HOUSE OF ASSEMBLY

Wednesday, November 11, 1970

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

SPEAKER'S RULING

The SPEAKER: Yesterday the honourable member for Mitcham asked me on what principles I decided whether a Minister or other member was entering into debate in answering a question. I should like to say immediately that it is the duty of the Chair to maintain order and to decide points of order as they arise; it is not a function of the Chair to explain Standing Orders or practices but simply to interpret and apply them. In the present circumstances, however, I have decided to make an exception. Our Standing Order 126 provides:

> In answering any such question, a member shall not debate the matter to which the same refers.

In deciding whether a Minister or other member is entering into debate in answering a question, I adopt the criterion employed in the House of Commons, as set out in Erskine May's *Parliamentary Practice* (17th edition, page 357), and the rule of practice as enunciated in Blackmore's *Manual of Practice Procedure and Usage of the House of Assembly of South Australia* (2nd edition, page 127), namely:

> An answer should be confined to the points of the question, with only such explanation as is necessary to render the answer intelligible; more latitude is given by courtesy to a Minister than to a private member, in replying.

This rule, in conjunction with Standing Order 126, guides a Speaker in deciding what constitutes debate in answering a question.

QUESTIONS

MOTOR VEHICLE INDUSTRY

Mr. HALL: Will the Minister of Labour and Industry say whether he knows of grave fears held in South Australia concerning the future of the motor car industry and the employment associated with it? Will he personally carry out investigations into reports that the frequency of new models may be spaced as widely as five years apart, and will he generally use his position to promote industrial peace in the motor vehicle industry to preserve its vital function in this State? In 1968, I visited the headquarters of the Chrysler and General Motors organizations at Detroit. In speaking to the leaders of those companies, I stressed the advantages of operating their industries in South Australia. In return, the leaders of the groups said that they were highly pleased with the operation of their factories in South Australia, the main reason for this being the very good level of industrial relations applying here at that time. In fact, this was the main reason for operating in this State and governed many of the reasons for the expansion of existing factories. I think the Minister would know that since then there has been a deterioration, and an increase in industrial strife has occurred in some of our motor vehicle factories. I am sure the Minister also knows that this can only operate against us in future decisions that must be made concerning these factories.

The Hon. G. R. BROOMHILL: I am aware of the importance to this State of the motor vehicle industry. It is a pity that the Commonwealth colleagues of the Leader of the Opposition do not share his concern. I agree with the Leader that we have had responsible union leadership and that the industrial stability of the motor industry in South Australia has also been sound. I also know that suggestions have been made that there is likely to be a change of policy by motor manufacturers in this State that could lead to some retrenchment in the industry. I am not aware at present whether these rumours are accurate but, so that I can get the facts and know the future position, I have arranged to speak to leaders of the automobile industry in this State. When I have had these discussions, I shall be pleased to tell the House what is the situation as it is explained to me.

Mr. HALL: Will the Minister give the House the figures showing the number of man hours lost because of industrial disputes in relation to total employment in South Australian motor vehicle building plants during the last three years?

The Hon. G. R. BROOMHILL: I will try to obtain that information for the Leader.

PETROL STATIONS

Mr. WELLS: Will the Premier have the appropriate office investigate the method being used by petrol companies when considering the renewal of leases in respect of retail petrol outlets and service stations? People have complained to me that, when a particular petrol company is considering renewing their leases, the company has demanded many personal details beyond what is necessary in relation to

business activities. For instance, the companies want to know how much a person takes from his bank account for his weekly expenses, household expenses, and so on, and how much profit he makes from the confectionery he sells and from any garage repair work that he may do. These matters are all beyond the real object of the existence of a service station—the provision of petrol, oil and distillate. Honourable members would know that recently in a case before the Arbitration Court oil companies strenuously opposed the admission of any evidence of profitability.

The SPEAKER: The honourable member is beginning to debate his explanation.

Mr. WELLS: I am sorry, Mr. Speaker. Although the companies denied the industrial organization this right, they are now using it to determine new rates for leases of their petrol stations.

The Hon. D. A. DUNSTAN: I will get a report from the Prices Commissioner for the honourable member.

INSTITUTE OF CRIMINOLOGY

Mr. MILLHOUSE: Will the Attorney-General give details to the House of the announcement made by the Commonwealth Attorney-General on the establishment of the Australian Institute of Criminology and the Criminology Research Council? When we were in office, the establishment of the Institute of Criminology and the Criminology Research Council was discussed on several occasions at the Standing Committee of Attorneys-General and also by the various Governments concerned, as distinct from the Attorneys. I personally felt some reservation about the scheme, which was propounded originally by the Commonwealth, because of the possibility of losing some control over the administration of the police and the criminal law generally in the State, and, as I recollect, the matter had not been fully resolved when there was a change of Government. I therefore particularly ask the Attorney-General whether he can say what relationship the two new bodies will have to the States and to their Police Forces; what contributions the States (or this State, anyway) will be making towards the support of the bodies; what contribution will be made by the Commonwealth; and, finally, what will be the composition of the Criminology Research Council.

The Hon. L. J. KING: As a considerable amount of detail has been sought by the honourable member, I will obtain a considered reply and let him have it.

PUBLIC SERVICE ACT

Mr. McRAE: Is the Premier aware that under the Public Service Act and regulations no legal representation is permitted to public servants in grievance appeals and appeals concerning promotions and other matters? This question is supplementary to a question I asked in the House yesterday about the apparent restrictions on public servants in gaining advice and direction from lawyers or members of Parliament. There seems to be some concern at present that the legitimate rights of these officers to have their grievances and promotion appeals properly dealt with are being restricted either by the Act and regulations or by the policy of the board. There is a strong feeling among public servants that if they contact either members of Parliament or lawyers they may be jeopardizing their careers in the service. I therefore ask the Premier whether this is the position and, if it is, whether anything can be done to redress the matter.

The Hon. D. A. DUNSTAN: I am aware of the provisions of the Public Service Act to which the honourable member refers. I will put his inquiries to the Public Service Board and get him a considered reply.

BOOL LAGOON

Mr. BURDON: Can the Minister of Works say what authority controls the level of water in Bool Lagoon, which is a game reserve in the South-East? I should like to know whether the relevant authority is the South-Eastern Drainage Board or the Fauna and Flora Board. My attention has been drawn to the fact that concern has been expressed by game and field authorities about the possible draining of Bool Lagoon and, if this drainage is carried out, about the possible effect it will have on the life of birds that may be nesting in the reserve at present.

The Hon. J. D. CORCORAN: The Fisheries and Fauna Conservation Department, under the supervision of its Director (Mr. Olsen), controls the water level in Bool Lagoon. The department works in close co-operation and liaison with the South-Eastern Drainage Board, but any decision regarding the release of water must be taken by the Director. I have received inquiries about this matter myself, and I understand that at present it is not intended to release any water from the lagoon.

Mr. NANKIVELL: I ask this question with the concurrence of the member for Victoria. Will the Minister of Works ask the Minister of Lands the following question on the management of the water level in Bool Lagoon? On

October 15, 1964, as Chairman of the Land Settlement Committee, I tabled an interim report which made recommendations in relation to Bool Lagoon. The first of three recommendations related to sections 223 and 224: that on the termination of these leases these areas should be placed under the control of the Fisheries and Fauna Conservation Department for the purposes of a game reserve, similarly to the Victorian practice, and this was agreed to. The second recommendation was that the adjoining area of land required for the proper management of the reserve should be purchased and incorporated in the reserve. I understand that that has just been completed but there is a question whether it is a game reserve or a national park. I am specifically interested in the third recommendation, which was that a co-ordinated advisory committee be set up for a preliminary period of four years to determine the level at which Bool Lagoon should be controlled. I understand this matter was discussed at a field and game club meeting a few weeks ago at Mount Gambier, and there has been some argument between the people responsible for the administration of the reserve and the South-Eastern Drainage Board engineers over the control of water levels. In fact, I believe it was suggested by the engineers that the lagoon should be drained at this time because the level was affecting ground water levels on the surrounding farms. As this indicates to me that there is still a conflict of views on this matter, will the Minister of Works ask his colleague to further consider the appointment of a co-ordinating committee to prevent any unfortunate incident occurring as a result of the lack of control of the level of water in the lagoon?

The Hon. J. D. CORCORAN: I have just replied to a question on this subject from the member for Mount Gambier. No offence was meant to the member for Victoria, but I believe the member for Mount Gambier asked the question for the same reasons as did the member for Mallee. My understanding of the position is that the water level in Bool Lagoon is controlled by the Director of Fauna Conservation (Mr. A. M. Olsen). He acts in close liaison with the South-Eastern Drainage Board, but the decision on the level to be maintained is his finally. I also understand that it is not intended at this stage to lower the level of the lagoon. However, I will contact my colleague and get a report for the honourable member, as I will also do for the honourable member for Mount Gambier.

PARA VISTA SCHOOL

Mrs. BYRNE: Has the Minister of Education a reply to the question I asked recently regarding the Para Vista Primary School playing fields?

The Hon. HUGH HUDSON: The area to be top-dressed and seeded at the Para Vista Primary School is 10,400 sq. yds., which is considered to be ample for a school of its size.

INDUSTRIAL ACCIDENTS

Mr. SLATER: Has the Minister of Labour and Industry a reply to the question I asked yesterday regarding industrial safety?

The Hon. G. R. BROOMHILL: There are 24 inspectors (including the Chief Inspector and senior inspectors) appointed to undertake inspections of workshops and factories to ensure that safe working conditions are provided. Inspections on construction sites are generally undertaken by other inspectors specifically appointed for those duties (of whom there are 11). This part of the inspectorial staff has been considerably augmented in the last five years: in fact, since July 1, 1965, an additional 11 new positions have been created and all except one is filled. Sufficient inspectors are employed to allow regular inspections of factories and construction sites to be made. The Secretary for Labour and Industry in his annual report for 1969 indicated that 88 per cent of all factories registered with the department were inspected at least once last year. All factories in which more than 50 persons are employed were so inspected.

In reply to the second part of the honourable member's question, separate statistics are not kept of accidents which were attributable to the lack of proper or adequate safeguards or other measures which should have been provided by employers in the interests of industrial safety. All accidents which occur in factories, in warehouses and on building sites and which involve absence of a workman for three days or more have to be reported to the Chief Inspector and in all cases where he considers it necessary an investigation is made into the cause of the accident. In some, but not many, cases it is found that employers have not provided adequate safeguards for machinery but, unfortunately, in other cases guards provided for machinery have been removed. Legislation and its enforcement will not alone prevent industrial accidents. This is the reason for the emphasis being given to the safety education and training to management, supervisors

and workmen which, as I said yesterday, has achieved some results, as can be seen from the 17 per cent reduction, in the last five years, of accidents that caused absence from work for a week or more while during those five years our workforce has increased by about 16 per cent.

WATER PRESSURE

Mr. HOPGOOD: Has the Minister of Works a reply to my recent question regarding water pressures at Darlington Heights?

The Hon. J. D. CORCORAN: The limit of the supply in the area known as Darlington Heights is R.L. 475. Water mains were extended to this level in May, 1967, terminating at allotment 11 in Victoria Parade and allotment 33 in Wayne Avenue. A further 16 allotments in Wayne Avenue and Victoria Parade are too high to be commanded from the present system, some of the owners of which have taken indirect services from the end of the main in either Wayne Avenue or Victoria Parade. At the time of granting these indirect services in 1967, the applicants were told that the water supply would not be entirely satisfactory, as there could be no guarantee of minimum pressure and the supply could be intermittent. The Engineering and Water Supply Department has no plans to provide an improved supply for this isolated area, which is above the supply limit and which would require a relatively large capital expenditure for 16 allotments.

PROBATE DELAY

Mr. McRAE: Can the Attorney-General say whether the time for obtaining the granting of probate is now three months from the time of lodging an application? If that is so, does the Attorney-General consider that this is an excessive time and, if he does, does he intend to take action to reduce it? I wish to make clear that my question does not reflect on the officers in the probate office. I am aware of their problems and I know that another officer was recently appointed to help them, but there still seems to be a time lag of three months instead of the hitherto recognized time of one month. I also ask whether, in considering this position, the Attorney-General has considered not only the manpower available but also the whole system of obtaining probate, for example, the archaic procedures that are still laid down in the rules and the archaic insistence on complete compliance with every letter of the law, which seems to be causing considerable trouble and difficulty.

The Hon. L. J. KING: The question of the delay in obtaining probate has been considered for some time. The probate office was in difficulties because of lack of staff, but an additional assistant registrar was appointed two or three weeks ago. I am now informed by the Registrar of Probates that it is likely that the arrears can be dealt with and that in the new year it may be expected that the time for obtaining probate will be reduced to what might be regarded as a normal and reasonable time—about three weeks or a month. I am also aware that the probate officers, acting in accordance with precedents and traditions which have existed in probate offices all over the English-speaking world, do insist on a great deal of particularity and accuracy in such things as descriptions and addresses in probate documents. Members of the legal profession have often asked whether some of this insistence on particularity serves a useful purpose. I understand that this matter has been discussed by representatives of the Law Society and the Registrar of Probates in recent weeks. I do not know whether those consultations have produced any result, but I will obtain a report from the Registrar of Probates about the consultations and see whether improvements can be made in the procedure relating to applications for grants of probate which might reduce the inconvenience involved and also any delays which might continue to exist.

PENOLA SCHOOL

Mr. RODDA: Can the Minister of Education say what progress is being made in negotiations on the closing and opening of alternative road areas at Penola to enable plans to be proceeded with for the establishment of a new school there? I understand that the Minister has referred the matter to the Public Buildings Department and that the Penola council has agreed to waive its request to have a right of way for pedestrians, so that that portion of Young Street can now be closed and become part of the new schoolgrounds. Therefore, that impediment, which was causing certain difficulties, has been eliminated. As several people who are interested in the progress of negotiations concerning the school have approached me, I shall be pleased if the Minister will find out what has happened.

The Hon. HUGH HUDSON: I cannot indicate the latest position off-the-cuff, but I shall be pleased to have the matter investigated and to bring down a reply for the honourable member, if not for the House, as soon as possible.

TERTIARY ENROLMENTS

Mr. GOLDSWORTHY: Can the Minister of Education say how many students qualified for entrance are likely to be turned away from the State's two universities and the Institute of Technology owing to lack of places? The Melbourne *Sun* of November 10 reports that 4,000 students in Victoria will miss places at universities there; last year over 4,000 qualified students were rejected by universities in that State.

The Hon. HUGH HUDSON: I shall be pleased to get detailed information for the honourable member. I know that the quotas that apply in relation to the universities only can apply significantly in respect of certain faculties. For example, in recent years students have normally been able to get into the Adelaide University science quota without too much difficulty, and a similar position applies in respect of several other faculties. I will request the universities and the institute to give me detailed information, which I will bring down for the honourable member as soon as I have it available, although it may take a little time to get.

SWIMMING POOLS

Mr. LANGLEY: Does the Minister of Labour and Industry intend to introduce legislation to provide for safety precautions in respect of domestic swimming pools? Today's *Advertiser* contains an article about, and a photograph of, a safety device that has been designed to ensure that an alarm will sound when a body heavier than 5 lb. falls into a swimming pool. As the number of domestic swimming pools seems to have mushroomed during the last few years, it appears that safety precautions should be introduced in respect of pools to ensure a minimum loss of life through drowning, as in many pools young children would be out of their depth.

The Hon. G. R. BROOMHILL: In recent weeks I have been considering the problems to which the honourable member has referred. It appears that the number of private pools has increased, so that possibly there is a need for safety precautions to be considered. I am aware of the safety device referred to by the honourable member, but it appears to me that, as children are likely to wander near a swimming pool and possibly fall in at times when the occupiers of a house are not at home, the warning sound would not be very satisfactory in those circumstances. I understand that no regulations cover any precautions that people who provide swimming pools might be required to observe. As this seems to be an area where some precaution is needed, I will have the matter investigated and bring down a report for the honourable member.

TYPHOID CASE

Dr. TONKIN: Will the Attorney-General ask the Minister of Health to reassure members of the public and particularly parents of children attending the Rose Park Primary School by outlining the public health steps being taken to investigate the case of typhoid recently reported in a child attending that school and by stating whether or not there is any present risk to other pupils attending that school?

The Hon. L. J. KING: I will obtain a report.

FIRE BANS

Mr. CARNIE: Has the Minister of Works a reply to my recent question about the alteration to fire ban district boundaries on Eyre Peninsula?

The Hon. J. D. CORCORAN: Proposals for alterations to the boundaries of districts for the purpose of issuing fire bans have been considered on a number of occasions, but from a meteorological point of view there are practical difficulties in dividing areas and, as the honourable member points out, it is not practicable to make districts too small. Another factor which may not be generally appreciated is that, in assessing the potential danger, the Bureau of Meteorology takes into account conditions in the upper atmosphere, which may be quite different from the climatic conditions apparent on the ground at any given time. It is emphasized that the bureau, with its knowledge, experience and technical aids, is in the best position to determine whether the weather conditions justify a fire ban or not and all factors are carefully assessed before a decision is made. However, the Minister of Agriculture has referred the honourable member's comments to the Director of the Bureau of Meteorology for his consideration.

SCHOOL TYPEWRITERS

Dr. EASTICK: Can the Minister of Education say whether there has been any recent change in the policy of his department in respect of the availability by requisition of a typewriter for clerical use in schools? Recently a rural school in my district received from the senior stores officer a letter that states:

You are advised that typewriters are supplied on requisition only to the larger primary schools where clerical assistants have been appointed.

However, two other rural schools close to this school have received typewriters for school use.

The Hon. HUGH HUDSON: I will look at the matter and bring down a reply for the honourable member.

BIRD SMUGGLING

Mr. MATHWIN: Has the Attorney-General a reply to my recent question about the smuggling of birds?

The Hon. L. J. KING: A report from the Minister of Agriculture states that the policing of smuggling of Australian species of birds out of Australia and of foreign species into this country is the primary responsibility of the Commonwealth Customs Department. However, the customs officers in South Australia and inspectors of the Fisheries and Fauna Conservation Department act with commendable co-operation, and a recent seizure of birds smuggled in this State was a joint venture by officers of the Fisheries and Fauna Conservation Department and of the Commonwealth Customs Department. (It is probable that there will be no prosecution under State legislation for this offence.) It is largely because of support and information provided by officers of the Fisheries and Fauna Conservation Department and the assistance given by them to customs officers that their anti-smuggling work in this State is progressing in such a satisfactory manner. It is true that Australian birds are bringing exceedingly high prices overseas, and it is equally true that Australian "dealers" are understood to be offering high prices for foreign species of birds so highly prized by Australian aviculturalists. The department cannot do more than maintain the present close liaison and co-operation with the Customs Department.

ROSEWORTHY COLLEGE

Mr. COUMBE: Has the Minister of Works a reply from the Minister of Agriculture to my question regarding the expulsion of students from Roseworthy College recently?

The Hon. J. D. CORCORAN: The parents of all three young men who were expelled from Roseworthy College have been in touch with the Minister, either personally or by letter, and in each case he has indicated that he considered no good purpose would be served by a discussion on this matter with him. The Minister has received full reports from the Principal of the circumstances of the regrettable incident which resulted in the expulsions, and the Minister sympathizes most sincerely with the parents of the students concerned. It would seem that the students have needlessly sacrificed valuable opportunities of preparing themselves for rural careers. However, the Minister wishes to make quite clear that he has every confidence in the administrative competence and integrity of the Principal who, it is considered, reached his decision in this matter only after a thorough investigation of the circumstances and most careful consideration of all the factors involved. Indeed, he was acutely conscious of the serious consequences for the students of the action he felt he had to take. For these reasons, the Minister is not disposed to interfere in a matter which he considers to be one of internal discipline within the college, and one which is entirely within the authority of the Principal to determine. In fact, the Minister thinks it would be improper for him to do so.

COMPENSATION

Mr. EVANS: Has the Minister of Roads and Transport a reply to the question I asked recently about the payment of compensation by the Highways Department in respect of a property at Winns Road, Blackwood? The Minister will recall that I gave him certain facts about this matter as they were given to me.

The Hon. G. T. VIRGO: The reconstruction of Winns Road is not contemplated within the next 10 years. In April, 1968, Mrs. Burton began writing letters to the Highways Department seeking compensation following advice given to her by the local council that an application for the erection of a garage was refused because of long-range reconstruction plans for Winns Road. Because the scheme is not listed on the five-year programme and construction is not proposed within 10 years, it has been necessary for the Highways Department to undertake special survey and design exercises to establish the probable limits of the land required from the Burton property. These limits have recently been computed and approval for negotiation for a strip of land varying in width from 17ft. to 24ft. along the 70ft. of the Winns Road frontage was given on June 8, 1970. Mr. and Mrs. Burton were advised accordingly on June 11, 1970. Because the value of compensation is estimated at more than $2,000,

the Land Board, under existing arrangements, carries out negotiations on behalf of the Commissioner of Highways. The board has requested further details in connection with this acquisition, and these are still being investigated and compiled. The matter is being pursued with all haste but, having regard to the scheduling of this work (a considerable time in the future) and the detail entailed in expediting this single acquisition, I consider that everything reasonable is being done by the Highways Department.

NIGHT WATCHMEN

Mr. BECKER: Has the Minister of Education a reply to my question of October 29 about the appointment of night watchmen to protect school properties?

The Hon. HUGH HUDSON: The idea of engaging night watchmen to protect school properties has been examined, but, because of the expense involved, it is considered not to be an economic proposition. I may say that it is clear that the recent Seacombe High School fire would probably not have been prevented by the presence of a night watchman.

PROSPECT REDEVELOPMENT

Mr. COUMBE: Has the Minister of Education a reply to my question on the future development of the Prospect Demonstration School?

The Hon. HUGH HUDSON: As the honourable member would be aware, following discussions between officers of the Education Department and the Prospect council, proposals and plans were submitted by the council for the redevelopment of the area in the immediate vicinity of the Prospect Demonstration School, such redevelopment to include the provision of playing fields as a joint project. The council has indicated its willingness to co-operate in the scheme, which includes the acquisition of a number of properties, the closing of part of a street, and the opening of a new connecting roadway. In June, the council was advised that the Education Department viewed the matter favourably and that further consideration would be given to it in due course. The present position is that the Public Buildings Department has been asked to examine the proposals and to comment on their feasibility. In the meantime, a close watch is being kept on any properties that may become available so that they may be included in the suggested redevelopment.

TEA TREE GULLY SCHOOL

Mrs. BYRNE: Has the Minister of Education a reply to my question about preserving the old Tea Tree Gully Primary School building?

The Hon. HUGH HUDSON: The old school building at Tea Tree Gully Primary School which was built in about 1874 was carefully examined when the Public Works Committee inspected the school on November 5. It was evident that considerable maintenance would be required, and the structure leaves much to be desired from an aesthetic point of view. If it could be taken over by a responsible body, such as the National Trust in conjunction with the school committee, a guarantee would be necessary to ensure that it would be maintained in a satisfactory condition. If such a guarantee could be given there would be no objection by the Education Department to its retention. If so desired, the committee could take the matter up with the appropriate body and then refer the matter to the Education Department.

ATTORNEY-GENERAL'S DEPARTMENT

Mr. MILLHOUSE: I should like to ask a question of the Attorney-General concerning the move—

The SPEAKER: What is the question?

Mr. MILLHOUSE: Can the Attorney-General give me a reply to the question I asked him some time ago about the moving of his department from its present premises, and can he link his reply with information for the House about the establishment of a fraud squad within the department? Last week I asked the Minister about plans that I have heard of for removing the Attorney-General's Department and the Crown Law Department from 24 Flinders Street, a matter that was being considered even before I came to office, although the plans that had been made by my predecessor were quite unsuitable and I changed them.

The SPEAKER: Order! The honourable member asked his question and sought leave to explain it and I will not permit him to express views and enter into debate. If he wants to explain the question, he may explain it sufficiently for the Attorney-General to reply.

Mr. MILLHOUSE: It was part of the explanation, Sir. I think it was when replying to me (certainly, about that time) that the Attorney-General said that dependent upon the moving of his department would be the establishment of this fraud squad within the department. When I took office as Attorney, I found

that my predecessor had set up a cell within the Attorney-General's Department to deal with these matters, and one person was trying to carry the matter from the beginning to the end of the process (and members will remember the Davco case, in which I think the Attorney-General was engaged). I gather from the report in the paper of remarks by the Attorney-General that he intends to go back to that system and to have within the Attorney-General's department, not within the Crown Law Department, a group comprising a lawyer, an accountant, and, I presume, a police officer to carry out these fraud investigations, instead of allowing such investigations (as I did) to be handled by three departments jointly, but this depended in some way on the availability of accommodation.

The Hon. L. J. KING: I notified the member for Mitcham yesterday that I had a reply to the question he had previously asked. I can now say definitely that the Attorney-General's Department, Parliamentary Draftsman's Office and Crown Law Department will be moving into new offices next year. Negotiations have been satisfactorily concluded for the lease of the top five floors of Beneficial House, a new building being erected in Franklin Street, to accommodate these departments. The building is scheduled to be completed in March, 1971. Concerning the second part of the honourable member's question, I said in reply to the question he asked last week that I intended to set up a squad for the purpose of investigating, and initiating and conducting prosecutions in commercial fraud types of case and that this was dependent on obtaining adequate accommodation and, therefore, could not be brought into operation until the new accommodation had been obtained and the department had moved into that accommodation. Concerning the composition of this squad, at present I cannot say more than that my plans are that the squad will comprise persons possessing legal and accounting skills and also police officers. The exact size of the squad and the precise organization remain to be settled in detail. I am strongly of the view that the idea of having the investigation and prosecution of commercial frauds in the hands of a specialist co-ordinated squad under unified control is the only satisfactory way of dealing with this type of matter. It was a conviction that I formed during the course of the case to which the honourable member has referred (the Davco case), and it has been reinforced by the experience that I have had since I have been in my present position. That does not necessarily mean that every detail of the organization that existed previously will be repeated: one learns by experience. The one thing that I am sure about, however, is that, if weaknesses appear in an organization or a section, the way to deal with the weaknesses is to cure them and not to abolish the organization altogether, as the honourable member did when he attained office. I am satisfied that the institution of this squad will be an important measure for the protection of the public, and I am looking forward to the opportunity to get it under way early next year when the new accommodation is obtained.

MIGRANT INSURANCE

Mr. HOPGOOD: Will the Attorney-General investigate the activities of certain insurance agents, which activities, on the face of it, appear to be against the interests of certain migrants in the circumstances that I will now outline? I have two or three examples before me but I will quote just one of them. A constituent of mine, a migrant, sent out baggage from England, and some of his baggage and furniture was extensively damaged and some was lost. In addition, some articles of furniture and clothing belonging to other people were found mixed with his baggage. This constituent had insured with Lloyds of London before dispatch to cover £1,000 sterling. Lloyds' agent in Adelaide is George Wills and Company Limited. My constituent went to see an officer at Wills who told him to find out all the prices of baggage lost, and the cost of repairs to damaged furniture and electrical equipment, etc. He did this and has estimates from local stores in Christies Beach to prove it. He filled in the insurance claim and sent it to George Wills and Company Limited, which has reduced all items and has subsequently sent him an account for $39.65 for instructions, survey and report. My constituent desires to know why he should he required to make his own survey, if the agent proceeded to duplicate this survey and charge him for the duplication. Secondly, he would like to know whether this charge should not be covered by the premium or, at the very worst, made a charge against the settlement.

The Hon. L. J. KING: I should think that the honourable member's constituent's rights would have to be determined by reference to his contract with the insurance company and would really be a matter for private legal advice. However, if the honourable member will furnish me with the details, I will look at the matter and see what can be done.

STATUTE CONSOLIDATION

Mr. NANKIVELL: Can the Attorney-General say what progress, if any, has been made in arranging for some person or company to undertake a new consolidation of our Statutes?

The Hon. L. J. KING: Arrangements are in hand for a consolidation of the Statutes, and I think this was put in hand before I assumed office. As I have no up-to-date information on what progress has been made, I will obtain the information and let the honourable member know.

TRAM PASSES

Mr. MATHWIN: I wish to ask a question of the Minister of Roads and Transport about making available cheaper weekly and monthly passes to passengers using the Glenelg tram service. I asked a similar question at the end of July and also in October, and the Minister replied earlier that he thought the information had been given me, but I assure him that it was not.

The Hon. G. T. VIRGO: I do not know whether this reply is one of those which I have brought down to the House previously and for which, when members have been notified, they have not asked. After I bring a reply down for a week in these circumstances, I do not bring it down after that, as I assume at that stage that the member who asked the question has lost interest in the reply. However, I will look into this matter and try to get the information for the honourable member.

WANILLA WATER SUPPLY

Mr. CARNIE: Has the Minister of Works a reply to the question I recently asked about the Wanilla water supply?

The Hon. J. D. CORCORAN: The investigation of a proposed water supply to the Wanilla-Edilillie area has now reached the stage where the Engineering and Water Supply Department can commence discussions with the local farmers. It is expected that an officer from the department will be able to visit the area within the next three or four weeks for this purpose.

FATAL ACCIDENTS

Dr. TONKIN: Can the Minister of Roads and Transport say how many fatal accidents involving motor vehicles there have been in this State so far this year? Also, can he say how many of the vehicles involved were subject to hire-purchase agreements and whether there is any evidence at all to suggest that low or fictional deposits are contributing in any way to the road toll through vehicles being made more easily available to younger and possibly less experienced drivers?

The Hon. G. T. VIRGO: As the honourable member is calling for considerable statistical information which I obviously do not have at present, I will seek to obtain it and, if it is available, let him know.

LAKE ALBERT

Mr. NANKIVELL: Has the Minister of Works a reply to my recent question about a possible outlet between Lake Albert and the Coorong?

The Hon. J. D. CORCORAN: No consideration has been given to the construction of a channel from Lake Albert to the Coorong but a preliminary estimate of cost for such a channel and regulating structure is $400,000. As this would represent an equivalent capital expenditure of about $71 for each acre of irrigated land around the lake, the scheme cannot be recommended for the slight benefit to be gained when surplus flows are available from the Murray River.

PROSPECT ROADS

Mr. COUMBE: Will the Minister of Roads and Transport supply me with further information regarding the question I asked on October 27, the reply to which is on page 2055 of *Hansard?* In the latter part of his reply, the Minister said he expected that construction work on the western side of the Main North Road could commence in 1972. I was approached today by representatives of the Corporation of the City of Prospect regarding this project, and was told that further major commercial activities are likely to occur adjacent to this spot, on the western side of the Main North Road as far as the Regency Road intersection. As the council has asked whether this work could be expedited, will the Minister take up the matter with his department to see whether it could be included in the Highways Department's programme for 1971-72 rather than leaving it at 1972?

The Hon. G. T. VIRGO: I shall be pleased to do so.

SAND BUGGIES

The Hon. D. N. BROOKMAN: Will the Minister of Works, representing the Minister of Lands, say whether any finality has been or is being reached regarding land to be used

for racing sand buggies? As the Minister will be aware (because he, too, was interested in this matter), many groups are interested in this sport. I am not personally interested in it, although some people have the nerve to participate in it. Naturally, this sport is generally practised around the coastline, although it conflicts with the needs of conservation. It was therefore my object when Minister, and the object of the previous Minister, to find somewhere where the sport could be conducted under proper conditions without destroying the conservation of our coastline in widely scattered areas. The search for a suitable area was proving fairly difficult, although it was clear that land could be made available. When I left office I thought progress would be achieved fairly soon, irrespective of which Government was in power. I am concerned, however, that one group might be given rights to a plot of land to the exclusion of other groups, whereas this sport would do best if these people were encouraged to get together and to co-operate.

The Hon. J. D. CORCORAN: As the honourable member pointed out, I have some interest in this matter. Indeed, I told the people who were interested in this sport to form themselves into a single body so that they could control the activities of their members to the satisfaction of any authority that might make land available to them for the purpose of pursuing their sport. Only recently, I received a reply from the Minister of Lands, rejecting the request to which the honourable member probably referred, on the basis that this sport could aggravate sand drift in the area concerned—somewhere near Beachport. The land was unoccupied Crown land and, in my opinion, could have been made available for this purpose, with the club controlling its members' activities in the area. I have passed on this information to the club concerned and, being unsatisfied with the reply I received, have taken up the matter again with my colleague. These people should be catered for and it is much better for them to be provided with land on which they can pursue their sport rather than having them running willy-nilly over the whole coastline and, in some cases, through national parks and so on.

Mr. Millhouse: Does this show a Cabinet split on yet another matter?

The Hon. J. D. CORCORAN: Don't be ridiculous.

The SPEAKER: Order!

The Hon. J. D. CORCORAN: I am trying to be sensible and constructive about this point. If the member for Mitcham—

The SPEAKER: Order! The member for Mitcham was out of order, and the honourable Minister should not have replied.

The Hon. J. D. CORCORAN: I know I should not have replied, Sir. However, may I express my disgust at the type of comment the honourable member has made. I shall be happy to take up the matter with my colleague for the honourable member to see what can be done on behalf of the people who participate in the sport of racing sand buggies at Millicent. Perhaps the Minister of Lands might see fit to change his mind on the matter.

FARM VEHICLES

Mr. VENNING: Will the Minister of Roads and Transport take up with Mr. Grant Andrews (General Secretary of the United Farmers and Graziers Association) the matter of—

Members interjecting:

The SPEAKER: Order! There is too much audible conversation, and I cannot hear the question being asked by the member for Rocky River.

Mr. VENNING: Will the Minister take up with Mr. Andrews the matter of extending the list of farm vehicles exempted from the provisions of the Motor Vehicles Act? Also, will he ascertain how many accidents have this year been caused as a result of farm vehicles not complying with the provisions of the Act? From time to time primary producers have been apprehended on the roads for moving portions of their equipment from one paddock to another; some have been cautioned and others prosecuted. It is indeed an awkward situation when farm vehicles must comply with the provisions of the Act, especially in relation to such matters as flashing and turning lights being affixed to vehicles. These requirements are placing an added burden on primary producers, and I am sure the Minister will find that such farm vehicles have not caused many accidents this year. I know Mr. Andrews's views regarding this problem, and he has in certain instances been in contact with the Minister.

The Hon. G. T. VIRGO: The answer to the honourable member's first question is "No". If Mr. Andrews wishes to take up this matter with me, I shall be happy to receive representations from him. However, I certainly do not

think it is my responsibility to chase Mr. Andrews, whoever he may be, or anyone else to ask what should be done. The other aspect of this matter is that certain safety features are, by regulation and legislation, required to be fitted to vehicles. These provisions are amended from time to time and only a few days ago I referred to some further features that will apply as from January 1, 1971, to all vehicles on the road (I am talking of motor cars) whether they belong to farmers or city business men. If vehicles are using the road, I do not think the ownership has anything to do with safety features. The question of farm vehicles is another matter that has received sympathetic consideration from the Registrar of Motor Vehicles whenever overtures have been made to him, but he has, quite properly in my view, refused to bend the Act for a specific group of people. He believes that, if these features are necessary on vehicles, they ought to be put on all vehicles using the roads. Where there are instances of vehicles just crossing the road, this is a different situation and my appreciation of the stand that the Registrar has taken and the decisions he has made justify completely the statement that I believe that he is acting properly with full and proper consideration for the people concerned, bearing in mind the need for putting these various requirements in the Act and regulations, namely, the preservation of safety on the roads.

SILVER LAKE

Mr. EVANS: Will the Attorney-General ask the Chief Secretary to arrange for the Inspector of Places of Public Entertainment to inspect Silver Lake at Mylor before a pop festival is held there in January, 1971? Local residents who have complained to me about the proposed festival believe that, as it is to be held beside the Onkaparinga River, if there are no toilet facilities the river will be polluted. They also understand that arrangements are being made for the parking of 5,000 cars. The Silver Lake itself is just an old mine hole that has natural water in it and, as it is not chlorinated or kept clean, disease could spread if people swim in it. The local residents also believe there is the risk of trouble from the young people if drugs are allowed to be consumed on the premises. They would like the Inspector of Places of Public Entertainment to look at this site before the festival is held.

The Hon. L. J. KING: The question raises certain matters, some of which are within my Ministerial authority and others of which are the responsibility of the Chief Secretary. I will confer with my colleague and bring down a considered reply.

BARLEY

Mr. GUNN: Has the Minister of Works a reply from the Minister of Agriculture to my question concerning barley handling facilities on Eyre Peninsula?

The Hon. J. D. CORCORAN: The Australian Barley Board has received representations from producers in the western Eyre Peninsula area and still has this matter under consideration. A decision regarding the shipment of barley from Thevenard in 1971-72 is expected to be reached at the next meeting of the board on November 16 and 17.

REMEDIAL TEACHING

Dr. TONKIN: Can the Minister of Education say what steps are taken by his department to ensure that children needing remedial or special teaching are referred for psychological assessment at the earliest possible age? What is the present average age of referral for such assessment and teaching, and are existing facilities considered adequate?

The Hon. HUGH HUDSON: My answer to the third part of the question is "No". The department is very much understaffed as regards guidance officers, and this year we have provided for the appointment of an additional eight officers, which is as many as the Chief Psychologist considers could be effectively absorbed into the work of the Psychology Branch during one financial year. We hope that in the years immediately ahead of us we can afford further expansion in that branch. Regarding the referral procedure, a tremendous amount depends on the extent to which individual teachers are aware of effective remedial procedures that can be adopted. I have no doubt that many cases are badly dealt with as a consequence of their not being referred early enough to the competent people. Regarding the first and second questions, I will get the information the honourable member requests.

FESTIVAL OF ARTS

Mr. MILLHOUSE: I wish to ask a question of the Premier concerning the—

The SPEAKER: Order! What is the question?

Mr. MILLHOUSE: It concerns the 1972 Festival of Arts, and the question is this: will the Government reconsider the financial assistance, which is being undertaken by it, to the festival?

In the last few days there have been several newspaper reports regarding the parlous state of the finances for the 1972 festival, and I think that in the *Advertiser* or the *News* there was a refusal by the Government to do more for the festival committee.

The Hon. D. A. Dunstan: But—

Mr. MILLHOUSE: The Premier will be able to answer in due course. The heading in the *Australian* was that the Premier had rebuked the festival administrator (Mr. van Eyssen). I am sure we—

The SPEAKER: The honourable member is starting to comment on the newspaper report.

Mr. MILLHOUSE: No, I am not.

The Hon. D. A. Dunstan: You aren't stating facts, anyway.

Mr. MILLHOUSE: To the best of my knowledge, I am stating facts.

The SPEAKER: Order! The honourable member can explain his question, and no more.

Mr. MILLHOUSE: Yes, Sir. To the best of my knowledge, the 1970 festival was able to make its arrangements on the basis of the finance that was available to it, but obviously costs are rising all the time and, if it is necessary, as I believe it is, for artists to be brought from overseas to make the festival a success, more money is required. I know that the Premier has, in the past, said some rather uncomplimentary things about the festival.

The SPEAKER: Order! The honourable member is not explaining his question. Does the honourable Premier desire to reply?

Mr. MILLHOUSE: I ask the Premier to reconsider—

The SPEAKER: Order! Does the Premier wish to reply?

The Hon. D. A. DUNSTAN: The honourable member very carefully does not quote from any newspaper report or any other report of my remarks but gives his impressions, which are as inaccurate as those of the Leader on another subject. The Adelaide Festival of Arts requested of the Government this year that the support for the next festival increase from $75,000 to $140,000, during the period in which it was expected that the Commonwealth Government support would increase from $30,000 to $35,000 and the Adelaide City Council support would increase from $13,000 to $15,000. In consequence, the festival submitted to the Government a budget that would provide it with $140,000, which meant that the whole of the administration costs of the festival would be met by the South Australian Government. The basis on which this was submitted to the Government was a statement by the Chairman of the festival that those who had founded and supported the festival as a non-governmental organization could not be expected to continue that support. With great respect to the Chairman, I say that that is not a view that the Government could accept. We increased support for the festival from $75,000 to $90,000. We had agreed that $30,000 be made immediately available to the festival, and that that sum would be paid as soon as the allotments for the performing arts grants out of the total in the Budget were made, following the appointment of the development officer to the Premier's Department responsible in this area. He has just taken up his office, and the cheque will go to the festival office in consequence of this. The festival office has been told that it can expect this in November or December this year. What we have then been called publicly is stupid for not accepting the submissions of the Chairman of the festival, and we have been told we should be spending this money in order to obtain for South Australia an expenditure of about $7,000,000 to $8,000,000, which it is estimated would be spent as a result of the festival being held in South Australia. I should think that the honourable member would be well aware that this sum would not find its way into the State coffers.

Mr. Millhouse: Surely, if money finds its way into the State, that is important.

The Hon. D. A. DUNSTAN: It is important that it should find its way into the State, and I think the State is making a reasonable contribution towards getting it here. However, we do not accept that those who get the direct advantage of the expenditure of that money should make no contribution.

Mr. Millhouse: Whom do you mean by that?

The Hon. D. A. DUNSTAN: I mean the businesses and industries that receive the advantage of the expenditure of that money in increased purchases and payments towards their businesses. It is proper that they should make not a decreasing but an increasing contribution, just as the State Government is doing. We have not refused to discuss the further measures of Government support for the festival: in fact, at the time when the festival office was informed of the increased grant, we pointed out that if the festival proved, after making efforts to attract private and industry support, to be in difficulties, we would further consider the matter, but we could not at the outset on the basis of decreasing non-governmental support accept the

whole responsibility for the administration costs of the festival. No previous Government has done that. What we have done is to make a marked increase in contribution directly to the festival and, in addition, to provide moneys in the performing arts grant area. We are also finding an extra $750,000 for the festival theatre. No-one can say that this is a niggardly contribution.

Mr. MILLHOUSE: I should like to ask a question of the Premier. It is supplementary to the previous question—

The SPEAKER: What is the question?

Mr. MILLHOUSE: Does the Government intend to make available to the organizers of the festival the services of Mr. Amadio? With your permission, Sir, and the concurrence of the House I desire briefly to explain the question. In his answer to me, when I asked him about Government assistance for the festival, the Premier referred to the appointment of Mr. Amadio, which has been announced recently. So far as I am aware, the precise duties that this gentleman will perform in his new post have nowhere been spelt out. I know that he will be paid about $8,000 a year, or $16,000, which, had he not been appointed, could have gone to the festival.

The Hon. D. A. Dunstan: Where would we get that sum from?

Mr. MILLHOUSE: I don't know what he is being paid.

The Hon. D. A. Dunstan: Where would we get $16,000 a year from?

Mr. MILLHOUSE: Perhaps the Premier could—

The SPEAKER: Order! If the honourable member wants to receive a reply, he should not proceed to debate the question.

Mr. MILLHOUSE: The Premier interjected, Sir, when I was halfway through my explanation.

The SPEAKER: Will the honourable member resume his seat. Does the Premier want to reply?

Mr. MILLHOUSE: I have not yet finished, Sir.

The SPEAKER: I ask the honourable member to resume his seat.

The Hon. D. A. DUNSTAN: The honourable member has asked whether Mr. Amadio's services would be made available to the festival, but they have not been requested by the festival. However, I should be happy for Mr. Amadio to sit on the festival board—

Mr. Millhouse: That isn't what I asked.

The Hon. D. A. DUNSTAN: —which would be particularly appropriate work for him to do amongst his other duties. I already have the consent of the Lord Mayor for Mr. Amadio to attend meetings of the Lord Mayor's Cultural Committee, which is responsible for the City Council's work in relation to the festival hall. The work to be done by Mr. Amadio has been spelt out on many occasions and, if the honourable member would like the details of those duties in writing, I should be happy to give them to him.

Mr. Millhouse: Tell us now.

The Hon. D. A. DUNSTAN: I think the honourable member is able to read, although he does not always seem to comprehend. However, I will at least let him have a reply in writing. I do not know where the honourable member gets his extraordinary mental calculations; he started off by saying that Mr. Amadio was to be paid $8,000 (which is the approximate figure) and then he increased that to $16,000. I do not know how that escalation could take place.

Mr. Millhouse: He is to be employed for two years.

The Hon. D. N. BROOKMAN: I rise on a point of order. Is not the Premier debating the reply he is giving?

The SPEAKER: I cannot uphold the point of order. The statement made by the Premier is in order.

The Hon. D. A. DUNSTAN: If the honourable member thinks that we can best assist the festival by not having an officer responsible for performing arts grants in South Australia or for tourist development feasibility studies, and that the Government should simply make the money available for festival administration, entirely contrary to the advice of the previous Director of the festival regarding the way in which performing arts grants in South Australia should go, I think the honourable member is havering.

UNIVERSITY FINANCES

Mr. GOLDSWORTHY: Can the Minister of Education say what action the State Government intends to take to improve university finances? At a meeting of the University of Adelaide Council last Friday, grave concern was expressed by many members, and in particular by the Chairman of the Finance Committee, that it was becoming impossible to plan for the coming triennium and that the university was heading for a deficit of about $1,000,000. In view of this alarming situation, what action is contemplated by the State Government?

The Hon. HUGH HUDSON: As this matter has a somewhat long history, I believe that part of that history at least should be known to the House, the honourable member and the public. On April 27 this year, the previous Minister of Education informed the Vice-Chancellor of the University of Adelaide that, for planning purposes, he should not at that stage assume that he would receive grants right up to the levels set out in the Commonwealth legislation, irrespective of the levels of enrolment. We had further discussions with the university on this matter. Towards the end of August or early in September the university had told us of its proposed quotas for the remainder of this triennium. The quotas would give student numbers below those which had been set out in the Australian Universities Commission's report. We told the University of Adelaide early in October that the review of quotas for the next two years involved enrolments that were 5 per cent below the commission's predictions, which it used in determining the grants for the triennium. We went further than the previous Minister of Education did in April: we said we were prepared to accept budgets for 1971 and 1972 which required grants at the maximum levels set out in the existing Commonwealth legislation, adjusted for the increase in academic salaries that had occurred earlier this year. Despite the fact that the enrolments were 5 per cent below the levels predicted in the commission's report we were prepared to go to the limit of the maximum levels.

Mr. Coumbe: We forwarded our letter before the State Budget was prepared.

The Hon. HUGH HUDSON: I appreciate that. I am pointing out that progressively the previous Government and this Government have indicated that they would go to the maximum levels. However, we said in that letter that, in view of the 5 per cent drop in its enrolments, it was hard to make a case for the University of Adelaide to participate in additional grants for non-academic salaries and wages that were being proposed by the Commonwealth Government and the Australian Universities Commission for some other institutions. The Vice-Chancellor wrote back on November 2, before the university council meeting, pointing out that the university had certain problems in its current budget, in that it had budgeted for a 4 per cent increase in non-academic wages and salaries and that, if the increase over that 4 per cent was 1 per cent, it would cost it an additional $75,000.

I am not sure how that figure of $75,000 was arrived at, because the university's total non-academic wage and salary bill is $2,700,000. However, the Vice-Chancellor also indicated in the letter that the flow-on effect of the Public Service pay increases could have an impact on the university of between $157,000 and $320,000 over the whole triennium, and he suggested to me, as Minister, that we might like to consult the Chairman of the Australian Universities Commission. I replied on November 4 (again before the university council meeting) indicating that the matters that the Vice-Chancellor had raised were being considered.

Then the council meeting took place: the report appeared in last Saturday's *Advertiser*. What had been put to us was a possible deficit of $75,000 depending on the extent of the change in non-academic wages and salaries for this year, with no clear indication of how the figure of $75,000 was arrived at. Because of the prospective effect of the Public Service pay claims flowing on to the University of Adelaide, the deficit was put at its upper limit of $320,000, and certain other suggestions were made about how we might resolve the matter. The discussions at the council meeting turned this into a prospective deficit over the triennium of between $350,000 and $800,000, and the *Advertiser* turned it into a round $1,000,000, for the headline. In view of the circumstances I have outlined, the *Advertiser* report was a misleading account of the position, and I am disappointed that the University of Adelaide has not seen fit to correct a false impression that has been created.

I consider that this kind of picture that has been given cannot assist the negotiations that must take place among the Government, university, and the Australian Universities Commission. These matters are still to be determined. The university council meetings are open to the public, but it was stated at the university council that the prospective deficit was between $350,000 and $800,000, according to the report. If that was stated at the council meeting, there was no case for the headline "Prospective deficit of $1,000,000", especially as no indication had been given to the Government in the Vice-Chancellor's letter of November 2 that a deficit of anything like $800,000 was in prospect.

Certainly, in view of the reply I had sent to the Vice-Chancellor on November 4, indicating that the matters that had been raised were being considered, I regard the whole procedures of the university council, if it has

been correctly reported in the *Advertiser*, as being inimical to the negotiations in process between the Government and the university, and I think the whole matter has been most unfortunate. This matter is still being considered in relation to what conditions shall apply. The implication of what we have said to the university so far is that it should make every endeavour to economize and keep within its budget. In no case in previous triennia, to my knowledge, have additional grants been made to cover non-academic wage and salary increases; tertiary institutions in general have been expected to keep such increases within the general framework of the budget that has already been approved for the triennium. Therefore, this is a new departure, and one would expect certain negotiations to take place. The negotiations will take place: we will have discussions with the Australian Universities Commission and the University of Adelaide, but it is rather unfortunate that the whole matter has been blown up in this way.

Mr. GOLDSWORTHY: I ask leave to make a personal explanation.

Leave granted.

Mr. GOLDSWORTHY: I should like to explain how I came to mention the figure of $1,000,000. It was not necessarily on the basis of the newspaper report. I was present at the council meeting; and the Chairman of the Finance Committee used the words "and it looks as though we are heading for a deficit of $1,000,000". It was on that basis that I asked the question.

NARACOORTE HIGH SCHOOL

Mr. RODDA: Can the Minister of Education say what progress has been made regarding negotiations that have been proceeding for the provision of a craft and metalwork centre at the Naracoorte High School?

The Hon. HUGH HUDSON: I do not think that preparation of the sketch plan for the proposed additions has been commenced. However, I will inquire about the precise position and give the honourable member a reply in due course.

WHEAT

Mr. FERGUSON: Will the Minister of Works ask the Minister of Agriculture to state more explicitly what he meant by his statement in the last paragraph of a press release that he issued dealing with the Wheat Delivery Quotas Inquiry Committee? The last paragraph states:

When time was sufficient the committee took evidence privately especially where that evidence would throw light on the general situation.

I should like to know whether part of this evidence was taken in camera, part of it publicly, and whether or not the whole of the evidence would throw light on the general situation.

The Hon. J. D. CORCORAN: I will take up the matter with my colleague. As I understand it, the honourable member was referring to a press release made by the Chairman of that committee and not by the Minister of Agriculture; I do not know. Although I think it may have been made by the Chairman of the committee, I will check on the matter for the honourable member.

FREIGHT RATES

Mr. GUNN: Can the Premier say whether the Government intends to increase rail freights in South Australia? Yesterday, when asking a question of the Minister of Roads and Transport on this matter, I explained that I was quoting from an article appearing in last week's edition of the *Farmer and Grazier* and quoting the remarks of Mr. Roocke, who said that he had had an interview with the Premier, and that the Premier had said that rail freights might be increased in South Australia.

The Hon. D. A. DUNSTAN: If I have been reported in a publication of the *Farmer and Grazier* or anywhere else as saying that rail freights might be increased, that report is incorrect. I have made it clear that our difficulty in South Austraila is that we are under attack before the Grants Commission because our rail freights are lower but that we have tried to see to it that they are kept low in order to help that part of the community that receives an advantage from low rail freights.

SMALL BOATS

Mr. COUMBE: The Minister of Marine may recall that about a week ago I asked him a question about legislation on power boats, and he indicated that he had had discussions on this matter with officers of his department. Has the Minister had recent discussions with clubs and members of the industry who are particularly interested in the power boat sport in South Australia? As these clubs and organizations within the industry are growing day by day, the Minister will appreciate the

importance of consulting with the various bodies concerned before framing any legislation he intends to introduce.

The Hon. J. D. CORCORAN: I have not for some time had any discussions on this matter with people outside my department. I received a submission that was drawn up by three people who are evidently interested in certain organizations connected with this sport, although they are probably not directly representative of those organizations. I have studied this submission and I have had it studied by officers in the department. One of the people responsible for this submission is a member of the Police Force, who is interested in sea rescue operations; another claims to have had wide experience in this area; and the other is a member of the Marine and Harbors Department who, in his own time, because of his interest in the matter, got together with the other people concerned and made the submission. As I have said, this submission has been studied by me and by the Marine and Harbors Department, and I have had discussions on it with the people to whom I have referred. At this stage, I do not intend to have further discussions on the matter until I have a measure that I can explain to the people concerned, asking them for their point of view, and I hope to be able to do this soon.

CHEMISTRY DEPARTMENT

Mr. NANKIVELL: Will the Minister of Works take up with the Minister of Agriculture the future of the Chemistry Department? Recently, in company with members of the Wheat Research Advisory Committee, I inspected work being done by the Chemistry Department on behalf of the committee and, more particularly, work being done in conjunction with the Agriculture Department. Apart from work that it undertakes in connection with toxicology and explosives, the Chemistry Department is largely involved in carrying out work for the Agriculture Department, which department is in prospect of being shifted to new premises at Northfield, if approval is given to construct the new agricultural centre at that site. The future of the Chemistry Department, however, seems to be vague, although the present conditions under which people work in that department are both inadequate and unsafe. I should like the Minister to take up with his colleague the possibility of combining the work undertaken by the Chemistry Department with that of the Agriculture Department, that is, combining these two departments as one. As this is an important matter, I should like it to be considered seriously in the way in which I have raised it.

The Hon. J. D. CORCORAN: I take it that the honourable member is referring to the forensic science laboratories.

Mr. Nankivell: It is the Chemistry Department in Kintore Avenue.

The Hon. J. D. CORCORAN: If the honourable member and I are thinking of the same place, I point out that the Minister of Agriculture has already considered the conditions under which these people are working and that, prior to the Minister's discussing the matter with me, the Director of Public Buildings had discussed with me the provision of future premises for this branch, as he is concerned about the present conditions. However, there has been a problem regarding the location and purchase of a suitable site, and it previously involved compulsory acquisition.

Mr. Nankivell: Could it not go to Northfield?

The Hon. J. D. CORCORAN: I will come to that point in a minute. We did not proceed with compulsory acquisition. Although we had an alternative site, that plan did not succeed. However, land may now be available to commence building and to relocate these people. As the honourable member has specifically asked that they be located with the Agriculture Department at Northfield, if and when approval is given for building in that area, I will have another look at the matter and, after conferring with my colleague, let the honourable member know.

Mr. COUMBE: In the resiting of the Chemistry Department building, will the Government bear in mind one of the prime functions of the department? It was proposed that the forensic activities of the department be expanded and incorporated in the new morgue, which would also provide the post-mortem facilities that are so badly needed.

The Hon. J. D. CORCORAN: Certainly. The honourable member would know that this is why the search for a site was made in the area concerned, which I will not name but with which the honourable member is conversant. Indeed, the honourable member will appreciate that the Public Buildings Department merely constructs the building and provides the money: the client (in this case the Public Health Department, rather than the Minister of Agriculture) stipulates where it is to be placed.

SITTINGS AND BUSINESS

Mr. MILLHOUSE: I wish to ask a question of the Premier about the sittings of the House.

The SPEAKER: What is the question?

Mr. MILLHOUSE: The question is whether there has been a variation in the date on which the Government plans to get up and, with your permission and the concurrence of the House, I should like briefly to explain the question. It has been rumoured that, because the Government is afraid of embarrassment if the House sits after the Senate election, because of the likely poor result for the Labor Party—

The SPEAKER: Order! The honourable member will take his seat. That is not an explanation. Does the Premier desire to reply?

The Hon. D. A. DUNSTAN: The honourable member has asked his usual rubbish, and the reply is that, on present indications, we will get up on December 3.

OIL POLLUTION

Dr. TONKIN: Can the Minister of Marine say what emergency plan is being prepared for urgent action to deal with any threat of major oil pollution of St. Vincent Gulf waters and Adelaide beaches in the event of a possible catastrophe involving tankers near Port Stanvac?

The Hon. J. D. CORCORAN: Legislation involving this matter, which may be complementary to that being passed by the Commonwealth Government, is being considered. However, I will check on the matter for the honourable member and let him have a reply.

ANDAMOOKA FIRE

Mr. GUNN: Will the Attorney-General ask the Chief Secretary to consider providing fire-fighting facilities at Andamooka? As members will be aware, a fire occurred at Andamooka over the weekend, destroying the bakery, and local residents had no facilities with which to try to contain the fire.

The Hon. L. J. KING: I will take up the matter with my colleague and obtain a reply for the honourable member.

PINNAROO ROAD

Mr. NANKIVELL: Has the Minister of Roads and Transport a reply to a question I asked recently regarding work to be carried out this year on the Bordertown-Pinnaroo road?

The Hon. G. T. VIRGO: It is intended to extend the construction and sealing of the Bordertown-Pinnaroo road southwards by five miles in the District Council of Pinnaroo, and northwards by four miles in the District Council of Tatiara during the 1970-71 financial year. Funds have been allocated to the councils concerned to permit the above extension of sealing.

Mr. Nankivell: They are doing a good job, too.

The Hon. G. T. VIRGO: I think the honourable member would find that in most cases district councils do a very good job.

LOCAL GOVERNMENT ACT AMENDMENT BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1934-1969. Read a first time.

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

That this Bill be now read a second time.

It gives effect to an arrangement entered into between the Government and the Corporation of the City of Adelaide ancillary to the arrangements for the provision of the festival theatre. As honourable members may be aware, pursuant to section 36a of the Highways Act the Municipal Tramways Trust pays to the Highways Fund an amount of .83c for each road mile run by each omnibus belonging to it.

It has been agreed that, to assist the City Council in meeting the additional obligations it has assumed in the construction of the festival theatre, the mileage payments made by the Tramways Trust in respect of travel over roads within the municipality of the city of Adelaide will be paid out of the Highways Fund by way of a special grant to the city under section 300a of the Local Government Act. Accordingly clause 2 of this Bill provides for the application of a formula to enable the grant to be made. It provides for the establishment of a percentage which will reflect the comparison between the miles travelled within the city of Adelaide and the total miles travelled by trust omnibuses. The council will then in each year be entitled to a payment equal to that prescribed percentage of the total received into the Highways Fund. This Bill is a hybrid Bill and will, in the ordinary course of events, be referred to a Select Committee of this House.

Mr. MILLHOUSE secured the adjournment of the debate.

COMMONWEALTH POWERS (TRADE PRACTICES) BILL

The Hon. D. A. DUNSTAN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to refer to the Parliament of the Commonwealth certain matters relating to or arising out of restriction of competition in trade and commerce, subject to a power of the Governor to terminate the reference at any time. Read a first time.

The Hon. L. J. KING (Attorney-General): I move:

That this Bill be now read a second time.

Its object is to refer to the Parliament of the Commonwealth such matters relating to or arising out of restriction of competition in trade and commerce as would enable that Parliament, pursuant to the constitution of the Commonwealth, to enact legislation having force and effect within the State in relation to intra-State matters, with a view to preserving competition in trade and commerce to the extent required by the public interest. A Bill in terms similar to this Bill was introduced into Parliament in 1967 but was laid aside by the Legislative Council following amendments made by that House which were unacceptable to the House of Assembly.

This Bill, like the 1967 Bill, can be regarded as a corollary of the Trade Practices Act, 1965, of the Commonwealth which was passed by the Commonwealth Parliament, after some years of consultations and discussions with Ministers and officers of the States, in order to secure a measure of control over certain agreements and practices which operated in restriction of trade. The States were kept informed of the work that was being done in the formulation of the policy governing the Commonwealth legislation as it was recognized that the Commonwealth legislation could have effect only in the area of interstate trade and commerce, intra-State agreements and practices of a kind covered by the Commonwealth legislation being unaffected by it. At that time it was also felt that those States that were disposed to do so would enact complementary legislation extending the application or the effect of the Commonwealth legislation to such intra-State matters. The Commonwealth legislation was accordingly designed with the intention that the States could make use of Commonwealth administrative and judicial facilities.

When the question of the States passing complementary legislation was first discussed by the Standing Committee of Attorneys-General it was assumed that there was no constitutional bar to the States conferring on the Commonwealth Industrial Court by such legislation jurisdiction to deal with judicial matters arising under the State law. However, in recent times doubts have arisen upon the validity of this assumption and the opinion of the then Commonwealth Solicitor-General (Mr. A. Mason, Q.C.) was obtained. After a very thorough investigation of the authorities, Mr. Mason came to the conclusion that on the present state of the authorities the question was an open one but, at the same time, he was not confident that the High Court would hold that Chapter III of the Constitution would permit the vesting of State jurisdiction in a Federal court. Furthermore, any complementary law passed by a State involving use of the Commonwealth administrative and judicial machinery can only operate if the Commonwealth declares it to be a complementary State law. A State Act which has any substantial departure from the Commonwealth scheme could not, as a matter of practical administration, be declared to be a complementary State Act and would therefore be a dead letter. Another major difficulty with respect to complementary State legislation is that of keeping the State law in line with future amendments of the Commonwealth Act and regulations. If future amendments to the Commonwealth Act had to be adopted by further State Acts, there would be the difficulty and trouble of preparing and presenting future Bills, the uncertainty of their passage and the certainty of a substantial time lag between amendments to the Commonwealth Act and the passage of these Bills. This could cause serious confusion in the law. Such confusion could occur in other respects as well. If complementary State legislation were passed in this State there could possibly be two laws operative in relation to a trade agreement or practice and difficult decisions by parties and authorities would have to be made at various stages as to which law was being relied on, or whether both were being relied on. If both laws had to be relied on, there would of necessity be duplication of documents and even of proceedings, duplication of orders and possible failure of proceedings by reason of reliance on the wrong law.

Because of these and other difficulties the Government has decided that the only safe approach to satisfactory legislation in this field is to refer to the Commonwealth Parliament the necessary power to enable it, under section 51 (xxxvii) of the Constitution, to legislate in that field. Apart from the constitutional

problems involved in the idea of complementary State legislation, a reference of power as proposed by this Bill has distinct advantages over complementary State legislation. By no means the least important of these advantages are as follows:

(1) The public will be subject to one law only, namely, the Commonwealth law, whereas, if there were complementary State legislation the relevant law would be contained in Acts and regulations of both the Commonwealth and the State.

(2) The public of the State and the administering authorities would not have to concern themselves with many complex and unnecessary problems and, in particular, would be able to avoid the duplication and overlapping of inquiries and procedures and the need to make difficult decisions as to whether the Commonwealth law or the State law is relevant in particular circumstances.

(3) There being no scope for a complementary State Act to contain any material departures from the scheme provided for in the Commonwealth legislation, the problem whether the Commonwealth would or would not recognize the State Act as a complementary State Act would not arise.

(4) There could be no possibility of any hiatus between the Commonwealth and State laws in consequence of which some agreements and practices would be covered by neither law.

(5) Effective Ministerial responsibility for a complementary State Act would not be possible, all the officials associated with the administration of the legislation being employed by the Commonwealth and there being no room in the Commonwealth machinery for a State Minister to exercise control over them in regard to State matters.

(6) The serious questions whether the State Parliament can vest State jurisdiction in the Commonwealth Industrial Court and how that court's orders wherever made can be enforced would not arise.

(7) The need for State legislation to be constantly keeping in line with Commonwealth amendments (both to its Acts and its regulations) would not arise.

(8) Uncertainties in the law and scope for litigation, both in relation to constitutional power and in relation to construction, would be reduced to a minimum.

The Bill is a short one and consists of four clauses. Clause 2 refers to the Parliament of the Commonwealth the matters mentioned in paragraphs (*a*) and (*b*) of subclause (1) of that clause. Briefly, they are (*a*) agreements and practices that restrict or tend to restrict competition in trade or commerce; and (*b*) the exercise or use by a person, or by a combination or any member of a combination, of a monopolistic power in or in relation to trade or commerce.

Clause 4 and clause 2 (2) provide that the matters referred are limited to the extent that the reference is to terminate on the day on which the Act is repealed or on any day which the Governor may fix by proclamation, and clause 3 assures that the reference is intended to confer on the Commonwealth Parliament power to enact provisions having the same operation within the State that the Trade Practices Act of the Commonwealth would have if its operation within the State were not restricted by reason of the limits of the legislative powers of the Commonwealth Parliament.

At this point I should like to assure honourable members that in the case of *The Queen v. Public Vehicles Licensing Appeal Tribunal of Tasmania* (37 *Australian Law Journal Reports* 503) the High Court held that the time limitation in the Tasmanian Act referring the matter of air transport for a period terminable in a similar way to that expressed in this Bill was a valid reference and that an Act which refers a matter for a time which is specified or which may depend on a future event, even if that event involves the will of the State Governor-in-Council and consists in the fixing of a date by proclamation, was within the description of a reference in paragraph (xxxvii) of section 51 of the Constitution.

I shall now explain the main features and effect of the Trade Practices Act of the Commonwealth. The philosophy behind the Act is that only clearly defined classes of agreements and practices should be liable to control, and that agreements and practices within these classes should be looked at, each on its own merits, to ascertain whether they are contrary to the public interest, and should, on that account, be prohibited. Under the method of control applicable to all agreements and practices, other than the practices of collusive tendering and collusive bidding, no agreement

or practice is to be in any way unlawful unless and until it has been examined and found to be contrary to the public interest.

The question whether an agreement or practice is contrary to the public interest is to be determined by a specially constituted administrative body called the Trade Practices Tribunal. This tribunal is to consist of a President, a number of deputy presidents and a number of other members. The presidential members are required by section 10 to have been barristers or solicitors of not less than five years' standing, and non-presidential members are required to have knowledge of, or experience in, industry, commerce or public administration. Although the members are to be appointed for terms of years, they are not to serve on a full-time, or continuous, basis. They will form a panel of members from which divisions of the tribunal will be constituted from time to time to deal with particular cases. Normally, a division would consist of one presidential member and two other members. However, if the parties to a proposed proceeding agree, the tribunal may be constituted for that proceeding by a single presidential member. Questions of law are to be decided in accordance with the view of the presidential member, while other questions are to be decided in accordance with the view of the majority. The tribunal is able to act with less formality than is a court of law; for example, it is not bound by the ordinary rules of evidence and in most matters it is free to determine its own procedure. It is required to sit in public except where it is satisfied that a private hearing is desirable because, for example, of the confidential nature of evidence to be taken. The tribunal has express power to receive, and to act on, undertakings in the same way as a superior court of law.

The function of the tribunal is to determine whether agreements and practices within the defined categories of examinable agreements and examinable practices are contrary to the public interest. Where it determines that an agreement or practice is contrary to the public interest, it is to make an appropriate order to restrain its continuance. Such orders will operate prospectively only. The agreements that are examinable by the tribunal are defined in section 35. The definition covers an agreement only if the parties to it include two or more competitors for the supply of goods or services or persons who would be in competition if it were not for the agreement. The parties to these agreements must be at the same level of the productive or distributive process and therefore the agreements are commonly referred to as "horizontal agreements". Thus, agreements between manufacturers of the same product are included as also are agreements between wholesalers and agreements between retailers. But an agreement between a manufacturer and a wholesaler or one between a wholesaler and a retailer is not covered. In addition to the horizontal characteristic, the agreements must contain a restrictive condition, of a kind specified in section 35, which must have been accepted by the parties to the agreement. The five kinds of agreement covered by the Act are those that contain restrictive conditions accepted by the parties which limit their freedom to compete with each other in relation to:

(1) agreed conditions of supply (these include price fixing, as, for example, where separate manufacturers of a product agree as to the wholesale and retail prices of their product);

(2) uniform terms of dealing, including allowances, discounts, rebates or credit (for example, manufacturers of a particular product may agree not only on the uniform price of goods bought by ordinary retail customers, but also on fixed scales of discounts for specified purchases);

(3) restrictions of output, including restrictions as to quality or quantity;

(4) restrictions as to outlets, or, in other words, zoning; and

(5) selective dealings or boycotts, as, for example, where manufacturers agree to supply some resellers but not others.

Section 38 of the Commonwealth Act exempts certain agreements from examination. These include agreements relating to industrial conditions, the exploitation of a patent, copyright or trade mark, and the protection of the goodwill in the sale of a business. Agreements authorized by State Acts are also exempted except where they give rise to restrictions to be observed beyond the borders of the State that authorizes them. In addition, section 106 (2) enables regulations to be made exempting agreements or practices of a specified organization or body that performs functions in relation to the marketing of primary products. Section 36 lists the following four classes of practices that are examinable, because of the possibility that they may involve abuse of dominant economic power:

(1) Obtaining, by a threat or promise, discrimination in prices or terms of dealing where the discrimination is likely substantially to lessen the ability of a person or persons to compete with the person engaging in the practice.

(2) Forcing another person's product (for example, an oil company requiring that the licensee of one of its service stations deal in tyres supplied by a specified rubber company).

(3) Inducing a person carrying on a business to refuse to deal with a third person where the person inducing is (*a*) a trade association or is acting as a member or on behalf of such an association; or (*b*) acting in pursuance of an agreement with, or in concert with, another person carrying on a business.

(4) Monopolization. This practice is defined in section 37. The first element of the definition is the existence of a person who or a combination that is in a dominant position in the trade in goods or services of a particular description. For this purpose, the section provides that a person shall be regarded as being in a dominant position if the tribunal is satisfied that he is the supplier of not less than one-third of the goods or services of the relevant description that are supplied in Australia or the part of Australia to which the dominance relates. Except in special circumstances, that part of Australia must comprise the whole of a State or Territory. The second element of the definition is that the person in the dominant position takes advantage of that position in one of three specified ways, namely, (*a*) inducing a person carrying on a business to refuse to deal with a third person; (*b*) engaging in price cutting with the object of substantially damaging the business of a competitor; and (*c*) imposing prices or other terms or conditions of dealing that would not be possible but for the dominant position.

Section 39 exempts some practices from examination. Proceedings before the tribunal for the examination of examinable agreements and examinable practices to determine whether they are contrary to the public interest may be instituted only by an officer called the Commissioner of Trade Practices. Before the Commissioner institutes such proceedings, he is required to have formed the opinion that the relevant agreement or practice is contrary to the public interest, and he must, in addition, have endeavoured, either personally or through members of his staff with adequate knowledge of, or experience in, industry or commerce, to carry on consultations with the persons concerned with a view to obtaining an undertaking or having some action taken to render the proposed proceedings unnecessary.

At this point I refer honourable members to the Third Annual Report of the Commissioner of Trade Practices, several copies of which have been made available to honourable members. The Commissioner reports that he has taken up a number of cases with the parties concerned. In one case, involving an allegation of monopolization within the meaning of the Act, proceedings were commenced before the tribunal but were concluded upon the respondent giving certain undertakings. In some 16 other cases the Commissioner reported that the parties had terminated agreements that he had taken up with them, either before or after the holding of the consultations under section 48 of the Act that must precede the taking of proceedings before the tribunal.

The Act provides for a register of trade agreements to be kept by the Commissioner. Examinable agreements containing restrictions relating to goods or to land are required to be registered. For the most part, agreements containing restrictions relating to services do not have to be registered. However, so far as the services are connected with the production, distribution, transportation or servicing of goods or the alteration of land, they are registrable. This means that, where there are agreed charges for such things as professional services, banking services, newspaper advertising and passenger fares, the agreements are not registrable. The register is not open to public inspection, and the officials maintaining it are prohibited from disclosing its contents except to the Attorney-General of the Commonwealth or the relevant Minister of a participating State, to a person appearing from the register to be, or to have been, a party to a registered agreement, or in proceedings under the Act. The purpose of the register is to provide the Commissioner with information that will assist him in his task of instituting proceedings before the tribunal in respect of agreements that warrant examination by the tribunal. There is only one register for the whole of Australia, but it is possible for documents to be submitted for registration

by being lodged at an office of the Commissioner in any of the State capital cities. Any party to an agreement can submit it for registration, and registration at his instance will suffice for the purposes of the other parties. Trade associations can attend to registration matters on behalf of all of their members.

Failure to comply with a registration requirement is an offence. A defence of "honest inadvertence", which is provided by section 43 (4), will protect a person whose failure was not attributable to a desire to avoid his obligations and who has submitted the necessary particulars before the institution of a prosecution.

A point to be noted is that the liability of an agreement to be examined by the tribunal is in no way dependent on its having been registered. Failure to comply with the registration requirements does not affect the lawfulness of the relevant agreement. It remains lawful until the tribunal has found it to be contrary to the public interest. No practice as such has to be registered. The registration requirement is confined to agreements. The Commissioner is also empowered by section 103 to requisition, by a notice in writing, information and documents relating to examinable agreements and examinable practices. Failure to comply with such a requisition is an offence.

Section 50 of the Act sets out the method to be adopted by the tribunal in considering whether an agreement or practice is contrary to the public interest. The tribunal is not left at large to decide this matter in any way it thinks fit. It is required to take as the basis of its consideration the principle that the preservation and encouragement of competition are desirable in the public interest, but it is then required to weigh against the detriment constituted by a proved restriction of competition the beneficial effects of the agreement or practice in regard to a number of specified matters (section 50 (2)). After weighing the detriment of an agreement or practice against its relevant benefits, the tribunal is to decide whether, on balance, the agreement or practice is contrary to the public interest. Its conclusion is made the subject of a determination. If the determination is that the agreement or practice is contrary to the public interest, the tribunal will make an appropriate order to restrain its further continuation. The consequence of the tribunal's determining that an examinable agreement is contrary to the public interest is that the agreement becomes unenforceable. The same applies in the case of an examinable practice.

Orders of the tribunal remain in force until rescinded by the tribunal upon the ground that there has been a material change in circumstances. The orders are binding only on those on whom they are expressed to be binding (section 57 (2)), and they cannot be expressed to be binding on a person unless he, or a person appointed to represent him, was a party to the proceedings. Breach of an order constitutes a contempt of the tribunal, and such a contempt is punishable by the Commonwealth Industrial Court as if it were a contempt of that court.

Division 3 of Part VI makes provision for the review and, where appropriate, the reconsideration of determinations as to whether agreements or practices are contrary to the public interest. Reconsideration of a matter is undertaken only when directed by a review division of the tribunal, which is constituted by three presidential members. Such a direction may be made on any one of the following three grounds: (1) that the determination is based on reasons that are inconsistent with the reasons for another decision of the tribunal; (2) that the determination is of such importance that, in the public interest, it should be reconsidered; and (3) that a material error of law was made by the tribunal in the hearing or determining of the proceedings.

A reconsideration of a matter is materially different in nature from an appeal from one court to a higher court. The reconsideration is undertaken by a division of the tribunal of no higher status than the division that made the determination being reconsidered. In fact, a reconsideration may be undertaken by a division constituted by the same persons as were responsible for the original determination.

Division 2 of Part VI makes provision for negative clearances and accelerated hearings at the instance of parties to examinable agreements or practices. The provisions enable the Commissioner, with the leave of the tribunal, to file a certificate to the effect that he is satisfied that agreement or practice in regard to which he has been having consultations is not contrary to the public interest, and such a certificate then has the same effect as a determination by the tribunal. Orders for accelerated hearings can be obtained from the tribunal on the ground that the agreement or practice is necessary to the success of a new venture or an extension of an existing venture

and that the venture is unlikely to be embarked upon unless there is an assurance of the legality of the agreement or practice.

Two practices are prohibited outright; that is, without prior examination by the tribunal as to their compatibility with the public interest. These are the practices of collusive tendering and collusive bidding (sections 85 and 86). The prohibition is based on the view that these practices are inexcusable in any circumstances. Subject to certain exceptions, tendering and bidding are collusive for the purposes of the Act if either is pursuant to an agreement that has the purpose or effect of preventing or restricting competition amongst the tenderers or bidders. The prohibition of those two practices is subject to an important exception in favour of standing agreements if (*a*) they were not made for the purpose of a particular invitation to tender or a particular auction; (*b*) full particulars of the agreements are contained in the register; and (*c*) the tribunal has not determined that the agreement is contrary to the public interest.

Part X confers a civil right of action to recover damages suffered in consequence of a contravention of an order of the tribunal or in consequence of contravention of the provisions of the Act relating to collusive tendering or collusive bidding. Section 91 extends the ordinary meaning of "agreement" to cover arrangements and understanding irrespective of whether they are in writing or legally enforceable. The ordinary meaning of "practice" is extended by section 5 so as to include a single act or transaction.

I ask honourable members to give their most earnest consideration to what is proposed by this Bill. There can be no denying that agreements and practices of the kind covered by the Commonwealth legislation are current in our community. No-one could argue against the proposition that, because of their restrictive nature, these agreements and practices could be harmful to the public interest, an interest that could best be safeguarded by the element of free enterprise in business and commerce. The philosophy of this piece of legislation is contained in a speech made by the Hon. G. Freeth on behalf of the then Attorney-General (Sir Garfield Barwick) in the Commonwealth Parliament in 1962. He said:

Before outlining the scheme of legislation which the Government has in contemplation, I ought to indicate broadly the philosophy which underlies it. In opening the second session of the Twenty-third Parliament, the Governor-General indicated that the Government desired to protect and strengthen free enterprise against tendencies to monopoly and restrictive practices in commerce and industry. I have already referred to the place competition has in the maintenance of free enterprise. The Government believes that practices which reduce competition may endanger those benefits which we properly expect and mostly enjoy from a free-enterprise society. But the Government is also conscious of the fact that the lessening of competition may, in some aspects of the economy, be unavoidable, and, indeed, may be not only consistent with, but a proper ingredient of, a truly free-enterprise system. This is more likely to be so in such a state of growth as we are experiencing, and particularly when we are gearing ourselves more and more for the export of secondary goods. In short, the Government does not subscribe to the view that there are no circumstances in which public interest can justify a reduction in competition, but on the contrary believes that there may well be some practices, restrictive in nature, which are in the public interest.

Later, in a lecture delivered at the University of Melbourne, Sir Garfield said:

Neither do I propose to discuss all the various kinds of practices which businesses see fit to engage in to promote their interests. Those that I propose to discuss, and indeed the Government's proposals are confined to them, all have one common denominator—a restriction, in some form or another, of competition: these are the restrictive trade practices. Without getting too far into fields which more properly belong to the economist, I think I can safely say that this common denominator puts these practices into a class which appears, on the face of it, to contradict the basic assumption of a free-enterprise economy, or at any rate to require the presence of some additional elements to accommodate them to that form of economy.

In restricting competition these practices tend to remove what I might describe as the automatic regulator of a free-enterprise economy. What would, in the absense of the practices, be regulated by the competition that has been restricted or removed, becomes regulated and controlled instead by the practices themselves—or, to be more precise, by the parties engaging in those practices. The nature of the free-enterprise economy is thus basically changed. If there is a trend—and at lowest the practices to whose existence I have been alerted show a trend—towards such a change, then I suggest that we must ask ourselves some basic questions. In the first place, we must ask ourselves whether we really do believe in a free-enterprise economy; whether we believe that such an economy, notwithstanding all the problems that we know are inherent in it, and the perils that go with it, is nevertheless preferable to an economy in which freedom of enterprise and competition give way to regulation by controls. And then, if we conclude that we are believers in a free-enterprise economy, we must go on and ask ourselves to what extent, and in what manner,

and on what principles, should it be permissible for the very basis of that form of economy to be modified by restrictions on competition. Or, putting it another way, to what extent, how and on what principles should we act to safeguard free enterprise against the trends we have identified?

In other words, I understand Sir Garfield Barwick was saying that free untrammelled competition is an indispensable requirement of a free-enterprise economy. If it is hindered, obstructed, or to a significant degree stultified, we cease to have a free-enterprise economy. In place of it we have an economy that is in part controlled. The control falls into the hands of organized groups in industry and commerce and is often exercised against the public interest. That control is not subject to examination by an impartial authority; it can become tyrannical. It can be exercised to the disadvantage of manufacturers and traders who are not part of the organization, and it can and, in fact, does result is discrimination, high prices and a concentration of influence and power that is the negation of free competition and disadvantageous to the public interest.

I have spent a little time on this aspect of the matter, because I think it is important to stress that this measure had its origin with a Commonwealth Liberal Government and, lest any members opposite might suggest otherwise, its motivation, as the speeches I have quoted show, is far from being a socialistic motivation: on the contrary, it is one that evolved in the minds of people, very much devoted to the whole notion of a free-enterprise economy, who put this measure forward as a means of protecting the free-enterprise economy in which they believed from the sort of restrictions which make it ineffective and farcical and which leave us with the worst of all possible worlds, namely, an economy which masquerades as a free-enterprise economy but which is basically founded on monopolistic notions and restrictive practices.

It is surprising to hear some people who ought to know better referring to the Commonwealth enactment as if it vested the Commissioner and the tribunal with untrammelled autocratic powers. I have already explained in some detail the scope of the legislation and its relatively restricted area of operation. But the most important thing to realize is that the essential ingredient of it is one of consultation. The fact that most parties with whom the Commissioner has dealt to date have chosen to avoid tribunal proceedings is some indication of the success of the compulsory consultation provisions of the Act. The tribunal can exercise its powers only on a reference to it by the Commissioner. Before the Commissioner does this he must satisfy himself that the restriction is inimical to the interests of the public. He is charged to consult and confer, first, with the parties concerned to hear their side of it and with a view to the practice being altered if need be, so that the public interest is not adversely affected. All these consultations can take place "without prejudice", with the result that no evidence or statement of admission made during the consultation can be used as evidence before the tribunal unless all parties consent.

The view may well be open that the Commonwealth legislation does not go nearly far enough in relation to curbing monopolies and restricted practices, but it is the legislation that exists; it is the legislation that can be applied to transactions occurring within the boundaries of this State, and for that reason the Government believes that power should be given to the Commonwealth Parliament to legislate for that purpose. The Act, whether it goes sufficiently far or not, is, so far as it goes, a fair and reasonable piece of legislation designed to ensure that the public of Australia and governmental and semi-governmental instrumentalities are not made a pawn in the machinations of big business. Let it not be thought that this is an original idea. England has had this legislation for some years, and it is much more severe than that intended here. So has New Zealand, and all of us have heard at one time or another of what is taking place in the United States under similar powers.

Mr. MILLHOUSE secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL (MINISTRY)

Consideration in Committee of the Legislative Council's message.

(For wording of message, see page 2490.)

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

That disagreement to the Legislative Council's amendment be insisted on.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. Dunstan, Goldsworthy, Hall, Hudson, and King.

Later, a message was received from the Legislative Council agreeing to the conference to be held in the Legislative Council conference room at 8 p.m., Tuesday, November 17.

SUCCESSION DUTIES ACT AMENDMENT BILL

In Committee.

(Continued from November 10. Page 2536.)

Clause 6—"Succession duties payable."

The Hon. D. N. BROOKMAN: This part aggregation, which is a new departure for South Australia, will have a marked effect on the arrangements some people have made regarding the disposition of their assets. Any change of the rules works to the detriment of people who have taken the trouble to dispose of their property in the manner in which they were legitimately entitled to do so. I consider that this clause is not fair, and I oppose it.

Clause passed.

Clause 7 passed.

Clause 8—"Enactment of sections 10b and 10c of principal Act."

The Hon. D. N. BROOKMAN: In this case the Commissioner has to make an extremely difficult decision, particularly in determining the value of shares or debentures where there is no Stock Exchange quotation to be followed, and he may well make some serious mistakes. There is no provision to check this result. Will the Treasurer therefore say whether there is a right of appeal against the Commissioner's decision?

The Hon. D. A. DUNSTAN (Premier and Treasurer): The matter can be referred to the Minister. Indeed, many matters under the Act are currently referred to him if any questions arise. If no satisfaction is obtained, the matter can be litigated.

Mr. McANANEY: Companies using land for primary production could be excluded from deriving any benefit from the concessions relating to primary-producing land. Under the present system, if two or three balance sheets are submitted the value of shares is assessed on the profitability of the company. However, if the company has a low profitability, as applies to a primary-producing company, a low value is placed on its shares. If the asset value of a company were taken into account, an injustice would occur.

Clause passed.

Clauses 9 to 30 passed.

Clause 31—"Repeal of Part IVB of principal Act and heading thereto and enactment of new Part and heading in their place."

Mr. HALL (Leader of the Opposition): I move:

In new section 55e to strike out paragraph (*d*).

This paragraph is the same as that which was included in the previous legislation. Under the present legislation, a person receiving a bequest of part of a property could not take advantage of the primary-producing land provision, but would take advantage of the separate succession, the rates being calculated separately on the joint succession. The rates calculated on that joint participation are separately calculated, and the estate is not aggregated. It is right that that person does not get a double benefit. If a person could get the benefit of the rebate for primary-producing land and the benefit of a much lower rate of succession duty because of the joint ownership provision, that would be unfair. The person of whom I am talking gets no benefit under the Bill. I suggest that an examination of the types of ownership of primary-producing properties would show many instances of a spouse or a child with a joint ownership interest in a property in which that spouse or child is not directly involved. If this provision is left in the Bill, such people will get no benefit.

The Hon. D. A. Dunstan: They'll get the rebate.

Mr. HALL: No, they will not. I believe this is an oversight, and it is understandable. I do not think that, in bringing forward these exclusions from the previous legislation, those who drew up the Bill considered the point that such cases were excluded before because another type of benefit was available. I am sure that those who framed the previous legislation believed that no-one should benefit twice. The old benefit was by way of a lower rate of succession duty applied to a certain type of succession. The benefit of non-aggregation has disappeared in the clauses we have passed. This is not a case of preventing someone from getting a double benefit: it is now a case where many hundreds of people legitimately entitled to a rebate will be excluded, because the old exclusion provision has been brought forward. There is no advantage in having in the Bill a different type of ownership provided. Joint tenants or tenants in common get no advantage under the Bill. However, people who own part of a property in this way and who succeed to the other portion of that property are precluded from gaining the rebate from primary-producing land.

The Hon. D. A. DUNSTAN: I am prepared to have a look at the matter, and I give an undertaking to come back to this.

Mr. HALL: In that case, I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Mr. McANANEY: Anyone who has been living on and working a property should get the rebate allowed for primary-producing land in respect of the part of the land contained in the valuation of his share. I can see no justification for excluding such a person. However, the present provision would exclude such a person from any benefit. If this exemption was not made, only shareholders who made their living from working properties would be entitled to benefit. A shareholder whose living was not connected with the property would be excluded in the definition of "land used for primary production". When the Treasurer considers the matter of joint tenancy, he should also consider the fact that a shareholder who still participates in the working of a property will be deprived of the rebate. Primary industry will survive only if it is operated on a business-like basis, on which people form companies, pay wages, take out superannuation policies, and get interest on capital. When farms cannot be so operated, the persons concerned are better off by going into something else rather than continuing their haphazard methods. A person who runs an average size farm on a company basis will be penalized, whereas another person who does not adopt these modern methods will benefit.

The Hon. D. A. DUNSTAN: I will consider the matters but I do not think I can give the honourable member much joy. Frankly, it would defeat the purposes of this Bill if we were to treat shares inherited as a means of attracting a particular rebate. A person inheriting shares does not inherit real property, and I know of no way of distinguishing between shares held by persons working the land and other shares. We are trying to give a rebate in respect of the inheritance of land and I can undertake to consider joint tenancies or tenancies in common, which are direct titles to land. However, share script is an entirely different matter and I cannot promise the honourable member that I can do much about that.

Mr. HALL: The Treasurer has undertaken to consider my amendment and, as he may have some difficulty with shareholders, who are included in the clause, I suggest that he consider restricting the application of the provision to shareholdings in private companies that are entirely based or mostly based in farming, as many of them are.

Mr. McANANEY: The Victorian succession duties legislation contains a provision that covers a company engaged solely in primary producing, and this provision gives justice. If one State can make such a provision, surely we can insert a similar provision and thus be fair to everyone engaged on land used for primary production. A person inheriting shares would have to show that he had been living on the property for a certain period, just as a person inheriting a title would have to show that, and a shareholder would have to comply with the requirements laid down for a private individual. In the last few years our Act has been administered in such a way that these shares have been valued at a nominal amount. There is justification for putting a person holding shares in a primary-producing company on the same basis as a person who gets a title to land, because the Act is so administered that these persons already get a title.

The Hon. D. A. DUNSTAN: The Under Treasurer has told me that, in the framing of the measure, this was not done as a matter of inadvertence but to repeat specifically the policy adopted by Sir Thomas Playford, who was most anxious to exclude joint tenancies from the provision regarding land used for primary production. Certainly, the matter of continuing to exclude shares was discussed specifically before the measure was framed, and it was on those two bases that the provision in the original Act was maintained in this definition. Persons holding land in joint tenancy get less than the whole value of the land. They get a net value that is half the value of the farming property.

Mr. Hall: There is a succession, and that is the value of their succession.

The Hon. D. A. DUNSTAN: But, because of the method of holding the title to the land, they are getting a succession less than the whole value of the property, and they attract the other provisions, which relate to lower successions. After discussion with the Under Treasurer, I cannot accept the Leader's amendment.

Mr. HALL: If we are to accept the Treasurer's argument, we are going back beyond the point of succession with which this Bill is concerned and examining how the person concerned became a half owner of the property. He could have become a half owner in many ways, and it could well be that the spouse has contributed without any gift provisions applying. Surely, we are not suggesting that, in the case of a person who has 100 per cent ownership of a property and who gives one-half to his or her spouse in order

to avoid succession duties, we should exclude the rebate as a result, because that is not always the case.

Undoubtedly, many wives have worked as hard as the husband has on a farming property, particularly a developmental property, and there can be no distinction in the amount of effort that has been put into such a property. If a gift has been made, gift tax has been paid, and the laws of the land have been observed. It may involve a spouse or child who has fully earned half the property in question, who is half owner and who, in the case of death under a joint tenancy, becomes the owner of the whole property. That person is excluded from the rebate provisions under this Bill. I am sure that it was on the basis of not getting a double benefit that this exclusion was inserted. If other assets are left, it is logical that people should not receive a double benefit and that there should be a lower succession rate because of the separate remission of duty and also because of the rebate.

However, there is no other benefit under this Bill through having a property in joint ownership, except in relation to the matter to which the Treasurer has referred. We may be dealing in this consideration with a property, each party having contributed towards the total purchase price, and still there is no provision for them to enjoy the rebate provision. Unlike the Treasurer, who has referred to the worst aspect, I refer to the case where partners put in equal amounts but, on the death of a partner are denied the proper succession pursuant to this rebate provision. In these circumstances, I see no justification for the refusal. Although I see the principle involved in the shareholding aspects, I believe there are many cases in which the provision should apply.

The Hon. D. A. DUNSTAN: I fear that the Leader's argument here proceeds on a wrong premise. He has suggested that these exclusions in the original Bill were designed to avoid a double remission. A double remission could have occurred only in the case of a property held as a joint tenancy, not in the case of partnerships, and not in the case of tenancies in common (in partnership properties declared to be held as tenancies in common, anyway), because this did not attract a remission under the previous succession duties rate, and there was not a double remission anyway. The only case in which there could have been a double remission would be in the case of joint tenancy. Why was joint tenancy included, along with shareholdings, tenancies in common, and partnership property, in this exclusion from the primary production rebate? Those other things were not included for the purpose of avoiding double remissions, because no remission would have applied to property held in shareholdings, tenancies in common or to partnership properties.

The reason was that there was no essential difference between joint tenancies, tenancies in common and partnership properties or the cases where people had set up companies and distributed them among shareholdings. The view that Sir Thomas Playford took of all these procedures was that this was a means of dividing property, and of reducing the amount inherited; and, therefore, since the amount inherited had been reduced there was no question of a special remission being given. There is no case on the basis of saying that, if we leave this in, we are leaving something in that was originally there to avoid double remissions in the case of tenancies in common or partnership holdings. That being so, there is no case, either, for saying that we should draw a distinction between joint tenancies and the others. The joint tenancy provision was a special remission given originally mainly in the case of inheritance not of producing property but of matrimonial property. That was the original purpose of the joint tenancy remission, because most producing properties were held as tenancies in common or through partnerships, in effect, as tenancies in common. With due respect, I think the Leader's argument falls to the ground completely.

Mr. HALL: I move:

In new section 55e (*d*) to strike out "or as a joint tenant or tenant in common".

I point out that, if this provision is not inserted and there is no advantage from any aggregation, there will be a mighty rush around the State and a harvest for the legal fraternity, people ensuring that properties owned in joint tenancy are cut up into the respective shares and are owned under individual titles. There is no alternative: these people will have to do that, and rightly so. The whole thing is framed to help them in times of difficulty. This advice must be given by farmers' organizations if the Bill is passed without this amendment. I do not know what it will cost to split a 1,000-acre property owned jointly, but it will probably be some thousands of dollars. However, people will have to adopt this method, because if one

wishes to keep shareholdings, and the partnership is doubtful, these tenancies are not. The land must be safeguarded and if the rebate cannot be obtained because of the type of ownership, these people will have no alternative but to divide up.

Mr. McANANEY: The Victorian legislation concerning partnership and shareholders provides:

The rebate is allowed on land held through shares in a "primary producers' company" (providing a certain share-value method is accepted); also, the rebate is calculated on a direct proportion basis for land held through a partnership. For the purposes of the rebate, the part of the company-owned or partnership-owned land which is regarded as forming a part of the estate of the deceased, is calculated this way:

(*a*) in the case of an interest in a partnership which forms or is deemed to form part of the estate of the deceased, an amount which is the same percentage of the deceased's interest in the partnership as the gross value of the land used by the partnership for primary production bears to the gross value of the total assets of the partnership;

This is what the Leader is aiming for in his amendment. The Victorian legislation further provides:

(*b*) In the case of shares in a "primary producers' company" which form or are deemed to form part of the estate of the deceased, an amount which is the same percentage of the "value of shares held by the deceased" as the company's total "land used for primary production" is of the "company's total assets".

These provisions apparently work well in Victoria, and I cannot see why we cannot have the same here. The legislation further provides:

For paragraph (*b*) the "value of the shares held by the deceased" is obtained in the normal course by valuing them at what the deceased would have received in the event of a voluntary liquidation (without allowance for income tax or costs payable on liquidation) but, unless this basis of share-valuation is agreed to by the administrator of the estate, S24(8) provides that no S.24 (30%) rebate is to be allowed on the land held through the shares to which the election refers.

The amount of duty referable to the land is that proportion of the duty payable on the final balance that the value of the land bears to the gross assets of the deceased less amounts allowable as deductions for superannuation, matrimonial house and long service leave.

This system is working in Victoria and can be worked through legislation, so why cannot we use it? Is it just and fair that a person with an interest in land, provided he lives and works on it, should be discriminated against? That is what we are doing unless we accept the Leader's amendment.

Mr. NANKIVELL: I support the member for Heysen, who has referred to the provisions which apply in Victoria and which should be acceptable to this Parliament. We are suggesting that, unless the land belongs to me or someone else, I cannot transfer it to anyone else and receive the primary production rebate. Yet, the land is owned by me and is portion of my shareholding, partnership or tenancy. It can be assessed as my part of the estate. Permission is given for the Commissioner to place his value on the shareholding in such a company. We have done that before in respect of unlisted shares. If land is held in a private company the number of shares is known and the proportion of the estate owned by the shareholder is known. That is his part of the estate involved in agriculture.

I am not speaking for myself, but I own land in a company in which my wife also has an interest. I did not give it to her: it is her own. This is a far more satisfactory way of owning land than to have a joint tenancy or a tenancy in common, but in these cases we could devise means to avoid the exception by breaking down the titles into portions and dissolving the company. Whilst this is a company (and it does not specify that here) it specifies the interest in land used for primary production, and the purpose of the shareholding is to establish an interest in the land held for primary production. I can see no difference between owning land as a shareholder in a company and owning it as a separate title in my name, which could be easily devised.

I suggest that the Treasurer consider what has been done in Victoria, where the interest of the person can be established and the estate valued. The value of my portion is known: it is an estate I own as a primary producer and that is the interest in the land I can transfer to someone else engaged in primary production. This is not unreasonable and is not making an avoidance. It is a matter of convenience when it is done this way. The only advantage may be a taxation concession, but there is no other advantage in holding the land in this way. It can establish an individual's right and interest according to a shareholding and that can be valued, and it establishes the interest the person has in primary-producing land. In these circumstances, I cannot see why it has to be treated as something completely independent. Why has it to be treated differently from land that I may choose to have in my name?

I leave it to someone and that is accepted: if I hold it in a shareholding it is wrong! I should like the Treasurer to consider this matter so that he can give the same consideration in this clause as that given in the Victorian legislation to cover this type of land holding. Unless this is done it will be avoided by a division of interest, by a survey, and by a conveyance of land.

Mr. RODDA: I support the amendment. People on a Padthaway estate are experiencing difficulty in finding the large amount of duty that must be paid. The family I mentioned to the Treasurer yesterday is facing great difficulty.

Mr. GOLDSWORTHY: This is a matter not of expediency but of justice, as many people hold rural properties as joint tenants or tenants in common. A man's son may be a tenant in common with him, or a wife may have capital of her own, which she might invest in a rural property. This would not make her any less a primary producer than anyone else as the land is used for rural production. That land should therefore attract the rebate for primary-producing land. The argument applied by the member for Mallee applies equally to joint tenancy and tenancy in common. I think the inclusion of this provision was an oversight.

Mr. VENNING: I, too, support the amendment. Rural land all over the State is being held in joint tenancy and tenancy in common. My first reaction was that the insertion of this provision must have been an oversight. I was interested in the statement that this does not apply to the Victorian Act. The Treasurer has attempted to line up this State's legislation with that of the other States. In this respect, however, our legislation is different, so the Treasurer is not being consistent. I therefore urge the Government to accept the amendment.

Mr. GUNN: It is not always profitable for rural properties to be held by one person: most of them are held by more than one person, and it is most unfair to discriminate against them. At first, I thought the inclusion of this paragraph was an oversight, but it now seems that it has been deliberately put in to discriminate in this way and make it difficult for people in this position to carry on.

Mr. McANANEY: I see no difficulty in defining what a primary-producing company is. The rebate on primary-producing land is based on the proportion that the land in primary production bears to the total amount of assets in the estate. The same applies in the Victorian Act. If a primary-producing company engages in other activities, it automatically follows, with the formula used, that the rebate allowed will quickly decrease to a small amount for a reasonably-sized estate. So there is every safeguard for justice and fair treatment, with very little chance of there being any loopholes that some person may take advantage of. I again ask the Treasurer to consult his advisers to see whether some reasonably fair solution cannot be reached.

The Hon. D. A. DUNSTAN: I have consulted my advisers, and they are adamant that they can see no justification for our withdrawing shareholdings in companies from the clause; they are not proposed to be deleted by the Leader's amendment. It is very rare that a company has its articles so drawn that it can engage only in primary-producing activity. It is standard practice for lawyers to give some sort of flexibility to a company's operations, even a proprietary company. It is necessary that this be done because otherwise there will be insufficient flexibility even in the operation of a primary-producing company by a proprietary company. In these circumstances, the company can go into other things than primary production. It is difficult to confine a company's activities to primary production and, what is more, there is no reason why we should draw a distinction between that and other forms of division of property.

It has never been the case in South Australia under any Liberal Government that tenancies-in-common and partnerships attracted a remission. What is suggested here is that, because through the aggregation clause we are now getting rid of a separate remission in relation to joint tenancies, except in the case of matrimonial homes, that should attract a separate remission for shareholdings, joint tenancies, tenancies in common and partnership properties by bringing them under a rural rebate. That is a complete departure from what Liberal Governments have done previously, and I see no justification for it.

Mr. GUNN: Could the Treasurer indicate what portion of the estate would be deprived of qualifying for rebate?

The Hon. D. A. DUNSTAN: That is obviously not possible, because the details of the methods under which properties are held do not come to the notice of the Treasury until somebody dies and the succession duty statements are filed. We know that certain companies

hold certain titles but the nature of the shareholdings of proprietary companies and their relationship to primary-producing companies is something on which we cannot compile information. All we can tell the honourable member is what has happened previously. We are giving quite substantial improvements in rebate by this Bill.

Mr. NANKIVELL: I accept what the Treasurer has said about the difficulty of defining the precise area of activity of a proprietary company. However, I do not think that land used for primary-producing purposes, which is held by joint tenants, tenants in common or partnerships, would lead to this difficulty of definition. I think this is far more specific and, in these circumstances, the Treasurer should at least consider this. I support what the member for Eyre has said but I doubt very much whether the aggregation that is forced upon land and the security demanded by lending organizations (in many instances, wives have been forced into joint tenancies or a tenancy in common to secure investments from a lending institution) detract from the fact that this is farming land, and that these people are engaged wholly and solely in farming.

Why discriminate against them? We make a great play of what we are doing for primary producers. There are pages of concessions here, but to how many people do they apply? The Treasurer does not know. I ask him to consider whether or not some consideration cannot be given to all people engaged in primary production, irrespective of the type of title under which their land is held.

Mr. McANANEY: In most estates, less than half the value would be represented by the land, because stock and machinery are taken into the estates. Therefore, the rebate applies to only the portion of the total estate that is primary-producing land. The Treasurer may think there is a loophole, in that a primary-producing company will get involved in other activities or some person outside the industry will have a small portion of land used for primary production, but that will reduce the amount of the rebate quickly and soon it will be down to practically nothing. Genuine primary producers should receive this benefit.

Mr. GOLDSWORTHY: If this position applied during the time of previous Liberal Governments, an injustice existed at that time. I cannot see that, because two people in joint tenancy own a property used for primary-producing purposes, they are any the less primary producers. Much rural property is held in that way, and people who so hold property should be eligible for this benefit.

The Committee divided on the amendment:

Ayes (19)—Messrs. Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall (teller), Mathwin, McAnaney, Millhouse, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (23)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, McKee, McRae, Payne, Simmons, Slater, Virgo, and Wells.

Majority of 4 for the Noes.

Amendment thus negatived.

Mr. McANANEY: I move:

In new section 55h to strike out all words after "be" and insert "twenty thousand five hundred dollars".

I believe that the present provision is not fair to all sections of the community. Not everyone wishes to own his own house. Elderly people, who are most likely to have estates, now prefer to live in flats or cottage homes and do not have a dwellinghouse. Also, younger people may live in rental houses because of their employment. For instance, bank managers and other bank officials rent houses in country areas, and similar circumstances apply to people in many other categories of employment. Employees of oil companies, forestry authorities and the Education Department live in rental houses, and those people may save money to buy a house on their retirement. If the husband dies before he reaches the retiring age, his widow has money to buy a house, but that sum would not attract a rebate. We must consider what is fair and just for all sections of the community instead of looking at matters from the political viewpoint.

If a person leaves assets to his children in a certain way he gets a rebate but, if he uses his freedom to leave assets in a different way, a different amount of succession duties has to be paid. This is an interference in the liberties of people. The Bill provides a new exemption of up to $2,500 for insurance kept up by the deceased for a widow, widower, ancestor or descendant. However, not all people want to have that type of insurance. Because my six children are no longer living at home, I

no longer need so much insurance. In these circumstances there is no advantage in making sacrifices to pay high insurance premiums in respect of a policy that matures on the death of the person paying the premiums. It is not wise nowadays to have much insurance after a person reaches the retiring age. I do not see why the new exemption of up to $2,500 that I have referred to should apply only to a particular group of people.

A person would need assets of $20,000 before he was as well off as a couple on the age pension, and we must remember the many other benefits that age pensioners receive. When one of those age pensioners is sick, the couple is often far better off than a person with $30,000.

Members interjecting:

The ACTING CHAIRMAN (Mr. Ryan): Order! The member for Heysen.

Mr. McANANEY: The schedules for Commonwealth estate duty provide for an exemption of $20,000, which I think is justified. The total amount that is applicable through paragraphs (*a*), (*b*) and (*c*) of new section 55h is $20,500—the statutory amount of $12,000, up to $2,500 for a particular class of insurance, and $6,000 as the maximum amount that can be claimed for a dwellinghouse. My amendment makes the statutory amount $20,500. The amount provided in the Bill as introduced would not be applicable to some people, because they would not have insurance policies of the type provided for.

People in the lower groups will pay slightly less succession duties, and people in the middle groups will pay a smaller percentage than the very wealthy people. The provision will protect the poorer people. We must do this to assist family estates, whether they be connected with primary industry, secondary industry, or a humble dwellinghouse. My reasonable amendment will assist those who wish to save for their old age; they will be able to do so and pass on their savings to their children. It is definitely not something that is going to benefit the very wealthy.

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

Amendment negatived.

Mr. McANANEY: I move:

In new section 55i to strike out all words after "be" and insert "ten thousand five hundred dollars".

Members of Parliament are not in good standing in the community because they are said to be acting for political reasons and doing something because they think they can get a few votes out of it. Why should a man be penalized merely because he is doing something in a way that is different from the way someone else does it? This applies to the insurance provisions. A man who invests in Poseidon shares is just as responsible as another person who takes out an insurance policy, and the man who invests in shares should also get a rebate. Persons inheriting assets that have been owned by our elderly citizens will have to pay more succession duty, merely because the elderly citizens have done something that is beneficial to the community. Although I deplore discrimination between people, the Labor Party is now discriminating between one group of people and another. At present, the Commonwealth Government is granting concessions for people who take out life insurance policies but this Government is penalizing those who have such policies by increased stamp tax. This contradiction confuses the public. I ask the Committee to support my amendment.

Amendment negatived.

Mr. HALL: I move:

In new section 55j (*a*) to strike out "two-fifths" and insert "three-fifths".

I move this amendment because of the inadequacy of the Government's move to provide a rebate for primary-producing land. We are dealing with a producing sector of the community that suffers from complex problems, which occur in times of prosperity and of recession. The rebate was introduced as a concession for primary-producing land because of the high values obtaining for this land at that time, values fixed by a relatively few buyers who were favourably placed in relation to many of the properties. They paid a price that fixed the value for succession duty purposes, and this price was well above what was considered to be the normal productive value of a farming unit that would maintain a family. The rebates were fixed on a diminishing scale, basically to cater for a one-person agricultural property. But now the wheel has turned until the primary-producing industries are in a state of recession, and their valuations are decreasing, and decreasing more slowly than is the return from them. So the situation is more dire for the individuals succeeding to those properties, because the properties in many places just cannot be sold today. In these circumstances it is difficult for succession duties to be met according to capacity to pay.

There seems to be a contradiction here, because the pressure is towards bigger primary-producing properties to enable the owners or

operators to meet the demands for greater efficiency and productivity; yet the application of existing succession duties is putting great pressure on the owners or those who succeed to the properties to get smaller. This is a conflict that can best be resolved by an additional recognition of the problems, which could be solved by the proposal put forward by my Party at the last election and maintained since—that the present concession should be doubled on the diminishing scale that applied previously, up to $200,000. The increased concession of one-third given here, coupled with the general rise in rates of succession duty, is totally inadequate to solve the problem facing country people.

When the Treasurer spoke to the farmers' meeting, he implied that there would be a reduction in succession duties on estates valued up to $200,000, but although the rebate operates up to $200,000, it is offset by a general increase in rates on estates well below $200,000. From a preliminary glance, it appears that, because of the increase in rates, a property at $50,000 would incur increased duty despite this increase of rebate. Although I realize that the primary-producing section of the community is less important both numerically and in its productivity than it used to be, it is still important, and this added capital taxation comes at one of the most difficult times these people have faced for many decades. Of course, we do not advocate that this tax be entirely removed, because that could not be contemplated. The Treasurer knows the cost to the State involved in the amendment, and it is something that we can well afford, especially in the light of the general increases that will operate under the Bill. I see every reason why, in justice, the rebate should be increased to 60 per cent.

Mr. McANANEY: A farm worth $40,000 would be small indeed, epecially as the $40,000 involves stock and plant on which, incidentally, there is no concession. Therefore, the land being used in primary production would be worth only $15,000 or $20,000. A person working this sort of property would have to take a spare-time job to earn sufficient money to continue to work the property. Although I do not know why people do this, many farmers in the Hills carry on in this way. They will have to pay this duty on an estate that does not provide a living. Therefore, in the case of small estates, the concession should be increased to 60 per cent. The amendment will not result in concession in respect of large properties. Families concerned in primary and secondary industry must be protected so that they are not forced out of these fields.

Mr. RODDA: People in the South-East and in other higher rainfall areas where there are larger valuations on land are particularly affected by this legislation. Whatever happens to the rural sector, food production will have to be intensified. When people inherit these estates, they must make financial arrangements to pay the succession duties. If the impact of succession duties forces a family to sell part of a property, some high land may be cut from the original property. As a result, the property gets out of balance, because it is necessary for certain kinds of farm to have both high land and low land. I support the amendment.

Mr. McANANEY: New section 55n (1) provides:

No rebate shall be allowed under this Part in respect of land used for primary production unless the Commissioner is satisfied that the land in respect of which the application for rebate is made is of such a size and in such a condition and the circumstances are such that the land is capable of being used for the business of primary production.

If a property was worth less than $40,000 it would be so small that the farmer would have to do some other kind of work in addition to farming. His property would not be a viable unit, because it would not be an economic proposition for one man. Because the amendment gives such a farmer a greater chance and encourages him to stay on the property, I support the amendment.

The Committee divided on the amendment:

Ayes (19)—Messrs. Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall (teller), Mathwin, McAnaney, Millhouse, Nankivell, and Rodda, Mrs. Steele, Messrs. Tonkin, Venning, and Wardle.

Noes (23)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, McKee, McRae, Payne, Simmons, Slater, Virgo, and Wells.

Majority of 4 for the Noes.

Amendment thus negatived.

Mr. COUMBE: The provisions in these new sections perpetuate what is perhaps an anachronism in the parent Act in that different statutory amounts apply to widows and widowers.

The statutory amount in the case of a widow is much greater than in the case of a widower, and I presume that this provision was introduced in the days when normally the husband was the breadwinner. If a wife dies, the husband is able to continue in his vocation and provide for his family, whereas if the husband dies the wife is in a much worse position. This provision has been carried on from the days when we did not speak of equal pay and equal opportunity for women. At present many aged couples live in home units or other housing provided by church or charitable organizations, and the circumstances in which they are living could not be regarded as being affluent. We have this position whereby, if a husband dies, the widow is in a much worse position than if the reverse is the case. Perhaps when we again revise this legislation, we could consider doing something about this circumstance. I merely make that general observation.

Clause passed.

Remaining clauses (32 to 38) passed.

New clause 30a—"Interest on duty."

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

30a. Section 51 of the principal Act is amended by striking out from subsection (1) the word "six" and inserting in lieu thereof the word "twelve".

I move this small but important amendment because at times it is difficult to present the documents promptly for the declaration of an estate. The time when the duty first becomes chargeable is the date of death, so interest is due and payable six months from that date. With large and complicated estates it is sometimes impossible to prepare the papers and submit them to the Commissioner in time, although no-one is at fault. Sometimes delays occur in the Commissioner's office. The limit of 12 months is similar to the time allowed under the Victorian Act. Although there is a proviso to section 51 of the Act, I have moved this amendment because of several cases brought to my notice where the estate was not wound up within six months and, despite appeals, interest was charged.

The Hon. D. A. DUNSTAN: I regret that I cannot support the amendment. If the succession duty statements are not filed in time someone must be at fault, and, as a lawyer, I think this is a salutary measure to provide a time after which duty is payable, otherwise there is a tendency for time to drag on. If a lawyer has been dilatory he has to face an irate client, and I have known examples of that. I know of cases where interest has been remitted, and the appeal for remission would not always be refused. It is allowed if there is a good cause, but that good cause must be something other than the fact that someone somewhere has delayed the matter. I do not agree that there is delay in the Commissioner's office: there is not. The material submitted to that office is dealt with expeditiously. I do not think there is justice in having 12 months as the limit; a six months' limit tends to ensure that succession duty statements are submitted within a reasonable period. I certainly know from my experience in the profession that the fact that after a period duty will be chargeable has a salutary effect upon people in trustee offices and lawyers' offices in ensuring that succession duty statements are filed on time.

Mr. GUNN: I support this new clause. I know of cases where people have been charged interest through no fault of their own. Six months is not a long enough period, because many complicated estates are difficult to set in order, and it takes time. In some cases, through no fault of their own, people have been penalized.

Mr. McANANEY: I, too, support this new clause. The last time I spoke about an extension of time was some years ago when we were debating a Bill dealing with family inheritance. The argument of the then Treasurer was that because of undue legal delay some people missed out on their inheritance. We take the same point now. If delay is occasioned by a member of the legal profession, some time is needed for affairs to be finalized. I was involved with one of my constituents in a case like this when an extension of time was not allowed and he had to pay interest although it was not his fault. The Commissioner of Taxes is a diligent and efficient officer, one of the finest I have met. However, he is rigid in his ideas about protecting the State's interests. He does not tend to bend as much as he should in these matters.

Mr. EVANS: I know the Treasurer and the member for Mitcham view this matter differently from the average man in the street. Being in the legal profession, they cannot perhaps appreciate the attitude of the average person to this matter. A hold-up in settling affairs may be the fault of the lawyers office. If there is a hold-up, how many laymen will accuse a lawyer of negligence? Would the man in the street go to another lawyer? That is perhaps what he should do, but he would not. Legal people insure themselves against allegations of

negligence. I approached the member for Mitcham when he was the Attorney-General on a similar matter. For the Treasurer's information, I tell him I received the same reply as he is giving us tonight—"Sue for negligence." What person would take a lawyer to task when he knows he would end up by paying more money? It is a natural tendency for lawyers to slip around the corner; it is part of their profession. Will the Treasurer accept a variation to the amendment whereby it will be acceptable if the returns reach the Commissioner's office within six months? If any queries were raised they could be settled afterwards.

The Hon. D. A. DUNSTAN: There are all sorts of difficulties about that. The honourable member talks about returns reaching the Commissioner's office. What if they reach it in such a form that they cannot be dealt with? What if someone rushes into the Commissioner's office just before the deadline and puts in something which can be called a return but which is useless and subject to so many queries that it takes six months to clear them up. An amendment such as that would not be acceptable administratively.

Mr. CARNIE: I am sorry that the Treasurer has taken this attitude. In the case that prompted my amendment a lawyer's or trustee's office filed the returns within four months. It was over two months before the Commissioner's office dealt with them, yet the person concerned was still charged interest. He appealed and was refused.

The Hon. D. A. Dunstan: When was this?

Mr. CARNIE: I cannot say, but I can get the details.

The Hon. D. A. Dunstan: I would be prepared to have a look at a case of that type.

The Committee divided on the new clause:

Ayes (18)—Messrs. Becker, Brookman, Carnie (teller), Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse, Nankivell, Rodda, Tonkin, Venning, and Wardle.

Noes (23)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, McKee, McRae, Payne, Simmons, Slater, Virgo, and Wells.

Majority of 5 for the Noes.

New clause thus negatived.

Title passed.

Bill read a third time and passed.

LAND TAX ACT AMENDMENT BILL

Third reading.

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

That this Bill be now read a third time.

In the interim since yesterday I have consulted with departmental officers and the Under Treasurer but I regret to say that we have been unable to devise any formula that would meet the case put forward by the Leader of the Opposition. As I have pointed out to him, there are grave difficulties about his proposal. We have been unable to devise any means of coping with the particular situation he outlined other than endeavouring to do what we can administratively. Therefore, I have no further proposition to put to the House.

Mr. HALL (Leader of the Opposition): I am disappointed, to say the least, at the Treasurer's statement. He has not denied the justice of the case that I put forward. It would seem that this House has got itself into a mess, for it cannot state in words a solution to a problem that is evident to everyone here. This is a ludicrous situation. As a law-making body, we have fenced ourselves in to a degree that we are therefore, as I have said, quite unable to see a solution to the problems of a numerically insignificant group.

These people have no electoral strength, and I submit that that is why the Government is not taking some significant action to change the position. The votes of these people mean nothing to either Party in this House and, unfortunately, they are to be left without any help in this tremendous personal problem that they incur, except the Government's promise that it will do what it can administratively.

I know from my own experience in trying to help these people through the administration of this Act that this is not possible. Therefore, these people will go on paying high taxes. They are less wealthy than the people who will benefit under the provisions of the Act and much less wealthy than those who are near the city and who will eventually profit greatly after having their potentially subdivisional land declared rural land. They have no greater productive capacity than have the broad-scale farming areas from here to Eyre Peninsula, and they are sitting there in the middle paying over $1 an acre a year in land tax, yet this House says that because that is the way the law is it cannot help them.

Dr. Tonkin: This is where the law is an ass.

Mr. HALL: Yes. It is a reflection on this House that a few people are economically sacrificed because no-one in Goverment can find a solution to their problem. I submit that this Bill should not pass until the Government has had a chance to work out some solution. I believe that something could be worked out, even though it might be complicated in its wording and would have to safeguard the principles on which land tax is levied. Something could be done, and something could be put into words, to make sure that the plight of these people, who are sitting right in the middle of productive capacity and economical yield, was alleviated. I have no doubt that this Bill will go through, because the Government has the numbers. As I have said, the problem is that these people will continue to pay over $1 an acre.

Mr. Venning: And the Government couldn't care less.

Mr. HALL: In the circumstances, I say that the Bill should not pass.

The Hon. D. N. BROOKMAN (Alexandra): I oppose the third reading. The Government has not answered a number of matters that I raised earlier in the debate. All it has said is that the aggregate collections from rural land tax will be slightly less as a result of this Bill than they are at present. However, the fact remains that the individual collections from rural land in many cases will be much higher, and this is not the time to impose higher capital taxation on rural producers.

The Hon. D. A. Dunstan: What was the recommendation of your Treasurer on this?

The Hon. D. N. BROOKMAN: I am speaking not only of large rural producers but also of small rural producers. It is drawing a red herring into this debate to ask what was the policy of the previous Government, because the primary producers' position has been deteriorating in the last few months. Every impression left by the Treasurer when he spoke at the farmers' march was that land tax would be reduced. He did not say that literally, because he was talking about unimproved values, not the actual tax payable, but the complete impression that he left and, I think, intended to leave with those farmers was that he had good news for them, because they would pay less land tax. Not all of them will pay less land tax. I do not know how many are affected, but I do know that medium-sized properties, such as soldier settler properties on Kangaroo Island, will have considerably increased land tax bills. An example has been given to me, showing that a property on Kangaroo Island with an unimproved value of $12,630 in 1965 will now have an unimproved value of $26,000. That is after the reduction that we have been told about has been made. The land tax payable on that property between 1966 and 1970 was $30.52 a year. When this Bill is passed, the tax will be $57.60, which is an increase of about 89 per cent. Today I received a letter from a soldier settler who asks me about the possibility of rent reductions, because he remembers the question I asked in this House about the position of the soldier settlers on Kangaroo Island. As I explained when asking my question, when I was a Minister I wrote to the Commonwealth Minister for Primary Industry asking that a special study of the problems of that group of farmers be made. I have asked in this House several times since what has become of that matter, but I have received no satisfactory information. I have received information about acknowledgments of letters, but no progress has been made. The Government has been in office long enough to take this matter up strongly. I will not read the whole of the letter from this settler on Kangaroo Island: I do not want to identify him. However, part of his letter states:

> Things are getting pretty desperate, as I have 200 acres of two-year and three-year pasture (new) and cannot raise the money from either—

and he here names a stock firm and a bank—

> to stock it, which means that the money spent and ground will be wasted.

This letter, which I have received this afternoon, is an example of what I am complaining about. Whilst this increase in land tax will be made, I do not think we are in a good position to pass the Bill. I believe it is fair enough to say that there will be some reductions as a result of this Bill, but why impose increases on properties of a moderate size? We know very well that the gross return of these properties (as typified by soldier settler properties) is small now that wool has dropped to such a low price. For these reasons, I oppose the third reading.

Mr. FERGUSON (Goyder): I oppose the third reading. The Treasurer said that neither he nor his officers could work out a formula to give relief to primary producers in this matter. I believe the Treasurer has virtually said, "Well, fellows, hard luck: if you have to go bankrupt through land tax, that is too bad."

Mr. RODDA (Victoria): The Government must be condemned for its attitude.

Mr. Venning: Hear, hear!

Mr. RODDA: It should be condemned for the attitude shown by the Treasurer a few minutes ago when speaking about landholders north of Adelaide. In this area people are carrying on their business but are being affected by a system of valuation that is aggravated by things around them. Now, the Treasurer says he cannot find a solution to the problem: genius as he is, he cannot find a solution to this simple problem. These people are facing high capital charges, and it does the Treasurer no credit to say that he will do something administratively. He will no nothing. It is all very well to obtain revenue, and to make people pay taxes who can ill afford to pay. If we have to face the Treasurer on the hustings I am willing to argue this point with him anywhere, and the sooner the better.

Mr. Langley: Any time you like.

The Hon. D. A. Dunstan: What about the figures from the last poll: 53 per cent for Labor!

Mr. RODDA: I think the Treasurer is whistling in the dark; the other matter that concerns the Opposition and about which I protest is the aggregation clause concerning joint tenancy. In my part of the State, where there are high valuations, it is impossible to dodge this, but it will be a bad thing for the State if values drop. A heartening report has appeared recently in the press that conditions in the wool industry are improving, but this will not alleviate the problems of primary producers in these inflated times. As was emphasized by the member for Alexandra, primary producers cannot carry this added burden. It is not the time to increase their charges, because they can ill afford to pay them. I voice this disapproval in a general way. The Leader and the member for Goyder spoke about a specific problem concerning the people at Salisbury, but I am speaking of the general imposition on the rural sector. Someone said that people in the city of Adelaide and the suburban areas paid most of the land tax: we acknowledge that, but it is passed on. However, land tax affects the primary producer, who has to sell his products on the world market. I add my protest to the passage of this Bill.

Mr. VENNING (Rocky River): I, too, oppose the third reading. I have listened with great interest to this debate and it is evident to me, from watching the Treasurer on the various amendments moved from this side, that he is not even in sympathy with the situation. My mind goes back to the farmers' march when about 8,000 primary producers came to Adelaide and confronted the Treasurer. He gave them a sympathetic hearing. The primary producers will be disgusted at his attitude over the last few days to the land tax and succession duties measures. The Treasurer and the Government have not given one inch on any aspect of this legislation; there is no sympathy. Last night I thought he would show some sympathy on one aspect of the Bill, but he did not do so. On behalf of the primary producers of South Australia, I say that I am disgusted at the attitude of the Government and the Treasurer on these matters.

Mr. CARNIE (Flinders): The member for Rocky River has just said that the Treasurer and the Government have not given one inch on two vital issues before this House—the succession duties Bill and this Bill.

The SPEAKER: Order! The succession duties Bill is finished, as the honourable member should know.

Mr. CARNIE: Thank you, Mr. Speaker. The Treasurer and the Government have not given one inch. At the farmers' march in July and in the policy speech of the Deputy Premier, it was said that there would be remissions on land tax to the farmers of this State. In this Bill there are remissions, admittedly, but on increased valuations. In my own area, one valuation has increased from $8,560 to $22,820 and another has increased from $33,620 to $64,030. This is no remission. The farmers of this State are desperate, but we cannot get it through to the Government. For many farmers, the situation is as bad as it was in the 1930's and, despite all the promises we have had, no concession has been given to the farmers; there has been no help and there is no sympathy. Although the Bill provides for a remission, this is a remission on a valuation increased three-fold, so the net result is that there is no remission. I voice my protest on behalf of the farmers not only in my own area but throughout the State. I deplore the lack of thought that the Government has given to their plight. I oppose the third reading.

Mr. GUNN (Eyre): I, too, oppose the third reading. I am amazed at the lack of consideration the Treasurer has shown the primary producers in the last few days in regard to land tax and succession duties. It ill-behoves the Government to increase land tax and other charges on primary industry, which

has done nothing but good for South Australia. Primary producers, who gave the people of South Australia a start, are entitled in their time of need to assistance and consideration. However, in the Bill, the Government fails to consider them, as it failed to consider them in the Succession Duties Act Amendment Bill.

Mr. Langley: I would swap my bank balance for yours!

Mr. GUNN: The attitude of the member for Unley and of other members of his Party does not do them credit. I challenge the honourable member to go to the country and tell the farmers how well they are doing. The only thing the member for Unley knows about is electricity: he knows nothing about rural affairs.

The SPEAKER: Order! The honourable member must not indulge in personalities.

Mr. GUNN: During the last election campaign the Labor Party put out a brochure to which I have referred before and which is pertinent to the matter before the House. My copy of the brochure has on it a photograph of the member for Unley.

The SPEAKER: Order! The honourable member must refrain from making personal attacks on other honourable members.

Mr. GUNN: I am sorry, Mr. Speaker. This brochure promises a better deal for the man on the land. However, since the Government has been in office it has given no assistance to primary producers.

The Hon. G. T. Virgo: Is it any wonder the Country Party is gaining support?

Mr. GUNN: The only person grateful to the Country Party is the member for Chaffey. I wish to refer to what has happened to land valuations on Eyre Peninsula. In 1965, the valuation on one property was $12,500 and the land tax was about $30. That valuation has increased to $33,840 and the tax now payable is $90.42. If that is a reduction, I am amazed. I oppose the Bill.

Mr. McANANEY (Heysen): I, too, oppose the Bill. At the farmers' march the Treasurer said that a reduction in land tax would be made.

The SPEAKER: Order! The honourable member should confine his remarks to the Bill.

Mr. McANANEY: The reduction promised by the Treasurer has not been made this year and little reduction will be made next year. This is a capital tax. The fact that South Australia received from the Commonwealth the greatest per capita increase of any State, as well as additional sums from the Grants Commission, should mean that it is not necessary to increase this type of tax. I oppose the Bill because the farming community does not have the ability to pay the increases in land tax. We all realize that the people have a responsibility to pay a just amount for the services provided, but that amount must be based on their ability to pay. Regarding council rates—

The SPEAKER: Order! The honourable member must link his remarks with the Bill.

Mr. McANANEY: Farmers have heavy liabilities that other sections of the community do not have. The Treasurer implied (although he did not actually say it) that there would be a greater reduction.

The Hon. D. A. DUNSTAN (Premier and Treasurer): I have sat here during this debate and listened with astonishment to members opposite opposing the Bill. They are members of this Parliament and they know what that means: it means that, if this Bill is defeated (and that is what they say they will vote for), what will happen as a result of the quinquennial reassessment that we are bound to make under existing legislation is that South Australia will collect an additional $1,200,000 from the rural sector. Members opposite will put that added burden on the rural sector—that is what they are voting for.

Members interjecting:

The Hon. J. D. Corcoran: They cannot deny it.

The SPEAKER: Order! Order! The Premier is replying to the debate and he is entitled to be heard in silence. There will be no interjections.

The Hon. D. A. DUNSTAN: Every member opposite knows that, if he votes against the remissions in this Bill, what he is voting for is the existing legislation and the imposition (as all members of the previous Cabinet know, because they were faced with this) of an additional $1,200,000 on the rural sector.

Mr. Goldsworthy: However we vote, there will be an increase. How can we protest?

The SPEAKER: Order! I warn honourable members that I will not continually call them to order. They will find out the consequences of interjecting. This is the last time I will warn them.

The Hon. D. A. DUNSTAN: I cannot understand how members opposite can really advocate that we collect from the rural sector

an extra $1,200,000. What they are saying is, "We are not happy about the reduction in the total amount collected; we think it should be a larger reduction, so we will vote for an increase."

Mr. Venning: You wouldn't accept any amendment.

The Hon. D. A. DUNSTAN: The honourable member is voting for the *status quo* if he votes against this Bill. Under the new assessment which is required by the existing Act the Government has no alternative but to act in accordance with what the Auditor-General requires under that Act. We took what administrative action we could in relation to the quinquennial assessment in revaluing properties. This was one of the first things we did when we came into office. Listening to members opposite, one would think that every sector of the farming community was facing bankruptcy.

Mr. Rodda: Almost.

The Hon. D. A. DUNSTAN: That is not true: some sectors of rural industry in South Australia are in distress, but other sectors are buoyant, and that is reflected in present land values and in sales that have been made in many areas of the State. The sales that have been recorded in many areas are sales that have justified the quinquennial reassessment. I point out to honourable members that those who object to the assessment have a means of appeal. If, in fact, their values are not what are shown, they have the means of taking that up. Where the assessment has shown a marked improvement in value, it has been on the basis of actual sales.

In these circumstances, where we could get a knocking down of the unimproved value we have done it, and it has resulted in an overall reduction of about 30 per cent in the values from the original assessment in the rural sector. However, that does not mean that there has not been over the five-year period some increase in value. In fact, in some cases it has been a marked increase in value. In certain areas in the rural sector where the values of property are still extremely high and sales at high prices are being made—

Mr. Venning: Where?

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: Honourable members opposite have had this information already in some detail from the Valuation Department. Many sales have been made. In these circumstances, the Government has set out to do rather better than the previous Government intended to do earlier this year.

Mr. Hall: Nonsense! Don't talk rubbish.

The Hon. D. A. DUNSTAN: What happened under the previous Government was a recommendation from the then Treasurer for the collection from the rural sector this year of about the present amount of revenue from that sector. The Leader knows that very well.

Mr. Hall: It has nothing to do with the announced policy of the previous Government. You are not telling the truth.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The policy of the previous Government was not announced until the Government had been defeated and was going to the people on the hustings. That is not what was in the docket.

Mr. Hall: It was a declared policy to the people, and don't you misrepresent it.

The Hon. D. A. DUNSTAN: I am not misrepresenting anything. When the previous Government was in office and was preparing its measures for this year, the measures were to bring in the present amount of rural land tax. The first mention there was of a reduction to $300,000 from that area was when the Government had been defeated and had gone out on the hustings.

Mr. Hall: This is a completely dishonest way of representing the previous Government's announced policy.

The SPEAKER: Order!

Mr. Hall: What do your dockets show?

The Hon. D. A. DUNSTAN: I am stating the exact facts.

Mr. Hall: It is a misrepresentation.

The Hon. D. A. DUNSTAN: I am stating the complete facts. Members opposite now hold themselves out as the saviours of the rural sector.

Mr. Venning: That is right.

The Hon. D. A. DUNSTAN: I can imagine how impressed people in the honourable member's district will be when he tells them that what he has now done is to refuse the remission to the rural sector offered by this Government, and that the Government will, because of the Opposition's action, have to collect from the rural sector twice what it was paying previously.

Mr. Hall: That's a complete misrepresentation.

The Hon. D. A. DUNSTAN: That is the exact position. If members opposite vote

against this Bill, they will vote to preserve the *status quo*, and they know that. They will be voting for the existing Act, which means the collection of $2,200,000 from the rural sector and refusal to permit the people in the metropolitan area to raise the necessary money to pay to the development fund for open space areas, according to the 1962 plan. I point out that this specific policy was put to the people at the last State election and, what is more, it was not something that had been thought up overnight: it had been put to the people at a previous election.

Mr. Venning: Do you remember what you said at the farmers' march?

The Hon. D. A. DUNSTAN: I remember very well. I said I would give remissions in rates and that such remissions would fall most heavily in the area that has been prescribed in this Bill. That has been done, and there has been a reduction in the total amount to be collected from the rural sector.

Mr. Hall: How will you explain the increase in the case of many individual farmers?

The Hon. D. A. DUNSTAN: The increase for many individual farmers has come about because of the quinquennial reassessment that the Leader knows is required to be made under the Act. There is no way out of this.

Mr. Hall: Except to reduce it.

The Hon. D. A. DUNSTAN: We have already taken the administrative action to reduce it, which the previous Government had not done, even though it had already got the assessment in. The Leader's Government had already got the assessment in but had done nothing.

Mr. Hall: Except announce reductions.

The Hon. D. A. DUNSTAN: The Leader's Government had done nothing about getting a reassessment made. That was one of the first things we did when we took office.

Mr. Hall: That's a dishonest statement, and you know it.

The Hon. D. A. DUNSTAN: I want to tell members opposite about a matter that I promised to consider when I asked that progress be reported. Members opposite had waxed eloquent, saying that this Government had done nothing about a matter that had been brought forward. The Leader submitted a proposal that was obviously unworkable. I considered it to find out whether we could devise something that was workable, but that is not something that we can devise, because of the very nature of unimproved land value taxation. The very basis of that taxation is that the effect of it is to ensure that eventually the land is used for its most economically demanded use.

Mr. Rodda: To build houses on?

The Hon. D. A. DUNSTAN: Well, if that is the most economical use, that is what happens. That is the effect of unimproved land value taxation. Obviously, members opposite have not read the whole theory of that taxation. It was introduced when those who favoured that unimproved land value taxation were those people who represented the rural community.

Mr. Goldsworthy: Maybe I haven't read that, but I know how it works out.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The way it works out is that it requires that the land go over to the most economical demanded use.

Mr. Evans: Not in all cases.

The Hon. D. A. DUNSTAN: Well, there are very few exceptions to this. It is a matter of what the honourable member defines as economical demand. I cannot devise a means of getting away from this basic principle of the taxation, because once one tries to write in an exception one creates more anomalies. I have not been able to devise something that does not create a whole series of anomalies, and valuers would find extreme difficulty in implementing such a scheme. Because of that, given the very nature and basis of the taxation, members opposite say, "This is dreadful and the Government should be doing something for the farmers." If members opposite wanted something effective done in that area and thought it could be done, why did they not do it?

Mr. Evans: You hold the Bill up.

The Hon. D. A. DUNSTAN: The honourable member has had his opportunity. The Parliamentary Draftsman has been in the House and members opposite have had the Bill before them for a long time. Where is a proposal from Opposition members to cope with this situation? All Opposition members can do is throw their hands up in the air. An amendment was proposed by the Leader yesterday: it was hurriedly prepared and written out.

Mr. Venning: What did you do with it?

The Hon. D. A. DUNSTAN: I pointed out that it was unworkable, and the Leader admitted it.

Mr. Hall: I did not say it was unworkable: I said it would introduce a policy change in a limited area and, following your demands, I did not press it.

The Hon. D. A. DUNSTAN: The Leader said that he could see the difficulties that would arise and they were obvious. It is not possible to have land value taxation on the basis of productivity of the land, because productivity has to be defind. It is productivity for what and in what area? A value judgment has to be made as to what things can best be grown there and what the productivity would be if pigs were turned out on it or strawberries were grown. It is not possible to base a valuation for taxation purposes on that sort of thing. Opposition members have had plenty of opportunity to devise the remedy that they proclaimed could be found, but they abused us for not finding it. Opposition members have as much access to the Valuation Department and to the Parliamentary Draftsman as we have. These facilities have been available to them for this purpose.

Mr. Millhouse: You know that is not right.

The Hon. D. A. DUNSTAN: Opposition members have visited the Valuation Department. Yesterday the Leader spoke at length about the fact that he had access to the valuers, but had been unable to devise with them something better than what he produced. This Bill was not introduced yesterday.

Mr. Nankivell: We could not get information: the Bill is not through.

The Hon. D. A. DUNSTAN: Of course you could.

Mr. Nankivell: Today I tried to get relative figures and could not get them because the assessment had not been adopted.

The Hon. D. A. DUNSTAN: This has nothing to do with this measure.

Mr. Nankivell: Of course it has.

The Hon. D. A. DUNSTAN: How?

Mr. Nankivell: The assessment is the all-important thing.

Mr. Hall: If you are not going to do anything about it, you may as well finish up now.

The Hon. D. A. DUNSTAN: Opposition members have been saying to us this evening, because they have been unwilling to do their homework on this matter, "We are the saviours of the farmers and we will vote to take another $1,200,000 away from them."

Bill read a third time and passed.

STAMP DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 5. Page 2435.)

Mr. McANANEY (Heysen): This is another Bill that contains some good things, but I do not think that the demand for a large increase in the rates for stamp duty on workmen's compensation is justified. If we go through the Bill clause by clause, much as we regret this big increase in interest rates, it would appear to be necessary to increase the rate from 9 per cent to 10 per cent that is exempt from stamp duty, if we are to keep in touch with these unfortunate trends in other States. The Bill provides that the rate of interest in respect of which stamp duty shall be charged shall be fixed from time to time by regulation, because rates are changing so rapidly. The debenture rate applied by many hire-purchase companies over the last three months has been 8¾ per cent, but, either yesterday or the day before, I heard that one company was offering 9¼ per cent. I do not know whether it is beating the gun or is anticipating the increase to 10 per cent allowable by this measure before stamp duty applies. It remains to be seen.

There are other methods by which we can achieve economic stability without indulging in this type of taxation, but I suppose that as a State Parliament we must accept this fact and make it possible for the normal borrower not to qualify for the rate at which stamp duty is applicable. It is good that the credit unions are to be exempted from this stamp duty, for they will lend money at a rate of interest not exceeding 1 per cent a month (that is, 12 per cent a year, a rate that would attract stamp duty). The credit unions and the people will combine to put their savings together and assist their colleagues—an idea that should be fostered. It is good that there is a maximum rate affecting the interest that can be charged by banks on bills of exchange or promissory notes, and also that steps have been taken to prevent double stamp duty being charged on premiums payable in other States on policies taken out in South Australia. As the other States have done the same thing, it is time we did likewise.

I am happy that the receipts tax has been declared invalid because that was a particularly bad type of tax that the States were forced into. It was a most unjust tax, because some types of income were exempted and the incidence of the tax fell heavily on certain sections of the community. It was a heavier burden than people could bear in relation to their ability to pay. It is good that this type of tax collection will not happen in the future and that the Commonwealth Government has come to the party and made good the loss of revenue from that source, at least for the time being.

So there are many good features in this Bill, but the doubling of the rate of stamp

duty in respect of workmen's compensation and life insurance is unfortunate. Life insurance should be encouraged because it gives people an incentive to save. The taxation rate should not be doubled in this field. In view of the increased revenue obtained from the Commonwealth Government (this was the greatest additional sum ever offered to the States in the history of the Commonwealth), it is unfortunate that we must continue to have these taxes on capital transactions. Surely the Government can take some action to eliminate certain losses such as those on our inefficient surburban and country passenger services by providing reasonable alternative modes of transport and thus saving the State much money. By doing this we could ensure that there would be no need for this type of tax.

The costs in respect of Workmen's Compensation Act provisions will increase substantially from 50c for each $100 to $5 for each $100. I do not argue that employees are entitled to receive workmen's compensation benefits, but how can increases in the costs associated with workmen's compensation be justified? The additional tax will be borne by the prospective recipients of workmen's compensation benefits, because it will be added to the cost of living. Even the Prices Commissioner would accept this as an increase in the cost of production and would add it to the value of the goods that a person wanted to sell. I see no justification for this charge on the business community. Where they can, sellers will add this on to the cost of the goods, but people in industries at the end of the line, such as primary producers, will not be able to pass it on and will have to accept this burden. As this is an important matter for the State, I draw your attention, Sir, to the state of the House.

The ACTING DEPUTY SPEAKER (Mr. Ryan): Ring the bells.

A quorum having being formed:

Mr. McANANEY: I thank members for coming in. This Bill inflicts on the people another $900,000 taxation this year and will bring the sum collected from insurance companies this year to $3,000,000. Next year and in subsequent full years the total of these additional charges will be about $4,000,000. The Government should take notice of this important matter. Whether Government members think that there is any merit in this tax or not, they will support the Government to the full.

Mr. McRae: Wouldn't you do the same with a money Bill?

Mr. McANANEY: Unfortunately, when the receipts tax legislation was voted on two years ago there were 19 Government members and 19 Opposition members. I spoke very strongly against the legislation and the Opposition said, "Come over and vote with us against the legislation." I kept them quiet by saying that I would have decided to cross the floor if it had not been for the three disastrous years of mismanagement during the previous Labor Government's term of office. Because that Labor Government spent less money on education and all other services, I could not vote out of office a Government that was getting things going and reducing unemployment. Although I was strongly opposed to the general principles of a receipts tax I had to sacrifice my principles because I did not want a return to another disastrous period of Labor mismanagement.

The Hon. D. A. DUNSTAN: I wish to raise a point of order, Mr. Speaker. It is somewhat difficult to hear the honourable member, and I respectfully ask that he bring his remarks to the Bill.

The ACTING DEPUTY SPEAKER: The member for Heysen should make his remarks more audible and refer to the Bill.

Mr. McANANEY: I think there is something wrong with the loud speakers, because we can rarely hear the Treasurer from this side of the House, particularly when things are going against him. He gets quieter and quieter, and his speech is just a sort of whisper in the air.

The Hon. D. A. Dunstan: I have had a very good day today.

Mr. McANANEY: Some very necessary parts of this Bill eradicate dead wood from the principal Act and bring certain matters up to date, but I strongly oppose the very big increase in stamp duties on workmen's compensation. This charge on industry will be incorporated in costs of production and then passed on to the whole community. With the additional funds available to the Government from Commonwealth sources and with the possibility of making savings in respect of Government activities, it should not have been necessary to increase stamp duties on life insurance, personal accident insurance, and workmen's compensation.

Mr. COUMBE (Torrens): I think this is the first time I have ever seen the Government's

front bench completely empty. It is usual for at least one Minister to be present. Whether or not the Minister most interested in the Bill is present, I do not care, but at least I expect the courtesy of one of them being present. I recall a couple of years ago when my Party was in Government listening to the round criticisms we got from numerous members of the present Government, including the Minister of Education, when my Government was introducing taxation measures. However, only a moment or two ago the Treasurer said, "I have had a very good day today." That was just after he had got through a couple of his financial measures, measures which, I may say, the previous Administration certainly would not have introduced.

We now have a third financial measure, and we see from the Notice Paper that there are more to come. Who knows what others are likely to be just around the corner ready to be popped in at an appropriate moment. What we see now in the first few months of office of a new Government is a flush of revenue-raising measures.

Mr. Venning: Socialistic measures.

Mr. COUMBE: Yes. Many of them were not even announced at the recent election, although I admit that some of them were announced. No matter what the Government does, it claims that it has a mandate for doing it.

Mr. McRae: Hear, hear!

Mr. McKee: You never had a mandate for anything.

The ACTING DEPUTY SPEAKER: Order! Interjections are out of order. Also, the member for Torrens will address the Chair.

Mr. COUMBE: Yes, Sir. I do not remember reading in the Australian Labor Party's policy speech, that oft-quoted document, that there was to be an increase in all these items in this Bill, for instance, and quite a number of the others. Apparently, the Government claims that it has a wide mandate and that it can do anything it likes. One aspect of the Bill results from the debacle caused by the High Court's decision regarding receipts duty. We know the history of this and we know the problem that resulted from the High Court's decision in the Western Australian case. The Commonwealth Government has now decided to help the States, and I completely concur in and support the part of the Bill that deals with that aspect. Indeed, I think every member of this House would do likewise. That decision by the High Court threw into disarray the States' taxing powers and their legislation regarding receipts duty on goods. The receipts duty on wages was never introduced in this State. The previous Administration introduced only receipts duty on goods, whereas Victoria went further. Therefore, we on this side support that part of the Bill dealing with the receipts duty.

However, the Bill goes a little further. Several increases are being levied on various types of insurance. I read with interest the history of this matter, as related by the Treasurer, and certainly, in some of the cases he cited, the rates had not changed for many years. I was rather amazed at the increases announced. We know that the Treasury will gain from these increases, but the little people, such as ourselves, will suffer. I remember vividly that during the last State election campaign the Australian Labor Party had a slogan: "Vote for the A.L.P.; we represent the people".

Mr. Mathwin: The A.L.P. was the saviour of the workers!

Mr. COUMBE: Yes.

Mr. McRae: What about the life companies? Many of them are mutual companies.

Mr. COUMBE: Most of them are mutual companies, as the honourable member points out, but who owns the mutual companies?

Mr. McRae: The members.

Mr. COUMBE: Yes, the little people in the community, and they will suffer in one of two ways, either by paying an increased amount or by receiving reduced bonuses.

Mr. McRae: What about the accumulated profits?

Mr. COUMBE: Where does the accumulated profit of a mutual company go?

Mr. McRae: Back to the members.

Mr. COUMBE: I see. That means that they will get less.

Mr. McRae: No, it doesn't.

Mr. COUMBE: I am the first to admit that I am not one of the honourable member's learned profession, but I have enough common sense to know that, if we take away something or impose something, someone must lose something, and in this case the little person will lose.

Mr. Mathwin: That's a hard one to get over to these people.

Mr. COUMBE: Yes. Different lawyers argue in different ways, and one can get a different opinion on the same subject from learned counsel.

Mr. McRae: You still have to get over the aggregated profits of the mutual companies. That's very hard to get over.

Mr. COUMBE: The honourable member is being devious, as usual.

Mr. McRae: I am not being devious. You know as well as I do that that is true.

Mr. COUMBE: The member for Playford and I have been friends since 1968, and once again this evening he is showing how he tries to slip around the corner when the argument gets tough. I do not want to refer to how he slipped around the corner in relation to recent happenings in his district.

Mr. McRae: I came out in the open.

The ACTING DEPUTY SPEAKER: I hope the honourable member will link his remarks with the Bill.

Mr. COUMBE: I will, Sir. I now turn to the matter of workmen's compensation. The member for Playford has been a great advocate in the courts on behalf of various clients seeking workmen's compensation, and he has done an excellent job.

Mr. Crimes: For the little people.

Mr. COUMBE: Yes, and I give him credit for that.

Mr. Mathwin: He's a little member himself.

The Hon. Hugh Hudson: That's why we on this side can speak for the little people, when you cannot.

Mr. COUMBE: Leaving that aside, every honourable member knows that it is compulsory for every employer to take out a policy of workmen's compensation with a private insurance company, unless he can show that he has an equal or better means of providing workmen's compensation. This happens in some large firms. I understand from the Treasurer's second reading explanation that the stamp duty on this was $1 for each $200. The member for Heysen referred to a lower figure, but I am speaking about what the Treasurer said, because we have to work in the context that the rate was $1 for every $200 of net premiums of workmen's compensation. As I understand it, stamp duty on premiums is now to be increased to $10 for every $200.

Mr. Evans: Compulsory insurance.

Mr. COUMBE: It is compulsory, as is other forms of taxation for insurance, and the Government intends to increase the stamp duty 10 times. This increase will have to be paid not by insurance companies but by the individual employer either in industry or in the rural community. That would not be so bad in itself, but the Minister of Labour and Industry has announced that shortly he intends to introduce a Bill to revise the Workmen's Compensation Act. I had the pleasure of introducing some improvements to that Act, and I hope the Minister will go further in some regards. I will support some of the amendments but I will wait until I see the measure before saying whether I will support it entirely. The Bill that I introduced increased the rates payable under workmen's compensation for the first time for many years, and those rates were certainly not increased during the Labor Government's regime.

The ACTING DEPUTY SPEAKER: Order! I draw the attention of the honourable member to the fact that, at this stage, we are dealing with stamp duty and not with the Workmen's Compensation Act.

Mr. COUMBE: I am dealing with stamp duty on workmen's compensation as referred to in the Bill.

The ACTING DEPUTY SPEAKER: There is nothing in this Bill about rates of compensation. I ask the honourable member to deal with the Bill.

Mr. COUMBE: The duty about which we are speaking will be imposed on employers, and this increase will be accompanied later by a Bill to be introduced that will provide for greater benefits to certain people. This will place a greater charge on employers and industry generally, but to what effect? Industry will pass it on if it can. Some industries will not be able to pass it on, and they will suffer, but others will be able to do so, so once again the little man will suffer.

The Hon. G. R. Broomhill: You suggest that the injured workman should be the one to suffer?

Mr. COUMBE: No; I am not suggesting that. If the honourable member continues interjecting, the Acting Deputy Speaker will rule him out of order.

The ACTING DEPUTY SPEAKER: Order! I rule the honourable member out of order in his reference to workmen's compensation. Any reference to workmen's compensation must be applicable to the Bill.

Mr. COUMBE: Stamp duty on workmen's compensation is being increased 10 times. The effect of the Bill is that extra stamp duties are being imposed—on whom? Not on the insurance companies but on the people of the

State, because the insurance companies will, of course, pass it on, and so will industry. Two years ago, when the then Treasurer (Sir Glen Pearson) brought in taxation measures, he was roundly criticized, particularly by the then member for Glenelg. My friends from the rural sector have had their say for several days; now let me have a say on behalf of secondary industry and the people who live in the metropolitan area. I support my friends from the country. They have put up a valiant fight, as they should, and they have been treated harshly. I kept out of that debate. I am speaking now for the people living in the metropolitan area, where two-thirds of the people of the State live.

Mr. McRae: That is something useful to remember.

Mr. COUMBE: Yes. Members opposite represent most of these people and yet they now support a measure that will put an impost on them.

Mr. McRae: That's not true.

Mr. COUMBE: Did I understand the honourable member to say that he would not support this measure?

Mr. McRae: I didn't say that.

Mr. COUMBE: For a horrible moment, I suspected that the honourable member would be brave and cross the floor; I thought he would make his own choice.

Mr. Evans: He'd get the sack if he did.

Mr. COUMBE: I am suddenly brought back to the facts of life. I read with considerable interest the Treasurer's second reading explanation. I thoroughly support what he had to say about the receipts duty and the action taken on it. However, I am not so happy about stamp duties. True, the previous Government increased the stamp duty on car registrations, but we did not increase it tenfold; we increased it by $1. What will the Government do with the revenue raised by this Bill? Will the Government fritter it away? The Bill is simply a blatant means of raising taxation by increasing stamp duties, in one case tenfold. This provision will apply to the Government insurance office as well as to other insurance companies.

I am appalled at the audacity of the Government in introducing this measure. The Treasurer has said that he has had a good day having got a couple of his money Bills through the House; now he is trying to get a third one through. How many more will we have? I notice that there are several more Bills on the Notice Paper and that the Treasurer has given orders to prepare a few more. I will leave it to the people to judge whether the money raised is wisely spent. I warn the House that this is not the end of the road. I am looking forward very eagerly to next year's Auditor-General's Report and to the Treasurer's statement. When the previous Government went out of office this State's finances were in credit as a result of the good husbandry of Sir Glen Pearson, followed by the present Leader of the Opposition. Since that time the present Government has gone to the Grants Commission and South Australia has become a mendicant State. In its early months in office the Government's first excuse was to blame the Commonwealth, and its second excuse is now to say that it must increase charges so that the Grants Commission will help us. This Bill is like the curate's egg—it has both a good part and a very bad part. It certainly does not have my approval.

The House divided on the second reading:

Ayes (25)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Ryan, Simmons, Slater, Virgo, and Wells.

Noes (18)—Messrs. Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall (teller), Mathwin, McAnaney, Millhouse, Nankivell, Rodda, Tonkin, Venning, and Wardle.

Majority of 7 for the Ayes.

Second reading thus carried.

Bill read a third time and passed.

UNDERGROUND WATERS PRESERVATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 22. Page 2008.)

Mr. FERGUSON (Goyder): As the Premier has explained, the Bill amends the Underground Waters Preservation Act to enable directions about quotas to apply from the date on which they were to apply, even though appeals have been lodged. I understand that, because of the number of appeals pending, if this amendment is not made restrictions will not be able to be applied to anyone who has lodged an appeal. I also understand that until recently 149 landholders in the area affected were awaiting a decision on their appeals for a better quota of water and, as the Premier has stated in his explanation that only about

two of these appeals could be dealt with each week, we can imagine how long would elapse before all appeals could be dealt with.

I completely agree with the provisions in the Bill. There are reasons why these restrictions have become necessary. The previous Government appointed a sociological committee to inquire into the situation in the Virginia area and that committee went to much trouble in taking evidence. It went to the area concerned and took up time in making inquiries and hearing evidence. Although the committee has submitted interim reports, I understand that it is awaiting a decision about what the Government now desires regarding the final report. I understand that it has been said that if there is an engineering difficulty there is no sociological difficulty. Although some meters to be provided in the area concerned have not yet been installed the restrictions will apply from the appointed time and will operate gradually in the next 18 months.

I believe that several landholders in this area have refused outright to install meters in order to prevent restrictions being imposed. If these landholders continue to refuse to install meters and the 18 months elapses, what will be done about restrictions on these properties? I consider that it is not fair that some people with meters installed should have restrictions imposed during this period, whereas those who have refused to have meters installed are not restricted. I support the Bill.

The Hon. D. A. DUNSTAN (Premier and Treasurer): In reply to the last point referred to by the honourable member, the Government has insisted that meters be installed. In the case of people who have persistently refused to allow officers of the Engineering and Water Supply Department to enter their properties in order to install meters prosecutions have been authorized, and in several cases meters have been installed before the matter has come to court. Some growers in the area seem to consider that, by refusing to install a meter, they would not be subject to quota, but this is not true. Arrangements have been made for the quota for those who have not been metered to be proportionately reduced to the time the meter is installed, so that people who have avoided installing meters will not benefit from such avoidance. We expect that all properties will be metered before the end of the quota period.

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

PROHIBITION OF DISCRIMINATION ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendment:

Page 2. After line 31 insert new clause 6 as follows:

6. Amendment of principal Act, s. 9—Summary procedure.—Section 9 of the principal Act is amended by inserting immediately after subsection (2) thereof the following subsection:

> (3) The Attorney-General shall not give his certificate under this section unless he is satisfied after making or causing to be made such inquiries and investigations as he considers necessary, that, having regard to all the circumstances of the alleged offence, the objects of this Act cannot otherwise be attained.

The Hon. L. J. KING (Attorney-General): I move:

That the Legislative Council's amendment be disagreed to.

The amendment inserted by the Legislative Council goes beyond what was proposed in the measure when it left this Chamber. Really, it grafts on to the principal Act a new restriction. The principal Act provides that a prosecution under this Act must be authorized by the Attorney-General, whereas the amendment has the effect of fettering the discretion of the Attorney-General by requiring that he, in effect, exhaust all avenues available and must authorize a prosecution only if satisfied that that is the only way of achieving the objects of the Act.

It may seem at first sight that this really accomplishes very little, because I suppose the Attorney-General will always consider whether the objects sought to be achieved can be achieved by means other than prosecution, but one of the important social objects of the prohibition of discrimination laws is to give an assurance to what may be loosely described as minority groups that they will be protected by the energetic application of the laws against discrimination based on the colour of their skin or any of the other features specified in the principal Act. I think there is great danger that, if this amendment is accepted, it will result in a loss of confidence amongst these minority groups in the resolution of this Parliament to enforce the prohibition against discrimination laws. There is a danger that the impression may go out to some of these groups that we are not really serious about this, that we have gone through the form of enacting discrimination laws but that as a Parliament we are determined to write into the legislation provisions that will

inhibit the responsible Minister from initiating prosecutions to enforce those laws. For that reason, I think it would be extremely unwise for this Committee to accept the amendment inserted by the Legislative Council.

Mr. MILLHOUSE: I cannot accept the Attorney-General's arguments. I think they are very weak. I see no reason why we should not accept the Legislative Council's amendment. As I understand it, its purport (and the Attorney-General did not even touch on this) is to ensure that every avenue of conciliation is exhausted before there is a prosecution. I imagine, although I do not know, that the framers of this amendment in another place had in mind the way in which the Race Relations Board works in the United Kingdom, where, as I understand it, conciliation rather than anything else is the aim of the law.

The Hon. Hugh Hudson: It is not mentioned in the amendment.

Mr. MILLHOUSE: Of course it is not, but it is the purpose of the amendment. The idea of the amendment is that conciliation should be attempted before there is a prosecution, and I think that is a good idea. The aim of the legislation with regard to Aborigines (and the question of Aborigines in the general community is the largest element in this matter) is integration of the Aboriginal population in the general community, and that entails goodwill on both sides. If anything can be done that will increase goodwill between members of the communtiy and help the process of integration I think it is worthwhile. Obviously that is what is in the minds of the framers of the amendment.

Mr. Clark: The amendment does not refer to conciliation.

Mr. MILLHOUSE: If he comes to the conclusion that conciliation is not possible, the Minister gives his certificate and the prosecution proceeds. If he decides that other avenues are open (and in many cases other avenues could be open) they must be exhausted before a prosecution is launched.

Mr. Payne: It isn't in the original Act.

Mr. MILLHOUSE: What does that matter?

Mr. Payne: The object of the original Act is in the preamble.

The ACTING CHAIRMAN (Mr. Ryan): Order!

Mr. MILLHOUSE: I will not attempt to reply to the interjection; if the honourable member wishes to pour cold water on the idea of conciliation he may do so later. Surely it is a good thing to try to conciliate when there is a dispute in a possible case of discrimination. What will heal a breach more quickly and more effectively—a prosecution or some conciliatory action? The answer is so obvious I need not give it. I cannot accept what the Minister has said: that people outside may think that the legislation has been weakened because we have accepted this amendment and that it will defeat the original objects of the legislation. It will not do that. Who would think that the thing had been weakened simply because the Minister was enjoined to make inquiries before giving his certificate? When the Minister puts forward an argument of this type one suspects strongly that he is casting about for an argument to support his opposition to the amendment and that what he has put forward is the best argument he can find, and it is not very good. I believe the amendment is worth while and that it does not detract from the original objects of the legislation. On the other hand, I believe it will do something to further the process of integration, which is the aim we all have before us.

Dr. TONKIN: I support the remarks of my Deputy Leader. I cannot see at all that this amendment can weaken the Bill in any way. It does not detract from it and, if it adds anything at all to the possibility of promoting goodwill and understanding where differences of opinion have existed before and where discrimination may have taken place, there must be every opportunity given for discussion and what I would call reconciliation rather than conciliation. The whole spirit of this Bill, although it provides for penalties for the offence of discrimination, is surely to add to the understanding between Aborigines and the rest of the community. It should be helping them to be assimilated into the community. If this amendment adds anything at all that will help in just one case, it will be well worth keeping in the Bill.

The Hon. L. J. KING: I do not deny for one moment that there are cases in which attempts at discussion, reconciliation (to use the term of the member for Bragg) or conciliation (to use the term of the member for Mitcham) are useful ways of accomplishing the objects of this legislation. Circumstances differ considerably. There are cases where such discussions would be useful, and there are other cases where nothing is more calculated to achieve the objects of the Act than prompt action and prompt prosecution. It all depends on the circumstances of the case. Under the

Act the Attorney-General is not obliged to authorize a prosecution and it is perfectly open to him to adopt any of the courses suggested by the members for Mitcham and Bragg. The Legislative Council's amendment achieves nothing in that regard. What it does do in a very sensitive area is to allow to go out the belief that this Parliament has weakened in its resolve to act where cases of discrimination occur. I can think of nothing more harmful to the process of integration, to which the member for Mitcham has referred, than that that impression should be allowed to go out. I suggest to the two members who have spoken that everything they desire is perfectly open under the existing Act without the danger of its being thought that this Parliament is weakening in its resolve to prohibit discrimination. For that reason I urge the Committee to reject the amendment.

Dr. TONKIN: Can the Attorney-General assure the Committee that he, anyway, would look at such cases in the spirit of this amendment before issuing a certificate?

The Hon. L. J. KING: First, in general terms, naturally I would look at every case to see what means were best calculated to achieve the objects of the Act and, where it seemed to me that the atmosphere was such that the interests of the minority section in question would be best promoted by refraining from prosecution and by promoting some form of discussion or understanding between the people involved, I would certainly adopt that course. I do not think that prosecution necessarily has any virtue in itself. It is sometimes a very important way of dealing with the situation but it is not by any means the only way: I am very conscious of that. Although one hesitates always to give definite assurances in advance as to how one would act, because the circumstances must differ from case to case, I certainly would say that I am very conscious of the fact that in some circumstances discussion and reconciliation may be more important than exacerbating feelings further by prosecution.

Mr. MILLHOUSE: In view of what the Attorney-General has just said, I find it even harder to accept his rejection of the amendment. He said himself a moment ago in answer to the member for Bragg that there were other ways of proceeding besides prosecution, and I agree that that is so. In fact, that is the whole point that I have been making and that this amendment makes. If the Attorney accepts that in the same way as I accept it, why on earth does he object to that being expressed in the Act itself? I remind him that at present the only course that is laid down in the Act is prosecution. This amendment gives us the opportunity to set out in the law of this State, as we agree should be the practice, that there are other ways to proceed besides prosecution, and it gives the formal opportunity to find those ways without prosecution or, if the search is fruitless, before there is a prosecution. I suggest to the Attorney very strongly that what he has just said in answer to the member for Bragg reinforces the point of view I have been putting to him.

The Committee divided on the motion:

Ayes (24)—Messrs. Broomhill, Brown, and Burdon, Mrs. Byrne, Messrs. Clark, Corcoran, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King (teller), Langley, McKee, McRae, Payne, Simmons, Slater, Virgo, and Wells.

Noes (18)—Messrs. Becker, Brookman, Carnie, Coumbe, Eastick, Evans, Ferguson, Goldsworthy, Gunn, Hall, Mathwin, McAnaney, Millhouse (teller), Nankivell, Rodda, Tonkin, Venning, and Wardle.

Majority of 6 for the Ayes.

Motion thus carried.

The following reason for disagreement was adopted:

Because the amendment would weaken the effectiveness of the principal Act.

PINNAROO RAILWAY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 10. Page 2490.)

Mr. NANKIVELL (Albert): On behalf of the people in the Pinnaroo-Lameroo area and the Pinnaroo and Lameroo councils, I say that this legislation is very welcome. As some honourable members may know, I have at times taken advantage of the fact that there is a Parliamentary Draftsman in this House, and I did so when I attempted to have a private member's Bill drawn up to deal with this matter.

Mr. Clark: Did you find you had free access to him?

Mr. NANKIVELL: I had free access, but I was unable to arrive at the best and most satisfactory way. However, this has been achieved by the present Bill, which converts this land to Crown land under the control of

the Minister of Lands. The original intention of the legislation was to try to prevent erosion. This land was opened up after there had been serious wind erosion in the northern parts of the Mallee. When these four hundreds were opened up, windbreaks were left around the square miles of the subdivisions, and there were also some windbreaks between subdivisions, so we had areas of windbreak reserve, three chains in width, surrounding many properties and abutting the railway line. All these were vested under the Act in the Surveyor-General, but there were tremendous difficulties in trying to make use of the land to gain access. Reference has been made to the fact that some of the reserves have been improperly used as access tracks and for other purposes. Councils have had one principal concern, and this is why the Bill is so welcome. Since the advent of new road-building techniques and the ability to go directly through a sandhill instead of having to go around it, there has been a substantial realignment of roads. This has meant the acquisition or transfer of land and the attachment of it to the properties of adjoining landholders.

Normally, this practice presents no problems but while this Act was in force it was impossible for an exchange of property to be made for a road easement through a property. Councils have had great difficulty in arranging with landholders to straighten roadways and to provide easements for new roadways. Also, this has been difficult along the railway reserves where people have also wanted to gain access, and in many instances where land has been offered in exchange for the reserves this has not been possible. There has been indiscriminate clearing of the land, and investigations have revealed what councils have known for a long time: that the Act was an anachronism and that something should be done.

In another place, the former Minister expressed the concern of councils that much of this land would not be transferred to their control. It has always been their request that, where particular roadways and windbreaks were contiguous with the three-chain easement, the whole easement should become vested in the council, so that when it realigned a road it would have the same facilities as exist under normal road easements in other areas of the council, and have the same facilities that were provided to other councils in respect to this matter. It was suggested that the land should be dedicated for various purposes. Although it was mentioned that some may become national parks, that is a rather airy-fairy idea. These reserves should be dedicated as road reserves and the councils should be left to exercise the same discretion over them as they have over other road reserves in other parts of their districts. The same provision concerning the control and clearing of roadways should be preserved in order to maintain what we know as routes of migration for the native birds that travel through the area from east to west to nest and return. For example, the red-breasted robin travels from Victoria through to Myponga in the Adelaide Hills. I wholeheartedly support the Bill's intentions.

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

ADJOURNMENT

At 10.43 p.m. the House adjourned until Thursday, November 12, at 2 p.m.