HOUSE OF ASSEMBLY

Thursday, November 5, 1970

The SPEAKER (Hon. R. E. Hurst) took the Chair at 2 p.m. and read prayers.

ASSENT TO BILLS

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

Cattle Compensation Act Amendment,
Public Works Standing Committee Act Amendment,
River Torrens Acquisition.

QUESTIONS

BOOKSELLERS

Mr. MILLHOUSE: I should like to ask a question of the Premier and, with your permission, Mr. Speaker, and the concurrence of the House, briefly to explain the question. It concerns—

The SPEAKER: What is the question?

Mr. MILLHOUSE: The question is as follows: will the Premier comment on the letter of October 26 written by Mr. V. M. Branson (Managing Director of Rigby Limited) to Mr. A. M. Ramsay in his capacity as Director of Industrial Promotion? If I may now explain the question: I have been sent, as I understand several other people have been sent, by Mr. Branson a copy of the letter to which I have referred and which he has written to Mr. Ramsay, apparently in answer to a letter from Mr. Ramsay asking for a reply to a questionnaire headed "Industrial Survey". The letter runs to six pages, and I do not intend to refer to all the matters raised therein. However, there are several specific matters about which the company is obviously worried. I make it clear in asking the question that the responsibility for these matters must be shared by several Governments, not only the present Government, and I do not seek to hide that fact. However, the upshot is that Rigby Limited complains that its business is suffering in this State, even though it is an old, well-established and valuable industry in South Australia. Perhaps I can just mention a couple of the points, so that the Premier may have his mind directed to them. On page 2 of the letter Mr. Branson deals with the fact that interstate booksellers have been the successful tenderers under the scheme for free books for primary schoolchildren and, likewise, on page 3, that interstate people have been successful in tendering for books for school libraries provided with funds from the Commonwealth Government. On page 6 Mr. Branson suggests that the Government is contemplating a secondary book scheme, similar to the primary book scheme, which would also be filled by tender. It appears from the letter as though the complaint is directed primarily, although not exclusively, at the activities of the Public Stores Department. I imagine, because of the importance of the matter and the importance to this State (I am sure the Premier will agree with this) of Rigby's remaining here as a viable and prosperous South Australian industry, that the Premier is already aware of the letter and, therefore, is able to comment on the various points made in it. I therefore ask the Premier the question but, in case he is not by some chance aware of the letter, I ask him whether he will acquaint himself with its contents and report to the House as soon as possible.

The Hon. D. A. DUNSTAN: As I have not seen the letter, I will ask for a report on the matter.

COMPANY DIRECTORS

Mr. McRAE: I wish to ask the Attorney-General a question which is in three parts. First, does he consider that the present law relating to personal liability of company directors for losses sustained by their companies is adequate? Secondly, if he considers that the present law is inadequate, does he intend to take any action to see that the law is properly amended to protect the community? Thirdly, does he consider that, as part of that action, attached to his department there should be a special squad to deal with commercial fraud? Persons trading in their own name or in partnership are exposed directly to laws in the same way as they take gain directly, but in respect of limited companies under the Companies Act the directors are protected under the current law from losses sustained by their companies. I do not suggest that every loss sustained by a company or that every liquidation automatically means that the directors have been unlawful or irresponsible in their activities. However, recently there have been several instances in which companies, acting with some reckless disregard for the community and in the handling of their own affairs, have been involved in considerable deficits and have caused great hardship to certain persons in the community. Directors of the same companies who, by their activities, seem to have been responsible for this type of behaviour are not held responsible

by the law except in the most complex circumstances of investigation. Dealing with the final part of my question relating to the special squads suggested to deal with commercial fraud, I indicate that, to my knowledge, when the present Premier was Attorney-General in the Walsh Government a special company or commercial squad was set up to deal with matters of this kind on the basis that they were so difficult that the normal Police Force personnel were unable to deal with them properly. Also, I understand that, in the term of office of the last Administration, under the then Attorney-General (Mr. Millhouse) this squad was either disbanded or dismembered. I wish to know whether the Attorney-General considers that a special squad, which might have, for example, legal and accounting personnel as well as police personnel, would be of advantage, if he agrees that the problems to which I have referred do exist and are of great significance.

The Hon. L. J. KING: Dealing with the first two parts of the honourable member's question, I agree with him that the present law with regard to the personal liability of directors for losses incurred by companies needs improving. It has been the subject of study at several meetings of Attorneys-General and a number of improvements to the law in this respect are in draft uniform amendments to the Companies Act. Certain of these amendments have already been passed by the New South Wales Parliament and have been introduced in the Victorian Parliament. As a result of representations that have been made to the Attorneys-General by various organizations, the drafting committee considers that further improvements should be made. The actual drafting of the legislation in South Australia has been deferred to enable these recent suggestions to be fully considered; they are presently being studied in this State by the Registrar of Companies. I expect that in the new year it will be possible to introduce in this House several amendments to the Companies Act that will have the effect of improving and tightening the law in this respect. Until decisions are made on what those amendments should be, I do not think it would be appropriate for me to comment further on the respects in which the law might be improved in this regard. As to the third part of the honourable member's question, it is true that when the present Premier was Attorney-General he instituted a section or squad in the Attorney-General's Department for the purpose of investigating commercial offences and frauds and, where appropriate, conducting prosecutions in that respect. That squad ceased to exist. I do not quite know in what circumstances, but I think it ceased to exist during the tenure of office of the member for Mitcham, although whether it was as a result of his direct decision or for some other reason, I do not know.

Mr. Millhouse: It was my decision.

The Hon. L. J. KING: The honourable member says that he decided to disband the section or squad. Since being the Attorney-General, my observations have convinced me that it is not possible to investigate and prosecute efficiently unless there is a co-ordinated activity through a special commercial fraud section or squad. I should like to see established for that purpose a squad consisting of a legal officer or officers, an accounting or audit officer or officers, and police officers. Although I had made some preliminary plans in this direction, they cannot yet be put into effect because of the lack of accommodation in the offices at present occupied by the Attorney-General's Department. As indicated in reply to a question asked by the honourable member for Mitcham a few days ago, it is intended as soon as practicable to move the Attorney-General's office into more commodious premises. As soon as that accommodation becomes available steps will be taken to set up a squad of this kind.

Mr. McRAE: My question is in three parts, as follows:

(1) Can the Attorney-General say whether it is true that Mr. H. C. Goretzki, one of the directors of H. C. Goretzki Proprietary Limited (one of the companies now in liquidation), involved in the incident which has led to 100 householders in Salisbury East being responsible for a further payment of $60 to the Corporation of the City of Salisbury, has been a director of a number of companies that have gone into liquidation?

(2) If this is so, can the Minister say—(*a*) what are, or were, the registered names of these companies; (*b*) what was the total sum taken as the liability of the companies upon final winding up; (*c*) was any action taken to investigate the reason for the liquidation of the companies; (*d*) if so, what action was taken; and (*e*) if no action was taken, is this normal practice?

(3) Is it correct that the same Mr. H. C. Goretzki, who was a director of H. C. Goretzki Proprietary Limited, is now a director of a company known as Baron Holdings Proprietary Limited, and is this person the same

person who made an announcement recently concerning a proposed investment of about $12,000,000 at Glenelg?

The Hon. L. J. KING: I will obtain a considered reply for the honourable member and let him have it in due course.

RIVER MURRAY COMMISSION

The Hon. D. N. BROOKMAN: Will the Premier say how South Australia's rights under the River Murray Waters Agreement would be safeguarded if the Whitlam proposal to abolish the River Murray Commission were put into effect? The Premier has stated that he is entirely in accord with the Whitlam proposal to abolish the commission and to replace it with some form of Commonwealth control. As is well known, South Australia has a legal entitlement under the agreement, and I ask the Premier to say how that right would be transferred to the Commonwealth controlling body because, as I understand the position, Commonwealth control generally emanates from the Commonwealth Parliament, the members of which are, broadly speaking, elected on a one vote one value basis, which gives a heavy preponderance of votes to the Eastern States in any discussion on the disposal of waters, and I fear that South Australia might suffer as a result of this.

The Hon. D. A. DUNSTAN: Earlier this week I answered in some detail a question asked by the honourable member regarding the Government's view on the necessity of having a natural water conservation authority in which every elected Parliament in this country would have its say in the setting of priorities. Although the honourable member has said that I have supported a transfer of this matter to Commonwealth control, he knows that I have said no such thing and that his statement in the preamble to his question is a deliberate untruth.

Later:

Mr. MILLHOUSE: I desire to ask a question of the Premier, as Leader of the Government, following the curt and offensive reply which the honourable gentleman gave to the member for Alexandra.

The SPEAKER: What is the honourable member's question?

Mr. MILLHOUSE: As the Premier is not here, I will direct it to his Deputy.

The SPEAKER: What is the question?

Mr. MILLHOUSE: Just what are the views of the South Australian Government on the control of Murray waters and the replacement of the River Murray Commission? I seek leave to explain the question. Last Tuesday's *News* contains a report headed "Federal Control of Rivers, Dams Urged", and part of that report is as follows:

A national authority to replace the "archaic and inefficient" River Murray Commission and to incorporate the Snowy Mountains Authority was urged today by the Federal Opposition Leader, Mr. Whitlam.

Later, the report states:

Mr. Whitlam said the River Murray Commission was completely outdated.

He then went on to make other comments about Chowilla and Dartmouth. A substantially similar report appears in yesterday's *Australian* under the heading "New Control of Murray Urged", and the same sentence that I have quoted is the lead sentence in that report. Now the Premier has come into the Chamber, and I presume he will take the question. On Tuesday he was asked by the member for Alexandra a question arising out of the report to which I have referred. He began his answer to the member for Alexandra by saying, "Mr. Whitlam's ideas are entirely in accord with those of the South Australian Government." The only conclusion one can draw from that answer is that the Premier and the Government of South Australia agree that the River Murray Commission is archaic and outdated. Today the member for Alexandra asked the Premier how South Australia's rights would be safeguarded after the commission was abandoned, and the Premier's answer, which was not to that question, was curt and, although I do not know what were the actual words he used, he said that what the member for Alexandra had implied in his question was a lie. He used the word "lie". I cannot accept the stricture on the member for Alexandra, and accordingly I ask—

The SPEAKER: Order!

Mr. MILLHOUSE: —the question and perhaps—

Mr. Jennings: You have once.

Mr. MILLHOUSE: —in view of the fact that the Premier was not here I should state it again. I have it written down so that there can be no doubt as to the accuracy of my restatement. Just what are the views of the South Australian Government on the control of Murray waters and the replacement of the River Murray Commission?

The Hon. D. A. DUNSTAN: If the honourable member would like to read the rest of *Hansard* of the other day, he will find the answer; it was explicitly stated.

The Hon. D. N. BROOKMAN: Can the Premier say how South Australia's rights will be safeguarded if the Whitlam proposal, which the Premier supports, is accepted and Commonwealth control is established? I ask leave to make an explanatory statement.

The SPEAKER: Order! The honourable member's question is hypothetical.

The Hon. D. N. BROOKMAN: If I may, can I ask your indulgence, Sir, to explain the question a little further, because it is not exactly the same as the question asked before? The question I want to ask is whether, under the Commonwealth control that the Premier is talking about—

The Hon. D. A. Dunstan: I haven't talked about that, and you know it.

The Hon. D. N. BROOKMAN: —the rights of the South Australian Government and the other States now parties to the River Murray Waters Agreement are to be controlled also by such States as Queensland, Western Australia and Tasmania, which would inevitably come under the type of control that the Premier has supported. In those circumstances, it is cogent to ask how our rights are to be safeguarded.

The Hon. D. A. DUNSTAN: As I pointed out, I have not suggested that there should be Commonwealth control in this matter. I spelt out the proposals clearly. I believe there should be a national water conservation body. However, it must be obvious to the honourable member that in any agreement to set up such a body the present South Australian Government would be no more willing in those circumstances to give away South Australia's rights than it is right now, however much the Opposition wants it to.

Mr. GOLDSWORTHY: Does the Premier consider the River Murray Commission to be archaic and outdated?

The Hon. D. A. DUNSTAN: In the present form of the agreement, yes, I do. Indeed, if the honourable member would take the trouble to read the agreement, he would realize why anyone would come to the same conclusion.

Dr. TONKIN: My question is to the Premier. In view of the fact that it was the Premier when previously in office who gave away any specific rights to Chowilla, when in 1967 he agreed to a reassessment of the Chowilla project, why does he keep referring to the South Australian rights in the matter?

The SPEAKER: Will you state the question?

Dr. TONKIN: I am stating my question.

Members interjecting:

The SPEAKER: Order! Will the honourable member restate his question please.

Dr. TONKIN: Certainly. I will start again if I may.

The Hon. D. A. Dunstan: "In view of the fact" is not a question.

Mr. Millhouse: It is a preamble.

The SPEAKER: No, that is not a question.

Mr. MILLHOUSE: With great respect, I take a point of order. The question the honourable member for Bragg was asking was all in one sentence. I know because I have seen the question.

The Hon. D. A. Dunstan: You dictated it.

Mr. MILLHOUSE: I did not dictate it. The honourable member has shown me the question and it is all part of one sentence. I point out, with very great respect, that in the Commonwealth Parliament, which we all hear on the wireless sometimes and which most of us have visited, it is not permissible to give any explanation; but the traditional way of asking a question there is to have a preamble in the same sentence, and that is always allowed by the Speaker in that House. Members have always been allowed to ask that form of question here, and I therefore ask you, Sir, to reconsider what you have just said in view of the precedents in this House and the long-standing practice in other Parliaments.

The SPEAKER: Order! This House has upheld the ruling given that the question must be asked first, and "In view of the fact" is not asking a question. It is going on to explain the question.

Mr. COUMBE: On a point of order, Mr. Speaker, the ruling that you gave in this House a month or so ago has in the main been observed. It has presented some difficulty to members in phrasing their questions, but it is normal to put a question in an interrogatory manner. That is a question, not a statement, because if it were written, there would be a question mark after it. What you ruled earlier was that a member must ask a question, and then seek leave to make his explanation if he wished to do so. When a question is put in the way that the member for Bragg has put it, it is, in fact, a question. He is not seeking leave of the House but is simply asking a question, and this conforms, I say with respect, exactly to the Standing Orders which this House has observed and which we are trying our best to observe following your recent ruling, which ruling was a departure, I say with respect, from the previous practice in this House. My point of order is that the member for Bragg is in order.

The SPEAKER: Honourable members are asked to state their question and, if they preface it with the words "in view of the fact that", I do not consider that to be a question.

Dr. TONKIN: May I raise a point of order, Mr. Speaker? Perhaps I did not get the opportunity before. Ever since this changed ruling has applied (and I think you know this, Mr. Speaker) I have done my best to comply with the new procedure. I have gone further. A reply was given to a question that I asked recently about a combination of royal jelly and pollen and, if you will recall further, that question was of considerable length and took up a great deal of *Hansard*. That question was all in one sentence, and I made sure it would be. I have asked several questions, each consisting of only one sentence, in which I have incorporated facts that were quite essential if the question was to make sense. I submit that the question that I have written down is in one sentence. It has commas, but no semi-colons and no obvious breaks, and it is finished with a question mark. Sir, I submit that, by definition, this is a question.

The Hon. L. J. KING: I rise on a point of order, Mr. Speaker. I draw the Chair's attention to Standing Order 125, which provides:

In putting any such question, no argument or opinion shall be offered, nor shall any facts be stated, except by leave . . .

The honourable member's question commenced—

The Hon. D. N. Brookman: What's the point of order?

Mr. Millhouse: What's the point of order?

The Hon. L. J. KING: I am referring to the question asked by the member for Bragg, if the member for Mitcham will remain silent. The point I take is that the member for Bragg, in prefacing his question with the words "In view of the fact that the Premier" did certain things, is certainly stating either argument or opinion, and probably both, and in those circumstances he is out of order.

The Hon. D. A. Dunstan: He is also stating facts.

The Hon. L. J. KING: Yes. In accordance with your ruling, the honourable member should be required to ask a question, and then, if he wishes to put matters of argument or opinion or state matters of fact in explanation, he should seek your leave, Mr. Speaker, and that of the House.

The Hon. D. N. BROOKMAN: On a point of order, Mr. Speaker—

The SPEAKER: Order! I can deal with only one point of order at a time. The point is whether the honourable member's question is, in fact, a question. I point out that Standing Order 125 provides:

In putting any such question, no argument or opinion shall be offered, nor shall any facts be stated, except by leave of the House, and so far only as may be necessary to explain the question.

The member for Bragg has prefaced his question with facts and the question has been asked. If he will ask his question and then state the facts—

Mr. Langley: He must have written that out long before the House met.

The Hon. D. N. BROOKMAN: My point of order is this: how does the Attorney-General get away with a point of order that is simply an argument to support his particular line of thinking?

The Hon. D. A. Dunstan: This is a point of order? What have you been doing?

The SPEAKER: I am dealing with a point of order, and I ask the honourable member for Bragg whether he will reframe his question to comply with my ruling.

Dr. TONKIN: My question is still directed to the Premier. Why does the Premier keep referring to South Australia's rights in the matter of Chowilla when, in fact, it was he who, in 1967, gave away any specific rights to Chowilla when he agreed to a reassessment of the Chowilla project, and why does he continue to reject the advice of the expert reappraisal to which he originally agreed?

The Hon. D. A. DUNSTAN: The honourable member is obviously not aware of what this whole subject is about.

Mr. McANANEY: I rise on a point of order, Mr. Speaker. Why should the Premier—

The SPEAKER: Order! The honourable member for Bragg has asked a question of the Premier and the Premier is on his feet. The honourable member for Heysen is out of order.

The Hon. D. A. DUNSTAN: I am sorry that the honourable member does not want a reply to that question. Sir, no rights of this State whatever were given away by the Government of which I was a member: none whatever. The rights of this State were contained in the River Murray Waters Agreement, which the honourable member—

Mr. Millhouse: What about the cessation of work?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: I do not know whether the member for Mitcham thinks we could have gone on with work on the Chowilla dam at a time when the River Murray Commission would not let a contract for it.

Mr. Millhouse: Don't be so silly!

The Hon. D. A. DUNSTAN: Well, you have said this nonsense. This is the sort of bogy you people have—

The SPEAKER: Order! I intend to maintain order in this Chamber. The Premier has been asked a question and is replying, and I warn honourable members not to interject.

Mr. COUMBE: I submit, on a point of order—

The SPEAKER: Order!

Mr. COUMBE: —that the Premier should address the Chair.

The SPEAKER: Order! Recently in a circular I directed the attention of honourable members to the fact that it was not correct for honourable members to rise while the Speaker was on his feet. I ask that that be observed, and no point of order will be raised while I am on my feet.

The Hon. D. A. DUNSTAN: In 1967, not in 1966—

Mr. Millhouse: The honourable member said "1967".

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: In 1967, the River Murray Commission refused to let a contract for the Chowilla dam, its cost having escalated beyond the amount shown in the agreement. At that stage of proceedings, South Australia had one alternative to the course that it had then followed, and that was immediately to have gone to an arbitration. I asked members of the honourable member's Party at that time whether they believed that we then should have gone to arbitration, because South Australia had no evidence to show that any alternative storage that might be considered by the River Murray Commission would cost as much as Chowilla, and the cost of Chowilla was far beyond the amount shown in the agreement. I have never had a reply to that question. All that happened was that honourable members opposite said that we should have done something different, but they did not say what it was. They could never tell us that. What did happen was that members opposite, supported by the member for Bragg, went to an election—

Mr. EVANS: I rise on a point of order, Mr. Speaker. I consider that under Standing Order 126, or another of the Standing Orders, the Premier is not allowed to debate a reply. I consider that he is debating the reply at present.

The SPEAKER: I cannot uphold the point of order. The Premier was asked a question, and he is replying.

The Hon. D. A. DUNSTAN: I was asked why we did what we did, and I am telling the honourable member.

Mr. McKee: They don't like it.

The Hon. D. A. DUNSTAN: No. Members opposite went to an election, supported by the honourable member, saying that they, in some unspecified manner, would build the Chowilla dam, without any qualifications whatever. As history proves, they did not.

GEPPS CROSS INTERSECTION

Mr. JENNINGS: Has the Minister of Roads and Transport a reply to the question I asked recently regarding traffic lights at the intersection of Grand Junction, Main North and Gawler Roads at Gepps Cross.

The Hon. G. T. VIRGO: The traffic signals at the Gepps Cross intersection are to be remodelled to comply with Road Traffic Board revised standards. The signal anomaly existing at present will be attended to in the redesign, which will also include some new roadworks. Work is expected to commence early in 1971. Pedestrian facilities will also be included in the new signals to cater for schoolchildren.

NAILSWORTH SCHOOLS

Mr. COUMBE: Will the Minister of Works obtain for me a report on the progress of the redevelopment of the Nailsworth school complex? The previous Government, in conjunction with the then Ministers of Works and Education (and I ask the Minister of Works to consult with his colleague on this matter) arranged for the Nailsworth Girls Technical High School to be developed and transferred to a co-educational system to be run in conjunction with the existing Nailsworth Boys Technical High School, and for the Nailsworth Primary School to move into the premises to be vacated by the girls' school. Will the Minister obtain a report as to whether that programme, as planned, is still being adhered to and, if it is, can he say when it will be completed?

The Hon. J. D. CORCORAN: I shall be happy to obtain a report for the honourable member.

WATER PRESSURE

Mr. HOPGOOD: Will the Minister of Works investigate the possibility of improving the water pressure in the area known as Darlington Heights or Flagstaff Gardens? I understand that the member for Fisher raised this matter with the previous Minister either early this year or late last year. Even if the residents

in the area wanted to incur excess water charges they could not do so, because the water runs out of the tap so slowly. Although I understand that the residents signed a document about this when they first moved into the area, they believe that this document did not sign away their rights to a decent water pressure in perpetuity and that they have a strong case now that their assessments have been increased.

The Hon. J. D. CORCORAN: I shall be happy to have the matter investigated for the honourable member. I think the honourable member said that his constituents could not run into excess water charges because of the lack of pressure, but if they left the tap on the whole time they would have no difficulty in doing so.

NURSE TRAINING

Dr. TONKIN: Will the Attorney-General ask the Chief Secretary what action will be taken by the Government to maintain adequate levels of nursing staff in the State's many smaller country hospitals now that it is proposed that nurse training will be conducted at a number of recognized regional country training hospitals? This question is not intended as a criticism of the proposals which have recently been announced for the training of nurses and which I welcome as being well worth while; but many small country hospitals depend on trainee nurses to undertake much of their routine nursing work. It is extremely difficult to obtain trained nurses in the country, as has often been stated before, and the new plan will make it very difficult indeed because no trainee nurses will be working in the smaller country hospitals. Not only will such hospitals have difficulty in obtaining staff: they will have difficulty in paying the trained staff they will have to employ if, in fact, they can obtain trained staff. This problem has arisen as a result of this very commendable programme of nursing education.

The Hon. L. J. KING: I shall refer the honourable member's question to the Chief Secretary and bring down a reply.

Dr. TONKIN: Has the Attorney-General received from the Chief Secretary a reply to the question I asked recently regarding the number of girls wishing to commence nursing training?

The Hon. L. J. KING: My colleague has supplied me with the following statistics relating to the waiting lists of girls wishing to commence nursing training at the Royal Adelaide and Queen Elizabeth Hospitals. At the Royal Adelaide Hospital, of 307 applicants for nursing training as at August 1, 1970, 72 were offered vacancies commencing on August 10, 1970; 60 were offered vacancies during October, 1970; and 175 remained on the waiting list, either because of their age or because they themselves were not yet available for appointment. At the Queen Elizabeth Hospital, of 143 applicants as at the same date (that is, August 1, 1970) 84 were selected as suitable to commence training. Of these, 31 have accepted vacancies to commence training before the end of 1970, and 53 have completed application forms and will be available to commence training early in 1971.

WINDSOR GARDENS INTERSECTION

Mr. SLATER: Will the Minister of Roads and Transport request the Highways Department to investigate the possibility of the inclusion of a right turn indicator in the traffic light system at the intersection of Sudholz Road and Main North East Road at Windsor Gardens? Many people have told me about the traffic bank-up that occurs, particularly during peak periods, at the intersection because of the difficulty of negotiating a right turn from Main North East Road into Sudholz Road on the amber light in the absence of a right turn indicator. It is a very wide intersection and accidents have occurred.

The Hon. G. T. VIRGO: I shall be pleased to get the information and bring it down for the honourable member.

DRIVING TESTS

Mrs. STEELE: Will the Minister of Roads and Transport say whether he considers that the annual driving test to which drivers over 70 years of age are submitted is adequate? I have received an interesting letter from a constituent, who says that he suffers the hardship of being considered to be in the accident-prone group: he is under 25 years of age. I think he is a little unchivalrous towards his grandmother, but he considers that she is incapable of driving a car and that the ease with which she passes her examination each year makes her somewhat of a menace on the roads. However, he makes some interesting suggestions and it is for this reason that I ask the question. He says that, though he considers that elderly people, whilst being capable of driving in the day-time, at night-time, because of their somewhat impaired vision, are a menace to other road users and he considers that they should be tested in the hours of darkness, not in the day-time. I consider that

there is something in that suggestion. He acknowledges that some young people are too immature to handle a motor vehicle and, in addition to suggesting that the testing of the aged be more stringent, he suggests that learners should be subjected to more stringent tests. He says:

Periodic driving tests for all would be even better, as then people would have to brush up on their driving technique at regular intervals, which could only improve our driving standards.

I also refer the Minister to a report in yesterday afternoon's newspaper that the New South Wales Department of Motor Transport is taking action to toughen up tests for drivers and learner drivers and also the re-examination tests for drivers. The Minister may wish to say whether he considers that some revision of driving tests for persons over 70 years of age should be undertaken.

The Hon. G. T. VIRGO: I am not sure how personal are the contents of the letter to which the honourable member refers but, if they are not personal, she might give me the letter to consider. Alternatively, if the honourable member deletes anything that is personal, I shall consider the remainder. I think it would be worth while to refer the matter to the Road Safety Council. We are about to embark on a fairly ambitious campaign that I hope will be successful in reducing the road toll. Of course, the testing of drivers and the education of drivers is an important and integral part of this whole scheme. I know that no driver likes to be told that he needs education, but the statistics show that many of us (and I include myself) obviously need education in driving, otherwise we would not be involved in so many accidents.

The Hon. G. R. Broomhill: Speak for yourself.

The Hon. G. T. VIRGO: As the honourable Minister suggests, I am speaking for myself and including myself in that statement: I am certainly not boasting of the fact that I have not had an accident for a long time. I cannot remember the last accident I had, but for this I give full marks to those persons on the road with me who are capable of avoiding me. However, at this stage, we are concerned only with the question that the member for Davenport has asked about driving motor vehicles and about the accidents that occur. I can sense an air of resentment, shall I say, on the part of the young person who wrote the letter, when he suggests that it is not his age group that is responsible, but the over-70 age group.

Mrs. Steele: I don't think that.

The Hon. G. T. VIRGO: I see. However, statistics show that the driving group comprising persons under 25 years of age with less than 10 years' practical experience is the most accident-prone group, and the Road Safety Council will be "inviting" this group to attend the lectures that will be given soon, subject to the assent to a Bill that I hope will be passed in this House this afternoon and the Motor Vehicles Act Amendment Bill which has been passed here and is now being considered in the Upper House. I have no doubt that those Bills will be assented to. The matter of testing the persons in the over-70 age group could be reviewed. I do not know of any deficiency, but that does not mean that the matter is not worthy of review.

Mrs. Steele: The writer suggests testing them at night time.

The Hon. G. T. VIRGO: That point is worth considering and I shall be pleased to ask the Road Safety Council, which comprises representatives of the Police Force and of other groups, to consider it. I also noticed the report in the press last evening about a toughening up in New South Wales. That State is suffering more than we are in this regard. I am not saying that, because we are not in as much trouble as other States may be, we do not have to worry. I sympathize with the New South Wales Government, and the Minister of Transport there, who is responsible for road safety in that State. New South Wales is certainly toughening up, and driving tests in that State will be conducted in heavier traffic conditions than they have been hitherto. However, the whole matter of driving tests and requiring that all persons must undergo a test is being considered. That will cover cases such as mine and, I suggest, that of other members in this House who have not done a practical test (I expect that the member for Davenport pleads guilty to that, as I do). I merely went down to the old Exhibition Building many years ago and passed a written test. Conditions have changed, although we may have had practical experience. The Road Safety Council will certainly consider all these matters as the reorganization becomes effective in the council's present campaign.

SMART ROAD

Mrs. BYRNE: Will the Minister of Roads and Transport obtain a report regarding the reconstruction and sealing of the unsealed portion of Smart Road between Reservoir Road and Tolley Road? I have received correspondence from a constituent, including a copy

of a petition sent to the Tea Tree Gully council and a copy of a reply from the council, dated April 23. Part of that reply states:

Without financial assistance from the Highways Department council would be unable to commence the work before June 30.

Later in the correspondence from the constituent, he states that he has contacted the council since but the council merely reiterates that it can do nothing until it receives assistance from the Highways Department. I ask the Minister of Roads and Transport whether, if I give him a copy of all the relevant correspondence, he will have this matter examined.

The Hon. G. T. VIRGO: I shall be pleased to have the matter examined. I assume from the honourable member's explanation that this road comes within the category of a project receiving assistance from the Highways Department. This would be the first thing that would need to be established. The second point to be established is whether the council has, in fact, placed this project on its list of priorities in such a way that it would receive consideration. Thirdly, it is a matter concerning which the Highways Department determines the accuracy of the claim for priority. However, if the honourable member is prepared to give me the correspondence, I shall be pleased to have it checked and to provide a reply.

STOBIE POLES

Mr. EVANS: My question refers to the reply I received from the Minister of Works yesterday regarding stobie poles at Bellevue Heights. Will the Minister further investigate this matter to see whether the two poles in question can be removed and the cables placed underground? The person who has been contacting me in this matter on behalf of the residents in the area informs me that the difference between South Australia and Victoria in the cost of some overhead transmission lines is about $20,000 a mile, and this seems to me to be an amazing variation. I have been informed that the cost of underground cables in Victoria is $176,000 a mile, whereas the person concerned, in an interview with an officer of the South Australian Electricity Trust, was told that it was about $160,000 in this State and that the cost of some overhead cable was $30,000, according to the voltage and type of cable. As this information has been given to me verbally, I cannot really tell whether it is correct, but there is a big difference, at least on the figures given me. The Minister's reply has stated that the underground cable extends for a distance of 2½ miles, and it runs past the Flinders University. I am led to believe that it has been laid underground at this point as a result of pressure emanating from the university and the Bedford Park Teachers College.

As I said earlier, the people concerned in the Bellevue Heights area are disappointed that the underground cable did not extend for a further one-third of a mile. I am informed that the trust has in its possession (or is about to take possession of) nine miles of cable to carry 66,000 volts. As the main underground cable is 2½ miles long, I take it that three of these cables will be used, totalling 7½ miles and leaving 1½ miles of cable to spare. Therefore, the trust would not be short of cable although, in any case, it has ordered another nine miles of cable. As the maximum waiting time is six months, the work could, if the other relevant work was undertaken first, be completed and become effective by next winter at a time, as the Minister said yesterday, when additional electricity will be required. Will the Minister consider these points on behalf of the people in the area and take up the matter with the trust to see whether the ugliness of the area caused by the two poles in question could be removed for the benefit of the people living in this area?

The Hon. J. D. CORCORAN: I shall be happy to take up with the trust the points raised by the honourable member, who seems to have collected much information on this matter. I do not know who is his informant, but it seems that the gentleman concerned also has much information on this matter. I shall be happy to get that information checked for the honourable member and to bring down a report as soon as possible.

PORT AUGUSTA GAOL

Mr. KENEALLY: Can the Minister of Works say whether the contract for the construction of the Port Augusta gaol has been let? If it has, will he say who is the successful tenderer and when it is likely that the work will be completed?

The Hon. J. D. CORCORAN: A contract was let to Kennett's on August 24 last for the erection of the Port Augusta gaol. Work is in progress, and it is expected that it will take 12 months to complete.

FIRE BANS

Mr. CARNIE: Regarding the broadcasting of fire ban information, will the Minister of Works ask the Minister of Agriculture to consider dividing the Western Agricultural Area

into smaller areas? This area is extremely large, extending 600 or 700 miles from west to east and 200 or 300 miles from north to south. In an area as large as this, it is possible that, although weather conditions in one area may necessitate a fire ban, these may not apply over the whole area. Although I realize that it is not practicable to make the areas too small, the situation arises (and I know of many occasions on which it has arisen) in this area where, for instance, near the Western Australian border weather conditions have been such as to necessitate a fire ban, whereas 500 or 600 miles away on Lower Eyre Peninsula it has been raining and a fire ban has been completely unnecessary.

The Hon. J. D. CORCORAN: I will take up the matter with my colleague and obtain a report for the honourable member.

HINDMARSH INTERSECTION

Mr. RYAN: Has the Minister of Roads and Transport a reply to the question I recently asked about installing traffic lights at the Hindmarsh intersection?

The Hon. G. T. VIRGO: I have recently approved the Highways Department paying the full cost of installation of traffic signals at this intersection, mainly because of the representations of the member for Price. Designs will now be prepared, tenders called and the work implemented as soon as the equipment is available. It is expected that the signals will be operating by July, 1971.

EXCESS WATER

Mr. BECKER: My question relates to excess water rate accounts received after sale of a property. Will the Minister of Works have the Engineering and Water Supply Department investigate the possibility of having excess water accounts made available to land brokers and solicitors, etc., at the time of settlement of properties? I noticed in the "What's Your Problem?" column of this morning's *Advertiser* that a person purchased a house recently and, after settlement of the property, received an account for excess water used on the property in the previous 12 months. I understand many persons purchasing established properties have experienced a similar situation; that is, the new owner has been billed for excess water used by the previous owner. I believe that water, sewer and excess water rate accounts are processed by computer. In an endeavour to avoid financial embarrassment to established home and property purchasers, can a system similar to the one adopted by the Electricity Trust and the South Australian Gas Company be introduced, by officers' reading the water meter and presenting accounts before owners or occupiers quit the property being sold?

The Hon. J. D. CORCORAN: Although this problem has not previously come to my attention, my immediate reaction is that surely this matter involves the responsibility of the land agent handling the transaction in question. I imagine that, if land agents had approached the department and explained the difficulty (and surely this is no different from the situation concerning gas or electricity accounts), steps would have been taken, if that were possible, regarding the accounting system being used. I am sure that the department would be happy to comply with any request made along these lines. However, I will have the matter examined and, if a difficulty exists, and if it is at all possible to co-operate, I shall be happy to do so.

SHEEP TRANSPORT

Dr. EASTICK: On behalf of the member for Frome, who is absent, I ask the Minister of Roads and Transport whether he has a reply to a question asked recently by the member for Frome about sheep transport.

The Hon. G. T. VIRGO: The company loading the sheep was advised that the loading of the two vans had to be completed by 7 a.m. on Tuesday, August 18, 1970. The travelling of the sheep from the property at Yunta the previous day was apparently carried out at the convenience of the owners and not at the request of the South Australian Railways.

MEDICAL EQUIPMENT

Mr. VENNING: My question, which is directed to the Attorney-General representing the Minister of Health, relates to duty on certain equipment for medical purposes, and with your permission—

The SPEAKER: What is the question?

Mr. VENNING: My question relates to medical equipment.

Mr. Clark: That's not a question.

Mr. VENNING: The question is in relation to duty on medical equipment required for a specific case of sickness, and with your concurrence, Sir, and the permission of the House, I will further explain my question.

The SPEAKER: What is the question?

Mr. VENNING: My question is as follows: will the Minister investigate the possibility of this equipment's being brought into this country duty free?

The Hon. G. T. Virgo: That's as clear as mud.

Mr. VENNING: With your concurrence, Sir, and the permission of the House I will further explain the question. I have received an inquiry from a constituent of mine who has already lost two male children whose deaths were caused by cystic fibrosis of the pancreas, and this woman has a third child who has this complaint. At present the child uses mask equipment and receives treatment twice a day under medical supervision. My constituent has been informed that a piece of equipment made in the United States of America is available through Melbourne agents at a cost of about $480 (American). However, she has been told that duty is payable on this equipment. Will the Attorney-General ask the Minister of Health to see whether this piece of equipment can be brought in duty free for the benefit of my constituent?

The Hon. L. J. KING: I will refer the honourable member's question to my colleague and get a reply.

HOUGHTON WATER SUPPLY

Mrs. BYRNE: Will the Minister of Works examine the reason for the poor water supply to properties bordering Range Road south, Houghton, and see what action can be taken by the Engineering and Water Supply Department to improve it? This morning one of my constituents telephoned me to explain that the water pressure at his home had deteriorated during the last few days, and he expressed concern regarding future eventualities should a fire occur during the summer months when, naturally, more water would be used and when there would be an extreme fire hazard. If I give the Minister my constituent's name, will he have a departmental officer interview him?

The Hon. J. D. CORCORAN: I shall be happy to do that for the honourable member.

ELECTRICITY TARIFF

Mr. COUMBE: Will the Minister of Works give the House further information regarding this morning's report about interruptible service tariffs that are to be applied to some industries by the Electricity Trust of South Australia, for which the Minister of Works is responsible in this House. I am conversant with the principle of interruptible services, especially in relation to pumping from the Murray River and to services provided in industries using other types of fuel. When the natural gas pipeline authority legislation was before the House some years ago, we decided that we wanted as many large industries as possible, such as cement companies, to use the natural gas supplies that were available to us. Accordingly, the construction of the pipeline and the tariffs involved were based on this, and the Bill passed. Will the Minister of Works therefore give more details now (or, if he cannot do that, obtain a report for me) on the tariffs that will apply to some of the industries now using electricity under the new arrangements? Also, what effect will this arrangement have on our natural gas development, and will the tariffs for such fuel be affected as a result of the trust's decision?

The Hon. J. D. CORCORAN: Answering the last part of the question first, I am not aware that the trust's decision on interruptible tariffs will affect the supply of natural gas to the industries referred to. The trust examined this matter as the result of a decision by the Adelaide Cement Company to generate its own power. As the honourable member would be aware, the trust or the Government has no power to prevent the company from taking this action, if it so desires. The company has no doubt worked out the economics involved, and apparently it was economical for it to generate its own power. As this decision could have led to other firms throughout the State following suit, and as the trust had spoken to me about it, I spoke to representatives of the company about the matter. Following that, officers of the trust examined a possible reduction of tariffs on an interruptible basis. This proposal was put to the Adelaide Cement Company which has, I have been told this morning, decided to accept the trust's offer. I am not aware of the exact details of the tariff, but I will obtain a report for the honourable member and bring it down as soon as possible.

PRISONERS

Mr. KENEALLY: Will the Attorney-General ask the Chief Secretary whether officers will be appointed to prison staffs in South Australian gaols in order to rehabilitate prisoners with special problems, such as Aborigines, mentally disturbed prisoners, and prisoners not mentally retarded and not real criminals but ill-directed and weak-willed? If such officers are to be appointed, will this type of officer be appointed to the Port Augusta gaol?

The Hon. L. J. KING: I will refer the question to my colleague and obtain a reply for the honourable member.

PRINCES HIGHWAY

Mr. WARDLE: Will the Minister of Roads and Transport provide me with information on

the likely date of opening of the Princes Highway freeway at the bottom of Germantown Hill and at Callington? Also, will he say whether there is likely to be a four-lane highway between Callington and Murray Bridge, and when it is likely that this section of the highway will be opened?

The Hon. G. T. VIRGO: I will obtain that information for the honourable member.

SICK AGED

Mrs. STEELE: Will the Attorney-General, representing the Minister of Health, say whether the Government is currently considering the ever-increasing problem of accomodation for the sick aged in the community? Although this is primarily the responsibility of the Commonwealth Government, it is also the responsibility of each State Government and every person in the community as we will in time all grow old and may face the same sort of problem. My district probably contains one of the biggest concentrations of homes for the aged of any district in the State, so I have a real interest in the matter. The seriousness of this problem is borne out by a letter from the matron of one of the biggest homes in my district, in which she expresses concern at the situation that is developing at her establishment. She begins in her letter by expressing her concern at the increasing number of inquiries she receives for admission to the home, most of which are from people who need nursing care. Her letter continues:

As our infirmary wing is barely adequate for residents of our home, we seldom have a vacancy for direct infirmary admission. Therefore, we and most of the church homes can only admit comparatively active people, and I feel that people are discouraged from staying in their own homes as long as possible, and families are certainly not being encouraged to care for their elderly folk.

This seems to be typical of the situation in all Western countries. The letter continues:

When a person, especially if he is on the pension, needs some nursing care, there seems to be so little accommodation available for them; the church homes cannot take them; they cannot afford private hospital care; they are not sick, but only frail, and therefore do not qualify for general hospital care. Who, then, can care for them? There seems to be no answer to give them.

She goes on to say that some cases are certainly heartbreaking, and I think we are all aware that this is so. The letter concludes:

At a time when we can speak in our country of "Freedom from fear" we should be able to include "Freedom from fear of growing old", for this must be a very real fear to many people. I ask you, for the sake of the frail aged of our community for whom I am sure we all have a very real concern, to do all you can so that there will be accommodation available for them.

The Hon. L. J. KING: The problem to which the honourable member refers is one that must exercise the minds of all members. There is perhaps nothing more distressing for a member than to receive a request from a constituent on behalf of an aged person seeking to be placed, because we have great difficulty in finding somewhere for the old person to live. It is a matter which has been very much in the mind of the Government. I had some hopes that perhaps the speech delivered by the Prime Minister last evening might have relieved this problem but he did not cater very much for this specific problem and I was disappointed about that. I will refer the matter to the Chief Secretary and bring down a reply.

FILM INDUSTRY

Mr. EVANS: I ask the Premier how far investigation has gone into the establishment of a film industry in South Australia? I believe that one or two of the major film companies in this State have not been approached in relation to this matter and that a film company in Sydney has been contacted. There was a report in the *News* of Thursday, September 10, stating that N.L.T. Productions had been approached by the Premier, and I think Mr. John McCallum had made a press statement on establishing a film industry in South Australia. I believe that nowadays it is not necessary to have a large Hollywood-type studio because films can be made on location. There are studios in our State large enough to produce any type of film and, if given the right incentive, with our own capital we could produce our own films within Australia: we have the directors and the producers—

The SPEAKER: Will the honourable member ask his question?

Mr. EVANS: I also believe that American interests have spent $110,000 to help the New South Wales film industry, but I am not advocating this.

The Hon. D. A. DUNSTAN: The Government has not, in preparing proposals for establishing a film industry, approached a series of private producers. It is true that N.L.T. Productions, other associated producers, and Mr. John McCallum have approached me concerning the establishment of a film industry, and in addition I have been approached by other

independent producers. The Government's view, which I stated in reply to a question from the Leader of the Opposition some time ago, was that before we proceeded in this matter a full feasibility study would have to be undertaken. The Government consulted a member of the National Film Advisory Board (Mr. Adams) on the form of the feasibility study, and he recommended a group to undertake the study. That group has made submissions that have been examined by the Public Service Board, which has made a recommendation to the Government on the course of the feasibility study, and the matter will be placed before Cabinet early next week.

The honourable member is correct when he says that in the modern film industry the building of enormous sound studios is not technically necessary. It is possible with small and mobile facilities to film on a specific location without enormous sound studios, because the kind of sound isolation necessary previously is no longer required. This has been considered in the terms of the detailed feasibility study, but it was advisable for us before we started out on this course to have a full feasibility study made so that we would know we were going in the right direction. The form of the feasibility study has been discussed by me with Mr. Spencer of the Canadian Film Development Corporation and he has agreed entirely that the course we are following is the correct one.

Mr. EVANS: Will the Premier say whether, when the Government decides to assist in the setting up of further film units in this State, preference will be given first to people and facilities in this State and secondly to such persons and organizations within Australia before oversea interests are considered?

The Hon. D. A. DUNSTAN: In the proposals for the setting up of a State film unit as a basis for a possible film industry development, the matter of preference to persons living in South Australia or in the Commonwealth does not arise. The only facilities in addition to those that are immediately contemplated are processing facilities, which do not exist in Australia other than through oversea companies at present represented in Sydney and Melbourne: no Australian companies can provide the full range of necessary processing facilities. Indeed, at present most feature films are processed not in this country but overseas. The honourable member's question does not, therefore, really raise pertinent questions as to the mode in which the Government intends to proceed. I assure him, however, that when the Government has received the results of the feasibility study, it will consider them and then announce how it intends to proceed from that point.

FISHING

Mr. CARNIE: Will the Minister of Works ask the Minister of Agriculture to consider increasing the niggardly sum allocated in this current financial year for fishing research? On September 17 last I received a reply to an earlier question I had asked on this matter stating that every effort was being made by the Fisheries and Fauna Conservation Department, within the limits of available funds, to expand fisheries research activities. The reply also stated that a fisheries research officer had been added to the staff of the department and that the full-time research staff of the department now numbered three, although inspectors also undertook research work. In the Estimates of payments from Consolidated Revenue Account is a line "Fisheries research work, instruments, equipment and sundries, $6,800". I compare this research effort with that of New South Wales, in which State I believe there are 19 research officers operating under a Budget proportionately higher than ours. For example, last year, in addition to normal operating expenses, $700,000 was spent in New South Wales, consisting of $350,000 on a research vessel and $350,000 on a fish farming station. I point out that the total catch in New South Wales is only 25 per cent higher than ours. In view of the unfavourable comparison, will the Minister examine this matter?

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

MANNUM FERRY

Mr. WARDLE: Has the Minister of Roads and Transport a reply to the question I recently asked about the Mannum ferry crossing?

The Hon. G. T. VIRGO: The last traffic count at the Mannum ferry was taken over the Easter holiday weekend, from Wednesday, March 25, to Tuesday, March 31, 1970. Since the duplication of the Mannum ferry, delays occur on few occasions each year. Completion of the South-Eastern Freeway to Callington will provide motorists with a quicker route to Adelaide *via* Murray Bridge in future when delays do occur at the Mannum ferry.

KEITH MAIN

Mr. RODDA: Can the Minister of Works say whether the Tailem Bend to Keith main, together with laterals, will be completed by

1973? I have been approached by landholders in the area concerned who have expressed concern about the progress of this work and, on their assessment, the project may not be completed by 1973. I understand that Commonwealth assistance will be received for this project until 1973. Can the Minister say whether it can be received beyond that date?

The Hon. J. D. CORCORAN: So far as I am aware, the work on the Tailem Bend to Keith main is ahead of schedule, so I do not think there is any danger that the work will not be completed within the stated period. However, I imagine that if this were not the case arrangements could be made with the Commonwealth Government to extend the period of assistance. I will check on this matter for the honourable member and bring down a considered reply.

Mr. COUMBE: Will the Minister of Works say whether the injunction issued out of the Supreme Court against the former Minister of Works on behalf of some holders of land adjacent to the Tailem Bend to Keith main is still extant?

The Hon. J. D. CORCORAN: Yes, it is.

McNALLY TRAINING CENTRE

Mr. MILLHOUSE: I should like to ask a question of the Minister of Social Welfare and, with your permission, Mr. Speaker, and the concurrence of the House briefly to explain it.

The SPEAKER: What is the question?

Mr. MILLHOUSE: The question is whether the Minister intends to take any action in regard to absconders from the McNally Training Centre. The member for Bragg asked a question about this matter last Thursday, and on that occasion the Minister replied, referring to abscondings, as follows:

This is the price the community must pay if it is earnest in its desire to rehabilitate young people who have got into trouble with the law.

The Minister went on to say that he would get a report to see whether any further action was necessary at McNally and would let the member for Bragg, and presumably other members, know whether anything could be done. Having had some experience, as the Minister is having, with regard to abscondings from institutions, I know that it is difficult to achieve a balance between what is desirable in the interests of rehabilitating those who are in institutions and what is desirable in the interests of the safety of the general community, and I acknowledge that freely; it is not an easy matter. However, I draw the Minister's attention to the report on page 3 of this morning's *Advertiser* in which the magistrate in the Adelaide Juvenile Court (Mr. Beerworth) says that absconders from McNally have caused almost $100,000 worth of property damage in the past five months, and he goes on to make some comments about that, as he did on the previous occasion which prompted the member for Bragg's question. I suggest that if those figures are even broadly accurate they disclose a serious situation that cannot be ignored in spite of the opinion which the Minister expressed last week in the reply to which I have referred, and with which I broadly agree. I therefore ask the Minister whether, in view of the statement reported in this morning's press and the necessity to achieve a balance between rehabilitation and the protection of the community, any specific action is proposed.

The Hon. L. J. KING: I have conferred with the Director on this matter and obtained some information, and the interesting thing that emerges is that the great majority of absconders are those who have been given some trust, in the sense that they are not in the security section of McNally.

Mr. Millhouse: Only a few boys are in the security section.

The Hon. L. J. KING: That is so. The absconding is a case not of people escaping from the security section but of boys walking out of the general training section of McNally. Once that fact is grasped I think it leads to this conclusion: that, if we are to attempt to stop people from absconding from the general training section, we will have to turn it into something approximating a prison or we will have to have something approximating prison supervision. Of necessity, this would defeat the training and rehabilitation objectives of the institution. The view that I take on this matter is that the prime objective of an institution such as McNally must be to train and rehabilitate the offenders so that they can be restored to the community and take up a normal life. If that is even approximately successful, in the long run the community pays a much lower price than it would pay if it merely took punitive and restrictive action to prevent youths from absconding, sending them back into the community with an attitude of mind whereby they committed further offences and led a life of crime. The latter case costs the community much more. To say that is not to say that nothing should be done.

I think that the intelligent and humane approach to the problem of absconding is to

have a greater degree of personal counselling and personal assessment of boys with a view to determining more accurately the type of lad who can be left in certain situations without danger of absconding. Of course, this involves much more professional training of existing staff in the institutions. It also involves obtaining more professionally trained staff for the institutions, people who, by reason of their training, are capable of more accurate assessment of the needs of the boys, the circumstances in which they may be left unattended, and the circumstances in which they should be allowed latitude in the course of their training and rehabilitation. To that end, steps are being taken at present to obtain four trainee superintendents who will be given thorough professional training, who will have qualifications and a salary commensurate with those qualifications, and who, in due course, will become superintendents of the institutions. However, I am sure that the measures to be taken to prevent absconding must be measures that are consistent with training and rehabilitation of the youths, and this means that the emphasis must be placed on personal counselling, personal assessment of the needs of the youths, and personal training of the youths by professionally qualified people. It would be a retrograde step and, in the long run, more costly to the community to revert to any system of prison walls around institutions for juveniles.

I do not treat the question of absconding lightly at all, and I think a vigorous programme is needed to ensure that the people who work with these boys, supervise them, and help them with their tasks under various conditions must be people with the professional qualifications and training to enable them to make accurate and useful assessments of the lads in these circumstances. I am sure that this is the only way in which measures against absconding can be made consistent with the objectives of an institution such as McNally, namely, the rehabilitation of the youths to be returned to the community to lead useful lives.

WATER SKI-ING

Mr. COUMBE: Is the Minister of Marine aware that much nuisance is still being caused in the Port River by water skiers? The Minister will recall that, by arrangement with the clubs engaged in speedboat racing and water ski-ing, the previous Government arranged that these activities should take place in the North Arm. The Marine and Harbors Department co-operated extremely well with those bodies, providing some facilities at Government expense. The industry itself contributed mainly towards the cost of a new clubhouse. I pay a tribute to the various clubs for the control they have exercised over their members, but unfortunately complaints have reached me from the Port River sailing club and rowing club that water skiers are still using the old course at Snowden Beach, and that this has led to much danger not only to members of these clubs but also, and more particularly, to some water skiers, who have the habit of falling off their skis in the middle of the river as a large vessel is proceeding up the river under pilot and under tugs. Will the Minister investigate the matter to see whether the problem can be solved in some way?

The Hon. J. D. CORCORAN: I am not aware of the situation outlined by the honourable member, although I know of the steps taken by the Marine and Harbors Department and the co-operation between the clubs with regard to the development of the North Arm. I will have the matter investigated. Although I am not certain, I doubt that we have power to prevent people from ski-ing on the Port River. However, through co-operation of some form, we may be able to overcome this difficulty.

Mr. Coumbe: They're probably not members of the club.

The Hon. J. D. CORCORAN: Yes. I imagine that the clubs will be concerned about this, too.

KENT TOWN INTERSECTION

Dr. TONKIN: Can the Minister of Roads and Transport say when it is expected that reconstruction of the Dequetteville Terrace and Rundle Road intersection will be undertaken and when traffic lights will be installed there? I point out that a most dangerous situation exists there at peak hours when many children cross the roads in various directions from the bus stop at that intersection.

The Hon. G. T. VIRGO: I cannot do as the honourable member asks. However, I assume that the honourable member would like me to get the information and, if that is the case, I shall be pleased to do so.

BUSH FIRES

Mr. EVANS: Will the Attorney-General ask the Chief Secretary to consider setting up a commission to investigate all aspects of country fire protection and suppression in South Australia? My question can be explained by

the following motion which was carried at the recent conference of South Australian Emergency Fire Services regional officers and association delegates:

That the Chief Secretary request the Government to set up a commission to investigate all aspects of country fire protection and suppression in South Australia with the view that E.F.S. headquarters be improved with equipment, facilities and manpower in order to facilitate a wider and improved function of management and control throughout the State and a more efficient co-ordination of brigades at major fires.

The officers of the E.F.S. are concerned that their area of fire control comes under three Ministers: the Minister of Local Government, the Chief Secretary and the Minister of Agriculture; they believe that the fire control in this connection should come under one Minister.

The Hon. L. J. KING: I will refer the question to my colleague and obtain a reply.

TRADING HOURS REFERENDUM

Mr. MILLHOUSE: I ask the Attorney-General whether he will be kind enough to give me a reply to the question I asked on October 21, following some remarks by the member for Ross Smith concerning a scrutiny of informal votes at the referendum of unhappy memory.

The Hon. L. J. KING: I told the honourable member on that occasion that I was unaware of an official scrutiny of informal votes and that I was confident that there had not been one. However, as the matter had been raised, I said I would obtain a specific reply for him from the Returning Officer for the State. I have now done so, and the Returning Officer informs me that he has not ordered an official scrutiny of informal ballot papers; nor has the Returning Officer for Ross Smith conducted a scrutiny of informal votes.

FIREWORKS

Mr. MILLHOUSE: I should like to ask a question of the Minister of Works, which is particularly appropriate as today is Guy Fawkes' day. Some time ago I asked a question regarding the sale of fireworks. This State used to celebrate Guy Fawkes' day on November 5, but that was changed by the previous Labor Government, and now there has been another change.

The SPEAKER: What is the question?

Mr. MILLHOUSE: Will the Minister of Works give a reply to the question I asked him about this matter a week or so ago?

The Hon. J. D. CORCORAN: In replying to the honourable member when he asked his question, I said that I would see whether any other matters were considered in relation to the change of date. I explained that the date had been changed from November 5 to May 24, why the period for selling fireworks had been reduced from a fortnight to a week, and why the date had been again changed because of the school holidays. The Minister of Agriculture states that this matter was not discussed with any outside business interests prior to Cabinet's making its decision. That was the specific question that the honourable member asked; he was, no doubt, looking after the interests of those who produce the fireworks. The Minister has, however, received complaints from private citizens about the irresponsible discharging of fireworks (not necessarily by children) and the disturbance that they create. It is not expected that the restricted selling period will affect significantly the volume of sales of fireworks.

ROYAL ADELAIDE HOSPITAL

Dr. TONKIN: In view of the fact that he has a reply to the question I asked on October 15 regarding the nursing situation at the Royal Adelaide Hospital, will the Attorney-General be kind enough to give me that reply?

The Hon. L. J. KING: The proposed opening of two additional wards at Royal Adelaide Hospital is indicative of an improvement in the nursing situation within the hospital. The closure of the Magill wards and the temporary transfer of the patients to the Royal Adelaide Hospital, North Terrace, had no effect on the availability of staff to open additional wards.

LINE MARKING

Mr. EVANS: Will the Minister of Roads and Transport ascertain the cost to the Highways Department of painting the white divisional lines on our roads: first, the cost per unit, be it each foot, chain or mile of single line; and secondly, the same details in relation to the painting of double lines? I believe that private enterprise may be able to paint the lines much more cheaply than can the Highways Department. Indeed, I believe the Commonwealth Government employs private contractors to do this work at a relatively low rate.

The Hon. G. T. VIRGO: I will inquire of the Highways Department to see whether this information is readily and reasonably available. If much research is required, I shall inform the honourable member to see whether his question justifies the amount of work involved.

JURY FEES

Mr. MILLHOUSE: A long time ago, as a result of a letter I received from a resident of Croydon, I asked a question, first, of the Premier in the absence of the Attorney-General, and then of the Attorney-General, regarding the fixation of jury fees. As I understand that the Attorney-General now has a reply to my question, will he give it to me? I should like it to be a comprehensive reply.

The Hon. L. J. KING: The honourable member asked his question on October 15. As to his reference to a comprehensive reply, the honourable member knows that I told him that I would look into the matter. I am at present considering whether there should be increases in jury fees and the mileage rate paid to jurors, and I shall tell the honourable member when a decision has been made on the matter.

VERMIN FENCES

Mr. RODDA: Will the Minister of Works ask the Minister of Lands what is his policy on vermin-proof fencing of national parks? Obviously, I would not expect all national parks to be fenced, but in our respective districts there are many medium-sized parks that adjoin private property. Some landholders have made representations to me about the encroachment of vermin on their land. Last week I was approached about a park that the Minister and I share in the hundred of Shaugh and the famous reserve north of Lucindale about which I have spoken to the Minister before. Will the Minister discuss with his colleague the policy on this matter to see whether some priority can be given to it?

The Hon. J. D. CORCORAN: I will take up the matter with the Minister of Lands and bring down a considered reply. When I was Minister of Lands, the policy of the National Parks Commission on fencing was that the commission would try to build a certain length each year depending on the availability of funds. This was done by providing a good class of vermin-proof fencing by supplying materials to the adjoining landowner, who erected the fence and also provided a fire break one chain wide inside the fence. Funds are limited because the policy which was pursued in the past (and which I believe is still being pursued) was to set aside funds to purchase land wherever possible throughout the State as a matter of urgency. If we develop each national park as we purchase it and we neglect to purchase other areas that are available, they may not be available to the State in the long term and it is imperative that we enlarge the area of national parks in this State. I appreciate the problems that landholders have in relation to vermin, particularly those landholders whose land adjoins national parks, but it is necessary that the State set aside funds to purchase as much land as possible for national park purposes. I believe that, in following that policy, which is the correct one, every effort should be made to adequately fence the parks when funds are available.

PINNAROO RAILWAY ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

CONSTITUTION ACT AMENDMENT BILL (MINISTRY)

Returned from the Legislative Council with an amendment.

GOVERNMENT BUSINESS

The Hon. D. A. DUNSTAN (Premier and Treasurer) moved:

That for the remainder of the session Government business take precedence of all other business except questions.

Mr. MILLHOUSE (Mitcham): I protest most vigorously against the motion and, unless I get an assurance, which we have not had up to date (the honourable Premier did not bother to speak when he moved his motion), I will oppose it. We do not know even approximately when the present session of Parliament is to end. Traditionally, this motion is a signal that the session is coming to an end and it is only moved in the last few weeks of the session although (and I have the figures with me) it is moved as a rule significantly earlier when the Labor Party is in office than it is when the Liberal Party is in office. I remind all members that we should be very jealous of the rights of members on both sides of the House who are not members of the Government.

Mr. Venning: All members.

Mr. MILLHOUSE: All members. We should not allow ourselves to be dictated to by the Government and we should not allow our rights as private members to be whittled away, but we have often seen this session (the latest of which was today) a whittling away of the rights of private members. In fact, on the day after notice of this motion was given, I asked the Minister of Works, who was at that time leading the Government,

when the session was going to end, and he said:

A third break in this session will occur on December 3. The session will continue into next year if and when the Government decides the House will meet.

If we had an assurance that this session would end on December 3 or December 4, I would withdraw my protest because it would mean only four weeks without private members' business, which would not be outside the precedents set in recent years. The Minister, however, went on to say:

No decision has been taken as to when it will meet or for how long it will meet in the new year, but such sittings will be part of this session. As soon as the Cabinet has decided when the House will meet in the new year this information will be made available to members for their convenience.

The last part of that answer was a piece of arrogance on the part of the Minister. I think it was unconscious arrogance but it is the members of this House who decide when to meet, not Cabinet. Be that as it may, we do not know at this stage for how long this session will continue. We understand on this side of the House that the Government is perplexed about this matter. It is trying to gauge the political temperature in South Australia and I believe that at present it is finding the political weather rather too chilly for its liking. All sorts of rumours are flying about that the Premier (and I think he carries his Ministers with him, at least on this matter) is anxious for a confrontation with the Legislative Council, and that there may well be an election early next year. If that were to be the case, presumably the session would end rather more speedily than otherwise. However, if, as I think is overwhelmingly likely, the Government decides that it would be far too great a risk for it to go to the people again now, in the light of the mistakes it has made in its first five months of office, presumably the session will go on and we will simply be denied, for a time of which at present we are ignorant, the right to deal with private members' business. Rumours I have heard and reports in the newspapers indicate that, if we sit next year, we are likely to sit for a couple of months then. We have another four sitting weeks, or 12 sitting days, to go this year. If we sit for two months next year, and even taking (and this is a conservative figure) 12 sitting days a month, that gives another 24 sitting days to be added to the 12 we have now, or a total of 36 sitting days.

I point out to honourable members that this is only the 42nd day of the session and, if we were to go on for the period I have mentioned, there would be 78 days in the session and this particular session of Parliament would be not more than halfway through. I suggest that that is far too early a time to close down private members' business and, thus, to deprive private members, particularly members of the Opposition, of the right to raise matters in this House and have them debated. I know that some members opposite would deny the Opposition their rights if they could, because they have a very imperfect idea of the democratic process that we have treasured in this State, but that attitude is not taken by members on this side.

What do we find if we look at the figures to see when a similar motion has been moved in the past? As I have said, this motion is moved much earlier in a session by a Labor Premier than it is by our side of politics. I have the figures here. In the 1969-70 session, the motion was moved on the 55th day of what turned out to be a 64-day session; that is, it was moved only nine days before the end of the session. In 1968-69, it was moved on the 48th day of what turned out to be a 68-day session: that, of course, was when we came back after Christmas. If we look at what happened when the Labor Party was in office before, we find that in 1967 it was moved on the 39th day of a 57-day session; that is, it was moved 18 days before the end of the session. In 1966-67, it was moved on the 47th day of a 74-day session. That is almost as bad as what I fear may happen now. In 1965, it was moved on the 56th day of a 77-day session.

Only in one year, whatever one may make of the figures that I have given, has it been moved earlier, or closer to the beginning of a session, than it is being moved on this occassion, and I protest at that. I protest at the fact that the Government has refused to tell us when the session will end and, particularly, I protest unless I get an assurance that the session will not extend, as I have suggested it well may, into 1971. I also point out that there is a large volume of material on the Notice Paper in the name of private members. There are 10 Orders of the Day, Other Business: there is a Notice of Motion, Other Business, to be moved by the member for Pirie. There is much matter there that still requires to be cleared up and, even if the Government does as it usually does and allows votes to be taken on matters, that is not the same as allowing debate to continue on these matters and, of course, it does not

allow any other new matters to be introduced and debated.

At this point, I have another comment to make. Yesterday it was announced in the *News* (it had the front billing and was the lead story) that the Minister of Works intended to introduce amendments to provisions of the Criminal Law Consolidation Act that were passed by this House last year. I shall quote from the newspaper report, because, if the Minister does this, there will be the most bitter opposition to it from members on this side. Irrespective of the subject matter, if the Minister of Works is to be put in a privileged position and to be able to introduce what will be, apparently, private members' business after the motion we are discussing becomes effective, that will be a travesty of justice. What do we find in the *News* yesterday? We find a story emanating from the honourable gentleman. The report states:

> Concerned about the abortion figures, the Deputy Premier, Mr. Corcoran, is planning to move major amendments to South Australia's controversial abortion laws.

Then we find later in the report this comment:

> He—

that is, the Minister—

> hoped to press ahead with the amendments before the Assembly rose for the Christmas break early in December.

If the Minister is to be allowed a dispensation to bring in matter in his own name in this House in the next four weeks, why on earth is that right to be denied to other members in this place? We know that Cabinet dominates this place, but I remind members of Cabinet, and all other honourable members, that we, as members of Parliament, are equal here and should have equal rights regarding what is introduced in this place. I hope that that will not be forgotten. The report also states:

> He might have to seek special Cabinet approval to bring in the amendments, as the Government was now concentrating almost entirely on Government business apart from the normal question period.

This report, which has not been denied or varied in any way as far as I am aware, makes quite clear that the honourable gentleman intends to bring before this House, in his own name, matter that should properly be brought forward as private members' business. This is a scandalous state of affairs if it is allowed to happen, and I request (I will not say "demand", because that may offend the Premier) an explanation of what is going on. I know that the Premier was out of the State when the Deputy Premier made this statement and got front page billing for it. Nevertheless, the Premier is ultimately responsible for these things.

For all these reasons, I protest at the moving of this motion, because there is still a large volume of business on the Notice Paper; I protest because we do not know when the session will end, whether we will be asked to come back in February, March, April, May, or whenever it may be; and I protest because this motion is being moved so early in the session. In the last five years, on only one occasion has the motion been moved closer to the beginning of the session than on this occasion. Above all, I protest at what is apparently the intention of the Minister of Works (I do not know about his Cabinet colleagues, but I want to know) to allow the Minister a special dispensation to bring into this House business which is properly private members' business. I ask for an explanation of that and, unless I get some explanations on these various points, I will oppose this motion.

The Hon. D. N. BROOKMAN (Alexandra): I support the remarks of my Deputy Leader, as it seems that we shall have to wait for a reply from the Premier, who will then be closing the debate. I remind members that it is reasonable for this House, which is here to deal with everyone's legislation (not only Government legislation), to be given some idea of when the session will end. The only information on this matter that we have had until now has been from the Minister of Works, who said that we would be sitting for some weeks in 1971. In those circumstances, we cannot determine precisely when the session will end. I think the figures given by the member for Mitcham speak for themselves: as a percentage of the period over which a session extends, those figures speak just as eloquently as words.

As the honourable member has said, it is Australian Labor Party Governments that close up private members' business before Liberal Governments close it up. The A.L.P. Government is now closing up private members' business after what I estimate to be 69 per cent of the session has passed. I must estimate, because the only way in which the length of the session may be calculated is to guess the number of sitting days until Parliament adjourns in 1970 and to add on another 12 days or so in 1971. No Liberal Government, in recent years at any rate, has closed up private members' business as early as that. The Notice Paper has much business listed on

it, and I know that many members wish to speak on some of these items, some of which have not yet been debated to any extent.

Private members' day is a day in which an unusual amount of public interest is shown, and in many ways members of the public can be involved in the business considered on those days, because it allows communication between the people and the private member of Parliament. The Notice Paper is full of important issues, apart from the necessary items dealing with subordinate legislation; I do not think anyone can deny that they are all matters of importance. We know what happens when private members' business is closed: bearing in mind the practicalities of Parliamentary procedure, we finish up by having, often in the early hours of the morning, a series of votes taken without any further explanations being given and, in some cases, even without a winding up of the debates in question.

Debates on these matters are about to be suspended, to be finally dealt with without any further discussion on a date that we do not know, because we do not know when the session will end. Let the Government give us some information about the end of the session. If Parliament were to prorogue before Christmas, clearly there would be a strong case for supporting this motion, and there would be no protest. However, as we will apparently continue in 1971, this motion seems to be unnecessary. I think the opposition to the motion expressed by the Deputy Leader is qualified, pending an explanation from the Premier, and that is my own position also. If it is not a satisfactory explanation, I shall vote against the motion.

Mr. GOLDSWORTHY (Kavel): I, too, oppose the motion, for reasons which I believe I can sum up fairly briefly. Since coming into this House, I have not been impressed (to understate the position) by the courtesy that has been accorded members of this side. Although I will not go into great detail on the matter, I point out that, besides being subjected to much abuse, we have recently had a change in procedure regarding Question Time from the procedure which I believe obtained in this Chamber for many years. This change was made without any consultation with members of this side. It was brought about, we were told, to accommodate us and to help us. That seemed to me to be a strange quirk in the reasoning of those responsible for this decision, because we on this side were all totally opposed to the change. However, we have in good spirit tried our best in this case, I believe, to accommodate this whim of the Government.

Now, we have forced upon us this superseding of private members' business on Wednesdays. Dealing with private members' business on Wednesdays has, I believe, enabled members to make some original contribution to the deliberations of this House. Although Government members have paid scant attention to what has been said on private members' days, I believe it has been of considerable benefit and of interest not only among members of this side but also to the public at large. On the Notice Paper is one of the most important motions dealt with on private members' day: I refer to the motion regarding rural industries, and I know that many members on this side, including me, would like to speak to this motion.

Mr. Venning: There are not many on the other side.

Mr. GOLDSWORTHY: Not many members on the other side have a knowledge of these matters, but I should have thought they would welcome the opportunity to get information on these matters. The motion to which I refer is of vital consequence to the economy of this State, and I know of at least six, and perhaps eight, members on this side who wish to speak at some length on it. As I say, the motion is particularly important to the economy of South Australia and, indeed, to the nation as a whole. The Government shrugs this off as being of no consequence and supersedes it with pressing Government business for which it claims it has the mandate to implement every item of this Socialist policy enunciated at the last election. This seems to me to be paying scant regard to the Parliamentary institution and to the interest and welfare of this Parliament as a whole. We are not asking for much: we are really asking for an opportunity to be heard in this House and to raise matters that we believe are of considerable moment and importance to this State.

Mr. McKee: That's your opinion.

The SPEAKER: Order! Interjections must cease. The member for Kavel has the call, and interjections from both sides are out of order.

Mr. GOLDSWORTHY: The interjection is typical of the treatment of which we are complaining. We are expected to accept the sort of iron-fisted discipline that members opposite have become used to in their own Party, but we are not used to this sort of treatment; we can agree to differ, as we do,

and we respect each other's opinions. We are not subjected to the discipline that exists in the ranks of the Labor Party.

The SPEAKER: Order! We are not discussing discipline: we are dealing with the motion before the Chair.

Mr. GOLDSWORTHY: I believe that I have made the points that I want to make. To sum up, I say again that this is an example of discourtesy that I am not used to, and it will take me a long time to get used to it. However, apparently this is the sort of treatment we can expect to be meted out by the Government. There is no indication when this session will end; possibly the Government does not know itself. In the circumstances, I do not believe there is any justification for ending private members' day at present. We do not ask for much: all we ask for is a fair go and an opportunity to be heard in this place. It is one of the privileges of a private member that he should be heard. I believe that these days private members perform a most significant function in this Chamber. We realize that Government members do not take this very seriously.

Mr. McKee: How can we?

The SPEAKER: Order!

Mr. GOLDSWORTHY: Because the honourable member does not have the mentality. Many important questions not only of local interest but also of general interest are aired, developed and discussed on private members' day. I consider that if this motion is carried it will represent more than a lack of courtesy: it is an infringement on the freedoms and rights that we hope to enjoy in this place.

Mr. COUMBE (Torrens): I speak on behalf of all members in this House—

Mr. McKee: You can count me out of that.

Mr. COUMBE: —who, with the exception of Ministers, are elected by their constituents to voice freely their opinions in this place. Wednesday afternoon is the only opportunity that these members have to bring forward motions of their own. Opposition members and Government back-bench members alike are affected. You, Mr. Speaker, as the custodian of the rights of members in this House, are pledged to protect the rights of the minority in this House. I should expect that it would equally be the duty and privilege of the Government and the Premier to protect the rights of the minority. Having been a member for several years, I recognize the necessity to move this motion at the appropriate time. I would not blame the Premier if he had moved the motion at the appropriate time. In speaking for all members of the House, I speak particularly for the Minister of Works. Some time ago the Government Whip asked the Premier when the session was likely to end. Similar questions have been asked in previous Parliaments, so that members can make private arrangements for the Christmas period. The Premier's answer was that the House would adjourn early in December and that sittings were likely to resume in February and continue into March.

It was quite a shock to members on this side (it may have been a shock to many Government members, although they probably knew what was going on) to receive advance notice that this motion would be moved. If this session were to end on December 3, I would agree that the Premier should move the motion now. However, as I understand the position, the session will continue in February and March. If that is the case, I think it would be reasonable for the Premier to extend to all members the courtesy of delaying the implementation of this motion. What has the Government to lose by doing that? As Question Time can continue until 4 p.m. each day, all the time that the Government loses if this motion is not carried is about two hours on one afternoon of the week. If the session were to continue next year for one month to two months and if this motion were to take effect in the last week of November or the first week in December, that would be reasonable. As it is intended that the session will continue next year, I object strongly to the moving of this motion now. I point out that, in previous Parliaments, when a session was not ended in one year and an autumn session was proposed for the next year, similar motions to this were moved much later in the year than this motion has been moved. I respectfully suggest to the Premier that he consider the rights of all members. We would greatly appreciate his delaying the implementation of this motion so that the rights of members could be extended.

Dr. TONKIN (Bragg): I support the Deputy Leader and other members of this side in their protest against the action that has been taken. Since coming into the House, I freely admit that I have taken advantage of private members' day, and I hope that I have done that with some benefit. There are items of private members' business that I am sure many members would like to speak about. I agree with the member for Kavel that the motion to establish a committee of inquiry into

agriculture is extremely important. I believe that the matter of agriculture and its relation to our population expansion may be the most important matter this Parliament will have to consider in the next 10 or 20 years. I resent the fact that I will not have an opportunity to discuss in more detail on private members' day the problems of agriculture.

The Deputy Leader has given figures and reasons why we protest at the moving of this motion. We are being asked to stop private members' business one week earlier than it was stopped last year. We have no guarantee that the session will be of the same length as it was last year; indeed, we are told that it will probably be longer.

I think that this decision has done a great disservice to all members. It has been said (and of course it is true) that there comes a time when it is necessary to suspend private members' business for the dispatch of Government business. No-one can deny that that is necessary, but the timing of this move is of extreme importance, as it reflects the attitude of fair play or otherwise that the Government holds towards members of this House and, through them to the electors. It may be necessary to suspend this privilege we have had for the urgent dispatch of Government business, but I am sure that it may also suit the Government to do this for other reasons, too.

In the past the Opposition has had to devote the precious time allowed for private members' business to attempting to correct errors made by the Government, and a study of the Notice Paper for this session will clearly demonstrate this point. I refer to motions concerned with shopping hours, nursing, book allowance for students, the Dangerous Drugs Act, independent schools, and Chowilla and Dartmouth dams. These matters have been introduced on private members' day because the Government has not been willing, in many cases, to listen to amendments or to reasonable arguments about matters that have arisen at other times. If Government business has become so urgent, why is it that some weeks ago the Premier, without warning and without a copy of his motion, suspended Standing Orders and initiated a debate on the Commonwealth Budget dealing with matters which we admit were important to South Australia but which were treated by the Premier as a blatant form of electioneering, and nothing else? These matters were discussed at length, but no good was accomplished: it was pure electioneering politics of the most blatant sort. The time spent on this futile exercise could have provided another day or two for private members' business. Why did he bother to waste the time of the House?

Mr. Ryan: Which you are doing now.

Dr. TONKIN: If the member for Price believes that standing up for freedom and the ability and right of members on this side to speak their minds—

Mr. Ryan: Your what!

The SPEAKER: Order! Interjections are out of order.

Dr. TONKIN: I am sorry that I responded to that interjection: I should not have done so, because it was not worth it. It is obvious, from the Government's effort, that it is not willing to accept any compromise: indeed, it resents any criticism or anything that could be implied as criticism. It does not like it, and it does not wear it well. We all agree that compromise is the essence of Parliamentary Government and of democracy. It is the duty of any Government to legislate for the benefit of all members of the community and not just for the benefit of the supporters of the Government regardless of other people and even at the expense of other people.

I think that this lack of ability to accept compromise and to listen to and to heed debate is a sign of immaturity and a sign of the attitude of "We are right, come what may: we will not change our mind in any circumstances." I hope that I am wrong in this opinion, and that the Premier will reconsider his decision to cut off private members' business. It would do him great credit if he changed his mind and allowed the Opposition one more week at least. I think that this action would demonstrate a degree of maturity that one should expect from the Leader of a Government. I respectfully ask him to reconsider his decision.

Mr. RODDA (Victoria): When I became a member of this House in 1965 we saw a Labor Government gracing the front benches for the first time for 32 years. Its Leader, the late Frank Walsh, in one of his first speeches that I heard as a member, said that he had the undoubted right to claim the privilege of Government in this State, but that he also recognized the rights of minorities. Whatever else was said about the late honourable gentleman, we can say that as a distinguished Leader of his Party he recognized the rights of minorities. As has been pointed out, it has been strongly rumoured that we could face an election after March 6 next year, because that date has a special significance.

The member for Stuart has no need to look puzzled about it, because I am sure that his colleagues sitting around him will tell him why that date is significant. If we are to be faced with an election, it may be that we are drawing to the end of a significant and historic session. I put to the Premier frankly, and as straight as I am able (and I am sure that he has the example of his illustrious predecessor to follow), that he, too, could make another distinct footprint in the sands of time by recognizing the rights of minorities.

Mr. Clark: We used to raised this matter every year when we were in Opposition.

Mr. RODDA: As the honourable member has been in the same place as we are now, I feel sure that we have a convert.

The SPEAKER: Order!

Mr. RODDA: As has been pointed out, and will stand repeating, we have some worthy and worthwhile motions dealing with matters that concern the people I and other members on this side represent, that is, the primary producers. A significant motion is on the Notice Paper under private members' business in the name of Mr. Nankivell, but the Government, to its shame, has stated that it will oppose it. In the name of the primary producers of this State, I ask the Premier to reconsider his decision, unless he says that he will close the session in December, as has been suggested by my Deputy Leader. I support the motion with that qualification. However, if we are not to have an election next year, there is no reason why the time for private members' business should not be extended. Obviously the Government has much business to introduce, and I do not wish to delay the House. If time is required to deal with this business, the session will have to be extended into next year, so there is sufficient justification for the time for private members' business to be extended now.

Mr. GUNN (Eyre): I support my Deputy Leader and strongly protest at this high-handed and arrogant attitude adopted by the Government. When I was elected a member of this House I realized that I had the opportunity to bring to the notice of Parliament the problems of my constituents, but it is obvious from the Government's attitude that I and other members are to be prevented from doing so. I should like to discuss a number of matters on the Notice Paper, on one of which the member for Stuart spoke. I have never listened to such nonsense in all my life.

Members interjecting:

The SPEAKER: Order!

Mr. GUNN: It is amazing that a member can make such an irresponsible speech on a matter that so vitally affects the people not only of this State but of Australia. Like other members on this side, I should like the opportunity to reply and to correct these arrogant and untrue statements. I join with other members in saying that I hope the Premier will reconsider his high-handed decision. However, I do not think he made the decision: it was probably made for him by the back-room boys, who are no doubt afraid of the embarrassment being caused to the Government by the matters being raised by the Opposition. They have probably therefore decided to use the hatchet and shut us up. The people of South Australia will judge them for their attitude.

Mr. CARNIE (Flinders): I entered this House only a few short months ago and I, along with other members who entered this Chamber at that time, came here with some illusions left. However, those illusions are rapidly being lost to us.

Mr. McKee: You are sad and disillusioned, but a much wiser man now.

Mr. CARNIE: Much wiser, indeed. Before I entered this Parliament I often used to sit in the gallery and watch the proceedings of the House during the terms of office of the previous Hall Liberal Government and the previous Labor Government. I noticed then the use that members made of the two best features of the British Parliamentary system: Question Time and private members' time. During Question Time, back-benchers can raise matters that affect their districts and, on Wednesday afternoons, during private members' time, they have two hours or more in which to bring before the House other matters affecting their districts. More interest is shown by constituents in private members' time than in any other time, because those people who elect us to represent them want us to do just that, and this is one of our best opportunities to do so. The member for Torrens said that members were elected to represent their districts, in reply to which, by way of interjection, the member for Pirie said, "Count me out of that." I wonder what his electors would think if they could read that, and I only hope that *Hansard* picked up that interjection.

Mr. McKee: Why don't you send up a couple of thousand copies?

Mr. CARNIE: The member for Pirie said that he wanted to be counted out of that. In fighting this motion, members are fighting for their rights and those of the people who elect

them. This is just another example of the curtailment of members' rights. It is a further infringement on the rights of back-benchers, particularly Opposition back-benchers.

Mr. Payne: That applies to every member. When are you going to knock that off?

Mr. CARNIE: Perhaps the member for Mitchell has nothing of interest to bring forward on private members' day on behalf of his constituents. However, that cannot be said of Opposition members. Mention has been made of several of the items of private members' business that are still on the Notice Paper, one of which, as has been mentioned several times, being the adjourned debate on the motion of the member for Mallee (Mr. Nankivell) to set up a committee of inquiry to examine the rural industries. Most Opposition members wanted to speak to that motion. Indeed, I secured the adjournment of the debate to enable me to speak to it next. Goodness knows when I will have the opportunity to do so now. If they used their intelligence in this matter, members opposite would also oppose this motion, because any trouble in the rural industries inevitably spills over into the economy of the whole State. That is just one of the many important private items on the Notice Paper.

Yesterday afternoon we on this side co-operated with the Government in allowing a private member, the member for Ross Smith, to pass rapidly through this House a Bill to curtail the use of gin traps in municipal areas. We co-operated then, and we ask for co-operation now. We also saw in the press yesterday that the Deputy Premier intended to introduce some private amendments to the abortion legislation. It was also said in the same article that dispensation would probably be given to the Deputy Premier to allow him to move those amendments. I contend that on this occasion he is not the Deputy Premier or the Minister of Works: he is a private member, the member for Millicent, and nothing else. If special dispensation is to be given to him on this matter, it should be given to other members. I comment on the arrogance of that statement. This motion had not even been before this House and had not even been debated, yet apparently it was assumed that private members' business was finished. This shows the arrogance of power which, unfortunately, has been displayed on so many occasions by the Government.

Mr. Clark: Over the last 25 years.

Mr. Millhouse: But never more than in this session.

Mr. Clark: You know as well as I do that it has happened every year.

Mr. CARNIE: It is the weight of numbers that counts.

Mr. Clark: That has always been so.

Mr. CARNIE: I understand that never before has private members' business been cut out as early as this.

The Hon. D. A. Dunstan: That is quite untrue.

Mr. Clark: I can go back to 1952, and this has been the practice.

Mr. CARNIE: In the interest of those objecting to the curtailment of privileges that have been enjoyed by members of this House for many years, I oppose this motion.

Mr. MATHWIN (Glenelg): I support the Deputy Leader in objecting to this motion, which deprives the Opposition of its rights in respect of private members' business. This seems to me most unfair, and I suggest that it is just another way of applying the gag to members on this side of the House. It has been decided that the time is ripe for matters of importance (which I believe some of the remaining eight matters to be) to be shut out. Many members on this side desire to speak to them. It is most unfortunate that this will not be allowed, although I understand the procedure will be that at the end of the session this private members' business will be brought forward again and then it will be a matter of a bulldozer type of debate to get it through in time. Therefore, the proceedings will lack interest and members will have no time either to deal adequately with them or even to listen to them. So often in this House members of the Government have shouted about a democratic Government and the mandate of the people. This has been frequently referred to in this Chamber. But what about the minorities? As the members representing minorities in this State, do we not have any say at all?

Mr. Ryan: You should be sitting in the Legislative Council.

Mr. MATHWIN: As far as the member for Price is concerned, he would be far better suited than I to sit in the Legislative Council—first of all, because he is older than I am. We talk about democracies in this Chamber. It has been said by members of the Government that democracy rules here. I wonder whether when the debate closes and the Government "rolls" us (as, no doubt, it will because it has

the numbers here, and numbers count irrespective of anything else) the Minister of Roads and Transport will stand up, as he has done previously, and say, "Democracy rules again"? It is hard to take that remark, because we realize that democracy does not rule in this Chamber: it is the power of numbers and weight of members that rule here, and it is most unfortunate for us on this occasion. It is important that members of the Opposition should have the opportunity of bringing up private members' business. If this right is denied us, it will be a sorry day not only for the Government and the Opposition but also for South Australia.

Mr. EVANS (Fisher): I oppose this motion. I hear members opposite saying, "They are all getting up." As individual members, we have a right to object. We have not finished private members' business. I intend to say only a few words in support of the Deputy Leader. Members opposite say to us, "If you do get up and speak on it, be brief." Every speaker has been brief. We would be justified in spending time explaining the importance of the 10 items of private members' business remaining on the Notice Paper. We could prolong these speeches, but that would be a childish action to take. As private members, we should be given as much time as possible to put the points of view of the minority, as the member for Glenelg has said. If the Government's intention, in the main, is to sit after Christmas for a short time, there would be nothing wrong with giving us another two to four weeks (four hours of Parliamentary time) to debate private members' business. If the Government was genuine, it would give us that opportunity. After all, we gave it every chance yesterday to push through a private member's Bill. Members on this side would have liked to discuss it at greater length, but we let it go through because it was the best thing for the Bill. We appreciated the co-operation from the other side on that.

The Deputy Premier intends introducing an amending Bill, and that can only be a private member's amendment. In fact, if this motion is carried, the House will have to give him leave. I support the Deputy Leader in opposing the motion. If the Government is fair, it will give us at least one more week in which to dispose of the matters before us. One of them is the motion of the member for Mallee. That motion in particular many members on this side would have liked to speak to and take to a conclusion. I ask the Premier to reconsider this motion so that we of the Opposition who represent a minority group, as we have so often been told, can be given an opportunity to express our points of view.

Dr. EASTICK (Light): It is said that nothing astonishes men so much as common sense and plain dealing. The Premier's denial of members' rights on behalf of their constituents is certainly not plain dealing, nor will it be viewed by the electors of South Australia as common sense. On behalf of the people whom I represent, I oppose this restriction.

Mr. McANANEY (Heysen): I support the Deputy Leader in this most important protest against the Government's action in not allowing the time for private members' business to continue.

Mr. Clark: You might tell us about what Tom's attitude used to be on this. You can remember.

Mr. McANANEY: I am not taking any notice of the unruly member on the other side, Mr. Speaker.

The SPEAKER: Order! Interjections are out of order.

Mr. McANANEY: I cannot take any notice of them, Sir. We have this most important matter on the Notice Paper regarding the agricultural and rural situation, and I consider that this is one matter that we should be allowed to continue to debate. It has been argued that, perhaps, in other years this motion has been moved at about this time in the session. However, in this session of Parliament we had a week off in show week and then we had another fortnight off so that the Premier could go overseas. I am not saying that he should not have gone overseas, because he may have done some good there. However, only the future will prove whether he has done that.

As I have said, Parliament did not sit in those three weeks and this has made the period in which private members' business can be dealt with much shorter than it has been at any other time since I have been in Parliament. The member for Stuart showed colossal ignorance about the rural situation. In the half-hour or three-quarters of an hour he spent dealing with the subsidies that primary producers got, he did not mention all the subsidies and assistance that secondary industries and people in Adelaide get. I, as a former primary producer, shall be willing at any time to give up any subsidy or assistance that I have received if secondary industries and the city dwellers give up the assistance that they get.

Mr. Clark: You're getting unruly, by debating another motion.

Mr. McANANEY: The honourable member is interjecting again, Sir, but I am addressing you, because I do not take any notice of members opposite. It is much easier for me to speak a monologue than to be a party to a duet. However, if I get interjections like this, I will take longer. I am finding the Government most unruly, because at times Government members even try to direct you.

The SPEAKER: Order!

Mr. McANANEY: When we on this side are asking questions Government members are chipping in and telling you what to do, and I think this is an indication of their general attitude to Parliament: they are trying to deprive us of all the privileges we have had in the past. There are many important matters that private members should be able to bring up. You will remember, Sir, that it took three or four weeks in the last session to get Parliament to agree to a motion to allow betting on dog-racing in South Australia. Further, a year or two earlier it took a long period to get dog-racing allowed at all.

These are only minor matters, but they show what back-benchers can do, and their only opportunity to do it is in private memmers' time. As you know, in our Party back-benchers have much influence behind the scenes. That is not obvious in Parliament, but on our side the back-bencher is an extremely important cog in the machine. We have seen, in the debate on trading hours, that some members on this side have strong opinions on uniformity, fairness, and justice of the cause brought before us. That is why we are standing here now, still fighting for the freedom to allow people to express themselves in Parliament.

I think the first time I spoke in Parliament I said that I would remain "invincibly myself". Although I have found this difficult, I have resolved to try to remain that way. I was going to say that I was doing the same as my compatriots in Ireland are doing at present. Although I am four generations removed from them, we do stand on our two feet and stick up for our rights when we think those rights are being usurped by people who are not giving us a fair go.

If we were not sitting after Christmas, I would agree to the motion. We were prevented from sitting during three weeks when we were all anxious and willing to get on with the job and put Bills through for the benefit of South Australia: we had to have an enforced holiday. Being a primary producer, I am not used to having holidays. We are strong workers and, despite the eloquent talk last evening about the working people, I am sure that I have worked twice as hard physically as has the member for Stuart. I object most strongly to the Government's action in curtailing the time allowed to debate private members' business. We have important matters on the Notice Paper. As has been stressed already, yesterday we allowed the member for Ross Smith to get a Bill through quickly, and I think we should be given the same consideration so that in future we can bring forward matters for the benefit of South Australia, as has been done in private members' business time in the past.

Mr. VENNING (Rocky River): I support the Deputy Leader of my Party in expressing concern that the axe has fallen upon the discussion of private members' business in this House. There are many matters on the Notice Paper at present that we will not be able to complete, and that is of great concern to me. One of those matters is the motion that has been moved by the member for Mallee. That deals with an issue that at present is extremely important to the primary industry of this State. After hearing the comments made by the member for Stuart last evening, I consider that private members' day should go on for a long time, even if only to educate the honourable member in these matters. It is important that he, a member of the Government, should be told the facts in this case. For this reason, I object, on behalf of the people in the District of Rocky River, to the rights of private members being curtailed at this time.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I have been invited by the member for Victoria to make another footprint in the sands of time, and I hope that the footprint I make will be of a suitable design for the honourable member. I think three points have been made by members this afternoon, and they were all initially made by the Deputy Leader of the Opposition. Since then, members have taken one hour and 10 minutes to say the same thing.

Mr. Millhouse: That is not so.

The Hon. D. A. DUNSTAN: No new points have been made by any of the following speakers, and the honourable member is aware of that. First, the member for Mitcham has said that if the session were to end in the first week in December he would not object to this motion, and the basis of his

argument is that it has been the case previously that, where a session has lasted for a longer period than would be the case normally, rather more private members' time has been given. In fact, private members' time has not previously been given on the basis of the total time each Parliament sat. What has happened is that there has been in this Parliament a tradition that time is given for members to introduce measures to the Parliament which could be debated and carried through, and that time in this Parliament is much more generous than the time given anywhere else in Australia, and I think that should always be the case.

Mr. Venning: Do you really believe it should be?

The Hon. D. A. DUNSTAN: If the honourable member will listen to me (I have listened patiently to the points members opposite have been making, and I am trying to reply to them), I believe that private members' time should be maintained in this House and that members should have the opportunity to introduce measures which they put forward on behalf of their constituents and that that should be a generous but fairly set time each year. If, in addition to the normal time Parliament sat during the period of the Playford Government, this Government is, in fact, introducing a larger legislative programme and needs more time for it, that should be Government time, for which Parliament is to sit in order to complete the heavy programme of business for which the Government has a mandate. Therefore, I do not intend to agree to a proposition that private members' time be a set percentage of the total Parliamentary sitting, but I agree that we should try to maintain each year, to private members at least, the time that they would normally have on previous practice, so that adequate opportunity is provided to private members each year to introduce the measures that they consider to be necessary for their constituents.

If Parliament has to sit for an additional time to complete a heavy backlog of Government business, that is additional time for which Parliament must sit, but it does not thereby increase the amount of private members' time in a year. In the last 10 years or so the time for private members' business has varied from a minimum of 10 private members' afternoons a year to a maximum of 13. There has not been any time when more than 13 days' sitting of private members' business has been provided, and the minimum has been 10. In fact, at this stage of proceedings, there have been 11 private members' days in this session already. In addition, of course, members opposite are not confined to private members' day for the raising of business that is of interest to them and their constituents: considerable facility is given to members in this House for raising matters of grievance on urgency motions or on a motion to go into Committee of Supply.

Mr. Millhouse: We haven't got that chance any more this session.

The Hon. D. A. DUNSTAN: But the Opposition has certainly used it so far, has it not?

Mr. Millhouse: Yes, and we were entitled to use it.

The Hon. D. A. DUNSTAN: Yes, but it is nonsense to say that the time has not been given to members opposite to raise in this House matters of importance, in their view, to their constituents. They have had time—

Mr. Goldsworthy: Do we get time when we come back next year?

The Hon. D. A. DUNSTAN: If the honourable member listens, I shall perhaps be able to help him.

Mr. Rodda: Are we coming back to a new session or a continuation of this one?

The Hon. D. A. DUNSTAN: I am not making any definite statements on that, despite all the fishing that has been going on from the Opposition benches. At this stage I cannot say exactly what the sittings next year will be but, in the event of our returning to a later part of the session in the early months of next year (probably around March and April, if that is what happens), I should expect Parliament to be sitting from six to eight weeks, and I should think it fair, as there have been 11 private members' days so far, to try to strike an average on what has been done previously, and to provide another private members' afternoon, in addition to allowing all private members' business on the Notice Paper to be voted on if it is not completed that afternoon. I think that is a pretty fair proposition. I do not wish to cut off honourable members' business, but I point out that, as a result of several things happening this session (and I do not ascribe blame to members opposite concerning this), much time has been taken up on business that was not forecast in the Governor's Deputy's Speech, and we have much work to consider.

In consequence, I shall have to provide Parliamentary time to do this, and the Government intends to carry out the mandate it had to introduce matters of importance which people have voted to say that they want. Therefore,

I must ensure that there is time for Government business. I do not wish to be ungenerous to members opposite; I think that what I propose is reasonable.

The Hon. D. N. Brookman: What about the matter of the Minister of Works?

The Hon. D. A. DUNSTAN: The Government does not intend to give preference to any member on this side of the House (private member or Minister) on the introduction of a measure that is not a Government measure, and the Minister of Works himself did not and would not claim such a privilege.

Mr. Millhouse: What's the explanation of the report yesterday?

The Hon. D. A. DUNSTAN: That was not something which, in that matter, quoted the Minister.

Mr. Millhouse: It was inaccurate?

The Hon. D. A. DUNSTAN: No.

Mr. Millhouse: It was not inaccurate?

The Hon. D. A. DUNSTAN: The honourable member seems to be cross-examining me on the basis of questions such as "Have you stopped beating your wife yet?" The honourable member knows that that sort of question would be disallowed in a court, and I will not put up with it either. However, the honourable member sought my assurance, and I have given it to him perfectly generously, but he is carrying out the kind of pettifogging nonsense and politicking that has become his practice.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: What I have said to the honourable member is that the Minister did not and does not claim any privilege for himself on the introduction of a measure that is not a Government measure, and no preference would be given to anyone on this side of the House, as against any member on the other side, in regard to introducing non-Government business.

Mr. Millhouse: Then he doesn't intend to introduce a Bill?

The Hon. J. D. Corcoran: You don't know, and I'm not going to tell you.

The SPEAKER: Order! The Premier is replying to the debate. Members have had the opportunity; they have been on their feet, and I insist that interjections cease.

The Hon. D. A. DUNSTAN: In the circumstances I believe that the motion is a perfectly proper one. I have given assurances to members as to the view the Government would take in the event of our coming back next year. Members said that, if the session ended in December, they would support the motion as it stood. As to the suggestion that this motion has been brought on suddenly, I point out that I carefully gave notice of it. There were two private members' days left at the time I gave notice; so, members knew that they had a limited time left to deal with private members' business. That has been the practice in the House for the last 20-odd years. So, there has been no change in connection with that matter. I regret that this matter has engendered as much heat as it has, but I think the motion is perfectly reasonable.

Motion carried.

SUCCESSION DUTIES ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Succession Duties Act, 1929-1967. Read a first time.

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

That this Bill be now read a second time.

It is introduced in accordance with an election undertaking. It is substantially the Bill as it passed the House of Assembly in October, 1966, but which did not pass because it failed to be accepted in another place. The main variations from the 1966 Bill are:

(1) Clauses 25 to 28 of the 1966 Bill relating to successions arising from death on war service, clause 31 relating to *de facto* adoptions, clause 37 (*d*), which was a clarification, clause 37 (*e*), dealing with university exemptions, and clause 38, relating to decimal currency, were all enacted in a subsequent measure in 1967 and are thus omitted.

(2) Items 2, 3 and 6 of the schedule of amendments listed in Message No. 63 of November 16, 1966, from the Legislative Council, have been included in this Bill as desirable clarifications.

(3) The point at which the special rebate attaching to a succession by a widow or widower to an interest in the matrimonial home begins to abate has been somewhat adjusted, as the design is to assist primarily the modest succession.

(4) The provision for a special rebate upon successions of primary producing land is made in this Bill upon the pattern in the present Act, rather than upon the pattern of the 1966 Bill, but the extent of rebates particularly upon

the smaller and moderate size successions has been increased by one-third. This reversion to the original pattern has been decided upon because both the Government and the Opposition in our election undertakings proposed higher rebates upon the existing pattern than presently apply so as to give relief to primary producing properties. The proposal now is to reduce the value of primary producing land passing to the immediate family of the deceased by 40 per cent instead of 30 per cent for properties having a net value up to $40,000. For properties of greater value the increased benefit will tend to be less and at $200,000 and over the concession will be as in the present Act. The 40 per cent concession for properties up to $40,000 is consistent with the concession proposed in the Bill before Parliament relating to land tax.

The design of the Bill is to raise the primary exemption from duty for widows and children under 21 years from $9,000 to $12,000 and for widowers, ancestors and descendants from $4,000 to $6,000, and it provides further exemptions where the matrimonial home passes to a widow or widower so that for moderate successions the total exemptions may be up to $18,000 and $8,000 respectively. It provides a new exemption of up to $2,500 for insurance kept up by the deceased for a widow, widower, ancestor or descendant and it provides increased rebates upon primary producing land, as I have already stated. The Bill provides for increased rates of duty upon higher successions as a taxation measure to bring revenues more nearly into line with revenues raised by comparable duties in other States, and at the same time it provides for the elimination of a number of devices by which dispositions of property may presently be arranged to avoid or reduce duties upon successions.

We are under considerable attack over this matter. This is the major difference in respect of tax raisings between ourselves and the other States and, unless we can show a comparable rate of return or reasonable efforts to secure a comparable rate of return, we shall be faced with an adverse adjustment that will reduce the moneys we have available for State services, particularly in the immediately expanding areas of schools and hospitals.

Mr. Venning: What about land tax?

The Hon. D. A. DUNSTAN: There is a debate to come on later about that matter. I point out that the South Australian yield of succession duties is, upon a per capita basis, the lowest in the Commonwealth. In 1969-70 South Australia raised $7.20 per capita, whilst the other States' revenues per capita were $12.24 in New South Wales, $12.99 in Victoria, $9.83 in Western Australia, $8.63 in Queensland, and $8.35 in Tasmania. South Australia raised revenues at less than 60 per cent of the yield in New South Wales and Victoria, and these are the States with which the Commonwealth Grants Commission will make comparison when assessing the special grant for which this State has applied.

In terms of money, the shortage of yield in South Australia compared with the two large States was last year the equivalent of about $6,000,000. The Grants Commission does, of course, recognize that those two States may expect, with equivalent severity of duties, to raise more per capita than South Australia because of their relatively greater affluence, but no-one can conceive that they are richer to the extent of a ratio of 100 to 60. I understand that in the recent preliminary hearing before the commission the Commonwealth Treasury submitted that a reasonable allowance for the lower capacity of this State to secure succession duties may be about 10 per cent and, on such a basis, this would mean our rate of duty is falling short of standard by about 35 per cent, or the equivalent of perhaps $4,500,000. The South Australian Treasury submitted that this was a considerable exaggeration of our shortage and the commission has yet to pronounce upon the matter.

Figures derived from the Commonwealth Taxation Commissioner's Report do clearly indicate a lower level of duty in South Australia than in New South Wales and Victoria. The following table derived therefrom compares the various proportions of estates of varying sizes assessed for Commonwealth estate duty in 1968-69 and the proportions of State duty reported as deductions therefrom:

Size of Estate	S.A. Duty per cent	N.S.W. and Victoria per cent
$20,000-$30,000 . . .	8.0	6.7
$30,000-$40,000 . . .	8.7	8.4
$40,000-$50,000 . . .	8.9	9.5
$50,000-$60,000 . . .	9.9	10.2
$60,000-$80,000 . . .	10.5	12.0
$80,000-$100,000 . . .	11.3	14.3
$100,000-$120,000 . . .	10.9	16.7
$120,000-$140,000 . . .	12.1	19.1
$140,000-$200,000 . . .	12.5	22.4
$200,000 and over . . .	17.6	25.1

Honourable members can easily see from that table that in South Australia the smaller successions are paying a higher proportion of duty than is the case in other States, and the larger successions are paying very much less than their counterparts in other States. This table shows that for estates up to $40,000 South Australian rates were broadly comparable (if higher in many instances) with the rates in the other two States, but for estates of greater value than $40,000 they bear progressively less heavily than those of other States. The rates and provisions now proposed will narrow those differences, though without fully overtaking them. Because of the time of presentation of this Bill, the time taken in rendering returns and making assessments, and the time allowed for payment, the increased revenue this financial year as a consequence of this Bill is likely to be nominal. In a full year it is hoped the net increase in revenue may be between 15 per cent and 20 per cent or something like $1,500,000. It is difficult to estimate accurately because there are considerable fluctuations in estates in any one year.

The provisions of this Bill are designed to bring together for the purposes of determining duty payable all property derived by any one beneficiary from a deceased person. The administrator of an estate will be required to include in one return all property which by virtue of this Bill is deemed to be derived from the deceased person. This will avoid the present loss of revenue owing to separate treatment of a variety of successions, for example, testamentary dispositions, joint property passing by survivorship, settlements, trusts, and gifts. On the other hand, I would make it plain that nothing is provided in this Bill which makes the duty other than a succession duty. There is no aggregation whatsoever of property passing to any one beneficiary with property passing to another beneficiary out of the same estate, as happens with estate duty. The Commonwealth and the other States levy estate duties, that is, the rate of duty is determined primarily by the extent of the total estate irrespective of whether there be one or many beneficiaries. For South Australian duty, the only aggregation is of all property to the one beneficiary, so the whole character of the duty as a succession duty is fully preserved. What it does propose to eliminate is the present fragmentation of the property passing to an individual beneficiary.

And I remark that the extensive fragmentation and consequent avoidance of duty which presently occurs is largely concentrated in the large estates and particularly those which include fairly liquid assets. The man of smaller means and the farmer operating in a modest way is not able to benefit much by the various devices of avoidance, even if he were in a position to learn of them. If we do not revise these aspects of our succession duty laws not only do we confirm in a privileged position those persons with considerable property and access to specialist advice but we will be bound also to multiply the inequity to other taxpayers because we must raise the deficiency in revenues by higher imposts on them. The other alternative to this would be to starve our essential social services.

I shall now deal in some detail with the clauses of the Bill. Clause 2 makes a formal amendment which is consequential on the new Part inserted by clause 31. Clause 3 (*a*) amends the definition of "Commissioner" to include the Deputy Commissioner of Succession Duties and any other officer while performing the duties or functions of the Commissioner. The Commissioner cannot be expected to perform all those duties and functions himself and the amendment merely gives statutory cover to the performance by the Deputy Commissioner and other officers of those duties and functions which are, in the ordinary course of business, delegated to them by the Commissioner.

Clause 3 (*b*) tightens the provisions of the principal Act by inserting a definition of "disposition", modelled on a definition in the corresponding New South Wales Act, so that any surrender, release or other like transaction will be subject to duty in the same manner as a simple transfer, conveyance, etc. There is some doubt whether the present provisions of the principal Act apply so as to render gifts by surrender, release, etc., subject to duty.

Clause 3 (*c*) revises the definition of "net present value" by removing the anomalous distinction that property passing under a deed of gift is valued at the time of the donor's death whereas, in the case of a simple gift, the date of the disposition determines the value. The new definition makes the date of the disposition the determining date in both cases, and the effect will be that once the beneficial interest in property has passed to the donee he will be taxed on the value thereof. He will not be able to reduce the amount of duty applicable merely by dissipating the gift. In other respects this definition is revised in keeping with the new provisions of section 8, which I shall explain shortly. The effect of

those new provisions is that many of the references in the principal Act to property accruing on a person's death would be rendered redundant and misleading.

Clause 4 inserts new section 4a in the principal Act providing that, except in relation to persons dying on active service, the amendments made by the Bill apply only in relation to persons dying after the Bill becomes law. Clause 5 inserts a subheading to sections 7 to 19 of the principal Act. Clause 6 replaces the portion of section 7 which provides for duty to be assessed on the total value of certain types of property, while new subsection (2), which is inserted by the clause, requires duty to be paid on the aggregate amount of all property derived by any person from a deceased person. This clause also adds new subsection (3) to section 7 as a machinery provision. Clause 7 (*c*) effects a revision of Part II of the principal Act by adding new paragraphs (*d*) to (*p*) to section 8 (1) specifying all property which is to be deemed to be included in the estate of a deceased person and which is to be subject to duty.

Clause 7 (*a*) and (*b*) make necessary machinery amendments, and clause 7 (*c*) re-enacts, in slightly different fashion in each case, the substance of sections 14, 20, 32, 35 and 39a. These sections are reproduced in the new paragraphs with minor drafting alterations. There is a change of substance in paragraph (*j*) which corresponds with existing section 32 (1) (*d*), to the extent that it applies where the policy was wholly kept up for the benefit of a nominee or assignee as well as a donee. There is also a change of substance in the case of gifts with a reservation (new paragraph (*o*)) which are at present subject to duty even if the reservation ceases or is surrendered many years before death. The new paragraph removes this anomaly by excluding such gifts from the dutiable estate if the reservation ceases and the donee assumes full possession and enjoyment continuously for one year before the death of the donor and there is no fresh or renewed reservation in that period. This paragraph (except for the one-year period) corresponds with a provision in the corresponding Victorian and New South Wales Acts. The words "whether enforceable at law or in equity or not" qualifying the reservation have been taken from the New South Wales Act. This will strengthen our Act by making gifts with a reservation subject to duty whatever the legal nature of the reservation.

Under section 8 (1), as amended, all property therein mentioned will be deemed to be derived from a deceased person so that the ancillary provisions of Part II will apply in like manner to all such property. The scheme of this subsection, as amended, will correspond with a provision in the Victorian Act. The new scheme envisaged by section 8 (1), as amended, necessitates a rearrangement of several provisions of Part II and many amendments of a machinery or drafting nature which are provided for by many of the remaining clauses of the Bill. Clause 7 (*d*) inserts in section 8 of the principal Act new subsections (1a) and (1b).

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

Clause 8 enacts sections 10b and 10c. New section 10b is on much the same lines as section 51 of the Gift Duties Act. These provisions deal with the valuation of shares that are, at the relevant time, not listed on a Stock Exchange. It is desirable that in such cases there should be the same basis of valuation for gift duty as for succession duty. New section 10c provides that, in determining the net present value of an interest in a partnership of a deceased partner, no regard shall be had to any agreement between the partners as to the purchase price or the valuation of the interest or as to the passing of the interest on the death of the deceased partner to another partner for no consideration or for a consideration less than the actual value of the interest.

It is not uncommon for partnership agreements to contain a clause which purports to fix the value or price at which the surviving partner may acquire the share of the deceased partner. Such clauses have caused loss of revenue because invariably the actual value of the share is far greater than the agreed value. There seems to be an increasing

tendency for partnership agreements to contain options for a surviving partner to purchase a deceased partner's share of a partnership at a low or nominal purchase price and it is probable that such options are given with the motive of avoiding duty. Whatever the motive, however, there is loss of revenue and this new section would serve to counteract any attempt to avoid duty by that means.

Clause 9 (*b*) adds new subsection (2) to section 11 replacing subsection (3) of section 20, and clause 9 (*a*) makes a consequential amendment. Consequentially, upon the new scheme of section 8 (1), as amended, the effect of section 11, as amended, will be that duty chargeable on any property mentioned in section 8 (1), as amended, will be a first charge on such property which will include property passing by way of gift, but as mentioned in new subsection (2) of section 11, there will be exceptions in the case of a settlement, deed of gift, or gift.

Clause 10 (*b*) adds two new subsections to section 12 so as to enable the Commissioner, if necessary, to require a trustee of such property, or any person who is or was beneficially entitled thereto, to file a return. Clause 10 (*a*) makes a consequential amendment. Section 12, as amended, will conform to sections 26 (1) and 37 (1) of the principal Act. Upon approval of the return such person will, by virtue of new section 16a (inserted by clause 14), be required to pay the duty.

Clause 11 inserts a new subsection (2) in section 13 which provides that no deduction is to be allowed under that section for a secured debt which is charged or secured on land situated outside South Australia, except a debt or such portion thereof as has, at the date of the deceased person's death, become unsecured to the extent that the value of the land is less than the amount of the secured debt then outstanding. Under the present law even if a deceased person were domiciled in South Australia, duty cannot be charged on the real estate outside South Australia, whereas a deduction is allowed, in the succession duty accounts, to the extent of the amount owing by the deceased under a mortgage debt charged or secured on the foreign real estate.

The Government contends that, as the foreign real estate is not liable to South Australian succession duty, the mortgage on such real estate should not be deducted in arriving at the value of the net estate for duty purposes; in other words, if the land cannot be taxed in South Australia, we should not have to allow the mortage debt as a deduction from the taxable assets. Clause 12 repeals section 14 which relates to gifts made in contemplation of death. That section is replaced in part by new paragraph (*d*) of section 8 (1) and in part by new section 19a enacted by clause 17.

Clauses 13 and 14 contain consequential amendments to sections 15 and 16. Clause 15 enacts a new section 16a which replaces section 28 (1). The new section provides that a trustee, or other person who is required to file the statement pursuant to new subsection (3) of section 12, shall pay duty on the property concerned but, in the case of the trustee, liability for duty will be limited to the value of such portion of the trust property as had not been disposed of before the death of the deceased person.

In the case of a beneficiary, however, there is no such limitation: once he has become entitled to the beneficial interest in dutiable property he will be personally liable for his due proportion of duty. This seems to be a necessary amendment in view of the scheme of the Bill which makes the administrator (and through him, the estate) liable for duty in such cases. This amendment is designed to prevent, say, a donee of property from throwing the burden of duty attributable to such property on beneficiaries under the will of the deceased person where, for example, he was given the property one year before the death and in the meantime has dissipated or disposed of the property.

Clause 16 makes consequential amendments to section 18. Clause 17 enacts new section 19a, which I have previously referred to, and also enacts two subheadings. Clause 18 repeals sections 20, 21, 21a, and 22 of the principal Act which are now redundant, because of the new scheme on which sections 7 and 8 are based. Clause 19 enacts a new subheading. Clause 20 repeals sections 26, 27, 28, 29, and 30 of the principal Act, the effect of which, however, is preserved by other provisons of this Bill, particularly the amendments to sections 12, 15, 16, and 18 and new section 16a. Clause 21 enacts a new subheading.

Clause 22 repeals section 32 of the principal Act, the provisions of which have already been

transferred to section 8 (1) (*g*) to (*m*). Clause 23 makes certain amendments to section 33 of the principal Act that are consequential on the insertion in section 8 (1) of paragraphs (*g*) to (*l*). Clause 24 enacts a new subheading. Clause 25 repeals sections 34 to 37 of the principal Act which are now redundant because of the earlier clauses of this Bill. Clause 26 makes a consequential amendment to section 38 of the principal Act. Clause 27 inserts section 38a and a new subheading in the principal Act. New section 38a gives the Commissioner power to extend time for payment of duty. At present the Act provides for an extension of time for payment only in respect of certain classes of property.

Clause 28 repeals sections 39 and 39a of the principal Act which are now redundant in view of the earlier provisions of this Bill. Clause 29 enacts new section 46a of the principal Act. This section is complementary to section 46, which gives an administrator or trustee power to impose a charge on property for the purpose of adjusting duties as between persons beneficially entitled to property subject to duty. This power will no longer be sufficient in all cases because, in the case of property given away within one year before death, for example, the property may not be in existence or may have been disposed of by the donee at the time when the administrator is required to pay duty on it. Such duty must be paid out of the estate, and by virtue of the new section the administrator will be able to recover from the donee the due proportion of duty attributable to the property concerned.

Subsection (2) of the new section provides that where duty is recoverable from a trustee there will be the same limitation on the trustee's liability as is provided for by new section 16a (2), and the trustee will have power of sale over the trust property in order to indemnify the administrator who has paid duty. Subsection (3) of the new section provides that section 46a is to be construed as additional to and not in derogation from the provisions of section 46. Clause 30 makes a consequential amendment to section 48 of the principal Act.

Clause 31 repeals the whole of Part VIB of the principal Act (which deals with rebates in respect of land used for primary production), and substitutes a new Part which covers all rebates to widows, widowers, ancestors, and decendants. The new Part consists of 10 sections, 55e to 55n inclusive. New section 55e re-enacts existing section 55e in substance (except that land used for forestry is now included as land used for primary production and not, as before, excluded). New sections 55f and 55g provide for rebates to be calculated at the average rate of duty applicable to the value of any succession in the absence of such rebates. New sections 55h to 55j provide for the amounts of the rebates. In all cases a rebate for insurance kept up for a widow, widower, ancestor, or descendant, to a sum of $2,500 is provided for.

So as to facilitate the operation of rebates in relation to primary-producing land in the same fashion as is presently provided, it is necessary to distinguish these rebates from other rebates by making a separate provision in new section 55g and specifying a separate calculation procedure. In addition, there are rebates in respect of matrimonial homes. The effect will be to enable a widow to succeed to an interest in a dwelling-house valued at up to $9,000 together with other property of the value of up to $9,000 without payment of any duty. In these circumstances she would have a clear exemption of up to $18,000, so that she will continue to receive as extensive an exemption as is now received when a jointly-owned house is treated separately from a testamentary disposition.

Likewise, a widower will be able to succeed to a dwelling-house up to $4,000 together with other property to the value of $4,000 without paying duty. The rebate will apply to direct testamentary dispositions and tenancies in common as well as joint tenancies. At present an effective exemption to such an extent is available only in the case of joint tenancies when the property passes by survivorship. The rebates in excess of the basic amounts will be reduced as the total amount left to the widow or widower increases beyond $30,000 in the case of a widow, and $15,000 in the case of a widower.

In the case of land used for primary production, rebates will be allowed to widows. widowers, descendants, and ancestors upon the same pattern as presently applied, except that for properties of small and moderate values the extent of concession will be increased. For successions to such land having a net value up to $40,000 the concession will be made by deducting 40 per cent instead of 30 per cent of the net value. For net values over $40,000 the extra concession will gradually run out so that for properties of $200,000 and over the concession will involve a statutory deduction of $32,000 as is presently provided.

Section 55k reproduces, with appropriate amendments, existing section 55h of the present Act, which is substantially of an administrative nature. It also provides, consistently with the 1966 Bill as it was passed in the House of Assembly, that rebates shall not be allowed in the one succession relating both to a dwellinghouse and to primary producing land. Likewise, new section 55n (1) reproduces existing section 55g. New sections 55l and 55m set out the rules for determining the value of land used for primary production and dwellinghouses. They provide that the amount of any charges or encumbrances on the land are to be deducted. Clause 32 amends section 56 consequentially upon section 8 (1), as amended. Section 56 enables the Commissioner to assess duty on property given to an uncertain person or on an uncertain event on the highest possible vesting under any will, settlement or deed of gift. This section is amended to extend its application to all property which is subject to duty and to any possible aggregation of property with any other property that a person derives from the deceased person.

Clause 33 (*a*) repeals section 58 (1), which provides against double duty being payable and which is no longer necessary in view of the earlier provisions of this Bill and the provisions of section 8 (2). Clause 33 (*b*) makes a minor drafting amendment to subsection (2). Clause 34 makes a consequential amendment to section 63 of the principal Act. Clause 35 (*a*) extends the scope and application of section 63a of the principal Act, which at present requires insurance companies to obtain a certificate from the commissioner before paying out on any policy in the name of a deceased person. The amendment extends this requirement to policies on the life of the deceased person where the proceeds are payable to some other person but enables payment to be made of 75 per cent of the proceeds in such cases.

Clause 35 (*b*) makes a consequential amendment to section 63a (la), bringing it into conformity with the earlier amendments made by this Bill. Clause 36 re-enacts section 67 of the principal Act, makes certain decimal currency amendments and raises the minimum charge for a copy from 2s. 6d. to 50c. Clause 37 makes a consequential amendment to section 78 of the principal Act. Clause 38 amends the second schedule to the principal Act to provide for a general increase in succession duty rates upon the larger successions, although the basic exemptions are increased under the provisions of new Part IVB, with which I have dealt.

In conclusion, it is pointed out that the effect of the new rates of duty proposed, when combined with the relevant exemption provisions, is to free from duty successions by widows and children under 21 generally up to $12,000 instead of $9,000, and to free from duty successions by widowers, ancestors and adult descendants up to $6,000 instead of $4,000. It extends exemptions and concessions where the matrimonial home is concerned in modest estates and also extends concessions where rural property is included in the succession. On the other hand, it aims to offset the cost of these concessions and improvements by increasing rates upon successions of greater value and at the same time to increase the total yield of the duty more nearly approaching what would be secured by scales of duty such as are levied elsewhere in Australia. There is, of course, a very wide variety of particular cases of application of the proposed rates and concessions, so that it is impossible adequately to represent them in a few illustrative tables. However, I have with me some tables that compare present and proposed levies and also compare them with levies in New South Wales and Victoria. I ask that these be printed in *Hansard* for the information of honourable members without my reading them.

Leave granted.

DUTIES UPON SUCCESSIONS TO WIDOW OR CHILD UNDER 21

A. Not including any interest in matrimonial home or primary producing property.

Succession	Present duty	Proposed duty	Other States*
$	$	$	$
9,000	—	—	229
12,000	450	—	430
18,000	1,350	900	1,120
30,000	3,150	2,850	2,894
50,000	6,400	6,460	7,904
100,000	15,150	17,600	21,233
200,000	35,150	49,350	49,433

B. Comprises wholly primary producing property.

Succession	Present duty	Proposed duty	Other States*
$	$	$	$
9,000	—	—	184
12,000	315	—	355
18,000	945	540	939
30,000	2,205	1,710	2,453
50,000	4,608	4,264	6,822
100,000	11,817	13,728	18,328
200,000	29,526	41,454	42,683

* Derived from the average of three cases in each N.S.W. and Victoria—where the succession takes all, one-half, and one-quarter of the full estate.

DUTIES UPON SUCCESSIONS TO ADULT DESCENDANTS

NOTE: These rates apply in S.A. also to widower and ancestor.

A. Not including any interest in matrimonial home or primary producing property.

Succession	Present duty	Proposed duty	Other States*
$	$	$	$
9,000	625	450	470
12,000	1,000	900	761
18,000	1,750	1,800	1,543
30,000	3,500	3,800	3,573
50,000	6,750	7,480	8,488
100,000	15,500	18,800	22,483
200,000	35,500	50,925	51,933

B. Comprises wholly primary producing property.

Succession	Present duty	Proposed duty	Other States*
$	$	$	$
9,000	438	270	405
12,000	700	540	650
18,000	1,225	1,080	1,303
30,000	2,450	2,280	3,030
50,000	4,860	4,937	7,230
100,000	12,090	14,664	19,203
200,000	29,820	42,777	44,433

* Derived from the average of three cases in each N.S.W. and Victoria—where the succession takes all, one-half, and one-quarter of the full estate.

The Hon. D. A. DUNSTAN: In commenting upon the comparative figures set out for New South Wales and Victoria, I acknowledge that comparisons are most difficult because the rates of duty in those States are determined by the extent of total estate rather than individual succession. By taking the other States' figures relating to the average duty on successions derived in three illustrative cases (where the succession takes all, one-half, and one-quarter of the estate) the comparison may be broadly realistic but cannot claim to be completely indicative. The comparisons do indicate that, notwithstanding the increase proposed in rates upon the larger successions, the new South Australian duties will still impinge less heavily on the large estates than do duties levied in the other States.

Mr. MILLHOUSE secured the adjournment of the debate.

STAMP DUTIES ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act, 1923-1968. Read a first time.

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

That this Bill be now read a second time.

It has two main objects. The first is to give effect to certain revenue proposals announced in the Budget to increase the amount of revenue to be derived from the stamp duty payable by insurance companies in the form of annual licences. The second, following the financial arrangements recently made between the Prime Minister and the Premiers, is to discontinue the liability of taxpayers to pay receipts duty in respect of moneys received after September 30, 1970. At the same time, the opportunity is taken to extend the area of some exemptions, to facilitate payment of certain duties, to correct minor anomalies and to endeavour to prevent possible losses of duty. Clause 2 is a simple machinery clause to enable the Deputy Commissioner of Stamps or another officer of the department to have the authorities of the Commissioner whilst performing any of his duties or functions.

Clause 3 extends the area of exemption from liability to pay duty in relation to credit and rental business. Following general increases in the level of bank and commercial interest rates, it is proposed to increase the rate of interest that may be charged in relation to credit and rental business before the transaction becomes liable for duty. The present rate is 9 per cent. Provision is now made for this rate to be fixed from time to time by regulation. Adoption of this procedure will enable variations to be made as quickly as is required by circumstances so as not to inhibit or restrict the availability of loans or credit which are not intended to be taxed by this legislation. It is proposed to prescribe a rate of 10 per cent as soon as the Bill becomes law. This same rate has been adopted in other States as the maximum rate that may be charged without attracting this form of duty. Clause 3 also provides a special exemption for registered credit unions, and defines a registered credit union for the purpose of the exemption. The credit union movement is growing in South Australia and, since it fosters thrift and regular savings for the purpose of making loans to its own members at reasonable rates of interest, the Government believes that it should be encouraged. At the request of the Association of Credit Unions, the Government proposes to exempt credit unions from payment of stamp duty on loans that may be made in accordance with their rules, providing the rate of interest charged does not exceed 1 per cent a month on outstanding balances of loans. The Government is currently considering with representatives of credit unions the matter of legislation to deal with the registration of such unions and the conduct of their activities. I point out that, in the meantime, administrative arrangements have been made with the Registrar of Companies to provide registration

under the Industrial and Provident Societies Act, in a special category.

Clause 4 is consequential on clause 3 and deals with the fixing of a maximum rate of discount that may be charged by banks in relation to bills of exchange or promissory notes below which duty is not attracted to the transaction. Clause 5 amends section 31f (1) (*a*) (xii) of the principal Act, which requires a registered person to lodge with the Commissioner not later than the twenty-first day of each month a statement setting out the amount paid as duty on a mortgage or other instrument referred to therein executed within the preceding three months. The main purpose of this provision is that, where a loan is secured by a mortgage executed within the preceding three months, the duty payable in respect of the loan is to be reduced by the amount of duty already paid on the mortgage. It has been submitted to the Government that the period of three months is too short and that in many instances portions of loans are still being made after three months from the date of execution of the mortgage. The Government is prepared to meet this situation and the clause extends that period to six months.

Clause 6 corrects a minor anomaly in that, whereas the statement made by an "approved vendor" (that is, a person who elects to pay duty on instalment purchase agreements on a return) is required to be made "in the prescribed form verified by statutory declaration", a "registered person" (that is, a person lodging a return of credit and rental business) is required to lodge a statement "in the prescribed form and verified in the prescribed manner". In fact, no statutory declaration is required in the latter case and a request has been received that the requirement for a statutory declaration be dispensed with in the former case. The Government agrees to this request and the clause gives effect thereto.

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

The Hon. D. A. DUNSTAN: We have agreed to the request that the declaration be dispensed with in the original case that I have outlined. Clause 7 proposes to deal with the situation, which is becoming more and more common, for insurances to be arranged overseas. It is reported also that, particularly where companies operate in more than one State, "package deals" for their insurances are being arranged in one State, usually the State where the head office is situated. When this occurs, premiums are not received by an insurance company operating in the particular State where the branch is operating, or, if the insurance is arranged overseas, they are received by no Australian insurance company at all. In such cases, since duty in South Australia is based on premiums received by companies operating in South Australia, the State is losing duty.

All other States have taken action to deal with this situation and the amendments now proposed by clause 7 follow the similar amendments made in the other States. They provide that, where a person takes out or renews insurance outside of South Australia to insure any property or risk in South Australia, he must lodge a return and pay duty to the Commissioner on premiums so paid outside South Australia at the rate applicable to the various classes of insurance shown under the heading "Annual Licence" in the second schedule. The section does not apply to life assurance. If such a person arranges all insurance in South Australia, we would tax the insurance companies only in relation to the property and risks situated in South Australia and thus there would be no double taxing when the other States required such persons to render a return and pay duty. However, there could be some double taxation if any of the other States, where the premium is received, do not restrict their taxing of the insurance companies to properties and risks within their States. However, this situation presently exists as between all other States which have already legislated in the manner now proposed and the remedy lies with the other States.

Clauses 8 and 9 deal with payment of duty on bills of lading and on share certificates and letters of allotment. These documents are presently subject to duty at 5c on each bill or certificate and the duty must be denoted by impressed stamp. These clauses now permit the duty in these cases to be denoted by adhesive stamp. These amendments are proposed as a result of representations made by taxpayers that payment of duty by adhesive stamps will be more convenient in a number of cases.

Clauses 10, 11, 12 and 13 provide simply that liability for payment of receipts duty does not apply to the receipt of money after September 30, 1970. Parliament has already been advised of the proposals the Commonwealth Government has made regarding the making of special grants to replace the duty which will cease to be collected in relation to receipts after September 30, 1970, and the officers of the States and the Commonwealth

Government will meet soon to calculate the amounts to be paid to the States for 1970-71 and the further amounts to be incorporated into the States grants formula. I emphasize again, however, that, as a result of the Commonwealth legislation, duty, whether it be an excise or not, is payable on all receipts of money from November 18, 1969, to September 30, 1970. Duty on receipts other than in relation to the sale of new goods produced in Australia has never been under challenge and the taxpayer is liable to pay these amounts (if he has not already done so) from the inception of the duty until September 30, 1970. Clause 14 widens the definition of "racing club" contained in section 85 of the principal Act to include a dog-racing club.

Clause 15 provides for exemption from totalizator duty for up to four dog race meetings each year, provided the Treasurer is satisfied that the whole of the net proceeds of the meetings (including the clubs' share of totalizator commission) is to be applied to charitable purposes. This brings the "charity meetings" arrangements for dog races into line with those which have been available for many years to racing and trotting clubs. Clause 16 amends the second schedule of the Act to deal with the increased rates of duty proposed in the calculation of the annual licence fee payable by insurance companies and fixes rates of duty to be paid by persons who arrange insurances with companies outside the State. In accordance with the principal Act, every person, company or firm which carries on any form of insurance business in this State is required to obtain an annual licence. The amount payable for such a licence is calculated by applying the rates shown in the second schedule to the Act to the net premiums received during the preceding 12 months.

Thus the amount payable for annual licences for 1971, which are issuable on January 1, 1971, will have regard to net premiums received in 1970, where net premiums are taken as gross premiums received, less any commission or discounts actually paid away and also less any amount actually paid away by way of re-insurance effected in South Australia. The amount of the gross premiums used as the basis of the calculation excludes insurance risks out of the State, except life and personal accident risks. Thus, as far as general insurance is concerned, the duty payable for issue of the annual licence relates to net premiums received in the State in relation to risks and property situated within the State. At the present time there are two rates which are applied to net premiums:

1. $1 for every $200 of net premiums, which is applied to life and personal accident insurance premiums and which rate has remained unaltered since 1902.

2. $10 for every $200 of net premiums, which is applied to all other insurance. This rate has applied since the end of 1964. Prior to 1964 and since 1902 the rate has been the equivalent of $2.50 for every $200 of net premiums.

By an administrative decision made many years ago by a former Commissioner of Stamps, premiums for motor vehicle (third party) insurance and for workmen's compensation insurance have been subject to stamp duty at the lower rate of $1 for each $200 of such net premiums. At this stage no further adjustment is proposed to the rate applied to general insurance business. However, examination of legislation and practices in other States suggests that South Australia is out of step in relation to its treatment of personal accident and workmen's compensation insurance. In the other States where personal accident insurance is subject to stamp duty it is taxed at the general rate and not at the life rate, and this Bill will remove this form of insurance from its association with life business so that net premiums will be subject to duty at the general rate. In other States workmen's compensation insurance is taxed as follows: New South Wales, by a flat rate of duty of 15c on each policy; Victoria, 5 per cent on premiums; Queensland, 3 per cent on premiums; Western Australia, 3 per cent on premiums; and Tasmania, exempt.

The circumstances under which the early administrative decision was made that workmen's compensation insurance should be treated as "personal accident" and taxed at the lower rate are now quite obscure, and it is unlikely that the decision can be sustained. Workmen's compensation insurance is not personal accident insurance in the generally accepted sense. It is an insurance which an employer is bound to arrange, unless he is specifically exempted, to indemnify him against claims which may be made upon him by his employees exercising their rights under the Workmen's Compensation Act. It is a contract of indemnity and not really different from the many other forms of indemnity insurance available. This Bill makes it clear that the general rate will apply to workmen's compensation insurance premiums.

Motor vehicle (third party) insurance is also another form of indemnity cover and is not a

form of personal accident insurance. However, as a special stamp duty of $2 was imposed in 1968 on each insurance certificate presented with an application to register or to renew the registration of a motor vehicle, it is not proposed to increase the annual licence stamp duty at present charged, and the Bill makes this clear. Finally, as far as revision of stamp duty rates is concerned, it is proposed to double the rate to be applied to life insurance premiums. At the present time in the other States the rates are as follows:

New South Wales—
10c per $200 of amount of policy up to $2,000.
20c per $200 of amount of policy over $2,000.
Victoria—
10c per $200 of amount of policy up to $2,000.
20c per $200 of amount of policy over $2,000.
Queensland—
5c per $100 of amount of policy up to $2,000.
10c per $100 of amount of policy over $2,000.
Western Australia—Exempt.
Tasmania—
10c per $200 of amount of policy up to $2,000.
20c per $200 of amount of policy over $2,000.

All other States apply duty to the amount insured as a "once and for all" impost at the time the policy is issued, whereas in South Australia the duty is calculated in relation to net annual premiums at the rate of $1 for every $200 of such net premiums. There is therefore no direct measure of comparison. Nonetheless, the proposal now made to double the rate of duty to be applied to life assurance premiums will probably mean that the proposed rate will be rather more severe in South Australia than in the other States in the immediate future. However, it is known that some of the other States are actively reviewing their rates. Moreover, there are a number of other taxes and charges the impact of which is less severe in this State than in the other States; and if South Australia is to expect to obtain assistance through the Commonwealth Grants Commission to enable it to function at a standard equal to that of the other States and to provide its citizens with social services equal to those in other States, it must be prepared to tax its citizens as heavily overall, and this means that imposts in some areas must be more severe in order to make up for those areas where taxes and charges are less severe.

Summarizing these proposals: the rate to be applied to motor vehicle (third party) insurance will remain as at present, that is, $1 per $200 of net premiums, but will be restated in decimal currency terms as 50c per $100 of net premiums. It will be made clear that "life insurance" does not include motor vehicle (third party) insurance, workmen's compensation insurance or personal accident insurance and the rate to be applied to life insurance premiums will be increased from $1 per $200 to $1 per $100 of net premiums. The rate for general, including workmen's compensation insurance and personal accident insurance will be restated in decimal currency terms, that is, $5 per $100 instead of $10 per $200 of net premiums.

Since the charge for an annual licence is payable at the commencement of a year and is based on the premium figures of the preceding year, the whole of the increased revenue involved in these proposals and estimated at $900,000 will be available to assist the Budget this financial year. Paragraph (*b*) of clause 15 fixes the rate of duty payable by a person who arranges insurances outside South Australia at the same rates as would have been used in the calculation of the annual licence fee had the insurances been arranged with a company within South Australia. The annual licence fees as amended by this Bill will automatically apply to the new Government Insurance Office when it commences business except that, in accordance with the statutory charter given to that office, it will not be permitted to undertake life assurance business in competition with the existing life offices.

Mr. McANANEY secured the adjournment of the debate.

WATERWORKS ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) moved:

That I have leave to introduce a Bill for an Act to amend the Waterworks Act, 1932-1969, and for other purposes.

Members interjecting:

The SPEAKER: Order! Honourable members must learn to behave themselves a little better when the Minister is on his feet. Interjections must cease.

Motion carried.

The Hon. J. D. CORCORAN introduced a Bill for an Act to amend the Waterworks Act, 1932-1969, and for other purposes. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

Honourable members will be aware that a Committee of Inquiry on Water Rating Systems

is at present sitting and considering a number of matters relating to the imposition of water and sewerage rates. However, it has been brought to the Government's attention that there are some apparent deficiencies in the power to levy water rates under the Act and it is felt that, whatever the final recommendations of the committee are, these apparent deficiencies should be dealt with as soon as possible. Since some of the questions involved are the subject of actions before the Supreme Court it would be clearly improper for me to comment further on this matter except to make it quite clear that nothing in this Bill will have any effect on matters involved in those actions.

The principal Act (the Waterworks Act of 1932) shows many signs of its parent Waterworks Act which goes back to 1882, and it is clear that in some respects at least they are not entirely appropriate to encompass the circumstances of water supply existing in this era. For instance, they generally envisage main pipes being laid in streets and land or premises abutting on those streets being supplied by direct services from the main pipes. The framers of the early legislation took little account of the fact that, with the spread of a reticulated water supply, such pipes may be laid across property or adjacent to streets or in any manner that will ensure an efficient and economical water supply. By the same token, account was generally not taken of engineering and other difficulties that could arise in the provision of a direct supply from a main pipe.

This Bill therefore attempts to do the minimum necessary to bring the rating provisions of the principal Act into line with the current water supply situation. It does not attempt a wholesale revision of the legislation; such a revision must await the recommendations of the committee. Clause 1 is formal. Clause 2 provides for certain additional definitions some of which are of substantial importance and deserve to be considered in some detail. First, a definition of "adjacent land or premises" is proposed. Land or premises falling within this definition are land or premises having a defined geographical relationship to a gazetted main pipe and in respect of which the Minister is prepared to provide a direct service. A direct service is defined as being a service to a point within or adjacent to the boundaries of the land or premises to be supplied. The next definition of importance is that of "ratable supplied land or premises" which is defined as being land or premises, not being adjacent land or premises or land or premises supplied by agreement, that either receive a supply of water or in respect of which a supply point has been provided.

Clause 3 is a validating provision and provides in effect that so far as they are applicable to the levying of water rates the amendments effected by this Bill will have effect as if they had come into force on July 1 of this year, that is, at the beginning of this rating year. However, as has been mentioned, pending proceedings before the Supreme Court will not be affected by this retrospectivity. In addition, this clause gives retrospective validity to certain by-law-making powers which are considered in detail in clause 4.

Clause 4 is intended to resolve a doubt whether the Minister can lawfully make a charge for the works he must undertake specifically to provide a supply of water to land or premises. Although a by-law raising this charge has been in existence for a number of years, on one view at least this doubt exists. Clause 4 provides an appropriate power to make such a by-law, and subsection (3) of proposed new section 5a enacted by clause 3 provides in effect that the existing by-law shall be deemed always to have been an effective one. Clause 5 restates section 35 of the principal Act which deals with the power and duty of the Minister to supply land or premises and restates the power and duty in terms of the definitions of "adjacent land or premises" and "ratable supplied land or premises".

Clause 6 sets out the liability for rates again in the terms of the new definitions. Clause 7 deals with the gazetting of main pipes and specifically deals with the question of notices in the *Gazette* which may have errors or inaccuracies therein which however are nevertheless clear in the face of them. Clause 8 is a necessary evidentiary provision the need for which arises from the definition of "adjacent land or premises". Land or premises only become "adjacent land or premises" if they have a certain defined geographical relationship to a gazetted main pipe and the Minister is prepared to supply water to them by means of a direct service. If the Minister is not prepared to so supply the water, the land or premises are not "adjacent land or premises" as defined and accordingly are not ratable as such. Where a doubt arises as to whether or not the Minister is prepared to supply water in the terms stated above, this provision will speedily put the matter beyond doubt. Clause 9 re-enacts the present provision relating to

land or premises in the named water districts and sets out the factors which will make that land or those premises "adjacent land or premises".

Mr. COUMBE secured the adjournment of the debate.

SEWERAGE ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the Sewerage Act, 1929-1969. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

The need for this Bill is to remedy some apparent deficiencies in the power to levy sewerage rates under this Act. In fact, those deficiencies were indicated by an examination of the rating powers under the Waterworks Act. Honourable members will recall that recently a Bill to deal with those matters was before this House. Since there are at present actions pending in which a rating power not dissimilar to the rating powers under this Act is in question, it would be clearly undesirable for me to advance an opinion on the apparent extent or effect of the deficiencies, except to mention that the question of sewerage rates is being considered by a committee of inquiry, and any extensive amendment to the principal Act must await the result of that committee's deliberations.

Clause 1 is formal, and clause 2 provides an appropriate definition of "payment day". Clause 3 validates certain actions and gives substantial restrospective effect to two aspects of this measure. First, it provides that sewerage rates will be payable as if the amendment to this Act had come into force on July 1 of this year, that is, at the beginning of this rating year. Secondly, it gives retrospective effect to a regulation-making power to the day on which the principal Act came into force.

The reason for this is set out in the explanation to clause 4. For many years charges have been raised and have been paid in respect of drainage works carried out by the Minister at the request of or for the benefit of owners or occupiers of property. A doubt has arisen as to the strict legality of such charges, and the amendment proposed should put the matter beyond doubt. Since such charges have, in one form or another, been raised and paid since the enactment of the principal Act this amendment has been given appropriate retrospective effect.

Clause 5 sets out a little more clearly the liability to pay rates and is generally self-explanatory. The clause specifically provides that no gazettal of a main will be defective on account of any minor inaccuracy so long as the meaning is clear. Clause 6 provides an appropriate means of determining the liability of property for rates when a doubt may arise as to whether or not the property can be drained into a sewer. If the Minister cannot give a certificate referred to in that proposed new section 100a, the property will not, in terms of the Act, be ratable.

Mr. COUMBE secured the adjournment of the debate.

D. & J. FOWLER (TRANSFER OF INCORPORATION) BILL

Consideration in Committee of the Select Committee's report:

The Select Committee to which the House of Assembly referred the D. & J. Fowler (Transfer of Incorporation) Bill, 1970, has the honour to report:

1. In the course of its inquiry your committee held one meeting and took evidence from the following persons:
   - Mr. D. M. Fowler, Chairman of Directors;
   - Mr. D. M. Martin, Managing Director and
   - Mr. M. J. Astley, Solicitor, of Adelaide—all representing D. & J. Fowler (Australia) Limited.
   - Mr. H. G. Harris, Registrar of Companies, Adelaide.
   - Mr. G. A. Hackett-Jones, Assistant Parliamentary Draftsman, Adelaide.
2. Advertisements were inserted in the *Advertiser* and the *News* inviting persons who wished to give evidence on the Bill to appear before the committee. There was no response to these advertisements.
3. Your committee is satisfied on the evidence placed before it that the Bill will overcome the disadvantages resulting from the present United Kingdom incorporation of the companies of D. & J. Fowler Limited and D. & J. Fowler (Australia) Limited, and is desirable for the development of these companies as South Australian companies.
4. Your committee is of the opinion that there is no opposition to the Bill, and recommends that it be passed without amendment.

Clauses 1 and 2 passed.

Clause 3—"Transfer of incorporation."

The Hon. L. J. KING (Attorney-General): This is the substantive clause in the Bill. I think at this stage I should say that a Select Committee of the House has considered the provisions of this Bill. The report of the Select Committee has been circulated, and it is recommended that the Bill proceed and be passed without amendment.

Clause passed.

Preamble and title passed.

Bill read a third time and passed.

HIGHWAYS ACT AMENDMENT BILL

In Committee.

(Continued from November 3. Page 2294.)

Clause 7—"Application of Highways Fund."

The ACTING CHAIRMAN (Mr. Ryan): At this stage, it will not be necessary for the Minister of Roads and Transport to move the first amendment, which is to insert "and", because this amendment will become conditional on the carrying of the second amendment. If the second amendment is carried, the insertion of "and" will become a clerical amendment that the Chair can make automatically.

The Hon. G. T. VIRGO (Minister of Roads and Transport): I move:

In new paragraph (*l*) to strike out "an amount" and insert "such amounts"; and after "dollars" to insert ", as may be appropriated by Parliament for the purposes of, or for purposes connected with, road safety".

In the second reading debate some honourable members suggested that, should the Bill, as printed, become an Act, it would be possible for an unscrupulous Government to pillage the funds of the Highways Department, whereupon I immediately assured those members that the present Government did not intend to do that and never would do it, but I acknowledged that an unscrupulous Government could do this at some time in the distant future. I am certainly not willing to be a party to a situation of this kind and, accordingly, I have agreed readily that this amendment ought to be made. It stipulates that only the amount that will be required for road safety or purposes connected therewith shall be appropriated from the Highways Fund and used for these purposes. This year, we think, the increase in licence fees will produce about $300,000, of which up to half can be used for road safety purposes. I have had the privilege, on behalf of the Road Safety Council of South Australia, for which I have a high regard, to say that the council has produced a plan that is commended by all who are genuinely concerned at the carnage on our roads. It is with these thoughts in mind and in an endeavour to make absolutely certain of the position in the future, when we may not have control of the Treasury benches (although I think that this is most unlikely in the foreseeable future), that the amendment is moved. However, we must provide for all eventualities, and it is for this reason that I have moved the amendment.

Mr. MILLHOUSE: It is rather funny to hear the Minister make that last little political comment about control of the Treasury benches.

The Hon. G. T. Virgo: It wasn't a political comment.

Mr. MILLHOUSE: I well remember hearing Ministers and their supporters in the Parliament between 1965 and 1968 continually saying that, but it did not quite work out that way, as the Minister of Works will freely acknowledge. However, I think that the Minister was probably out of order in making the comment.

The ACTING CHAIRMAN: He was definitely out of order, and any remarks referring to that comment are also out of order.

Mr. MILLHOUSE: I acknowledge that and will pass to the substantial part of the matter. It is certainly far more satisfactory to have this provision written into the legislation than to be obliged to accept the assurance of the Minister concerning his intentions and those of the Government. So far as it goes, I welcome the amendment. However, the fact remains that only up to half the extra amount that will be collected from the motorists of this State by increasing the licence fee by $1 is to be used for purposes of road safety, and that does not satisfy me.

The Hon. G. T. Virgo: That's completely untrue.

The Hon. J. D. Corcoran: Of course it is, but he doesn't care about that.

Mr. MILLHOUSE: I am taken aback. Let us go through it bit by bit, and then the Minister can get up and show me where I have made a mistake.

The Hon. J. D. Corcoran: You need some guidance.

Mr. MILLHOUSE: I am inviting guidance from the Minister of Works. Guidance was invited from him this afternoon on another matter, and we did not get it; maybe we will get it on this matter. This is how the paragraph will read after it is amended:

in paying to the Treasurer such amounts not exceeding 50c for each licence issued under section 75 of the Motor Vehicles Act, 1959, as amended in respect of which there has been paid a fee of $3 . . .

At present, as I understand it, the fee is $2, and it is being increased by $1 and, of that $1, 50c is being authorized for payment to the Treasurer. I am assuming now that the full 50c is paid to the Treasurer; it may be less than that; it may be nothing. I am saying that the 50c, which will be paid to the Treasurer, will be used for purposes of road safety. The other 50c will simply stay in the Highways Fund. Am I wrong so far?

The Hon. G. T. Virgo: You're taking the narrow, niggardly view you always take, without facing facts. Read my second reading explanation!

Mr. MILLHOUSE: The second reading explanation—

The ACTING CHAIRMAN: Order! We are not dealing with the second reading explanation.

Mr. MILLHOUSE: You are quite right, Sir, and I am obliged to you for pulling us up on the matter. If it makes you happy—

The ACTING CHAIRMAN: Order! There is nothing in the amendment that refers to my being happy.

Mr. MILLHOUSE: There does not have to be, Sir; I can see it on your face. The fact is that only 50c of the dollar can be transferred to the Treasurer under this provision, and only that amount can be used for road safety. Why the Minister should try to deny that I do not know, unless I have made some fundamental mistake that I am not aware of. The other 50c (or it may be up to $1) stays in the Highways Fund and can be used only for that purpose. I should like the Minister to clear up my mistake, if I have made one, or to acknowledge that I am correct, if I am correct. In fact, the Government says, "We are adding another $1 for the purpose of road safety. However, at the most, only half of that $1 will be used for that purpose."

The ACTING CHAIRMAN: The question is "That the amendment be agreed to."

Mr. MILLHOUSE: I invited the Minister to put me right. He was anxious to do that a moment or so ago, and I hope he will do it now.

The Hon. G. T. VIRGO: I have referred at least a dozen times to the machinery of this legislation and said that the Government intended to initiate a large-scale campaign in an attempt to reduce the road carnage. It is a positive proposition, not a pious one like appointing a Minister especially for this purpose. I do not think this matter is worth explaining any further, because obviously the member for Mitcham is more interested in talking to the member for Victoria than in listening to my explanation. If the honourable member reads my comments he will find that he is completely wrong.

Amendment carried; clause as amended passed.

Clause 8 and title passed.

Bill read a third time and passed.

BUILDING BILL

In Committee.

(Continued from November 4. Page 2369.)

Clause 5—"Application of Act."

Mr. COUMBE: The Bill departs from the original Act, in which provision was made whereby upon the receipt of a petition from a council a proclamation could be issued to exclude portion of the area of that council from the operation of the Act. Also, certain types of building could be excluded. I think that the people who framed that legislation realized that in the far-flung areas of the State a building inspector might not be available, and it would be most awkward administratively and possibly physically to apply certain parts of the Act. In this respect, I instance the large council areas on the West Coast. The Bill provides for this in another way. Its provisions apply to the whole State and the Governor may, by proclamation, declare that these provisions shall not apply within an area or portion of an area or that the Bill shall not apply to certain specified buildings and so on. "Area" is defined in clause 6.

Parliament has the opportunity to scrutinize and disallow council by-laws or Government regulations. However, it does not have that power with regard to Government proclamations, which are an Executive action. If a council wished to have an area excluded and the Minister agreed with its contention, he would invite the Governor to make the necessary proclamation. However, if the Minister disagreed, the council would not then have an opportunity to have an area excluded. Therefore, councils have lost the privilege they previously enjoyed, and this could cause some hardship. As it is difficult to amend this provision, I do not seek to do so, but I invite the Minister to give an assurance that at least while he is Minister he will receive sympathetically applications from councils so that they can work smoothly under the Bill. In the case of a remote council, parts of its

area may be 150 miles from the district office; inspection of a small structure erected in such a place would involve physical and administrative problems. Does the Minister intend to introduce regulations at the same time as proclamations are made?

The Hon. G. T. VIRGO (Minister of Local Government): My immediate answer would be that it would be undesirable. Regulations have to be introduced first and then circulated to councils to enable them to study, consider, and digest them. The teeth of this Bill will be in the regulations, not in the Bill. Following the issuing of regulations we would have to determine a date of proclamation, and for this we would have to consider the various escape provisions in this clause. I would not be unsympathetic to councils that could show that there were real difficulties, bordering on impracticability, of implementing these provisions. However, we have to accept a basis, and subclause (1) provides that the legislation will apply throughout every local government area within this State.

I hope that it will not be long before councils cover all of the area of South Australia, as applies in Western Australia and Queensland. Subclause (2) provides for the exemption of specific areas or buildings in certain circumstances: we look on this as an exception rather than the norm. I am concerned, when I go to a certain country area, where there is a corporation in the town surrounded by a district council of the same name, that the town has expanded so much that it is spilling over the boundaries into the district council area. The Act applies inside the town boundaries but not to the parts of the town in the district council area. That is too ridiculous for words.

Mr. FERGUSON: I appreciate what the Minister has just said, but, if this provision is applied throughout the rural areas within district council areas, there could be some hardship, particularly in respect of rural properties requiring improvements and buildings. In most district council areas only the township would now come under the provisions of the Building Act: rural properties situated on land outside the township would not. A primary producer may want to start some type of diversification. He would perhaps find some difficulty in doing this, because an enormous capital outlay is required to diversify in any area of primary production. However, he might have accumulated some second-hand material that would be admirable for forming a protection for the animals in which he had diversified but, if the property came under the provisions of the Building Act and he had first to submit specifications and plans to the district council, the surveyor would have to peruse them and the inspector would have to supervise the building. Therefore, it could be a hardship. Normally, buildings erected on rural properties would measure up to the specifications and regulations under the Building Act, but a building such as I have mentioned would not.

Mr. WARDLE: I do not think many council areas are not subject to the present Building Act, even if its operation is restricted to the declared towns. Can the Minister assure us that, while he has in mind all local government areas, he has not in mind going beyond the declared towns in any local government area? I have in mind particularly the District Council of Meningie, with a boundary stretching almost to Kingston, nearly 100 miles away, and with no township except three or four houses and a cafe at Salt Creek. It would be reasonable for the council to bring Salt Creek, as a declared town, within the ambit of the Building Act. I think it is probably outside the thinking of many of us at present to include the isolated homesteads miles apart from one another. Can the Minister give an assurance that, whilst he may have one stage in mind, he is thinking at present only of going as far as towns within council areas?

The Hon. G. T. VIRGO: I cannot give that assurance. I expressed my attitude clearly when I said that this Bill intended that the Act should apply throughout the whole areas of the State that are covered by councils. This is the starting point and from here on the responsibility rests with people to submit that specified areas or a portion of an area or any specified building ought to be exempt. If the case is sound and reasonable, it will be considered fully and sympathetically. We ought not to start to categorize automatically buildings as being either within or outside the ambit of the Building Act, merely because they are miles apart or because they are 20 miles from the council office. About 99 per cent of the rural dwellings would not suffer hardship by being within the Building Act, because the Act is complied with in respect of those buildings now.

Mr. Coumbe: Some outbuildings would not comply.

The Hon. G. T. VIRGO: Outbuildings are a different matter. The member for Goyder suggested that some outbuildings such as those

used as barns, haysheds, and machinery shelters could go into a different category. I think we would say that these may be the sort of building we want to exempt. It is not a matter of saying in this Act that, regardless of what one builds, even if it is 500 miles from civilization, it must comply completely, in specifications and everything else, with the Building Act. However we have gone the other way too far and for too long, and we now have to bring the matter back to an even keel. I sympathize with the member for Goyder and the member for Murray in their desire that undue hardship be not placed on the rural community. I do not intend to impose that, either. However, most dwellings and other buildings where human habitation is involved would face no hardship by being required to comply with the Act.

Mr. RODDA: The dragnet is governed by subclause (1). Although I do not object to this legislation's applying to any built-up area within the State, I fail to see the need for it to apply in any shape or form to the rural community, for it will put a great stress on people engaged in rural industry.

Mr. GUNN: I have some grave misgivings about this clause; indeed, if it is to cover farming areas, I am totally opposed to it, for it will place an extra burden on the ratepayers in regard to providing surveyors and inspectors, and we know that people in rural areas at present cannot afford any more costs. Although I agree that it is necessary for this legislation to apply to built-up areas and also perhaps to corporation or district council areas, it is not warranted in respect of rural areas, where it will increase costs and cause inconvenience. In some district council areas within my district one may travel 10 miles without seeing a building. If a farmer erects a rough type of shed in which to store fertilizer and seed, it may not meet with the approval of the building inspector. Therefore, this clause is completely impracticable.

Mr. COUMBE: I have looked up the Builders Licensing Act and I have considered its application in various parts of the State. Furthermore, I have looked up the Electrical Workers and Contractors Licensing Act, which applies in various parts of the State. In both those Acts provision is made for exemptions. The Minister has given an assurance that he will sympathetically consider this matter of the proclamation. Of course, once a proclamation is made this place has no say, except that it can object in the very restricted time available to private members. Will the Minister at the appropriate time consider an amendment to provide that a council may petition the Governor to make a proclamation under subclause (2) to exempt an area from the operation of the Act? I believe that this may solve the problem raised by several members. It will not affect the efficiency or efficacy of the clause in any way but it does provide a safeguard in respect of the points raised by members. All that the Minister would have to do if such a petition were presented would be to exercise his discretion: he could turn it down or accept it. As we all know, the Governor makes a proclamation only on the advice of the Minister and with the consent of Cabinet.

The Hon. G. T. VIRGO: I assume that the honourable member is suggesting that at some later stage either the Government or a private member may care to introduce a Bill to amend this legislation. If that is the case, I think it would be improper for me to commit myself on the matter: we would certainly consider it. In view of the gigantic task in front of the Building Advisory Committee in drafting the necessary regulations that will be required before this legislation operates, it will not operate this session. Therefore, the argument about members' not being able to bring in an amendment this session is not valid.

Although I state clearly that I will not be bound to follow this line of reasoning, my immediate reaction is that what the member for Torrens suggests is no different from what is included in the Bill. The honourable member suggests that there should be provision to enable the council to petition the Minister that an area, part of an area, or special buildings should be exempt. Under the Bill, without a petition, the council will be able to require the Minister to consider those things.

The honourable member has said that the Minister would not be bound to accept the prayer of the petition, but that is really the position now. I fail to see the validity of his point. As no amendment is proposed, we must either agree or not agree to this clause, and I believe it provides the necessary safeguards. The intention of the Bill is to provide for the widest possible application of the legislation. I do not accept for one moment that, merely because a building is 50 miles away from the seat of council, it should be exempt. Most dwellings now erected comply with the provisions in the Bill. Shearers' accommodation must comply with the terms of the Act. However, in relation to the storing of machinery and so on, where human beings are not

involved, I believe a reasonable case can be made out, and I assure members that such representations will be sympathetically considered.

Mr. COUMBE: Mr. Acting Chairman, as I do not have an amendment ready, if I prepare one will it be considered after we have dealt with all clauses?

The ACTING CHAIRMAN (Mr. Ryan): Yes.

Dr. EASTICK: The Minister said that he thought councils should control all areas of South Australia, but if that happened the impractical physical and economic aspects would be real, and many of today's problems would be even greater and need correction.

Mr. VENNING: I am sorry that the Minister has not been more sympathetic to rural communities, and I am alarmed that he has not agreed to the suggestions made by members representing country areas, but it seems to me that red tape is a problem and we do not want to be strangled with it.

Mr. McANANEY: As there seems to be some doubt about the powers of councils under this Bill, can the Minister explain what powers councils have to allow certain types of buildings to be erected without being subject to these provisions?

The Hon. G. T. VIRGO: It is time that this clause was passed or defeated: I do not mind what Opposition members do. These are merely crocodile tears. If the member for Rocky River and his colleagues wanted some additional provision here, why did they not draft an amendment? This Bill has been before Parliament since September 1. How long do members opposite want?

Clause passed.

Clause 6—"Interpretation."

Dr. EASTICK: The term "clerk" has been referred to. One interpretation suggesting that it meant "clerk of the court" was erroneous, but that has now been cleared up. The term was defined in the interpretation clause as relating to a town clerk or a district clerk, as the case might be. On checking the number of times in the Bill that the word "clerk" appears, we find that in all but two cases it appears by itself, whereas in clauses 28 and 56 the expression used is "clerk of the council". There is no doubt he is one and the same person. I query the need to include the words "of the council" in the two places I have indicated while they do not appear in the other six places where "clerk" appears in the Bill. The Parliamentary Draftsman tells me that he can see no reason why the words "of the council" should appear in the two cases I have instanced.

Mr. WARDLE: Does the Minister intend to include a definition of "structure"?

Dr. EASTICK: The Act does not mention a building inspector or a building surveyor by definition in the interpretation clause. I notice that both are referred to in clause 60 (*a*). They will be working very closely together and obviously there is a difference in their qualifications. What is the significance of defining a "building surveyor" and not defining a "building inspector"?

The Hon. G. T. VIRGO: A building inspector is provided for under the terms of the Local Government Act. The building surveyor is referred to in Part III of this Bill and, as such, must be defined.

Mr. GUNN: This clause defines "building work" and "buildings". These definitions do not seem to me to be very clear. Does it mean that a farmer could not put in a post or swing a gate without that work being subject to the scrutiny of an inspector?

Members interjecting:

Mr. GUNN: I regard this as a very serious matter. As it will affect the rural industry, we are entitled to have this information.

The Hon. G. T. VIRGO: I do not think anyone in his wildest imagination would be able to describe a post or a gate as a structure.

Clause passed.

Clauses 7 and 8 passed.

Clause 9—"Approval or disapproval of building work."

The Hon. G. T. VIRGO: I move:

In subclause (2), after "approving" to insert "in writing".

During the debate several members asked why local government was not consulted in this matter. Immediately the second reading explanation was presented to this Chamber, and not before, every local government body and (I think I am safe in saying) all the building interests throughout South Australia were circularized with the contents of this Bill. The result is that there have been several, although not many, suggestions sent to my office. These have been studied, and the result is the amendments on file in my name, of which this one is the first. Although I do not think it adds very much, it may clarify the position slightly.

Mr. COUMBE: I agree to the amendment.

Amendment carried.

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

(5a) The Governor may by regulation provide that appropriate provisions of the Planning and Development Act, 1966-1969, and the regulations under that Act shall apply *mutatis mutandis* and with such modifications as may be prescribed in relation to appeals to the Planning Appeal Board under this Act and may prescribe any other procedural or other matter relating thereto.

This amendment also results from representations that have been made to me and I think it improves the provision.

Mr. COUMBE: I do not object to the amendment, but I ask the Minister why it is being included in clause 9, rather than in clause 60, which I think would be more appropriate.

The Hon. G. T. VIRGO: It is more appropriate here than in clause 60.

Amendment carried.

Mr. COUMBE: I move:

In subclause (9) after "may" to insert "on the recommendation of the building surveyor".

This provision deals with work that does not conform, and the amendment would protect councils. The amendment implies that the building surveyor has seen the work and has reported to the council in writing. This is a reasonable amendment, which I hope the Minister will accept.

The Hon. G. T. VIRGO: The member for Torrens has said that it is a reasonable amendment; he is dealing with a reasonable Minister and a reasonable Government, and for that reason I accept the amendment.

Amendment carried; clause as amended passed.

Clause 10—"Penalties for improper performance of building work."

The Hon. G. T. VIRGO: I move:

In subclause (4) after "building" to strike out "to any other person" and insert "if, in consequence, the remainder of the site would not constitute an appropriate site for that building in conformity with the requirements of the regulations".

This is to cross the "t's" and dot the "i's", and I think it is self-explanatory.

Mr. COUMBE: I support the amendment.

Amendment carried.

Mr. COUMBE: Subclauses (1), (2) and (3) each provide a penalty of $400 and a default penalty of $50 in relation to the performance of building work. Although a penalty of $400 may represent a real deterrent to a person building a house, it would not mean anything to someone erecting a $2,000,000 office block. The latter person probably would not mind how many times he paid the $400 penalty. As there is a later clause dealing with classifications of building, I should like to know whether the Minister has considered introducing a realistic scale of penalties. The usual way of wording a provision such as this is to state that $400 shall be the maximum. I presume that the present provision means the same thing.

The Hon. G. T. VIRGO: I have not considered that matter but, as applies in all Acts, the penalty expressed is the maximum penalty, and the court may impose this penalty or a proportion of it. Of course, the default penalty of $50 would be imposed for as long as necessary on a daily basis. I think the penalties are reasonable. I realize that members may contrast the State Administration Centre with a privy near the Torrens River, but I think that is a matter for the court.

Mr. COUMBE: This clause deals with the improper performance of building work. What has subclause (4) to do with that? It provides that a person cannot sell, lease or otherwise dispose of any land comprised within a site (not being the whole of the site). Why cannot someone lease part of his land?

The Hon. G. T. VIRGO: If the honourable member reads the amendment that was carried five minutes ago, he will see that his questions are answered. This subclause provides that a person cannot dispose of a property that does not conform to the regulations.

Mr. Coumbe: It refers to any land.

The Hon. G. T. VIRGO: Yes, any land comprised within the site of a building; it comes back to the building.

Mr. Coumbe: A building site is not restricted to the perimeter of the building.

The Hon. G. T. VIRGO: The important point is that this places an appropriate restriction on people who may have buildings that do not conform to the Act.

Clause as amended passed.

Clause 11—"Notice to desist from building work."

Mr. COUMBE: I move:

In subclause (1) after "council" second occurring to insert, "the building surveyor or a building inspector".

Under clause 19, councils are given delegatory powers. A building surveyor or inspector operates as a servant of the council. However, while metropolitan councils generally meet fortnightly, many country councils meet once a month. Something might crop up fairly urgently in such areas, and delays could occur to the detriment of the person wishing to construct a building.

The Hon. G. T. VIRGO: I cannot understand how the fact that one council might meet

fortnightly and another monthly alters the delegation of powers. I should think that a council would delegate its powers to a particular officer, and that would be that.

Mr. COUMBE: My point was that building surveyors and inspectors were usually servants of the council, and would have powers delegated to them. However, unless they are entitled to issue a notice, delays could occur, particularly when a council met only once a month.

The Hon. G. T. VIRGO: The honourable member has stated a reasonable case and, being a reasonable Minister, I accept the amendment.

Amendment carried; clause as amended passed.

Clause 12—"Performance of building work in emergency."

The Hon. G. T. VIRGO: I move:

In subclause (1) after "emergency" to insert "endangering any person, building or structure".

This amendment clearly defines what is meant by an emergency.

Mr. COUMBE: The amendment is acceptable.

Amendment carried; clause as amended passed.

Clauses 13 to 15 passed.

Clause 16—"Power of entry."

Mr. COUMBE: I move:

After "surveyor" to insert "or a building inspector".

Both the inspector and the surveyor should have the same right of entry. Usually the building inspector arrives on the job first. Some councils do not employ a building surveyor, but most have inspectors.

Amendment carried; clause as amended passed.

Clause 17—"Notice of irregularities."

Mr. COUMBE: I move:

After "surveyor" first occurring to insert "or a building inspector"; and after "surveyor" second occurring to insert "or building inspector".

As my comments on this amendment are the same as those I made on the previous amendment, I suggest that it be agreed to.

Amendment carried; clause as amended passed.

Clause 18—"Non-compliance with notice."

Mr. COUMBE: I move:

In subclause (1) to strike out "a building surveyor" and insert "the council".

This is a consequential amendment.

Amendment carried; clause as amended passed.

Clause 19—"Delegation of powers of surveyor."

Mr. COUMBE: I move to insert the following new subclause:

(1a) An officer of the council in respect of whom such a resolution is made must be qualified, in accordance with the regulations, for appointment as a building surveyor or building inspector.

This is merely to ensure that the officer on whom the council confers certain powers shall be qualified: otherwise, it could be the boy in the office on the job. This amendment provides for the officer to be qualified in accordance with the regulations.

Amendment carried; clause as amended passed.

Clauses 20 to 29 passed.

Clause 30—"Remuneration of referees."

The Hon. G. T. VIRGO: I move:

To strike out all words after "receive" and insert ", in accordance with the regulations, from the Minister or the council such fees, allowances and expenses as may be prescribed".

This is a rephrasing of the provision for the payment of referees. Substantially, the amendment does nothing different from what is already in the Bill, but we think it is an improvement. It does no harm. In the interests of co-operation, we hope it will be accepted.

Mr. COUMBE: The Opposition does not oppose the amendment.

Amendment carried; clause as amended passed.

Clauses 31 and 32 passed.

Clause 33—"Survey or inspection of excavations, buildings and structures."

Mr. COUMBE: I move:

In subclause (2) after "surveyor" to insert "or a building inspector."

This, again, is consequential.

Amendment carried; clause as amended passed.

Clauses 34 to 49 passed.

Clause 50—"Exemption."

Mr. COUMBE: I move:

To strike out clause 50 and insert the following new clause:

50. This Act binds the Crown.

Although I appreciate that many of our Statutes exempt the Crown, I consider that the Crown should not be exempted from the provisions of this legislation, which will apply in every municipality. It will lay down building standards, and I cannot see why the Crown should be exempt in respect of its buildings any more than is any private individual.

Why should the 16-storey building which houses the offices of the Minister himself not be obliged to comply with the standards laid

down by the Act when a building next door or, say, on the other side of the square erected by a private organization has to so comply? The Crown is responsible for the building of many schools, courthouses and residences for its officers in various country districts. Surely, in the interests of safety of the children, the teachers and everyone else, the Crown should be bound to observe the provisions of this legislation, particularly the fire escape provisions. We are dealing with the safety of persons, and, although the Minister may take a risk when he is in his building, he must consider his officers and persons who come to see him, in such matters as fire escapes and the general safety of the building. The Minister has said that the Bill will apply to all council areas. Government departments, semi-government authorities, and other statutory bodies have many buildings, and all of these should be covered by the Act. I ask the Minister why they are not being covered.

The Hon. G. T. VIRGO: The current Building Act, 1923-64, exempts the Crown from the operation of the Act. The member for Torrens and the member for Mitcham, who were Ministers in the Liberal and Country League Government, as well as the member for Rocky River, who was a back-bencher in that Government, have suddenly decided that the Crown ought to be covered by the Act, even though their Party had been in power since 1933 and had not brought the Crown within the Act. It is delightful to hear the member for Torrens, the pious actor who considered that things were all right for so long but who has suddenly changed his attitude after the present Labor Government has been in office for only five months. The honourable member asks why Government buildings should not comply with the Act, but he has not cited one building erected by the Crown that does not comply. Will the honourable member tell this Committee that buildings which are currently being constructed by the Government, or which were constructed by his Government when it was in office, do not comply with the Building Act? If members opposite could show that these buildings did not comply with the Act, there might be a little validity, instead of hypocrisy, in their argument.

Mr. Venning: What about Housing Trust houses?

The Hon. G. T. VIRGO: Has the member for Rocky River never been informed, or is he so ignorant that he does not know, that the Housing Trust provides councils with plans and specifications in exactly the same way as any private developer does? Is he aware that the trust pays the same building fees as are paid by any other housing developer? The trust does not abuse the advantage it possesses as an adjunct of the Crown.

Mr. Venning: Are the houses all adequately supervised?

The Hon. G. T. VIRGO: That is the most stupid interjection I have heard. The trust, after submitting its plans and specifications, undertakes building in exactly the same way as any private developer does, and it asks the councils concerned to treat it in exactly the same way in regard to the granting of approval and to the payment of building fees. What more is required? Does the member for Rocky River want the trust to pay double fees, or something of that nature? In regard to school buildings, the member for Torrens presumably desires that, before the Public Buildings Department can proceed to erect a school that has been thoroughly investigated by the Public Works Committee, the project possibly having been advocated by the local member for the district as being urgently needed and the plans and specifications having been properly drawn up by the Public Buildings Department, the Crown should then go to the local council and say, "Please, Mr. Mayor and councillors, can we build this school here?"

Mr. Mathwin: What's wrong with that?

The Hon. G. T. VIRGO: Nothing at all! The small-minded attitude of the member for Brighton would be all right; he would have a school built right out in a district where there were no people! We are providing public services in this field, and we do not want the attitude of the member for Brighton to prevail if that is an example of it.

The ACTING CHAIRMAN: The honourable Minister must refer to another member by his district: in this case the member for Glenelg.

The Hon. G. T. VIRGO: Mr. Chairman, I apologize wholeheartedly to the member for Brighton. Referring to the State Administration Centre, the member for Torrens said that surely I would consider the welfare of employees, as well as the safety of members of the public who visit that building, by ensuring that it was of such a standard as to provide adequate safety provisions, including fire escapes. I believe that, when the honourable member was a Minister in the previous Government, his office was on the first floor for a period. Consequently, he surely

noticed the stone stairways that provided adequate fire escapes in complete accordance with the Act. I do not know of any aspect of that building that does not comply with the Building Act. Of course, I have not looked at the building as a building inspector would, nor has the honourable member. It would be unprecedented and impracticable to require the Crown to comply with the terms of this Bill just as it is impracticable to require the Crown to comply with the many other pieces of legislation from which the Crown is at present exempt. If the honourable member were in Government he would object to the suggestion as violently as I am objecting to it.

Mr. EVANS: It has been said that, because I am a member of a political Party, I must take the blame for what happened or did not happen in the past. I came here as an individual and I have tried to act as such since I have been a member. If the Minister thinks no semi-government organization has erected buildings below the standards set by the Act, I ask him to look at the practices of the Housing Trust. He will find that, when the required ceiling height was 9ft., the trust built houses with a ceiling height of 8ft. 9in.; and, when the required height was 8ft. 9in., the trust built houses with a ceiling height of 8ft. 6in.

Mr. McKee: That happened when your Party was in Government.

Mr. EVANS: I do not care about that. The Minister has said that all Government and semi-government buildings conform to the standards laid down in the Act. If that is so, what is wrong with requiring by Statute that they conform to those standards? It would be the courteous thing for the Government to refer its building projects to local government.

Mr. Payne: Why didn't your Party do it years ago?

Mr. EVANS: I repeat that I do not take the blame for what happened in the past. From the beginning of my period in this Parliament I have carried out my duties as an individual. I believe that both State Government buildings and Commonwealth Government buildings should have to conform to the Act, although I realize that we have no power in respect of Commonwealth Government buildings. The Government can move into a local government area and say, "We will put a building here." The Government can do what it likes: it can even build right up to the boundary of a site without using a parapet wall.

The Hon. G. R. Broomhill: Does that happen?

Mr. EVANS: I should be surprised if it had not happened. I should be surprised if some people at Walkerville had not complained about the Highways Department building there. When the Electricity Trust building was built near Glenside, complaints were made that it should never have been built so close to the park lands. In 1968, when I asked a question about Housing Trust houses, the Minister (and he was a member of my Party) said that the houses that the trust was building at that time were not up to the standard required by the Act; yet the trust was getting away with it. However, let us not concern ourselves with what has happened in the past. Why should not Government departments conform to the provisions of the Bill, as all other builders must?

Mr. COUMBE: The Minister argued against himself. He asked me to point to any Government building that does not conform to the provisions. As I could not cite one, he said that that was the reason why Government departments should not have to come within the provisions of the Bill.

The Hon. G. T. Virgo: Who does the building for the Government?

Mr. COUMBE: The Public Buildings Department and, having administered it for a couple of years, I can say it has my greatest confidence. However, if this Bill is to apply to everyone else, surely it should apply to the Crown.

The Hon. G. T. VIRGO: If the honourable member desires uniformity throughout the whole State, I presume that he means that we should have the legislation apply to every building within municipal areas throughout the State, including all farm buildings, Government buildings and even the gate posts referred to by the member for Eyre.

The ACTING CHAIRMAN: The question before the Committee is "That clause 50 stand as printed."

Clause passed.

Mr. COUMBE: I thought that the vote was on my amendment.

The ACTING CHAIRMAN: Order! The vote was on the question "That the clause stand as printed." That motion would have to be defeated to allow a vote to be taken on the honourable member's amendment. I distinctly put the question that the clause stand as printed.

Mr. COUMBE: I accept that point, Sir. The Committee has not accepted my amendment and I accept that defeat. I did not call for a division, but I wanted to say something further on this clause after the vote had been taken.

The ACTING CHAIRMAN: The honourable member is out of order. He cannot refer to a clause or to a decision made by the Committee.

Clauses 51 to 53 passed.

Clause 54—"Proceedings."

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

(3) Proceedings for an offence under this Act may be commenced at any time before the expiration of twelve months from the date of the alleged commission of the offence.

This is a minor amendment.

Amendment carried; clause as amended passed.

Clauses 55 to 57 passed.

Clause 58—"Documents to be preserved by the council."

The Hon. G. T. VIRGO: I move:

To strike out subclause (3) and insert the following new subclause:

(3) The council shall preserve the plans, or copies of the plans, delineating the site of any prescribed building or class of buildings.

This is a relatively minor amendment.

Amendment carried; clause as amended passed.

Clause 59—"Power to make by-laws."

The Hon. G. T. VIRGO moved to insert the following new paragraph:

(*d*1) the restriction or prohibition, within a locality defined in the by-laws, of any specified type of construction.

Amendment carried.

The Hon. G. T. VIRGO: I move:

To strike out subclause (2) and insert the following new subclause:

(2) Where any such by-law is inconsistent or incompatible with a planning regulation made pursuant to the Planning and Development Act, 1966-1969, the planning regulation shall prevail to the extent of the inconsistency or incompatibility.

Again, this amendment is relatively minor but it has been considered necessary.

Amendment carried; clause as amended passed.

Clause 60—"Regulations."

The Hon. G. T. VIRGO: I move:

To strike out paragraph (*k*).

This paragraph makes provision for matters in connection with an appeal to the Planning Appeal Board. It is already contained in the terms of the planning part of the Act, so it is redundant here.

Amendment carried; clause as amended passed.

Clause 61 passed.

Mr. COUMBE: I now wish to move an amendment to clause 5.

The ACTING CHAIRMAN: I cannot accept the amendment that has been handed to the Chair, because it is a new subclause. Previously, the honourable member asked whether he had the right to insert a new clause when all clauses of the Bill had been dealt with and I said, "Yes". However, the amendment he now wants to move is a new subclause. The only way he can get consideration of this amendment is to move for the reconsideration of the clause. We shall now deal with an amendment that is already on file—the insertion of new clause 22a.

New clause 22a—"Commencement of hearing."

Mr. COUMBE: I move to insert the following new clause:

22a. The hearing of any proceedings by referees under this Act must commence whereever practicable within fourteen days after the institution of the proceedings.

This new clause deals with the commencement of hearings by referees. Its purpose is to ensure that there shall be no undue delay in commencing the hearings. I am not putting any restriction on the length of the hearings, because that would be impossible.

New clause inserted.

Title passed.

Clause 5—"Application of Act"—reconsidered.

Mr. COUMBE: I move to insert the following new subclause:

(4) A council may petition the Governor that a proclamation be issued under subsection (2) of this section in respect of the area or any portion of the area of the council or any buildings or class of buildings situated within the area or any portion of the area of the council.

This is a compromise between the provisions of the existing Act and those of this Bill. It preserves exactly what the Minister has argued for but it also gives a council the opportunity to petition to have certain portions of its area or certain types of building exempted in the same way as is provided for in the parent Act. After all, the decision on this matter would rest with the Minister. Many members representing far-flung councils have pointed out problems that can arise, and I consider that this amendment would solve those problems.

The Hon. G. T. VIRGO: I think in his desire to try to do something the member for Torrens has rustled up an amendment which may appear to give some lip service to the point he raised but which in fact adds nothing to the Bill. It will merely provide another meaningless provision when, as he knows, the

Bill before us has attempted to cut out the meaningless sections, or the dead wood, of the Act. Although the subclause would do no harm, the important thing is that it would do no good. It merely provides that a council may petition the Governor. Such a provision is not necessary, because a council now can petition the Minister, the Governor or Parliament if it wishes, and this Bill does not preclude a council from doing this.

The danger I see in this amendment is that it would provide a council with power to do something and it would possibly think that, by petitioning the Governor, its petition must be acceded to. Quite justifiably, the honourable member has not attempted to provide for that.

Mr. RODDA: The Minister has said that the amendment is meaningless and does nothing, but the member for Torrens has tried to insert a provision to cover what members on this side have been concerned about. What will be the machinery in the Bill as drafted? Will the Minister explain under whose authority the Governor may make the proclamation?

The Hon. G. T. Virgo: My authority.

Mr. RODDA: I do not place great faith in that. I ask the Minister again on whose authority the Governor may make the proclamation.

The Hon. G. T. VIRGO: If the honourable member had been in the Chamber at any time between 8 p.m. and 9 p.m. this evening, he would have heard the information that answers his question.

Mr. Rodda: I was here when you were not.

The ACTING CHAIRMAN: Order!

The Hon. G. T. Virgo: The information has already been given.

Mr. Millhouse: Numbers count!

The ACTING CHAIRMAN: Order!

The Committee divided on the amendment:

Ayes (17)—Messrs. Becker, Brookman, Carnie, Coumbe (teller), Eastick, Evans, Ferguson, Goldsworthy, Gunn, Mathwin, McAnaney, Millhouse, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (21)—Messrs. Broomhill, Brown, Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Simmons, Slater, Virgo (teller), and Wells.

Majority of 4 for the Noes.

Amendment thus negatived; clause passed.

Mr. COUMBE moved:

That clause 50 be reconsidered.

The Hon. G. T. VIRGO: Before we proceed, I think that at least we should have some indication of what the member for Torrens is doing. We have already reconsidered one clause, and I do not know whether we are going on all night reconsidering clauses. There has been ample debate on this Bill. As there was a protracted debate on this clause, I am at a complete loss to see why it is necessary to have it reconsidered. I oppose the motion.

The ACTING CHAIRMAN: At this stage I can allow the honourable member only to give reasons for moving for reconsideration of the clause.

The Hon. G. T. Virgo: He did not give any.

The Committee divided on the motion:

Ayes (17)—Messrs. Becker, Brookman, Carnie, Coumbe (teller), Eastick, Evans, Ferguson, Goldsworthy, Gunn, Mathwin, McAnaney, Millhouse, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (21)—Messrs. Broomhill, Brown, Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Simmons, Slater, Virgo (teller), and Wells.

Majority of 4 for the Noes.

Motion thus negatived.

Bill read a third time and passed.

ADJOURNMENT

At 10.32 p.m. the House adjourned until Tuesday, November 10, at 2 p.m.