more than two acres in extent.

Clause 52 deals with the power of the Director to refuse approval of a plan of subdivision or resubdivision if the plan defines not more than 20 new allotments, and the owner does not pay to the fund a sum representing $100 (if the land is in the metropolitan planning area) or $40 (if the land is outside that area) for each new allotment that is not more than 2 acres in extent. The amendment clarifies this provision so as to ensure that no payment will be insisted on unless the number of allotments depicted on the plan exceeds the number of existing allotments and the sum is payable only in respect of the allotments in excess of the existing allotments.

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

Amendment carried.

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

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

In subclause (1) (*d*) to strike out paragraph (iii).

A proposed subdivision may adjoin or be situated not far from an already existing subdivision on which few houses have been built. It seems unnecessary and undesirable for the Director to have the power contained in this paragraph. Blocks may not have been built upon, but there could be plenty of legitimate reasons why they may not have been built upon. For instance, the owners of the blocks may be waiting until they have enough money to build, or until water and sewer services become available. Some may also be waiting for bank loans, while others may have purchased blocks thinking that their children will be glad of them later on. People may want to live not in that particular subdivision but in the paddock nearby that is planned to be subdivided.

The prices of the blocks could be artificially increased quite considerably by reason of the refusal of a nearby subdivision. This could be the cause of hardship, and it could be unfair to people who might wish to build there in the future. The Director might refuse a subdivision because he considered that enough blocks were available there, and this in turn could mean that the available blocks would increase in price because no more new building blocks were available. The provision could result in artificially increasing the demand for these blocks.

I believe that the provision is unfair to prospective house builders. The Director has tremendous power under this Bill, and in my opinion this is one power that he should not possess. I do not think he has any reasonable chance of determining why blocks have not been built upon, and I think it would be better if this provision was struck out.

The Hon. D. A. DUNSTAN: I hope the Committee will not accept the amendment. Clause 52 (1) (*d*) deals with the power of the Director to refuse approval of a plan of subdivision or resubdivision if the development of the land is considered premature having regard, *inter alia,* to the amount of land already subdivided in the vicinity and not built on. This amendment proposes to exclude this factor from being taken into consideration when approval of a plan is sought. It is desirable that the words proposed to be left out stand in order to secure a more effective control of speculative subdivision and shack development, particularly in country holiday areas. There is a right of appeal against the Director's decision. A similar provision is already contained in Regulation 68 of the Control of Land Subdivision Regulations under the present Act.

This provision is a feature of normal planning provisions, and it has been consistently asked for by associations connected with planning in South Australia. Most of the associations agree on this. The Town and Country Planning Association is right behind a proposal of this kind, and in fact it was included in its original proposals submitted to Parliament when the original report of the Town Planning Committee was published.

As I say, this is one of the things that is most consistently asked for by planners.

We cannot have unlimited speculative subdivision without consideration for what has already gone on in subdivision, because once we do this we get a completely unorganized development. The regulation that is already in force has not worked a hardship, and I believe that regulation provides, similarly to this, that the Town Planner can take into account the fact that existing subdivisional land has not been sold or taken up for building use. This is a perfectly normal provision, and in fact it is something that regularly occurs in planning provisions elsewhere. I ask the Committee to reject the amendment.

The Hon. D. N. BROOKMAN: The paragraph contains the words "the extent to which such allotments have not been used". It could be that eventually each allotment would have a house built upon it. How is the Director to know that? Why should he consider that, just because it happened to look like an empty paddock, it would remain so, when it could be that within two or three years all the allotments would be built on? It seems to me unreasonable that the Director can hold up a nearby subdivision merely because for a time certain land has not actually been used for the purpose for which it was subdivided.

The Hon. D. A. DUNSTAN: If all the allotments had been sold to individual buyers and a certain number of houses built, obviously the Director would not refuse to consent to further subdivision in the area. However, if parcels of these allotments are held obviously by a speculator, then it is a rather different situation.

The Hon. D. N. Brookman: They have still not been used.

The Hon. D. A. DUNSTAN: The information as to the holdings of these properties is readily available to the Director and, if all the subdivisional lots in the area had been sold off to individual purchasers, obviously a subdivider in the area would have a right of appeal (a substantial basis of appeal) against the decision of the Director if the Director refused a further subdivision in the area. It is simply a question of how the thing has developed.

The Hon. D. N. Brookman: The Director himself can cause an artificial increase in the value of these blocks by withholding a new subdivision.

The Hon. D. A. DUNSTAN: Under the existing regulation that just has not happened. This is something that is required by most planning authorities and, in fact, there have been numbers of speculative subdivisions proposed in Adelaide in the suburban sprawl far out which are unnecessary, given the circumstances of development as far as it has gone, but which can create costs as far as the community is concerned upon the subdivision taking place. In these circumstances there must be a discretion in the Director and, as that discretion is subject to appeal, I see no reason why it should not be there as it is provided under the existing Act.

Mr. RODDA: If, for some reason or other, a person purchased a number of holdings and for other reasons these holdings were not built upon, could he be forced to build on them?

The Hon. D. A. Dunstan: No.

Mr. RODDA: That is the point my colleague seems to be presenting. Someone in business might purchase blocks with the idea of providing housing for his employees but the scheme might not eventuate and the blocks would not be built on. Those blocks might prevent further subdivision.

Mr. McANANEY: If this artificial restriction of development is introduced it will cause the price of blocks available to increase. If people want to buy a block on a subdivision which they know is well away from water, the right to buy the block should not be taken away from them and they should be able to enjoy the increase in value that will take place in time.

The Hon. G. G. PEARSON: There are already restraints on subdivision. For example, within the metropolitan area a subdivision may not be approved by the Town Planner unless he has a certificate from the Engineer-in-Chief that water and sewerage can be provided economically. There are other means by which subdivisions may be restrained. The restraint of subdivisional activity as is envisaged under the clause will undoubtedly have the effect of increasing the price of land already subdivided. It is a mistake to restrain subdivision artificially beyond the restraints already existing. It is in the interests of the people concerned that we preserve competition in selling the land. I know of many cases in the metropolitan area, in particular, where people on broad acres on the edge of existing subdivisions have been, in fact, forced by what some people describe as the juggernaut of the rolling metropolis, by high rates of taxation and so on, and by their proximity to subdivisional activity, to sell up or to subdivide their land. They cannot hold it in four-acre form. I can give the Committee chapter and verse for my statement that people on the fringe of the

metropolitan area find that their outgoings are far greater than their earnings from agricultural operations. They have to live on their capital or give up their farming pursuits and subdivide the land or sell it to somebody who will. With these restrictions in operation, however, it would be difficult to take advantage of such action. This amendment has much merit, because these additional restrictions are not necessary.

Mr. SHANNON: I support my colleagues and agree that there are already in operation sufficient restraints on subdivision, especially in the matter of water and sewerage. I have some examples of this in my own area. These things are already provided for. Land thrown open to subdivision involves difficulties with the essential services. The Housing Trust has bought land well in advance of its requirements, showing much foresight. The member for Flinders referred to the difficulties of making ends meet in agriculture on the fringe of the metropolitan area. That is true, but another aspect requires to be examined because we are over-riding certain vested interests that want to cash in on subdividing holdings. A man has been lucky enough to get his subdivision through: at least, he has sold sufficient of his land to cover the initial cost of putting it on the market. Across the road is a man with a similar piece of land which, because of its proximity to the subdivided land, is subject to land tax, water rates and other charges. Yet we are to deny him the right to the potential value of his land.

Nobody should have a corner of any market. It is not ethical to permit it. Yet this will happen in the restriction of subdivisions close to land already subdivided. The effect will be to increase the price to the would-be house builder of the block on which he intends to build. I hoped the Government would have viewed this matter in that light and would have said, "After all, this is a free world and, if people want to subdivide their land ahead of the time when they can sell it all, let them do so." Sealed roads have to be built through these subdivisions, and it is impossible for the landholder to carry on any form of reasonably profitable agricultural pursuit once he has decided to subdivide.

These considerations would prevent unnecessarily hasty subdivisions, and we should not put up a curtain and say, "We have so many blocks not sold and no more subdivision will be allowed until they are sold", because in that case each subdivider would be able to subdivide without fair competition. That is not a good thing for a man seeking a block on which to build a house.

Mr. McANANEY: Theoretically, this is a good part of the Bill but, in practice, I do not think it will work. It will make new allotments dearer. Many expensive blocks will be available because the demand for them will be keen, and this is a weakness.

The Committee divided on the amendment:

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

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

Pair.—Aye—Mr. Teusner. No—Mr. Jennings.

Majority of 4 for the Noes.

Amendment thus negatived.

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

In subclause (1) (*g*) to strike out "the Director considers" and insert "is".

I do not think anyone can argue that, if the Director considers it necessary, there is any question of fact about that. Perhaps his judgment may be wrong, but that is not the subject of the appeal. As we are giving far-reaching powers to the Government, matters of opinion should not be included in this Bill: it should be a matter that can be argued on an appeal.

The Hon. D. A. DUNSTAN: If the honourable member looks at the paragraph, he will see that certain conditions are prerequisite to the exercise of the Director's discretion. The question arises: what kind of widening is to take place? Here, of course, an administrative discretion has to exist, but it is subject to appeal just as much as is the whole question of whether it is necessary to have a widening at all. If an appeal is taken to the board the whole question of the Director's decision must come before it: it is a whole re-hearing of the exercise of the Director's discretion and the decision he makes in the circumstances. There is no point in the honourable member's amendment.

Mr. McANANEY: I support the amendment, for it seeks to strike out verbiage and would not affect the administration of the Bill.

Amendment negatived.

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

In subclause (1) to strike out subparagraph (iii) of paragraph (*g*) and insert the following new subparagraph:

(iii) to any plan where any building suitable for occupation exists on any part of the land considered necessary for road widening purposes if no other part of the land is required under this paragraph for road widening purposes or if the plan makes provision for such other road widening as is required under this paragraph.

This amendment is designed to clarify the intention of subclause (1) (*g*) (iii) of this clause. The effect of the amendment is that the Director shall not refuse approval of a plan on the ground that adequate provision has not been made for road widening if a building suitable for occupation exists on that part of the land considered necessary for such widening.

Amendment carried; clause as amended passed.

Clause 53 passed.

Clause 54—"Appeals."

The Hon. D. N. BROOKMAN: I oppose this clause and intend to move that it be struck out and replaced by a new clause. The existing clause confers a right of appeal against a decision of the Director or a council to refuse approval of a plan. Under the amendment of clause 26 (1) a right of appeal is already conferred on any person aggrieved by a decision of the authority, the Director or a council, and clause 54 therefore becomes superfluous.

The Hon. D. A. DUNSTAN: I do not object to that course.

Clause negatived.

Clauses 55 to 57 passed.

Clause 58—"Director may approve plan of resubdivision subject to conditions."

The Hon. D. N. BROOKMAN moved:

In subclause (1) (*c*) after "that" to insert "the title to"; and after "with" to insert "the title to".

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

Amendments carried; clause as amended passed.

Clause 59—"Penalty for dividing land otherwise than in accordance with plans."

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

In paragraphs (*a*) and (*b*) of subclause (2) after "years" to insert "whether as the term of the lease or licence or by way of option to renew the term of the lease or licence,".

This amendment clarifies the meaning of subclause (2) (*a*) and (*b*) so far as it relates to the five-year term of a lease or licence. The amendment makes the clause consistent with clause 44 (1) (*d*).

Amendment carried.

The Hon. D. N. BROOKMAN: I move to add the following subclause:

(4) It shall not be an offence against this section:

(*a*) for a person, being the owner of the whole of an allotment, to agree or offer to sell a part only of that allotment; or

(*b*) for a person, being the owner of portion only of an allotment, to agree or offer to sell a part only of that portion,

subject to the necessary plan of subdivision being deposited in the Lands Titles Registration Office or to the necessary plan of resubdivision being duly approved.

Clause 59 provides, *inter alia*, that no person shall divide an allotment except in accordance with a plan of subdivision that has been deposited in the Lands Titles Registration Office or a plan of re-subdivision that has been duly approved. This amendment will enable an allotment to be divided subject to the plan of subdivision being so deposited or the plan of re-subdivision being duly approved.

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

Amendment carried; clause as amended passed.

Clause 60 passed.

Clause 61—"Power of Governor to proclaim private land to be open space."

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

In subclause (5) before "period" (first occurring) to strike out "the" and insert "such"; after "period" (first occurring) to insert "(not exceeding five years)"; after "it" (first occurring) to insert "as immediately preceded such publication of the subsequent proclamation".

The effect of these amendments is to limit the liability to pay rates and taxes at the full rate for a period of five years when an open space proclamation is revoked. There is what may be called a precedent in the Land Tax Act.

The Hon. D. A. DUNSTAN: These amendments have been requested by a number of organizations and fall into line with provisions in other Acts. It is perfectly reasonable. Many people would have considerable difficulty in subdividing open space after a period if they had to pay vast sums in back taxation. The limitation to five years is reasonable and is acceptable to the Government.

Amendments carried; clause as amended passed.

Clause 62—"Regulations for the purposes of this Part."

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

In subclause (1) after "as" to strike out "he considers" and insert "are".

The amendment will ensure that there is no question of disputing what the Governor considers necessary. It will ensure that the Governor makes regulations that are, in fact, necessary or expedient rather than regulations that he considers to be necessary or expedient.

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

Amendment carried.

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

In subclause (2) (*f*) after "water-tables" to insert "channels"; and after "footpaths" to insert "and drains for disposal of storm water which are required to be provided on lands".

These amendments extend the regulation-making power to include power to prescribe standards of construction of channels and stormwater drains.

Amendments carried.

The Hon. D. N. BROOKMAN: I have a letter from a land agent, in which he says, amongst other things:

It seems to us that it would be possible for stage development regulations to be brought in under section 62 and, if it were possible to get the Minister to acknowledge that the Government would be prepared to make regulations of this nature in the future, it should be quite sufficient. Broadly speaking, the idea of stage development is to allow a developer to get approval of a development which may take place over a number of years, say, up to 10 years. The Act at the present moment only contemplates a plan for immediate subdivision being lodged and gives the Director power to refuse consent to it if he regards it as premature, which would certainly be the case if the development was contemplated by the developer to take place in the future, say, five years' time.

Will the Minister comment on the Government's attitude to this type of activity?

The Hon. D. A. DUNSTAN: The Government has no objection to development over a period, but I do not think that should be taken to mean that a subdivider can put in a plan and not carry out the works prescribed within the period required. I do not foresee the likelihood that somebody will put in a plan and then build water-tables this year and kerbing two years hence, and form roads three years after that. That would not seem to be satisfactory to anyone, and certainly not to councils. Where we have a development proposal, particularly a redevelopment proposal, these things could be staged over a period with the agreement of the authority, but I do not want this to be taken as a blanket undertaking that the Government will not require that subdividers carry out the work required of them within a proper and limited period.

The Hon. D. N. BROOKMAN: I understand staged development to mean the development of one portion of fairly large subdivisions at a time, rather than the provision of all the roads, drains and everything else throughout the subdivision, with the possibility of houses being erected at intervals. The subdivider may wish to subdivide section by section. Can that type of activity be authorized by the authority, and is it likely to authorize it in certain cases?

The Hon. D. A. DUNSTAN: I do not see any great difficulty in a subdivider's applying for approval to subdivide portion of an area that he owns, where he has in view a further subdivision of the area at a later stage. I do not want it to be taken that we will give blanket approval in all circumstances to do a little in one place and that that implies approval to do something later that has not been specifically applied for in the first place. I do not see, where a large area is held by a subdivider, that he cannot apply to subdivide portion with a view to subdividing more later, but I do not think we can commit ourselves to the further subdivision when such a person makes his first application. All applications must be examined on their merits at the time.

Mr. SHANNON: I discussed with the Attorney a problem that arose in my area, where the terrain is different from that in most places. Eventually that subdivision was approved. The owner of the land would have been forced to sell the whole of the area to a subdivision expert (who had plenty of money to invest in such undertakings) but the owner would have been denied the opportunity to maintain the future amenities of the area. These things were, by virtue of the slow development, difficult to provide.

I do not want to see anything in this Bill that will force a private owner, who has to depend on an overall plan being approved, to subdivide portion of the land to give him the finance necessary to proceed with the proposed developmental plan. Many people in the hills are more conscious of the need to preserve the natural beauty of the area, whereas commercial undertakings are concerned with how much they can make from a subdivision. I want to be sure that, when an owner wishes to subdivide an area and preserve certain features for the benefit of generations to come, he will not be instructed to subdivide all of the land at once. That could be beyond his

financial capacity. I would appreciate an assurance on that point. We are fortunate to have hills so close to the metropolis, and they are becoming more and more appreciated. We should ensure that the development of the hills does not become a commercial undertaking, because future generations will be justified in condemning us for allowing such a thing to happen.

The wealthy company developing a project in the southern hills has provided amenities such as golf courses and swimming pools, and that is a good thing. I believe an individual owner should not be forced to approach a subdivision company to take over when he cannot afford to go ahead with a project. I prefer that he be allowed to do the work piecemeal in order to receive some benefit from the property that he may have owned for many years.

The Hon. D. A. DUNSTAN: I assure the honourable member that the position is not being detrimentally altered here.

The Hon. D. N. BROOKMAN moved:

In subclause (2) (*i*) to strike out "the Governor considers" and insert "are".

The Hon. D. A. DUNSTAN: I do not object to the amendment.

Amendment carried; clause as amended passed.

Clause 63 passed.

Clause 64—"Compensation for loss arising out of reservation of land."

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

In subclause (1) (*a*) to strike out subparagraphs (i) and (ii).

This amendment is unobjectionable. Its effect is that any person could claim compensation if he suffers a loss due to his land being reserved for future acquisition. As drafted the clause restricts claims to those persons having buildings on their land or whose land has been subdivided.

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

Amendment carried.

The Hon. D. A. DUNSTAN: I move to strike out subclause (2) and insert the following new subclause:

(2) The compensation payable under this section shall:

(*a*) for the purposes of subparagraph (i) of paragraph (*b*) of subsection (1), be the difference between:
- (i) the value of the land at the date of the sale as affected by the reservation;

and
- (ii) the value of the land at that date as not so affected;

and

(*b*) for the purposes of subparagraph (ii) of paragraph (*b*) of subsection (1), be the difference between:
- (i) the value of the land at the date of the claim for compensation as affected by the reservation;

and
- (ii) the value of the land at that date as not so affected.

As drafted, it would not be possible to make a definite assessment of compensation without reference to a date. This amendment, which has been drawn after consultation with the Commissioner of Land Tax, provides that where the land has been sold the compensation will be the difference between the value of the land at the date of the sale as affected by the reservation and the value of the land at that date as not so affected; and, where the land could not be sold, the compensation will be the difference between the value of the land at the date of the compensation as affected by the reservation and the value of the land at that date as not so affected.

Mr. COUMBE: This is a big improvement on the Bill as drafted. The relevant provisions in the New South Wales Act are somewhat the same. However, a time factor operates there in respect of compensation. This whole question was canvassed fairly fully during the second reading debate many months ago, when the Hindmarsh regulations were cited. Some difficulties were pointed out, and the Attorney said that he did not know of any effective way in which compensation could be granted in many of the cases I cited.

Since then I have checked with the Victorian and New South Wales Acts and certain provisions of the English Act in this regard, and I have to agree that it is extremely difficult to try to assess compensation where land is to be restricted or where certain rights are to be taken away in the future. Certain provisions in our Noxious Trades Act enable claims to be made to the Supreme Court, but that is for a specific purpose.

The position has been greatly relieved by the introduction of amendments this afternoon by the Attorney-General. As the Attorney explained, a person who had received permission under a council by-law or regulations under the Building Act to carry on business would be permitted to continue. In my view, that has minimized to a great extent many of the objections raised in the second reading debate and during the discussion on the Hindmarsh regulations on this question of compensation. The amendment ties up the time factor in this regard, and I believe it will work to the benefit of the Bill as a whole.

I still think certain difficulties will arise regarding compensation. For instance, if numerous claims are made, I am not sure where all the money will come from to pay them. I know the Bill contains certain financial provisions, but I do not know how adequate they will be, especially if we get a large number of claims for compensation.

Mr. McANANEY: This provision is much more acceptable than it was before. I believe the Land Board values land on the basis of its sale value. I once sat as chairman of a revision committee in a district council, and I found that when it came to determining the value of land the assessor merely asked people whether they were prepared to sell at a certain value. Because the people had lived for years on their properties they replied that they were not prepared to sell at that value, whereupon the assessor said, "Well, you cannot object to the value we place on it." We accept that this is a better method of assessing compensation, but the method of determining the value of land to the person who holds it is vague and indefinite.

Amendment carried; clause as amended passed.

Clauses 65 and 66 passed.

Clause 67—"Action for compensation."

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

After "under" to insert "section 64 of".

This amendment ensures that the clause applies only to cases in which clause 64 applies, and thus avoids any ambiguity of meaning.

Amendment carried; clause as amended passed.

Clause 68—"Compensation paid under this Act to be taken into account when land subsequently acquired."

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

After "68" to insert "(1)"; and to add the following subclause:

(2) Notwithstanding anything contained in any Act, but subject to subsection (1) of this section and section 70 of this Act, in determining the amount of compensation payable by the acquiring authority in respect of the compulsory acquisition or taking of any land which by virtue of a planning regulation is reserved for any purpose referred to in paragraph (*d*) of subsection (4) of section 36 of this Act, no regard shall be had to the fact that the land is reserved or to the value of any improvements on the land which had, after the reservation, been effected without the consent in writing of the Minister.

These amendments ensure that, subject to subclause (1) of this clause and clause 70, when land, which is reserved for future acquisition by a planning regulation, is compulsorily acquired, no regard shall be had, in determining the compensation payable, to the fact that the land is reserved or to the value of improvements made on the land without the Minister's consent after the reservation.

Amendments carried; clause as amended passed.

Clauses 69 and 70 passed.

Clause 71—"Moneys required for this Act to be appropriated by Parliament."

The Hon. Sir THOMAS PLAYFORD: I move:

After "purposes" second appearing to insert:

but no moneys shall be paid out under this section unless an Act authorizing such payment has been passed by Parliament.

As it stands, the clause would appear to provide that before moneys can be paid they have to be authorized by Parliament, but that is not the position. If the clause were passed it would be possible for the Treasurer forthwith to make payments of any sums under the Public Finance Act without bringing this before Parliament. Under Governor's warrant, Loan moneys could be made available to any extent whatever. I do not believe the Government intends to do this but wishes the appropriation to be made in the normal way, and to this effect I have moved my amendment.

The Hon. D. A. DUNSTAN: I ask the Committee not to accept the amendment. The provision in clause 71 is the normal provision when setting up an authority. It requires appropriation at the appropriate time. The matters would be discussed, the proper Bills would be introduced, and the Estimates provided to Parliament. I see no reason whatever to provide a specific Act in relation to a specific allocation. These things are provided in the same way as they are provided for other authorities, and I can see no purpose in the honourable member's amendment other than to hamper the operations of the Treasury and the authority.

The Hon. D. N. BROOKMAN: Clause 72 would mean simply that it was theoretically possible for the authority to operate entirely by buying and selling property without any reference to Parliament at all. We know that the authority has all the powers it needs to buy land and it can use what part of the land it likes and sell what part it likes. It can hold land until the price goes up and it can do all manner of things that would enable it to make vast sums of money. Although I do not believe the authority would set out to operate in this way, it could do it. Why should not

Parliament have a say in what the authority does with its money? It is one of the fundamental matters which any Opposition would raise. The amendment would not hamper the authority in any way and would provide a valuable safeguard, through Parliament, for the people. I support the amendment.

The Hon. Sir THOMAS PLAYFORD: The Attorney-General said, in effect, that money for this purpose would be appropriated by an Appropriation Bill in the normal way. If that is the case there can be no objection to my amendment because it proposes that the money would be appropriated in the normal way. Of course, the clause, as it stands, does not provide for that but for something totally different, and that is why I object to it. The clause means that this becomes an approved purpose under the Public Finance Act and, once this happens, if the Treasurer thinks it fit and proper he can have Loan moneys appropriated. The only restriction is that it must appear in some subsequent Appropriation Bill, but that is after the money has been spent.

In a Bill with which we dealt recently a similar provision appeared. I gave notice of a similar amendment, of which the Treasurer quickly saw the merit, and immediately inserted an amendment himself to provide for the necessary appropriation. Of course, that amendment was accepted without any argument. The provisions of the Public Finance Act of 1949 are often used and once a thing becomes an approved purpose (as is provided by this clause) it does not have to be referred to Parliament before substantial Loan expenditure can be approved. If Parliament is to exercise its traditional duty of supervising the expenditure of money my amendment should be passed. Section 32b of the Public Finance Act provides:

(1) In this section ''authorized loan work'' means any work or purpose:
(*b*) which pursuant to any Act is authorized to be carried out and is to be paid for or financed out of moneys to be provided or appropriated by Parliament and which, in the Treasurer's opinion, is such that it should properly be paid for or financed out of Loan moneys.
(2) Where:
(*a*) there is no Act appropriating money for an authorized loan work; or
(*b*) there is an Act appropriating money for an authorized loan work, but the amount appropriated is insufficient for the complete carrying out of the work,
the Governor may by warrant authorize the Treasurer to advance any public money not exceeding the amounts stated in the warrant for the purpose of the carrying out or continued carrying out of that authorized loan work.

So the Treasurer will be the deciding factor whether this is appropriate to be paid out of revenue moneys. If it is, there will be a limit on the amount to be made available under Governor's warrant. It could still be a substantial amount, but it would be limited. However, if it is to be paid out of Loan moneys, there is no limit except the amount of money that the Treasurer will be prepared to advance. This matter should be submitted to Parliament, when the contending claims of the other departments, other public works and social expenditures are before Parliament. I hope the Attorney-General will reconsider this matter, because it is necessary that we should have some proper appropriation here.

The Hon. D. A. DUNSTAN: The member for Gumeracha was responsible for the provisions of the Public Finance Act of 1949. I am certain that if he had introduced a measure of this kind, we would have had it exactly as it is here, to provide sufficient flexibility for the Treasurer in the circumstances. I see no reason why our Government should be in any different position from his.

Mr. McANANEY: I support the member for Gumeracha. I do not think that something that happened in 1949 has anything to do with this case. We are creating an outside authority that will have great power, and it is the duty of Parliament to see that every expenditure is supervised. My honourable colleague has convinced me, with his vast experience, that the amendment is necessary if we are to retain supervision of this gigantic body that we are setting up. Bodies of this nature can, to a certain extent, get out of hand. As members of Parliament, it is our responsibility to see that all expenditure is checked and supervised. Therefore, I support the amendment and expect the Attorney-General to give a better reason for his refusal to accept it.

The Hon. Sir THOMAS PLAYFORD: The Attorney-General takes the view that, because the Public Finance Act was passed in 1949, that automatically makes this clause proper and acceptable to Parliament. That Act was a continuation of previous legislation, legislation that is necessary if the Loan programmes are to be carried out. There is no suggestion that the Public Finance Act is at fault. I am asking the Committee to consider the particular provision before us tonight which, because of

the Public Finance Act, would be so wide that it would enable this authority to continue to operate, expending large sums of money and paying large amounts of compensation without its first coming to Parliament. I do not think the Government would adopt the view that it is not proper that the expenditures of the State should be supervised by Parliament but, if this clause is passed in its present form, that is what it will cause to happen: it will enable expenditures to be entered into without the prior approval of Parliament.

Under the Public Finance Act, when the next Loan Bill comes before Parliament, it will be necessary to show that that money has been spent, but that is the only provision that will apply. I again ask the Attorney-General to consider this matter and take the same view that the Treasurer took two weeks ago when a similar amendment was foreshadowed and he immediately saw the merit of it and himself provided for an appropriation to cover the expenditure necessary under the provisions of the Bill then under discussion. I assure the Attorney-General that this matter is fundamental; it should be properly debated in Parliament, when the purposes of the expenditure can be explained.

The Committee divided on the amendment:

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

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

Pair.—Aye—Mr. Teusner. No—Mr. Jennings.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clause 72—"Establishment of the fund."

The Hon. Sir THOMAS PLAYFORD: I move to insert the following new subclause:

(4) No moneys shall be paid into the fund under paragraph (*a*) of subsection (2) of this section and no moneys shall be advanced under subsection (3) of this section unless an Act authorizing such payment or such advance, as the case may be, has been passed by Parliament.

This is a fundamental issue of whether Parliament is to be responsible for the appropriation of money of the State, or whether we are going to allow a loose form of appropriation where money can be diverted from the Treasury to the authority and from the authority to such purposes as the authority considers proper, without it coming under Parliament's notice. Parliament should control the State's finances.

The Hon. D. A. DUNSTAN: For reasons I gave on the previous amendment, I hope the Committee does not accept this one. The honourable member is trying to hamstring the Treasurer in dealing with matters necessary to this authority in such a way that it would be difficult to operate, and the honourable member well knows it. The authority is to be provided with funds properly appropriated to it. It is not true that this expenditure will not be under the surveillance of Parliament.

Mr. McAnaney: There will be a delay, though.

The Hon. D. A. DUNSTAN: No more than with other operations of the Government and operations of authorities set up under the previous Government. The member for Gumeracha is trying to see to it that, on every occasion when moneys are to be paid to the authority for its proper function and authorized under the Act out of appropriation necessary to come before this Parliament, there will be a special Act in relation to this authority. The honourable member may, therefore, not only debate regulations about the plan but may endeavour to hold up the proper appropriations to be made to the authority. I know the honourable member has consistently opposed effective planning legislation, and under his Government none took place: this was the one State in Australia where there was no effective planning legislation. Had his Government been in office and had he intended to do something about planning he would never have considered this type of amendment, nor would we, in Opposition, have moved such an amendment. The honourable member could not point to an occasion where the Opposition moved this type of amendment, as we believed it necessary for the flexible and necessary working of the Treasury and the authority that finance be provided in the ordinary way.

Mr. McANANEY: I am not opposed to effective planning, but surely the planning authority can plan ahead and seek proper appropriation at the right time so that Parliament can consider it. The authority can convince the Treasurer of the funds it wants and he then adjusts matters according to the funds at his disposal.

The Hon. D. N. BROOKMAN: I support the amendment. The Attorney-General is in no way justified in his attack on the member for Gumeracha. If he implies that the honourable member is trying to hold up the

operation of the Bill, that is between him and the member for Gumeracha, but I do not believe what he said and consider it an unjustified accusation. The member for Gumeracha has always had a particularly healthy appreciation of the value of Parliament in matters of public finance (and no one can deny that) and that is what led the honourable member to move this amendment. This authority can largely by-pass Parliament unless some amendment of this kind is accepted.

The Hon. Sir THOMAS PLAYFORD: I am not going to deal with the Attorney-General's attack on me. However, he is unable to answer the question put before him about this amendment. If it is appropriate for the Education Department, the Public Building Department and every other Department in the State to submit its requirements of money to Parliament, why is it inappropriate for the authority not to do so? Why should this legislation break down if there is not some way of getting money without coming to Parliament? Why is the authority to be protected from the Committee's scrutiny? We do not wish to be placed in a position, when an important matter before Parliament requires money, to be told that Parliament has approved money being diverted into other channels, including the authority. This provision gives a series of blank cheques in regard to expenditure by the authority; indeed, I do not know why the authority should receive priority to the State's finances without its first seeking Parliamentary approval on expenditure. Obviously, this Bill was founded in Committee, establishing it as a money Bill, and necessitating a Governor's message to provide for the necessary appropriations in relation to it. Why is the authority to have a right to incur expenditure that other departments, which have to submit annual budgets both for current and Loan expenditure, do not possess?

The Hon. D. N. BROOKMAN: Having already quoted views expressed by a learned counsel, I again quote the following passage:

> We think that this section, which virtually removes from all Parliamentary control the expenditure by the State Planning Authority of moneys standing to the credit of the Planning and Development Fund, should be examined carefully by persons experienced in Parliamentary control of finance.

Admittedly, the writer is referring to clause 74, but that statement applies to clause 72 in the same way.

The Hon. Sir THOMAS PLAYFORD: I should have thought the Attorney-General would explain why the normal procedure of voting money should not apply to this Bill. I do not know whether he is relying on the numbers he may have behind him to pass the Bill but, leaving aside his gratuitous insult, why should the authority have these exclusive provisions in regard to its financial requirements? Why would it delay the authority's activities by providing that it obtain an appropriation in the normal way?

The Hon. D. A. DUNSTAN: I do not know whether I am soothing the honourable member's wounded feelings in pointing out that his statement that this is abnormal or exclusive is completely incorrect. This is not abnormal or exclusive; it is perfectly normal, according to the provisions relating to other authorities. The clause does not call for any explanation from me. In fact, the moneys provided by Parliament will be the subject of an appropriation Bill at the relevant time, and Parliament will have every opportunity of surveillance; indeed, far more opportunity than it had over the Highways Fund in the honourable member's Government.

The Hon. G. G. PEARSON: I think the Attorney-General's final remark was peculiarly inappropriate; he knows perfectly well that the Highways Fund is derived from specific sources and, by Act of Parliament, committed for certain expenditures and certain purposes. That is not analogous to this provision in any form whatever. If that is the Attorney-General's argument, I think we should persist with this amendment, because we have not yet received an adequate answer. During the life of this Parliament we have seen that, somehow or another, the management of the Treasury has been taken out of the Treasurer's hands, and this is another case where it will again happen, and more so. A peculiar reason may exist for the Bill taking this form and for the Attorney-General's apparent reluctance to discuss the matter on the basis outlined by the former Treasurer of the State. After all, the member for Gumeracha is not inexperienced in the control of finance. I think the Attorney-General only belittles himself when he criticizes the honourable member in these matters.

This is a bad principle, particularly when we are establishing an entirely new authority which, admittedly, has a big job to undertake and will need money. I do not think any Parliament would be unsympathetic to the desires and requirements of the authority, having in mind that the task it undertakes, if anything is to be achieved at all, will require financial support. I think the Attorney-General takes the wrong view of our opposition; we do

not oppose the fundamental principles and requirements of the Bill or the authority, as such. Nor do we oppose the purpose of the authority or what is intended to be done under it. It would surely be sheer negligence on our part if we did not draw attention to the pertinent financial implications of this matter. We shall be in a sorry position if we cannot give a satisfactory answer to people who may wish to seek information on these matters. We ought to be sure about the financial control of public moneys entrusted to Parliament, and the Attorney ought to accept this amendment as a vital matter of principle.

The Hon. D. A. DUNSTAN: I said earlier that this measure was in no way unusual, and I draw attention, for example, to section 3 (1) of the Rural Advances Guarantee Act, which provides:

Subject to this Act the Treasurer may guarantee the repayment of any loan made or proposed to be made by a bank to an approved borrower who, in the opinion of the Treasurer, would not otherwise have, or be in a position to obtain, adequate financial resources . . .

The Hon. D. N. Brookman: Isn't that subject to the approval of the Land Settlement Committee?

The Hon. D. A. DUNSTAN: Section 10 of the same Act provides:

The Treasurer may pay out of the general revenue of the State any money which he becomes liable to pay under or by virtue of any guarantee given under this Act and this Act, without any further appropriation . . .

The Hon. Sir Thomas Playford: That has to be approved by both sides of the Chamber.

The Hon. D. A. DUNSTAN: We do not get an appropriation by this Chamber, not even the appropriation made in this provision. This provision is consistent with many provisions made by the previous Government in relation to statutory authorities. I challenge the member for Gumeracha (Sir Thomas Playford) to show that that is not so.

The Hon. Sir THOMAS PLAYFORD: I take up the Attorney-General's challenge and point out, without having had the opportunity to confer with other people, that the Housing Trust had a revolving fund similar to the fund provided here, but the legislation that established the trust also had a proclamation attached to it and, right from the beginning, it had an appropriation of money. The Treasurer recently made a similar provision when a sum of, I think, $200,000 was provided in order to establish the State lotteries. This provision is widely-framed and enables money to be advanced by the Treasurer and recirculated without coming under the supervision of Parliament. However, the Attorney-General has made it clear that he is not prepared to accept the amendment and I shall not delay the Committee by further discussion. I have made the protest appropriate to the occasion.

The Hon. G. G. PEARSON: The Attorney-General picked a poor example when he chose the Rural Advances Guarantee Act. Before a loan can be approved under that Act, the matter has to be scrutinized by about four different Government departments, including the Treasury, the Lands Department and the Agriculture Department. It then goes to the all-Party Land Settlement Committee. To suggest that proposals under this Bill will be examined in a similar manner is ridiculous.

The Committee divided on the amendment:

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

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

Pair.—Aye—Mr. Teusner. No—Mr. Jennings.

Majority of 3 for the Noes..

Amendment thus negatived; clause passed.

Clause 73—"Power of authority to borrow money."

The Hon. Sir THOMAS PLAYFORD: This clause presents some difficulty to me because I am not sure of its implications as to the standing of the authority. Looking at previous provisions, it appears that such authority is an office of the State, and I believe that the Attorney-General would accept that view. If that is so, will he say whether these provisions are in accordance with present procedure of the Loan Council? The State is restricted in its borrowing by the provisions of the Commonwealth-State Financial Agreement, which is part of the Constitution of Australia. Ever since that time local government authorities have been brought under the control of the Loan Council, except that in certain circumstances minor sums may be borrowed by local councils. Whether this means that a problem exists with the Loan Council is something on which I should like the advice of the Attorney-General.

I point out that the Commonwealth Government agreed with the States that it would not underwrite all the loans of the official programme of the State, and one term of the

agreement was that Parliament would not give any guarantees to any authorities and so enable them to incur debts at the expense of the State. Has the provision in the Bill been examined by the Treasury officers and, if it has not, will the Attorney-General at an appropriate time before the passing of the Bill ensure that it is so examined and that it conforms with the existing agreement made with the Loan Council some years ago?

The Hon. D. A. DUNSTAN: All provisions of this Bill have been sighted by the Treasury. In fact, the provisions have been adopted from provisions existing in other States where planning and development authorities have local government borrowing approval for certain of their operations. As the honourable member knows, we are faced with greater difficulty in such matters in South Australia because of the high proportion of Loan funds that come under Government rather than semi-government provisions. It was considered appropriate that we should provide ourselves with the same kind of authority as existed in the other States, and we found it possible to operate in that way. The Treasury officers have not objected to this, but in certain circumstances approval might have to be sought.

Clause passed.

Clause 74—"Application of the fund."

The Hon. Sir THOMAS PLAYFORD: I move:

Before "The" to insert "Subject to an express appropriation by Parliament for each purpose"; and to strike out "with the approval of the Minister and without any further appropriation than this Act".

This clause goes further than the previous financial provisions, which left it open to the Treasurer to obtain the approval of Parliament for an appropriation or not as he saw fit. The provision makes it clear that the Treasurer is not to get an appropriation by Parliament. It means not only that, but also that the matter is not contained in any subsequent document. The previous amendment had the safeguard that ultimately, under the Public Finance Act, the transaction had to be reported to Parliament but, as I understand this provision, the transaction does not have to be so reported because it is expressly excluded from the necessity of arranging for an appropriation. I assure the Attorney-General that such is not normal procedure. While I know the provision of the previous clause has similar wording, the circumstances are not the same. There is no appropriation in this Bill of any specific amount. I think the Attorney might well support the amendment, because one of these days he will be on an Opposition bench again and he will like to know what the Government of the day is doing regarding public expenditures.

The Hon. D. A. DUNSTAN: Over many years I have heard many entirely inaccurate predictions on electoral matters by the honourable member for Gumeracha, and I have heard another on this occasion. The honourable member is saying not only that there should be an appropriation by Parliament of the moneys to be paid into the fund but that there should be a separate appropriation by Parliament for each payment out of the fund. If that sort of thing had to be done in day-to-day administration, the situation would be impossible. It would mean that for every scheme that arose in conjunction with a local government authority, for every acquisition of a piece of land, and for every single payment, we would have to get an Appropriation Bill through this Parliament. This would be impossible to work, as the honourable member knows very well.

Mr. SHANNON: I do not know whether the Committee has looked at the full implications of this clause. This authority will be a trading authority in the business of dealing in land.

Mr. Coumbe: Perhaps in a big way.

The Hon. Sir Thomas Playford: And we will be guaranteeing its losses.

Mr. SHANNON: It will have the Government behind it, and there will be no risk. I do not know what will happen if the authority makes a substantial loss. I cannot imagine a wider power than the one that we are granting here. The clause provides that moneys standing to the credit of the fund may be used for various purposes, amongst which is included the payment of rates, taxes and other charges due and payable by the authority in respect of land vested in or held by the authority. I hope the authority will not avoid the payment of its fair dues on rates and taxes.

The clause goes on to provide that such moneys may be used for the transfer to any reserve for the payment of any moneys advanced to or borrowed by the authority. That assumes that the authority will make a profit. In the depression years the values not only of land but of all sorts of other things slumped. That could happen to anybody, and there is no guarantee that it will not happen to this authority.

Under this clause, moneys standing to the credit of the fund may also be used for the payment of principal, interest and expenses in respect of moneys advanced to or borrowed by the authority. I do not know whether the

Treasurer is to be the banker for the authority and is to come to its aid in the purchase of land. However, it is pretty obvious that that would be the authority's first approach. Moneys may also be used for the maintenance of any property owned or held by or vested in the authority, and for any purposes authorized by or under this Bill as a purpose for which the fund may be applied. In case anything has been missed, there is an absolute blanket provision at the end.

Apparently we are to vest this new authority with the complete powers and rights of such people as L. J. Hooker and Co. We have decided already that we are to have no control over what the authority does. Everything will be done behind closed doors and we will never know until it is too late whether it has purchased some expensive land and made a horrible loss on it. We will find that out in due course, but in the interim these people will have an absolutely blank cheque.

I consider that this is a very dangerous clause, and I cannot be a party to it. I do not think there is any justification for granting these very wide powers to dabble in land. The authority has to assess whether a purchase is wise and to decide whether its proposed expenditure on development is wise expenditure. If things go wrong, the whole thing finally comes back to the taxpayer. I do not think it is desirable for any authority to have such a wide power without some control being exercised over it.

I would have thought there could be some supervision by the Auditor-General. If it is a good, wise and prudent authority it probably will not make many mistakes, but these things come and go, as Governments come and go, despite the Attorney's suggestion to the contrary. When he is in Opposition again, as without doubt he will be some day, I think he will be the first to criticize any unhappy results that have occurred under this part of the legislation.

The Hon. Sir THOMAS PLAYFORD: The Bill as introduced does not even provide for the Auditor-General to report upon the financial projects of this authority.

The Hon. D. A. Dunstan: There is an amendment on the file that I shall be happy to accept.

The Hon. Sir THOMAS PLAYFORD: I am glad to hear that we will have a report at some stage. However, the Bill as introduced did not even provide for a proper oversight by the Auditor-General of the affairs of the authority. Large sums of money will be involved in this matter, and the proper authority to supervise the expenditure of this money is an Appropriation Act passed by this Parliament. I still cannot understand why this authority exclusively is to be enabled to carry on indefinitely without any appropriation by Parliament.

The Hon. D. N. BROOKMAN: My objection to this clause is that this authority can completely by-pass Parliament. It has the power of compulsory acquisition of land, of selling that land and putting the money into it own fund, and of paying the money out of its fund again without Parliament's being able to stop it. There could be almost limitless scope for the authority if it were managed unwisely. I support the amendment.

The Committee divided on the amendment:

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

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

Pair.—Aye—Mr. Teusner. No—Mr. Jennings.

Majority of 3 for the Noes.

Amendment thus negatived; clause passed.

Clauses 75 and 76 passed.

Clause 77—"Power to inspect land and premises."

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

After subclause (1) to add:

; but no building shall be entered pursuant to this subsection unless the owner or occupier thereof has been given reasonable notice of intention to enter the same.

This is a reasonable provision similar to that which is frequently included in other Acts where the power of entry is given.

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

Mr. COUMBE: This clause gives rights of inspection of any land and buildings for any purposes of the Bill. I suppose the powers in the clause are meant to relate to any land or buildings proclaimed to come within the ambit of the Bill. A council in my district has suggested that this provision could be wider than intended and that it should be restricted to land and buildings in areas subject to an approved development plan. Is that so?

The Hon. D. A. DUNSTAN: It is not restricted to areas subject to an approved development plan, because in the preparation

of the plan it might be necessary to make inspections and investigations. Therefore, we cannot restrict the provision in the way the honourable member suggests. However, I believe there are adequate safeguards in that the authorization has to be given in the proper way: that is, for the purposes of the Bill, or to ascertain whether its purposes are being observed.

Amendment carried; clause as amended passed.

Clause 78—"Regulations."

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

In subclause (1) after "as" to strike out "he considers" and insert "are".

In view of other amendments submitted on similar lines, this is self-explanatory.

The Hon. D. A. DUNSTAN: I do not object to the amendment.

Amendment carried; clause as amended passed.

Clauses 79 and 80 passed.

New clause 54—"Director or council to give reasons for refusal of approval."

The Hon. D. N. BROOKMAN: I move to insert the following new clause:

54. Where the Director or a council refuses approval to a plan, the Director or council, as the case may be, shall, when notifying the applicant of the refusal of such approval, inform him of the reasons for refusing such approval.

Again, this amendment is self-explanatory.

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

New clause inserted.

New clause 75a—"Accounts and audit."

The Hon. D. N. BROOKMAN moved to insert the following new clause:

75a. (1) The authority shall keep books of account in such manner and form as is in accordance with recognized methods of accounting and at the end of each financial year shall produce a financial statement showing accurately and in detail its receipts and expenditure and profit and loss and a balance sheet.

(2) The Auditor-General shall make an annual audit of the accounts of the authority and for the purpose of any audit may exercise any of the powers which he could exercise for the purpose of auditing the accounts of a Government department.

(3) The authority shall pay to the Treasurer as a fee for every audit such sum as the Treasurer thinks reasonable.

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

The Hon. Sir THOMAS PLAYFORD: I take it that, where the Auditor-General is expressly instructed to conduct an audit, that automatically means that his report comes to Parliament and it is not purely a departmental audit not available for public examination. I presume that, where he makes an audit under a special provision such as this, that audit is properly put before Parliament?

The Hon. D. A. DUNSTAN: Yes.

New clause inserted.

Schedule and title passed.

Clause 3—"Repeal and savings schedule"—reconsidered.

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

In subclause (2) to strike out paragraph (c) and insert the following paragraph:

(c) every application made under the repealed Act to the Town Planner or a council for approval of a plan of subdivision (which has received the approval of the Town Planner by letter in the form known as letter form "A") or for approval of a plan of resubdivision and not finally disposed of at the commencement of this Act shall be dealt with and disposed of as if this Act had not come into operation and as if the Director were the Town Planner and, subject to and in accordance with regulations which are hereby authorized to be made, an appeal shall lie to the board against the refusal of any such application or against the approval of any such application subject to any condition or conditions, and the board shall hear and determine such appeal and may confirm the decision appealed against or give to the Director or the council, as the case may require, such directions as the board thinks fit, and the Director or the council, as the case may be, shall comply with such directions.

Clause 3 (2) (c) as at present drafted contains a transitional provision which provides that an application made to the Town Planner under the repealed Act and not disposed of when the Bill becomes law is to be dealt with under the new legislation as if the application were made to the Director. The proposed amendment provides that all applications for approval of subdivisional plans made under the repealed Act are to be dealt with as if that Act had not been repealed and as if the Director were the Town Planner but, as the Town Planning Committee will have ceased to exist when the Bill becomes law, the amendment also provides that an appeal shall lie to the appeal board constituted under the Bill against the refusal of any such application or against the approval of any such application subject to conditions. The amendment will ensure that applications made under the repealed Act will be dealt with on the basis of the standards prescribed under that Act.

This amendment has been specifically asked for by local government since this matter was previously dealt with in Committee.

Amendment carried; clause as amended passed.

Clause 5—"Interpretation"—reconsidered.

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

In paragraph (*b*) (v) of the definition of "allotment", after "registered" to insert "or registrable".

This amendment is designed to widen the definition of "allotment" where the land in question is more than 20 acres in extent and forms part of a registered or registrable instrument.

Amendment carried.

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

In the definition of "amenity", after "locality" to strike out "means" and insert "includes".

This amendment is designed to alter the definition of "amenity" from an exhaustive definition to an inclusive word.

Amendment carried.

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

In paragraph (*a*) of the definition of "development plan", after "area" first occurring to insert "or part of a planning area"; and after "prepared" to insert "or deemed to be prepared".

These amendments are designed to clarify the definition of development plan. A development plan can be prepared not only in relation to a planning area but also in relation to part of a planning area, and a supplementary development plan that a council will be able to prepare could be deemed to be a plan prepared by the authority. This amendment is self-explanatory.

Amendment carried; clause as amended passed.

Clause 6—"The Director of Planning"—reconsidered.

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

After subclause (1) to add:

each of whom shall either—

(*a*) be a corporate member of the Australian Planning Institute Incorporated;

or

(*b*) have qualifications and experience in regional and town planning which, in the opinion of the Minister, are appropriate to his duties and functions under the Act.

This amendment will ensure that both the Director and Deputy Director of Planning will be qualified town planners and will also ensure that all lay-outs of subdivision are approved by a qualified town planner.

Amendment carried; clause as amended passed.

Bill reported with amendments.

Bill recommitted.

Clause 8—"The State Planning Authority"—reconsidered.

The Hon. G. G. PEARSON: I move to insert the following new subclause:

(11*a*) Where a person, who is a member of the authority by virtue of paragraph (*b*), (*c*) or (*d*) of subsection (5) of this section, is, through illness or other cause, unable to perform his duties or functions as a member, he may, by notice in writing given to the chairman of the authority, appoint a person as his deputy to act for him during the period of such inability, and the person so appointed shall, while so acting, be deemed to be a member of the authority.

This amendment deals with the possible absence of a member of the authority and the substitution of a deputy. Circumstances may arise where a member is absent and it will be necessary to have a person from that member's department sitting on the authority at all times. This gives the necessary authorization.

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

Amendment carried; clause as further amended passed.

Bill reported with a further amendment. Committee's reports adopted.

Bill read a third time and passed.

ADJOURNMENT.

At 10.27 p.m. the House adjourned until Wednesday, November 2, at 2 p.m.