

**LEGISLATIVE COUNCIL.**

Tuesday, August 12, 1958.

The PRESIDENT (Hon. Sir Walter Duncan) took the Chair at 2.15 p.m. and read prayers.

**QUESTIONS.****PREMIER'S VISIT TO UNITED STATES.**

The Hon. F. J. CONDON—Mr. President, according to press reports, the Premier will make a statement in another place with reference to his recent visit overseas. Is the Chief Secretary in a position to give honourable members information as to the success of the visit, as it concerns South Australian industry?

The Hon. Sir LYELL McEWIN—Yes. In order that this Council should be informed, as is expected will be the case in another place, I asked the Premier if he would give me a statement that I could make available to this House. He has done so and the statement is as follows:—

The proposals discussed in the United States are of a highly confidential character, and no report can be given of their precise nature at this stage. I can say, however, that the proposals which had been discussed with the Prime Minister in a broad sense prior to leaving Australia, have been found to be completely practicable and have had a most excellent reception from American interests. There are very many important matters yet to be cleared up, and it is still too early to make any definite announcements, but the Premier is confident that a substantial industrial gain will result.

Industrial firms investing capital in Australia today receive a considerable amount of financial advantage if a portion of the capital outlay is provided in Australia, and American interests have signified that they are interested for the Government here to explore the possibility of approximately 20 per cent of the capital involved being found in Australia. This would involve probably an amount of between £6 million and £8 million being found from Australian resources. Indications to hand are that this money can be procured.

The proposals have an important defence value, and also will probably open up a substantial export market, and it is for this reason it is believed that the South Australian proposals will have the complete support of the Prime Minister. A large amount of information concerning economic conditions has been requested, and this will be supplied as quickly as it can be collected. As other people's business is involved in this matter, precise information cannot be supplied in the public interests at this stage.

**ROYAL SHOW ADJOURNMENT.**

The Hon. Sir COLLIER CUDMORE—Can the Chief Secretary inform members what

arrangements are being or are likely to be made for an adjournment during the Royal Show?

The Hon. Sir LYELL McEWIN—Although no actual discussion has yet taken place, I anticipate that the usual arrangements will apply whereby Parliament will be adjourned in the week of the commencement of the Show until the week following the Show, during which the usual conferences take place.

**CLOSING OF RAILWAY LINES.**

The Hon. F. J. CONDON—It is rumoured that the Transport Control Board is inquiring into the closing of certain railway lines. Can the Minister of Railways say if this is correct and, if so, what are the lines concerned?

The Hon. N. L. JUDE—I have some doubts about all the matters under consideration but will get a report for the honourable member and let him have it at the earliest opportunity.

**HACKHAM CROSSING.**

The Hon. Sir ARTHUR RYMILL—I ask leave to make a brief statement before asking a question.

Leave granted.

The Hon. Sir ARTHUR RYMILL—My question relates to the road crossing over the railway line, or *vice versa*, at Hackham, on the South Road, just south of Morphet Vale. Members will remember that, because of a fatal accident many years ago, the road there was made to curve away from a railway cutting, which is inconvenient to motorists as it involves about three sharp turns. Conditions have changed since those days and now only two regular trains a week run along that line. Also we have efficient warning devices these days. Although this may sound like heresy to the Railways Department, the days of the Iron Horse are gone and it may now be possible to straighten that road, install efficient warning devices and possibly stop the train from the north twice a week to make it additionally safe, as thousands of vehicles cross the road every day. In the schemes for the development of the South Road, would the Minister give consideration to straightening out that road again, perhaps taking into account the safety devices I have mentioned?

The Hon. N. L. JUDE—Yes. I am glad to inform the honourable member that the matter is already being considered.

## INCREASED PRICES OF WHEAT.

The Hon. F. J. CONDON—I ask leave to make a short statement before asking a question.

Leave granted.

The Hon. F. J. CONDON—The Agricultural Council will meet on Friday to consider further requests of the Wheat Growers Federation for increased prices of wheat which, if granted, will mean an extra 1d. per 2 lb. loaf. Will the Government request the Minister of Agriculture when discussing the matter to see that the flour export trade is protected and that Australian millers can purchase wheat at the same price from the Australian Wheat Board as that at which it is sold to other countries?

The Hon. Sir LYELL McEWIN—I will bring the matter raised to the notice of the Minister of Agriculture.

## INDUSTRIAL LEGISLATION.

The Hon. F. J. CONDON—Can the Minister of Industry and Employment say whether legislation will be introduced early to amend the Workmen's Compensation Act, the Industrial Code and other legislation affecting the workers?

The Hon. C. D. ROWE—The legislative programme for this session has not yet been finalized and I will give consideration to the points raised by the honourable member.

## SOUTH-EASTERN DRAINAGE AND DEVELOPMENT.

The President laid on the table the report of the Parliamentary Committee on Land Settlement on South-Eastern drainage and development, eastern division.

## PUBLIC WORKS COMMITTEE'S REPORTS.

The President laid on the table the reports of the Parliamentary Committee on Public Works on the following projects:—

Interim reports:—

Cadell Prison Farm.

Elizabeth East primary school.

Whyalla Technical high school (new wing).

Clapham primary school.

Mount Gambier North primary school.

Gilles Plains boys technical high school.

Gilles Plains girls technical high school.

Fulham Gardens primary school.

Netley primary school.

Warradale primary school.

Supreme Court (additions).

New LeFevre boys technical high school.

Elizabeth girls technical high school.

New Port Adelaide girls technical high school.

Elizabeth Park primary school.

Mitchell Park primary school.

Christies Beach primary school.

Taperoo-Osborne and Largs North-Swansea sewerage system together with minutes of evidence.

## MINING ACT AMENDMENT BILL.

The Hon. Sir LYELL McEWIN (Minister of Mines), having obtained leave, introduced a Bill for an Act to amend the Mining Act, 1930-55. Read a first time.

The Hon. Sir LYELL McEWIN. I move—

*That this Bill be now read a second time.*

The Bill contains amendments of the Mining Act which have been found to be necessary for the effective administration of the mining laws. Some of them were in a Bill previously submitted to Parliament. This Bill lapsed, but not because of objections to the amendments which are now proposed. As the problems dealt with by these amendments still exist and cause difficulty, the Government has decided to submit them again.

The first matter dealt with in the Bill relates to the royalties payable under mining leases. Section 52 of the principal Act provides that the royalty payable on a lease granted after 1946 is 2½% of the gross amount realized from the sale of the substance obtained from the lease. That section is based on the assumption that the substances will be sold. Another provision of the Act, section 23a, deals with the case where the substance obtained from a mining lease is used by the lessee in manufacture, and provides that in that case the royalty shall be based on the value of the substance assuming that it was sold instead of being used in manufacture. A third type of case has recently arisen for consideration where the mining lessee neither sells nor uses the substance obtained from his lease. In these cases the lessee allows some other person to mine and take substances from the land in his lease in consideration of a royalty. The person doing the actual mining may either sell or use the substance, but what he does has no bearing on the royalty payable to the Crown. In the past the lessees who allow others to work their leases in this way have been paying a flat rate of royalty based on the tonnage of the substance taken away from the land pursuant to the arrangement. There is no doubt about the fairness of this system but it is doubtful whether it is in accordance with the Act.

Clause 3 is designed to settle the law in those cases. It says that if a substance is taken from a mining lease by a person other

than the lessee pursuant with an arrangement with the lessee, the substance shall be treated as having been sold by the lessee to the other person at a price equal to the value of the substance. Thus, the royalty will be  $2\frac{1}{2}$  per cent of the value, and in practice will no doubt be worked out at an amount per ton. Any dispute as to value which is not settled by agreement between the Minister and the lessee may be submitted to arbitration at the instance of either party pursuant to section 23a of the Act.

The next topic is dealt with in clauses 4 and 6. These clauses deal with the duty to register claims and the effect of non-registration. Honourable members are no doubt familiar with the procedure by which a person holding a miner's right may peg out a claim on mineral lands by driving posts in the ground, and thus obtain rights to prospect and mine and be granted mining leases. The Mining Act at present provides that the owner of a claim must register it with a mining registrar within 30 days after it is pegged out. If a claim is not so registered it becomes liable to forfeiture; that is to say, it can be forfeited in legal proceedings before a mining warden, but if no proceedings are taken it remains in force though unregistered. The Government's experience has been that this law is unsatisfactory as regards certain types of mining.

Claims are often pegged out by owners who do not register them. In some cases to avoid the possibility of forfeiture the owners peg the claims again as soon as the 30 days allowed for registration have elapsed, and this process can be repeated indefinitely so that the claim does not become liable to forfeiture although it is never registered. Sometimes work is abandoned on unregistered claims, which have not been reported to the department, and the claims may remain in existence indefinitely, unwanted by their owners and unknown to the department. In either case the position is unsatisfactory. It is proposed by the amendments in clauses 4 and 6 to lay down a rule that if a claim or the title of a transferee of a claim is not registered within 30 days after the claim is pegged out or transferred, the claim will lapse and the owner will not be permitted to conduct mining or prospecting operations or to repeg the claim unless he gets the written approval of a mining registrar. This provision will compel those who peg out claims to notify the Mines Department, and failure to do this will ultimately lead to loss of the claims.

The other matter dealt with is in clause 5. This enables a mining registrar to refuse to register a mining claim if in his opinion the registration would cause severe and unjustified hardship to the owner or occupier of any land included in the claim. Under the Mining Act it is open to the holder of a miner's right to peg out a claim over privately owned land in cases where the minerals in such land have been reserved to the Crown. In the early days of the State it was the practice when granting land to reserve minerals to the Crown, and as a result, a certain amount of privately owned land is liable to be mined under the ordinary provisions of the Mining Act without reliance on the special provisions dealing with mining on private property.

The Government, however, has found on some occasions that the registration of a mining claim permitting mining operations would cause severe hardship to the owner or occupier of the land over which the claim is pegged. A recent example was the attempt to use the provisions of the Mining Act to obtain building sand from land close to Adelaide which had been subdivided and provided with roads and was in process of being sold. It was obvious that the working of sand deposits on such land would create unjustifiable hardship, particularly as there was other sand available. The Government formed the opinion that it was necessary to have power to refuse to register a claim in cases like this. Clause 4 contains provisions for this purpose. It will be noticed that under this clause a mining registrar cannot refuse to register a claim unless the Minister approves. Before giving a decision the Minister and the registrar must consider the matters specified in the clause, namely, the value of the substance to be mined, its importance for industry, the availability of alternative supplies, and the hardship and inconvenience likely to be caused by prospecting or mining.

As a safeguard to any persons who have a definite right to peg out claims under any contract with the Government a provision has been inserted saying that the new clause will not affect the right of any person to have a claim registered if he has a right to registration conferred on him by a contract made with the State. It appears to the Government that the amendments proposed are moderate and reasonable and as the need for them is frequently felt, they are again submitted for the approval of Parliament. I commend the Bill to the consideration of honourable members.

Very similar amendments have been presented before, some of which were acceptable to the House, but others were debatable. The Bill now placed before members need present no difficulties.

The Hon. F. J. CONDON secured the adjournment of the debate.

**SHEARERS ACCOMMODATION ACT  
AMENDMENT BILL.**

The Hon. C. D. ROWE (Minister of Industry and Employment), having obtained leave, introduced a Bill for an Act to amend

the Shearers Accommodation Act, 1922-1947. Read a first time.

**SECONDHAND DEALERS ACT AMEND-  
MENT BILL.**

The Hon. Sir LYELL McEWIN (Chief Secretary), having obtained leave, introduced a Bill for an Act to amend the Secondhand Dealers Act, 1919-1950. Read a first time.

**ADJOURNMENT.**

At 2.44 p.m. the Council adjourned until Wednesday, August 13, at 2.15 p.m.