HOUSE OF ASSEMBLY

Wednesday, October 6, 1971

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

QUESTIONS

DARTMOUTH DAM

Mr. HALL: In the temporary absence of the Premier, can the Minister of Works say when renegotiations concerning the Dartmouth dam are to commence? Several public reports attributed to the Commonwealth Minister for National Development (Mr. Swartz) have stated that the Dartmouth agreement will have to be renegotiated because of rising costs exceeding 10 per cent, which was the excess allowed in the original Dartmouth agreement. This increase is what the Opposition feared might occur; naturally we are now extremely concerned to see the swift conclusion of renegotiations. On September 30, the Premier said that he expected the River Murray Commission to pass a resolution early next month (and presumably that means early in October) recommending to the Governments concerned that contracts be let for the commencement of diversion works next January. What we all feared was that the Government had left it too late and that the excess would increase above 10 per cent, and that seems to have occurred. It appears that the only hope now is for the Government speedily to commence renegotiations in the hope that even at this late stage the other parties can be convinced that the dam is worth the additional expenditure.

The Hon. J. D. CORCORAN: When the Premier replied to the Leader, he was aware that the revised estimate exceeded the 10 per cent allowed for in the agreement. I think that the 10 per cent would have allowed a sum of $62,700,000, whereas the revised estimate is $64,000,000. As the Leader will appreciate, the difference of $1,300,000 is a small sum when we consider that it will be distributed amongst the four parties to the agreement. As far as I am aware, the situation is as the Premier told the Leader previously. The Commissioners will meet later this month and the recommendation that the Premier foreshadowed, that the Governments be advised to continue with the construction of Dartmouth and that tenders be either called or let in January next year, will be put forward. However, as the Leader has now asked another question on the matter, I will confer with the Premier again and tell the Leader the outcome of that conference.

Mr. EVANS: Will the Minister say whether, before the Premier replied to the question asked by the Leader last Thursday, the Government had an assurance from the other three parties to the Dartmouth agreement that they would meet an equal share of the $1,300,000 excess over the $62,700,000 agreed in the Dartmouth agreement? Last Thursday, the Premier said that the recommendations for the contract would go before the parties later this year. Today, the Deputy Premier has said that the Premier was aware before he made his statement that the cost would be in excess of the previous limit of $62,700,000. As the Minister implied that the Government was aware that the other States and the Commonwealth Government (the other three parties) would accept this extra increase in the contract price, I ask him whether or not this is a fact.

The Hon. J. D. CORCORAN: No assurance has been given by the other three parties to the agreement that they will accept the additional cost as parties to the agreement. The Premier has said, and I repeat, that a recommendation will be made at the next meeting of the Murray River Commissioners, who represent Victoria, New South Wales, South Australia, and the Commonwealth, that the Governments involved in the agreement proceed with the construction of the Dartmouth dam: that recommendation will be made to the meeting by the South Australian Commissioner. No assurance has been given by the other States or by the Commonwealth that they will agree to provide additional money. I noticed a statement by Mr. Swartz that this was the case and he expressed the Commonwealth Government's willingness to get on with the matter as quickly as possible. If one could take that as an indication of the Commonwealth Government's attitude, I think that would mean that the Commonwealth would be prepared to provide its share. On the other hand, I noticed a statement by the Victorian Premier (Sir Henry Bolte) in which he was alleged to have said that he was concerned about any additional cost, but he did not say whether or not he was prepared to accept it. No assurance has been received by this Government that the other States are prepared to provide the additional money required.

Mr. Hall: It depends on the resolution to be passed.

The Hon. J. D. CORCORAN: I believe that to be the case. As a result of the Leader's question, I will discuss the matter with the Premier.

OVAL AVENUE, WOODVILLE

Mr. HARRISON: Will the Minister of Local Government investigate and report to the House whether the Woodville council is acting in the best interests of its ratepayers living in and near Oval Avenue, Woodville, by closing Oval Avenue to through traffic and to traffic from several streets that cross it?

The Hon. G. T. VIRGO: I will investigate the matter.

SEVEN STARS DISPUTE

Mr. MILLHOUSE: In the continued absence of the Premier and as this is a matter of policy, I ask the Deputy Premier whether, now that the matter has been brought to the Government's attention, the Government intends to take any action regarding the dispute over coercion of the Seven Stars Hotel to make employees join the union. Yesterday I asked the Minister of Labour and Industry a question on this matter and he said that he knew nothing of it. Since then, there has been publicity of the matter, both in the newspaper and on television, and I have no doubt that the Government has inquired about it, in view of the Government's links with the trade union movement. I understand that Mr. Dillon, of the union, is on holidays, although he has been contacted, and that the union is saying that there is more to this matter than has yet come out. As many people believe that, since we have a Labor Government, the Government is not willing to take action against disruption by unions (I believe that is right), I ask the Deputy Premier whether, in the light of the time that has passed and the discussions that must have taken place on this matter, the Government is willing to take any hand in it, in the interests of justice.

The Hon. J. D. CORCORAN: The Deputy Leader has said that he asked a question of the Minister of Labour and Industry on this matter yesterday. The question that he has asked today properly should have been also asked of that Minister. If the Government had discussions on the matter (and it has not, as yet)—

Mr. Millhouse: Not?

The Hon. J. D. CORCORAN: That is right: it has not. If the Government had discussed the matter, the Minister of Labour and Industry would be the appropriate Minister to make a statement on any action that the Government might contemplate. However, I point out to the Deputy Leader that, as I see it, anyway, this is strictly a matter for the licensee of the hotel, the employees, and the union involved. If the Deputy Leader suggests that every time something of this kind happens the Government should involve itself, I believe that clearly he is simply trying to make a political point, because in the time of his Government (and he would be well aware of this) no attempt was ever made by his Government or the Minister of Labour and Industry in that Government to interfere in matters of that kind.

Mr. Millhouse: All you have to do is—

The SPEAKER: Order!

The Hon. J. D. CORCORAN: If the honourable member can cite to me one example of the Minister of Labour and Industry in the Government of which the honourable member was a member interfering in matters of this kind, I shall be interested to hear him.

Mr. Millhouse: But you have only to call—

The SPEAKER: Order!

Mr. Millhouse: —it off and it would be off.

The SPEAKER: Order! The honourable member for Mitcham must contain himself. Interjections are entirely out of order and must cease.

STURT STREET SCHOOL

Mr. WRIGHT: Can the Minister of Education say whether the department has any immediate plans to upgrade classrooms and other facilities at the Sturt Street Primary School? I had the opportunity of visiting the school last Monday. It is an old school and not much attention has been paid to it in recent years. As at least three classrooms require urgent attention and there is no fire escape from the school, except where the outlet comes into the back fence, priority should be given to the building of new classrooms at this school.

The Hon. HUGH HUDSON: I shall be pleased to look into this matter and to provide the honourable member with a report as soon as I can.

NAILSWORTH BOYS TECHNICAL HIGH SCHOOL

Mr. WELLS: Has the Minister of Education a reply to my recent question about the Nailsworth Boys Technical High School?

The Hon. HUGH HUDSON: Because the proposed conversion of Nailsworth Boys Technical High School to a co-educational school (incorporating Nailsworth Girls Technical

High School) based on the original plan prepared was unduly costly, it was necessary to modify the drawings. At the same time the opportunity was taken to introduce the latest features of open-space design, which had not been included previously. These amended plans are now being prepared. At present, this school is scheduled to be completed by the end of 1974. However, as I told the honourable member when he raised this matter, the inclusion of this project on the tender call programme is subject to the availability of funds and the relative needs of other schools.

GROCERY PRICES

Mr. McANANEY: In the temporary absence of the Premier, will the Deputy Premier ascertain whether recent increases in grocery prices in this State are justified? Letters have been written to newspapers and statements have been made about the recent large increases in grocery prices, but I understand from other reports that these prices have not increased to the same extent as have wages and Government charges.

The Hon. J. D. CORCORAN: I will refer the matter to the Prices Commissioner.

INDUSTRIAL DISPUTES

Mr. SLATER: Can the Minister of Labour and Industry supply comparative statistics concerning time lost in industrial disputes in South Australia?

The Hon. D. H. McKEE: Yes, and this is a Dorothy Dixer. This morning a departmental research officer showed me a detailed table that listed time lost through industrial action in this and other States. The table showed clearly that, although we have a little over 9 per cent of the national work force, we have lost only 2.8 per cent of national time lost from industrial disputes. These figures are for the 12 months to June 30. The Liberal State of New South Wales has always been the hardest hit, and the latest figures show that its share of time lost was 64.7 per cent whilst its share of the work force is 37.8 per cent. Victoria had an 18.4 per cent loss, Queensland a 7 per cent loss, whilst South Australia had only a 2.8 per cent loss.

OLD GUM TREE

Mr. BECKER: Can the Premier say whether the Government will consider offering a $200 reward for information leading to the arrest and conviction of the person or persons responsible for the attempt this morning to destroy the Old Gum Tree at Glenelg North? All members will be shocked to learn of the attempt to destroy the Old Gum Tree, which is the oldest and most cherished of all natural relics associated with the birth of South Australia. Such an attempt could only be described as a most despicable act of desecration. I understand that the repairs to the tree will cost about $100.

The Hon. D. A. DUNSTAN: I will ask the Chief Secretary to consult with the Commissioner of Police about whether he thinks such an offer of reward is necessary in order to detect the person responsible for this crime.

SALISBURY POLLUTION

Mr. GROTH: Can the Minister of Environment and Conservation say whether it is a fact that the high reading of 40 tons a sq.m. from one gauge was the result of unusual factors? I am aware that the city of Salisbury is conscious of the pollution problem, and that the city area is cleaner than many of the districts in the metropolitan area of Adelaide. Extensive investigations have been undertaken in an endeavour to ascertain why only one gauge had a reading of 40 tons a sq.m. a month of water insoluble matters, whereas the average reading of all other gauges, which were in close proximity, amounted to 7.8 tons a sq.m. a month. The readings of this gauge were quite normal until May 1970. During May, June, and July, readings were high. August was very low; September, October, and November were high, and December had a reading of only two tons a sq.m. a month. The road in which the gauge is situated was reconstructed in May and June, and the grading of two other unsealed roads in the same locality at various times and prevailing weather conditions would have had a detrimental effect on the readings. It can be seen that during May, June and July, when readings were high, the road where the gauge is situated was being reconstructed, and lime was being used. Further investigations have revealed that, in addition to dust and lime particles emanating from roadworks, most of the insoluble matter emanated from bird excreta, which was most evident around the rim of the gauge at the time of testing.

The Hon. G. R. BROOMHILL: I know that the honourable member and the Salisbury council are most disturbed about the publicity given to the pollution gauge readings which were recently reported and which made it appear as though Salisbury had a special

pollution problem. However, it was pointed out by the Public Health Department, and by me in reply to a question asked by the honourable member shortly after the report, that of the four gauges in the area three showed a reading of between seven tons and eight tons fall-out a month, the fourth showing a high fall-out of 40 tons. It was made clear at that stage that unusual factors were involved and that the gauge had been placed in an area where there was an unmade road and where building work was being undertaken. It was also stated that this was the first reading to be taken in the area. I assure the honourable member that the Public Health Department is not at all concerned about that high reading, and the department will be taking readings in future at that site. Because of the unusual factors involved, it was obvious that the reading referred to was not a genuine one or one that we could expect to be repeated in future.

MEMBERS' QUESTIONS

The Hon. D. N. BROOKMAN: I ask you, Mr. Speaker, whether you will use your influence with the Government to dissuade Ministers from including propaganda in replies to prepared questions asked on private members' day. From a study of *Hansard* in recent weeks, I have found that on Tuesdays and Thursdays Labor members ask fewer than one-quarter of the questions normally asked in this House, but on Wednesdays (private members' day) Labor members ask twice as many questions as are asked by members on this side.

Mr. Jennings: We're private members.

The SPEAKER: Order!

The Hon. D. N. BROOKMAN: Today several questions have been asked which may have been prepared by the Minister himself and to which the Minister concerned has replied. On one occasion the Minister admitted that the question was what he called a Dorothy Dixer—

The SPEAKER: Order! The honourable member is commenting.

The Hon. D. N. BROOKMAN: I am explaining my question, Mr. Speaker.

The SPEAKER: It is commenting.

The Hon. D. N. BROOKMAN: I simply explain the question by saying that the Minister of Labour and Industry admitted that a question was a Dorothy Dixer; in other words, it had been prepared by the Minister for propaganda purposes, and the private member concerned tamely obliged the Minister by using time on private members' day which should be as valuable to him as it is to any other private member. He did this simply for the purpose of allowing the Minister to establish a point for propaganda purposes. I ask you, Mr. Speaker, whether you will use your influence with the Government to deal with this matter.

The SPEAKER: The honourable member's question is improperly addressed to me. I am here to preside over the proceedings of the House. In accordance with Standing Orders, all honourable members have the right to ask questions irrespective of the side of the Chamber on which they sit and of the day on which they ask the question. When an honourable member indicates that he wishes to ask a question, it is my duty to give him the call. I cannot do anything about the matter of when an honourable member asks his question; that is clearly not my function.

Later:

Mr. JENNINGS: Mr. Speaker, will you use your influence to try to persuade Opposition members to refrain from asking questions on private members' day?

The SPEAKER: I refer the honourable member to my reply to the question asked by the member for Alexandra, who complained about Government members. The same applies to all honourable members: I will call on questions, in accordance with the practices of this House, as and when honourable members indicate their intention of asking questions.

VANDALISM

Mr. CRIMES: I direct the following genuine question to the Minister of Roads and Transport. Will the Minister examine the possibility of placing posters at railway stations and placards in carriage compartments publicizing the cost to the community of acts of vandalism against railway property, and calling on people to report any persons seen to be damaging railway property? As an occasional train traveller and having seen some of the damage done by irresponsible persons to trains and at railway stations, I believe that people generally could, to the advantage of the Railways Department, be alerted to the need for their co-operation in curbing vandalism.

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

MARRYATVILLE SCHOOL

Mrs. STEELE: Can the Minister of Education say what is the present position with regard to the Marryatville Primary School?

As the Minister knows, this school is divided into two sections; one section is on the corner of Tusmore Avenue and Kensington Road in my district, and the infants school section is in the Premier's district. Both these sections are overseen by the Headmaster of the school. As there is a considerable distance between the two sections, administration is rather difficult. The school committee is anxious to know what the Government intends to do about consolidation, and I think that it has put alternative proposals to the Minister, one proposal being that either one or other of the two sites should be the site of a consolidated school. I shall be grateful if the Minister can give me this information so that I can tell the Marryatville Primary School committee just what stage plans have reached in regard to this school and what the Government intends to do about it.

The Hon. HUGH HUDSON: The Government intends to consolidate the Marryatville Primary School on one site. As this entails the purchase of additional properties in order to get a sufficient area of land, that matter is now proceeding. However, in view of the honourable member's question, I will get a detailed report setting out the latest position. I point out that the consolidation proposal involves the acquisition of property before the development of plans for consolidation. Invariably this means that buildings on the properties that have been acquired have to be demolished, new buildings placed on that additional property, and the remainder of the school re-developed. Inevitably this process becomes long and drawn out. I am sure that the honourable member, who will appreciate just what is involved in this type of problem, will pass on her appreciation to the committee.

BOOL LAGOON

Mr. RODDA: Can the Minister of Works say to what extent water is now imprisoned in Bool Lagoon as a result of the recent inflow to that area from Mosquito Creek and drains running into the lagoon?

The Hon. J. D. CORCORAN: Although I cannot say offhand, I will take up the matter with the Minister of Lands, who will obtain information from the South-Eastern Drainage Board. As the honourable member is well aware, there is much water in the South-East at present.

HANCOCK ROAD INTERSECTION

Mrs. BYRNE: Will the Minister of Roads and Transport ask the Road Traffic Board to investigate means of making safer the intersection of North-East Road and Hancock Road, Tea Tree Gully, as this intersection has become most dangerous, one reason being that a large shopping centre, situated on one corner, has caused an increase in the volume of traffic? Accidents have occurred at the intersection and near misses are a common daily occurrence. On Friday and Saturday mornings, when the traffic volume is at its peak, some local residents, who are aware of the hazard, avoid the intersection if they possibly can. Although plans are in hand to improve the intersection, action is required urgently now.

The Hon. G. T. VIRGO: I will have the matter investigated.

ISLINGTON SEWAGE FARM

Mr. COUMBE: Although the Minister of Environment and Conservation recently gave a report on the subject, can he now give me the latest information about the development of the project at the Islington sewage farm, as this subject is of great interest to many people, especially to those living in the metropolitan area?

The Hon. G. R. BROOMHILL: I shall be pleased to discuss the matter with the Minister of Lands, who is associated with the future development of this area, and to provide for the honourable member what information is available.

LINCOLN GAP TANK

Mr. BROWN: Will the Minister of Works have investigated whether there are any plans to improve or curtail the use of the large water storage tank situated at Lincoln Gap, between Whyalla and Port Augusta? It has been rumoured in Whyalla that possibly this tank will not be used for water storage in future. I should like to know whether that report is accurate.

The Hon. J. D. CORCORAN: I am always suspicious of rumours. As I know nothing about this, I will certainly have the matter checked and bring down a report for the honourable member.

ABATTOIRS INSPECTOR

Mr. VENNING: Has the Minister of Works a reply to the question I asked last week about the availability of an abattoirs inspector?

The Hon. J. D. CORCORAN: I am sure that the honourable member would be aware that the Minister of Agriculture has no jurisdiction in the allocation of inspectors of the

Department of Primary Industry, which is a Commonwealth department. The Minister will take this matter up with the veterinary officer in charge in South Australia with a view to solving whatever problem may exist.

COMPREHENSIVE SCHOOLS

Mr. HOPGOOD: Can the Minister of Education say what is the future of the comprehensive school in South Australia? The Christies Beach High School, which is in my district, is a comprehensive school and was originally planned as two separate establishments, namely, a high school and a technical high school. I have followed (as I know the Minister has) with great interest the development of this experimental school. With the announcement in the Loan Estimates earlier this year of a new high school to be built soon at Morphett Vale, I am interested to know whether that school will also be a comprehensive school.

The Hon. HUGH HUDSON: We intend that new secondary schools to be built in South Australia should be both comprehensive and co-educational; that is, that they should have facilities to provide the full range of courses, whether academic or craft. Of course, this means additional expense in establishing such schools, although a significant part of that can be offset in the metropolitan area if the school is of sufficient size. Even though that was the case, we would not normally intend to produce a school at which attendances would increase significantly above 1,250 students and, of course, the Christies Beach school, to which the honourable member has referred, will involve student numbers of more than 2,000. Whether it will be viable permanently at that size and with its present building complex remains to be seen. There are many and varied problems regarding the organization of existing schools into comprehensive schools where that is not already the case. For example, in the Norwood area it is intended that the Norwood Boys Technical High School should be upgraded into a co-educational comprehensive secondary school. Inevitably, the provision of co-education means that certain additional facilities must be provided and, of course, the fact that the school is likely to have increased numbers also means that additional facilities will be necessary.

In another example that one can think of, where a technical high school that is already co-educational is to be changed into a comprehensive school, the transitional problems are much less difficult, simply because the expensive craft facilities are already provided within the framework of the technical high school and the additional facilities necessary will be largely additional classroom space, so that additional numbers can be taken within the confines of that school. In that kind of situation, the expense involved in the change-over is not likely to be very great. We have that sort of situation, for example, in both Whyalla and Mount Gambier. It is intended to change the Mount Gambier Technical High School into a fully comprehensive high school, and the Whyalla school is already co-educational. The problems are many and varied so far as existing schools are concerned but, certainly, the additional secondary schools being planned in South Australia at present will all be planned from the start on a comprehensive and co-educational basis. I refer here to the secondary schools at Para Hills, Para Vista, Tea Tree Gully, Morphett Vale, Rostrevor, and Bedford Park in the metropolitan area and, in the country areas, additional schools at Whyalla and possibly an additional school at Port Augusta.

The Hon. D. N. Brookman: You took exactly four minutes.

The SPEAKER: Order!

ABORTION

Dr. EASTICK: Will the Attorney-General ask the Chief Secretary how many patients have been admitted to the various psychiatric institutions under the Chief Secretary's control since the amendment of the Criminal Law Consolidation Act regarding abortion? Will he also ascertain how many were admitted subsequent to being diagnosed as suffering from psychiatric disorders relating to the obtaining of an abortion or, having been admitted, were so diagnosed?

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

EARTH-MOVING WORK

Mr. GOLDSWORTHY: Can the Minister of Roads and Transport say when successful tenderers will be notified regarding earth-moving work in connection with the South-Eastern Freeway? I asked a question about two or three weeks ago, pointing out that the local contractors were disturbed about the nature of the tenders that were to be let. In fact, many local earth-movers would be excluded from tendering, but further approaches have been made by these people and they are now concerned because no-one seems to know

which tenderers have been successful. Tenders closed some weeks ago and work was due to start at the end of this month, so I should appreciate any further information that the Minister could give on the matter.

The Hon. G. T. VIRGO: I will have the matter investigated, but I know that already I have authorized some dockets and I expect that, if any are still outstanding, they will come before me soon. However, it seems from the honourable member's explanation that the action of the contractors may well have contributed to the delay in their being told who have been successful or otherwise.

PORT LINCOLN HOSPITAL

Mr. CARNIE: Has the Attorney-General, representing the Chief Secretary, a reply to my question of September 14 about the Port Lincoln Hospital?

The Hon. L. J. KING: My colleague states that the existence of a fully developed domiciliary care service will have considerable effect on the use of hospital beds, in that patients who can receive sufficient attention on a domiciliary care basis, and patients who can be discharged earlier because a domiciliary care service is available, will not occupy beds that could be provided for acute cases. In due course, having regard to priorities for development and extension of hospitals and to the funds available, the services of Port Lincoln Hospital will be extended as necessary.

OATS

Mr. GUNN: Has the Minister of Works, representing the Minister of Agriculture, a reply to my recent question on the orderly marketing of oats?

The Hon. J. D. CORCORAN: The drafting of legislation to provide for orderly marketing of oats is in the hands of the Parliamentary Counsel, who has stated that he is proceeding as quickly as possible with the preparation of the Bill. However, much preliminary work and discussion, both local and interstate, are entailed. Having regard to the heavy legislative programme with which the Parliamentary Counsel is involved at present, my colleague cannot say when the legislation will be ready for presentation to Parliament.

WATER QUALITY

Dr. TONKIN: Can the Minister of Works say when the Government intends to ascertain the wishes of the public in regard to water filtration? In answer to my question yesterday, the Minister said:

The honourable member has a vivid imagination. If he had read all of the report, he would have seen that this was not an announcement by me that the Government would proceed with the proposition . . . I did not announce on behalf of the Government that the proposal would proceed: having said that we were considering it, I stated what was involved and what the cost would be.

The Minister invited me to read the entire article, and I have done that. The article, headed "$35,000,000 Plan to Clean Water," states:

Plans for a filtered water supply for the Adelaide metropolitan area to cost an estimated $35,000,000 to $40,000,000 over an eight-year period, were announced yesterday by the Minister of Works (Mr. Corcoran). He said this was the next logical step when pollution of the water supply was held safely under control. Mr. Corcoran revealed that a pilot filtration plant had been operating at the terminal storage of the Mannum-Adelaide pipeline in the Hope Valley reservoir for almost two years. This cleaned the water by removing suspended solids. "We recognize the need to improve the quality of Adelaide water and intend to do something about it," he said. "Before spending this amount of money we would need a clear indication that the public wants water processed in this way and is prepared to pay a little extra to cover the outlay. This might have to be done by way of a metropolitan poll."

Mr. Corcoran said that, while the Government was leaving its options open on filtration, land was being bought for use as filtration sites. "We recognize the need to do something about improving Adelaide's water as well as protecting it from pollution," he said.

In view of the Minister's reply yesterday (which I think in this light was one of the most equivocal he could possibly have given), I should now like him to say when the Government intends to go ahead with the plans which he has announced but which he denies he has announced.

The Hon. J. D. CORCORAN: I am pleased that the honourable member read the article. As the honourable member has said that I made the announcement and that I said the Government was leaving its options open, I think he has answered his question himself. I am not responsible for the way journalists or newspapers dress up their articles. All I said was that the Government was leaving its options open and that this matter would have to be submitted to the people or to a metropolitan poll. Surely that could not be taken as an announcement that the Government would proceed with the matter. The honourable member could work this matter out for himself, and that is the point I made yesterday. When the Government is ready, it will consider the matter.

MOSQUITOES

Mr. RYAN: Will the Attorney-General ask the Minister of Health to call together the special committee set up to combat the mosquito nuisance in the upper reaches and on the banks of the Port River? Representations have been made to me during the last few days by people who are concerned and alarmed at this early stage of the coming summer about the mosquito nuisance likely to occur at the height of the summer. These people believe that the temporary measures taken by the committee to eradicate mosquitoes in past years have not been successful.

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

AGRICULTURAL REPORT

Dr. EASTICK: Has the Minister of Works a reply from the Minister of Agriculture to my recent question about the Ramsay report?

The Hon. J. D. CORCORAN: Copies of the committee's report have now been printed and are available to the public at a nominal cost of $2 each. However, arrangements were made for copies to be distributed to all honourable members free of charge, and I understand that they have now received their copies. In addition, complimentary copies of the report will be supplied shortly by the committee to all witnesses who gave evidence to it. My colleague is not clear to whom the honourable member refers when he speaks of "agricultural education officers and persons in specialist fields in agriculture". Cabinet authorized the printing of 400 copies of the report, and it is not intended to extend the free list beyond the categories of person I have mentioned, together with the heads of the departments concerned.

DOG ATTACKS

Mr. SLATER: Can the Minister of Local Government say whether consideration is likely to be given to the introduction of amendments to the Dog Registration Act? Some time ago the Minister's attention was directed to attacks on children by savage dogs, particularly to an incident that happened at the Klemzig school, in which a savage Alsatian dog attacked two children in the schoolgrounds. As I understand it, the Act provides for the destruction of savage dogs by the authorities where animals such as sheep are attacked, but it does not provide for cases in which people are attacked.

The Hon. G. T. VIRGO: We have issued the necessary instructions to draft the legislation, which I hope will be introduced this session, but, because of the large quantity of business to come before the House, I cannot give an unqualified assurance that it will be introduced this session. However, I expect that it will be.

TOMATOES

Mr. WARDLE: Will the Minister of Works ask the Minister of Agriculture whether officers of the Agriculture Department have decided whether the recent damage to tomato crops in the Murray Bridge area was caused by hormone sprays and whether the Government intends to introduce legislation to control hormone sprays? Three or four years ago difficulty was experienced with damage to crops (particularly tomato crops) caused by hormone sprays, believed to be sprayed by nearby farmers. However, I understand that various opinions have been expressed about this deterioration in the tomato crops. The question has been discussed whether this State would introduce legislation, because at least two other States have introduced legislation to control this spray.

The Hon. J. D. CORCORAN: I will obtain a report for the honourable member.

SEAT BELTS

Mr. LANGLEY: Has the Minister of Roads and Transport any recent comparative statistics of road accidents here and in other States that may indicate how effective seat belts are in reducing the severity of injuries sustained in accidents?

The Hon. G. T. VIRGO: I do not have accurate statistics with me, but from time to time I receive figures in my office that fairly clearly show the advantage of wearing seat belts. It is extremely interesting to note the figures of last weekend, when there were many road deaths in other States but, fortunately, we did not have as black a weekend in South Australia as that experienced in other States. The figures clearly show that the number of road deaths is being reduced by the wearing of seat belts, and equally important is the fact that the severity of injury sustained is far less in cases where people have worn seat belts than in the instances in which they have not worn them. Another point of interest is the fact that the value of seat belts has now been recognized by the Queensland Government, which has indicated that it will introduce legislation to provide for the compulsory wearing of seat belts. I can only hope that the actions of certain people in the Legislative

Council do not deprive the people of this State of this safety feature—

The SPEAKER: Order!

The Hon. G. T. VIRGO: —for too much longer.

BEACH DAMAGE

Mr. MATHWIN: Can the Minister of Environment and Conservation say whether financial assistance has been given to those councils whose areas suffered extensive storm damage last April? Last April, following the heavy storms along our foreshores, areas of councils (and in particular, the councils of Henley and Grange, Brighton and Glenelg) suffered considerable storm damage. The Government immediately offered assistance and, as a result of this offer, these councils spent much money in improvements that had to be made immediately because of the possibility of further damage occurring. If financial assistance has not been given to these councils, when is it expected that the councils will receive it?

The Hon. G. R. BROOMHILL: I think $35,000 was allocated to councils for immediate foreshore work that was required to be done as a result of the storm damage. In one council area greater damage was caused, and it was necessary for that council to examine the position and prepare plans so that the repairs might be approved by the foreshore and beaches committee. I said yesterday that $250,000 had been allocated this year, and last week I approved of the expenditure of this money to help councils repair storm damage and do work that will protect the beaches from further storms. I should think that letters to the councils informing them of their allocations for this work would be forwarded to them within a day or so.

BILLS OF SALE ACT

Mr. PAYNE: Can the Attorney-General say whether the Government has considered amending the Bills of Sale Act? As I understand from my reading of this Act that parts of it are archaic and that it is apparently weighted heavily against the borrower, I consider that reforms to the Act are overdue.

The Hon. L. J. KING: The question of bills of sale is one aspect of the whole question of consumer credit, because many bills of sale relate to consumer transactions, including hire-purchase agreements, chattel mortgages, and the like, and it is intended to introduce legislation as soon as practicable to provide for a completely new system of law dealing with consumer credit transactions.

MILITARY ROAD

Mr. BECKER: Has the Minister of Roads and Transport a reply to my question of September 23 about Military Road?

The Hon. G. T. VIRGO: The Highways Department intends to reconstruct the section of Military Road at West Beach, and work is expected to commence in mid-1973. Military Road in this vicinity is at present under the care and control of the local council, which has not imposed a load limit on it. Vehicles using the road are therefore limited to the statutory eight-ton axle load.

INDUSTRIAL SAFETY

Mr. HARRISON: Will the Minister of Labour and Industry indicate the success or otherwise of the industrial safety symposium recently held at the Police Auditorium, Angas Street, Adelaide?

The Hon. D. H. McKEE: I had the pleasure of opening the symposium, and my colleague, the member for Florey, in his capacity as Vice-President of the United Trades and Labour Council, chaired the afternoon session very well. The symposium was attended by more than 300 people, including business executives and trade union officials, and the guest speaker was Mr. Loftus of Ontario, Canada, who is a world authority on industrial safety. I have no doubt that such a conference would be of benefit to and create interest in safety precautions among persons engaged in industry and construction.

CAR REPOSSESSION

Mr. WRIGHT: Can the Attorney-General inform me of any protection that the purchaser of a secondhand car may have in regard to a finance company when the car he has purchased is registered in another State and is still under hire-purchase? One of my constituents bought such a car and, three days after purchasing it, he was visited by the police, who took possession of the car, explaining that it was subject to an encumbrance involving a hire-purchase company in New South Wales. To the best of my knowledge, my constituent has received no compensation and has not received the car back, and I should like some information on this matter from the Attorney-General.

The Hon. L. J. KING: As I cannot really give, in a reply here, an opinion on what might be a question of law, I invite the honourable member to give me particulars of the transaction, and I will examine the matter and see whether action is possible.

UNIVERSITY FEES

Mr. PAYNE: Can the Minister of Education say whether the Government is considering any further the matter concerning increased fees at the Institute of Technology and the Adelaide and Flinders Universities, and whether it is likely that any additional assistance might be given by the Government to students suffering hardship?

The Hon. HUGH HUDSON: The Government is concerned to do everything in its power to moderate, so far as possible, any hardship experienced by students at either the Adelaide University or the Flinders University or at the Institute of Technology. The position of the students concerned can vary enormously if they are paying their own fees. The proportion of fee-paying students at the Adelaide and Flinders Universities is about one-third, whereas at the institute well over half the students are paying their own fees, simply because of the preponderance of part-time students. The Australian income tax laws with respect to education expenses, while they give higher tax rebates to those on higher incomes, have an additional peculiarity because there is no tax deduction in regard to the education expenses of an individual who is employed and paying his own fees. The tax deduction applies only in the case of a taxpayer who is putting a dependant through either university or through the institute, and this means that part-time students who are employed but not earning high salary rates can often experience difficulty in meeting fees.

I understand that until now students in this category have not been considered for assistance under the fees concession scheme. Therefore, the Government is concerned to ensure that the fees concession scheme works effectively, and it will be, and is, considering what further adjustments can be made to that scheme to assist students, and particularly what further adjustments can be made for the benefit of part-time students who pay considerable fees in some instances but who do not receive any benefit at all from the Commonwealth Government by way of an education expenses tax deduction. Further, it seems to me that a change in the method of financing tertiary education is long overdue. I believe that it would be a relatively simple matter for the Commonwealth Government to alter the basis of assistance in respect of recurrent education expenditure at universities and colleges of advanced education in such a way that fees could be eliminated entirely. This could be done simply by reverting from the current basis of support involving $1 from the Commonwealth Government for every $1.85 provided by the State Government, or collected in fees, to a $1 for $1 basis of support for this type of tertiary education.

That change alone would permit the Commonwealth Government to request all State authorities to eliminate fees at universities and colleges of advanced education. I hope that even the present Commonwealth Government will be willing to consider this sort of change. The present position is such that every State Government is put in such a financial position that an increase in fees effectively increases State revenue, and that fee increase is partly paid for by the Commonwealth Government. In those circumstances, concerning the net costs of the State, where at least half the total fees collected are paid for by the Commonwealth Government, anyway, it would seem to be a relatively simple and sensible step to alter the basis of support for recurrent expenses in education to a $1 for $1 basis and thus permit the complete elimination of fees. However, until that occurs, the State Government in South Australia will be concerned to do everything in its power to ensure that all cases of hardship, whether they involve full-time or part-time students, are effectively catered for under the fees concession scheme.

PERSONAL EXPLANATION: MORGAN DOCKYARD

Mr. ALLEN (Frome): I ask leave to make a personal explanation.

Leave granted.

Mr. ALLEN: In this House yesterday I asked the Minister of Roads and Transport how much money would be saved annually by moving the dockyard from Morgan to Murray Bridge. The Minister promised to get a reply for me and then proceeded to comment, I presume, on a report in a weekend newspaper that the decision to remove the dockyard was political. Unfortunately, the Minister did not spell this out in detail and his statement could be taken to imply that I had said the decision was political. In his reply in the House yesterday, the Minister said:

While dealing with this subject, I should like to make one point plain to the honourable member and to the House. It has been alleged that the Government's decision to transfer the dockyard from Morgan to Murray Bridge was made on the basis of political advantage.

I consider that it could be taken that I had made the statement in this House about political advantage. This morning's *Advertiser* also refers to this matter in block form under a headline "Dockyard move not politics". The *Advertiser* did not see fit to publish my question, but it published the Minister's reply. The report states:

The Minister of Roads and Transport (Mr. Virgo) yesterday denied in the Assembly that the decision to relocate the Morgan dockyard at Murray Bridge had been made "on the basis of political advantage." He told Mr. Allen (L.C.P., Frome) that the decision has been based on a report to the Government by the Highways Department.

Once again, it could be inferred that I had asked the question and made the accusation. The report also states:

"People who desire to peddle the belief that it was made on the basis of politics are doing nothing other than slandering the Highways Department," he said. "I resent references of that nature."

It could be inferred that I had slandered the Highways Department. However, I point out to the Minister and to the *Advertiser* that I have never, either in this House or outside it, made any statement to this effect. I should like the Minister to make clear to the House that he was not referring to me in this statement, and I should like the *Advertiser* also to make clear to the public, in block form, as the newspaper published the report today, that I have never made a statement of this kind.

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 29. Page 1777.)

Mr. EVANS (Fisher): I support the Bill. I have been an advocate of voluntary voting for as long as I have been interested in any form of voting, because I believe that it is the only democratic method of voting at an election, whether it involves an organization, a group of people interested in a certain form of recreation or in certain business interests, or whether it involves electing representatives at local government or State Parliament elections. I personally object, as well as objecting on a Party basis, to the Attorney-General's implication that only since the 1970 election have Liberal and Country League members become interested in voluntary voting. That accusation is untrue, and I believe that, if the Attorney-General were interested in the debates that have taken place in this House in the past, he would know that in my case, as well as in that of other members, the statement was untrue.

I state categorically that as an individual I see no reason at all for having compulsory voting in either Commonwealth or State elections or in any other elections. The Attorney-General said that it was non-Labor interests whose support for the relevant measure brought about compulsory voting in this State, but I can just as easily say that it was through the support of non-Liberal members that the measure in question was eventually passed. However, the reverse situation can be applied: I think it can also be said that it was through the support of L.C.L. and Independent members that the measure in question was passed in this House. The trial period we have had has not proved that, under compulsory voting, people are any more interested in politics or that we get a more democratic form of Government. In fact, I believe it has proved the opposite; I think that the community has lost interest in politics and respect for politicians. I suppose that the actions of members in this Parliament and in other Parliaments have to some extent created that attitude towards Parliamentarians. We cannot blame anything but our own actions. Perhaps there has been some contribution by newspapers in that they concentrate on publicizing derogatory statements that members make about each other and do not report the times that we agree. Only personal attacks that we make on each other seem to be highlighted; the matter is not mentioned when we agree. I ask members to think back over the years and to consider whether Governments have been any more democratic in this State since the early 1940's. I have heard Government members say that that has not been the case.

The Attorney-General particularly and the member for Florey have both said that the Wilson Government in England was defeated because that country had voluntary voting. I ask them by what means the previous Labor Government in England was elected? Was there compulsory voting on that occasion? All members know that Mr. Wilson won an election on a voluntary vote and that the Conservative Party won an election on a voluntary vote, so that both sides have won and lost elections on a voluntary vote. In this country both the Labor Party and the Liberal Party have won and lost elections under voluntary and compulsory voting systems.

Mr. Simmons: Not under your gerrymander.

Mr. EVANS: That is untrue, because I have no gerrymander. If the honourable member is as honest in his thinking about democracy as I am, he will know that we

do not have democracy in the community. He is arguing that we should compel a person to vote for someone for whom he has no respect. It is possible for political Parties to nominate candidates at an election or for there to be people standing as Independents at an election whom voters in the community are not prepared to have representing them. Despite this, the member for Peake advocates that voters should be forced to vote informally or to vote for a person for whom they have no respect. That is what we are providing when we provide for compulsory voting, and there is no democracy in that. At page 1767 of *Hansard* the member for Florey is reported as saying:

However, if this Bill is passed the rights of the people of this State will be diminished.

What does he mean by that? I believe that people's rights will be increased. If the Bill is passed, a person will have the right to decide whether or not he votes, whereas at present his rights are restricted, as he is compelled by law, under the threat of a fine, to vote. I do not believe that any member of this House or anyone outside can honestly say that compulsory voting is more democratic than voluntary voting. Politicians and political Parties know that it is much easier for them to campaign at elections if there is compulsory voting. In the era of the Independents in the late 1930's, those members also realized that, as individuals, it was easier for them if there was compulsory voting. They realized that people were forced to the poll and that, as long as they kept their names in front of the people in their district in the period before the election, they had every chance of winning under compulsory voting.

With voluntary voting, people must be attracted to the poll by suitable legislation and action that provides enough incentive to the voter to have him interested in the politician or potential politician. That is the way it works. We know that in England politicians and Parties must work much harder to get people to the poll than is the case in this country. We all know that in this country each major Party is assured of a vote of about 40 per cent of the people. Allowing for 3 per cent of people who record an informal vote, this means that at each election we are chasing only about 17 per cent of people; mainly our work is involved in getting those people to change their vote. If there is voluntary voting, Parties have not only to change the opinions of some of the people but also to make sure that their usual supporters go to the poll and vote. That is what we are afraid of. I support people on my side of politics who have now changed their mind about compulsory and voluntary voting. I want the Attorney-General to accept the fact that some people in the Liberal and Country League have been speaking about the advantages of voluntary voting for long enough and convincingly enough to convince others that it is time they changed and supported voluntary voting, which is the most democratic method by which members of Parliament and of local government can be elected.

Therefore, the Attorney-General is wrong in accusing us of introducing this Bill for political reasons. He knows that the Labour Party in England has won an election under the voluntary voting system, as has the Conservative Party, and the same situation would apply in this country. If a Government is a good Government, regardless of its political colour, people will support it. It is no good blaming the people for the fact that the Wilson Government did not win. The people were not prepared to support that Government and put it back into power.

Mr. Jennings: They would now.

Mr. EVANS: That is also debatable, and my opinion would be different from that of the honourable member. Undoubtedly, in this country there is every indication that people are gradually changing their mind about compulsion. Whether or not the Labor Government in this State, the Liberal Government in Canberra or the Federal A.L.P. accepts voluntary voting now, they will accept it in future, because the majority of people will bring pressure to bear until we have voluntary voting. I believe that members opposite realize this, but they will draw every red herring possible into the argument to try to show that we seek voluntary voting for political purposes. With voluntary voting, both Parties have an equal chance. The Bill will bring about voluntary voting. I believe that, under the present system, we create in the community apathy and a disrespect for politicians and political Parties. I do not consider that we would find that more than 2 per cent or 3 per cent of the people have any real respect for Parliamentarians or political Parties. The people suspect our motives and the actions that we take to protect or help ourselves.

When members ask me whether I believe that compulsory voting causes part of that disrespect or lack of trust in the community,

I say that it does, because we believe in our own hearts that it is easier for us to campaign, and the people at times believe that they should not be compelled to go and vote for any particular individual or group of individuals. I am sure that there are people in my district who would normally support my political Party but who at times are disappointed at some of my actions and decisions. If there was a voluntary vote, a few people (and I hope it would be only a few) would not bother to cast a vote, but, with compulsory voting, I consider that once people enter the polling booth they will show loyalty to the Party and cast a vote for it.

I think every member accepts that that happens in his district. If he does not, he is either a perfect member, or an egotist who does not really understand the realities in his district. There can be no just argument to support compulsory voting. Government members may criticize the L.C.L. or its members and say that we have introduced this Bill for political purposes, but they can say it only unjustly. Members opposite know that they have the same opportunities to win elections as the Liberal and Country League has under a system of voluntary voting.

A point used by Government members is that our Party is more financial and has more financial resources behind it than has the Australian Labor Party. However, I ask members on both sides to consider the number of advertisements used over a long period at elections and then to see which Party has more financial and physical resources behind it. I ask Government members to think of the repercussions of compulsory unionism. Most trade unions are affiliated to the Australian Labor Party and most unionists now are contributing to A.L.P. funds to fight elections. Honourable members who speak of big business know as well as I, and the board of management of big business, know that in many cases big business gives equally to both Parties.

In recent times there has been a typical example (I will not mention names) of cheques being sent to the wrong Party. The cheques were mixed up and sent in wrong envelopes, the L.C.L. getting the A.L.P. cheque and the A.L.P. getting the L.C.L. cheque, and the cheques were identical. We could not get any greater proof than that of how big business contributes to both Parties.

Mr. Brown: Was it $5 each?

Mr. EVANS: If the member for Whyalla got the amount by which each cheque exceeded $5, he probably would be satisfied with that as a substantial annual increase on his salary. The L.C.L. relies entirely upon voluntary membership and voluntary contributions. We have not a compulsory basis of collecting fees to fight our political cause. When Government members use this as a basis for arguing that we have an advantage over them, I say they are ill informed, mis-informed, or completely dishonest.

Mr. Hopgood: I knew you would get to that one.

Mr. EVANS: The member for Mawson can accept which proposition he likes, because one of the three must apply. There is no other alternative. The argument that the L.C.L. is the rich man's Party is not true. I work harder for the poorer groups in my community that I do for any other section.

Mr. Hopgood: That's not the point, is it?

Mr. EVANS: I assure the honourable member that, within my community, I get as much support from people on lower incomes as I get from the higher income group. The support is equally divided, and the honourable member would know that much of his Party's support came from the richer part of the community. I have mentioned a case of an organization that gave to the A.L.P. and offered to give to the L.C.L. and the offer was refused. I will not mention the name of the organization, because the Speaker suggested that I should not mention it. However, the member for Mawson knows to whom I am referring.

Mr. Hopgood: I certainly do not.

Mr. EVANS: If he does not know, he was not in the House at the time and has not read the debates in the House during the last 12 months, because the matter has been mentioned here in that time. I do not consider that this Bill diminishes the rights of the individual. We are giving him another right, an opportunity to decide whether to vote. I ask Government members to think seriously about whether they would be at a disadvantage and whether the community would be at a disadvantage under voluntary voting. If only 20 per cent of the people were willing to vote at an election, would that be undemocratic, or should we accept the decision of those willing to cast a vote?

Mr. BROWN (Whyalla): I have spoken previously in this House on democracy, and it seems that we must repeat ourselves from time to time on that matter. Before going too

deeply into this debate, I wonder how many words on this subject have been taken down in shorthand by the very astute *Hansard* reporters. We all know that this Bill originated in another place.

Mr. McAnaney: Did it?

Mr. BROWN: The honourable member does not know where the Bill originated, so perhaps I should take time to explain that it originated in another place. I hope that he now realizes the position. Because it has come from another place, I immediately think about whether members of that place are being fair dinkum. We know from past experience of members of another place that they have said that they represent the permanent will of the people, and now they say that they can interpret the permanent will of the people. Any person or group of persons that goes around peddling that kind of philosophy, shall I say, becomes dangerous and is dangerous because such people believe what they say. They believe that they can interpret the will of the ordinary man in the streets of Adelaide or of any other city.

The other point I raise is whether we are dealing with the Bill as a result of the division in the ranks of the Opposition here and their colleagues in another place, and whether, if it were not for this division, we would be debating the Bill at all. I believe that what is being attempted by the Opposition is an effort to put its own house in order. As the Opposition has done in the past, it is again trying to thrive on the apathy of the ordinary man in the street.

It is time we seriously considered the propositions put forward by the Deputy Leader of the Opposition, because what he did in his speech was to concern himself mainly with the policies and politics of the United States of America. However, I believe there is too great a tendency in this country to base our way of life on that of the U.S.A.: I believe we should stand on our own two feet. First, we should consider the American way of life. The Deputy Leader went to great lengths to persuade the Government to believe in the American way of life, even though rape, murder, drug addiction, gangsters, and racial discrimination are features of such a way of life.

Mr. Gunn: What has this to do with the Bill?

Mr. BROWN: A recent event in the U.S.A. was the riot in a New York prison. Should we be proud to line ourselves up with that so-called democratic country?

Mr. McAnaney: What about Russia?

Mr. BROWN: I do not know whether such things happen in Russia, but I see plenty on television news and in the newspapers about what happens in the U.S.A. The U.S.A. Parliamentary system reserves certain powers to the States, and this leads to confusion in the detection of crime. Criminals in one State go to another State, and in that system of democracy there is grave concern about catching people who deliberately flout the law. Signs of trouble are apparent in the U.S.A., which is approaching severe problems. One has only to watch the news on television to realize this fact.

Mr. Gunn: What has this to do with the Bill?

Mr. Venning: What about blackmail in the trade unions?

The DEPUTY SPEAKER: Order! There is nothing in the Bill about blackmail.

Mr. BROWN: There is a tendency for Australia to delve into all kinds of international problem. The U.S.A. creates, but does not solve, many of its own social problems. For example, it is involved in the Vietnam war.

Mr. GUNN: On a point of order, the honourable member is not linking his remarks to the Bill. There is nothing in the Bill about the Vietnam war.

The DEPUTY SPEAKER: The honourable member for Eyre has raised a point of order. As we are dealing with the Electoral Bill, the honourable member for Whyalla must confine his remarks to that Bill. I take it that the honourable member is answering matters raised during the second reading debate on the Bill. The honourable member for Whyalla.

Mr. BROWN: The member for Eyre did not take a point of order when his Deputy Leader was speaking.

Mr. Gunn: You didn't, either.

Mr. BROWN: No, because the Deputy Leader was trying to convince the Government that the voluntary system of voting in the U.S.A. was far in advance of this country's system. I think the Deputy Leader may have been sincere when he said that he wanted the Government to examine voluntary voting because of the position in the U.S.A. He went to great lengths to explain to the Government that he had been in America for I do not know how many years and that the American people were astounded at what was going on in Australia, but I am astounded at what is going on in the U.S.A. The Americans are involved in the Vietnam war, and we must bear in mind the problems existing in

America, one of which problems is the enormous pollution of American cities. I consider that the Opposition has introduced this Bill in an attempt to belittle the greatest political Party (namely, the Australian Labor Party, of which I am proud to be a member), because the Opposition is hostile and jealous of my Party's policy.

Woodrow Wilson, a fanatical American, was quoted as saying that the British type of democracy was far better than the American type, and he based his theory on the fact that when the British people elected a Party they elected it on its policy. He said that they reasonably expected that when that Party was elected it would adhere to its policy, whereas in America, although a Party was substantially elected because of its policy, it rarely carried out that policy. I believe that Opposition members are jealous because the A.L.P. has a policy to which it adheres. No less than four or five of the past Presidents of the United States were elected on a policy of peace in Vietnam, but not one has carried out that policy until now. Opposition members claim that we should retain a voluntary vote, but in 1964 the Republicans and Democrats in America spent $29,000,000 on electing a President.

Mr. Mathwin: That makes your mouth water.

Mr. BROWN: It does: I wonder whether the honourable member would have even a part of that $29,000,000 spent on his district. It would be interesting to find out whether the Liberal and Country League would spend any money on his election. Another question I pose is that, if we examine the two political Parties of America, we would realize that they do not have any bond or relationship with the ordinary citizens of America. Both Parties are run by big business, and helped by the money that is given to them by big business. When an American President is to be elected, I believe it is the greatest carnival that one could see: balloons, ticker tape, marching girls, and anything else is included in the show. The person who makes the loudest noise is elected. If that is democracy, then I am surprised. I believe that, when the Deputy Leader was trying to ask Government members to consider seriously the question of voluntary voting, he connected his remarks with that great country America!

Mr. Coumbe: What about its Legislature?

Mr. BROWN: It is the same. Australia should not change to the American system. There seems to be a tendency in this great country to try to copy the United States in many ways, but we should stand on our feet and be Australians. I cannot understand why we should change our minds because a few people in the Upper House have decided that they want to be the permanent will of the people. This action will not improve our policies for the betterment of ordinary people, and as Parties we should be concerned with the problems of ordinary people. Instead of using our energies to manipulate political machines, which this Bill is trying to do for the benefit of the L.C.L., or perhaps for the benefit of the A.L.P. in some instances, we should consider the basis of a proper democratic Government for the people.

If something is wrong with our political set-up, that matter should be considered and we should not be worrying about the pros and cons of a political machine or Party. If this country is to grow, the ordinary people have a responsibility to take notice of what goes on politically, and they have the responsibility of voting politically. If that system can be called compulsion, well, it is compulsion, but in any walk of life, if there is an aspect necessary for the welfare of most of the people, it should be compulsory to accept it. If the political system of this country is to progress properly, it must carry out the will of the majority of ordinary citizens. If that were done, we would be a better Parliament and better political Parties. I oppose the Bill.

Mr. McANANEY (Heysen): I find it most difficult to reply to any points made by the member for Whyalla: he got himself into a land of fantasy and was hard to follow. If he is an example of what our present voting system can produce, it is time that we changed the system. Some of his statements are incorrect. He said that the idea of voluntary voting had come from another place, and that was the reason for it being introduced here. I have advocated a system of voluntary voting since I have been a member, and even voluntary enrolment. The principle behind this Bill came from the grass roots of our organization led by the Heysen District Committee, which has a standard of integrity equal to that in any other country and higher than that in most countries.

The whole basis of this matter concerns what is a right and what is a responsibility. Everyone has the right to vote. A person who talks about the "permanent will of the people" is merely expressing his own idea, and I do not think it is necessary for people to keep

repeating unwise statements about that. People should be sufficiently responsible to vote, but can they be made responsible by being compelled to vote? I say they cannot.

Any form of compulsion is most objectionable to me. Indeed, this country should be ashamed of the form of blackmail used to get people to become members of a union. I tell every child in a school party that I show through this building that it is his responsibility to take an interest in government, if he wants good government. However, we cannot compel people to take an interest in such things. People must acquire this sense of responsibility. Voluntary voting was introduced in Holland only at the most recent election held in that country (it was held this year), compulsory voting having applied for many years. The following is an account of the relevant Bill introduced in Holland concerning voluntary voting:

For the first time in Holland, voting was not compulsory. Hitherto a failure to vote could result in a fine, but the legal obligation has now been removed since, in the words of a Government spokesman, it was felt that the electorate had grown up enough to use its right to vote responsibly.

Although I do not know what was in the minds of those who introduced compulsory voting in the early 1940's, I believe that this account sums up the position correctly. When people have received sufficient education and experience to vote, we get the truest form of democracy, but we will not achieve democracy by compelling people; we must encourage them to exercise their responsibility. The report to which I have referred concerning the measure to introduce voluntary voting in Holland continues:

There were, however, predictions that many potential voters would avail themselves of their new liberty to abstain.

This was not proved correct, because 78 per cent of the people voted, and I think that is commendable. If this country is to be progressive, there must be a high proportion of voters. The report continues:

The result was a decided swing to the Parties of the moderate left.

That seems to be against the trend throughout the world, so I do not know why it is said that we are doing this for political motives. I can see no reason why we should insult the people of South Australia by saying that they are not sufficiently responsible to exercise their right to vote. So far, not even one Government member has said why we should not have voluntary voting. I have sufficient confidence, particularly in the younger people of South Australia, to think that they will exercise their right and show a degree of responsibility that possibly was not present in their counterparts in this State in the 1940's. I strongly support the Bill.

Mr. HOPGOOD (Mawson): Perhaps the most noticeable thing about this debate is the way in which the standard of speech from members opposite has improved as the debate has progressed. We might even go back to the Bill's origins and point out that when the measure was introduced in another place the second reading explanation there covered 10 lines of *Hansard*. I guess that is some sort of testimony to the fact that when someone has the numbers he does not have to worry much about convincing people. We have had one or two cries from the heart from the Opposition as this debate has proceeded, and the first I should like to examine is the cry, "Why don't you trust us? Why must you be so cynical about our motives in supporting this motion?" I suggest three reasons why we on this side have been somewhat understandably cynical about the motives of members opposite in our approach to this debate. First, we do not think they will like very much the system of voluntary voting when it comes into operation.

The member for Fisher referred to this when he said that voluntary voting obviously puts political Parties and political candidates to considerable inconvenience at elections. I agree with that observation; I believe that the L.C.L., including members opposite (they are members of a Party and political candidates in future), will not like what they will have to do under voluntary voting. Let us consider, for example, the position of the member for Glenelg. I select him, particularly because I think he has probably been one of the most vocal supporters of the voluntary voting system, naturally coming from the country which has it, and also because—

Mr. Mathwin: I thought it was because you liked me.

Mr. HOPGOOD: Of course, the honourable member is one of my constituents, so there is a certain bond of affection between us. However, I refer to the honourable member also because he is in a marginal district. I believe that his Liberal majority in Glenelg was roughly equivalent to my Labor majority in Mawson at the last State election. I do not know that he has a demographic factor going for him in Glenelg in the way that I have in Mawson, bearing in mind the influx of new residents, but that is beside the point. I am

choosing him simply because his district is a marginal one which the Liberal Party must strive to make sure it wins, as opposed to some of its other constituencies where it does not have to try very hard.

What will the honourable member have to do? He and his cohorts will have to patrol the streets for weeks before the election and knock on doors, trying to compile some sort of index to show where their supporters are and who (right down to that person's very house) supports them. So, when the election arrives they will know exactly which doors to knock on and which not to knock on. They will do this very selectively. For example, they will concentrate heavily on Somerton Park and parts of Glenelg, leaving Morphettville Park and some parts of Glengowrie severely alone. That is one of the big criticisms of voluntary voting: the Party activity and propaganda tends to be directed not across the board but selectively to one's own supporters so that they will come out to vote.

I also raise the problems that the Liberal Party would have in Mawson under a voluntary voting system. It was observed by my own supporters at the last State election that it was necessary for the Liberal Party to fill out its polling booth manners by imports. It pulled in people from Glenelg, Brighton, Blackwood and places such as that. It seems to me that in Mawson the Liberal Party, certainly at the last State election, would not have been in any way able to mount the sort of campaign that would have been necessary to bring its supporters to the poll. That is my first point. For the reasons I have outlined in showing the problems that would face the member for Glenelg and his colleague who will oppose me in Mawson at the next State election (and I could multiply that to apply to other cases), we do not think that, if this form of voting were brought in, the Liberal Party would enjoy the exercise much at all.

My second point is that we are rather cynical about the motives of members opposite, because this looks very much like a death-bed conversion. The Attorney-General said that compulsory voting was introduced here during the life of a Liberal Government, and fairly early during the Government's life. Following the introduction of this system, the Liberal Party had many years in which the penal clauses of the Act could have been removed. It also had the two years of the Hall-DeGaris interregnum when this could have been done, but it was not. It is only following an election, at which we saw the continuing high level of support in this State for the Labor Party whether in Government or in Opposition, in addition to the fact that there has been a reallocation of electoral boundaries. This means that the Liberal Party now must get a genuine majority of electoral support or something close to it before it can regain office, that the Liberal Party has had another look at this question, and that it has come up with a new policy. Because this looks like a death-bed conversion, members on this side are understandably cynical.

The member for Kavel, whose speeches I always enjoy, brought up the matter of Labor and proportional representation. He said, "Why should you disbelieve us? You have changed your policy from time to time. You have changed your policy on proportional representation, as there was a time when it was part of your policy and it is no longer part of that policy." Granted that what the honourable member says is true, it is simply not relevant to the point that I am making. After which election that the Labor Party lost did it change its policy? How was it that this change of policy was to assist the Labor Party electorally? There is simply no point in this at all. It was not that we changed our policy because we saw that there was some sort of large-scale electoral advantage in having single member constituencies rather than proportional representation. I challenge members opposite to contradict that. There would be those who would say that we were gunning for a certain minor Party, the Democratic Labor Party, and that by changing the system we wanted to keep that Party's members out of Parliament. However, I simply make the point that, at a Senate election, the D.L.P. has never got anywhere near the sort of quota under proportional representation which would have allowed it to get even one member in Parliament, so again that is not relevant.

It represented a genuine changeover in opinion in the Party when we changed our policy to single member constituencies. It may have been partly an attempt to bring down a policy which would enable us to compromise with the then Liberal Government over electoral reform. We realized that that Party would not be prepared to wear proportional representation, and has not been since the days when a man called Vardon was a Liberal member in this place and had much to say about proportional representation. In fact, I think he may have been the State President

of that league at that time. It was fairly obvious that, lacking a majority in the Upper House, it would be necessary for the Labor Party to compromise with the Liberal Party if we were to get anywhere in our aim of one vote one value. That is exactly what happened and it happened only because we were prepared to sit down and have dialogue with the Liberal Party on the common basis of single member districts rather than try to deal with the problems that arise with regard to proportional representation. So much for the point raised by the member for Kavel in attempted rebuttal on this matter.

My third point is that we have been rather cynical about the motives of members opposite because there are certain aspects of the voluntary voting system which seem, on the surface, as though they might favour the Liberal Party in this State. I will draw attention to two points which, on the surface, would make it appear that, under voluntary voting, the Liberal Party would have some advantage. First, there is no doubt at all that, of the two Party organizations in this State, the Liberal Party has the greater wealth. The member for Fisher had the gall and effrontery to suggest that we should tick up the number of television advertisements put over at election time by both political Parties after the events of May, 1970. How many more television commercials were put over by the Liberal Party before the last State election than were put over by the Labor Party—twice as many, or three or four times as many? People have been prepared to say that before the last State election the Liberal Party spent between $200,000 and $250,000 on its campaign, most of that expenditure being devoted to television advertising. If those assertions are not true, I challenge members opposite, if they know the facts, to tell us just how much their Party spent on electoral advertising during the last State election. I look forward to some straightforward statements from members opposite on this point.

I raise another point about the relative wealth of the Party machines in this State. How many full-time or part-time paid organizers does the Liberal and Country League have in this State? Does it have 40 or 50? I have fairly reliable information that suggests that the number of people fully or partly paid by the L.C.L. for political organizing in this State is about 40 or 50.

Dr. Eastick: You'd better check that.

Mr. HOPGOOD: That is my statement. Let members opposite say just how many organizers are paid by that Party.

Dr. Eastick: You said it's fairly reliable information.

Mr. HOPGOOD: I believe that it is. However, it is up to members opposite to rebut it, and let them not rebut it simply by saying, "You are not right." Let us have the true facts about whether what I am saying is right.

Mr. Gunn: Why don't you—

The SPEAKER: Order! The honourable member for Eyre has been continually interjecting during this debate. I require the honourable member to extend to any speaker, including his side, the necessary courtesy, and I warn him that he must cease his continual interjections.

Mr. HOPGOOD: I regret your ruling, Mr. Speaker, because I hoped that later I might have been able to indulge in a tit-for-tat with the honourable member. However, I appreciate your firm control of the Chamber. It has been stated, in a wellknown political text, that the L.C.L., in its office inside that building in South Australia, employs more people than the A.L.P. employs throughout the Commonwealth of Australia. So much for the respective wealth of the two Parties' organizations.

As for the statement by the member for Fisher that the L.C.L. was not supported by the wealthy sections of this community, I invite the honourable member to look at the voting figures and then drive down two suburban streets, one having a major Liberal vote and the other having a major Labor vote, and look at the width of the houses and the frontage of the blocks of land, and to consider the prices of land in the areas and whether there is a television aerial on the house. Of course, there are inside television aerials, but, because they are a more recent development, these are likely to be used in houses occupied by Liberal voters. That is my point about the relative wealth of the two Party organizations.

Mr. Millhouse: Something else—

The SPEAKER: Order! The member for Mitcham is out of order in trying to have a discussion with the Minister, and that must cease.

Mr. HOPGOOD: I turn now to the subordinate point that the L.C.L., in addition to being the wealthier of the two Parties, can also attract wealthier candidates; even if the L.C.L. were flat broke, most of its candidates would still be able to spend much more money in their campaigns than would

persons representing this side of the House. As one example, I refer to Mr. Alan Hickinbotham, who was the Liberal candidate and would-be member for the District of Hawker at the most recent Commonwealth election. The money spent on his behalf was money down the drain, because it did not have much effect. That candidate spent a tremendous amount of money in the campaign.

There is no doubt that the Liberal Party is in a much better position than the A.L.P. to attract wealthy candidates, because basically the Liberal Party obtains its support from the wealthy sections of the community. The money spent in Mr. Hickinbotham's campaign does not seem to have had much effect on the way people voted, but let us suppose that the tens of thousands of dollars had been spent not in trying to argue with people and to convince them that his policy was right, but in driving people to the polls and getting them out to vote. Under voluntary voting, it could have had a much greater effect, and this effect would have been irrelevant politically, in terms of the policies of the Parties. It would have been merely a matter of how much money could be spent to get people out to vote.

Having made these two points to support the contention that it seems on the surface that the L.C.L., because of wealth, is better placed than the A.L.P. under a system of voluntary voting, I hasten to add that I agree with the contention by the member for Mitcham that which of the major Parties would do better under voluntary voting has not been proven. That is because it is well known that, against the reserves of wealth that the Liberal Party has and could bring to bear under voluntary voting, we on this side have vast reserves of enthusiasm, and it is possible that these two aspects would balance out.

I know of two attempts that have been made to evaluate the effect of the introduction of compulsory voting on Party performances; that is, the effect of differential abstention on the performance of one Party or another. I carried out one of these surveys and Mr. Dean Jaensch, of the Adelaide University, carried out the other. Both surveys related to the introduction of compulsory voting. In my case the survey was at Commonwealth level and, in the case of Mr. Jaensch, it was at State level.

I considered the situation in 1925, when the Bruce Government introduced compulsory voting. At the 1925 Commonwealth election, the Nationalists, as they were called then, won in a canter and many people therefore said that obviously the introduction of compulsory voting had helped the Nationalists and that those people who hitherto had not voted and were forced to the poll voted for that Party. The conclusion from that would be that, under voluntary voting, Labor would do rather better. However, there is a problem about evaluating these matters, because we really have two variables.

True, there was a swing to the Nationalists, but there are two possible components in that swing. There may have been a genuine change of heart by people who voted under each system. That is the sort of swing that we see operating under compulsory voting. On the other hand, the result could have represented differential abstention, with more supporters of one Party staying away from the polls. Just how do we distinguish between these two components in the swing? I have tried to do it, but I cannot.

I have tried to work out the correlation between those subdivisions in which there was a large increase in the number of people voting following the introduction of compulsory voting and, on the other hand, those subdivisions in which there was a large increase in the vote for one of the Parties. However, this exercise gives neither a negative nor a positive correlation: the study did not reveal a proof. Mr. Jaensch did his exercise in his Bachelor of Arts Honours thesis on the politics of the Playford era and he considered the position at the 1944 State election. Although Labor was not returned in South Australia at that election, there was a large swing in that Party's favour. If the present electoral boundaries had applied then, Labor would have been returned in a canter, and it was only the gerrymander that kept it out of office.

Mr. Jaensch's conclusion from this swing to Labor is that the compulsory provisions in the Electoral Act obviously favour the Labor Party, but exactly the same criticism can be levelled at that conclusion as was levelled at the earlier observation about the results in the 1925 Commonwealth election; that is, how we distinguish between the component of the swing that simply represents many people changing their minds and voting Labor instead of Liberal and, on the other hand, the component of some sort of differential abstention, with more Labor voters or more Liberal voters voting as a result of the operation of compulsory voting.

I must agree with the member for Mitcham that, although on the surface it seems, because of the wealth of the Liberal Party organization

and its candidates, that voluntary voting should favour it, it is simply not proven by those analogies in the past in respect of the introduction of compulsory voting. However, there is no doubt that, even if the introduction of voluntary voting would not react against one of the major Parties in this State, it would react seriously against the minor Parties. This is a point with which I believe the member for Fisher attempted to come to grips, but as far as I could see he got the thing completely back to front. If one considers a minor Party, such as the Australia Party, the Democratic Labor Party or the Social Credit League, no doubt such a Party has limited resources with which to put over its message, but it has certain resources with which it can put its message before the people. It has some capacity for increasing its widespread electoral support, but if these meagre resources have to be spent on the task of getting out the vote they are shot to pieces. However, it may be that the A.L.P. could go some way towards meeting the ability of the L.C.L. to pay for taxis to get the people to the polls. But a minor Party, such as the Australia Party, the D.L.P., or the Social Credit League, would get nowhere in its effort to get out its vote.

Mr. Venning: You're talking a lot of trash.

Mr. HOPGOOD: Why?

The DEPUTY SPEAKER: Order! The honourable member must confine his remarks to the Bill and not answer rude interjections. The honourable member for Mawson.

Mr. HOPGOOD: I gather that my last remark may have rubbed the Opposition the wrong way, because I think that some Opposition members can anticipate what I am going to say when I talk about minor Parties. I started my remarks by saying that there had been certain cries from the heart of Opposition members during last week's debate. The first was, "Why don't you trust us? Why don't you believe us?" The second was, "Of what are you afraid? Of what is the Labor Party afraid? They must be afraid of something in opposing the introduction of voluntary voting." When I was in the schoolyard and I stood off and said to those with whom I was playing, fighting or interacting in some way, "You are scared," generally speaking, I was fairly scared myself and I was making a noise in order to hide my fears. When I left the House last week and had reverberating in my ears the cry of the Opposition "What are you afraid of?" it occurred to me to ask, "What is the Liberal Party afraid of? Why is the Liberal Party afraid of the retention of compulsory voting?" When I reflected on that, irrespective of the effect that voluntary voting would have on the major Parties, its effect on the minor Parties was clear: the Liberal Party is afraid of that minor Party known as the Country Party.

I invite members to consider the South Australian electoral system. First, the future for the Liberal Party within the metropolitan area, which now exercises the majority of voting strength in this Chamber, is fairly limited. There are certain marginal seats which the Party hopes it may be able to pick up, but there are not all that many—certainly nowhere near a majority. This is the problem the Leader of the Opposition has had to face because, since being in Opposition, he has had a running battle with the ideologues in his Party who, by reasserting some of the traditional Playford-McEwin policies of the Party, are making it increasingly difficult for him to pick up much needed support in the metropolitan area.

However, in the country it is different: the Liberal Party has a series of constituencies which, in relation to the Labor Party, are safe but which in relation to the Country Party are marginal. We have had the news in recent weeks that the Leader of the Opposition intends to transfer from Gouger to Goyder, if the Party members in Goyder are agreeable. In doing so, the pundits have said that he has elected to go from a marginal constituency to one that is safe for the L.C.L. The terms "marginal" and "safe" are valid as they relate to the L.C.L. in opposition to the Labor Party, but in relation to the L.C.L. and the Country Party they are invalid. If one thinks of Gouger and Goyder in terms of a Liberal-Country Party proposition, Goyder would be the more marginal for the Liberal Party than Gouger would be.

Mr. Goldsworthy: You had better do your homework again.

Mr. HOPGOOD: I invite the member for Kavel to consider the past situation and to examine the circumstances in which the Country Party has traditionally put up candidates and how well they have fared. He would find that, on those occasions when the Country Party had put up separate candidates, it had done better on Yorke Peninsula than in the Lower North. No doubt there is a serious challenge from the Country Party to the L.C.L. in what it regards as its blue-ribbon country seats. I admit that it has not much to fear from the Labor Party in some of the

so-called safe country seats, but it has much to fear from the Country Party. Were it to start losing some of these pocket boroughs to the Country Party, it would be in the position where, in order to maintain its position as the second major Party in this State, it would have to win more metropolitan constituencies.

I have already referred to the problems which the Leader of the L.C.L. is having in persuading his Party ideologues that they should aim their big guns at the metropolitan elector; so this is my reason for being cynical about the so-called death-bed conversion of the L.C.L. to voluntary voting. I do not believe that the L.C.L. is particularly scared of us, and we are not scared of the L.C.L.; but I believe that the L.C.L. is scared of the possibility, under compulsory voting, of the Country Party steadily picking up more and more of the L.C.L. pocket boroughs in the country. This is something the Country Party can do only under compulsory voting. The Country Party would not have the money or resources to be able to get out its vote in those country constituencies if voluntary voting were to obtain.

Opposition members, particularly the member for Mitcham, have challenged us to debate the Bill as a matter of principle, but they have not really said what great matter of principle the Bill involves. I do not believe that the member for Mitcham is an anarchist or that he thinks that people should have freedom in all things. Within the last month he has introduced legislation to require people to wear seat belts when driving a car, and I supported him in this move.

Mr. Gunn: That has nothing to do with the Bill.

Mr. HOPGOOD: It has something to do with freedom, and that is what we are discussing. In reply to the member for Mitcham saying, "Justify why you are restricting freedom in this way," that is what I am about to do. I point out that the restriction of freedom is the name of the game in this Chamber. We are restricting freedom all the time; Governments and Parliaments are always doing that.

Mr. McAnaney: Not when you are interfering with someone else!

Mr. HOPGOOD: I imagine that the member for Heysen is a believer in industrial arbitration, but what more is industrial arbitration than restricting the freedom of the employer to employ whom he likes and under any conditions he thinks fit? That is what we do, and that is what we have done in this country since just after the turn of the century. Many social reforms that have been introduced over the years have involved a restriction of freedom. What more is the freedom of the slaves than the restriction of the right of people to own slaves? We prevent them from owning slaves, and we invade their freedom at this point. When one considers the history of the restriction of human freedom, which has been done for good and noble social purposes, what we intend to do by maintaining the compulsory clauses of this Act is an extremely minor thing. Why do I believe that there should be penal clauses in the Electoral Act? Why do I believe that we should restrict freedom in this way? First, voluntary voting is most unfair to the minor Parties, and I believe that this, in fact, is the motive behind the introduction of this Bill, because the L.C.L. fears a resurgence of the Country Party in the pocket boroughs held by the L.C.L.

Secondly, voluntary voting is most unfair to the less affluent candidate. The member for Mitcham had the gall to introduce the matter of the United States, but I think that point has probably been answered adequately by other Government members, particularly the member for Spence. I wonder why there has never been a Chifley in the United States? I wonder why someone brought up in that way from the railway sheds, self-educated, and having no resources of wealth, has never been able to climb to the top of politics in the United States? Do not talk about Abraham Lincoln, because he was a wealthy lawyer before entering politics. The voluntary voting system in the United States (reinforced as it is by the primary system, and I concede that) means that only the very wealthy person can be a candidate. I invite Opposition members to consider the financial situation of wellknown United States politicians simply during my short life span.

Mr. Goldsworthy: What about in Britain?

Mr. HOPGOOD: Thirdly, voluntary voting ties up an enormous amount of human activity and resources in an activity that could be avoided by the simple application of penal clauses. I referred to this matter when talking about the problems that the member for Glenelg would face if he campaigned under a system of voluntary voting. It is a tremendous waste of time, effort, and money to get people out to vote, and this could be far better spent on other things. Fourthly, voluntary voting diverts political activity away from

dialogue to the wasteful activities I have already outlined. Propaganda (and for the benefit of the member for Kavel, this happens in the United Kingdom) is directed to one's own supporters, urging them to vote, rather that being an appeal to supporters of the other side. This has the effect of completely stultifying political dialogue.

Fifthly, voluntary voting reacts against the itinerant person new in town, who has as much right to vote as anyone else but who does not know where the polling booths are. This situation is more likely to favour a Party that derives its support from people who have lived on the one patch of land, as their forefathers did for many years, as opposed to a Party that relies for support on people who have to go to various places during their life to obtain employment because of fluctuations in the labour market. Opposition members have said that there will be fewer informal votes under a voluntary voting system. We have two kinds of informal vote. The first kind is the deliberately informal vote, and I see no harm in a voter casting a deliberately informal vote. It occurs now when a voter does not approve of any of the candidates, the Parties, or their policies, and this situation would still obtain. It is right and proper.

The fact that there are deliberate informal votes under a compulsory voting system shows that voting is not compulsory, because these people are not compelled to vote for a candidate or a Party. They can opt out of the system when they get to the polling booth, if they want to do so. Accidental informal votes are a tragedy, but Opposition members can assist us in this matter by helping us to introduce a system of first past the post, or at least contingent voting whereby it would be necessary for a person to list not all his preferences but only his first preference or such preferences as are agreed should be listed. However, Opposition members are not willing to support us on this matter, and we wonder whether they are dinkum when they shed tears of blood about the size of the informal vote. This vote is not large and it has been declining for many years. The member for Kavel again raised his smoke screen about the percentage of votes and the percentage of seats the Labor Party gets from time to time. In this debate it was in relation to the last Commonwealth election. Having taken up this point before, I see no reason to again waste the House's time by trying to educate the honourable member. For his benefit I refer him to page 509 of *Hansard* for this session, where he will find a complete refutation of what he said in this matter on a previous debate and of what he has said in this debate.

What happens under compulsory voting is that the State says to the candidates and the political Parties, "Listen fellows; don't mess around with the business of pushing, cajoling, or bribing people to vote. We will do it for you." We can save the time, money, and expense tied up in this wasteful activity by the simple expedient of including the penal section in the Act. It is my observation that most voters in the electorate regard this not as an imposition but as a simple expedient that would enable this wasteful political activity I have described to be avoided.

One last point: Opposition members have been talking about principles and some have said that voluntary voting is more democratic. I wonder what they mean by "democratic"? I rather imagine that what they mean by "democratic" is more freedom and greater absence of compulsion. In other words, what they are saying is no compulsion, more freedom, voluntary voting. They are saying that voluntary voting is more voluntary when one analyses what they mean by "democratic". I am not willing to argue with them on that point, for there is no doubt that voluntary voting is more voluntary, as there is no doubt that red is red. One cannot argue with that contention, but logically it is trivial. The word "democracy" is derived from the Greek word "demos", meaning the people, and "democracy" means the people in control. Compulsory voting ensures that a person who is elected under compulsory voting is elected by a vote of the vast majority of the people. Voluntary voting leaves us open to the grave danger, first, that there will be only a small proportion of the people voting and, secondly, that many voters come out to vote not out of any severe conviction but merely because they have been cajoled or bribed by a political candidate or Party to come out and vote. As this is the complete antithesis of democracy, for that and many other reasons I vehemently oppose the Bill.

Mr. GUNN (Eyre): In supporting the Bill, I do not intend to waste time on a private members' day by delivering a 45-minute oration such as we have just had from the member for Mawson. What he has said during this debate reinforces the argument advanced by the Leader and Deputy Leader, as well as by other members on this side: namely,

that voluntary voting is in the best interests of the State. Not one member opposite has been able to justify compulsory voting. Various Government members have put up smokescreens in an effort to explain why we should not have voluntary voting, but the Government does not believe in giving the people the right to think for themselves.

Members interjecting:

The SPEAKER: Order! The honourable member for Eyre has the call and must be heard. I suggest that honourable members do not try to do what the member for Eyre does. I make this appeal to members, so that the honourable member can be heard in the utmost silence, and I hope that this sets an example for him on future occasions.

Mr. GUNN: I will continue, Mr. Speaker. The Government believes in compulsory voting because, as compulsory voting is written into the platform of its Party's policy, it is bound to support compulsory voting.

The SPEAKER: Order! There is too much audible conversation, and it must cease. The honourable member for Eyre.

Mr. GUNN: Thank you, Mr. Speaker. The Attorney-General accused members on this side of trying to introduce voluntary voting because we believed we would be far more successful at the poll, and he said our attitude had developed only because of our defeat last year. In my district, for as long as I have been going to meetings of my Party, I have always advocated voluntary voting, as have people in many other districts who do not believe in compulsion. Of course, one can advance many other reasons in support of voluntary voting. I believe that if people are not satisfied with the Administration, especially the present Administration, they will certainly turn out at the polls to throw out an irresponsible Government. If people are dissatisfied with a certain local councillor they will turn out at an election and be responsible for removing that councillor from office. The member for Mawson said that the L.C.L. was a wealthy Party, but we do not have members of the trade union movement collecting political levies for us, as do Government members.

Mrs. Byrne: You have a few organizers going around, though.

The SPEAKER: Order! The honourable member for Eyre.

Mr. GUNN: Members opposite have the whole trade union movement at their disposal. Every person who pays a union fee contributes to the A.L.P., and that is why that Party believes in compulsory unionism, even though, in so doing, it is breaking the Industrial Code in this State, a law it made for itself. The Minister of Labour and Industry has stood up in this place and advocated breaking the law in this regard. The member for Mitchell called our Commonwealth colleagues millionaires but I should like to know, for instance, in how many companies Mr. Hurford may be involved as a director.

Mr. Goldsworthy: He can't even afford to paint his house.

The SPEAKER: Order! The same rule applies to the Opposition as to Government members, and I am asking for order. The honourable member for Eyre.

Mr. GUNN: I commend the Leader, and particularly the Hon. Mr. DeGaris, for introducing this legislation which, if passed (and I sincerely hope it is passed), will show the people of South Australia that members on this side believe in democracy and in giving people the right to think for themselves.

Mr. KENEALLY secured the adjournment of the debate.

LAND TAX ACT AMENDMENT BILL (RURAL)

Adjourned debate on second reading.

(Continued from September 22. Page 1584.)

The Hon. D. A. DUNSTAN (Premier and Treasurer): I oppose the Bill, and in so doing, would point out to the Leader of the Opposition that the effect of this measure, if passed, would be to reduce the Government's prospective receipts for this financial year by about $1,000,000 and to increase the prospective deficit to well above $8,000,000. Already the State is facing the prospect of a large revenue deficit for this financial year which will add further to an already existing adverse balance of over $4,500,000 in the State's Revenue Account. The Government is not at all happy about the prospect with which it is faced, and in framing its Budget proposals was forced to make a number of difficult decisions in order to strike a reasonable balance between heavy and growing claims for increased expenditure to improve and expand essential services, on the one hand, and the need to review various forms of taxation and charges, on the other.

In considering revenue needs we had regard to many submissions for avoidance of increased charges in specific areas and claims for actual relief in others. One of the most pressing of these claims was that of the primary

producer who has found himself in the worrying position of having the technical capability to produce more than ever before from his property but who, because of the critical situation in certain export markets, has been faced with declining prices for his products, the imposition of production quotas, and barriers to the sale of his produce in certain oversea countries. In an effort to alleviate these problems the Government introduced last year certain measures which had the effect of reducing the amounts of land tax payable by the vast majority of primary producers by some 40 per cent below what they would have been on the basis of a new valuation, and this provided some relief even to those producers in the best position to withstand the effects of the fundamental changes that are occurring in our primary industries. When it became apparent that relief of even this magnitude would still leave many producers in a difficult situation, the Government introduced a further measure of relief by providing for a new assessment of primary-producing land which it is expected will fully reflect the decline in values brought about by diminishing profitability of rural production.

In this way the primary producer's liability for land tax will be further reduced this year, as will be the amount which he is called on to pay for the heavily subsidized country water supplies. It was suggested by the Opposition at the time, as is proposed in this Bill, that rural land tax be abolished altogether. Indeed, nothing would please the Government more than to be able to make reductions in taxation, but it was recognized on that previous occasion, as it is now, that a further reduction of about $1,000,000 a year in revenues from land tax would be a significant step. The Government considered then, and still considers, that in view of the uncomfortably large revenue deficit in prospect it just could not afford to give this additional concession or concessions in other areas.

In espousing the cause for complete abolition of rural land tax, the Opposition has referred to the situation in New South Wales and Victoria just as on a previous occasion reference was made to the situation in Western Australia. By way of reply to these suggestions that we can afford to follow the lead of some other States in abolishing land tax on rural land, I would point out that in South Australia we do not have the doubtful blessing of poker machine taxation, which will probably yield New South Wales some $40,000,000 this year. What is more my Government does not intend to give itself access to this tax even though such a decision might permit it to remove the burden of land tax from primary producers and to give some other concessions. Furthermore, we do not have the great advantage of huge mineral royalties which are expected to yield Western Australia about $35,000,000 this year and Victoria about $17,000,000. In the absence of such favourable influences on our Budget we must, for the time being, seek increased revenues in other ways and retain some imposts which may not apply in other States. Rural land tax, I am afraid, is one of them.

It is not that the Government lacks sympathy for the primary producer faced with the difficulty of selling his produce; it is not that the Government has set its face resolutely against concessions to the farmer; and it is not that the Government would deliberately refrain from doing more to help him in his present troubles. It is simply that funds of the magnitude required are not now available and are not likely to be available soon. The Government would like to give more help to all those engaged in agriculture—farmer and farm labourer; it would like to give more assistance to pensioners, to patients in nursing homes, to students at tertiary institutions, to Aborigines, to young people trying to establish a home, and to the whole multitude of people who may be assisted through the activities of the State, but, as the Leader will know from experience, there are severe financial limitations placed on any Treasurer, and the continuing problem of Governments always is to find the means of doing all that needs to be done.

In this discussion I would suggest that it is not reasonable to treat the matter of land tax on primary-production land in isolation. We should also have regard to other impacts on Government finances, including that of supporting rural development. As I pointed out to the House in introducing the land tax legislation in October last, the impact on the State Budget of measures designed to assist rural development and promote rural land values is much greater in South Australia than in other States. These measures include provision of rural water supplies (for which we are heavily taxing people in the metropolitan area), irrigation and drainage works, and low-rated rail transportation, all of which operate at very heavy and increasing losses. As an example, the Auditor-General's Report, tabled recently, shows that the deficit on country waterworks increased from $5,800,000 in 1968-69 to

$6,700,000 in 1969-70, and further to $7,200,000 in 1970-71.

It is also relevant to say here that in the area of estate and succession duties only two States, Victoria and South Australia, apply significant rebates in respect of land used for primary production. New South Wales, which is cited as an example in the land tax area, does not have such a remission. In fact, its estate duty charges fall much more heavily on people in this area. Taxes and charges will be kept under review and the Government will endeavour to see that unavoidable increases are applied as equitably and fairly as possible to the various sectors of the community. I point out again that many people in the rural area seem to be under the impression, from what has been published for them, that they are paying the main burden of land tax in South Australia. Actually they are paying only a small portion of the land tax, the urban land tax accounts being for about $7,000,000.

It may be possible to give some concessions from time to time but, having regard to the heavy and increasing pressures for services, particularly in education and health, the prospects for concessions are not bright. The most expensive area, for the most part, of extension of these services occurs in country areas. If we are to apply in country areas the developments, and the increases in services arising out of those developments in education and health services, and provisions of law and order, public safety and the like, we must have the revenue with which to do it. At this stage it is not practicable to abolish rural land tax, and the Government will not accept the Bill.

Dr. EASTICK (Light): I am not at all impressed by the information provided by the Treasurer. One cannot deny that he has spoken about the whole State, as he sees it, with heavy emphasis on the city scene. As most people undoubtedly live in the city areas, it might be said that this is where he should direct his attention. However, let us look at the other side of the picture and consider the masses of land and areas where difficulties lie. Would the Treasurer have it that people do not go out into country areas to produce the wherewithal for the continuance of life in the city? Would he have it that water, which is so essential to agriculture, especially with regard to stock and animal husbandry, should be denied to those people who are prepared to provide these services for the State? Would he take away from the State the income that is derived from grain, wool, meat and dairy products? The attitude adopted by the Treasurer is very one-sided.

The Treasurer may say that all I am offering is the rural view. However, I believe that the proper management of any organization demands the integration of all facets of that organization. I do not think one sector can be isolated just because it happens to have a greater cost factor weighted against it. Once again the Treasurer said, as he has said in the past and as many Opposition members have pointed out, that only a small part of total land tax is derived from rural lands. This Party, which is interested in people throughout the State and not only in those living in the city, will continue to suggest as part of its policy that the abolition of land tax in rural areas is important. The Auditor-General's Report contains some interesting information about declared rural lands.

Mr. Payne: Have a look at the Engineering and Water Supply Department provisions.

Dr. EASTICK: I will look at the provisions for the Railways Department, too. A sum of $19,500,000 is being used to keep the railways going. Would members opposite have it that the railways should be closed? Would they have it that people in rural areas should be denied access to water, as many are today? Obviously that is what they are saying. The figures show that there has been an increase in the number of people paying land tax. I suggest that the next series of figures, reflecting the situation that is unfolding in rural areas, will show a marked decrease in the number of persons paying land tax in respect of country lands. The rural press shows the number of mortgagee-forced sales, and this applies not only to rural lands but markedly to town lands in rural communities.

Further, as will become obvious as the picture unfolds, the number of people in rural communities, whether on the land or in country towns, who are entering into arrangements with the bankruptcy court is increasing. People are making these arrangements because they cannot be supported by the rural community, as it is barely existing at present, and also because, whether they are welders, general storekeepers, or agents, when they are asked to wind up their affairs they find it impossible to sell their assets for true value. They do not desire to leave their community, but they are forced to do so, with the stigma of being bankrupt and without having obtained

a reasonable amount of money for the sale of their assets.

This position is becoming more and more apparent in rural areas, and it will be apparent even to Government members, because it will be so obvious that they will not have to believe me and other members on this side about what are the facts. Rural land tax has been a vexed question in this House for about 15 or 16 months. The Government defied the facts presented to it by a viable Opposition that showed that the figures were incorrect. As I have said, the Treasurer told the House categorically that the amount of money that the previous valuation would provide was $1,000,000, a reduction of $100,000 on the amount raised in the preceding year.

Did he have the courage to tell the House the true facts? Did he make a Ministerial statement or tell the press and the people that his figures were incorrect? He did not do those things but left it for members on this side to prise from his Deputy, by questions, that the calculations were incorrect and that, instead of returning $1,000,000, the valuations would take $1,250,000 from the rural community. This lack of appreciation of the facts brings the Opposition to submit this Bill for the approval of the House. The measure will effectively help the rural community and improve part of the total scene in South Australia. I pledge my support for it.

Mr. CARNIE (Flinders): Like the member for Light, I was not impressed by the Premier's speech and the points that he made. His flat refusal to consider this worthwhile Bill introduced by the Leader of the Opposition was another example of the Government's attitude to the rural community in South Australia. Thousands of words have been spoken in this House on this subject in the last 12 months, and this shows its importance. Last year we considered a Bill to amend the Land Tax Act and provide for a 40 per cent rebate on rural land, but increased valuations completely nullified that measure.

Of course, a revaluation is not sufficient in this case, and that is why the Opposition has introduced this Bill. The subject has been re-hashed in the debates on two Bills and the no-confidence motion moved by this side, so most of us who have feelings on the matter have said almost all that can be said.

Dr. Tonkin: And we'll continue to say it.

Mr. CARNIE: As my colleague has said, we will continue to press the point. Opposition pressure forced the Government to provide some relief for the farmer in this way. The reasons for totally abolishing land tax have been given many times in the other debates, but I think the position is becoming more apparent all the time, because more and more people have realized at last that the farmers are in an extremely poor situation.

The once prosperous rural community is prosperous no longer. Throughout the State farmers are not merely trying to make a profit: many of them are fighting for survival. The member for Light has mentioned mortgagee sales, evidence of which can be seen in many newspapers, and it is a sad fact that these are increasing. No-one likes paying tax of any kind, but taxation is one of the unfortunate things with which we must live. We realize the need for any Government to raise revenue to provide the services that the people rightly demand.

However, land tax is payable regardless of whether a farm makes a profit: it is not a tax on profitability. It is payable on land value, and those of us who live in the country areas know that the valuations applying are completely unrealistic. The Government has admitted this a few weeks ago, when introducing legislation to provide for revaluation, because of the present depressed situation. That Bill was also an admission that the Treasurer's arithmetic had been badly out, as Opposition members had pointed out many times. As has been said today, the Treasurer did not have the courage to admit that. He first put his Deputy in the hot seat and then he introduced the Bill that we passed a few weeks ago. The method adopted by the Government on that occasion was wrong.

When these new valuations are made, they should be examined closely not only by the Opposition but by primary producers throughout the State to see that they are the true valuations. If there is to be a revaluation, it must be a true revaluation based on normal considerations for the time at which the revaluation is taken. However, I fear that it will be an across-the-board reduction and that all assessments will be fed into a computer and an even reduction made on all of them. This would not solve the problem. What about the many properties whose valuations have been increased six to eight times resulting, in some cases, in tax payable up to 20 times higher as a result of the sliding scale principle used in assessing land tax? What good would a 20 per cent reduction do for these people?

It would still not give a true picture of the depressed value of their land today.

Last year the Legislative Council appointed a Select Committee to investigate the effect of capital taxation on the survival of privately-owned business, manufacturing and primary industry in South Australia. Again we saw the Government's attitude concerning this matter when it flatly refused to have anything to do with the committee. The committee comprised five extremely able members. The committee's report is on members' files, and I commend it to all members because it makes interesting reading and because it gives a full picture of the effect of capital taxation. The committee's report gives the example of a taxpayer who appeared before it and who had an income of about $1,500.

The SPEAKER: Order! As there is too much audible conversation going on, it is impossible for the *Hansard* reporters to hear what the member for Flinders is saying. That practice must cease.

Mr. CARNIE: The man had to pay $3,500 in land tax, and this meant a loss to him of $2,000 in that year. The economic outlook of primary industry has changed for the worse. Farming has become appallingly unprofitable, and the position could deteriorate further unless relief is given and markets are improved. I do not pretend that capital tax or any other tax is the sole reason why farmers are in their present plight: one big factor is world markets. At the same time, because these markets are depressed these capital taxes add to the plight of the primary producer. Despite all this, which I am sure is well known to the Government, the Government seems reluctant to reduce valuations. Land tax has been abolished in Victoria and New South Wales, and has never applied in Western Australia, and I only hope that, now that Western Australia has a Labor Government, land tax will not be introduced. The Labor Party has shown itself to be unsympathetic to rural industry, and this cannot be denied.

When speaking to the Bill today, the Treasurer said that the Government was already budgeting for a $7,500,000 deficit and could not afford to give away the $1,000,000 that rural land tax would produce. That is a completely specious argument, because recently the Government gave $1,000,000 to purchase a building in King William Street that has been described as a copy of someone else's building. When all the accounts are in, this building will cost over $1,000,000, which is the sum we are asking to be given to farmers as relief from land tax. If the Treasurer really wished to do it, he could cancel the purchase of that building and use the $1,000,000 to offset any increased deficit he claims will result from giving farmers relief from land tax. The Estimates of Revenue, recently debated, show an increase in expected revenue from land tax from $7,500,000 to $10,000,000, an increase of $2,500,000 over all land tax, not only rural tax, and $1,000,000 is to come from primary producers; $1,000,000 is a small sum in comparison with the total sum.

The Treasurer made this point, but I am putting a different emphasis on it: this small sum could be given as the measure of relief to primary producers. All members know that this measure is necessary, whether or not they admit it. If the Government wants to do more than pay lip service to the man on the land, it will ignore its Caucus masters and support the Bill, which is designed to give some relief, albeit only a small measure, to this State's primary industry.

Mr. McANANEY secured the adjournment of the debate.

CIGARETTES (LABELLING) BILL

Adjourned debate on second reading.

(Continued from September 22. Page 1587.)

The Hon. L. J. KING (Attorney-General): I thought I should begin by congratulating the member for Glenelg on his initiative in bringing this legislation before the House. Since I have been a member I have frequently seen him handling and quoting from a certain little book to which he likes to refer. The book contains the platform and rules of the Australian Labor Party, and I always suspected that, if he kept at it long enough, he would find something in it that would edify him. Although it has taken him some time, he has at last found something there, and I commend him on his initiative in bringing it before the House, because the Commonwealth platform of the Labor Party refers to the desirability of instituting a campaign to warn the public of the health hazards involved in cigarette smoking. It also refers to a matter beyond this Parliament's competence, namely, advertising in respect of cigarette sales.

I think that most people are convinced of the health hazards involved in cigarette smoking, at any rate in cigarette smoking in quantity. I suppose this has always been so. Most of us, when young men, were warned by

our parents about the hazards involved in the smoking habit and, to that extent, there is nothing new about it. However, in the last few years greater point has been given to this matter by the linking of cigarette smoking to the specific danger of lung cancer, and this has reinforced in many people's minds the understanding that cigarette smoking in quantity has serious health dangers.

It is not for us as members of Parliament to try to resolve the scientific and medical problem involved, or to concern ourselves with how many cigarettes it might be safe to smoke, or to resolve what differences of opinion there are about the health hazards that flow from cigarette smoking. What is accepted by everyone is that excessive cigarette smoking involves a risk to health. Therefore, it is important to the community that it should be made aware of this health danger. I suppose there is room for a difference of opinion about whether the precise method of labelling is an effective method of doing this: it may bring the warning home to some people and, if it does, it has achieved something. The difficulty about the Bill is that it involves instituting this scheme of labelling of cigarette packets in one State, and this involves considerable problems.

If this law were confined to one State, manufacturers would be unlikely to label the packets, and it would be left to the retailers to do so. One can foresee considerable difficulty in that case. I understand that a similar law has been passed in New South Wales, but its operation has been made conditional on its being adopted by other States. I support the second reading, but in Committee I intend to move an amendment to provide that the Bill, if it becomes an Act, will operate on a date to be proclaimed and that that date is not to be proclaimed until most of the States have adopted similar legislation. Subject to that amendment the measure has my support.

Mr. GOLDSWORTHY secured the adjournment of the debate.

SPECIAL EDUCATION

Adjourned debate on the motion of Mr. Goldsworthy:

(For wording of motion, see page 889.)

(Continued from September 22. Page 1591.)

Mrs. STEELE (Davenport): In supporting the motion, I commend the member for Kavel for moving it. I was not present when the earlier speeches were made and, as I have a great interest in this subject, I have now read them. Obviously, the member for Kavel has done much research into the subject of handicapped children and the need to have some kind of committee to advise the Minister on aspects of their education. I also read with interest the speech of the Minister of Education in replying to the case put forward by the member for Kavel. He, too, obviously had a good grasp of the subject, but I was disappointed that, although he expressed interest in the proposition and accepted the idea in principle, he opposed the Bill. I quote section 47 of the Education Act, which was introduced in 1915. This section, never amended, provides:

> It shall be the duty of every parent of a blind, deaf, mute, or mentally defective child, from the time such child attains the age of six years until he attains the age of sixteen years, to provide efficient and suitable education for such child.

It has long since ceased to have any meaning because the accepted practice of educating handicapped children is for them to be educated at the earliest age. Generally, voluntary organizations have pioneered the earlier education of handicapped children, and at the pre-school section at Townsend House the Government has now accepted the responsibility for educating children under six years of age. This is only one section of the Act that badly needs urgent revision. Because of the initiative of and prompting by voluntary organizations, special schools have been set up by the Government. The idea of occupation centres was originally prompted by the Mentally Retarded Children's Society, and the setting up of speech and hearing centres was largely caused by the prompting and assistance of the South Australian Oral School.

This school was one the leaders in providing education before the age of six years, as laid down in the present Act. The Karmel report, referring to the education of handicapped chi'dren, suggests that 10 per cent of the school-age population suffers from some form of physical or mental disability. I should have thought that the figure would be much higher. As Chairman of a committee that conducted a survey of physically handicapped children in South Australia a few years ago, I discovered that the figure was higher than had been expected. With a total of about 26,000 children, according to this percentage, much difficulty has been experienced in providing special equipment and other facilities that are needed to educate children with specific disabilities, and also to provide properly trained teaching staff. For many years special education was almost the prerogative (and certainly

they accepted the responsibility) of voluntary organizations. With the growth of population and the consequent increasing incidence of children with various handicaps, the strain on the financial and physical resources of these organizations (which bore the heat and burden of the day) became too great.

In the past two decades more help, mainly financial, has been required in order to meet capital expenditure on buildings and equipment, and the cost of training teachers and the payment of salaries, and these organizations have sought help from successive Governments. It is to the credit of Governments in the last two decades that this help has been increased. The tendency now is for Governments to assume responsibility for the special education needed for handicapped children, and this is seen in the Government's taking over the education aspect of Townsend House, as well as the Woodville Spastic Centre and the Somerton Home for Crippled Children. Indeed, the Government is doing this on an increasing scale.

More and more occupation centres are being set up, although I clearly remember that when the first centre was established at Kent Town there was considerable surprise and dismay among those interested in the education of mentally retarded children at the number of parents who came forward with their mentally retarded children to take advantage of the facilities being offered at this centre. On one occasion, with the late Mr. Alec Melrose, I waited on the then Minister of Education (the late Hon. Reginald Rudall), whose wise administration and efforts were largely responsible for establishing that first occupation centre. However, other centres have followed in the success of that centre, and the demand for more and more centres of this type has grown as their worth has been established.

About eight or 10 years ago, members in this House asked question after question, seeking to have occupation centres established in their districts, knowing their value to the community through the education of handicapped children. Some special schools are still run by voluntary organizations, mainly consisting of the parents of handicapped children, and there is a great strain on these parents to finance the various undertakings in which they are interested and to provide accommodation for the children concerned. It is appropriate that one should pay tribute here to the hundreds of men and women involved in the work of these voluntary organizations who have rendered services to handicapped children throughout South Australia. One officer of the Education Department, to whom parents turned particularly for help in the early days of setting up these schools, was Mr. Piddington (Chief Psychologist of the department), whose services were always available and who worked unstintingly for the cause of handicapped children. Mr. Piddington will be remembered with great respect and affection by many parents of handicapped children.

Of course, the present Chief Psychologist of the department (Mr. Lasscock) and his staff have done a wonderful job over the years in helping and advising these people. Organizations running special schools share many problems in common, and I have referred to some of these schools. However, many of the people concerned are almost experts in their own field; they have done much research and raised much money, which they have used to obtain further information and to seek the expertise of people from other countries, who have been brought here to speak at seminars. These experts have not only talked to and advised various groups but have also had discussions with officers of the Education Department and, in some instances, with the Minister himself. Therefore, I believe they are in a singular position to offer advice to the Government. I cannot entirely agree with the Minister that the organizations are not necessarily equipped to provide the amount of professional advice that may be required by the Minister. As I have said, some at any rate are well informed indeed.

The same could have been said in the years before the Advisory Committee on Deaf and Hard-of-Hearing Children was appointed in 1955 by the then Minister of Education (Sir Baden Pattinson). Probably in no field of education was there such a divergence of opinion as there was amongst those involved in deaf education. Even after the setting up of the committee there was a good deal of bickering amongst the various organizations represented on it. It is because of the effort of successive Chairmen, who were all senior officers of the department (and I refer to Mr. Alex Paul, the late Mr. John Whitburn (then came a gentleman whose name I cannot recall for the moment), Mr. Les Dodd, who is now Superintendent of Primary Education, and the present Chairman, Mr. Allen Wood), and the extent to which members of that committee over the years reconciled their differences that the committee today is giving valuable service to children with hearing losses. The number

of children who have benefited from the overall supervision of that committee must by now run into many thousands. The committee has proved that a properly constituted and representative body in the field of special education can make a great contribution to the welfare of handicapped children in need of education.

There must be many parents who have reason to be grateful to the committee for the advice they have been given about the correct placement of their children in special classes. Members of the committee are in a position to advise the Minister of Education on matters referred to them by him. In addition, they are able to initiate advice on matters about which they believe he should be aware. I know about this, because I had the honour of being one of the foundation members of that committee, serving on it for about 13 years. Therefore, I know the value that it gradually developed in service to the community. I believe that the advisory committee suggested by the member for Kavel can do nothing but good. No doubt there are many groups that have a special interest. As I have said, they have problems that are common to many groups. The Minister referred to his offer to the Speld organization to liaise with him and form a special committee to deal with some of its problems.

The Hon. Hugh Hudson: That committee has now been formed.

Mrs. STEELE: I thank the Minister for the information. I believe that, if the Minister intends to appoint committees for all the various organizations that provide some special education for handicapped children, it will become a most unwieldy process. I support the member for Kavel in believing that a committee representative of these various organizations could well be formed. It could liaise with the Minister and officers of the Education Department, who would no doubt be nominated as members of the committee as, in fact, some officers of the department are today nominated by the Minister to serve on the executives of many of these organizations. I believe that a representative committee of that kind would be much easier to form, and small sub-committees could be appointed to deal with special matters relating to only one organization or another. I commend the member for Kavel on his motion, which I support.

Mr. GOLDSWORTHY (Kavel): I thank members of both sides who have contributed to this debate. Although a few members opposite indicated that they would like to support the motion, for fairly obvious reasons they cannot do so. I am disappointed that the Government has said that it will not set up a committee. As the member for Light and others have said, little expenditure would be involved in appointing the committee. We suggest that an officer could be made available to attend meetings. There is no thought of any large remuneration to members of the committee, which would be made up of voluntary members. Representatives of various organizations would be invited to participate. Several Labor members have indicated interest in and support for this motion; they have even seen fit to congratulate me on moving it. As this measure is not Party-political and as the expenditure of money is not involved, I had hoped that members opposite would exercise some sort of free choice in the matter and vote for the motion. It is rather cold comfort to have this expression of sympathy and support but to know that a vote from these members will not be forthcoming. I really cannot understand that attitude.

The establishment of this committee would demonstrate that the Government is sincere in its desire to help these disadvantaged children and their parents. This major area of concern is highlighted in the Karmel report. The inadequacy of the present Act is dealt with, and no doubt that Act will be amended in due course. I suggest that parents of handicapped children are the least able to provide education for their children, because in this field specialized help is essential. These parents face above-average medical and transportation expenses and the like. This is one area of education that has lagged significantly behind other provisions made for the education of normal, healthy children in our society. I thank the Minister for his contribution to the debate, even though he has said that he will not support the motion. Obviously he went to some pains to research this topic.

Mr. Venning: His staff may have done so.

Mr. GOLDSWORTHY: Yes. Even though the Education Department presently assumes considerable responsibility in this field, I consider that much could and should be done by this committee, which could glean much information. As many members have pointed out, it is generally accepted that 10 per cent of the school-going population has some appreciable handicap and requires special help. I emphasize that there is a great necessity

for research in the field of employment of handicapped people who have left school. I think that in this area South Australia lags behind New South Wales particularly. In whole areas of secondary industry handicapped people can be usefully employed and are, in fact, employed in some of the larger States. The record in South Australia with regard to the education of handicapped children is considerably better than the record in some other States. However, this does not detract from the basic argument that provisions in respect of this field of education lag significantly behind those made in other fields. I cannot accept the Minister's argument against appointing the committee, and he was the only Government member who had any clear argument against the committee. The first point he made was that many organizations were involved. I do not believe that. I think I cited nine organizations that would be interested in nominating members of a committee. The suggested committee would not be unwieldy, and this argument is not valid.

The Minister has said that he must rely on professional advice, but this committee would supplement that professional advice, so the Minister's second point is not valid. Thirdly, he has said that many parents show anxiety symptoms, and the like, and that this makes them unsuitable to be on an advisory committee. Of course parents exhibit anxiety, but I do not believe, from my contact with them, that this precludes them from serving on a committee. These parents comprise many professional people who hold executive positions in these organizations, and I do not think these people are swayed unduly by anxiety. They have a keen desire to help these children by serving on such a committee, so I think that that reason also is not valid.

Fourthly, the Minister said that we should encourage development of the professional. I agree, but I think that this committee would be a tangible show of interest by the Education Department. Only one officer would need to be made available to serve on it, and this is the kind of encouragement that these people desire. The Minister has said that the department is interested in forming relationships, and and I see a need to band these organizations together to get an overall assessment of needs and planning in this area.

I cannot refute the statement that specialization is involved, but I think that a general committee of this kind would show the parents and the organization that the department was interested in their views and willing to give time to consider the problems and co-ordinate activities so as to arrive at a tangible programme of planning to overcome the serious deficiencies in this field of education. The motion should commend itself to the House, and I trust that a majority of members will support it.

The House divided on the motion:

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

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

Majority of 5 for the Noes.

Motion thus negatived.

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

MEDICAL PRACTITIONERS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

MINING BILL

In Committee.

(Continued from September 1. Page 1320.)

Clauses 2 to 5 passed.

Clause 6—"Interpretation."

The Hon. G. R. BROOMHILL (Minister of Environment and Conservation): I move:

After the definition of "declared equipment" to insert:

"extractive minerals" means sand, gravel, stone, shell, shale, or clay but does not include fire clay, bentonite or kaolin:

This amendment foreshadows a major amendment that I shall move latter. With your concurrence, Mr. Chairman, and that of the Committee, I should like to deal with the major amendment now. Discussions have been taking place for some time between the quarrying industry and the Mines Department with a view to providing a fund in connection with quarrying work. As a result of the Mines and Works Inspection Act, which was passed last year, the quarry operators were required to clean up their areas and make plans for rehabilitating them. It was thought by the quarrying industry and the department that, if a fund were set up for the purpose, it could be drawn upon for planting trees and lawns, establishing ovals and general levelling.

The discussions that took place led to an agreement between the parties involved. It

was earlier expected that the fund would be built up in another way, but it has been found that that is not possible. Consequently, it is necessary to provide for it in this Bill. The remaining amendments dealing with this matter will cover what is required to set up the fund. A five per cent royalty, which will be paid on all the quarry and extractive materials, will be placed in a special fund and used to restore land to an extent over and above what can be considered under the Mines and Works Inspection Act to be normal quarry requirements.

Mr. Millhouse: Five per cent of what?

The Hon. G. R. BROOMHILL: It is a 5 per cent royalty.

Mr. Millhouse: Can you give us a reference to that?

The Hon. G. R. BROOMHILL: A future amendment, which inserts new clause 62a, relates to the fund. The royalty is 5 per cent for extractive minerals. This matter has been discussed for some time with the quarrying industry. It meets with its approval because it permits it to co-operate with the Government in rehabilitating land after mining activities have finished.

Mr. EVANS: Can the Minister say whether it is 5 per cent of the value of the material at the time it is extracted or whether it is 5 per cent of its value after being treated? Can the Minister also clarify the definition of "fire clay"? I take it that the fire clay referred to is that used in pottery work and not in brick manufacture.

The Hon. G. R. BROOMHILL: I refer members to clause 17, to which later I shall be moving an amendment to provide for the actual percentage. It will then read:

The amount of the royalty shall be 2½ per centum or, in the case of extractive minerals, 5 per centum of the value of the minerals as assessed for the determination of royalty.

Mr. COUMBE: The Minister has said that he has had discussions with the quarrying industry interests. As this new definition includes "shale or clay", which can be used in the brick industry, will he say whether he has had discussions with the brick industry, too?

The Hon. G. R. BROOMHILL: No. The discussions have been confined to the quarrying industry.

Mr. EVANS: This charge will be a direct impost on the housing industry and on the average house builder, as it will increase the cost of tiles, bricks and foundation materials, although the increase may not be great. It appears that no discussions have taken place with the brick and tilemakers or with the sand pit proprietors, and this charge will affect them just as much as it will affect the crushed rock quarry proprietors. I realize that the quarry proprietors are in favour of setting up a fund to reclaim and beautify areas after they have finished quarrying them. However, are they happy about the 5 per cent, and are they happy to leave the determination of the value of the material to the Minister?

The Hon. G. R. BROOMHILL: The industry is satisfied with the 5 per cent levy. True, there will be a slight increase in prices. Nevertheless, the industry and the Government consider that these areas should be cleaned up in a reasonable way; this will be in the best interests of the community and the environment.

The Hon. D. N. BROOKMAN: I do not object to the legislation defining extractive materials, if such definition is necessary for purposes of the royalty. However, I wish to speak about the principle of levying a royalty.

The CHAIRMAN: I have allowed the Minister to explain the amendments generally, because one depends on the other. We are dealing now with the first amendment: the others will be considered *seriatim*.

Mr. GUNN: The definition of "declared equipment" has caused concern in the opal industry, particularly regarding the type of equipment that will be declared. The Bill, rather than the regulations, should spell out what equipment will be affected.

The Hon. G. R. BROOMHILL: The main purpose of the definition is to cover bulldozers. However, it is necessary not to confine the definition of declared equipment, because changes may occur in relation to equipment.

Mr. GUNN: Will the Minister—

The CHAIRMAN: We are dealing with an amendment, and Standing Orders do not allow members to go back. The amendments to this clause must be disposed of, and then the honourable member can seek further information about clause 6.

Amendment carried.

The Hon. G. R. BROOMHILL: I move:

After the definition of "precious stones" to insert:

"proprietor" in relation to a private mine means the person divested of his property in the minerals for the recovery of which the mine is operated or a person lawfully claiming under him:

This, too, depends on the overall proposals to which I have referred. It is necessary, in

order to provide for a royalty on the quarrying industry, that the royalty will be payable on extractive minerals that are recovered from mines other than private mines. The royalty in that instance will be appropriated specifically to the rehabilitation fund, and the definition is necessary to establish clearly the person who is principally liable for the payment of the royalty. It is necessary for us to include a definition of the proprietor of the mine.

Amendment carried.

Mr. GUNN: As many people purchase equipment on hire-purchase and have heavy commitments, it is important that they know what equipment will be declared. Will equipment other than bulldozers (for example, drills) be declared?

The Hon. G. R. BROOMHILL: I assure the honourable member that the Government intends to proclaim only bulldozers as declared equipment. Therefore, as any further alteration to the regulations will require the consent of both Chambers, an opportunity to canvass this point will arise then.

The Hon. D. N. BROOKMAN: Why is the definition of "mineral lands" not included in the definitions in this clause? At present it is provided separately in clause 8.

The Hon. G. R. BROOMHILL: At present the definition of "mineral lands" is embodied in the regulations. The intention is to continue the practice.

Clause as amended passed.

Clauses 7 and 8 passed.

Clause 9—"Exempt lands."

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

In subclause (1) (*d*) to strike out "one hundred and fifty" and insert "four hundred".

As far as I can see, the present provision is directly in conflict with what we provided in the amendment passed last year to section 132 of the Pastoral Act wherein we provided that the distance involved would be 440yds. I take it that 440yds. would be about 400 metres, and I suggest that the Committee insert 400 metres. The distance of 150 metres is not sufficient, particularly when we are dealing with livestock and watering points.

The Hon. G. R. BROOMHILL: I regret that I cannot accept the amendment. I am not sure whether the member for Alexandra realizes that under clause 80 the provisions of the Pastoral Act are embodied in this measure, but the Pastoral Act does not apply throughout the State. It covers all land not included in any hundred, except Aboriginal reserves and national parks, and covers overall 75 per cent of the occupied area of the State and 52 per cent of the total area. Nothing in this Bill takes away any rights under the Pastoral Act and, while this distance will apply in the pastoral districts of the State, the provision of 150 metres will apply in the more closely settled areas. If, within those areas, we make the range as wide as it is in the far country areas that are subject to the Pastoral Act, that will reduce the opportunities for mining in settled areas and virtually make it not worth the effort.

Mr. GUNN: Whilst opal miners want these facilities protected, a miner may make a claim profitable but then be prevented from mining because someone erects a building on the land. Has this matter been considered?

The Hon. G. R. BROOMHILL: Clause 9 (2) makes clear that any improvement to land after commencement of the claim will not invalidate the claim.

The Hon. D. N. BROOKMAN: In view of the Minister's statement about the Pastoral Act in relation to the distance of 150 metres, I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. D. N. BROOKMAN: Subclause (1) provides:

Subject to this section—

(*a*) land that is lawfully and genuinely used— . . .

(ii) as an airfield;

Many airfields in the State are not approved by the Department of Civil Aviation, but they are used as private airstrips. Can the Minister confirm that land that is genuinely used as an airfield but is not licensed by the Department of Civil Aviation will come within this provision?

The Hon. G. R. BROOMHILL: I give the honourable member that assurance.

Clause passed.

Clauses 10 and 11 passed.

Clause 12—"Delegation."

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

In subclause (1) to strike out "The" and insert "Subject to subsection (1a) of this section, the"; and to insert the following new subsection:

(1a) A power or function shall not be delegated under subsection (1) of this section unless it is a power or function declared by regulation to be subject to delegation under this section.

One could make nonsense of an Act by providing all sorts of reasons for the Minister to delegate responsibilities. Subclause (1) provides:

The Minister may delegate to the Director of Mines any of his powers and functions (except this power of delegation) under this Act.

As it stands, the clause makes the Bill rather weak. The new subclause shows exactly what powers can be delegated. There are times when the Director of Mines has to appear in court over certain matters. The Minister, in turn, has certain powers. The Committee should accept my amendments, which would tighten things up a little. Otherwise, people will not know where they are.

The Hon. G. R. BROOMHILL: I am happy to accept the amendments.

Amendments carried; clause as amended passed.

Clause 13 passed.

Clause 14—"Misuse of information."

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

To strike out "An officer appointed under" and insert "Any person employed in the administration of".

The provisions of this clause apply only to the Director, wardens, inspectors and possibly a few other people in the Mines Department, but many other people would have access to information from time to time which, if they were so disposed, they could use personally, and I see no reason why the Act should not cover these people as well. As far as I know, there is no suggestion that in South Australia there has even been a problem of this sort but, as we are framing legislation, it is reasonable to make it as watertight as possible so that any person employed in the administration of this Act will not use information for his personal gain.

The Hon. G. R. BROOMHILL: As it was intended that all persons in the department would be subject to this provision, I accept the amendment.

Amendment carried; clause as amended passed.

Clause 15—"Powers of Director."

The Hon. D. N. BROOKMAN: Subclause (4) provides that the Minister may publish in such manner as he thinks fit the results of an investigation or survey under this section. I think the Minister should publish in an appropriate manner at regular intervals not exceeding 12 months the results of all investigations and surveys under this section. There is no reason for secrecy or for longer intervals than 12 months. The provision should read that the Minister shall publish the results of all investigations and surveys. What is the Minister's own view?

The Hon. G. R. BROOMHILL: An annual report, embodying all the surveys taken by the department, is published each year, and this practice will continue. However, there might be an isolated survey, the results of which might not warrant publication; so the Minister's discretion still stands, and I think this is a reasonable provision.

Clause passed.

Clause 16—"Reservation of minerals."

Mr. MILLHOUSE: I oppose this clause, as it is wrong that we should take away people's property rights. Honourable members may know that titles which were issued before 1899, I think, carry with them the mineral rights, which have some value. As the clause will not affect the general principles of the Bill, I see no reason why it should be retained. I am not the only person to protest about this matter, as many people outside have made similar protests. I should like to quote from an opinion concerning this matter, as follows:

While it may seem to the Government an historical anomaly that land alienated from the Crown prior to, I think, 1889 should carry with it the right to the subjacent minerals and that all land alienated after that date was shorn of that right, it nevertheless remains a proprietary right and should not be resumed without just cause and without proper compensation. One is led to suspect that the legislation is specifically directed against the people living in the Kanmantoo area who own the mineral rights to their land. As you are aware there has been much interest shown, not only by Broken Hill South but other more speculative companies, in that land. Some landowners have been able to bargain for the sale or lease of their mineral rights or the right to go upon their land for prospecting purposes, upon reasonably attractive terms and it seems probable there is considerable mineralization in the area.

The opinion continues:

In the present state of rural industry the loss of mineral rights could be a serious blow to a landholder, in that it will not only deprive him of his rights to bargain with a mining company for the right to enter upon his lands but also to the rights to royalty in the event of minerals being produced. I know from my own experience that landholders in the Kanmantoo district have been saved from financial disaster following the falling in commodity prices, only by their ability to make an attractive bargain with the mining companies in relation to their mineral rights. Furthermore, the loss of the mineral rights also results in the landowner being left virtually defenceless against any holder of a miner's right who wishes to come on his land and search for minerals.

The opinion continues:

It is particularly important in closely settled areas, such as the Adelaide Hills, that landholders' property be protected as far as possible from damage or destruction. Mining operations are notoriously destructive, and after they have been carried out it is virtually impossible to restore the land to productivity.

Kanmantoo mines operation will devastate several hundred acres of valuable grazing and cropping country.

This is the opinion of someone who is more familiar with that area than I am, but it illustrates what we are doing by including this clause. I hope the Committee will vote against the clause and that the Minister, who must have had representations about this matter, will agree to delete it.

The Hon. G. R. BROOMHILL: I regret that the Government cannot agree with the honourable member. This matter was canvassed thoroughly, and the decision was not made lightly by the Government. Some of the statements in the letter read by the honourable member are not correct, particularly concerning the question of landowners being completely unprotected. Obviously, there is a fundamental difference between the Government and the member for Mitcham on this matter. I cannot agree to his proposal.

The Hon. D. N. BROOKMAN: It is not only a fundamental difference between the Government and the member for Mitcham, for a fundamental difference in the whole principle of land ownership seems to be involved. The people to whom I spoke were most dissatisfied with this clause, which vests all the property and minerals in the Crown. This means that in some cases we are taking away a most valuable asset. The only purpose seems to be to take royalty rights from some private person's pocket (such a person having in some cases paid for that privilege) and, without compensation, give them to the Government. The Minister argued that this had been done in the Petroleum Act and for the purposes of uranium prospecting in the 1940's. On this subject, an authority states:

It seems to me that the cases are entirely different. No-one paid more for land or has been paid more for land prior to 1940 because of any possiblity of petroleum being beneath the surface. In South Australia mining for minerals has taken place since the earliest days of the colony and it is a fact that many landholders have considered the worth of known mineral deposits on land in determining the price paid or the price at which to sell.

As he said, mining goes back to the early traditions of this colony. By agreeing to this clause, we will be sweeping away part of the rights of landowners. There are many lands over which the owner has no right to the minerals and for which he is paid nothing. In these cases, the person concerned has paid, or someone before him has paid, for the mineral rights, which are now being taken away. No argument has been advanced to justify this.

Mr. ALLEN: From the early days of this country when the land was taken up before 1889, the pioneers purchased these mineral rights, which have been held ever since. In some cases the properties were disposed of and the original owners retained the mineral rights. An instance of this occurred at Burra. When the original Burra mine ceased to operate over 100 years ago, the whole property was purchased for several hundred pounds. The then purchaser retained the mineral rights on the property but the property changed hands several times. It was not until a few years ago that the mineral rights went with the last purchaser. Fortunately, it was the Burra Burra council, which now owns the mineral rights of that mine, and it looks as though it will be a most profitable venture. For those property owners who have had these mineral rights for over 100 years, it is a bad show that the Government can take away the rights so abruptly.

Mr. RODDA: The Minister said that this was a conflict between the Government and the member for Mitcham, but many members on this side support the member for Mitcham. We commend him. This clause is nothing but a straw in the wind of blatant Socialism.

Members interjecting:

The CHAIRMAN: Order! The Committee is dealing with clause 16, the reservation of minerals, and the debate will continue on those lines only.

Mr. RODDA: What I am saying has reference to clause 16. The members for Mitcham, Alexandra and Frome have mentioned specific instances and I raise the general matter that, in one fell swoop, a principle is being swept away, and I protest most strongly.

Mr. HOPGOOD: I ask the Committee to take no notice of what members opposite have said. They have not told the Committee what the owner of the land is losing. Under this Bill, the owner of the land will retain all royalties in perpetuity. Under the present Act people can go on to private land, subject only to the warden's consent and to 14 days' notice being given. Under this measure, it will be subject to 21 days' notice being given. This gives more protection to the landholder.

Dr. EASTICK: I also protest about this clause. I repeat that some of my constituents have purchased specifically the mineral rights to a property, at a cost. Notwithstanding what the member for Mawson has said, I still consider that this is a loss by the individual

of the right to assign and to make use of the benefit that he has in the land. I protest on behalf of many constituents, particularly in the Kapunda area, where copper is known to exist in properties that were purchased for a particular purpose, because the owners would be able, under the contract, to retain the mineral rights.

Mr. COUMBE: The member for Mawson, after being primed by the Minister, drew a red herring across the trail. What he has said does not line up with what the clause provides. Fundamental rights are being taken away from people who have enjoyed them for many years, and no compensation is being given to these people. As has been said previously, persons have the right to operate, and they have had rights to royalties. Properties have been purchased at prices that took account of the minerals present. Under this clause the Government is striking a solid blow at a fundamental personal right of many citizens, and I strongly object to that.

Mr. EVANS: I, too, oppose the clause. At present a person owning the mineral rights to his property can decide whether minerals will be mined or not, but if this clause is passed he will lose that right. The member for Mawson should be the last to support the clause, because some people, owning mineral rights to their land, wish to preserve the land as it is for the sake of conservation. If this clause is passed people can go on to the land, take out a lease, and mine the minerals. At present the decision about mining the land is in the hands of the owner of the land, who bought the rights to the minerals when he bought the title to the land. A person would buy a salt lake only for the sake of the salt; he will receive royalties, but he may not wish to mine the salt immediately. He may wish to mine it later.

The Hon. G. R. Broomhill: He has two years.

Mr. EVANS: If this clause is passed he will lose the right to decide whether the salt will be mined and who will mine it, and I object to that.

Mr. MILLHOUSE: I presume the member for Mawson was anticipating debate on another clause when he spoke as he did. If he was thinking of clause 19, I can tell the Committee that it is not worth the paper it is written on, because it leaves everything up to the Minister and gives no security and no right to an expropriated owner. That is just what this clause does: it provides for straight-out expropriation of a property right. It is all very well for Government members to jeer at the member for Victoria when he mentions Socialism, but this clause is the most blatant form of nationalization and socialization of an asset: it transfers an asset from private ownership to the Government without any suggestion of compensation whatever. In view of one of the Minister's remarks about the letter I quoted from, I shall quote the final paragraph of that letter:

I understand that when the Minister of Mines introduced the Bill—

I think it was this Minister—

he made some superficial comment to the effect that mineral rights were a historical anachronism and they had never been regarded as having any real value. This is simply not true. On the information available to me, on the sale of land which carries with it a right to minerals, some regard must be had to the mineral rights. While this may not have been of great significance before the present mining boom, there is no doubt that considerable emphasis would now be placed on mineral rights.

I do not think anything more can be said. There is, in fact, a fundamental difference between the outlook of the Government Party and that of my Party. We stand for honesty and fair play in Government, but the Government apparently does not give anything for those considerations. I hope the Committee will reject this clause.

The Hon. G. R. BROOMHILL: From what members opposite have said, it is obvious they do not clearly understand the position. Any current mining operations on private land or any such operations commencing within two years of the passing of this Act will not be subject to its provisions; they will fall outside the Act. The member for Mawson has adequately pointed out that in other cases royalty is paid for any mining operations taking place on those properties.

Mr. WARDLE: I support the previous speakers from this side. The period of two years would not be long enough in my district, where explorations that have been taking place for many years are still incomplete. This clause would remove from the owner a right that he should retain. While perhaps in years gone by not much but at least some value was attached to the mineral rights pertaining to a property, it has been obvious in the last two years that great emphasis has been placed on their value in connection with property. Successful mining operations have been carried on in my district and mineral rights play an important part in the sale or purchase of land there.

Dr. EASTICK: The Minister said that, so long as mining operations commenced within two years of the passing of this Act, the rights of the individuals would be maintained. Before seeking further information, will the Minister tell the Committee exactly what will comprise adequate mining operations, so that the person concerned can maintain what have in the past been his inalienable rights?

Mrs. STEELE: I support my colleagues on this. The Government's intention is made clear when it says that a person can be divested of his mineral rights on a property under this legislation. I remember the stir there was some years ago when the then Premier (Sir Thomas Playford) tried to do much the same thing at Brukunga, where the pyrites mine is located. That attempt was defeated. Those people retained their mineral rights and to this day are collecting royalties from the pyrites mined on their properties.

Dr. EASTICK: In case the Minister was too involved in discussion when he was being questioned just now, may I again ask him whether he will tell the Committee what will constitute adequate mining operations within this two-year period so that the individual concerned will be able to maintain his inalienable rights?

Mr. EVANS: Is it true that a person who owns the rights to minerals on his property can allow or disallow the mining of the minerals? If two years after the Act is passed he has not started mining on the property, can any person peg a claim or take out a mining lease on the land he still owns?

The Hon. G. R. BROOMHILL: Yes. That is the position, except that, after two years, he is entitled to the royalties from the operations and to lodge an objection against the entry of mining interests on to his property.

Mr. Coumbe: Who gets the royalties?

The Hon. G. R. BROOMHILL: The man who owns the land. He is entitled to object to a warden's court in respect of anyone entering on to his land.

Mr. MILLHOUSE: Twice the member for Light asked a question of the Minister: the first time the Minister may have been excused for not having heard it because he was talking to one of his colleagues. The honourable member repeated his question, and I am satisfied that the Minister was listening on that occasion. He got up to answer another question, but obviously he deliberately omitted to answer the member for Light whose question, as I understand it, concerned what would constitute the adequate establishment of a mine within two years to the Minister's satisfaction. I suggest that the Committee is entitled to a reply to the question; certainly the member for Light is entitled to a reply, and if we do not get a reply, I am suspicious about the Minister's intentions.

The Hon. G. R. BROOMHILL: I did not answer the question, because I thought that it had been answered adequately at least twice and that Opposition members were trying to delay the Committee unnecessarily. I have pointed out several times that mining operations are currently being carried out or which will be in operation within two years of the proclamation of the Act may be registered as private mines during that time and they will not be subject to the Act. The operators must commence operations and register as a private mine, and they will not be subject to the Act.

Dr. EASTICK: What minimum activity would constitute a mining operation so that a person would qualify?

The Hon. G. R. BROOMHILL: Application must be made to the Mines Department by a person who wishes to have part of his land declared a private mine.

Dr. TONKIN: The two-year period does not mean anything. Because this clause is a violation of fundamental rights, I oppose it.

Mr. EVANS: What would the position be in the case of a landholder who owns the mineral rights because of the age of the title but intends to maintain the land in its natural state? What happens if a mining company takes out a lease and starts operating and offers him a royalty? What right does this man have in future to preserve his land against mining operations, except an appeal to a warden or by some other means, as provided in the conservation clauses?

Mr. HOPGOOD: In other clauses considerable power to protect the amenity of any area is vested in the Minister. If we were to rely on the individual landholder to protect the environment we could be in some sort of a mess. As that is the present position, it indicates that we cannot rely on individual landholders. Some landholders would want to hold the land for conservation purposes and I salute them, but the powers are available for the Minister to reserve land for this purpose and the owner must make submissions to the Minister.

The Hon. D. N. BROOKMAN: By what he has just said the member for Mawson betrays his inherent antipathy to private ownership of land. He said that later in the Bill provision

is made that the Minister shall have regard to amenities and so on, but there is nothing in the Bill to protect the interests of conservation. These matters have only been raised following considerable protests from the public and the Opposition, with the result that there are certain amendments on the file. Members opposite do not like private ownership, and they are usually frank about it. This clause removes from people who want to preserve their land in its natural state their power to do so unless the Minister approves. I know people who want to do what the member for Fisher has suggested and who have felt secure in their right to do it, but they will not be secure under this provision unless the Minister backs them up. I do not see why they should be placed in this position. This is a further objection to the clause in addition to those already raised by the member for Mitcham and me.

Mr. McANANEY: I strongly oppose the clause, which will affect considerable land in my district. I know people who have brought land, paying more for it in the belief that it held minerals. Although people who own mineral rights should not be able just to sit on the minerals, I cannot see any justification for taking away these rights. The Minister said that, after they had been divested of the mineral rights, these people would still get royalties. How is that possible?

Mr. SIMMONS: I suggest that the member for Heysen read the Bill, which clearly sets out that a person who is divested of mineral rights will get royalties from a mine subsequently established on the land. The members for Fisher, Alexandra and Heysen have said that this takes away the right of people to sit on minerals. That is the point at issue. The member for Fisher would disagree with me, because he believes in private interests whereas we believe in the public interest. We do not think it right for people to sit on minerals and leave them undeveloped when, in the public interest, it is better that they should be developed, having regard to the principles of conservation.

Mr. GUNN: The member for Peake has let the cat out of the bag. This is Socialist legislation to divest people of their rights and property. It is a back-door method of nationalization. The Minister is using a double standard and confusing the issue by saying on the one hand that the Government will take these rights away from people and, on the other, that it will give them back.

The Committee divided on the clause:

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

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

Pairs—Ayes—Messrs. Burdon and Dunstan. Noes—Messrs. Ferguson and Nankivell.

Majority of 3 for the Ayes.

Clause thus passed.

Clause 17—"Royalty."

The Hon. G. R. BROOMHILL: I move:

In subclause (1) to strike out "(otherwise than from a private mine)".

This is a consequential amendment. An earlier amendment provided that a royalty would be payable to the Government for the purpose of a rehabilitation fund, and this amendment will mean that it will apply in relation to minerals recovered from a private mine.

Amendment carried.

The Hon. G. R. BROOMHILL: I move:

In subclause (2) after "per centum" to insert "or, in the case of extractive minerals, 5 per centum".

The amendment will mean that the amount of the royalty shall be 2½ per cent of the value of the minerals, with the exception that, in the case of extractive industries, it shall be 5 per cent. This royalty will be collected and used for the rehabilitation fund to which I referred earlier.

The Hon. D. N. BROOKMAN: Can the Minister give us a few figures of what this will mean? We are here dealing with materials used in roadmaking and other construction work; they are materials of great bulk and tonnage. Can the Minister say what the total amount of money involved will be and its effect upon the roadmaking and building industries?

The Hon. G. R. BROOMHILL: I can answer those questions broadly. For this rehabilitation fund about $200,000 a year will be available, of which it is considered that about $50,000 will come from direct Government use (highways and other activities) while the remaining $150,000 will come from the joint fields mentioned. It seems clear that the amount of these materials that would be used

in normal brick construction or in other manufacturing processes of that type would be minimal.

Mr. EVANS: Can the Minister say how much of that money will be added to the building industry as distinct from roadmaking and general construction? Even in road construction there is an added cost to the average house owner because of the future cost of the development of roads, kerbing and drains. Also, is it the value of the product on the floor of the quarry or mine that is taken into consideration? Where and when is the 5 per cent royalty determined? I take it it would be on the floor of the quarry but there could be some doubts about that. I do not object to this sort of provision, for we need to set up a fund for the reclamation of quarried areas and the planting of trees and lawns. We should have more specific information about where the value is determined, however. Is it before or after work is done on the material?

The Hon. D. N. BROOKMAN: In the report of the Director of Mines for this year, the following production figures were given: road stones, including dolomite, $1,100,000; limestone for road purposes, $6,300,000; quartzite, $4,200; and sand, $2,300,000. All of these categories are extractive minerals. According to the report, those minerals are valued at $13,900,000, and 5 per cent of that is $700,000. The Minister's estimate is $200,000, of which $50,000 will be paid by the Government for highways and other purposes and private industry will pay $150,000. Will the Minister check his figures?

The Hon. G. R. BROOMHILL: The figures the honourable member has quoted include the total production for all Government and local government quarries. I cannot give complete details in reply to his questions or the questions asked by the member for Fisher. However, I understand that the figure will be $200,000. The rate of royalty is set on the value of the material on the floor of the quarry prior to crushing. This would make a difference in the figures given by the member for Alexandra. The figure in relation to bricks would be about 15c a thousand; other than that, one can only generalize on the amount of extractive materials that would be used in building a house. Although these costs will be passed on, the cost in relation to house building will not be great.

The Hon. D. N. BROOKMAN: Will the Minister have these figures checked and, if there is a considerable discrepancy, will he rectify the matter before the legislation is passed?

The Hon. G. R. BROOMHILL: If he asks me such a question next Tuesday, I will ascertain the details about this matter.

Amendment carried.

The Hon. G. R. BROOMHILL: I move:

In subclause (5) after "served" to insert "(*a*)", and after "recovered" to insert:

or

(*b*) in the case of a private mine, upon the proprietor of the private mine.

This is a consequential amendment.

Amendment carried.

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

In subclause (6) to strike out "twenty-eight" and insert "sixty".

A period of 28 days is too short to deal with this important matter, because landholders would require advice, and some documentation would be necessary.

The Hon. G. R. BROOMHILL: I am happy to accept the amendment.

Amendment carried.

The Hon. G. R. BROOMHILL: I move:

To strike out subclause (10).

This provision is now redundant, because of the amendments previously carried.

Mr. GUNN: What will be the effect of this provision on freehold and leasehold properties?

The Hon. G. R. BROOMHILL: If the honourable member is asking whether people will be required to pay royalties if there are extractive materials on such land, the answer is "Yes".

The Hon. D. N. BROOKMAN: The royalty to be paid on extractive minerals is to be 5 per cent. Does that mean that the royalty in relation to freehold land will now be 5 per cent, whereas under the Bill as drafted no royalty was payable? The Minister has said that the royalty in relation to other land will be 2½ per cent.

The Hon. G. R. BROOMHILL: We were not going to get any royalties on extractive minerals from any sort of land, freehold, leasehold or whatever type of land. Now we are providing for a 5 per cent royalty on extractive minerals, and that applies in relation to any sort of land on which a mining operation may be conducted.

Mr. GUNN: Will a person who holds the freehold title of a property receive royalties?

The Hon. G. R. BROOMHILL: This does not affect royalties paid to such a person: it deals only with the royalty payable to the Government.

Amendment carried.

The Hon. D. N. BROOKMAN: Are opals included amongst precious stones on which royalties are not to be paid?

The Hon. G. R. BROOMHILL: Yes. Precious stones are earlier defined, and we here spell out that royalties will not be paid on any precious stones, including opals.

Clause as amended passed.

Clause 18 passed.

Clause 19—"Private mine, etc."

The Hon. G. R. BROOMHILL: I move:

To strike out subclause (1) and insert the following new subclause:

(1) Where—

(*a*) a person is divested of his property in any minerals under this Act;

(*b*) a mine had been established at the commencement of this Act for the recovery of the minerals, or is established within two years after the commencement of this Act;

and

(*c*) an application is made in writing to the Minister for a declaration under this section, and the application is supported by such plans and information as the Minister may require,

the mine shall be declared by proclamation to be a private mine and where such a declaration is made the mine shall, subject to this section, be exempt from the provisions of this Act and the minerals may be dealt with and disposed of in all respects as if this Act had not been enacted.

During the second reading debate Opposition members criticized the fact that the declaration of a private mine was at the discretion of the Government. The Government, as I have said, never intended, where a proper case had been made out, to declare a mine a private mine for the purposes of the new Act. To remove any doubts, this new subclause is proposed. It provides a statutory right to the declaration of a private mine where a proper application has been made for such a declaration.

Amendment carried.

The Hon. G. R. BROOMHILL: I move:

In subclause (2) to strike out "make a declaration under subsection (1) of this section and may, by subsequent proclamation, revoke such a declaration" and insert "revoke a declaraion under subsection (1) of this section".

This amendment is consequential on the insertion of new subclause (1) and makes clear that it is now a right rather than a matter for the exercise of the Government's discretion.

The Hon. D. N. BROOKMAN: New subclause (1) has provided that, if certain conditions are complied with, a mine shall be declared by proclamation to be a private mine, but subclause (2) seems to take away the benefit by providing that the Governor may revoke a declaration under this subsection.

The Hon. G. R. BROOMHILL: The subclause now provides that the Governor may, by proclamation, revoke a declaration under subclause (1) if he is of opinion that the mine is not being effectively operated. If this occurs, there ought to be that provision. I think the honourable member's point is that this counterbalances the benefits provided in subclause (1). In this instance it is provided that, if the mine is not being effectively operated, the Governor may revoke the declaration.

Dr. EASTICK: Will the Minister say exactly what is meant by "effectively operated"?

The Hon. G. R. BROOMHILL: Various provisions deal with the effective operation of a mine. Subclause (3) provides that a declaration shall not be revoked unless the warden's court has determined that proper ground exists for the revocation under subclause (2).

Mr. GUNN: Does this provision mean that the Minister can stop an opal miner from operating because the Minister considers that the miner is not operating effectively? This clause gives the Minister a wide power. I remind him that many people in the opal-mining industry operate in a small way and would not be able to appeal.

The Hon. G. R. BROOMHILL: This provision does not affect opal miners.

Mr. RODDA: Does the provision apply to quarries?

The Hon. G. R. Broomhill: Yes.

Mr. RODDA: How does it affect quarries?

The Hon. G. R. BROOMHILL: Its purpose is to provide that, if the Mines Department believes that a mining operation is not being worked or is not being effectively operated, that department has the opportunity to recommend that the declaration be revoked.

Amendment carried.

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

(3a) Royalty is, subject to and in accordance with the provisions of this Act, payable upon extractive minerals recovered from a private mine but is not payable upon any other minerals so recovered.

This amendment is consequential on earlier provisions dealing with the rehabilitation fund.

Amendment carried.

The Hon. G. R. BROOMHILL: I move to strike out subclause (4) and insert the following subclause in lieu thereof:

(4) While a mine continues as a private mine under this Act, the property in any minerals recovered from the mine shall—

(*a*) in the case of all minerals except extractive minerals pass to the proprietor of the mine upon recovery of the minerals;

or

(*b*) in the case of extractive minerals pass to the proprietor of the mine upon, and in consideration of, payment of royalty,

and any contract, agreement, assignment, mortgage, charge or other instrument in operation immediately before the commencement of this Act and relating to proprietary rights in the minerals shall, subject to its terms, apply to the minerals so recovered upon the passing of property in those minerals in accordance with this subsection.

The new subclause is also consequential on the fact that royalty will now be payable upon extractive minerals that may be recovered from a private mine. It is necessary to provide for the passing of the property in the minerals from the Crown. This subclause is in line with the provisions of clause 18.

Amendment carried.

The Hon. G. R. BROOMHILL: I move:

To strike out subclause (6) and insert the following new subclauses:

(6) Where—

(*a*) a person is divested of his property in any minerals under this Act;

(*b*) a mine is established for the recovery of the minerals;

and

(*c*) an application is made by the person so divested of his property in the minerals or a person lawfully claiming under him to the Minister for the payment of royalty under this section,

the Minister shall pay all royalty collected upon such of those minerals as are recovered after the date of the application to the person so divested of his property in the minerals or the person or persons claiming under him.

(7) An application shall not be made under subsection (6) of this section in respect of extractive minerals.

(8) The Minister may, subject to the rules of the Supreme Court, refer an application under subsection (6) of this section to the Land and Valuation Court.

(9) Where an application is so referred to the Land and Valuation Court, the Court shall determine whether the application is valid and, if so, to whom, and in what proportions, the royalty should be paid.

The purpose of these new subclauses is to give a person who is dispossessed of his property in any minerals under the new Act, or a person who is claiming under him, a right in perpetuity to any royalty recovered in the minerals once due application has been made for the payment of the royalty. As with mineral titles at present there is some confusion, and in any event an application may be made many years from now, provisions are inserted to enable the Minister to obtain the advice of the Land and Valuation Court on the matter of to whom the royalty should be paid. This provision does not apply to the extractive industries: in that case the royalty will be paid into the rehabilitation fund. The clause now provides that a person can claim in perpetuity any royalty that may be recovered from the minerals.

The Hon. D. N. BROOKMAN: The present subclause (6) provides:

Where a person is divested of his property in any minerals under this Act, and a mine is established for the recovery of the minerals within 10 years after the commencement of this Act, the Minister shall pay to that person, or to a person lawfully claiming under him, all royalty collected upon the minerals.

Can the Minister compare that subclause with the new provisions?

The Hon. G. R. BROOMHILL: The subclause I am seeking to strike out deals with a mine established for the recovery of minerals within 10 years after the commencement of this Act. We intend to strike out that restrictive period of 10 years so that any minerals recovered at any time in the future will be subject to royalties to the owner of the mine.

Amendment carried; clause as amended passed.

Clause 20—"Issue of miner's right."

Mr. GUNN: What will the prescribed fee be?

The Hon. G. R. BROOMHILL: The fee will be $2.

Clause passed.

Clause 21—"Renewal of miner's right."

The Hon. D. N. BROOKMAN: Must the miner's right be renewed every year? What will happen to the unlucky miner who never finds anything: must he go on renewing his licence at $2 a year?

The Hon. G. R. BROOMHILL: Yes. At present, it is an annual charge of $2.

Clause passed.

Clause 22—"Rights attaching to miner's right."

Mr. GUNN: Subclause (2) provides that a miner's right shall not authorize the conduct of mining operations that involve disturbance of any land by machinery or explosives. Does that mean that a pick and shovel might be used?

The Hon. G. R. BROOMHILL: Yes. The miner's right permits the miner to prospect the area. However, if he wants to dig it up,

he pegs a claim and proceeds in the proper way. If he does not want to take out a lease on the area, he has no legal right to the claim.

Mr. GUNN: Regarding subclause (3), the opal miners who operate under a miner's right will lose this privilege. They will not be able to mine with a miner's right but will have to apply for a precious stones prospecting permit.

The Hon. G. R. BROOMHILL: That is correct.

Clause passed.

Clauses 23 to 25 passed.

Clause 26—"Minerals claim not transferable etc."

The Hon. D. N. BROOKMAN: This seems to be an unusually harsh provision. Much legislation provides that such things as mineral claims and irrigation permits are not transferable. However, the authorities may in time come to recognize that these should be transferable. In this case, the mineral claim is not transferable by right, but there seems to be a good case for making it transferable, with the Minister's permission, to another person. Will it be possible in most cases for a mineral claim to be transferred from one person to another, perhaps on a mineral field?

The Hon. G. R. BROOMHILL: No, it prevents that from happening. Its object is to prevent improper dealings in mineral claims. If a claim is of any value it can be transferred into a mineral lease, and this then gives the opportunity for a clear examination of any transactions. This clause prevents any undesirable practices.

The Hon. D. N. BROOKMAN: I suggest that there will be occasions when the Minister will want mineral claims to be transferable to another person.

Clause passed.

Clause 27 passed.

Clause 28—"Grant of exploration licence".

The Hon. G. R. BROOMHILL: I move:

In subclause (1) after "precious stones" to insert "and extractive minerals".

The object of the amendment is to ensure that, because someone holds an exploration licence, they shall not be excluded from the right to peg for both precious stones and extractive minerals in the area.

Amendment carried.

The Hon. G. R. BROOMHILL: I move:

In subclause (4) after "precious stones claim" to insert "or a claim in respect of extractive minerals".

This is a consequential amendment.

Amendment carried.

The Hon. D. N. BROOKMAN: Subclause (5) provides that the Director may hold an exploration licence, and there may be good reasons why he should do so. I suggest that there should be a report either quarterly or every six months to the Minister, and that the Minister should publish annual statements on the operation of exploration licences, particularly about the cost of each licence to operate and about what is being found. If there is not such a provision, valuable information could just pile up in the department. It would be better that there should be no secrecy about this, with the licence under which the Director operates being open at all times.

The Hon. G. R. BROOMHILL: The information to which the honourable member refers is provided in a half-yearly publication called *Mineral Resources Review*.

The Hon. D. N. BROOKMAN: The Western Australian committee on mining to which I referred in an earlier debate regards these exploration licences, some of which can be extremely valuable, as being of great importance. Under the Bill, the Minister has complete power whether or not to grant such a licence. Although I do not believe we should go as far as the Western Australian committee's suggestion that the licence should be applied for in an open court hearing, in view of the fact that it is inevitable that mining will increase in importance in this State and that exploration licences will become matters of tremendous contention, I should like to hear the Minister's opinion whether he thinks it is wise for a Minister to have such unfettered power.

The Hon. G. R. BROOMHILL: No, I do not think that is the case.

The Hon. D. N. BROOKMAN: If the Minister agrees with me, well and good.

Mr. Langley: I don't agree with you.

The CHAIRMAN: The member for Unley is definitely out of order.

The Hon. D. N. BROOKMAN: I take it that the Minister considers that these powers are too wide for a Minister to have.

The Hon. G. R. BROOMHILL: I thought I made the point that I did not think that was the case. Certainly, it has not been proven to have caused any problems in the past. I am sure that the honourable member has not received any complaint that anyone has been refused an exploration licence unfairly, so there is no reason to change the situation.

Unless the honourable member can point to some obvious weakness, I do not think the powers are too wide.

The Hon. D. N. BROOKMAN: An earlier clause was amended to restrict the Minister's right to delegate to the Director to a power or function declared by regulation to be subject to delegation. I consider that the issue of exploratory licences should not be provided by regulation. Does the Minister agree with me on that?

The Hon. G. R. BROOMHILL: Yes, I agree with the honourable member on that point.

Clause as amended passed.

Clause 29 passed.

Clause 30—"Incidence of licence."

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

(2) The Minister shall in determining the conditions subject to which a licence is to be granted under this Part give proper consideration to the protection of—

(*a*) the natural beauty of the area in respect of which the licence is to be granted;

(*b*) the flora and fauna for which that area, or any portion thereof, is a natural environment or habitat;

(*c*) any geological or physiographical features of the area that are of special interest;

and

(*d*) any buildings or other objects of architectural or historical interest,

and the conditions must be such as, in the opinion of the Minister, afford adequate protection against detriment resulting from the conduct of mining operations in pursuance of the licence.

I am wondering whether this new subclause (2) should be shown that way.

The CHAIRMAN: A clerical adjustment will be made. The first part of the clause will become subclause (1), and the Minister has now moved to insert new subclause (2).

The Hon. G. R. BROOMHILL: The clause as it stands, without this new subclause, certainly provides the Minister with power and responsibility to include in any exploration licence restrictions to protect the factors mentioned in the new subclause. The clause provides:

An exploration licence shall— . . .

(*b*) be subject to such conditions as may be prescribed and to such additional conditions as the Minister thinks fit and specifies in the licence.

The provision was drafted in that way to ensure that the Minister would be able to require an applicant for an exploration licence to comply with the conditions. Because of the doubts expressed about the amenities clause, my aim in this provision is to spell out clearly what the Minister will be required specifically to take into account before he approves an exploration licence.

The Hon. D. N. BROOKMAN: I support the amendment. I have received many representations about this matter and I have discussed it with the Minister since the second reading debate.

Mr. HOPGOOD: I congratulate the Minister on this amendment. I believe that the Minister, in granting an exploration licence, should give special consideration to the amenity of the area. Will the Minister consider each application separately, or will he have surveys undertaken as part of an overall plan, so that the public at large will, before an application is made, have some idea whether the licence is likely to be granted by the Minister?

The Hon. G. R. BROOMHILL: Each licence is considered on its merits, and consideration is given to the features of an area that will be affected by an exploration licence. However, this practice will probably not be continued, because the Government intends, when the Planning and Development Act is next amended, to consider whether it will be possible for the State Planning Authority to deal with all the State in a way similar to the way it has dealt with Kangaroo Island and the Flinders Range. The State Planning Authority may establish areas in the State where special care should be taken in connection with mining operations. Such an examination would simplify the tests the Minister would need to apply when he is considering an application for a licence, because he would have as a guide the material provided by the State Planning Authority. It would be useful if the public was aware of the areas for which exploration licences were being sought. Consequently, I intend as soon as possible to ensure that in future all applications for exploration licences shall be advertised in the *Government Gazette* at least 30 days before they are granted. In this way, if a member of the community who sees an application for an exploration licence in a certain area wishes to draw to my attention any item of interest, such as we have set out in this amenities clause, that can be taken into account when the protection of those areas is being considered.

Mr. EVANS: On that point, will the Minister consider, too, advertising in the provincial press and in the daily newspaper where the operations are being carried out? It would not cost very

much and would be helpful to the many people who do not see the *Government Gazette* unless it contains something of special interest to them. It is desirable that the whole community should have an opportunity of having these matters brought to its notice.

The Hon. G. R. BROOMHILL: I shall be pleased to consider that suggestion.

Amendment carried; clause as amended passed.

Clauses 31 and 32 passed.

Clause 33—"Cancellation, suspension, etc., of licence."

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

In subclause (4) to strike out "subsection (3) of".

That part of the subclause would then read:

Where the Minister exercises his power under this section, the holder of the licence may apply to the Land and Valuation Court for an order . . .

At present, subclause (4) provides that, where the Minister exercises his powers under subsection (3) only, there is a right of application to the Land and Valuation Court. Subclause (3) provides:

Where in the opinion of the Minister any land comprised in an exploration licence is required for a public purpose, the Minister may, by notice published in the *Gazette*, excise that land from the total area comprised in the licence and thereafter the licence shall not be of any force or effect in relation to that land.

While subclause (4) performs a useful function, the rest of this clause is not subject to any form of appeal from the Minister's decision. The clause deals with the cancellation or suspension of licences and matters of great importance, just the sort of administrative acts so frequently criticized as being under Ministerial control, with no right of appeal. Ministers should have wide powers in this Parliament. There is a general tendency in the community to want to restrict too much the powers of the Executive. In general, however, the tendency should be to give Ministers more power, provided that they are subject to Parliament. However, certain actions by a Minister should be tested by evidence in court. How does the Minister decide that a licence should be suspended or cancelled? He decides on information given him. However, there is no requirement that he should hear people in their own defence or their legal advisers: he can take this action without any form of hearing.

I know the Minister may be prejudiced against lawyers; some Ministers have been known to think that lawyers are too noisy or pernickety. The Minister may say, "I will not have a lawyer in my office arguing the toss. The man has obviously not done the right thing with his exploration licence. I am not going to fool around with Q.C.'s and the like." If the Minister says that, he is taking a grave responsibility and placing great reliance on information from his department. I do not like the idea of the Minister being the sole judge in this matter, because exploration licences are important and can be of considerable value. There should be some way in which the evidence on which the Minister has acted can be tested. If the amendment is carried, it will provide at least that the licensee can go to the Land and Valuation Court and argue the whole affair; in effect, it would give him a right of appeal, whereas he has none under the Bill.

The Hon. G. R. BROOMHILL: I cannot accept the amendment. I do not think the member for Alexandra has given sufficient reason for the Government to depart from the current practice. The amendment is simply a rewriting of the provision that has worked for many years without causing any problem. Clause 33(1) provides:

Where the holder of an exploration licence has contravened or failed to comply with any provision of this Act or any condition of the licence the Minister may suspend the licence (whereupon the licence shall, during the period of suspension, be of no force or effect) or cancel the licence.

Under this provision the Minister acts when there has been a contravention or failure by the person to observe the legislation, and not where there has been a judgment of the Minister. If injustice has been caused by the present provisions (which are being rewritten into this Bill), I would be sympathetic towards this proposal, but unless the honourable member can show a real reason for hardship being caused I see no merit in the proposal.

Mr. MILLHOUSE: The Minister has said that, because the provision had always worked well, he would not alter it. This is a most extraordinary attitude, and one suspects that he does not have any real argument against the amendment. I see no reason why we should allow a right of appeal in circumstances provided for by subclause (3) but refuse such a right in respect of subclauses (1) and (2). This clause provides that the Minister must in theory (but one of his officers will do it in fact) be the judge. I am not satisfied with that situation if there is to be no appeal. The right of appeal should be given in all

circumstances, because a person may be significantly affected by a suspension or a cancellation of his licence. Unless the Minister can adduce arguments against it, I strongly support the motion.

The Hon. G. R. BROOMHILL: This is not an appeal to the Land and Valuation Court. It is a right of the holder of a licence to apply to that court for the Minister to compensate a person for money he has spent. This is satisfactory in the case of subclause (3) where, through no fault of his own, the operator is told that his asset is required for public use, and he should therefore be compensated. This amendment does not provide for the person to have the right of appeal against that decision: it simply gives him the right to go to the court and be compensated. If this person has acted improperly (and he would have had to act in that way under the conditions of subclause (1)) and the Minister acts properly and suspends or cancels his licence, I would not object if the honourable member suggested that he should have the right of appeal against the Minister's action.

Mr. Millhouse: That is what this amendment does.

The Hon. G. R. BROOMHILL: It does not provide for that: it provides that the holder of a licence may apply to the Land and Valuation Court for an order that the Minister compensate him for the moneys expended by him. That is significantly different from an ordinary appeal. I sympathize with what the honourable members are saying but, as no problems have previously arisen, and as the amendment does not fit in with what they have been saying, I would not be happy to accept it. If an amendment is moved that provides for an avenue of appeal rather than in respect of the direct provision for compensation, perhaps we could look at that, but I do not think the matter is that important.

The Hon. D. N. BROOKMAN: The Minister referred to the previous provision in the Act, but we should take this opportunity to tidy up the legislation, because there is certain to be tremendous expansion in the mining industry. Great value is now attached to an exploration licence, the cancellation of which could involve huge sums. The Minister is correct when he says that the amendment relates to an application for compensation rather than to an appeal. However, before a person can go to the court the Minister will have acted on information received about misconduct and will have cancelled the licence. At that stage, the evidence will not have been tested by a court, and I want to provide that it is so tested. If an application were made for compensation, that would take the nature of an appeal. However, as the member for Mitcham has prepared a further amendment, I ask leave to withdraw the amendment now before the Chair so that I can move another.

Leave granted; amendment withdrawn.

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

(1*a*) Where a licence is cancelled or suspended under subsection (1) of this section the licensee may within 28 days after the cancellation or suspenion appeal to the Land and Valuation Court and the court may, if it is satisfied that there is no proper ground for the cancellation or suspension, declare that cancellation or suspension void.

I think that amendment is reasonable. It provides for an appeal.

The Hon. G. R. BROOMHILL: The amendment seems to solve the problems in the honourable member's earlier proposal and I accept it.

Amendment carried; clause as amended passed.

Clause 34—"Grant of mineral lease."

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

(5) The Minister shall in determining the terms and conditions subject to which a lease is to be granted under this Part give proper consideration to the protection of—

(*a*) the natural beauy of the area in respect of which the lease is to be granted;

(*b*) the flora and fauna for which that area, or any portion thereof, is a natural environment or habitat;

(*c*) any geological or physiographical features of the area that are of special interest;

and

(*d*) any buildings or other objects of architectural or historical interest,

and the terms and conditions must be such as, in the opinion of the Minister, afford adequate protection against detriment resulting from the conduct of mining operations in pursuance of the lease.

The amendment is similar to that moved regarding exploratory licences. This new subclause applies to mining leases granted by the Minister.

Amendment carried; clause as amended passed.

Clauses 35 to 41 passed.

Clause 42—"Issue of precious stones prospecting permit."

Mr. GUNN: Subclause (2) provides that an application for a precious stones prospecting permit must be accompanied by the

prescribed fee. The cost is not stated, and I object to this fee being prescribed by regulation.

The Hon. G. R. BROOMHILL: It is intended, in the regulations, to prescribe a fee of $10 for the permit and reduce the registration fee from $10 to $2.

Clause passed.

Clause 43—"Term of permit."

The Hon. D. N. BROOKMAN: Does the Minister consider that the provision may be too severe on an unlucky miner who has not found any precious stones but has to pay $10 a year?

The Hon. G. R. BROOMHILL: If a miner finds at the end of 12 months that things have gone so badly that he cannot afford to pay the $10, he will not be able to continue mining for long, anyway. In that case, he will have to work for someone else until he has accumulated further funds to enable him to mine on his own account. I believe that the fee of $10 is reasonable.

Clause passed.

Clause 44—"Rights of holder of permit."

Mr. GUNN: In connection with subclause (2), can the Minister say how a person can prospect without disturbing the surface of the soil? The provision will hamper mining and prospecting. At present opal miners go 30 miles from Coober Pedy and conduct drilling operations.

The Hon. G. R. BROOMHILL: A prospecting permit allows an opal miner to examine the surface of the soil, without using a bulldozer or drilling holes, to decide whether an area is interesting and whether he should peg a claim. If he pegs the claim, he can then mine the area. That is the logical way of proceeding. A miner should not be permitted to tear up countryside over which he has no rights.

Clause passed.

Clause 45—"Area of claim."

Mr. GUNN: I move:

In subclause (1) to strike out "maximum permissible area" and insert "2,500 square metres".

This clause is another example of the Government's doing everything by regulation and refusing to define its aims. I want the opal miners to know exactly where they stand.

The Hon. G. R. BROOMHILL: I cannot accept the amendment. I have pointed out to the honourable member several times that the proposal will be dealt with in the regulations, together with many other things I have referred to. It would be most inconsistent if we included an area for precious stones in the Act while all other areas will be set out in the regulations. I assure the honourable member that the area in the regulations will be as he proposes. If we accepted this figure of 2,500 square metres, the area could be of any shape whereas, broadly speaking, it must be 50 metres by 50 metres, with a slight variation allowed for in certain cases. The regulation will be similar to the present regulations that stipulate a square 50 metres by 50 metres, with in some cases allowance being made for odd shapes where a regular shape is not practicable.

Amendment negatived; clause passed.

Clause 46 passed.

Clause 47—"Rights conferred by claim."

Mr. GUNN: This clause could make all mining operations illegal, for paragraph (*a*) refers to conducting mining operations, subject to the provisions of the Act. Relating this clause to clause 44 (2) could make any mining operations illegal. As this has caused concern and confusion in the minds of the miners, can the Minister give an explanation?

The Hon. G. R. BROOMHILL: This is substantially the provision in the existing Act; the problems referred to have not arisen.

Mr. GUNN: I am not satisfied with the Minister's explanation; he has not allayed my fears. Can he assure me that this clause does not mean that all mining will be illegal, in view of clause 44 (2), and that it will not impede opal miners?

The Hon. G. R. BROOMHILL: I can assure the honourable member of that but I cannot understand that he believes that the two clauses are related. We are talking about a precious stones claim here, but earlier we were dealing with prospecting. I see nothing in this clause detrimental to the opal miners.

Clause passed.

Clauses 48 to 51 passed.

Clause 52—"Grant of licence."

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

(4) The Minister shall in determining the terms and conditions subject to which a licence is to be granted under this Part give proper consideration to the protection of:

(*a*) the natural beauty of the area in respect of which the licence is to be granted;

(*b*) the flora and fauna for which that area, or any portion thereof, is a natural environment or habitat;

(*c*) any geological or physiographical features of the area that are of special interest;

and

(*d*) any buildings or other objects of architectural or historical interest,

and the terms and conditions must be such as, in the opinion of the Minister, afford adequate protection against detriment resulting from the conduct of any operations in pursuance of the licence.

It provides that, where the Minister is issuing miscellaneous purposes licences, environmental factors must be taken into account.

Amendment carried; clause as amended passed.

Clauses 53 and 54 passed.

Clause 55—"Term of licence."

The Hon. G. R. BROOMHILL: I move:

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

(2) The holder of a miscellaneous purposes licence shall, if he has complied with the provisions of this Act and the terms and conditions of the licence, be entitled, at the expiration of the term of the licence to the renewal of the licence for a further term.

(3) Where a person who is entitled to the renewal of a miscellaneous purposes licence under this section makes due application for the renewal of the licence within three months before the date of its expiry, the Minister shall renew the licence for a term, not exceeding twenty-one years, determined by the Minister.

This amendment has been moved at the suggestion of, I think, the member for Alexandra in the second reading debate. The clause has been redrafted to provide that the holder of a miscellaneous purposes licence shall have the absolute right to renew his licence, provided that he has complied with all of the conditions of the licence and the provisions of the Act.

The Hon. D. N. BROOKMAN: As the amendment is an improvement, I support it.

Amendment carried; clause as amended passed.

Clauses 56 and 57 passed.

Clause 58—"Notice of entry."

The Hon. D. N. BROOKMAN: Under this provision, landholders could suffer possible hardships. Regarding subclause (5), I do not see how the objector could be expected to know what operations were intended. He might very well object and say that mining, in general, on the land would despoil it, but he might not know the extent of the mining or the methods to be used. The onus will be on the objector, who might be the owner, to show that this provision would be a severe or unjust hardship. Would it not be better if the onus was on the operator to show that he would not cause severe hardship to the owner of the land?

The Hon. G. R. BROOMHILL: This position is a considerable improvement on the present position, where the owner of a miner's right can enter on mineral land, peg his claim and commence work without giving notice. It is reasonable to expect that, once a person has been notified that mining or exploration work will be carried out on his property, he could inquire about what was to be undertaken. I cannot see that there will be any hardship.

The Hon. D. N. BROOKMAN: I have received complaint from several surprised landholders. The provisions of this Act have existed for many years, but only occasionally do landholders realize what can be done. Often the owner finds out that the operations will be more extensive than they were expected to be. Under the provisions of subclause (2) he may object to various things within three months after service of a notice, but that time may not be long enough to ascertain what will happen. Will the Minister say whether there is merit in lengthening this time or making some other provision that will give the owner the chance to object should the extent of the work be greater than it was expected to be at the beginning of the operation?

The Hon. G. R. BROOMHILL: The subclause provides for three weeks' notice of entrance to be given. Following that time, the owner may, at any time within three months (so that it is virtually four months from the time of first contact), establish clearly what will be undertaken on his property and take steps to rectify the position. I consider that three months is a reasonable time for the landholder to establish just what will be done. However, I shall be happy to consider some increase in that period.

The Hon. D. N. BROOKMAN: I think it would be an improvement if 12 months was the period.

The Hon. G. R. Broomhill: Six months.

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

In subclause (2) to strike out "three" and insert "six".

This may not be the entire solution to the problem, but it is an improvement. After a year or two an owner may find that the operation has exceeded what he foresaw. Will there be some control over the operator, or will the owner of the land have some opportunity to object to an extension of operations?

The Hon. G. R. BROOMHILL: I accept the amendment. With the extended time of six months, the owner will have time to determine what the future use of the land is likely to be and whether he may seek to have restrictions placed on that operation.

Amendment carried; clause as amended passed.

Clause 59 passed.

Clause 60—"Restoration of land."

Mr. GUNN: This clause gives an inspector such wide power that he could prevent a person from earning his living. An inspector could tell a bulldozer operator orally on one day to do certain things and on another day he could tell him something different. It is wrong to expect the Committee to accept such a wide clause, because it could affect the industry detrimentally. These people are struggling to make a living.

The Hon. G. R. BROOMHILL: The mining inspector would conduct himself properly and would require the site of a mining operation to be restored to a proper condition. An operator who is dissatisfied with the directions given may appeal to the wardens court. There may be merit in the honourable member's point about an order being made orally, and I will accept an amendment to delete the provision regarding an oral order and provide that an order must be made in writing.

The Hon. D. N. BROOKMAN: In terms of subclause (1), there is no appeal against the opinion of an inspector, and that provision is too strong, because there is no qualification.

The Hon. G. R. BROOMHILL: We have tried to state clearly what the inspector must undertake, but that is almost impossible. I will not go into the matter in great detail, because it has been dealt with in connection with bulldozer operators cleaning up the area where they have been bulldozing. The inspectors have the responsibility to ensure that the operator restores the ground, to the best of his ability, to a reasonable condition and to contour it to provide for safety and the protection of the environment. It is impossible to use those terms in the Bill; it is up to the inspector to use his discretion in connection with the contours of an area. Officers of the Mines Department used one of the old bulldozed areas as an example, so that they could show the opal miners what would be expected of them. Bulldozer operators who believe they have been unfairly dealt with can appeal to the warden's court and right through to the Minister. I repeat that the Government has made it clear to the operators that it does not expect them to fill up a cut completely. The Government expects them to fill in the part of the bulldozed cut with steep edges (which would be dangerous) and to contour the land as best they can, to preserve the amenity of the area and the safety of the people there.

Mr. HALL (Leader of the Opposition): I should like the Minister to explain in greater detail what is expected of the miners in connection with levelling. The Minister said that the dangerous edges of the open cuts must be treated to remove the danger and that the heap must be contoured to some degree. He said it would be impossible to expect the miners to fill in the entire cavity. What is meant by "contouring the heap"? No doubt the Minister has seen the heaps. Must they be reduced in height and spread out, or can they remain as high, symmetrical heaps? Large sums could be spent in simple contouring, let alone filling in and cutting away the edges. What does the Minister mean by "removing the danger from the edges", in the case of a claim almost totally cut out? I should like the Minister to give a better technical explanation of this tremendously important matter.

The Hon. G. R. BROOMHILL: I regret that I cannot quickly put my hand on a reply that I recently gave to the member for Eyre about this matter. I pointed out that the old bulldozed area that the Mines Department used as an example had been levelled out and the deep end of the bulldozed operation had been filled in. The face at the end of the operation is usually sharp and deep and steep. In the operation that was used as an example, about 45 per cent of the overburden went back into the fill, and the remainder was spread around the top of the bulldozed operation. Although it was quite a large operation, it was performed in less than five hours. The work involved will obviously demand more time being spent by the bulldozer operators in this area, but it is rehabilitation work that we think is required. That is the reason for the proposal.

Mr. HALL: This will be an obvious imposition on those people who mine and will greatly increase the burden of expense before opal is found by those who have a bad run in the field. The Minister will be aware that some people go for months or even years before getting a find to recompense them for their large-scale efforts. I am interested in the standard that will be applied to the rest of South Australia and in how fairly the Government will apply it. Will the standard be applied to all such cavities, large or small? How far will the Government apply this order for restoration in the case of large-scale quarries and work done by Government

departments? Will they have to maintain a similar standard of back-fill operations?

The Hon. G. R. BROOMHILL: The Leader talks about Government operations. I am not clear what sort of work he is referring to.

Mr. Hall: I want to know whether this standard will apply to the winning of materials in Government mining operations.

The Hon. G. R. BROOMHILL: It is already applicable under the Mines and Works Inspection Act to a greater degree than we intend shall be the case with the opal miners.

Mr. HALL: All members are familiar with the large-scale mining operations at Leigh Creek. Does the Government intend to apply the same standard of back-filling of dangerous cuts and contouring to the Leigh Creek area? That area has not been contoured to the standard that the Minister will apply to the opal fields. Will the Minister be fair in the application of this power and require the Electricity Trust to back-fill and contour to the same standard as will apply to the opal fields?

The Hon. G. R. BROOMHILL: I am afraid I am not familiar with the operations of the Electricity Trust at Leigh Creek but, if the bulldozing operations that the Leader is speaking of are comparable with those at the opal fields, I shall be pleased to investigate the matter to see whether these same provisions should apply; but I am afraid I am not familiar enough with the position at Leigh Creek to know whether a comparable situation exists.

Mr. HALL: The Minister should be familiar with the situation at Leigh Creek. Does the Minister of Environment and Conservation in South Australia, who is in charge of this Bill, not know how it will apply to Leigh Creek, the biggest mining operation in this State? What sort of attitude is that? For his information, let me tell him that about 2,000,000 tons of coal is won each year at Leigh Creek. If he wants to see a mess that far overshadows anything at Coober Pedy, let him go to Leigh Creek.

Mr. Langley: Have you been there?

Mr. HALL: We are dealing with a multi-million-dollar industry, both in the opal fields and at Leigh Creek. At Leigh Creek the landscape has been despoiled far more than it has been in the opal fields at Coober Pedy. Is this to be applied fairly to both the Electricity Trust and the opal fields?

The Hon. G. R. BROOMHILL: The Leader has missed my point. I do not know the position at Leigh Creek about back-filling. It would seem to me that there would be no back-filling because the material would be taken out of the bulldozed cut and there would be nothing to put back into it. Perhaps the Leader knows of some situation that I do not know about. It seems to me that the Leader is getting unusually excited over this provision because, no doubt in common with other Opposition members, he does not like the requirement that the bulldozer operators on the opal fields will clean up generally the areas that have been bulldozed. There seems to be a strange inconsistency between the Leader's remarks and the Deputy Leader's remarks. The Deputy Leader wants the sort of protections that would require the opal miners not even to operate in the area for fear of damaging it. I wish there could be a little more consistency from Opposition members.

Mr. HALL: The Minister cannot avoid his responsibility by attacking the Opposition. If there is one thing the Government has not learnt, it is to act as a Government should act. I suggest that the Minister get on with administering his portfolio. The Leigh Creek area is disfigured by large high mounds of earth that are permanently left in the wake of mining operations. I believe that the cuts are filled mainly with the spoil. If the Minister is talking of contouring, I suggest that there will be work at Leigh Creek for bulldozers for years to come.

Mr. Langley: When did you last go to Leigh Creek?

Mr. HALL: In answer to the next Minister, I went there in September. Something has riled the member for Unley, but I do not intend to get cross with him. I have noticed today that he has been out of sorts.

The CHAIRMAN: Order! There is nothing about the member for Unley in the Bill.

Mr. HALL: I suggest that the member for Unley see the member for Light about obtaining a prescription. The Minister has said that it is a matter of how one goes about it, and that I am against the tidying up of Coober Pedy, but I have not said that. That is a silly answer to a proper inquiry about how the Government will administer this Act, because everything depends on the Minister and on the Government's attitude. The Minister and the Government could say, "We want the Coober Pedy area to be systematically tidied up after operations," and the kind of degree determined could affect the whole economics of the industry. On the other hand, they could be

sensible and ask for sensible provisions, and everyone would be happy. If they were repressive, this could ruin the industry. This is the type of alternative with which the opal industry is faced. I want to know how far the Government will go in the administration of this law, if it is going to force opal miners to contour the mounds that are left. Will the Minister require the same standard of aesthetics in mound-shaping and contouring from the Electricity Trust as he will from the opal miners? Will he apply the same standards?

Mr. EVANS: I should like the Minister to clarify what he means by "bulldozer". Does he include a front-end or rear-end loader, a face shovel, or a dragline? This equipment would apply not only to the Leigh Creek operation but to other operations. Because of the quantity of material removed from Leigh Creek, the cuts could never be refilled completely. There are large deposits that have been left there out of the way of the operations, as there are in other extractive industries in mining operations. People concerned in those industries will have to know whether they have to reshape the deposits of what we might call waste material which, in many cases, have been dumped for a long period. Will the Minister clarify this position either by a Ministerial statement or by some other means?

The Hon. G. R. BROOMHILL: In reply to the Leader, the operations at the opal fields extend over a large area whilst those at Leigh Creek are confined to a relatively small area. Also, the mining operations are different: not very much material is removed from the site of the opal fields, whereas at Leigh Creek the material is being taken from the hole. I will undertake to examine the position to ascertain whether any requirement should be placed on the Leigh Creek operations. In reply to the member for Fisher, the provisions apply to a bulldozer and not to the smaller equipment.

Mr. HALL: The Minister has said that he will undertake to consider what he should have considered before. He has given no indication that he will apply the Act fairly. Perhaps he does not realize that we are talking about the disturbance of the surface of the earth. We are talking about the intention of the Minister to ask for a restoration to certain standards. I asked the Minister whether he would apply that standard fairly, and I used as an example a large-scale mining operation in this State that produced last year more than $5,000,000 worth of coal. This figure included $1,800,000 for rail freight, so we are dealing with about $3,000,000 worth of coal at cost. Although this is not as large in monetary terms as the opal-mining industry, it is still a significant industry. The Minister will not tell me whether he will fairly apply the standard. Will he grant an exemption to the Electricity Trust? This is another illustration of the Government's making laws and applying them without knowing the consequences. If the Minister will not say he will apply the same standard, I can only assume that he will not apply it.

Mr. EVANS: At the end of his reply, the Minister said that the provision dealt with only bulldozers and not with smaller equipment. I was not necessarily talking about smaller equipment; some of the face shovels used would be as large as a bulldozer. Is this provision to cover bulldozers and not other equipment, irrespective of size?

The Hon. G. R. BROOMHILL: We are referring only to bulldozing operations in this case.

Mr. GUNN: I move:

In subclause (1) to strike out "orally or in writing", and after "him" to insert "in writing".

I believe the Minister should report progress and consider the matter further. In this case little people who cannot defend themselves will have to carry out certain operations, and the same standard will not apply to a State instrumentality.

The Hon. G. R. BROOMHILL: I am happy to accept the amendment.

Amendment carried.

Mr. HALL: I understood the Minister to say that this restoration order would apply only where bulldozers were working.

The Hon. G. R. Broomhill: I didn't say that.

Mr. HALL: That is what I thought the Minister said. If that is so, I take it that Leigh Creek is exempt, because they use draglines principally. Am I to take it from the Minister's piecemeal replies that he will not answer my question directly, and can I put to him that Leigh Creek is exempt because a dragline shovel, not a bulldozer, is used?

The Hon. G. R. BROOMHILL: The declared equipment that we are dealing with refers to bulldozing operations. If the Leader looks at the definitions, he will see that declared equipment is dealt with there.

Mr. GUNN: The provision in subclause (3) means that a person is guilty before he is tried, and that deprives a person of his liberty.

Mr. HALL: I have looked at the definition and it simply tells me that what is "declared equipment" will be fixed by regulation, so the

matter comes back to the Minister again. I am tired of being fobbed off when I ask legitimate questions about multi-million dollar industries. Why will the Minister not tell me?

Mr. Gunn: He is incompetent.

Mr. HALL: I am not charging that. Why will he not tell me?

Mr. Gunn: He does not know.

Mr. HALL: He told the member for Fisher that bulldozers were the only things he was considering, and in reply to my question he spoke about all things in the definition and told me to look at the Bill and find out what they were. However, the definition of "declared equipment" is any equipment of a kind declared by regulation. When did the Minister last look at the Bill? I suppose we must rest on the Minister's statement that he will look at the measure after it has been passed. It is unfair to tell one section that it shall observe a standard and not say whether another industry will be treated on a comparable standard.

Mr. GUNN: As the Minister cannot give an undertaking to the Committee, I move:

That progress be reported.

The Committee divided on the motion:

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

Noes (22)—Messrs. Broomhill (teller) and Brown, Mrs. Byrne, Messrs. Clark, Crimes, Curren, Dunstan, Groth, Harrison, Hopgood, Jennings, Keneally, King, Langley, McKee, McRae, Payne, Simmons, Slater, Virgo, Wells, and Wright.

Pairs—Ayes—Messrs. Ferguson and Nankivell. Noes—Messrs. Burdon and Corcoran.

Majority of 4 for the Noes.

Motion thus negatived.

Mr. GUNN: The Minister has not allayed the concern expressed by Opposition members. Is he aware that bulldozer operators cannot back-fill against a strong wind? Sometimes a bulldozer operator may be able to make a cut yet he may not be able to back-fill it. Under this clause a person is deemed guilty of an offence before he has been tried. Will the provision be administered reasonably or will it be administered in an iron-fisted manner?

The Hon. G. R. BROOMHILL: When the honourable member has accompanied deputations of representatives of the opal miners he has been told frequently that the conditions on the opal fields are clearly recognized. The provisions will be implemented with good judgment and common sense. Common sense would not require bulldozer operators to back-fill on days when conditions were against it. The honourable member has been told this a hundred times before. I am surprised he gets impatient with me when I get up to answer him time and time again.

Clause as amended passed.

Clause 61—"Compensation."

Dr. EASTICK: Subclause (1) provides:

The owner of any land upon which mining operations are carried out in pursuance of this Act shall be entitled to receive compensation for any financial loss suffered by him in consequence of mining operations.

Subclauses (2), (3) and (4) then indicate that he has access to the Land and Valuation Court if he cannot obtain compensation from the person responsible for causing the damage. That is excellent if the injured person appreciates the situation and happens to have money so that he can put himself in the hands of the court, but what redress is available to a person who cannot afford to go to a solicitor or to the court because he does not know what that court may do? What is the position if someone tries to obtain a correction to a nuisance caused by another person and, having failed to get that correction or at the suggestion of the person creating the nuisance, he proceeds to remedy the situation at his own expense on the understanding that he will subsequently be reimbursed by the person causing the nuisance, only to find that the person then becomes bankrupt or cannot meet the cost of the correction? Will the bond provided by clause 62 cover such a contingency? There must be a fund of money somewhere if the person seeking a correction of a situation is to be effectively covered. Although the sequence of events is well set out in this clause, many possibilities can arise.

The Hon. G. R. BROOMHILL: This clause is an improvement on the existing section of the Act and strengthens the position and the right of a landholder. The honourable member raised several matters in respect of an aggrieved person who wanted to take action but was not in a financial position to pursue his legal rights. That problem arises in various sections of the community, and it is always regrettable when it does. If a man has a genuine claim, he can apply to the Law Society for legal aid.

Dr. EASTICK: The determination of whether the claim is genuine will be undertaken by an outside body, not by the court.

It is unsatisfactory that a person with a genuine claim will have it determined by other than the highest authority. The Minister mentioned a deficiency in this area. I do not know that it could be corrected by a simple amendment, but this is something the Committee should accept as a possibility. I accept the Minister's statement that this provision is an improvement on the existing legislation, but we should not necessarily accept anything that is not 100 per cent safe to those whom it seeks to help.

Clause passed.

Clause 62—"Bond."

The Hon. D. N. BROOKMAN: I understand that the bond will be for $500 and that it will apply to people and companies in varying circumstances, some with much money and some with little money. The size of the bond will be at the Minister's discretion, and in this regard I refer to subclause (2). This is an extremely wide discretion and, although I do not believe that it would be used as a discrimination, the Minister could discriminate between persons. What has the Minister in mind in regard to this clause?

The Hon. G. R. BROOMHILL: I have no set amount in mind: the bond will be subject to the varying conditions applicable. However, it is intended generally that the amount of the bond will relate to the value of the land likely to be destroyed. Instances have occurred in the past where the landholder has had his damage assessed and the court has made an order in his favour, but he has spent the money because of the cost of trying to obtain the court order. Some flexibility is required so that the Minister can ensure that the bond would be reasonable and that the landholder would be fully protected.

Mr. BECKER: A mining company might give a bond as security but then become bankrupt. Would the owner suffer because the Minister had made an error of judgment?

The Hon. G. R. BROOMHILL: It is a matter of discretion. Generally, the clause will work effectively and cover most of the expected circumstances.

Dr. EASTICK: Will the Minister accept an amendment that removes the words "or is entitled" in subclause (3)? Whilst the Minister or his authority does not have physical possession of the money or security provided for in subclause (2) a risk is attached to the possible claims against the operation of the company or the individual. This situation would be overcome if it were necessary for the Minister to hold the bond.

The Hon. G. R. BROOMHILL: This clause was drafted bearing in mind the problems that may be confronted, and it would need much consideration to ascertain whether the effect of what is implied by the honourable member would have other effects that one cannot visualize immediately. I do not think we are likely to have major problems in this area. If problems do arise, no doubt the matters canvassed by the honourable member will then be considered.

Clause passed.

Clauses 63 to 66 passed.

Clause 67—"Cancellation of miner's right or precious stones prospecting permit."

The Hon. D. N. BROOKMAN: The Western Australian report recommends that that State's equivalent to the warden's court be raised in status. Although I do not suggest that there has been any trouble with our warden's court, I point out that the Warden, who is a public servant employed in the Mines Department, under subclause (1) must sit in judgment on an application made by the Director of his department. It seems peculiar to have this situation.

The Hon. G. R. BROOMHILL: Although the comment referred to by the honourable member was made in that Western Australian report, I do not think that is sufficient reason for us to take action in South Australia. For many years, the court has operated satisfactorily, dealing with mining matters that have involved large sums. To my knowledge, no complaint has been made about the work of this court. In addition, provision is made for an appeal to the Land and Valuation Court against a decision of a warden's court. There is no reason for a change at this stage.

Mr. GUNN: Miners are concerned that their permits may be cancelled for a minor breach of the regulations. Will the Minister give an undertaking that cancellation will be the last course of action that the department or the court will take?

The Hon. G. R. BROOMHILL: The department and I would not intend to take that step for minor offences. As I have said, there is provision for appeal against alleged injustices.

Clause passed.

Clauses 68 to 72 passed.

Clause 73—"Penalty for illegal mining, etc."

Mr. GUNN: The penalty seems heavy, particularly in relation to a precious stones claim. When we refer back to a previous clause, we see that persons operating declared

equipment could have difficulties because it is almost impossible to mine or to prospect without disturbing the surface of the earth.

The Hon. G. R. BROOMHILL: This clause is substantially the same as the provision in the present Act, but the penalties have been increased in line with increases since the present Act was passed. I have not heard of any complaint in this regard.

Clause passed.

[*Midnight*]

Clause 74—"Provision relating to certain minerals."

The Hon. G. R. BROOMHILL: I move:

In subclause (1) to strike out "sand, gravel, stone, shell, shale or clay" and insert "extractive minerals"; and in subclause (2) to strike out "sand, gravel, stone, shell, shale or clay" and insert "extractive minerals".

These amendments are consequential; the purpose is to use a general term rather than give specific details.

Amendments carried.

The Hon. D. N. BROOKMAN: Can the Minister say what is the area of freehold land that will be involved under this Bill? Unless we know that, we cannot assess the long-term effects of the provision. Those effects could be very important, particularly if much freehold land is involved. If the Minister does not have the information now, I should like him to get it later.

The Hon. G. R. BROOMHILL: I do not have the information now, but I will get it as soon as possible.

Clause as amended passed.

Clauses 75 to 79 passed.

Clause 80—"This Act not to affect Pastoral Act."

The Hon. G. R. BROOMHILL: I move:

After "1936-1970" to insert "or the Local Government Act, 1934-1971".

This is to correct a drafting omission.

Amendment carried; clause as amended passed.

Clause 81 passed

Clause 82—"Dealing with licences."

The Hon. D. N. BROOKMAN: Will the Minister say whether the consent mentioned in subclause (1) will be readily given, as the approval of the Minister of Lands is given in the case of land transfer where he virtually may not refuse to transfer land unless he has some good reason? Otherwise it may be necessary to have a system of appeals against the refusal of a Minister, because in the case of death and in other circumstances these licences may be important, and many signatures will be required. Am I to assume that the Minister's consent in writing can be expected unless some unusual circumstances supervene to make it obviously not appropriate?

The Hon. G. R. BROOMHILL: Yes. This is not a new provision; it is a continuation of an existing provision in the Act. Subclause (3) gives the Minister the right to call for information from the parties connected with the arrangement, after which, provided everything is in order, it is expected that the consent will be given.

Clause passed.

Remaining clauses (83 to 91) passed.

New clause 62a—"Extractive Areas Rehabilitation Fund."

The Hon. G. R. BROOMHILL: I move to insert the following new clause:

62a. (1) The Minister shall establish a fund entitled the "Extractive Areas Rehabilitation Fund".

(2) The Minister shall pay into the fund all amounts received or recovered by him by way of royalty upon extractive minerals.

(3) The Minister may expend any portion of the fund for any of the following purposes:

(*a*) the rehabilitation of any land disturbed by mining operations for the recovery of extractive minerals;

(*b*) the implementation of measures designed to prevent, or limit, damage to, or impairment of, any aspect of the environment by mining operations for the recovery of extractive minerals;

and

(*c*) the promotion of research into methods of mining engineering and practice by which environmental damage or impairment resulting from mining operations for the recovery of extractive minerals may be reduced.

I think I have covered the position relating to this fund. The idea behind this fund will commend itself to all members because it takes into account improvements to our environment. The person responsible for initiating this fund is the Director of the department, who has been actively concerned with environment connected with mining activities in this State. I say that because some of my officers have been attacked for being interested only in development and they are therefore unable to assess the needs of the community and the environment. This is a pity, because the Director of Mines particularly has been most careful to ensure that matters relating to the environment are cared for at the same time as he has performed his duties as Director. The Director had much to do with establishing the fund because he considered

that it would be a useful protection to our general environment. I commend the clause to the Committee.

Mr. EVANS: I support the Minister's remarks. Generally, I think that the mining industry, under the department's supervision, has not gone to extremes, although there have been cases where perhaps unnecessary clearing has been carried out, thereby causing damage to the environment. The new clause allows the Minister to allocate money, perhaps for reclamation or developmental work in an area that has been mined out. I take it that this provision will apply to properties where the operator is the owner. In other words, such people will contribute to the fund. The land will not be leased land, but will be owned by the mining or quarrying operator. Although I take it he will be entitled to payment from the Government, will the Minister clarify this point?

It is disappointing (and it is partly my fault) that other sections of the extractive industries are not aware that a 5 per cent levy will be made on them, but I know that the larger quarrying firms are satisfied with the provision. They consider the provision to be a necessary part of the industry, because the people who will acquire material from these industries in the future will be paying towards the costs of rehabilitating the areas, and that is how it should be. The cost will be passed on, and it will not be a high cost to any section of industry. The sum of $200,000 a year sounds considerable, but spread out over many people it is not a large sum: about 10,000 houses will be built each year. The Minister and I have fallen down by not discussing this matter with other sections of the extractive industries. Will this money be available to people who own the property and who are also the mining operators?

Mr. GOLDSWORTHY: I, too, think that the fund is a good idea, but I do not agree with the member for Fisher that the 5 per cent levy on, say, sand is insignificant, because it would probably result in an increase of about 10c a ton. Does the reference to the Local Government Act mean that councils will not be charged this royalty?

The Hon. G. R. BROOMHILL: People operating private mines will be entitled to payment from this fund. We have approached those who were primarily affected by the royalty provision, but we had not approached the smaller but nevertheless effective sections of the industry, so I think the honourable member's criticism was reasonable. It was decided that we would apply another form of royalty payment, but it was recently found that this system was not possible and, consequently, as we wanted to place this matter before Parliament as soon as possible, we did not have the same opportunity to discuss the matter further. However, a reasonably small amount is involved, and it will not create major hardships.

Mr. EVANS: Regarding the question asked by the member for Kavel, the royalty is based on what the mineral is worth immediately it is recovered from the earth, and would not involve nearly as much as 10c a ton for sand. The benefit of this clause is the value to the community in reclaiming an area, and that is worth much more than the amount to be charged to the industry. As the industry is willing to pay this charge, I am sure the community will accept it.

The Hon. G. R. BROOMHILL: In reply to the member for Kavel, if a council buys direct from the quarry it will pay the royalty in the amount it pays for the material, but if it has its own quarry it will not be required to pay the royalty. Subject to the Mines and Works Inspection Act, a council is required to rehabilitate its own small quarry.

Mr. Coumbe: What about the Highways Department when it quarries material?

The Hon. G. R. BROOMHILL: Earlier I referred to the sum of about $50,000 that would be paid by the Highways Department. Obviously it buys most of its material from quarries, and therefore it will pay royalties.

New clause inserted.

New clause 73a—"Protection of public interest."

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

73a. (1) The Minister shall cause notice to be published in the *Gazette* at least twenty-eight days before granting, or approving an application for, an exploration licence or a mining lease under this Act of his intention to grant, or approve the application for, such a licence or lease.

(2) A notice under subsection (1) of this section must delineate or describe the area or place, over which it is intended that the licence or lease be granted, with reasonable particularity.

(3) An application may be made by any person within twenty-eight days after the publication of a notice under subsection (1) of this section to the Land and Valuation Court for an order under this section in respect of an area or place comprising, or comprised within, the area or place over which it is intended that the licence or lease be granted, on the ground that—

(*a*) the use and enjoyment by members of the public of the area or place is being, or is likely to be, prevented or unduly impaired by the conduct of mining operations in that area or place;

(*b*) the natural beauty or other amenity of the area or place is being, or is likely to be, unduly impaired by the conduct of mining operations in, or in proximity to, the area or place;

(*c*) the conduct of mining operations in the area or place will cause undue pollution of any land or waters, or the atmosphere;

(*d*) the conduct of mining operations in the area or place will result in undue noise, dust or disturbance;

(*e*) the conduct of mining operations in the area or place will cause undue damage to animals or vegetation in, or in proximity to, the area or place;

or

(*f*) the conduct of mining operations in the area or place will unduly prejudice any other public interest.

(4) The Land and Valuation Court shall upon the hearing of any such application have regard to—

(*a*) any advantage that has accrued, or is likely to accrue to the public interest from the conduct of mining operations in the area or place to which the appplication relates;

and

(*b*) any detriment to the area or place, or to the public interest, that has resulted or is likely to result from the conduct of mining operations in that area or place.

(5) Where the Land and Valuation Court is of the opinion that, in all the circumstances, any detriment to which it has had regard under subsection (4) of this section is not balanced or outweighed by any corresponding advantage, it may—

(*a*) prohibit the conduct of mining operattions in the area or place to which the application relates;

or

(*b*) order that any mining operations carried out in the area or place to which the application relates be carried out subject to such conditions as are stipulated in the order of the court.

(6) The Registrar of the Land and Valuation Court shall cause any order under subsection (5) of this section to be published in the *Gazette,* and, as from the date of publication, it shall, with respect to the area or place to which it applies, be binding upon all mining operators.

(7) Any person who contravenes, or fails to comply with, an order published under this section shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

(8) This section shall not derogate from the power of the Land and Valuation Court to punish for contempt.

(9) The Minister, and the applicant for the licence or lease over the area or place to which the proceedings relate, shall be entitled to appear and be heard in any proceedings under this section.

(10) Where an application has been made to the Land and Valuation Court under this section, the Minister shall not grant, or approve the application for, the exploration licence or the mining lease until the application has been heard and determined.

This is an attempt to insert in the Bill something which will be binding and mandatory about conservation and not something which is simply at the discretion of the Minister. For all the fine words and all the amendments inserted, the fact remains that this depends on the judgment of the Minister, advised no doubt by officers of the Mines Department who, by the very nature of their duties, cannot be expected to be particularly sympathetic regarding matters of conservation. The new clause provides a scheme whereby, if the Minister decides to approve an application for an exploration licence or mining lease, he has to give 28 days public notice. During that time application may be made, by anyone who objects, to the Land and Valuation Court for an order. Criteria are set out that are more embracing than the Minister has already inserted, and the Land and Valuation Court must make a judgment. In addition, there is provision for the Minister to be represented, so there may be three parties represented: the objectors, the mining interests, and the Minister. The decision is made by the court. I had drafted these provisions before I read the Australian Conservation Foundation brochure entitled *Conservation and Mining in Modern Australia.* I was fortified by the arguments in this brochure, as I am sure will be conservationists on both sides of the Chamber including the Minister of Environment and Conservation, who somehow introduced a Mining Bill without any conservation in it. I intend to quote a couple of paragraphs from the brochure, as they set out succinctly arguments in favour of this scheme. Discussing the Mining Acts of the various States, the brochure states:

> Besides, the Acts contain no adequate machinery for informing interested members of the public or the private owner that an application to mine is before the Minister. Debate was apparently considered undesirable because it might delay progress or lead to challenging the customary assumption that the finder of a deposit, no matter where it may occur, has an automatic right to ownership.
>
> Should a person happen to learn that an application has been submitted to mine either his own land or a piece of public land he can lodge an objection before a Mining Warden who must then consider the matter at an open

inquiry. Scant time is allowed within which to lodge the objection or for the objector to marshal his case. Having heard the evidence—and only certain matters are admissible as evidence—the Mining Warden makes a recommendation to the Minister for Mines, who in most instances is empowered to pronouce a final decision.

That is precisely how the Bill is at present and how the old Act is. The brochure continues:

For his part, the Minister, of course, is scarcely in a position to reach either an informed or impartial decision. He is, after all, administering a department dedicated to the promotion of mining.

That sets out the objections to the present system. Amongst the recommendations at the back of the brochure is a passage that states:

That machinery for determining and allocating the best use of land be established in each State along the lines of the Victorian Land Conservation Act.

I think the ideal solution is to follow Victoria's lead (if the present Government can bring itself to accept anything introduced by Sir Henry Bolte's Government, and I hope it can) and set up a Land Conservation Council, as I think it is called in Victoria, to advise on matters of conservation. The recommendation continues:

In the interim, the procedures of the mining wardens courts should be amended to afford the public or other interested parties ample opportunity to express their view on matters involving the allocation of land for mining, conservation or other use.

That is what I propose here, and I am fortified to think that I have adopted, by chance or good judgment, the principles suggested by the Australian Conservation Foundation, which is a most responsible body and which is, of course, subsidized by the Commonwealth Government. The scheme of the new clause is also supported by the Nature Conservation Society of South Australia, and honourable members would have received the roneoed submission from that body in the past couple of weeks. I said that the Minister of Environment and Conservation had introduced a Bill without any conservation in it. I said that, I hoped, without showing any lack of charity to the Minister.

Whilst this new clause may cause delay and impose another possible step in the process of mining, I believe that, in our present situation, we are abundantly justified in doing this. At present there is great alarm about the use, or misuse, of our natural resources. There is a great sentiment in the community in favour of conservation and it is our job, as a Parliament, to strike a balance between the interests of mining development and those of conservation. That balance means give and take on both sides, and I believe that the scheme embodied in the new clause provides as good a balance as we can make at present. I hope the Minister accepts my proposal. I remind him that he has, as Minister of Environment and Conservation, made several worthy statements about this matter. In the *Coromandel Times* of September 16 the Minister is reported as saying:

Man's greed for growth, his fetish for increased economic expansion had brought with it a substantial price to pay. As a consequence, life was becoming dirtier, more cramped, odorous and noisy. The far-sighted, who were at first regarded as alarmists, asked the rest of us: "Where is all this going to end?" Now we know that these alarmists were in fact well-informed realists. With a sudden jolt we have been forced to take stock.

The following is the significant statement:

The public is, I am sure, ready to support any firm measures needed to restore our environment. So, given the right guidance by the experts, we should gradually be able to drag ourselves out of the mess that unthinking previous generations got us into.

The Minister can show his sincerity in making such statements by accepting this amendment, which writes into the legislation what is not there now—a binding provision with regard to conservation, allowing people to approach an impartial tribunal that can make a decision after argument and based on criteria laid down by Parliament. The Minister can never be such a tribunal, as a result of the very nature of his job and the very nature of his advisers. The amendment involves some restriction on the activities of mining interests, but it is amply justified by the requiremens of conservation. It will be supported by the public and I hope, in the light of his public statements, that it will be supported by the Minister.

Dr. TONKIN: I support the amendment. This is an extremely important subject; the member for Mitcham was correct in saying that we must strike a balance between adequate exploitation of our resources and the need to preserve the ecology and the environment. Of all the activities of our modern age, I think mining is probably the least significant in connection with pollution and ecological upset. I agree with the member for Mitcham that the policy of conservation must be implemented at all costs. The fact that this activity does not cause as much damage to the system as do others is no reason why we should not attack the problem as vigorously as possible while the Bill is under consideration.

This amendment will be a significant step that could well be repeated in respect of other legislation. At present the Bill provides that the decision should be left in the hands of the Minister, advised by his officers or perhaps a special advisory committee, but that provision is not good enough. The decision should be in the hands of an independent body, and the new clause provides for that body to be in the form of a court. It may well transpire that, because of our relatively short history and late development and despite our limited water supply, we will find ourselves in an advantageous position in Australia, and perhaps in South Australia, too. It may be that we are in a happier position than many other countries, in that we can take positive steps to control environment and combat pollution. Undoubtedly, this sort of legislation will become more and more necessary in the future, and I think the Minister will be the first to agree that we must jealously guard our natural environment. Let me now quote from the book *Pollution and Conservation in Australia,* written by Dr. Angus Martin, who is a lecturer in Zoology at Melbourne University. The Minister will know of his work. He writes:

Thus the problems of soil conservation resolve themselves into two issues. One is the actual physical loss of soil or soil elements through erosion; and the other is destruction of the productivity of soil through addition of persistent poisons and other substances. Of course this is not anything like an exhaustive list of the changes that the soil has undergone since the advent of cities, industries and intensive agriculture. Another example that springs readily to mind is the current mining activity in Australia. Particularly destructive are open cut methods, such as are used for the extraction of rutile from beach sand; but slag heaps from shaft mines can also adversely affect surrounding soil by runoff of rainwater carrying high concentrations of zinc, cyanide and so on. For instance farmers along parts of the South Esk River in Tasmania have been dismayed to find that the soil in their riverside pastures contains abnormally high concentrations of zinc, copper and sulphur, all of which are damaging to plant life. The origin of the pollutants has been shown to be wolfram and tin mines upstream at Storeys Creek and Gipps Creek.

One last point which cannot be repeated often enough: the problems of the land stem very largely from the pressures of large populations. A small, nomadic population could afford to lose acres of topsoil because of floods, or half its crops because of locusts. As a last resort it could simply break camp and move on. A large, industrial population cannot do that. It has only a finite soil resource which must keep it going forever.

This, as Dr. Martin points out, is also true of water. The balance between natural beauty and the preservation of other amenities our environment and the development of our resources is summed up by Dr. Paul Ehrlich in his book *Pollution, Resources, Environment.* He goes deeply into this matter under the heading "Energy". He writes:

Will the availability of energy impose a limit on human population growth? The energy situation is uncertain and complex but it can be summarized as follows: we are not yet running out of energy, but we are being forced to use the resources that produce it faster than is probably healthy. Our supplies of fossil fuels—coal, petroleum, and natural gas—are finite and will probably be consumed within a few hundred years possibly much sooner. Coal will probably be the last to go, perhaps 300-400 years from now. Petroleum (including that in oil shales) will go much sooner. The most recent and thorough estimate, by geologist M. King Hubbert, gives us about a century before our petroleum reserves (including recent Alaskan discoveries) are depleted. Already we are being forced to consider more expensive mining techniques to permit utilization of the oil shales. We are living beyond our means—

and this is the important thing—

"spending our capital," depleting what are essentially nonrenewable resources. Furthermore, some organic chemists consider the burning of fossil fuels for energy production to be one of the least desirable uses for these large organic molecules. Petroleum and coal have many other uses in areas as diverse as lubrication and the production of plastics.

Mr. Hopgood: It is a matter of how we get rid of the energy, too.

Dr. TONKIN: I think most people will be aware, as is the member for Mawson, that if we raise our average temperature by, I think, more than 1 per cent we shall be in big trouble in the atmosphere; we shall change our climate and, with a change in climate, we shall change our primary production patterns. Indeed, this will have a great effect on the world's future. The use of synthetic fibres is another example of the way in which the world's ecology can be disturbed. Their production involves an industrial process and non-renewable raw materials; it also involves the possible production of pollutants, both in the atmosphere and elsewhere.

The CHAIRMAN: Order! I have allowed the honourable member very wide latitude.

Dr. TONKIN: I accept that, Mr. Chairman. The control of mining by these methods, particularly under the conditions as proposed in the amendment of the member for Mitcham, is important in preserving our environment. The production and use of wool helps prevent pollution of the environment.

The CHAIRMAN: Order! The member for Bragg must link up his remarks with the Mining Bill.

Dr. TONKIN: Our present level of affluence is dependent on the availability of iron, aluminium, zinc, phosphate rock, oil, coal, etc. Critical minerals, such as vanadium, tantalum, tungsten, molybdenum, and helium, are all essential for various industrial processes. However, our present level of affluence and standard of living will do us little good if we are unable to utilize them and if our children are not able to live on this planet. It is time we started to recycle and conserve our resources. The measures proposed are vitally important. It is necessary to have an independent hearing where people will have the opportunity to object and where people, the miners, and the Minister will be adequately represented. Then we will get a weighed and balanced opinion. However, the point of balance may well shift and move steadily as our civilization progresses. I think it will move toward the conservation side.

Mr. Venning: It's going the opposite way now.

Dr. TONKIN: Yes, and it must be stopped. The amendment is a positive step that can be taken. As it is a forward-looking amendment, the Committee should accept it. The amendment is further support for improving our present way of life and, by adopting it, we will be doing something for our children and for humanity in general.

The Hon. G. R. BROOMHILL: Although I agree with the remarks of the Deputy Leader and of the member for Bragg, I cannot support the new clause. The member for Mitcham may sneer if he likes, but if he is prepared to listen to my reasons he can judge whether or not they are valid.

Dr. Tonkin: We're understandably disappointed.

The Hon. G. R. BROOMHILL: Yes, but the member for Bragg is understandably not in a position to assess the amendment put forward by the member for Mitcham or perhaps he would not have supported it, although no doubt he would have made similar remarks about the protection of our environment. I have seriously considered the proposal, because some conservation groups in the State support a similar proposal. The Minister of Development and Mines gave me the opportunity to consider all aspects of conservation that should be included in the Bill and, bearing in mind the difficulties, I had to reject this proposal after giving it much thought, because it would not have been a practical solution to include it and still enable industry to continue in a proper way.

I am sure the member for Mitcham recognizes that some people in the community are totally opposed to mining in any form and, if he does recognize this fact, he should not have introduced an amendment that provides that any person can object on very wide grounds to any mining lease or exploration licence being granted. It would be difficult to expect any person sitting on the court to decide one way or the other without a complete study of the area and without visiting and walking around the area. The court could well have before it about 2,000 objections in this respect, and a decision would have to be made on each objection. This new clause does not provide the solution. I know that conservation groups have stated that about 250 exploration licences are granted each year, that this would not present the court with any unusual difficulties, and that applications would not be delayed. However, many applications would be objected to and, in addition, 1,500 mineral claims are granted each year. Once an applicant has taken out a miner's right he can peg a claim, and he has 30 days to register it and pay the fees. He can prospect for 12 months on that area, and he then has the right to convert to a mineral lease. It would be improper that, when this person applied for a mineral lease, he could be tested by the court as to whether he should be allowed to continue. The public would have to be provided with the opportunity to object to his registering the claim in the first place. About 1,500 of these applications are processed through the department each year. It is clear to me that some people who have spoken to me want to object to every mining activity that goes on in his State. Many people believe that there should not be any mining activity at all. Although I do not suggest that honourable members who support the new clause are in this group, nevertheless such people exist. This new clause will give them the opportunity to object to every application, as all mining activity in some way interferes with some of the things set out in the new clause.

If a person was really determined to oppose every mining activity, he could develop an argument under the provisions in the new clause relating to the natural beauty or other amenity of the area and to the conduct of mining operations in the area causing undue

damage to animals or vegetation at or near that place. Although such people might eventually fail in their objection to the court, the court would be required to hear it and delays would be intolerable. We would find that the mining industry would not be able to function as we want it to function. The mining industry can function, and at the same time complete care can be taken to protect the environment, if mine operators are given encouragement and, when required, direction by the Government. I regret that the member for Mitcham has again said that officers of the Mines Department have no interest in the environment.

Mr. Millhouse: I didn't say that.

The Hon. G. R. BROOMHILL: I understood the honourable member to imply that. He believes that the job of these officers relates only to matters of mining and that they forget all about the environment. I can vouch for the fact that that is not the case. The honourable member said that the Minister would hold the same view. I can say that the Minister of Development and Mines (the Premier) holds a vastly different view from that; he has seen to it that every application for an exploration licence or mineral lease has gone to me, as Minister of Environment and Conservation, to ensure that adequate protections would be provided.

Mr. Millhouse: On whose advice did you act?

The Hon. G. R. BROOMHILL: To this time I have acted on the advice of officers of the Mines Department. Because I recognize and accept the general concept that the public should have a voice in mining activities, in future these exploration licences and mineral leases will be advertised in the *Government Gazette* and will not be granted for 30 days, so members of the community can direct to the attention of the Mines Department or the Minister of Environment and Conservation any features that they believe are likely to cause difficulty or concern. The conservation groups particularly know that the amenities clause has been inserted in the Bill. They know that I have written into the Bill protections where necessary, and they can come to me about matters they wish to raise. Officers of the Mines Department know the State well, and they know the areas of interest and what should be protected. If the honourable member does not believe they will give proper information, this other avenue is still open.

I am sorry that the honourable member is disappointed with the Bill. He said that he could see no semblance of environmental control in it, but I refer him to clause 8, which gives the Government power, by proclamation, to reserve from the operation of the Act any land that may be specified. Whilst the present Government made provision for foreshore protection for half a mile, this has not been able to be made completely effective. We could not protect areas that were privately owned. The development of the Normanville sand dunes could not be prevented by any Government action, because they were on private land. However, the Bill provides that that sort of activity can be prevented. The Bill provides that any area of the State that has natural features that ought to be protected can, by proclamation, be protected from any form of mining.

There is no need to mention the new provisions regarding the various types of licence. I remember that when I was discussing this matter in an earlier debate the member for Torrens interjected, stating that the Minister's powers were too wide. The clauses were drafted deliberately to give the Minister complete discretion about what protection should be given in respect of licences granted.

This Mining Bill by far exceeds any environmental protection in similar legislation anywhere else in Australia. I am not saying that it is perfect, and there may be room for improvement, but we have made dramatic changes. If further protection is warranted and there is further public involvement that we can make, I shall be pleased to introduce amendments. I support all that the Deputy Leader and the member for Bragg have said on the matter. Regrettably, their proposal does not achieve their objective, because I am certain that they do not intend to prevent mining activity in this State from continuing. However, if they consider what I have put forward, they will see that the prevention of mining activity could result, and that the protections that we have given are within the power and control of the Government.

If the Government does not act as it ought to in this regard, the member for Mitcham will be the first to bring the matter to my attention, as Minister of Environment and Conservation, because I will have to ensure that these provisions do what we have undertaken they will do. The present provisions cover the situation adequately, whereas the amendment would not provide protection of the environment and at the same time allow adequate mining operations to continue in this State.

Mr. EVANS: I support the amendment because it is the only provision that will cover the aspect that I want to see covered. I had some experience in the extractive industry before I became a member of Parliament, and I most probably contravened some of the requirements of conservationists. If the amendment is not carried, I do not think the Bill will help either the Minister of Mines or the Minister of Environment and Conservation to carry out their duties. I agree with the Minister that departmental officers are conservation-minded. However, if the amendment is not carried, other people may cast unjust reflections on the Minister and his officers. I would support the idea of an advisory council that has no statutory power other than that of advising the Minister, but I realize that that cannot be provided for at present. The only thing possible is this type of amendment, providing for a court to make the decision.

I am aware of the point the Minister made about people who will lodge objections. I do not know whether it is wrong to say that some are cranks; I have sometimes thought that way but, 50 years from now, time may prove that the cranks were on the other side. The member for Bragg takes a stronger line than I have taken when he says there is a chance that all our resources will be used up. I believe that it does not matter whether 400,000,000 people use up the resources in 20 years or 200,000,000 people use them up in 40 years.

Unless the Minister can advance some other proposition, I will have to support the amendment. The Minister said that, in each case where objections were lodged, the court would have to inspect the area, but I point out that someone will have to inspect it anyway. In order to protect officers of the Mines Department from unjust criticism, the inspection will have to be carried out by other people. The Minister of Environment and Conservation may say that his officers will do it, but it would still have to be carried out by officers; so that is not a valid argument. The Minister said that the amendment was not practicable, but I believe it could be implemented.

If the amendment prohibits some mining altogether, perhaps we may have to say that the court is not carrying out its duty properly. Any mining operation must affect the amenity of an area to some degree; sometimes a mining operation will benefit an area, but a group of people will always argue that the operation has been detrimental to the area. In connection with areas where the mining industry is the only industry, surely no-one can argue that the operation should not continue on a controlled basis, where inspectors of the Mines Department are giving advice in co-operation with officers of the Minister of Environment and Conservation. I support this amendment reluctantly because I see no alternative.

Mr. HOPGOOD: The member for Mitcham has indicated by way of a quotation that it is recognized that the Minister has strong concern for the environment. His colleague the member for Fisher has indicated that he believes that the officers of the Mines Department similarly have a concern for the environment. Therefore, I do not really see what fears they have arising from the fact that we are giving such Draconian control to the Minister and his department in this Act with respect to the environment. The member for Fisher said he was prepared to concede all this but he said there would still be people in the community who would not be happy about the provisions of the Bill.

Surely the important thing is not whether certain groups in the community will be happy but whether or not the Bill gives this protection. The Bill does give it. Under this clause, we are discussing rights of public appeal. Such rights have certain attractions for me, but the whole matter has by no means been resolved and it would be premature for us to rush in and put it in this Bill. I am keen to see some sort of right to public appeal with respect to the Planning and Development Act, and that must come soon; but it has not yet been resolved. There are many other situations in which the public should have the right to appeal. For instance, if a country member opposite should decide to clear scrub from his property, should there not be the right of public appeal against those activities in the interests of the environment? If the South Australian Gas Company was to put up a gasometer opposite my place, should I not have the right to public appeal against that activity? If the member for Spence was to install plaster gnomes in his front garden, should not we all have the right of public appeal against that?

My point is that, when we get into the area of amenity (by which we mean environment and aesthetics), where do we stop when we come to give people the right of public appeal against the activities of other persons? This question has not yet been resolved. It would be premature for us to write it into this Bill, although I support the general principle and

hope it will be possible in future legislation, both in this Act and in other Acts, in some way to incarnate the principle. In urging the Committee to reject the new clause moved by the member for Mitcham, I merely point out that no member opposite has yet been able to answer the Minister's contention that the many appeals that would obtain under the new clause would in fact mean the almost complete cessation of the extension of mining activities in this State.

Dr. TONKIN: In view of my feelings on this matter, I am disappointed that the amendment will not be accepted by the Minister and that he has left the Chamber, because he was in the process of giving an assurance, if I understood him correctly that, if it was found that the provisions of this Bill were not working adequately, he would be kind enough to give a rehearing. In fact, I think he said he was sure that the member for Mitcham would let him know immediately if these provisions were not working adequately, and then he stopped. I gained the impression that the Minister was about to assure the Committee that he would be happy to open up the legislation again and do something about it. It might relieve my disappointment if the Minister would assure the Committee that he will reconsider the matter, in the light of subsequent events, if the provisions are not sufficient to protect the environment.

The Hon. G. R. BROOMHILL: I reiterate my assurance. Many factors were considered when the Bill was drafted; the proposal of the member for Fisher, that there should be an advisory committee, was one of them. These are matters on which we are making dramatic changes. The conservationists to whom I have spoken are pleased with the protections in the Bill. We have made dramatic changes and, if they are found to be too weak to achieve what we intend to achieve, we will amend the legislation to ensure that our aims are achieved.

Mr. HALL: The Minister is deluding himself if he thinks he has satisfied many conservationists by his attitude to the Bill. I had two conservationists visit me today; they are avid supporters of the Deputy Leader's amendment, and I believe them to be well balanced individuals. I congratulated them on the case they put to me. I consider that the Deputy Leader has presented a fine case on behalf of the preservation of this State's assets.

The Hon. G. R. Broomhill: You were not in the Chamber when the Deputy Leader spoke.

Mr. HALL: The Minister is presumptuous, as well as ignorant, in assuming that I do not know the thoughts of the Deputy Leader on this matter. The Minister assumes that we do not discuss these things or that we do not know each other's arguments. I do not know what chaos exists in the Minister's Party, but it does not exist in our Party.

The CHAIRMAN: Order! At this late hour I ask the Leader to return to the clause under discussion.

Mr. HALL: I do not support the Deputy Leader's amendments. The Minister is again showing how foolish he can be, because just as he congratulated the Deputy Leader, so did I. The Minister proved inadequate on earlier clauses, and now he is deriding his own attitude. We need a more responsible attitude from the Minister.

The Deputy Leader has properly considered this matter and has come to a conclusion which I think goes too far in one direction. I think, however, that the Deputy Leader's attitude is a more admirable one than is that of the Minister. The Minister has rejected any outside assessments with any force of his and his department's attitude to the preservation of amenities. I like the situation, described as second best by the Deputy Leader, of the advisory council, a system which exists in Victoria and which is operated by the Land Conservation Council, and that type of council may have a real place in the scene in this State.

It would seem that we need to have a formal approach by the public on this issue, but I believe the decision should rest finally with the Minister, and that no outside force or individual should be able to run the mining policy of his department. The Minister should be able to be approached and reached on a formal basis by those in the community who have a case to put before him, and they should not have to expect a delay of 30 days. If these people approach him when the House is not sitting, what response would he then make to the public? We need a far more open approach to the Minister and one that can be seen, and we need something like the conservation council in Victoria that can put a case with a statutory backing and publish it, so that the public may know what the Minister is doing and be able to judge the details of his actions. I believe that the Deputy Leader is travelling in the right direction, but I think he may have gone too far. I support his intention and objective, but I believe that the Minister should be responsible to Parliament and that

the decision should rest here. For that reason I cannot support the Deputy, but I support his second-best suggestion.

New clause negatived.

Schedule and title passed.

Bill reported with amendments. Committee's report adopted.

The Hon. G. R. BROOMHILL (Minister of Environment and Conservation) moved:

That this Bill be now read a third time.

Mr. GUNN (Eyre): I do not intend to take up much time, but I wish to make one or two comments about the Bill as it has come out of Committee. Many of the questions that I have asked about this legislation have not been replied to by the Minister. The effects this Bill will have on the little people of the State, particularly the opal miners, will be severe, and I hope that the Government will not destroy a small but important industry to South Australia. This industry, worth more than $7,000,000 a year, is expanding all the time: it employs many people and supports two towns of considerable size. I hope that the provisions of this Bill relating to back-filling by a bulldozer and other mining operations are administered in a sensible and responsible way.

I do not want to see the country ruined. I believe that is one of the provisions in the Bill which will cause much concern and which will be difficult to administer. I warn the Minister that, if these provisions are administered in an irresponsible and iron-fisted way, there will be trouble on the opal fields, perhaps more trouble than the Minister has bargained for. As in many instances these provisions will be difficult to enforce, I hope that common sense and good judgment are exercised.

Bill read a third time and passed.

ADJOURNMENT

At 1.21 a.m. the House adjourned until Thursday, October 7, at 2 p.m.