HOUSE OF ASSEMBLY

Thursday, November 20, 1969.

The SPEAKER (Hon. T. C. Stott) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

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

Dog Fence Act Amendment,
Fisheries Act Amendment,
Gas Act Amendment,
West Lakes Development.

QUESTIONS

RESOLUTIONS

Mr. CORCORAN: My question refers to two motions passed by a majority decision of this House recently, the first having dealt with the appointment of an ombudsman and the second with the Chowilla and Dartmouth dams issue. The Premier has publicly stated that he intends to ignore the resolution concerning the appointment of an ombudsman, and yesterday, in reply to a question in this House, he said he intended to disregard the resolution regarding the Chowilla and Dartmouth dams. In doing so he said that he would not be guided by a small party like the Australian Labor Party, supported by you, Mr. Speaker. I remind the Premier that the A.L.P. is the largest single political Party in Australia and was supported at the last State election by 53 per cent of the people of this State. As you, Mr. Speaker, are the custodian of the rights of the House of Assembly, which is a House elected by and representative of all the people of South Australia, can you say whether the public contempt displayed by the Premier in ignoring majority decisions of this House is as unconstitutional as it is autocratic and dictatorial?

The SPEAKER: The Constitution of South Australia, as made when the State was founded, passed sovereign powers to this State and called this State a sovereign State. Being a sovereign State, its Parliament is the supreme body of authority, and decisions of Parliament are binding on all Governments, on all Ministers of the Crown, on all courts, on all judges (except on matters when meting out justice and on interpretation), on His Excellency the Governor, who is Her Majesty's representative, on the Speaker of this House and on every citizen of South Australia.

Therefore, it should be an obligation on the Government to carry out a decision made by a majority of this Parliament. Legally, it may be upheld in courts that constitutionally the Government is bound only by legislation passed by both Houses of Parliament, but in my opinion the Government is morally bound to adhere to any majority decision and is obligated to carry it out. Concerning the resolution of the House made on the motion of the member for Onkaparinga, I admit that I was very much surprised to hear the Premier's statement. I think that Cabinet should have considered that resolution, but that it could then have been a different matter when Cabinet went into the detail of finding the necessary finance to carry out its terms. However, I was surprised to learn that the Premier was not prepared to take notice of that resolution.

On the Chowilla dam issue, I think it is most unwise if anyone in this State, including any member of the Government, is not prepared to take note of a majority decision of this House, which was expressed in an opinion, because that would be the forerunner of a decision of this House if legislation were introduced to give effect to the terms of the resolution. Consequently, if the Premier has informed the other State Premiers that he is going ahead with the agreement to ratify the Dartmouth dam project and is abandoning the building of the Chowilla dam, I do not think he is being fair to the other States. He should be wise enough to realize that he should take note of the decision of this House, which would mean that he would be unable to have passed the legislation that he said should be ratified. Therefore, in my opinion, it is not fair to the other States or to the Commonwealth to enter into an agreement that this Parliament would fail to pass.

It seems to me that this matter is now becoming a major issue not only to people in South Australia but also to those in other States and, therefore, it is a matter that has to be handled most judiciously and carefully not only by this Parliament but by everyone concerned. The motions to which the honourable member has referred have been debated fully in this Chamber and, if the Premier and the Government do not intend to take cognizance of a majority decision of this House, I shall begin to wonder what is the use of debating the matter at all. Therefore, as Speaker, who, as the member for Millicent has said, is custodian of the rights and privileges of members, I can only say that while I hold this office I intend to uphold the rights

and privileges of members and to adhere to a majority decision of this Parliament.

TRAVELLING STOCK

Mr. RODDA: I have been approached by people in my district regarding the movement of stock on the roads, and I have been requested to ask the Minister of Agriculture to have published in the local newspaper the rights of a drover moving stock on the road as well as the requirements of the motorist in this situation. As there seems to be confusion about the speed of traffic in these circumstances and about the period during which traffic can be held up while stock is being moved in certain areas in my part of the State, will the Minister of Lands ask the Minister of Agriculture to have published in the provincial South-East press details of the various requirements?

The Hon. D. N. BROOKMAN: I will consider this matter, including the possibility of promulgating further information about the position. I will discuss the question with the Minister of Roads and Transport and get a report for the honourable member after the matter has been considered.

SEMAPHORE HOUSING

Mr. HURST: I have recently received many requests for Housing Trust houses in my district. Although I express to the Minister of Housing and his department my appreciation of their efforts to help in this direction, I believe that houses cannot be provided for many deserving cases in my district. I am informed by two people who have been to see me that there are vacant railway houses in the district, and the people concerned are anxious to know whether the Railways Department would consider letting these houses to persons other than railway employees, rather than keep them vacant. Will the Attorney-General refer this matter to the Minister of Roads and Transport and find out to which officer in the Railways Department an application should be made for one of these houses?

The Hon. ROBIN MILLHOUSE: Yes.

ALDGATE CORNER

Mr. GILES: Some time ago I requested the Attorney-General to ask the Minister of Roads and Transport to examine realigning the corner of Arkaba Road and Highway No. 1 in Aldgate, and the Minister said that the corner would be realigned. As it is now some time since this promise was made, will the Attorney-General ask his colleague when work will be carried out at this dangerous corner?

The Hon. ROBIN MILLHOUSE: Yes.

ELECTRICITY CUT

Mr. VIRGO: A week or so ago I was confronted with a situation which has now apparently been brought to the only satisfactory solution that I am able to obtain, and which relates to the disconnection of a person's electricity supply. As I understand it, this person has resided for the past seven years in a Housing Trust house in the one locality in my district. Although he acknowledges that a few times the payment of his account lagged behind the statutory 21 days permitted, on all occasions the account has been paid as early as possible. Even though, at the time of the disconnection, this person did not owe one cent to the trust, officers of the trust disconnected the supply to his house, the first he knew of this being at 5 p.m. when he got home from work. This meant that he, his wife and children were without any electricity whatever. I regard this as a most high-handed, dictatorial attitude that should never be shown by an industry owned by the people of a State. Although the trust can possibly be described as a monopoly, as there is no other organization from which electricity can be purchased, I do not believe it should adopt this sort of attitude, nor do I think the board would tolerate this high-handed attitude. Accordingly, will the Minister of Lands, representing the Minister of Works, ask the Chairman of the trust board whether the board's policy is to require a security deposit to be paid on threat of disconnection in the case of persons who are of long standing in a community, and if that is the policy, will he request the Chairman to have the board consider relaxing and, in fact, abandoning altogether such an obnoxious policy?

The Hon. D. N. BROOKMAN: As I should be glad to take up with the trust the circumstances of the case, I should like the honourable member to give me enough details to identify it. As the honourable member, in the course of the explanation of his question, has criticized the trust rather trenchantly as being high-handed (he made it clear that he considered it too stern), I wish to say, without knowing any of the circumstances other than those the honourable member has included in his explanation, that the trust was established with the enthusiastic co-operation of the honourable member's Party and has been supported in its activities. I shall be surprised if it has in any way changed its policy on disconnection over the years; at least, I shall be surprised if its policy has become sterner rather than been relaxed.

I should think that, whatever its policy, that policy would have operated over a long period. The honourable member's explanation indicates that the person who has made the complaint has, on a number of occasions, been late in paying his electricity account. If that is correct (and, apparently, it is correct), it seems to me that he has been taught a good lesson that was probably well merited. However, I will inquire to see whether the trust has been unreasonable.

WHEAT POOL

Mr. McANANEY: As I was informed yesterday that the 1965-66 wheat pool had not yet been finalized, will the Minister of Lands ask the Minister of Agriculture whether any money is left in the pool and, if there is, when it will be distributed?

The Hon. D. N. BROOKMAN: I will obtain the information.

CLARE ROAD

Mr. ALLEN: Has the Attorney-General, representing the Minister of Roads and Transport, a reply to my question of November 13 about the road between Auburn and Clare?

The Hon. ROBIN MILLHOUSE: Due consideration to the suggestion made by the member for Burra will be given during the designing of the Clare-Auburn road which is currently in hand. Although there may not be a warrant for the construction of an extra lane, the design for the reconstructed road will provide for overtaking to be carried out safely at more locations than exist at present.

FOOTWEAR

The Hon. C. D. HUTCHENS: When I was in the street this morning, my attention was drawn to imported men's shoes which I considered were of a very high quality but which were selling at less than half the price of the South Australian product of similar standard. I thought of the time during the Second World War when an appraisal system reserved a certain number of hides for local industry. This system continued under Government control for some time after the war. I am wondering whether the cost of the local product is so much higher because of the inability to obtain in South Australia the necessary leather to manufacture shoes. Will the Premier have this matter investigated and see whether action is necessary?

The Hon. R. S. HALL: I will refer this matter to the proper authorities and departmental experts and get the comparisons required. Personally, I doubt whether the difference in price is due to high cost. I would think there would be other costs involving labour, export policy, or some other factors, but I will get the relevant details for the honourable member as soon as possible.

RIVERLAND CANNERY

Mr. ARNOLD: Has the Minister of Lands a reply from the Minister of Agriculture to my question regarding waste water disposal from the Riverland cannery at Berri?

The Hon. D. N. BROOKMAN: The Engineering and Water Supply Department is responsible for administering the Control of Waters Act which, among other things, prohibits the discharge of filthy water into the Murray River. The discharge of waste from the Riverland cannery has been a matter of concern for some time and the legal action instigated on the recommendation of the department reflects the determination of the Government to prevent pollution of the most important water resource of South Australia. The Government, however, is more concerned with positive curative action, and technical advice would be available from the Engineering and Water Supply Department if it was approached for such assistance.

TEACHER ACCOMMODATION

Mr. McKEE: Has the Minister of Education a reply to my recent question about the erection of departmental houses at Port Pirie?

The Hon. JOYCE STEELE: When tenders closed it was found that additional funds were required above the estimated cost of the residence. The Housing Trust will commence work soon after advice has been received by it that the additional funds are available.

PIG MEATS

Mr. VENNING: I have had correspondence, as has an honourable member in another place, from the members of the Pig Section of the United Farmers and Graziers who are concerned about the retail price of pig meats as compared with the price received by the producer. I believe that a very extensive survey has been undertaken by the Prices Branch in this State as the result of a question asked by an honourable member in another place. Will the Minister of Lands try to obtain a copy of this report from the Minister of Agriculture for the information of members of this House when it becomes available for honourable members in another place?

The Hon. D. N. BROOKMAN: Yes.

WHYALLA HOSPITAL

The Hon. R. R. LOVEDAY: Has the Premier a reply to my recent question concerning future staffing of the Whyalla Hospital?

The Hon. R. S. HALL: Currently there are two positions at the Whyalla Hospital which have not had officers permanently appointed to them, namely, those of the Administrator and the Matron. Until permanent appointments are made to these positions, the consequential position of Deputy Matron, and a newly created position of Hospital Secretary have not been filled on a permanent basis. The reasons for the delay in making appointments are that the two senior positions have been re-advertised with the hope that it may be possible to attract applicants with the desirable higher qualifications. The positions have been advertised locally, interstate and overseas which means delay in closing dates and receipt of applications. However, it is hoped to resolve this in the next few months.

As far as the officers affected are concerned, it has been guaranteed that no officer will suffer any financial loss as a result of the change in the status of the hospital to that of a Government hospital. Even in the event of these two senior positions being filled by persons with the desired qualifications, the existing salaries of the officers would be maintained until such time as future salary adjustments had re-established the normal classification margins.

WHEAT INCOME

Mr. NANKIVELL: I was asked recently at Lameroo whether it would be necessary for farmers delivering wheat from this year's harvest to declare, for the purposes of assessing income tax for the current financial year, those parts of their harvest which were quota wheat not delivered and non-quota wheat both delivered and retained on the property. As the member for Rocky River (Mr. Venning) has asked a similar question, will the Treasurer say what action has been taken in respect of this matter?

The Hon. G. G. PEARSON: In reply to the earlier question I said that, in the first instance, I had taken up the matter with the Commonwealth Deputy Commissioner of Taxation in Adelaide, who replied to me that income from wheat delivered within the quota would be taxable, and that wheat subsequently delivered in excess of the grower's quota and subsequently accepted by South Australian Co-operative Bulk Handling Limited into storage would not be brought to account in this year for taxation but would be brought to account in the following year, when it would be paid for by the Wheat Board. The Deputy Commissioner also told me that wheat held in store on farms either for stock feed or for subsequent delivery to the co-operative would have to be declared and brought to account. This reply has posed many problems, which I need not mention, because the honourable member would know them. Therefore, at my suggestion, the Premier wrote to the Prime Minister asking for clarification and, if necessary, modification of the taxation demands so that the proceeds from the wheat would be brought to account as income for taxation purposes when it was sold and paid for. I think that is a simple explanation of the situation. I imagine that the Prime Minister has been busy about other matters recently and, so far as I know, no reply to that communication has been received. Doubtless the Premier, who is listening to what I am saying, will ask the Prime Minister for a reply urgently.

SCHOOL BURGLARIES

Mr. HUDSON: This year several burglaries have occurred at Brighton High School, involving theft of such equipment as tape recorders, and I understand more than 100 burglaries have occurred at schools throughout the State this year, creating a significant problem for the Education Department.

Mr. Burdon: There was one at Mount Gambier last weekend.

Mr. HUDSON: Yes. Two problems arise from this matter. The first is what action the Education Department, in co-operation with the Police Force, can take to minimize burglaries and provide greater protection for essential equipment at schools, and the second is the particular problem at Brighton High School where, although the equipment is insured, the long delays in replacing stolen equipment result in some of the ordinary activities of the school being affected adversely. Will the Minister of Education say what action her department or the Police Department has taken to try to counteract this rather alarming tendency for burglaries to occur at so many schools, and will she consider the problem of the replacement of stolen equipment so that no school will have to do without essential equipment for ordinary education purposes?

The Hon. JOYCE STEELE: I agree that the number of burglaries at schools in South Australia is disturbing and disconcerting. As the problem affects schools throughout the State, I think it would be better for me to get a report on the position as soon as possible.

CEDUNA POLICE STATION

Mr. EDWARDS: Has the Premier a reply to the question I asked last week about the difficulty of conducting court proceedings in the Ceduna police station?

The Hon. R. S. HALL: The construction of the Ceduna police station, courthouse and Government offices was referred to the Public Works Committee today.

BEACHPORT ROAD

Mr. CORCORAN: Several times I have drawn the attention of the Minister of Roads and Transport to dangerous curves on the road from Robe to Beachport, and the last reply I received was that no action would be taken at this stage to reconstruct the part of the road that I considered to be dangerous but that sealing of this road would commence in 1972. The Robe Chamber of Commerce, the Beachport Tourist Committee, and both the Robe and Beachport councils have asked me to press for a review of the priority given to the sealing of this road. Of course, it is important that the road be sealed. Extending along the greater part of Lake George, it would be used much more than it is at present if it were sealed. Therefore, will the Attorney-General ask his colleague whether the priority accorded to the sealing of this road can be raised?

The Hon. ROBIN MILLHOUSE: Yes.

HILLS BORES

Mr. GILES: Has the Premier a reply to my recent question about the control of overflowing bores in the Adelaide Hills, which matter is probably provided for in the Underground Waters Preservation Bill recently passed by this Parliament?

The Hon. R. S. HALL: There is known to be a number of flowing bores in the Adelaide Hills, but no systematic survey of bores in the Hills area has been done for a number of years. At that time (1957) flowing supplies of up to 4,000gall. an hour were reported, with an average of probably under 1,000gall. an hour. About 100 flowing bores were known in the Stirling, Lobethal and Mount Barker areas, but it is believed that with increasing use of groundwater this number is now less. No action has been considered to restrict the flow of these bores, and a new survey would be necessary before such action could be considered. It is possible that much of the flow from bores re-enters other aquifers at lower levels, but this could be determined only after a survey. Groundwater depletion in the Adelaide Hills is thought to be occurring largely through increased pumping, and the effect of the flowing bores is probably slight.

CIGARETTES

Mr. BROOMHILL: I have been told that yesterday the Victorian Government introduced legislation to provide for a warning label to be placed on packets of cigarettes sold in that State. Will the Premier, after consulting with the Minister of Health, say whether his Government intends to take similar action? I point out that I have repeatedly asked that details of the tar and nicotine content be placed on cigarette packets. If the Government intends to follow the Victorian lead I hope that it will also take this precaution.

The Hon. R. S. HALL: I think that all members acknowledge that this type of legislation is of little value unless it is uniform throughout the Commonwealth. My colleague has been closely involved in a study of this question, but I am not sure whether all States intend to proceed with this legislation, although I know that the Minister has said previously that he looks on it favourably. However, it would be crucial, when considering legislation in this field, to ensure that it was to be uniform throughout Australia. Nevertheless, I will consult my colleague.

FIRE PREVENTION

The Hon. C. D. HUTCHENS: Has the Premier a reply from the Chief Secretary to my question of November 11 about sufficient fire protection being available to industries in Hindmarsh, particularly after the recent fire at the property of Wool Bay Lime Proprietary Limited?

The Hon. R. S. HALL: The following table sets out the relevant details:

Date and time of call	7/11/69. 0251 hours.
Units turned out	Thebarton. 1 unit. Headquarters. 2 units. North Adelaide. 1 unit.
Time of turn out	Thebarton. 0251 hours. Headquarters. 0251 hours. North Adelaide. 0259 hours.
Time of arrival	Well within 5 minutes of receiving call.
Stop	0318 hours.

I am not sure what "Stop" means, but I understand that the time shown is that at which the fire-fighting procedure stopped. The premises were well alight before the call was received; the reflection of the fire could be seen by the approaching crews for a considerable distance before arriving at the scene, and the fire, because of its apparent magnitude, prompted the calling of additional assistance from North Adelaide. It is considered that the district is sufficiently protected by the location of and equipment at the several stations concerned. The Hindmarsh station was closed on June 30, 1966. The premises belonged to the Hindmarsh council, which notified that it wanted to use them for other purposes. The Hindmarsh station was about one mile from the station at Thebarton; North Adelaide was enlarged to a two-unit station; and areas or the fire districts affected were re-arranged.

LEGISLATIVE COUNCIL VOTING

Mr. VIRGO: I draw the Attorney-General's attention to section 20a of the Constitution Act, which sets out the qualifications necessary for a person to be entitled to be enrolled as a voter for the Legislative Council. Section 20a provides *inter alia*:

Any person who is or has been a member of a naval, military, or air force of the Commonwealth during any war in which the Commonwealth is or has been engaged and who—

(*a*) voluntarily enlisted in that force; or

(*b*) whether he voluntarily enlisted or not, served in that force outside the Commonwealth, or in an evacuated area:

Although we are not officially at war with Vietnam we are there and our forces are there, and it seems that any person who is engaged in that unwinnable war should be entitled to enrol. However, I have been told that some volunteers who have served in this area have applied for Legislative Council enrolment but have been refused. Will the Attorney-General ascertain whether persons who have served in the Vietnam area are entitled to Legislative Council enrolment in accordance with section 20a of the Constitution Act?

The Hon. ROBIN MILLHOUSE: I will certainly have another look at this, but I believe that, because the Commonwealth is not formally at war—

Mr. Virgo: It has been there for three years and blokes are getting killed.

The Hon. ROBIN MILLHOUSE: I hope that the honourable member will have the courtesy to listen to me. I listened in silence to his question and perhaps he will return me that courtesy and listen to my reply in silence. We are not formally at war with North Vietnam (or with any other country) until there has been a declaration of war by the Governor-General on behalf of the Crown. As I understand it, this is an indispensable requirement for a state of war to exist. I will look at the matter, but my impression is that, because of the absence of that formal declaration, the section is not sufficient to allow persons to vote.

Mr. CLARK: I am amazed at the Attorney-General's reply. If the Attorney-General is correct (and I have no doubt that he is), I would say that the men who fought in Korea a few years ago would be in the same category as those fighting now in Vietnam, and if he were able to give his candid opinion on this matter I think he would agree with most of us that this situation seems absurd. Will the Attorney-General say what can be done to remedy what seems to most of us to be a real injustice under this legislation?

The Hon. ROBIN MILLHOUSE: Obviously, if I am correct (and I believe that I am; I am glad that the honourable member is prepared to accept that) the only thing that can be done is to amend the relevant section.

HILTON BRIDGE

Mr. LAWN: Will the Attorney-General ask the Minister of Roads and Transport whether the Government plans to widen and rebuild the Hilton bridge, situated on the continuation of Grote Street?

The Hon. ROBIN MILLHOUSE: I will take the matter up with my colleague.

BETTING

Mr. McKEE: As a result of a recent resolution of this House supporting the introduction of a totalizator system of betting on dog-racing in South Australia, can the Premier say when legislation is likely to be introduced to provide for this facility?

The Hon. R. S. HALL: Since the matter was discussed in the House I have received a deputation, led by the member for Stirling, from coursing interests. Members of that deputation told me of the need of their interests to have the right referred to by the honourable member. I told the deputation that, although I personally favoured their case and I would put it to Cabinet soon, we would need time to draft the legislation and introduce it this session. I expect that a Bill will be introduced eventually, but I cannot commit the Government, because this matter has not been formally discussed by Cabinet.

I have undertaken to place it before Cabinet, and the Government may introduce a Bill next session, although it could well introduce it the following year, but this depends on the procedures adopted. However, I hope that I can put the details before Cabinet without too much delay.

HILTON ROAD INTERSECTION

Mr. LAWN: Will the Attorney-General ask the Minister of Roads and Transport whether the Government intends to improve the traffic conditions at the Hilton Road and South Road intersection? Although excellent traffic lights operate at this intersection, there is much traffic congestion, especially at peak periods when those employed at industries south of the Hilton bridge finish work. Indeed, traffic is sometimes banked up from South Road to a point east of the Hilton bridge. Will the Attorney-General ask the Minister of Roads and Transport to examine this matter and see whether the Government intends to improve this intersection?

The Hon. ROBIN MILLHOUSE: Yes.

BILLS

Mr. RYAN: I am interested in the Superannuation Bill (No. 82), which was explained yesterday, and which is an Order of the Day for today for the adjourned debate on the second reading, the member for Glenelg (Mr. Hudson) having secured the adjournment. Although I do not know whether other members are in a similar position, I point out that the last Bill that I have on my file is No. 80 and that Bills Nos. 81 and 82 are not on my file. Can you, Mr. Speaker, say whether there is any reason for this? Are members expected to take part in a second reading debate when they do not have a copy of the relevant Bill?

The SPEAKER: Although I do not know what the Government intends to do in this regard, I doubt whether it would allow a debate to continue without members first having the appropriate Bill on their files. The Clerk Assistant informs me that we have not received from the Government Printer the Bills to which the honourable member refers. With the pressure of Bills being introduced into both Houses, the printing staff has become a little snowed under, but this Bill will be here next week.

Mr. Ryan: In other words, we're not going on with the debate?

The SPEAKER: That is not for me to say. I do not think the Government should allow a debate to take place on a Bill unless that Bill is on members' files.

POSTAL VOTING

Mr. VIRGO: Has the Attorney-General a reply to the question I asked on October 28 about streamlining applications for postal votes by amalgamating the postal vote applications for the Legislative Council and House of Assembly?

The Hon. ROBIN MILLHOUSE: I have given the matter much thought. At Commonwealth elections voting in both the House of Representatives and the Senate is compulsory and one application only is sufficient. At a Commonwealth election a postal voter is entitled to and is sent ballot-papers for both Houses. However, in State elections, because of the present different electoral arrangements, the provision of a combined application would lead to administrative problems. There are separate returning officers for House of Assembly and Legislative Council districts. If a combined application were used, it would eventually be required by both the House of Assembly returning officer and the Legislative Council returning officer for checking purposes after the return of the postal vote certificates and ballot-papers. This could mean that an application may not be available to either one or other of the returning officers, with a possible resultant delay in the checking of votes. The question whether it would be desirable to print both applications on the one sheet of paper divided by perforations is being considered.

CLARE HIGH SCHOOL

Mr. ALLEN: On June 19, I asked a question of the Minister of Works about a contract that had been let early in the year to L.R. and M. Construction Limited of Gawler to level what is known as the Clare orchard, which is at the Clare High School. I contacted the company in April, pointing out that the district of Clare becomes wet in the winter and that unless work was started immediately it would be held up during the winter. The Treasurer, representing the Minister of Works, replied on July 2 that work had commenced that particular week and would be completed in four weeks. However, I was informed this morning that the work is only half finished, nothing having been done on the site for over two months. An application was made to the District Council

of Clare to carry out blasting two months ago, and just recently the bulldozer was removed from the site. Will the Minister of Lands, representing the Minister of Works, take up this matter with the contracting company with a view to having this work expedited?

The Hon. D. N. BROOKMAN: I will have to consider this matter fully, and as soon as I have done so I will let the honourable member know.

TURNOVER TAX

Mr. HUDSON: The Treasurer will recall that some time ago I asked him what the Government intended to do about the additional 1¼ per cent on totalizator turnover (on-course) which has resulted from Totalizator Agency Board betting and which in the last three years has been diverted to the clubs under the Lottery and Gaming Act amending legislation that was passed in, I think, 1966. As that legislation provided for the 1¼ per cent to remain with the clubs only for the first three years of operation, unless amending legislation is brought down this session the moneys involved in that extra 1¼ per cent of the on-course turnover will have to revert to the Treasury. As I understand that certain approaches have been made to the Treasurer by the racing clubs, I ask the Treasurer whether he has decided what is to be the Government's attitude in this matter.

The Hon. G. G. PEARSON: As the honourable member suggests, discussions have been held between the racing interests and me. The Government has considered the matter and put certain proposals to the South Australian Jockey Club. I have had a Bill drafted to give effect to what I believe will be acceptable to the racing clubs and to the Government. I have a letter now from the Secretary of the South Australian Jockey Club that I intend to put before Cabinet on Monday in the expectation that the Bill will be approved for introduction early next week. As the honourable member will know from my reply, the matter has been processed up to the point where I am now able to take the Bill to Cabinet for approval for its introduction.

WEST LAKES DEVELOPMENT

Mr. HURST: The Select Committee on the West Lakes Development Bill recommended unanimously to the House that the Port Adelaide council be relieved of its contribution towards the diversion of the old Port Road drain, and that the cost which would otherwise be paid by that council be divided equally between the developer and the State. It further recommended that the upper limit for the contribution of the Henley and Grange council towards stormwater drainage under the proposed development be fixed at $17,000. On the assumption that these recommendations could be implemented by an exchange of letters, the committee accordingly did not propose that any amendment be made to the Bill to give effect to the recommendations. Can the Premier say whether there has been any correspondence between the two councils and the Government in relation to these recommendations about drainage?

The Hon. R. S. HALL: Yes, the councils have been informed.

Mr. HURST: The Premier will recall that, during the Select Committee's hearing on the West Lakes Development Bill, Dr. and Mrs. Crosby and Mr. and Mrs. L. J. Smith, all of Semaphore Park, gave evidence on the possible effect of the development company's discontinuing the permits that have been issued by the Woodville council for the exercising of horses along the foreshore. As I understand from those people, who are thoroughly reliable, that as many as 50 persons may exercise horses on the beach, and as the development company's regulations will supersede the Woodville council's regulations and any other legislation, will the Premier confer with the company to ensure that the livelihood of those people will not be curtailed without sufficient notice being given of the intention to discontinue a practice that has been carried out for many years?

The Hon. R. S. HALL: I will bring the honourable member's question to the notice of the developer. However, I remind him that the areas of public land that will be vested in the council concerned will be under the control of the council, not the developing authority. Once these powers are vested in the local government body, the continued exercising of horses in those areas will be subject to local government control. However, regarding horse-training activities within the area where the company's regulations may apply, this no doubt is something that I could bring to the notice of the developing company, and that I will do. As I understand it, the people appearing before the committee are all operating outside the area that is subject to development, but I will check on that. If they are not, I will bring this matter also to the notice of the developer. However, this matter will be handled in the way the honourable member wishes it to be handled.

HOLDEN HILL HOUSING

Mrs. BYRNE: Can the Minister of Housing say which builder or builders erected the 154 brick-veneer houses at the Housing Trust estate at Holden Hill; whether the trust has since let a contract to this builder or these builders to build more houses; and, if it has, when and where they will be built?

The Hon. G. G. PEARSON: I will get the information for the honourable member.

Mrs. BYRNE: The Minister will recall that last year, in company with the member for Enfield and me, he visited houses in the Strathmont and Holden Hill areas. The houses to which I refer now are principally those in the district of the member for Enfield that are constructed entirely of asbestos, and the Minister will recall inspecting the foundations under these. It has been put to me that one reason why these houses are showing defects is that the foundation studs are not long enough. Apparently they are only 2ft. 3in. long, and the person who spoke to me about this matter said that he had spoken to a builder who thought that the studs should be 4ft. long, as the soil does not move below that depth. Will the Minister ascertain whether consideration could be given to replacing the studs in one house to see whether this would stop the houses from shifting, as the results of such a test would show whether it was necessary to do the same thing with other houses?

The Hon. G. G. PEARSON: Yes. I discussed this matter with the trust not long after we made the inspection to which the honourable member has referred. I do not pose as an engineer or as an authority on soils, but I believe that there is merit in the honourable member's suggestion. I believe also that the studs would have to be substantially longer than 4ft. in order to make a proper assessment. I know something about underpinning and about pier and beam foundations and I believe that, in order to obtain moisture stability, one would need to go much lower than 4ft., particularly in that type of soil. However, this is an interesting matter and something that I shall be glad to follow up.

DRUGS

Mr. BROOMHILL: I recently asked the Premier to obtain the views of the Minister of Health on the easy availability of pep pills over the counter in chemist shops, and as yet I have no reply. While the Minister of Health is considering this matter, I should also like him to consider an article which appears in this morning's *Advertiser* under the heading "Pep Pills are Worse Than Narcotics" and which states, in part:

Over-the-counter weight-reducing and stay-awake pills were condemned by a medical panel yesterday as "many times more serious than narcotics" because they can be so easily misused. The panel was unanimous in urging the House Crime Committee to recommend strict controls over manufacture and distribution of a wide field of amphetamines.

Will the Premier ask his colleague to examine this report while he is preparing the reply to my previous question?

The Hon. R. S. HALL: Yes. As the honourable member asked his previous question six days ago and my colleague is still formulating a reply, I will draw the article to his attention.

ELECTORAL ACT

Mr. VIRGO: The purpose of this question, which relates to the Commonwealth Electoral Act, is to try to get the Attorney-General to use his good offices in pursuit of his often-stated policy of achieving uniformity, and in this case I am concerned about uniformity in voting conditions. I draw the Attorney-General's attention to the Commonwealth Electoral Act, which provides that postal vote certificates may be received up to 10 days after the close of the poll. The divisional returning officer is required to be satisfied as to the signature of the witness, etc. The point I raise is that he has to be satisfied that the vote contained in the envelope has been recorded (and I stress the word "recorded") prior to the close of the poll. The effect of the wording of this legislation is that a postal vote certificate could be (and, in fact, at the last election this actually happened) received by some divisional returning officers up to 10 days after the close of the poll with a postal franking mark of six or seven days after the close of the poll but, provided it had the date of October 25 or earlier on it, the returning officer was satisfied in accordance with the instructions given to him. I know that, from his experience with the Court of Disputed Returns, the Attorney-General will be horrified about this. I also draw to his attention the fact that Queensland, Victoria, Tasmania, Western Australia, and South Australia all now have virtually identical conditions regarding the receipt of postal votes. Therefore, will the Attorney-General use his good offices with the Commonwealth Minister for the Interior and urge him to take immediate steps to amend the Commonwealth Electoral Act to bring it into line with the provisions contained

in the Acts of the five States to which I have referred?

The Hon. ROBIN MILLHOUSE: I shall be happy to speak to the Minister for the Interior about this, although he may tell me to mind my own business. We are certainly secure in the knowledge that we now have much more satisfactory provisions in South Australia as a result of the Bill which I introduced and in which the member for Edwardstown took a lively interest. We are only sorry that he was not at the conference on Tuesday evening, although his Leader substituted for him capably. We now have a far more satisfactory system that gives a certainty that the Commonwealth system does not give. Although I shall be pleased to take up the matter with the Minister for the Interior, I cannot guarantee that there will be any result from my doing so.

STAFF HOLIDAY

Mr. Broomhill, for The Hon. D. A. DUNSTAN: Have you, Mr. Speaker, a reply to the question the Leader asked yesterday about an additional staff holiday on Friday, January 2, 1970, about which you agreed to have a discussion with the President of the Legislative Council?

The SPEAKER: As the honourable member said, I assured the House that I would discuss the matter with the President, and I have done that. Both the President and I agree that Friday, January 2, should be an additional holiday for the staff of the Legislative Council and the House of Assembly. As the Christmas break finishes on the Thursday and the week-end follows the Friday, it is hardly worth coming back for only the one day. I am sure that the members of the staffs of both Houses will appreciate the attitude of the Houses in respect of this extra holiday. I hope that they will enjoy it and come back refreshed to give even better service.

GARDEN SUBURB

Mr. VIRGO: My question is yet another about the Garden Suburb. I noted in yesterday's *Advertiser* a statement attributed to the Minister of Local Government that a poll would be held early in 1970 to determine the attitude of the people. In view of the obvious interest that has been displayed, I am disappointed that the Attorney-General has not made a similar statement in the House. The Minister of Local Government said that the Government would not act unless it was convinced that it was meeting with the wishes of the majority of ratepayers in this matter. Can the Attorney-General say whether this means that the Government will not act unless at least 50 per cent of the ratepayers of the Garden Suburb assent to the changeover? Will he also say what steps are being taken to ascertain the views of the ratepayers of the city of Mitcham who will have the Garden Suburb added to their area if the Government makes such a decision?

The Hon. ROBIN MILLHOUSE: I will obtain a considered reply.

BUS STOPS

Mr. LANGLEY: I have been requested by many people in the Unley District who use public transport to bring to the Attorney-General's notice, for reference to the Minister of Roads and Transport, the rough and dangerous roadway at many bus stops where people sometimes fall. These rough patches are especially noticeable on the Unley and Goodwood bus routes, and, although no serious accident has occurred yet, they are more hazardous at night than in the daytime. Could extra ballasting be used when making main roads that have bus stops on them, and could the bus stops be remodelled to ensure safety for bus travellers?

The Hon. ROBIN MILLHOUSE: I think that this is already being done, but I will discuss the matter with my colleague.

COURT PROSECUTIONS

Mr. HUDSON: I refer to a report in today's *News* that points out that South Australian municipal councils are concerned about the losses they are sustaining in court prosecutions. They say that this is because of the inadequacies in costs being awarded to them against defendants. In my district there are complaints locally from dog-owners who invariably are likely to be prosecuted probably once a year for having a dog on the beach. These complaints arise particularly from those people who live close to the beach, because inevitably at some stage during the year a dog gets away, goes on to the beach, is not on a leash, and its owner is prosecuted. In these circumstances if the case goes to court the owner of the dog is likely to pay a fine (which will be of some dollars) together with costs which could amount to $10 or $12. Consequently, the overall cost of the penalty for being caught by a local inspector as a result of one's dog being on the beach unleashed is hefty indeed. The Brighton council has a right, under the Local Government Act or the Police Offences Act, to charge an expiation

fee in lieu of prosecution, but the maximum expiation fee at present is only 50c and it is considered that this is far too small a sum to represent an adequate penalty for the offence of having a dog on the beach without a lead. Will the Attorney-General take up with the Minister of Local Government the possibility of altering the maximum expiation fee that can be charged by local councils to perhaps $2 to enable at least some cases to be concluded without prosecution so that the problem as stated in today's *News* can to some extent be avoided? This would also mean that those dog owners in my district who inevitably find themselves risking a hefty penalty once or twice a year as a result of their dog being on the beach without a lead would not need to pay the sum of $15 or $20.

The SPEAKER: The honourable member should expiate his question!

Mr. HUDSON: One can only expiate a question by the payment of a fee and, if you, Mr. Speaker, are prepared to make suitable consideration, I am prepared to expiate. Will the Attorney-General take this matter up with the Minister of Local Government to see whether a more satisfactory arrangement can be arrived at?

The Hon. ROBIN MILLHOUSE: I heard the news item on the Australian Broadcasting Commission news this morning so the honourable member is perhaps not quite so up-to-date as he thinks he is.

Mr. Hudson: Did you do anything about it?

The Hon. ROBIN MILLHOUSE: No, I did not realize the honourable member would ask me the question. Had I done so I would have prepared a reply. Now that he has asked the question I will inquire.

AIRDALE SCHOOL

Mr. McKEE: I understand the contract has been let to construct an all-purpose classroom at the Airdale Primary School (Port Pirie) at a cost of $30,000. Can the Minister of Education say who is the successful contractor and when the work is likely to commence on the contruction of this classroom?

The Hon. JOYCE STEELE: I am not in possession of that information.

SUBURBAN TRAIN SERVICES

Mr. VIRGO: I asked the Premier a question on September 16 about an investigation then proceeding into the proposal that suburban train services should cease at 8 p.m. on Monday to Saturday and should not run at all on Sunday. The Premier gave me a report signed by the Assistant Railways Commissioner (Mr. Doyle) in which he said that the investigation, started in August, was continuing. In view of the grave concern this matter caused at the time it was publicized, can the Premier say whether the report has been completed and whether a copy will be tabled in this House?

The Hon. R. S. HALL: Obviously, the honourable member's source of information has dried up, otherwise he would not have had to ask me this question. The matter has not caused grave concern: there was concern only after it was publicized by the honourable member and his Party. This was a study document that was taken out of context, and my reply indicated this. I will find out whether there is anything more to report, but I do not intend to spread such documents far and wide when, in fact, they are only study documents. Such a procedure would not assist the honourable member, me, or the public. If they are to be taken in perhaps an incomplete form, they may bear no relation to Government or departmental policy and may therefore only raise concern about something that does not apply. However, I will see whether there is anything further to report to the honourable member, but so far there has been no proposition put to the Government and therefore no policy change to announce.

CAPE JAFFA ELECTRICITY

Mr. CORCORAN: Cape Jaffa provides facilities for about 40 fishing vessels, and three freezers owned by Safcol are located there. Some people live there permanently, and the cape is surrounded by a number of farms. At present electricity is supplied in the Mount Benson area to within about four or five miles of Cape Jaffa. As I understand the position, it is not planned to connect Cape Jaffa to an electricity supply until the township of Kingston has been supplied with electricity, probably in 1975. Because there is no electricity at Cape Jaffa, the engines required to operate the freezers make a considerable noise and, as they work both day and night, they are creating a nuisance to the people living nearby. As the power supply to Mount Benson is not far from Cape Jaffa, will the Minister of Lands, representing the Minister of Works, ask the Electricity Trust to extend the supply from Mount Benson to Cape Jaffa rather than have the town wait until the township of Kingston is connected with electricity?

The Hon. D. N. BROOKMAN: I will discuss this matter with the General Manager of the Electricity Trust.

EYRE HIGHWAY

Mr. McKEE: Prior to the Premier's leaving for Canberra this week, I noticed a press statement that indicated that he would approach the Prime Minister for funds for work on Eyre Highway. Will the Premier say whether this matter was discussed during his visit and, if it was, whether he has anything to report to the House on those negotiations?

The Hon. R. S. HALL: The honourable member would know of my long-standing interest in this road and, because of this interest, during a brief opportunity on Tuesday I spoke to the Commonwealth Minister for Shipping and Transport (Mr. Sinclair) about the possibilities of taking this matter further than it had been taken. At this stage I cannot reveal that conversation, except to say that we have arranged to have further discussions next year and that I consider the subject well worth following up.

INSECTICIDES

Mr. HUDSON: In the United States of America considerable concern is being expressed about the quality of certain insecticides being used for household purposes. It is considered there that, in particular, the arsenic content of some insecticides is far too high, and for some time I have been concerned about the possible consequences of some insect pest strips being used domestically and also about the possible toxic effect on human beings of some of the insecticides in common usage. Will the Premier ask the Minister of Health what information the Minister's officers have about the dangerous nature of any of these insecticides, and will he also say whether the Government intends to amend the law to limit the arsenic content in any of these insecticides or to regulate the use of insecticides generally?

The Hon. R. S. HALL: Yes.

MOUNT GAMBIER WALKWAY

Mr. BURDON: Some weeks ago I asked the Attorney-General a question about providing an overhead walkway across the railway line to link the northern and southern sections of Wilson Street, Mount Gambier, and in reply he said that the preliminary estimate of the cost of such work was about $120,000. I have been told that no survey has been carried out. This figure seems to me to be fantastic, and I consider that a walkway could probably be provided for one-twentieth of that amount. Will the Attorney-General ask the Minister of Roads and Transport to obtain from the Railways Department an estimate of the cost of the work?

The Hon. ROBIN MILLHOUSE: I will take up the matter with the Minister.

RAILWAY LIQUOR PRICES

Mr. VIRGO: Last Saturday I had the pleasure and privilege of travelling in the train between Adelaide and Port Pirie and, whilst I am full of commendation for the service and accommodation provided, I do not feel the same way about the prices. In fact, I consider that the Railways Commissioner is "touching" the travelling public by charging 17c for a relatively small glass of beer. I think the comparable price in a hotel would be 14c. Will the Treasurer, as Minister in charge of the Prices Branch, say whether liquor sold by the Railways Commissioner is subject to the same price control as is liquor sold by hotelkeepers, whether he intends to insist that, if the relevant Bill is passed by Parliament, the Railways Commissioner sell liquor at the new bar at the Adelaide railway station at the prevailing rates, or whether prices charged there will be inflated as, apparently, those on the Adelaide to Port Pirie train are inflated?

The Hon. G. G. PEARSON: Obviously, if the Railways Commissioner sells liquor at the proposed bar at the Adelaide railway station the prices will have to be competitive with that charged by hotelkeepers across the road. The second point is that the price of liquor in the front bar of a hotel, in a hotel lounge, and in a club car or buffet car of a train are different things. I assume that the honourable member felt that he would like some refreshment while the train was moving, and I do not think he could reasonably expect to compare the way beer was served to him on a train with the way in which it was served in the front bar of a hotel.

Mr. Virgo: But you can on the Commonwealth train. Why argue?

The SPEAKER: Order! The honourable member is not allowed to argue.

The Hon. G. G. PEARSON: I do not intend to debate the matter, Mr. Speaker. I am merely pointing out where I think the honourable member is in error in expecting that the price should be uniform under all conditions. In any case, I think the question should have been addressed to the Attorney-General, who represents the Minister of Roads and Transport. I will first refer the matter

to the Minister for report and, if any further action seems necessary, I shall be pleased to consider the matter so that next time the honourable member goes to Western Australia he will be happier.

MARREE SCHOOL

Mr. CASEY: Regarding the new school building that the Minister of Education announced earlier this year would be built at Marree, can the Minister say whether contracts have been let or whether the Public Buildings Department will erect a Samcon unit, and can she say when work is likely to commence?

The Hon. JOYCE STEELE: I regard the provision of a new school building at Marree as being of fairly high priority. When I saw the present school earlier this year, I realized the conditions under which it was functioning. This work has been placed higher on the priority list. At present it is delayed because of some difficulties about air-conditioning, not only at Marree but also in other schools in the northern area, where some provision for cooling must be made. When I was told this I asked that, as this work at Marree was particularly urgent, consideration be given to dissociating that project. I also understand that arrangements about water supply different from those that have applied in the past have been made. However, I am speaking off the cuff now, and I will get a report for the honourable member, because the new school is of much interest to him. I stress that I regard this work as being of high priority.

STATUTES CONSOLIDATION

Mr. LAWN: Recently, the Government has introduced and given second reading explanations of 16 Bills that are not on honourable members' file. Members have the impression that Bills are going through the House like a bush fire goes through a forest.

Mr. Broomhill: There's not much meat in them.

Mr. LAWN: That is true about most, but members have to spend hours checking them. I have been trying to find a section of the Motor Vehicles Act that is being amended, but it may take me days to do it. As I think the service to members is crook, can the Attorney-General say how long we will have to wait before Acts are consolidated?

The Hon. ROBIN MILLHOUSE: As I replied a few weeks ago to a similar question, I will obtain the reference to it for the honourable member.

Mr. LAWN: In checking the amendment to the Motor Vehicles Act I looked at the 1967 volume, then at the 1966 volume, then at the 1964 volume, and eventually found what I wanted in the 1959 volume. Until the Acts are consolidated, will the Attorney-General arrange to have placed alongside the amendment a reference to the section of the principal Act that is being amended?

The Hon. ROBIN MILLHOUSE: I do not think that would be practicable. In the back of each annual volume is an index that shows at a quick glance where any section that has been amended since the Act was originally passed can be found. I shall be happy to explain to the honourable member the way in which that index works, because I think that explanation would help him.

MOUNT GAMBIER NORTH SCHOOL

Mr. BURDON: About three years ago the Education Department negotiated for and finally purchased two blocks adjacent to the Mount Gambier North Primary School in order to provide a pick-up area for the children. As I understand that further negotiations have been carried out, will the Minister of Education ascertain the present situation concerning the construction of this pick-up area?

The Hon. JOYCE STEELE: I shall be happy to do that.

TEXTBOOKS

Mr. BROOMHILL: I have asked several questions of the Minister of Education about the problems that seem to confront most schools because of the late arrival of textbooks for students and, no doubt, the Minister saw the letter published in this morning's *Advertiser* from, I assume, a parent who was complaining about the late arrival of textbooks at a high school. People who have children at this school are particularly upset because textbooks for Leaving students arrived only a fortnight before the examination. This is not an isolated complaint: we have drawn the Minister's attention to this situation several times. It must be disheartening for parents who are trying to assist their children when they are hampered in this way. Will the Minister comment on the letter, and can she assure the House that this situation will be resolved in the future?

The Hon. JOYCE STEELE: It is disheartening to me, too, to have these instances brought to my attention. I have not read the letter, but I will do so soon. As I have said

previously, the department makes every effort to meet the situation by providing book lists earlier each year so that books can be ordered from the publishers. Because of problems inherent in the publishing business at present, many of these books come from oversea publishers, and this is where the breakdown occurs: we do not receive the books. I will take up the matter mentioned in the letter and obtain a report, although probably departmental officers have already seen it, have studied it, and are obtaining particulars for me.

Mr. Broomhill: What about next year?

The Hon. JOYCE STEELE: Book lists were prepared months ago for next year. It is a great disappointment to me and to departmental officers, who go to much trouble to get the lists out earlier and circulate them, to find that we are facing the sort of situation that the honourable member has drawn to my attention. However, I will obtain a report for him.

Mr. BROOMHILL: I can understand the problem the department has in supplying books while such supply depends on delivery from overseas. Although I do not know details of the problems involved in this matter, it appears to me that, as Australian schools require a great many books, there may be some way in which State Ministers of Education can approach an Australian publisher about producing some of them. Has the Minister considered this matter and, if she has not, will she do so?

The Hon. JOYCE STEELE: Although this matter has not been discussed with me, it could well have been discussed and might currently be under discussion by the Directors-General, for whom this would be an administrative problem. I will ask the Director-General whether, in fact, the matter is now being discussed. When replying to the honourable member's previous question, I omitted to say that the department was making every effort to meet the situation created by the non-delivery of books. I recall having said, in reply to a question asked by another member, that duplicated copies of the material included in these textbooks were made available so that students would not suffer from the non-availability of the textbooks. Therefore, the honourable member will see that, although a shortage exists, we are taking positive steps to overcome it.

FOOT-ROT

Mr. HURST: Recently, I read a press report about the Commonwealth Scientific and Industrial Research Organization's having developed a vaccine that will probably completely eliminate foot-rot. This report is most exciting for many graziers. Will the Minister of Lands ask the Minister of Agriculture whether it was an accurate report and, if the vaccine has the alleged potential, will he ensure that people in areas where foot-rot is prevalent are informed of this new and exciting discovery?

The Hon. D. N. BROOKMAN: The member for Victoria asked a similar question earlier this week and I undertook to obtain a report from the Minister of Agriculture. I do not have it as yet, but when I obtain it I will tell the honourable member.

BUSH FIRES

Mr. EDWARDS: I understand that the fire that started on Eyre Peninsula over the week-end was caused by a barbecue fire, lit by a family passing through, not being extinguished properly. If it were not for the timely action of farmers, graziers, and policemen in the area, the results could have been serious. Will the Minister of Lands ask the Minister of Agriculture whether action can be taken so that people travelling from Western Australia to South Australia can be searched at certain points before entering areas with widely scattered populations and, at the same time, be told that they are not allowed to light fires of any description in that area, as that would be a serious offence? If this action were taken and people were told of the consequences of their actions, many serious fires might be prevented.

The Hon. D. N. BROOKMAN: The Treasurer and the Minister of Agriculture have discussed this matter informally in the last few days. I understand that the Stockowners Association of South Australia is discussing the problem created by travellers lighting fires in the more remote settled districts, and that the Minister of Agriculture is considering it. Although I will get a report on the matter, I point out that it is already being considered.

PERSONAL EXPLANATION: ELIZABETH INDUSTRY

Mr. CLARK (Gawler): I ask leave to make a personal explanation.

Leave granted.

Mr. CLARK: In this morning's *Advertiser*, in an article about the closing of the plant at Elizabeth West occupied by Caterpillar of Australia Limited (formerly occupied by Towmotor Australia Limited) about which I asked a question of the Premier yesterday and to which I received a full reply, I am reported as saying that 50 per cent of the firm's employees at Elizabeth West had been given notice. This is incorrect: what I said was that between 50 and 70 employees had been given notice, which is rather different. It is so seldom that a question of mine makes the front page that when it does make the front page I should like to have it reported accurately. However, I would much prefer that it was not necessary to publish this matter at all and that the factory was not closing down.

LAND SETTLEMENT ACT AMENDMENT BILL

Returned from the Legislative Council with an amendment.

SUPREME COURT ACT AMENDMENT BILL (VALUATION)

Received from the Legislative Council and read a first time.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

This Bill (which takes the form of a Bill to amend the Supreme Court Act) and a group of small complementary Bills (closely associated with the main Bill and referred to in the definition clause as "the complementary legislation") result from the acceptance by the Government of a recommendation of the Land Valuation Committee contained in its interim report. The object of the Bill is to set up a Land and Valuation Court (which will be a division of the State Supreme Court). The Government considers that the establishment and operation of the court will achieve four main objects. First, it will provide a judge who will become a specialist in a branch of the law that is becoming more and more complex and difficult, and is expanding rapidly.

Secondly, an overloaded Supreme Court civil list will be relieved of the burden of those cases that are concerned with compulsory acquisition, and significant financial benefits will flow to those seeking compensation through the courts. Thirdly, because compensation and other assessments will be made by one judge (speaking generally), the whole structure of land values throughout the State will be rendered consistent and predictable; that will confer untold benefits on those whose task it is to advise clients on land values and, consequentially, on the clients themselves; valuers and solicitors will find it easier to agree on sensible compensation figures, litigation will be avoided and costs to the man in the street will, in turn, be reduced.

Fourthly, a number of miscellaneous jurisdictions scattered throughout the Statute Book that involve skills and judicial processes similar to those exercised by a Land and Valuation Court authority are brought within the compass of the jurisdiction of a single judge, possessed of those skills and employing those processes. Broadly speaking, the Bill follows the pattern of the Land and Valuation Court legislation that has proved so successful in New South Wales since 1921. It may be said to fall conveniently into three parts: the setting up of the court; the provision of its machinery; and the conferring of its jurisdictions.

The provisions of the Bill are as follows: Clauses 1, 2 and 3 are formal. Clause 4 increases the number of puisne judges of the Supreme Court from six to seven to allow for the appointment of a judge to the Land and Valuation Court. Clause 5 enacts new Part IIIA of the principal Act. New section 62a inserts some definitions necessary for the purposes of the Part. New section 62b deals with the transitional period. Valuation appeals that had been commenced before the enactment of the amending legislation may be continued as if it had not been enacted but the court may nevertheless, upon application of a party to such an appeal, direct that it be heard by the court. New section 62c establishes the court. The court is to be constituted of a judge upon whom the specific judisdiction has been expressly conferred. This is to ensure that there is a judge who is a specialist in this particular field. The jurisdiction may be conferred upon some other judge if the judge of the court is unable for some reason to sit upon the hearing of an appeal.

New section 62d sets out for convenience the references to the Statutes which confer jurisdiction upon the court. New subsection (2) provides that the court shall have jurisdiction to hear the valuation matters arising under the Compulsory Acquisition of Land Act. New subsection (3) provides that the court shall have such additional jurisdiction as may be conferred upon it by any Act or regulations. New subsection (4) provides that the court in the exercise of its jurisdiction has all the powers and authority of the Supreme Court of South Australia. New subsection (5) provides that

the court has the full jurisdiction exercisable by a single judge of the Supreme Court of South Australia in respect of any cause, matter or proceeding that is properly before the court in pursuance of Statute. New section 62e provides that any other judge of the Supreme Court may, when a valuation matter is involved in a case that is before him, refer the case for determination by the Land and Valuation Court.

New section 62f provides that there shall be the same rights of appeal against a judgment of the court as exist against any other judgment of a single judge of the Supreme Court. The Land and Valuation Court has also the same right to state a case, for the opinion of the Full Court, as a single judge. New section 62g provides that the Crown shall have a right to appear in any matter or proceeding in which the public interest, or any right or interest of the Crown, may be involved or affected. New section 62h provides for the judge to make rules of court for the purposes of the new Part. New section 62i provides that the court shall sit at such times and places as the judge exercising the jurisdiction of the court directs.

Mr. CORCORAN secured the adjournment of the debate.

MENTAL HEALTH ACT AMENDMENT BILL

The Hon. G. G. PEARSON (Treasurer) obtained leave and introduced a Bill for an Act to amend the Mental Health Act, 1935-1968. Read a first time.

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

That this Bill be now read a second time.

Its purpose is to provide a means of granting assistance to persons licensed to conduct psychiatric rehabilitation hostels whereby they would be able to obtain on favourable terms the finance they require for making necessary alterations and improvements to their premises in order to comply with conditions subject to which they hold their licences. Over the last 10 years, with the introduction of new drugs and new methods of treatment of psychiatric illnesses, there have been some dramatic changes in psychiatric hospitals in this State. The old psychiatric hospital was mainly orientated to the custodial aspects of patient care, but the present policy is directed strongly towards early recognition of the need for treatment, outpatient treatment as well as inpatient treatment where this is indicated.

Over the last 10 years there has been a spectaular drop in the number of patients in all hospitals of the mental health services. In the year 1959-60 the daily average number of inpatients was 2,570 and in the year 1968-69 it had dropped to 1,991, whereas during the same period the population of the State increased by 197,000. This spectacular drop in the number of inpatients has become possible only by the extension of services out of the hospital and into the community itself and by encouraging early treatment and giving every assistance to enable ex-patients to return to their homes and re-establish themselves within the community. It is in this area that the psychiatric rehabilitation hostels (which are all operated by private persons) have played such an important part. Not all patients discharged from hospitals have houses to which they can go, and generally there are a number of social reasons why some alternative accommodation must be found for them. Most of these patients are on social service benefits and have quite limited private means. They require sympathy and understanding and should be cared for by persons with a knowledge and interest in this field. Their living environment must be up to standard and it is not an easy task to find these requirements within the community at a cost which such patients can afford.

In order to fill this gap in our services there has been a deliberate policy whereby suitable persons are encouraged to provide accommodation in suitable premises. At present, there are about 22 psychiatric rehabilitation hostels in the State accommodating about 400 ex-patients. In 1968, an amendment to the Mental Health Act provided for the registration and licensing of both hostel managers and hostel premises. These hostels are required to comply with the requirements of the Central Board of Health and the local health authority, and it may be of some interest briefly to describe the general follow-up of patients accommodated in such premises. One mental health visitor works full-time in the hostels. She does not spend time equally in each hostel, but concentrates on those with special problems, organizes groups of voluntary workers, and so on. There are 15 social workers and mental health visitors who visit the hostels to follow-up patients for whom they have the after-care responsibility. They also keep themselves informed about patients by telephone inquiry. During a hostel visit, if a social worker learns of a problem affecting a patient who is not in his care, he will feed back the information to the colleague concerned.

The general policy of the Social Work Department is to provide close follow-up of patients for the first three months after hostel placement, then gradually to reduce supervision to routine calls. The hostel manager will inform the social worker concerned in the event of any new problem that may arise. Some patients attend as day patients at the psychiatric hospitals, the Community Mental Health Centre or the industrial sheltered workshops. Additional contact with these patients is thus maintained through these centres. Another check is maintained through the voluntary workers who visit the hostels to entertain or instruct the patients. If the visitors perceive any special problem, they may discuss it with the social work staff. The community psychiatrist and representatives of the social work staff have a weekly meeting to discuss hostel matters. Vacancies, suitable candidates for placement, and all manner of hostel problems are discussed. There is an annual inspection of hostel premises and living conditions for licensing purposes. This involves representatives of the Mental Health Services, the Central Board of Health, and the local health authority. On matters of environmental hygiene in the hostels, there is close and continued co-operation between the Mental Health Services staff and the local authority concerned.

There is no doubt that these psychiatric rehabilitation hostels are playing a significant role in the discharge and rehabilitation of patients, but there are some financial problems involved. Many of the hostel owners must make alterations, etc., to premises to comply with all requirements and sometimes owners have insufficient equity or other security to borrow the necessary finance. In other cases they are unable to raise money through normal finance institutional channels and are consequently compelled to borrow at high interest rates. Nearly all the premises used as psychiatric rehabilitation hostels were formerly private homes, and alterations, etc., are sometimes both extensive and costly. This Bill seeks to give some assistance by means of a guarantee by the Treasurer, thus enabling hostel operators to borrow money on favourable terms. There are certain safeguards in the Bill, and a preliminary condition is that the Minister may require a report on the general circumstances in each case. This report would normally be sought from the Director of Mental Health Services and would deal with the matter from the point of view of the need, the comfort of patients, and the general standards of accommodation required.

The Treasurer may then consider the application from the holder of a licence to operate a hostel and the recommendation of the Minister. The borrowing proposal is examined and a guarantee may be given on such terms and conditions as may be imposed. It may be mentioned that these rehabilitation hostels receive no direct financial assistance from either State or Commonwealth sources. The co-ordination of these hostels into a group serving exclusively ex-patients of our psychiatric hospitals is unique, and they are providing an excellent service, which even the ex-patient, whose sole income is the pension, can afford. If these hostels did not exist, many or most of the patients would be unable to find other accommodation within the community, and this could in turn lead to a deterioration in the patient's condition and a probable return to expensive inpatient hospital admission. Clause 2 of the Bill gives effect to the object outlined by me empowering the Treasurer, subject to certain safeguards, to guarantee the repayment of any loan made or proposed to be made to a licensee where the loan is or is to be made for the purpose of carrying out such works or the purchase of such property, with the Minister's approval, as would be necessary to comply with any condition imposed under section 87 of this Act.

Mr. BROOMHILL secured the adjournment of the debate.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

The Hon. G. G. PEARSON (Treasurer) obtained leave and introduced a Bill for an Act to amend the Savings Bank of South Australia Act, 1929-1959, as amended. Read a first time.

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

That this Bill be now read a second time.

This is a short Bill designed to give the Savings Bank authority to make personal loans to its depositors or to persons whom the bank is authorized to accept as depositors. The bank is anxious to give a wider service to its customers but without entering into the normal functions of a trading bank. It has found in recent years that it has been rather handicapped competitively in comparison with other savings banks which are associated with trading banks and are therefore able to offer facilities not available at the Savings Bank of South Australia. The authority to make personal loans to depositors is already possessed and operated successfully by the State Savings Bank of Victoria.

Clause 2 of the Bill introduces the proposed new provision which will become section 31a of the principal Act. Subsection (1) of the new section confers the appropriate authority to lend which is restricted in the same way as is the present authority to accept deposits. It does not extend to the lending of money to companies or partnerships engaged in commerce and industry.

Subsection (2) limits the aggregate of funds in the hands of the bank which may be used for personal loans to one-twentieth of total funds. This will be quite adequate for the purposes proposed and not so great as to impinge upon the bank's ordinary loans for housing and other mortgages, for local government and statutory body finance, and for investment in Government bonds.

Subsection (3) limits, for the present, any individual loan to $1,500, though if a depositor has placed with the bank a greater sum than this and wishes to borrow temporarily against it the limit would be the amont of the deposit. It is thought that $1,500 is a reasonable maximum in present circumstances, though in most cases the actual loans would be lower. It is anticipated that loans may be made for repairs to homes, for additions to homes, to assist in the purchase of some domestic appliance or equipment, to cover succession duties and unusual medical or educational expenses and the like. Whereas the $1,500 maximum may subsequently become inadequate as money values may fall, provision is made for its amendment by rules made under the Act. These are required to be tabled before Parliament and are accordingly subject to disallowance. In this way honourable members can be assured that the limits will not be altered without the concurrence of Parliament.

Subsection (4) provides that the loans shall be repaid over a short period and in any case not longer than three years. No specific provision is made in the amendments as to the giving and taking of security for personal loans except to specify that the loans shall be upon such terms and conditions as the trustees may determine. In certain cases it may be appropriate to dispense with specific security though in the normal case it may be expected the trustees will take a second mortgage over house property, a bill of sale over equipment or appliances, a guarantee given by some other person, or as earlier suggested the loan may be covered by some fixed deposit. Rates of interest have as yet not been determined but it is anticipated that they will ordinarily be on a flat rate and be effectively rather higher than overdraft rates for secured loans of trading banks but lower than normal loans from finance houses. This Bill, which the trustees have requested, has been evolved after my discussions with the Under Treasurer, the trustees and Cabinet, and I believe it will be acceptable to the House. I therefore commend it to members.

Mr. HUDSON (Glenelg): I support the Bill and I am very pleased to do so. In saying that it is long overdue I do not want this to be taken as a criticism necessarily of the current Government, as it would apply also to the previous Government. The Savings Bank of South Australia plays an important part in community development, certainly in the provision of home mortgage finance and, as it is a savings bank, in the support that it gives to Commonwealth loans. Because the Savings Bank plays a role ancillary in respect of various matters that are of concern to the State Government, it is important to the State Government just how competitive the Savings Bank can be in relation to other banking institutions in the community. To a very significant extent the Savings Bank relies on the deposits of persons in the community to provide funds for its activities.

The Hon. G. G. Pearson: Entirely.

Mr. HUDSON: There are institutional forms of saving that are deposited with the Savings Bank, but most of the savings would be of a personal nature. These days the average person expects that, if he holds funds with a bank, he has a right to borrow from that bank but the average person has not been able to exercise such a right in respect of the Savings Bank of South Australia. If a person has an account with a private savings bank he would ordinarily expect to have fairly quick access to a personal loan or some form of overdraft account, should he be able to provide the necessary collateral, through the lending section of that private savings bank. I believe that the Savings Bank of South Australia has lost business in recent years as a consequence of not being able to offer borrowing facilities to deposit holders. The fact that just about every private trading bank has now established a savings department has increased significantly the degree of competition in this field. If this degree of competition moderates the average rate of growth of deposits held in the Savings Bank of South Australia, to that extent the Savings Bank is not able to play the kind of role in assisting various community projects that it could otherwise play.

The Savings Bank of South Australia is important in relation to making loans to various community organizations that are often associated with local government, and to a significant extent the Savings Bank is the prime bank for various municipal bodies. The overall liquidity position of the Savings Bank, apart from the effect on its ability to provide home mortgage finance, is important when it comes to its ability to look after local government and local organizations successfully or, indeed, to provide the necessary loans, say, to private schools for the building of dormitory accommodation where these loans are subject to Government assistance. I believe that in the future the role of the Savings Bank in these areas will be extended. For some time I have been trying to get the Minister of Education to introduce a scheme whereby parents and friends organizations at Government schools could form a co-operative so that they could proceed with large projects, such as assembly halls, swimming pools, or canteens, before they had raised their full share of the cost.

Mr. Broomhill: The sooner that occurs, the better.

Mr. HUDSON: Yes. The parents and friends organization at the Brighton High School had to raise $42,000 as its share of the cost of an assembly hall. As the raising of this money extended over about seven years, many initial contributors to the fund ceased to have children attending the school. Of course, many parents will contribute to the cost of an assembly hall even though their own children may not benefit: they are pleased to make a donation to a project at a school that has done something for their children.

However, when the raising of money for a school project extends over a long period, enthusiasm flags, the project loses momentum, and many children become disenchanted. Consequently, morale at the school may be lowered, and we cannot afford to have such a lowering of morale in our education system. The parents and friends should be able to form a co-operative, having a separate legal identity, and after they have borrowed, say, 30 per cent of the money required, they should be able to borrow the remainder, under Treasury guarantee, from the Savings Bank of South Australia or from the State Bank.

Mr. Broomhill: Doesn't this happen in Victoria?

Mr. HUDSON: I think it does. The annual repayment on a loan of, say, $25,000 over 20 years would be about $1,500 or $1,750, and most of the parents and friends organizations at larger high schools would be able to repay the capital and interest as well as meet the expenses of running the school. In my suggestion were adopted, most of the contributors, or their children, would derive benefit from the project and any lessening of enthusiasm or lowering of morale would be avoided. Under such a scheme, the Savings Bank of South Australia would be required to play an important role. However, the bank can extend its lending in one direction only if it is getting a regular and rapid expansion of deposits that ensure that its liquidity is maintained. For that reason, the role of the Savings Bank in granting personal loans is important and I hope that the Treasurer has no difficulty in getting the support of members of both Houses for this measure.

The details of the Bill are straightforward. Clause 2 simply provides that the trustees may grant, out of the funds of the bank, loans to any person, body or society not being a company referred to in section 46 of the Act, so the matter dealt with is purely the personal loan. The Savings Bank will not be able to grant loans of over one-twentieth of its funds, so 5 per cent of the bank's funds can be devoted to this type of loan. I think the current level of deposits with the Savings Bank is about $180,000,000 and the 5 per cent provision would mean that it was able to grant personal loans up to about $9,000,000. New section 31a (3) limits any loan to $1,500, though if a borrower has a fixed deposit of $5,000, there is no reason why the bank could not lend that amount. Subsection (4) provides that every loan referred to in subsection (1) shall be repayable on demand or within a period not exceeding three years. The ordinary bank overdraft is repayable on demand. However, most people know that an overdraft can extend over a long time.

The Hon. G. G. Pearson: It can close up suddenly, too.

Mr. HUDSON: Yes, but many bank overdrafts become long-term loans. That has been my experience since I have been a member of Parliament. My bank manager now regards me as a better risk, even though my salary is lower.

The Hon. G. G. Pearson: The honourable member does not remember the depression in the 1930's.

Mr. HUDSON: That was a special case. All bank liquidity was reduced drastically overnight because of a drastic reduction in export income and we had no central bank control to offset liquidity or to take remedial action. I hope that those events do not recur. At that time unemployment among trade union members was as high as 30 per cent. Such an unemployment figure would cause a revolution today. I have no objection to the provisions of new section 31a (3) or 31a (4). If the branch of the Savings Bank required a specific repayment varied on a personal loan, it would be operating the personal loan in much the same way as a personal loan is operated if one borrows from a hire-purchase company. When explaining the Bill, the Treasurer said that rates of interest had not been determined as yet, but it was expected that they would ordinarily be on a flat rate and be effectively rather higher than overdraft rates for secured loans from trading banks but lower than normal loans from finance houses. I hope that they will be closer to the overdraft rates than to the rates that apply to normal loans from finance houses. When one borrows from a finance house or on a hire-purchase contract in order to purchase an ordinary domestic appliance, one is often faced with a flat rate of interest as high as 10 per cent and that, for a short term, the effective rate of interest could be nearly 20 per cent.

The Hon. G. G. Pearson: Maybe more.

Mr. HUDSON: It depends on the period of the loan, but if the period is short that could be the result. On a regular repayment loan there is more administrative work involved for the bank than on a normal overdraft, but there is no possible case for a flat rate of interest as high as that to be charged. One would hope that the flat rate of interest on which the Savings Bank would operate would be no greater than 5 per cent for a loan that was for a period less than two years, because that would turn into an effective rate of interest of 10 per cent. I believe there is room for a reduction in the kind of effective interest rate that people have to pay when obtaining hire-purchase finance or finance of that nature, and a personal loan is, in many respects, finance of that nature.

It has not been possible, generally, for a State Government to do anything effective to control interest rates. The consequence of State Governments' stepping in and saying to hire-purchase companies, "Thou shalt not lend at a rate greater than 7 per cent flat," would mean a drastic withdrawal of financial resources from that State and the switching of them to other States where higher interest rates could be obtained. For this reason no State Government can control effectively interest rates within its borders. They can be controlled only by the Commonwealth Government and if that Government is not prepared to control them, the rates stay uncontrolled. However, through a scheme such as this, it is possible for a State Government to influence the rate structure within its own community, or at least to ensure that on loans that are virtually riskless, or close to it, the person concerned is not charged an excessive rate of interest.

The Hon. G. G. Pearson: In this case the Government did not consider it was necessary to write the interest rate into the Bill: under the structure of the bank it was considered to be unnecessary.

Mr. HUDSON: A further point is that the interest rates the bank pays on deposit or the interest rates it charges for other forms of assets are not entirely under its control: they are subject to the general movement in the structure of interest rates throughout the banking system, and this is under the control of the Reserve Bank. If one read any specific interest rate into this Bill one might find that, within a short time, there had been a general movement in the outside structure of bank interest rates that made this form of asset unattractive to the Savings Bank.

The Hon. G. G. Pearson: What the honourable member is saying is that it is unnecessary and undesirable.

Mr. HUDSON: Yes, but the influence of the Treasurer should be directed towards encouraging the Savings Bank to keep the interest rate on personal loans, particularly the flat rate of interest, as low as possible. Most people who have to ask for a loan do not look at the extent of interest in a short-term loan. They are aware of the repayments that they have to make, and if those repayments are a few dollars a week and the interest rate component is an effective 20 per cent, the average individual is not impressed. He considers the size of the repayment, and that is why, without comment, so many people pay to hire-purchase companies effective rates as high as 16 per cent or 20 per cent, although, if they were told by the seller of the goods on which the hire-purchase contract was obtained that the effective rate of interest was 16 per cent or even more, they would have a fit in the first place. I

think it is important that, because the borrower tends to ignore the interest component in these regular repayment loans (if I could describe them that way), it is incumbent on a State Government instrumentality or an organization such as the Savings Bank of South Australia not to take advantage of the general gullibility of the public and to ensure that personal loans are available to Savings Bank customers at the most attractive terms that can be devised.

Although I am pleased that the Treasurer has introduced this Bill, I hope that the limitation of $1,500 on the size of a loan will not prove to be an onerous limitation. At this stage it is not possible to say, and we can only give the Bill a trial in its present form to see how it works and then, if necessary, we can introduce an amendment to raise the limit. On behalf of the Opposition I am pleased to support the Bill as it stands.

Mr. CORCORAN secured the adjournment of the debate.

CROWN LANDS ACT AMENDMENT BILL

Second reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the House. Its purpose is to vest certain valuation jurisdictions existing under the Crown Lands Act in the Land and Valuation Court. Clause 1 and 2 are formal. Clause 3 inserts a definition of Land and Valuation Court in the principal Act.

Clause 4 amends section 53 of the principal Act. This section at present empowers the Commissioner to resume lands for a public purpose. Subsection (2) provides that the lessee of the Crown lands so resumed is to be entitled to compensation for any loss sustained by him in consequence of the resumption. The amendment provides that where the amount of compensation is disputed it is to be determined by the Land and Valuation Court. Clause 5 amends section 289 of the principal Act. This section at present provides for valuations in relation to compensation to be determined by arbitrators. The section is amended to provide that in the case of dispute compensation is to be determined by the Land and Valuation Court.

Mr. CORCORAN secured the adjournment of the debate.

THE AUSTRALIAN BOY SCOUTS ASSOCIATION, SOUTH AUSTRALIAN BRANCH, BILL

The Hon. ROBIN MILLHOUSE (Attorney-General) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received and read. Ordered that report be printed.

THE REPORT

The Select Committee to which the House of Assembly referred The Australian Boy Scouts Association, South Australian Branch, Bill on November 4, 1969, has the honour to report:

1. Your committee held two meetings and took evidence from the following witnesses:
   - Sir Edgar Bean, draftsman of the Bill on instructions from the Boy Scouts Association;
   - Mr. G. A. Hackett-Jones, Assistant Parliamentary Draftsman, Attorney-General's Department;
   - Mr. I. B. McBryde, Deputy Chief Commissioner, and
   - Mr. H. M. Kemp, State General Secretary, both representing the South Australian Branch of The Australian Boy Scouts Association.
2. Advertisements were inserted in both Adelaide daily newspapers inviting persons desirous of submitting evidence on the Bill to appear before the committee. There was no response to these advertisements.
3. Your committee is of the opinion that this Bill is desirable in the interests of scouting in South Australia, that there is no objection to the Bill, and recommends that it be passed without amendment.

In Committee.

Clauses 1 to 16 passed.

Title.

Mr. CLARK: As a member of the Select Committee, I completely agree with everything that is being done in connection with this matter.

Title passed.

Bill read a third time and passed.

ENCROACHMENTS ACT AMENDMENT BILL

Second reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the House. The jurisdiction of a court to deal with situations arising where buildings and structures overhang or encroach upon land is vested in the Land and Valuation Court. Clauses 1 and

2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in section 2 of the principal Act.

Clause 4 repeals and re-enacts section 3 of the principal Act. The Supreme Court is at present empowered to determine any matters arising under the Act. The Act itself is concerned with buildings encroaching or overhanging or intruding upon the land of any other person and under the Act the court may order compensation, order the conveyance, transfer or lease of the subject land to encroaching owners or order the removal of the encroachment. This jurisdiction is, by virtue of the amendment, conferred upon the Land and Valuation Court.

Mr. CORCORAN secured the adjournment of the debate.

HIGHWAYS ACT AMENDMENT BILL (VALUATION)

Second reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the House. Its purpose is to vest certain valuation jurisdictions existing under the Highways Act in the Land and Valuation Court. Clauses 1 and 2 are formal. Clause 3 amends section 30b of the principal Act. This provision deals with the proclamation of a controlled access road. A person who has any estate or interest in any land abutting on a controlled access road may recover from the Commissioner compensation for any loss or damage sustained by him by reason of the proclamation of the road. Under subsection (2) of the section compensation may be determined, in default of agreement, by a court with appropriate jurisdiction. The amendment makes it clear that the Land and Valuation Court is to be in future the appropriate court.

Mr. CORCORAN secured the adjournment of the debate.

LAND SETTLEMENT (DEVELOPMENT LEASES) ACT AMENDMENT BILL

Second reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the House. Its purpose is to vest certain valuation jurisdictions existing under the Land Settlement (Development Leases) Act in the Land and Valuation Court. Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in the principal Act. Clause 4 amends section 4 of the principal Act. This section deals with the resumption of land by the Minister pursuant to the Act and compensation arising from that resumption. The amendment provides that in a case of dispute as to the value of improvements the value shall be determined by the Land and Valuation Court in accordance with approved rules of court.

Mr. CORCORAN secured the adjournment of the debate.

LAND TAX ACT AMENDMENT BILL

Second reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the House. Its purpose is to vest certain valuation jurisdictions existing under the Land Tax Act in the Land and Valuation Court. Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in the principal Act. Clause 4 repeals sections 45 to 50, inclusive, of the principal Act. These provisions set up a valuation board whose function is to be taken over by the Land and Valuation Court.

Clause 5 amends section 51 of the principal Act. This section provides that a taxpayer who is dissatisfied with an assessment of tax may lodge an objection with the Commissioner. The Commissioner either allows or disallows the objection and gives the taxpayer written notice of his decision. A taxpayer who is dissatisfied with that decision may request the Commissioner to refer the decision to a valuation board at present. The amendment strikes out the references to a valuation board and provides for the references to be made to the Land and Valuation Court. Clause 6 makes consequential amendments to section 52 of the principal Act, which deals with the procedure on appeal.

Mr. CORCORAN secured the adjournment of the debate.

LAW OF PROPERTY ACT AMENDMENT BILL (VALUATION)

Second reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the House.

The Bill vests the jurisdiction of the Supreme Court to order the partition of jointly owned land in the land and valuation division of the court. Clauses 1 and 2 are formal. Clause 3 amends the definition of "court" in section 7 of the principal Act. This is to make it clear that applications for partition of land are to be determined by the Land and Valuation Court.

Mr. CORCORAN secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (VALUATION)

Second reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the House. Its purpose is to vest certain valuation jurisdictions existing under the Local Government Act in the Land and Valuation Court. Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in section 5 of the principal Act.

Clause 4 amends section 204 of the principal Act. The position is that an appeal may be made against a local government assessment in the first instance to the Assessment Revision Committee, and from the decision of the Assessment Revision Committee there is a further appeal to the local court. This applies except where the appellant is a member of the council or the appellant alleges that the ratable property is assessed above or below its full and fair value, in which cases the appeal is direct to the local court. This jurisdiction is divested by the amendment from the local court and vested in the Land and Valuation Court.

Clause 5 makes consequential amendments to section 205 of the principal Act, which deals with the manner in which appeals are to be heard. Clause 6 amends section 206 of the principal Act. This section as amended will set out the powers of the Assessment Revision Committee and the Land and Valuation Court upon the hearing of appeals. Clause 7 repeals and re-enacts section 207 of the principal Act. This section deals with an appeal from a decision of the Assessment Revision Committee. The procedure that was previously set out in this section can now be covered by rules of court. Clause 8 repeals sections 207a, 208, 209 and 210 of the principal Act. These are procedural provisions and they may be properly replaced by rules of court.

Clauses 9 and 10 make consequential drafting amendments to sections 212 and 212a of the principal Act, respectively. Clause 11 amends section 303 of the principal Act. This section deals with the power of the council to declare any land in its area to be a public street or road. A person may apply to the council to have any street, road or land declared under this section and, if the council fails to comply with that request within a given period, a right of appeal lies to the local court. The amendment vests the appeal in the Land and Valuation Court. Similarly, a person may object to a declaration under the section and a person may appeal against a resolution of the council making such a declaration. Here again the jurisdiction is vested by the amendment in the Land and Valuation Court.

Clause 12 repeals and re-enacts section 304 of the principal Act. This section simply deals with the procedure upon the hearing of an appeal under section 303 and it is enacted in a more suitable form in view of the fact that the jurisdiction is to be exercised by the Land and Valuation Court. Clause 13 amends section 309 of the principal Act. This section deals with a plan of street and road alignments. A plan prepared by the council under section 308 is to be exhibited under section 309 and representations may be made concerning the plan. A person aggrieved by the plan may lodge a caveat with the Surveyor-General under subsection (3). At present under subsection (4) the local court has jurisdiction to hear an application by the Surveyor-General calling upon the caveator to show cause why the caveat should not be discharged. This jurisdiction is vested by the amendment in the Land and Valuation Court.

Clause 14 amends section 382b. This section deals with land held in trust by a council where the council is satisfied that because of changes in circumstances since the creation of the trust it is impracticable to give effect to the terms of the trust. At present the Minister may appoint a special magistrate to inquire into the matter and report to him whether it is in fact impracticable to comply with the trust and whether the land should be transferred to the Crown. The amendment vests this jurisdiction to make an inquiry for these purposes in the Land and Valuation Court.

Clause 15 amends section 419 of the principal Act. Under Part XX of the Act a council has power to take temporary possession of lands for the purpose of its works and undertakings. Under section 419 the occupier

of such land may apply for compensation. The jurisdiction, formerly vested in the local court, to determine disputed compensation is vested by the amendment in the Land and Valuation Court. Clause 16 makes an amendment to the Seventh Schedule of the principal Act, which is consequential upon previous amendments to the Act. Clause 17 replaces the Eighth and Twelfth Schedules to the principal Act, which are no longer necessary.

Mr. CORCORAN secured the adjournment of the debate.

PASTORAL ACT AMENDMENT BILL

Second reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the House. Its purpose is to vest certain valuation jurisdictions existing under the Pastoral Act in the Land and Valuation Court. Clauses 1 and 2 are formal, and clause 3 inserts a definition of "the Land and Valuation Court" in section 6 of the principal Act. Clause 4 amends section 57 of the principal Act. Sections 52 to 56 deal with the matter of review of land for the purpose of determining rent under the Pastoral Act. Section 57 at present provides for an appeal in the first instance to the Minister and then, if the lessee is still dissatisfied, to arbitrators appointed under the Arbitration Act. The amendment provides that instead of an appeal to arbitrators the assessment is to be made by the Land and Valuation Court.

Clause 5 amends section 58 of the principal Act which deals with a notice to be given of the result of an appeal and the fixation of a date from which the rent payable on the revaluation shall be payable. The reference to arbitrators or an umpire in that section is changed to a reference to the Land and Valuation Court. Clause 6 amends section 64 of the principal Act. This section deals with the valuation of improvements upon a pastoral lease. It provides at present that if the Minister and an outgoing lessee are not agreed upon the value of improvements the matter can be determined by arbitrators. The amendment provides that the determination shall be made instead by the Land and Valuation Court. Clause 7 amends section 84 of the principal Act. This provision deals with the compensation to be paid to a lessee when land is resumed pursuant to the Act. At present a dispute is to be determined by arbitrators, but this jurisdiction is vested by the amendment in the Land and Valuation Court.

Mr. CORCORAN secured the adjournment of the debate.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

This Bill is complementary to the Supreme Court Act Amendment Bill at present before the House. The Bill vests the present jurisdiction of the Supreme Court to hear appeals from the Planning Appeal Board in the Land and Valuation Division of the Supreme Court Clauses 1 and 2 are formal and clause 3 inserts a definition of "the Land and Valuation Court" in the definition section of the principal Act. Clause 4 amends section 26 of the principal Act. This section provides that a person aggrieved by a decision of the State Planning Authority under the Act is to appeal to the Planning Appeal Board in the first instance. At present there is a further appeal from the decision of the board to the Supreme Court. The present amendment vests this jurisdiction in the Land and Valuation Division of the Supreme Court.

Mr. CORCORAN secured the adjournment of the debate.

RENMARK IRRIGATION TRUST ACT AMENDMENT BILL

Second reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the House. Its purpose is to vest certain valuation jurisdictions existing under the Renmark Irrigation Trust Act in the Land and Valuation Court. Clauses 1 and 2 are formal, and clause 3 inserts a definition of "the Land and Valuation Court" in section 5 of the principal Act. Clause 4 amends section 86 of the principal Act. Section 78 provides for the Renmark Irrigation Trust to make assessments for the purpose of rating. Section 85 provides for the making of appeals against the assessment. Section 87 at present provides that these appeals may be made either to the trust or directly to the local court of full jurisdiction nearest to the trust office. This reference to the local court is struck out and a reference

to the Land and Valuation Court is inserted. Clause 5 amends section 87 of the principal Act. This deals with the manner in which an appeal is to be made and appropriate variations are made to its provisions to deal with an appeal to the Land and Valuation Court.

Clause 6 amends section 88 of the principal Act. This section merely provides for the production of the assessment book at the hearing of the appeal and appropriate consequential amendments are made to its provisions. Clause 7 amends section 89 of the principal Act. This section deals with the situation where an appeal has been made in the first instance to the trust and a subsequent appeal is made to the court. The procedural provisions of this section are amended to provide for an appeal to the Land and Valuation Court in accordance with appropriate rules of court. Clause 8 amends section 90 of the principal Act. This provision deals with the costs of an appeal and appropriate consequential amendments are made in view of the fact that jurisdiction is now to be vested in the Land and Valuation Court.

Clause 9 amends section 165 of the principal Act. This section deals with a claim for compensation for injury caused to a landholder in consequence of the activities of the trust. The jurisdiction to determine compensation is at present vested in the local court and the amendment divests this jurisdiction from the local court and vests it in the Land and Valuation Court. Clause 10 repeals and re-enacts section 166 of the principal Act. This section deals with the procedure to be adopted by a court and the re-enacted section is in an appropriate form for the purposes of the Land and Valuation Court. Clause 11 repeals section 167 of the principal Act which is unnecessary in view of the fact that the jurisdiction is now to be exercised by a division of the Supreme Court. Clause 12 amends section 168 of the principal Act. This section at present enables the Supreme Court to stay proceedings for compensation where the execution of the works which are alleged to have caused the injury is incomplete. This jurisdiction to stay proceedings is vested in the Land and Valuation Court. Clause 13 makes a consequential amendment to the Fifth Schedule of the principal Act. Clause 14 repeals the Sixth Schedule, the provisions of which will be covered by rules of court.

Mr. CORCORAN secured the adjournment of the debate.

BULK HANDLING OF GRAIN ACT AMENDMENT BILL (QUOTAS)

Received from the Legislative Council and read a first time.

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

WHEAT DELIVERY QUOTAS BILL

Received from the Legislative Council and read a first time.

SEWERAGE ACT AMENDMENT BILL

Second reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

It is complementary to the Supreme Court Act Amendment Bill at present before the House. Its purpose is to vest certain valuation jurisdictions existing under the Sewerage Act in the Land and Valuation Court. Clauses 1 and 2 are formal, and clause 3 inserts a definition of "the Land and Valuation Court" in section 4 of the principal Act. Clause 4 amends section 88 of the principal Act. Under sections 86 and 87 a person liable to rates may appeal against an assessment. Section 88 at present vests the appellate jurisdiction in the local court. The amendments vest this jurisdiction in the Land and Valuation Court. Clause 5 amends section 89 of the principal Act. This section deals with the manner in which an appeal is to be heard and appropriate variations are made in the form of this section. Clause 6 repeals section 90 of the principal Act which is no longer necessary in view of the new provisions to be inserted in the Supreme Court Act.

Mr. CORCORAN secured the adjournment of the debate.

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL

Second reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

This Bill is complementary to the Supreme Court Act Amendment Bill at present before the House. Its purpose is to vest certain valuation jurisdictions existing under the South-Eastern Drainage Act in the Land and Valuation Court. Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in section 6 of the principal

Act. Clause 4 amends section 51 of the principal Act. Section 51 at present gives a person a right to appeal against an assessment for rates made by the South-Eastern Drainage Board. Section 51 provides that each appeal is to be made in the first instance to the board and that from the decision of the board an appeal shall lie to the local court. The amendment provides that this appeal, instead of being to the local court, shall be to the Land and Valuation Court.

Clause 5 amends section 52 of the principal Act which deals principally with the manner in which the board shall hear the appeals which are, as mentioned earlier, to be made in the first instance to it. Paragraph V at present provides that a determination of the board is subject to a further appeal to the local court. This reference is changed to a reference to the Land and Valuation Court. Clause 6 repeals and re-enacts section 53 of the principal Act. This section at present deals with the manner in which an appeal to a local court is to be instituted. The section is re-enacted in a form that is appropriate to the new Land and Valuation Court provisions.

Clause 7 strikes out subsection (2) of section 54 of the principal Act. This subsection is not necessary in view of the new provisions to be inserted in the Supreme Court Act. Clauses 8, 9, 10 and 11 amend provisions in Part IV of the principal Act. Part IV is the portion of the Act that deals with the payment of the cost of scheme drains. This payment is of course to be made in accordance with the assessments of value made by the board and the provisions in this Part correspond exactly to those provisions which we have just dealt with. The nature and effect of the amendments are, of course, exactly the same.

Clause 12 amends section 103d of the principal Act which falls within Part IVA of the Act. This Part deals with the drainage of eastern and western divisions of the South-East. The cost of the drainage is to be borne, under the provisions of section 103c, in accordance with an assessment of the value of the betterment which has resulted to land from the construction of drains and drainage works. Section 103d provides for an appeal in the first instance to the board from a preliminary assessment of the betterment value and then a further right of appeal to the local court. This reference to the local court is struck out and a reference to the Land and Valuation Court is inserted in its stead.

Mr. CORCORAN secured the adjournment of the debate.

WATER CONSERVATION ACT AMENDMENT BILL

Second reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

This Bill is complementary to the Supreme Court Act Amendment Bill at present before the House. Its purpose is to vest certain valuation jurisdictions existing under the Water Conservation Act in the Land and Valuation Court. Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in section 5 of the principal Act. Clause 4 amends section 31 of the principal Act. Under section 30 a person may appeal against an assessment in a water district on any of the grounds set out in that section. Section 31 at present provides that such an appeal must be made to the local court of full jurisdiction nearest to the water district. This reference to the local court is struck out and a reference to the Land and Valuation Court is inserted in lieu thereof.

Clause 5 repeals and re-enacts section 32 of the principal Act. This section deals with the procedure upon an appeal and it is re-enacted in an appropriate form in view of the fact that the appeal is to be made to the Supreme Court. Clause 6 amends section 33 of the principal Act. Here again an appropriate amendment is made to the form of the section in view of the fact that jurisdiction is to be vested in the Land and Valuation Court. The court is invested with power to make such orders as it thinks reasonable in the case and order for costs and other ancillary orders as it thinks just. Clause 7 repeals sections 34 and 35 of the principal Act which are not necessary in view of the fact that jurisdiction is now to be vested in the Land and Valuation Court.

Mr. CORCORAN secured the adjournment of the debate.

WATERWORKS ACT AMENDMENT BILL

Second reading.

The Hon. ROBIN MILLHOUSE (Attorney-General): I move:

That this Bill be now read a second time.

This Bill is complementary to the Supreme Court Act Amendment Bill at present before the House. Its purpose is to vest certain valuation jurisdictions existing under the Waterworks Act in the Land and Valuation Court. Clauses 1 and 2 are formal. Clause 3 inserts a definition of "the Land and Valuation Court" in section 4 of the principal Act.

Clause 4 repeals and re-enacts section 78 of the principal Act. Sections 76 and 77 at present provide for a right of appeal within one month after publication in the *Government Gazette* of a notice of assessment or alteration of assessment. The present section 78 vests the appellate jurisdiction in the local court. The new section 78 will vest this jurisdiction in the Land and Valuation Court.

Clause 5 makes consequential amendments to section 79 of the principal Act which deals with the hearing of appeals. Clause 6 repeals section 80 of the principal Act which deals with a local court stating a case to the Supreme Court. This section is no longer necessary in view of the provisions relating to the Land and Valuation Court to be inserted in the Supreme Court Act.

Mr. CORCORAN secured the adjournment of the debate.

GIFT DUTY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 18. Pge 3066.)

Mr. HUDSON (Glenelg): I support the Bill which is, as the Treasurer explained, little more than a clarification of certain matters in the principal Act and of certain situations that may give rise to difficulty in the future. We are dealing with a subject of some complexity, first, because it is a taxation measure, and secondly, because it is a taxation measure in a form that is designed to cover all possible loopholes that may otherwise be devised by people concerned to escape the payment of gift duty. The three main matters in the Bill are of interest. The first relates to the amendment of section 4 (17) of the Act. This subsection prescribes, in effect, that if a debt is permitted by a creditor to remain overdue without his taking reasonable steps to collect it interest of 5 per cent a year thereon shall be regarded as a gift.

Of course, this original provision was designed to cover up a possible loophole that could otherwise be used by someone to avoid the payment of gift duty, that is, instead of a person's making a straightout gift, he creates an obligation or debt that is then never collected. However, the Treasurer points out in his second reading explanation that difficulties may arise in cases where the debt becomes due and payable without a formal demand being made. Consequently, if no formal demand were made and the debt were due and payable under subsection (17), the Commissioner would have to levy immediately gift duty at the rate of 5 per cent on the debt that had been incurred. Therefore, it is intended to amend this subsection by providing new subsection (17a), which provides:

For the purposes of subsection (17) of this section, a debt, loan or deposit that is payable on demand shall be deemed not to be due and payable unless and until a demand for payment thereof has been made by the person entitled to make the demand addressed to the person by whom the debt, loan or deposit is repayable.

This may create a further loophole, because a person could avoid gift duty by creating a debt that was repayable on demand. New subsection (17a) of section 4 would permit that person to escape payment of gift duty as long as he did not address a demand to the person who owed the money. The new provision does not contemplate a limitation of time. Therefore, I doubt the wisdom of the provision and, in Committee, I will ask the Treasurer to explain the position being created. It would be foolish to amend the section so that a new loophole was created. In certain circumstances a debt arises as a debt repayable on demand and one could use this as an underhand way of avoiding gift duty. So long as the person who created the debt never made a demand, the payment of gift duty would be avoided permanently.

The second important amendment is to section 18, concerning dispositions of property where there is a reservation by the donor of a benefit that is subsequently converted to a gift. As the Treasurer has said, it was never intended that an arrangement made that included a mortgage that would be repayable would be regarded as a benefit. I think the proposal is straightforward, and I have no objection to it.

The third matter refers to controlled companies, and is a matter of considerable difficulty. Certain people can use a private company as a means of making dispositions to the shareholders of that company when, in effect, the person is really making gifts of his own property. The whole notion of a controlled company was introduced into the Act to catch up with a person who created a private company to dispossess himself of his own property by dividend distribution to shareholders, usually members of his own family, these distributions being in the nature of gifts. The Treasurer said in his explanation:

The provisions were inevitably complex as they were dealing with a process which is in any case complex. An amendment made in Parliament to the original Bill in this regard,

whilst substantially securing its primary purpose, is shown, upon experience, to require further adaption to cover abnormal cases and ensure equity.

I agree that the provisions were inevitably complex. The relevant provisions are in sections 4 (12) and 4 (13). The basic concept is that, if a governing director has complete and overriding powers in a private company, all the property of the company is deemed to be his. Consequently, any distribution and dividends from that company to shareholders, other than to the governing director, for example, are deemed to be gifts and are subject to gift duty. The Treasurer said:

However, it was recognized when the principal Act was before Parliament that, in some cases where such a power is possessed, the governing director does not use it, except to ensure a pro rata dividend distribution in relation to shareholdings. In such case it was thought fair not to consider a pro rata distribution as a gift. The reasonable approach is that the governing director and the company must choose their positions under the Act and reasonably adhere to them. Either the special power may be used to make other than a pro rata distribution or it may not.

The Treasurer has suggested that the governing director should not be able to change his ground from day to day, week to week, or month to month. He has also said that, as some longer time factor must be applied, a fair period would be three years. If the special power to make other than a pro rata distribution is not used within three years, the particular distribution of dividends that has occurred in the three years will not be considered to be a gift. However, if during the three years the governing director who has this special power makes other than a pro rata distribution, all distributions of dividends, whether pro rata or not, will be accumulated and treated as gifts, and gift duty will be levied on them.

This seems fair and sufficiently tough to cater for cases where private companies have been specially created to avoid gift duty and to enable a person to dispossess himself of property to avoid payment of succession duty. I support the amendments made by clauses 2 (*m*) and 2 (*n*) to subsections (12) and (13) of section 4 of the principal Act. However, clause 4 raises another problem. It deals with section 11 of the principal Act, which was an amendment introduced by the Opposition to provide a special exemption where a gift involved a share in the matrimonial home. The Opposition argued (and the argument was accepted by the Government) that, although in many cases husband and wife purchased a house, they placed it not in the joint names of both partners but only in one name. However, if they subsequently wished to place it in joint names by the owner making a gift of half a share of the house to his spouse, we considered that no gift duty should be levied.

The Treasurer agreed with that submission up to a certain limit. I believe that a gift up to $4,000 in these circumstances has no duty, but the duty gradually increases as the value of the gift increases. This proposition arose as a result of difficulties that I and other Opposition members had experienced with the administration of the Commonwealth Gift Duty Act, where people who had decided to put a house in joint names rather than in a single name had to pay a gift duty to the Commonwealth Government as well as the ordinary stamp duty associated with the transfer of the house. However, the Treasurer now suggests that the wording of section 11 has created a loophole that could be used by someone wishing to avoid gift duty, because a gift of a matrimonial home could be repeated over short intervals and a benefit from the repeated deductions could be obtained. In this way the owner of substantial property could make dispositions of that property to his wife and avoid payment of gift duty (or a substantial amount of gift duty) and, consequently, contravene the purpose of the Act. Clause 4 provides:

In ascertaining for the purposes of this section any remission of duty to be made in respect of a gift or any deduction to be made from the value of a gift, all other gifts made by the same donor to the same donee within 18 months previously and within 18 months subsequently shall, together with the gift, be regarded as one gift.

The effect of this amendment is to tighten up further than was intended by the Treasurer when the amendment proposed by the Leader of the Opposition was first accepted. It was intended that this should not be a loophole to enable people to repeatedly make a gift of a matrimonial home to their wives within three years and avoid payment of gift duty, and thus be able to dispossess themselves of a significant amount of property without payment of duty. It was never intended, however, that the gift so made, when made legitimately, should be aggregated with all other gifts made during a period of three years—18 months prior to the gift of the matrimonial home and up to 18 months subsequent to it.

The effect of the amendment is to tighten up section 11 of the principal Act more than is necessary. All that is necessary is effectively

to prevent anyone from obtaining the benefit of this particular exemption more than once in a three-year period. The tightening up of the section should not be of a kind that aggregates the gift of the matrimonial home with all other gifts made during that three-year period. If, for example, a particular person makes a gift of $1,500 to his wife and within a three-year period makes or creates joint ownership in his matrimonial home, the value of the gift involved in the matrimonial home should not be aggregated with the previous gift of $1,500 made to his wife.

After all, the benefit that section 11 was designed to create was to re-establish the position for the person who owned his own home in his own name; its purpose was to enable him to re-establish the position that would have existed if he and his spouse had put the house into their joint names when that house was originally purchased. Where a house has always been in the joint names of husband and wife, a gift from husband to wife of $1,500 can be made during a three-year period without payment of any gift duty. However, if a husband who does not have his matrimonial home in joint names with his wife and, under the proposed amendment, makes a gift of $1,500 to his wife during the same three-year period as he creates a joint ownership in his matrimonial home, that $1,500 is aggregated with the gift involved in the matrimonial home. The position that would have existed had he allowed the home to be in joint names from the initial purchase is not reached. I do not know how the proposed amendment to section 11 can be worded so that it avoids the aggregation of the half share in the matrimonial home with any other gifts made during a three-year period, where the matrimonial home exemption is claimed only once in that three-year period. That is the form that I believe the amendment to section 11 should take.

I shall turn now to a matter that crops up in a number of Acts, including the Wheat Delivery Quota Bill. What is sauce for the goose is sauce for the gander. Clause 2 (*j*) makes an amendment that, as the Treasurer has explained, is repeated in several other cases; it removes the Commissioner's discretion where that discretion is a discretion to impose duties. The Treasurer points out that this has been done because of submissions made to the Government that where the Commissioner is given a discretion to impose duties the taxpayer could have his rights of appeal restricted. As a result, a series of amendments in this Bill removes the Commissioner's discretion to impose duties. However, those amendments do not remove the Commissioner's discretion to relieve someone of the payment of a duty where such a discretion exists.

The Treasurer points out that it is hoped that these changes will remove any limitation that might otherwise have been imposed on a taxpayer's right of appeal. I am not completely convinced that this is the right principle to follow. Nevertheless, it seems to me that if this principle is to be followed in this case it will have to be followed in other legislation that comes before this Parliament. I have in mind the advisory committee for determination of wheat quotas which has a certain discretion, and the exercise of that discretion could affect an applicant's right of appeal to the review committee. If in fact that is the legal position, we will argue that the discretion available to the advisory committee will also have to be removed, because if it is right in this case that there should be no limitation on the right of appeal of the taxpayer against the Commissioner's decision it would also be true in the case of the Wheat Delivery Quotas Bill there should be no limitation on the right of appeal by the wheatgrower against a decision of the advisory committee.

This is basically a Committee Bill. In the main, we support it. I have indicated that there are one or two matters we will want to take up with the Treasurer in Committee and, when the appropriate time comes, I will do that. At this stage I support the second reading.

Mr. McANANEY (Stirling): I support the Bill. The member for Glenelg has gone into it very thoroughly and raised certain points. The Treasurer has also fully covered the matter. Therefore, until we reach Committee I will say little about it.

I congratulate the Treasurer on introducing these amendments to the Act to tidy up certain things that were not definite. When this legislation was introduced last year some members had some doubt about the interpretation of some of its provisions, and we saw the Treasurer and some of his officers and were told how it would be administered. However, I think the Act, which is a complicated one, must be definite in its provisions. We can see from these amendments that there were weaknesses in the Act that had to be dealt with.

I believe that the Act has been correctly administered, but to the lawyer and the person dealing with the Government there was a certain amount of difficulty in interpreting its provisions. I congratulate the Treasurer on making an honest effort to administer the Act correctly and on introducing these amendments to tidy up its provisions. I hope this legislation will now be more satisfactory to the people who have to deal with it. I reserve the right to speak in Committee on individual items that have not yet been fully covered.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 5.47 p.m. the House adjourned until Tuesday, November 25, at 2 p.m.