

**LEGISLATIVE COUNCIL.**

Thursday, September 28, 1961.

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

**SENATE VACANCY.**

The PRESIDENT laid on the table the minutes of proceedings of the joint sitting of the two Houses this day to choose a person to hold the place in the Senate rendered vacant by the death of Senator Rex Whiting Pearson, at which Mr. Gordon Sinclair Davidson was the person so chosen.

**QUESTION.****ADELAIDE OVAL.**

The Hon. K. E. J. BARDOLPH: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. K. E. J. BARDOLPH: Recently I asked the Chief Secretary a question about the Adelaide Oval and he mentioned that he was under the impression that ratification of an agreement or lease had to be determined by Parliament. This morning's press contains a report of a similar question asked in another place and that the Premier indicated that he was not sure of the procedure. Can the Chief Secretary say whether Parliament will have the final say in connection with the lease of the Adelaide Oval, and whether the Adelaide City Council has complete power to effect an agreement, either by statute or by regulation?

The Hon. Sir LYELL McEWIN: I have no doubt about the information upon which I gave the honourable member a reply previously, but in view of the fact that the Premier has indicated in another place that he is going to check up on the procedure I offer the same assurance to the honourable member that I will give him the exact position when I know it.

**LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 1).**

The Hon. N. L. JUDE (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1934-1959. Read a first time.

**BULK HANDLING OF GRAIN ACT AMENDMENT BILL.**

Read a third time and passed.

**SURVEYORS ACT AMENDMENT BILL.**

Second reading.

The Hon. C. D. ROWE (Attorney-General): I move:

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

The object of the Bill is to prevent damage, destruction, removal or interference with survey marks. While section 34 of the principal Act makes it an offence to pull up, remove, destroy or injure any peg or survey mark which has been put up by a surveyor on the boundaries of any roads or property surveyed or for the purpose of defining boundaries, the whole section is qualified by the words "during the progress of any survey". Section 34 thus covers only interference with survey marks where a survey is in progress and where the marks are on boundaries or where the survey marks are erected for the purpose of fixing boundaries. While this section goes some way towards covering the field, it does not provide for interference with survey marks after the completion of the survey.

Clause 4 accordingly makes it an offence to damage, destroy, remove or interfere with any survey mark. Clause 3 will amend section 30 of the principal Act by introducing a definition of survey mark which will mean a beacon, concrete block, metal pin, metal plaque, peg or stone cairn placed on land for the purpose of making a survey of any kind or for the purpose of indicating a boundary on any land. The effect of both amendments will be that interference with survey marks at any time will be an offence. A Bill along similar lines was introduced some years ago, but objections of kinds were raised to some of its provisions. The main objection was that the definition of survey mark was too wide in that it included not only a peg, picket or beacon but also a mark or thing of any kind for the purpose of making a survey or indicating a boundary—it was suggested that an empty bottle or tin could be used temporarily as a survey mark. In the present Bill the reference to a mark or thing of any kind has been omitted and the definition has been made more specific.

Another objection was that the former Bill did not include as part of the offence the element of wilfulness or recklessness. The words "wilfully or recklessly" have been included in the proposed new section 34 under this Bill.

Clause 4 also inserts a new subsection in section 34 making the allegation in a complaint that any beacon, etc., is a survey mark shall be *prima facie* evidence. Without such provision unnecessary difficulties might well arise in

connection with prosecutions. I would point out that the presumption created by the Bill is not conclusive.

I commend the Bill to honourable members. It is designed to make provision against what has become a very unsatisfactory position. There is a continual loss of survey marks as in particular there have been four serious cases of the loss of beacons and ground marks in connection with geodetic surveys in the past seven years. Replacement of the marks has been expensive and their removal could hardly have been other than deliberate. Other marks have been damaged or partly destroyed. It is necessary that some provision to prevent interference be taken and that the law be amended accordingly.

The Hon. K. E. J. BARDOLPH secured the adjournment of the debate.

#### LAND TAX ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 26. Page 865.)

The Hon. K. E. J. BARDOLPH (Central No. 1): I support the second reading. Ever since South Australia became a non-claimant State the Government has been tax-happy. When the Grants Commission used to visit us to have our financial disabilities placed before it, on several occasions before it gave a grant it indicated that the Government had to increase its social services tax. I remember one specific case and the Government was directed to increase tram and train fares, with the result that a great burden was placed on the younger generation because the cost of school tram tickets was increased. Railway fares were also advanced to accede to the Commission's request. There has been much tub-thumping as to our becoming a non-claimant State, and we find that the respective departments have become tax-happy. I do not need to recapitulate all the increases that have taken place in respect to the services provided, but as to the land tax the following figures are interesting: In 1956-57 this tax produced £1,400,571; in 1957-58 it was £1,390,254; in 1958-59 it was £1,396,793; in 1959-60 it was £1,359,529 and in 1960-61 it was £1,399,850. In his Budget speech the Treasurer intimated that it was expected that the land tax for 1961-62 would be £2,000,000. It does not need a very astute mathematician to work out that the increase over last year will be £600,150, an increase of about 45 per cent.

The Hon. Sir Lyell McEwin: This Bill will help the honourable member.

The Hon. K. E. J. BARDOLPH: No, it will help the larger landholders. I am looking at it from the point of view of the smaller landholder. The Minister says that it will help a section of the community. One section has been mulcted of large sums in land taxation. I have in mind those organizations that have land for schools and churches.

The Hon. Sir Lyell McEwin: The Bill does not impose any additional taxation on those people.

The Hon. K. E. J. BARDOLPH: That does not cover the inequalities in the Bill. As to the inflationary spiral, the South Australian and Commonwealth Governments attempt to keep it in existence.

The Hon. G. O'H. Giles: What about the primary producers?

The Hon. K. E. J. BARDOLPH: The honourable member cannot claim to be a primary producer by any stretch of the imagination. The Adelaide City Council assessments and the assessments on water and land have been based on an inflationary standard, and I do not think that the authorities can deny it. At the same time the wherewithal to pay those taxes is not increasing proportionately. I can tell members of a number of these taxes that have been increased. The Chief Secretary may laugh.

The Hon. Sir Lyell McEwin: I was wondering where you were going to sheer off. You advocate increased wages in industry.

The Hon. K. E. J. BARDOLPH: This Bill applies not only to those who own rural properties, but also to those who own homes. Under the present Act the Land Tax Commissioner must value land proportionately. If it is not valued on an inflationary spiral, can the Chief Secretary or any other honourable member tell me on what basis it is fixed?

The Hon. G. O'H. Giles: The true values at the moment.

The Hon. K. E. J. BARDOLPH: No. It is only on what people will pay on an inflated spiral for certain land. The honourable member may own one or two bush blocks somewhere and he is protected by this law, which will also help my honourable friend from the Murray with his orange farm. I agree with the object of the Bill, but I am surprised that the Government has not gone further.

The Hon. C. R. Story: You will agree that the little man will benefit?

The Hon. K. E. J. BARDOLPH: I agree that the orange farmer and the rural producer will benefit. As the Chief Secretary said in his second reading speech, the Bill deals with

those people who buy land for speculative purposes for subdivision. Where a person is holding land for rural production it should not be assessed on the same basis as my honourable friend (Mr. Giles) wants, with the inflationary spiral applying. Actually, buyers determine the price paid for land. I am afraid that the Hon. Mr. Giles does not know much about land subdivision, but as he grows older he will learn. Some people are buying rural land 15 to 20 miles from Adelaide for subdivisional purposes. The buyers of that land determine the price on each block before it is put up for sale. The Government should have brought in some form of taxation on those people who put an inflationary price on blocks that are to be sold. The Town Planning Act provides that the owner of land which is to be subdivided must make roads of a certain standard. What will happen if the land tax rate is based on an inflationary standard and people who have this tax imposed upon them are not in a position to pay? Will there be a revaluation down to the standard level or will it be continued on the higher level as proposed in this legislation? My experience has been that a tax is never decreased but often increased, and becomes a means of getting more revenue once it is placed on the Statute Book.

The Hon. C. R. Story: How would you finance the State if you were running it? With peanuts or something?

The Hon. K. E. J. BARDOLPH: Without bringing politics into this, I suggest that the honourable member will recall how this country was financed when the Curtin and Chifley Labor Governments were in office. I do not think anyone went bankrupt during that period, and a lot of people made money. Not one penny was borrowed from outside Australia, but all the money for the prosecution of the war—and £1,000,000 a day was spent—was borrowed from the people of Australia so that we were not tied to the overseas financiers.

The Hon. Sir Frank Perry: That was when we had rationing.

The Hon. K. E. J. BARDOLPH: The stage is now being reached when people are crying out for a Labor Government in this State, and should this happen, they will see what a Labor Government can do in contrast to what has been done by the present Government.

The Hon. C. R. Story: We will help you with your speeches.

The Hon. K. E. J. BARDOLPH: I do not need any help from the honourable member, but I am sure he will disagree with many of the things I say. I propose moving a number

of amendments which are not yet on honourable members' files, but at present I am debarred from discussing them. However, in clause 4 I propose moving three amendments; in clause 5 one amendment; and other amendments with regard to the tax payments.

The Hon. Sir Arthur Rymill: These are suggested amendments?

The Hon. K. E. J. BARDOLPH: Yes, they are suggested amendments, but if they are carried they will be amendments for the consideration of another place.

The Hon. S. C. Bevan: Write them out for him!

The Hon. K. E. J. BARDOLPH: I do not want to do that. We support the Bill, but not as it stands. It is like the curate's egg, good in parts. We support some of the proposals, but we will make certain suggestions whereby people we represent in this Chamber will receive some amelioration of land tax.

I do not criticize the administration of the Land Tax Department because in our Public Service there are many efficient officers. Their integrity is above reproach and they merely carry out the policy of the Government from time to time, but I suggest, and honourable members no doubt will agree with me, that over the years we have been delegating Parliamentary power to the heads of departments. By that, I mean that we have been expanding our powers of Parliament in the administration of the Government by legislation, and that is not a good thing in representative Government. The Land Tax Department does not present to Parliament a report of its yearly activities, but the department is included in the Auditor-General's report. The Lands Department and other departments present a report through their Minister to Parliament, and I suggest that, as we are members elected by the people to be the custodians of the affairs of this State, a report should be submitted to Parliament by each department.

As this is a money Bill, the suggested amendments will be considered in another place as requests or suggested alterations to the Bill. I support the Bill and will seek leave in the Committee stage to submit my amendments.

The Hon. L. H. DENSLEY secured the adjournment of the debate.

#### ADELAIDE PARK LANDS ALTERATION BILL.

Received from the House of Assembly and read a first time.

## BRANDS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from September 26. Page 863.)

The Hon. A. J. SHARD (Leader of the Opposition): This is a short Bill and amends the principal Act by inserting a new paragraph in section 70 dealing with offences. The subject matter of this amendment was before this Chamber in 1955 when section 28 of the principal Act was amended to read as follows:

A paint brand shall be made with a substance prescribed by regulation and shall be of a colour prescribed by regulation.

This amendment was to take effect from a day to be fixed by proclamation made by the Governor. When the amendment was discussed in 1955 a number of honourable members doubted its wisdom and whether it would be successful or not. Apparently their doubts were well founded. I have not read the regulation promulgated under the section but it seems to have failed in its purpose. I can only support the Bill for its object is to keep fleeces of wool clean by having them branded only with material that is easily scourable. I hope that the provisions of the Bill will prove to be 100 per cent successful because primary producers should get full value for their product. It is a pity that we must introduce legislation to protect the many because a few are unreasonable. I am concerned about the maximum penalty of £25 or three months' imprisonment for a first offence. Is it fair to give such a wide discretionary power? A maximum fine of £25 represents wages for 1½ weeks, and three months' imprisonment wages for 8 weeks. I think that for a first offence there should be a fine of a maximum of £25, and for a second or third offence a heavier fine or a term of imprisonment. I support the Bill.

The Hon. C. R. STORY (Midland): Anything we can do to assist the primary producers to keep down costs is laudable, and that is what the Bill appears to do. The Chief Secretary gave a clear explanation of its provisions. When the Act was last amended the use of tar was prohibited, but we have now come back to referring to substances black in colour. I cannot easily understand what is meant by paragraph (da) in clause 3. Perhaps it could be worded differently to make it more easily understood. I cannot understand the words "or a substance prescribed as a scourable substance or as one with which a paint brand may be made". I am concerned about the inclusion of the words "or as one with

which a paint brand may be made." Perhaps they have been included to clarify a matter, but I would like the Chief Secretary to explain the meaning. People in industry should be able easily to understand the law, but as this paragraph is worded it will not be easy. I do not know if it is still the common practice in the industry to use tar for medical purposes, and perhaps substitutes are now used, but for a first offence a maximum fine of £25 or imprisonment for three months seems to be a severe penalty should an accident occur in the use of the tar. Now that other means of treating wounds are available to the exclusion of tar, perhaps the penalty provision could be amended.

The Hon. G. O'H. GILES secured the adjournment of the debate.

## APPRAISERS ACT AMENDMENT BILL.

(Second reading debate adjourned on September 26. Page 865.)

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

## THE PARKIN TRUST INCORPORATED ACT AMENDMENT BILL (PRIVATE).

Consideration of the reported Bill.

The PRESIDENT: The Acting Examiner of Private Bills has reported that the amendments made by the Select Committee in this Bill do not involve any infraction of the Standing Orders.

The Hon. Sir FRANK PERRY (Central No. 2) moved:

That the Bill as reported be adopted.

Motion carried.

Bill read a third time and passed.

## THE PARKIN CONGREGATIONAL MISSION OF SOUTH AUSTRALIA BILL (PRIVATE).

Consideration of the reported Bill.

The PRESIDENT: The Acting Examiner of Private Bills has reported that the amendments made by the Select Committee in this Bill do not involve any infraction of the Standing Orders.

The Hon. Sir FRANK PERRY (Central No. 2) moved:

That the Bill as reported be adopted.

Motion carried.

Bill read a third time and passed.

## ADJOURNMENT.

At 3.02 p.m. the Council adjourned until Tuesday, October 3, at 2.15 p.m.