LEGISLATIVE COUNCIL

Tuesday, November 16, 1965.

The PRESIDENT (Hon. L. H. Densley) took the Chair at 2.15 p.m. and read prayers.

MINISTERIAL STATEMENT: OFF-SHORE OIL EXPLORATION.

The Hon. S. C. BEVAN (Minister of Mines): I ask leave to make a Ministerial statement relative to off-shore oil exploration.

Leave granted.

The Hon. S. C. BEVAN: The statement, which is rather lengthy and which is a prelude to the introduction of uniform legislation throughout the Commonwealth some time in the future dealing with off-shore petroleum, is as follows:

The Governments of the Commonwealth and of the Australian States have reached agreement on a system of legislation to control and safeguard the exploration for, and exploitation of, the petroleum resources in Australian off-shore areas, both within and beyond territorial limits. Interest in exploring the petroleum resources of the seabed has quickened considerably in recent times. However, apart from territory ordinances, the Commonwealth has at present no legislation governing this sort of activity. All States, as well as the Northern Territory and the Territory of Papua and New Guinea, have granted exploration permits under their existing legislation and the Commonwealth has granted subsidies for exploration of some of these areas. The discovery of natural gas in the area of Bass Strait is encouraging, both to the companies concerned and to the country as a whole. It is hoped that further exploration will bring fresh discoveries of both oil and natural gas.

A series of conferences extending over a period of more than two years has taken place between the Commonwealth Minister for National Development and the State Mines Ministers, and the Commonwealth and State Attorneys-General. The Minister for Territories has also been associated with the discussions. The discussions have been limited to resources of petroleum, whether in gaseous, liquid or solid form.

The objectives in the extensive Commonwealth-State discussions that have been taking place have been to work out a scheme that would give certainty of legal title to operators in off-shore areas who undertake the substantial expenditures involved in off-shore exploration and exploitation and, at the same time, would enable constitutional issues to be put on one side, thus avoiding constitutional litigation of the kind that has been going on in the United States for many years. The several Governments have mutually agreed that without abating any of their constitutional claims—that without abandoning those claims—they should try to arrive at a concerted policy with common administration and with complete agreement between them as to what is to happen. This has been achieved.

That it has been possible to reach this agreement is a unique tribute to the strength of our federal institutions and I think that we may take satisfaction in the thought that statements similar in content are being, or will be, made in the State Parliaments—thus demonstrating the unanimity of purpose of the several Governments. The scheme agreed to by the Governments will be effected by Commonwealth and State legislation in similar terms, which will be presented to the several Parliaments pursuant to a formal agreement between the Commonwealth and the States setting out details of the agreed arrangements and the basis of, and understandings behind, such arrangements and evidencing the intention of all parties.

The legislation proposed by both the Commonwealth and the States will include provision for the application in off-shore areas of the general body of law in force in the adjacent State or Territory. This will include both State and Commonwealth laws and will apply in off-shore areas in relation to the exploration for, and exploitation of, petroleum. The legislation will also include a mining code devised by the Commonwealth and the States in co-operation, and providing for a common set of principles to apply to all off-shore petroleum operations anywhere around the Australian coast, but allowing sufficient flexibility to enable the peculiar circumstances and problems off-shore from any individual State or Territory to be met. The administration of this legislation will be in the hands of the States and Territories, save only that the States have agreed that the Commonwealth will be consulted on all aspects which may affect the Commonwealth's own special responsibilities under the Constitution in matters such as defence, external affairs, health, immigration, customs, navigation, and so on, and that in these matters the States will give effect to Commonwealth decisions. Because of the very natural interest in the principles of the off-shore mining code on the part of companies currently holding off-shore tenements or contemplating off-shore exploration, I propose now to give a brief outline of the basic principles which will be included in the legislation to be introduced both by the Commonwealth Government and the several State Governments. These principles have been agreed between the respective Governments and will be submitted to the Parliaments.

The general run of existing State petroleum legislation provides for a three-stage system, that is, a permit to cover basic exploration, a licence over a much smaller area which gives permission to carry out drilling operations, and a lease to cover the production stage. The new off-shore legislation will be a two-stage system. A permit will cover all stages of exploration including drilling, and a licence (equivalent to a lease on land) will cover production. Under the scheme a permit may be issued initially for a period up to 10 years, or having been issued initially for a lesser period, may be extended to a total life of 10 years. If its duration exceeds two years either as an initial grant or because of extension, such duration shall be divided into successive specified periods and there will be provision for reduction of the areas of the permit at the ends of such periods.

This is to encourage companies to concentrate their efforts on the most prospective areas which they discover but not at the same time hold large off-shore areas which are not being effectively explored. Companies holding permits will be required to carry out exploration work in accordance with programmes approved by the State Mines Minister, or by the appropriate authorities in Commonwealth Territories. There will be provisions requiring operations to be carried out in such manner as will not interfere unjustifiably with navigation or fishing, or with the conservation of the living resources of the sea and the seabed, with underwater cables or pipelines, or with mining operations for minerals other than petroleum.

Rental will be payable to the States or Territories at an annual rate of 2s. a square mile but not exceeding the sum of £1,000 for any permit area. This is a comparatively modest rate but it is the view of the several Governments that companies should be encouraged to spend as much as possible in actual exploration. Rentals will be kept by the States. There will be many other details customarily found in petroleum legislation, such as a requirement that operations be carried out in accordance with good oil field practices, that proper safety procedures be observed, that reports be submitted at specified intervals, together with provisions for the voluntary relinquishment of a permit, and also for cancellation if the permittee fails to comply with the terms and conditions laid down in his permit.

I deal now with the granting of production licences. In the event of a permittee discovering payable petroleum he will have a preferential right to a licence for production. Licences will issue for periods of 21 years, with the licensee having the right of extension, providing he has satisfactorily carried out the conditions and covenants of his licence, for a further period of 21 years. During the first 21 years royalty will be payable at the rate of 10 per cent of value of production at the well head. The second 21 years will be divided into three 7-year periods, during each of which the royalty may be varied by agreement between the several Governments. Further extensions of the licence may be granted. The effect of this is that an operator is assured, providing he carries out his side of the bargain, of holding his licence area for at least 42 years and that during the first half of this, the royalty rate will be fixed at 10 per cent of value at well head. Royalties will be divided on a 50-50 basis between the Commonwealth and the adjacent State. The disposition of royalties in the case of the Territories will depend on the general financial relationships between the Commonwealth and the particular Territory.

The method by which areas of a licence for production will be determined is of interest. The Commonwealth and the States have agreed that there shall be established over off-shore areas a graticule system of block areas, the size of each graticular block to be five minutes of arc of latitude by five minutes of arc of longitude. In the areas of Northern Australia this results in graticular blocks of a little over 30 square miles in size, reducing as one moves south until in Bass Strait the blocks are approximately 25 square miles. Reduction in size is, of course, brought about by the fact that minutes of latitude decrease in length between the Equator and the South Pole.

Following a discovery of petroleum within a permit area, the permittee will be asked to nominate a graticular block, which will then become the centre of a group of nine graticular blocks which for purposes of simplicity will be known as a location. Each side of the location will be three blocks in length. From within this location of nine graticular blocks a permitee will be entitled to select any four blocks and to be granted a production licence covering such blocks. The permittee will have at least two years in which to make his selection, and this period may be extended to four years if the State Minister (or the appropriate authority in Commonwealth Territories) considers further time is needed for adequate exploration and assessment of the area of the location. Those graticular blocks which are not selected by the permitee will be excised from the permit area and may be disposed of by the States or Territories by tender. The original permittee will have the right of first option over any such graticular blocks at the top price offered by any other tenderer, provided that if the top price offered is not considered satisfactory allocation may be deferred and the blocks readvertised. The proceeds from the sale of these blocks will be retained by the adjacent State.

It will be noted that this arrangement will enable the permittee who discovers petroleum to secure as of right a licence for production over an area of 100 square miles or more, according to latitude. This is the normal maximum size of a lease currently provided for in the State legislation. The permittee has the right to nominate the central block of the location so that he can have the location established over the area which he thinks will most suitably cover the geological structure in which he is interested. The permittee has a second choice in that he can take his pick of four blocks out of the nine constituting the location. There will be no limit to the number of licences that may be granted to any one company. This arrangement we believe is fair to the permittee, while at the same time taking into account the national sentiment that the Australian people as a whole should benefit appropriately from the development of our national resources.

If the block nominated as the centre of a location is so positioned that to make it the centre of a location of nine graticular blocks would encroach on areas already included within other locations or would encroach on other permits or licence areas, the location pertaining to the discovery and its nominated block shall be limited to that number of graticular blocks which are not already encumbered, and the permitee will be allowed as of right to choose blocks over which he will be granted production licences according to a laid down scale. For instance, if the location is limited to seven blocks, the permittee may be granted licences over four. If the location is limited to four blocks, the permittee may be granted a licence over two, and so on. A permittee who discovers payable petroleum

will also have a preferential right to a pipeline licence for the purpose of bringing his product ashore by a reasonably direct route.

I would like now to deal with the position of companies holding tenements issued by the States or Territories. Throughout the discussions between the Commonwealth and the States, the Commonwealth has made clear its intentions, wherever possible, to honour tenements which have been issued by States or Territories and accepted by companies in good faith prior to the passage of Commonwealth legislation. There will be provisions in the legislation relating to the confirmation of existing tenements for the unexpired period of their life, and to this end confirmatory permits may be issued temporarily with boundaries that do not conform to the graticular system to which I have referred. Existing tenements are of comparatively short duration. Many will expire in 1966, a few in 1967 and 1968, while four run until 1969. As mentioned earlier, the new legislation will provide for permits of up to 10 years' duration. Some companies may therefore prefer to be issued with a new permit under the new legislation. Others, whose permits have only a comparatively short time to run, may find it more convenient to have their old permit confirmed for the unexpired period of life. This will be a matter for negotiation between the companies and the State Mines Departments. The Commonwealth and the States have agreed together on the general principles under which confirmation should be handled.

This, then, is a summary of the intentions of the Commonwealth and the States with regard to off-shore petroleum legislation. I emphasize that the proposed system has been designed to ensure security of title and tenure to off-shore operators to avoid costly and time-consuming litigation, and to establish an effective and legally sound administrative regime supported co-operatively by the Commonwealth and the State. Legislation will be brought down during the next session of Parliament.

I thank honourable members for their courtesy in allowing me to make that statement.

QUESTIONS

GREENWAYS.

The Hon. R. C. DeGARIS: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. R. C. DeGARIS: I received a letter from the central committee of Greenways War Memorial Incorporated in which my attention was drawn to the fact that at Greenways the price for a certain number of blocks of land had recently been increased from £10 to £50. There is no electricity, water, sewerage or even a made road to the blocks. The committee considers the increase rather unjust, particularly as, I believe, two people have had their £10 cheques returned and have been told that the price is now £50. This land was given to the department free of charge as a township area by Mr. Alan Gould, of the Greenways area. Will the Minister of Local Government ascertain from his colleague, the Minister of Lands, the reasons why the price of these building blocks has been increased from £10 to £50?

The Hon. S. C. BEVAN: I will refer the honourable member's question to the Minister of Lands for a report and let the honourable member have it as soon as possible.

CLOUD SEEDING.

The Hon. R. A. GEDDES: Has the Minister of Labour and Industry a reply to my question of October 26 about the seeding of clouds to make rain?

The Hon. A. F. KNEEBONE: Yes. My colleague, the Minister of Works, has obtained the following report from the Director and Engineer-in-Chief:

No records are held in this department of experiments having been conducted on cloud seeding over the Adelaide catchment areas. Experiments of this nature were conducted by the Commonwealth Scientific and Industrial Research Organization in part of the northern agricultural area of South Australia several years ago. From the published reports it would appear that the results were rather inconclusive, but if it is desired to pursue the matter further it will be necessary to obtain a report from the C.S.I.R.O., Division Radio Physics, Sydney.

UNDERGROUND WATER.

The Hon. H. K. KEMP: Has the Minister of Mines a reply to a question I asked on November 3 about underground waters?

The Hon. S. C. BEVAN: Yes. The Mines Department undertakes an inspection twice yearly of the major bores in the South-East, and records the flow rates and the pressures. In addition, a record is maintained in the department of bore details throughout the Murray Basin and elsewhere. Although there are more than 11,000 bores on record in the Murray Basin, it is known that the list is by no means complete. The possibility of obtaining annual data from landholders by means of the Bureau of Census and Statistics annual returns will be investigated. However, an annual compilation of these statistics would be beyond the present manpower resources of this department. With the development of data processing equipment in the Public Service some such scheme might become practicable.

NORTHERN ROAD.

The Hon. R. A. GEDDES: Has the Minister of Roads a reply to my question of November 4 about the Port Augusta to Alice Springs road?

The Hon. S. C. BEVAN: Yes. The answer is as follows:

Funds are provided to the Engineering and Water Supply Department for the maintenance of the road between Port Augusta and Alice Springs. This department has not received any reports regarding the rapid deterioration of this road. The upgrading of the road is not at present programmed by the department as funds are not available to meet the very heavy expenditure that would be necessary to improve the road appreciably.

RAILWAY CARRIAGES.

The Hon. R. A. GEDDES: Has the Minister of Transport a reply to the question I asked on November 3 about the painting of railway carriage roofs?

The Hon. A. F. KNEEBONE: Yes. I have a reply in the following terms:

Not all the new railway passenger cars have dark-coloured roofs. The cars are as follows: new suburban cars, red; "Bluebird" cars, silver; "Overland" cars, black; Port Pirie cars, black. The Railways Commissioner has reported that dark colours are being used to reduce maintenance costs; for example, suburban rail cars originally had the roofs painted with aluminium but they were found to discolour quickly from engine exhausts and brake-block dust. Because of this, it was found to be a full-time project maintaining the bright roof in a satisfactory condition and appearance. As there are 82 of these suburban cars in service, the cost of maintaining roofs is quite substantial. As there are relatively few "Bluebird" cars, it was decided to retain the silver colour. The roofs of the "Overland" and Port Pirie cars were painted black to reduce maintenance. It is realized that a car with a bright roof does offer reflection of heat. However, the roofs of all cars are very heavily insulated, and it is considered that the effect of a black roof would be insignificant in respect of inside temperature conditions, particularly as these cars are fully air-conditioned.

VETERINARY SCIENCE.

The Hon. Sir ARTHUR RYMILL: I ask leave to make a statement prior to asking a question.

Leave granted.

The Hon. Sir ARTHUR RYMILL: I say immediately that I do not expect the Minister of Labour and Industry, representing the Minister of Education, to be able to answer today the question I am about to address to him but, as I wish to explain it, it is better that I should ask it in this way than that I should put it on notice. I understand there is no Chair of Veterinary Science in the University of Adelaide but that students wishing to study this subject can go to Melbourne, Sydney or Brisbane. I am informed that in Melbourne and Sydney the faculty is limited to 50 students and in Brisbane the number is unlimited but students from other States are required to pay £75 a term instead of £50. Can the Minister representing the Minister of Education say whether there are any arrangements with the other universities whereby students of ours can get a place in this faculty, or, if no arrangements exist, are any contemplated? Alternatively, if this is not the case, will the Government consider subsidizing suitable students for the extra fees that are payable in the faculty?

The Hon. A. F. KNEEBONE: I shall be pleased to convey the honourable member's question to my colleague and bring back a reply as soon as possible.

OFF-SHORE OIL EXPLORATION.

The Hon. Sir LYELL McEWIN: If the Ministerial statement we have just had represents an ultimatum to Parliaments of the States, will the Minister say what will be the effect on the agreement if any State Parliament rejects the proposals outlined in the report submitted by him?

The Hon. S. C. BEVAN: I have given this matter some thought. I really do not know what would be the effect if one State did not carry the proposed legislation contained in the uniform Bill to be introduced later and all other States and the Commonwealth did. However, I assume that the Commonwealth legislation would override the objecting State if all other States and the Commonwealth accepted it.

The Hon. Sir Lyell McEwin: They may impose sanctions?

The Hon. S. C. BEVAN: I do not know. The objecting State would perhaps be involved in lengthy litigation before the High Court and Privy Council if it challenged the rights of the Commonwealth and said that it had usurped the States' rights. These matters have entered my mind. However, at this stage I cannot tell the honourable member the effect of what he has suggested, but I assume that the objecting State would be faced with Commonwealth legislation and that it would be a matter of "take it or leave it". The position is that this legislation overrides that of the State anyhow, whichever way it goes.

HILLCREST PRIMARY SCHOOL.

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Hillcrest Primary School.

AGED AND INFIRM—PERSONS' PROPERTY ACT AMENDMENT BILL.

Read a third time and passed.

LAND TAX ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 2710.)

The Hon. L. R. HART (Midland): The purpose of this Bill, as stated in the Minister's second reading explanation, is to make one of several revenue adjustments designed to reduce the gap between revenue and proposed expenditure to manageable proportions. From this we must assume that other forms of increased taxation of some magnitude will be presented to this Parliament in due course. The Premier is reported to have stated that the measure is necessary to enable the Government to fulfil its election promises and to provide social services in this State. That being so (and I assume that the Premier can be accepted as spokesman for the Government, although at times one doubts it), the Labor Party was completely dishonest in its election policy. Admittedly, it made many promises and would be expected to carry them out. In this regard, one would also have some reservations. At no time, however, during the election campaign did its spokesmen say that in order to honour its obligations land tax rates would be increased to the tune of 17 per cent in the first year and to an unknown limit in subsequent years. Therefore, I repeat that the Labor Party's election policy speech was completely dishonest.

Land tax is a class tax under which one section of the community is being forced to make a heavy and ever-increasing contribution to the State's revenue, to be used not as a service to the people who pay the tax but to some other section of the community completely unrelated. It is not only a tax on capital; it is also a tax on the farmer's tools of trade and his talents.

The Hon. M. B. Dawkins: And a tax on a drought year, too.

The Hon. L. R. HART: We shall come to the drought year part of it in a moment. The worst feature is that, in spite of the unfavourable season and the steady fall in farm income and the value of primary products, assessment values are steadily increasing. Farmers are constantly being urged to cut their production costs and be more efficient, when it is clear there is no possible chance of their doing either. In fact, the incidence of land tax stands as an immovable obstacle. To cut production costs often means mechanization and, for mechanization to be effective and economic, it means expanding from a small and possibly uneconomic unit to a large economic unit. However, immediately a landholder expands his holding, he is caught in the net of land tax, not just on the land he has acquired but on that land aggregated with all other land he possesses. This may mean that he finds not only that he is in a higher bracket in the land tax scale but also that he goes up two rungs on the ladder for, under this Bill, the scale variations are brought closer together. There is every possibility that this Bill besides increasing revenue for the Government is designed to put into effect the Labor Party's policy of breaking up rural estates.

Much emphasis is being placed on the development of secondary industry today. Protective tariffs, subsidies, etc., are granted and a secure home market is assured for at least 80 per cent of that production. It is seldom that we hear of secondary industry being told to become more efficient, yet it seems to have become unimportant to preserve some semblance of stability in primary production. The fact that primary production is the source of 80 per cent of our export income and that without it secondary industry would be impossible seems to be quite forgotten. Nor do Governments seem to consider that when the farmer is poor the State is poor, too. All his life the farmer struggles against the economic disadvantage of being a farmer, buying his goods on a protected home market and selling on an open world market; yet he is continually being required to make contributions to the State's finances, not on his ability to pay but on his capital investment and his tools of trade.

When one compares the landowner with the professional man or business man in a country area on an equivalent net income, it is found that the landowner or farmer could well be paying up to 10 times the amount of land tax paid by the professional man. The professional man can expand in his profession without incurring an increase in land tax payments. However, the farmer, immediately he endeavours to expand, incurs the penalty of increased land tax payments. The ultimate result of this discrimination will inevitably be that farmers instead of establishing their sons on the land, in an occupation in which they have grown up, will send them on to a higher education fitting them for a professional career. The result of this will be a drift from the country to the city.

We have heard much from the Labor Party, when in Opposition, about decentralization.

Since it has been in power, that word has been used guardedly. If we are to have decentralization in this country, we must have the farming community working economically. Ancient history tells us that, when Governments of the more remote past taxed people beyond a reasonable level, migration to other lands was the result. An example of this is to be found in the Book of Exodus. Pharaoh taxed the Israelites in terms of service to such an extent that, at some unspecified point in raising assessments, the Israelites judged that the time had come to go elsewhere. Today, within the rigid frontiers of modern civilization the taxpayer is held captive. There is nowhere for him to go, because taxation elsewhere is just as high, or even higher.

The effect of this Bill may not be that people will emigrate elsewhere, but they must inevitably drift away from the occupation of rural production. In its present form the Bill is, one may say, abstract. The word "abstract" has been used often in debates in this Council but the position with regard to the forthcoming quinquennial assessment is that nobody knows for certain what the actual cost to the landowner will be after this assessment is introduced. Therefore, it is unreasonable to expect this Council to pass the Bill in its present form. In fact, it is somewhat unreasonable and, as I said a while ago, dishonest on the part of the Labor Party to introduce this measure to finance its election promises. It is all very well to make election promises, but we have to live within the capacity of the State's resources. Thomas Jefferson once said:

I place economy amongst the first and most important virtues, and public debt is the greatest of dangers to be feared. To preserve our independence, we must not let our rulers load us with perpetual debt. If we run into such debts, we must be taxed in our meat and drink, in our necessities and in our comforts, in our labour and in our amusements. If we can prevent the Government from wasting the labour of the people, under the pretence of caring for them, they will be happy.

I consider those words to be equally true today. The effect of the legislation coming before us is to shift the load of taxation from the section of the community with the ability to pay to another section that does not have that ability. The Government is taxing not on the productive capacity of a property but on the value of a property that is inflated by the very actions of the Government itself.

Under those conditions, I can support this Bill only with the reservation that when it reaches the Committee stage I shall support amendments indicated by honourable members who have spoken. We can only pass a Bill that gives effect to the known increase in land tax rates under the present assessment. I do not think any honourable member is serving his district if he supports this Bill in its present form. I support the second reading but reserve the right to vote for any amendment that may be put forward in Committee.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

MAINTENANCE ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 9. Page 2632.)

The Hon. Sir LYELL McEWIN (Leader of the Opposition): The Bill contains about 130 pages, 150 clauses and many subclauses, and it amends an Act containing 208 clauses and 83 pages. It also repeals a number of Statutes. I think at least 12 other Acts are affected, either by amendment or repeal. The Bill was introduced in another place on July 1, where it remained for four months before it reached this Chamber. It is the type of Bill that could well be left on the Notice Paper for a period to enable honourable members to study the changes it proposes. I thank the Chief Secretary for having given me a little time in which to look at the Bill. Although he did not press me to proceed with the second reading debate following his introduction of the Bill last week, I have not been able to examine it in every detail.

This measure is the result of consideration extending over a period of two or three years at least. It was under consideration by the previous Government, and the Standing Committee of Commonwealth and State Attorneys-General spent some time endeavouring to achieve a uniform code as between the States. Among other matters discussed was the reciprocal enforcement of orders in other States, and that is provided for in the Bill. Alternative legislation is being substituted and the Interstate Destitute Persons Relief Act, 1910-1958, is being repealed. The principles of that Act are preserved, as far as I can ascertain. After a cursory examination of the Bill and after considering the explanation given by the Chief Secretary, I think that its main object is the sacking of the board and the placing of its powers under the control of the Minister. Some people may favour that step. Personally, I am not one of those

who consider this to be necessarily an improvement. Instead of having a board of eight members and a Chairman, we are to have a Director, with powers vested in the Minister.

Since the early 1840's there has been some provision for the destitute and children in need. In 1887, a Destitute Board and State Children's Council were created and they continued to operate under separate Statutes until 1927, when the Children's Welfare and Public Relief Board was established under the Maintenance Act of 1926. In the Bill before us we have what represents a change after 40 years in connection with maintenance of people in need. Five members of the council were appointed to the Children's Welfare and Public Relief Board in 1927 and one of them, Miss Dorothy Vaughan, served continuously for 36 years until she retired in 1962. That indicates the work of a dedicated person, who considered the work of such importance that she was prepared, for small recompense, to continue giving service to this section of the community.

I have nothing but praise for the services rendered by the board, which has eight members and a chairman, who is the Public Service head of the department. Four members had to be women and with this composition we had a board of dedicated men and women who, for little reward, gave considerable time to visiting homes and to giving attention to the needs of wards of the State. The well-equipped and modern provisions in our institutions do credit to the attention they gave to their social responsibilities.

The qualifications of the members deserve mention, in view of the fact that the board is to be eliminated in terms of the Bill. One of them passed away about a week ago. I refer to the late Mr. E. Allan Bantick, whom I personally selected because of his exceptional work for Legacy children in this State. He gave 20 years of exemplary service to the board and was inspired by a keen sense of public duty in this field of opportunity. Mrs. P. E. Duguid, B.A., and Mrs. N. G. Duncan, J.P., were appointed in 1945 and 1947 respectively, because of their interest in social welfare, and they gave similar service. Mrs. Rice was appointed in 1954 and Mrs. E. Lipman Cook, M.B.E., J.P., in 1957. Both were appointed because of their experience and reputation in public life. Mr. Benger, M.B.E., J.P., was appointed in 1957 in recognition of his work in social welfare, particularly crippled children and other activities, over many years. Brig. Burrows, D.S.O., M.M., joined the board in 1960. He was endowed with sympathetic support for the work and had administrative qualifications.

Finally, the eighth member, and the most recent appointment, was Mr. W. M. C. Symonds, B.Sc., Dip.Ed., who joined the board in 1963 after his retirement as headmaster of the Adelaide High School. I notice in today's press that he has been honoured by the old boys of the school, which is sufficient to indicate the respect they have for him, and the qualifications that he possesses. Every member of the board has qualifications and an interest in the work. Their regular and frequent visits to the departmental homes must have given to the administration a quality of parental interest. It must have been encouraging to the inmates and in the best interests of all. Can people with these attributes be found if we rely entirely on civil servants?

I have the highest regard for the staff of the department whose enthusiasm I have every reason to appreciate, but the general public does not always give the Public Service its sympathetic support. It is not always practicable to maintain a regular staff because of departmental transfers and this can affect stability in the administration. Even Ministers come and go, and it is possible that fluctuations can occur in departmental efficiency. Under the Bill the Director will replace the Chairman. The new Director has had much experience and I am confident that he will carry out his duties with credit to himself and to the satisfaction of all concerned. However, should he be promoted to another position in the Public Service, as happened when he was appointed head of this department, it does not necessarily follow that his successor will be as experienced or equipped. Should there be a double change of Director and Minister, the new appointees would be handicapped in the responsibilities involved. They would not have the opinions of a board, and they would be able to act only upon the recommendations in the hundreds of reports submitted by a large number of officers following investigations.

In place of the present board we are to have an advisory board but the assistance that could come from such a board seems to be limited. It will not be obliged to meet; it will have no status in the matter of responsibility; it will meet at the request of any two members of the board, or it will meet following a call by the Director if he considers it necessary to consult them on some matter. This is the only responsibility I can find regarding the advisory

board, and it appears that responsibility will be left entirely to the Director and his Minister.

I have already mentioned that the present Maintenance Act and numerous other Acts are being combined in the Social Welfare Act, 1926-65. There is an attempt to combine matrimonial and juvenile defaulters with the service and execution of judgments in the State, in other States and overseas, and although the desire to maintain uniformity in such matters is desirable care must be taken to see that the drafting verbiage is such that the decisions of appeal courts and the acknowledged system of procedures are not impaired.

I have spoken to the Chairman of the board (Mr. Cook), who has assured me that all of these matters have been carefully checked with the Assistant Parliamentary Draftsman (Mr. Edward Ludovici). I have every confidence in Mr. Cook and Mr. Ludovici. I know that many months of work have gone into the drafting of the Bill; I also know that Mr. Ludovici has attended meetings of Attorneys-General on this matter, so there could not be two more capable people, or better informed people, to present this Bill. I am also assured on the matter of losing the best of our Statutes in the attempt to obtain uniformity with other States. Mr. Cook says that we have not sacrificed any of the qualities in our existing legislation for the sake of uniformity. After listening to a statement on another matter this afternoon I do not think that comment applies to every piece of legislation where uniformity is desired.

The Hon. A. J. Shard: You must have a suspicious mind.

The Hon. Sir LYELL McEWIN: I prefer to have the things I know rather than the things I do not know. In this case we considered for some time the possibility of getting improvements, particularly in the matter of maintenance orders and other States. Apparently a decision has not been reached because I understand from the Minister that certain sections of this measure will be brought into operation by proclamation when complementary legislation has been passed in other States. That was a difficulty we were up against previously when this legislation was considered.

I have not had much time to look at this Bill, but, with the assurances that I have had from Mr. Cook and Mr. Ludovici, I am prepared to support it. However, I reserve the right to examine the clauses further when the Bill is in Committee.

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

DECIMAL CURRENCY BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 2704.)

The Hon. G. J. GILFILLAN (Northern): I support this Bill, which is made necessary by the proposed change to decimal currency in February of next year. Although currency is a Commonwealth matter, it is still necessary for the State to amend its Statutes so that they conform to the new currency legislation, because the laws of the State are outside the jurisdiction of the Commonwealth. It is rather unusual to be considering this Bill at this stage, as several of its clauses refer to the Commonwealth Act and, as honourable members know, that Act has not yet been passed. However, I understand that it is not intended to pass this Bill until the Commonwealth legislation has been dealt with. This is not only wise but absolutely necessary.

I do not intend to take up the time of this Council unduly in going through the Bill clause by clause, as the Minister in his second reading speech gave a full explanation of the intentions and for me to enlarge on what he said would be only repetition. As this Bill is expected to take some time to pass through this Chamber while awaiting the passing of the Commonwealth legislation, honourable members will have sufficient time to examine it in detail. I have checked through it carefully and the only queries I have relate to clauses 8 and 9. Clause 8 (2) provides:

> Section 38 of the Acts Interpretation Act, 1915-1957, shall not apply to any regulation made under this section and any such regulation may be made without regard to any method prescribed by law for the amendment of the statutory instrument concerned and notwithstanding that such statutory instrument may be incapable of amendment apart from this section and any amendment made pursuant to this section shall not affect the scope or period of operation of the statutory instrument amended thereby or be the subject of any appeal or disallowance or similar procedure and every statutory instrument so amended shall in all other respects take effect subject to the amendment from the day on which the regulation takes effect.

When the Minister exercises his right of reply, I should like him to answer a question on this subclause because section 38 of the Acts Interpretation Act sets out the formula for the gazetting of regulations or their disallowance by Parliament. As I read it, this subclause allows Executive Council to make regulations and, as it refers to section 38 of the Acts Interpretation Act, it means that Parliament will not have the power to disallow any of the

regulations. I wonder why this should be necessary. I have a similar query in relation to clause 9, which provides:

(1) If any doubt or difficulty arises in relation to the construction under this Act of any reference to an amount of money or a percentage or proportion expressed in terms of money or to any matter in respect of any such reference or arising out of the passing of this Act or any matter, situation or circumstance arises for which provision is by this Act not made the Governor may by proclamation resolve that doubt or difficulty or give directions for the purpose of removing the same or declaring what is to be done or deal with the matter, in such manner as he considers just and any such proclamation shall have effect as if it were a provision of this Act.

(2) The Governor may by proclamation amend the Schedule to this Act by the addition thereto of any Act requiring amendment in consequence of this Act or the adoption of the new currency specifying particulars of the amendments to be made to the Act so added. Upon the making of any such proclamation the Schedule to this Act shall be deemed to be amended and the Act or Acts specified in such proclamation shall be amended to the extent specified.

I question again the proposed manner of resolving difficulties, and by proclamation adding schedules to those already attached to the Act. Under most Acts these things are done by regulation that takes effect immediately it is gazetted, but Parliament has the right to disallow it in due time. The making of regulations does not unduly hold up their working, but Parliament has the final say and the opportunity to examine the regulations in detail. I question the necessity for proclamations; as far as I can see, they are necessary only where urgent action is required, and I cannot see how this can occur in adding a schedule to an Act referring to schedules in other Acts. I am not questioning the sincerity of the Government, as I am sure that this is a non-political Bill. However, we cannot foresee the future, and the day may come when this very open method of making proclamations will be used to disadvantage. Unless the Minister can give a real reason why the Bill should provide for proclamations rather than regulations, I shall move an amendment in Committee.

The Hon. A. J. Shard: Both your questions are tied up with proclamations, I take it?

The Hon. G. J. GILFILLAN: Yes, proclamations compared with regulations. I do not reflect on the Government, but this provision will give any Government in power in the future a wide scope to add to the schedule.

The Hon. A. J. Shard: They may not all be as good as this Government.

The Hon. G. J. GILFILLAN: I do not wish to comment on this, Mr. President. There is room for conjecture. As the Chief Secretary has intimated, who knows what we may have in the future? However, I think it is unwise to pass any Bill in which such a wide scope for action is given to a Government, because there does not seem to be the restricting wording in this clause that there is in the rest of the Bill: it merely gives the Government power to add to the schedule as it wishes, as I read it. We find in the schedule various references to existing legislation where the schedules are being amended. For instance, the schedule referring to the Industrial Code, 1920-1963, at first sight may appear to be a considerable amendment: "Section 45 (1) (*c*)—By striking out the word 'shilling' and inserting in lieu thereof the word 'dollar' ". There is a great difference between a shilling in the present currency and a dollar, which will be the equivalent of 10s. This, however, refers to an annual wage or salary, so in these circumstances the difference is not great. But we must look at clause 9 closely in Committee. Unless really cogent reasons can be given for the present wording, I intend to move an amendment that "regulation" be substituted for "proclamation". I support the Bill.

The Hon. L. R. HART secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL (SALARIES).

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

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

Its object is to increase the salary of the members of the Joint Committee on Subordinate Legislation from £200 to £250 per annum. Members of the Industries Development and Land Settlement Committees receive £250 and it is considered, having regard to the importance of the functions of the Subordinate Legislation Committee and the volume of its work, that its members should receive the same annual salary as those of the other two committees. Clause 3 makes the necessary amendment which, by clauses 4 and 5, operates from November 1, 1965. It is with pleasure that I move the second reading of this Bill.

I have spoken on the salary of members of this committee in years gone by, but I do not want to go back over it now. The Joint Committee on Subordinate Legislation, as all honourable members know, has over the years

done a great amount of work. Immediately I left that committee and was put on another, I complained about the low salary paid to members of the former committee, but over the years the salary has been lifted from being much below that of the members of other committees. I know that since I have been in this Council (1956) this committee has worked hard and diligently. It serves the community well. I hope the Bill will receive a speedy passage through this Chamber.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

HARBORS ACT AMENDMENT BILL.

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

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I move:

That this Bill be now read a second time.

Its object is four-fold; namely, (*a*) to provide that a signal shall be displayed within 10 miles of a pilot boarding station; (*b*) to provide that the board may make regulations increasing the statutory limit in respect of harbour improvement rates from 1s. a ton to 3s. a ton; (*c*) to enable the board to levy a harbour improvement rate upon particular goods (rather than all goods) shipped from any specified port; and (*d*) to enable the board to acquire and dispose of certain Crown and other lands that are not included at present in the Fourth Schedule to the principal Act.

Clause 3 amends section 90 of the principal Act. This section provides that the pilot signal must be displayed when a vessel is within 10 miles of any port. An anomaly has arisen as a result of the wording of this section in that at Port Augusta a vessel 10 miles from port limits is already in compulsory pilotage waters. To remove this anomaly the board has recommended this section to be amended to provide that a pilot signal must be displayed within 10 miles of a pilot boarding station.

Clause 4 amends section 127 (1) of the principal Act, which provides that regulations may be made in respect of harbour improvement rates not exceeding 1s. a ton. In view of the fact that the cost of construction and maintenance at the present time bears no comparison with the cost prevailing at the time this Act was passed in 1936, the statutory limit of 1s. a ton is increased to 3s. a ton. The second amendment inserted in this clause also amends section 127 (1) by adding the words "or any" after the word "all" therein. The insertion of the words "or any" would have the effect of enabling the board to decide upon which goods in a particular case harbour improvement rates shall be levied. As the subsection now stands the board is bound to levy such rates upon all goods that are discharged or shipped from any specified port. This may well operate inequitably. For example, it is proposed at Port Lincoln to build facilities for the landing of fish and the exporting of tuna and meat. It might happen that the board would have to impose a harbour improvement rate to meet the cost of providing such facilities and this rate would under the existing provisions have to be imposed on all goods shipped from that port including, for example, on wheat. The insertion of the words "or any" would permit the board to impose a rate only upon the particular goods for which facilities are provided, *i.e.*, upon tuna and meat.

Clause 5 amends the Fourth Schedule to the principal Act. The Fourth Schedule to the principal Act defines the areas of land in the hundreds of Port Adelaide and Yatala that the board is empowered by section 71a of the principal Act to acquire either compulsorily or by agreement and to dispose of such lands when they are no longer required. Difficulties have arisen with regard to lands that the board has available for disposal for industrial purposes in the Gillman area. These lands cannot be sold to private companies, since they include pieces of Crown lands that are not mentioned in the Fourth Schedule to the principal Act. The Director of Lands has agreed that these pieces of Crown lands can be made available for sale by the board. The board has, however, been advised that under existing legislation it cannot obtain a land grant free of trust in respect of such Crown lands.

As a result, the board is unable to give purchasers the titles they require and, therefore, the transactions cannot be completed. Similar difficulties are expected to occur in respect of Crown lands and certain other lands in the areas in which the board now has or ultimately will have for disposal on LeFevre Peninsula and in the Upper Port Reach area. These problems could be overcome by amending the Fourth Schedule to the principal Act so as to include all Crown and other lands with which the board is likely to be concerned. The amendments to Parts I, II and IV of the Fourth Schedule of the principal Act define the areas *en bloc* by means of metes and bounds. These definitions have been approved by the Surveyor-General. I commend the Bill to honourable members.

The Hon. C. D. ROWE secured the adjournment of the debate.

HOUSING IMPROVEMENT ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 11. Page 2759.)

The Hon. R. C. DeGARIS (Southern): While this Bill was before another place, I followed newspaper reports of the course of the debate there and, at the same time, I read many articles in the press concerning substandard housing and the matter of slum clearance. I do not know whether I got these two matters crossed in my mind, but I came to the conclusion that this particular Bill was intended to make a rather dramatic contribution to these problems. However, I was rather disappointed when I read the Bill and saw that it did not do so.

I do not deny that the measure has some merit. Many provisions are reasonable, but I am somewhat disappointed that it does not add much to the powers of the Government under the Housing Improvement Act in relation to substandard housing and slum clearance. There is a tendency to think on these problems in terms of the metropolitan area only. However, we have some degree of substandard housing in all areas of the State and, in planning towards improving houses, we must remember that the country areas are also involved. The provision of water supply and sewerage can make a dramatic contribution to the improvement of housing in country areas and I hope that, when money is diverted to slum clearance or the improvement of substandard housing in the metropolitan area, provisions for facilities in country areas will not be affected.

Probably the most effective way of improving the standard of housing in the country areas is to continue to allow the Housing Trust to develop its activities rapidly in those areas. Concern is being expressed at present about the slowing down of Housing Trust activities in some country towns. During the last six or eight months, the time that a person has to wait for a Housing Trust house has increased considerably and I hope that the assurance given by the Chief Secretary in answer to a question I asked some time ago that the position will improve in January, 1966, proves correct. I know many people who are waiting for houses. Families with three or four children are living in caravans while waiting and many of them would prefer to live in substandard houses because caravans do not have water or sewerage facilities. The lack of housing in developing country towns is an important issue.

The Chief Secretary said in his second reading explanation that this Bill had five particular effects. I shall deal first with the second of those, which is concerned with clause 4 of the Bill. He said that this would oblige any landlord or his agent who receives rent in respect of a house to which Part VII of the Act applies to give a receipt for such rent. I consider that it is only right that, in the payment of rent, the tenant should receive a receipt, whether in a rent book or on an actual receipt form.

The third object mentioned by the Chief Secretary was that the Bill made it an offence for any person to interfere with the use or enjoyment of the premises by the tenant. We all know some landlords who have used tactics that deserve condemnation in order to force tenants to leave. There are unsatisfactory landlords, but there are unsatisfactory tenants, too, and I hope that this amending Bill will not put additional difficulties in the path of a just and reasonable landlord, as most landlords are. Also, I hope it will not make it easier for the unsatisfactory tenant.

The Chief Secretary said that the Bill would confer power upon the housing authority to direct the landlord to display on a notice or placard in the house the amount of rental fixed by notice issued under Part VII of the principal Act. To me, this seems to be a rather peculiar provision, and I do not think the Chief Secretary gave sufficient reason for its necessity. There may be good and sound reasons for such an amendment that I cannot see, but I should like the Chief Secretary when replying to the second reading debate on this Bill to outline the reasons why this provision is necessary. From the tenant's point of view, if the rent has to be displayed on a placard in the house then the tenant himself may be embarrassed, as he may not wish to have such information displayed.

An interesting point arises in clause 4. It inserts a new section 56d in the principal Act and it reads:

> Any person who, without the consent of the tenant of any house in respect of which a notice fixing the maximum rental thereof is in force under this Part, or without reasonable cause (proof whereof shall lie upon the defendant), . . .

I remind the Chief Secretary that for over three years I have listened to his bitter complaints in this Chamber about the onus of proof being on the defendant, and I would like

his explanation as to why he has suddenly changed his mind and given his blessing to such a provision.

Another provision gives protection to a tenant from eviction when a landlord learns that it is intended to declare a house substandard. It also imposes a duty on a vendor of such a substandard house to disclose that fact to a prospective purchaser. I have no objection to those provisions. I point out to the Chief Secretary that in his second reading speech, in relation to clauses 8 to 11, he has referred to the wrong clauses in dealing with the provisions of this Bill.

I am unable clearly to understand clause 11, and I direct the attention of members with legal training to the clause. It inserts a new section 84a, and reads:

Any contract or arrangement whether oral or in writing the purpose or effect of which is either directly or indirectly to defeat, evade or prevent the operation of this Act shall be null and void.

I am not clear on its meaning, and I suggest that it may create some difficulties in a rental-purchase agreement, or a contract that has been made for the purchase of a house over a long period where the rent is being paid as part of the purchase price.

Finally, I return to clause 3 of the Bill. The second reading explanation given by the Chief Secretary seems to be misleading and I would draw his attention to it. He stated that its purpose was to confer upon the housing authority power to purchase land. I do not know whether I misread the Housing Improvement Act, but I believe that the housing authority already has that power. Secondly, he proceeded to say, when dealing specifically with clause 3:

Clause 3 includes a new section 16b that confers upon the housing authority the power to acquire land. The housing authority has no power to acquire land compulsorily.

I have read that clause closely and I cannot see why this section should be added to the principal Act. It seems to me to give the housing authority the right to give effect to any purpose referred to in this Act, or to carry out any undertaking, or purchase or agree to purchase any land. I cannot see what this adds to the principal Act, and I would seek elucidation from the Chief Secretary on this point. Apart from those comments, I support the Bill.

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

COMPULSORY ACQUISITION OF LAND ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 9. Page 2622.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): I propose to support the second reading of this Bill. Many honourable members will have heard me debate compulsory acquisition on several occasions in the past. I have always expressed the view that I rather dislike compulsory acquisition, and I think this probably applies to most members. I think most people dislike the idea of compulsorily dispossessing people of their land, against their will in many instances, but we all recognize that for certain reasons and for certain purposes, often in the light of progress, it becomes inevitable that people must give way in that respect. This is a complicated sort of Bill, not an easy one to follow, understand or check. I have done my best to check the amendment. It is a Bill of great detail, a technical and legal sort of Bill. I have come to the conclusion that there is nothing, as far as I can fathom, in this amendment that I would consider to be wrong in principle or should not be adopted.

The amendment does not widen the scope of acquisitions. By that I mean that it does not set out to say that any land can be acquired that is not at present capable of being acquired. What it does set out to do, apparently, is to attempt to simplify and speed up the procedure of acquisition. In other words, it does not, except in the way of machinery, alter the present position. I do not think it sets out to make any person's lot whose land is likely to be acquired more burdensome. On the contrary, if the Bill does what I think it does it may well be an improvement on the present law, because I think the main objection to the present machinery is that it is long-winded and cumbersome, and takes a long time to fulfil. We have all seen acquisitions whereby people have been deprived of their land and it has taken them so long to get their money that by the time they have got it and have been able to try to buy equivalent land, which many of them have wanted to do, the price has gone up so much that they have been unable to put themselves back into the sort of position they were in before the acquisition. I remember one notable case in that regard—it was not a State Government matter but a Commonwealth Government matter. It related to the West Beach airport.

I think many honourable members will remember how long it took to get the land acquired, the compensation agreed upon or determined, and the money paid. At that stage we were in a much more rapid state of inflation or movement of inflation than we are in now or have been since, and the consequence was that, where a man had, say, 10 acres, he probably found by the time he got the money into his own hands that he could buy only one or two acres for the money he got as compensation. This Bill apparently attempts to speed up the compensation procedure, but whether it will work that way in practice remains to be seen. However, anything that can do this must be laudable.

It seems to me that this Bill could be further improved, although, as it is a governmental matter, I do not intend to move any amendments. However, the Minister may consider it can be improved by the persons seeking compensation being paid at least a percentage of the Government's own valuation.

The Hon. S. C. Bevan: It is done now.

The Hon. Sir ARTHUR RYMILL: It is paid into court, as I understand it. However, I shall have a further look at the matter. I understand that previously the law was that the money had to be paid into court, that it remained in court and that the person whose land was acquired could not get it until his claim was actually settled. It may be that an amendment to the Bill in another place has a bearing on the matter; the Hon. Mr. Rowe tells me something in that regard. I shall have another look at this in the Committee stages; it was only a remark I made in passing.

I shall now mention another thing that was not in the Bill as introduced in another place. Under the old procedure the land did not vest in the promoter immediately on the service of the notice to treat or on the service of a notice of acquisition; it took some time for the vesting to occur, and interest on the compensation was not payable for a considerable time after these procedures were entered into. In the meantime, of course, the owner of the land remained in possession and was entitled to rents and profits from the land. This position was not dealt with in the Bill as originally introduced in another place, but I believe the Attorney-General had it pointed out to him and he altered it, very properly, so that interest would run immediately the land became vested in the Crown.

The Hon. S. C. Bevan: At 5 per cent.?

The Hon. Sir ARTHUR RYMILL: Yes, at the rate of 5 per cent. The vesting is done at the time of the proclamation, so the matter has been rectified. That, of course, is a very proper thing to have done. As I have said, I propose to support the second reading of the Bill, although I would like further to examine the additional clause that the Honourable Mr. Rowe and the Minister have mentioned—not in a critical manner but to see how that particular aspect will work. In the meantime, I support the Bill.

The Hon. C. D. ROWE secured the adjournment of the debate.

CROWN LANDS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 2701.)

The Hon. C. R. STORY (Midland): I rise to speak to this Bill with much surprise, because I cannot find very much wrong with it. The Minister is looking at me in great amazement; having had two "clean skins" this afternoon he must be extremely pleased. I have studied the measure, by which I mean that I have been through the second reading speech and the Bill, and have related them to the Act. I cannot find anything objectionable in the measure. As the sting is usually in the tail, I went to the last clause, but there is no sting there either!

The Hon. S. C. Bevan: Did you read between the lines?

The Hon. C. R. STORY: I tried to do even that. I should like to have clarification on some points, but it seems to me that bringing the Act up to present-day standards is necessary because many things in the Act apply to 1915 and are greatly out of date as a consequence.

I understand that this amending legislation has taken a long time to collate. I have been told that the department has been going through the Act gradually. It has eventually produced the 37 clauses in the Bill. The department administers two other Acts that need equal treatment. One of them is the Irrigation Act, which is hopelessly outdated and which is due for revision in the same way as this Act is being revised. I hope that someone is working on that Act in the same way as work has been done on the Crown Lands Act. I notice that by clause 7 "Commissioner of Crown Lands" is deleted, and this brings the Act up to date. We are not going through the whole Act and doing this: we do it only in one or two places. We do that here because it specifically states that the Minister shall nominate a chairman,

whereas the Act states that the Commissioner shall do it. It would improve the legislation if another clause were added to the Bill, to the effect that "Commissioner" wherever appearing should be "Minister". That would bring the whole Act into line in this regard, without having "Minister" in some places and "Commissioner" in other places, as is the position at present.

The commencing words of section 144 of the original Act are "The Commissioner may". I should like the Minister to consider this and draw the matter to the attention of those responsible to see whether it is possible to include an additional clause to rectify the position throughout the Act. Clause 22—"Power to sell Crown lands to certain bodies"—is a good provision. I am pleased to see that, when the Commonwealth acquires land compulsorily, the position as regards mineral rights is cleared up, for it has caused much trouble in the past. Clause 32 inserts in the principal Act a new section 271d. I should like to know why the Minister has not in the past been able to act in this way. The new section states:

271d. (1) The owner in fee simple of land unencumbered may transfer or convey that land, and deliver the title therefor, to the Minister who may accept the land on behalf of the Crown.

(2) Where any land which is not subject to the Real Property Act, 1886-1963, has been conveyed as mentioned in subsection (1) of this section the Registrar-General of Deeds shall register the conveyance under the Registration of Deeds Act, 1935-1962. On being satisfied as to the title of the Minister and on payment of all such fees and production of all such plans and maps as would have been required to be paid or produced on an application to bring the land under the Real Property Act, 1886-1963, the Registrar-General shall thereupon issue a certificate of title to the said land in the name of the Minister of Lands.

Subsections (3), (4), (5), (6) and (7) deal with the same subject. I cannot find in the principal Act where the Minister has in the past been precluded from accepting freehold land, buying it in, paying what is necessary on it, having it deemed Crown land and subsequently, if he wished to, breaking it up into smaller parcels and reselling it to other holders. I know the Government's present policy is not to issue new land in fee simple. I question whether this new section precludes any other Minister from selling the land outright and giving a title in fee simple. Under this clause I think the Minister may only reissue a lease on any Crown land that he has purchased. I want an explanation of clause 32.

The Hon. S. C. Bevan: Would not subsection (4) cover it?

The Hon. C. R. STORY: Subsection (4) states:

(4) The Minister of Lands may execute any transfer, lease, conveyance or other document necessary to carry out any transaction entered into under this section. Any such transfer, lease, conveyance or document which relates to land which is subject to the Real Property Act, 1886-1963, shall comply with that Act.

If it is the policy not to do this, I do not think the Minister could under this clause actually issue land in fee simple. I wonder whether this is done to protect bird sanctuaries and fauna and flora reserves. This needs explaining. I am pleased that in clause 33 provision is made for catching up with those useless people who dump rubbish on Crown lands and so spoil decent beauty spots. This power has not previously been provided. I am glad that an adequate fine is provided for this offence. Another provision deals with penalties, and there are fairly steep increases in this regard. They are dealt with in section 275 of the principal Act, as amended, which states:

Whoever—(*a*) depastures cattle, sheep, goats, or pigs upon Crown lands,

The penalty in that respect has been raised from £100 to £200 and, in addition, there is a penalty of 6d. a head for every head of sheep, goats and pigs, and 3s. a head for cattle. I do not think the increases are incompatible with other recent increases in penalties. By section 273 anybody who uses Crown lands for agistment illegally can be fined 10s. a head, whereas it used to be 2s.; he can be fined up to £3 per hundred head of sheep, goats, etc. Where a man can at present be fined between £2 and £5 for the unlawful removal of trees or for unlawfully going on to land and making excavations or quarries or digging up ground, the new penalty will be between £5 and £10. That is not incompatible with present-day penalties.

Clause 37 adds words to section 278 of the principal Act to enable grids or ramps to be added to gates to stop people stringing barbed wire across a road. If I have missed anything in this measure it is not for want of trying to understand it. By and large, I am happy with the amendments, which bring the Act up to date. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Appointment of chairman and deputy chairman by Minister."

The Hon. C. R. STORY:—This clause repeals section 14 of the principal Act and inserts a new section, part of which will read, "The Minister shall nominate a chairman and a deputy chairman of the board." I think the Minister should give me an undertaking that later he will report progress to enable him to get an opinion on whether a provision should be in the Bill to clear up this matter of "the Minister" and "the Commissioner", because we do not now have a Commissioner of Crown Lands. I should like to hear the Minister on this matter.

The Hon. F. J. Potter: Wasn't that done in a previous measure?

The Hon. C. R. STORY: It has not been done with this.

The Hon. S. C. BEVAN (Minister of Local Government): As the Hon. Mr. Story has said, the intention of the Bill is to place the administration of the Act under the jurisdiction of the Minister and the new section will do exactly that. There may be some sections of the principal Act that use the term "the Commissioner".

The Hon. C. R. Story: There are.

The Hon. S. C. BEVAN: I accept the honourable member's assurance that that is so. If it is considered that there should be an amendment, notification could be given of amendments to delete the words "the Commissioner" and to insert "the Minister". If the honourable member considers that that should be done, I shall report progress later. The honourable member could then move amendments.

The ACTING CHAIRMAN (Hon. L. R. Hart): That progress be reported—

The Hon. S. C. BEVAN: Not at this stage. I understood the Hon. Mr. Story asked me to give an assurance that later, if considered necessary, we should report progress, and I will do that, but I suggest that we go on until that stage is reached.

The Hon. Sir NORMAN JUDE: On a point of order, is not the Hon. Mr. Story referring to sections in the principal Act, and would he not need to get an instruction?

The ACTING CHAIRMAN: At this stage, the Hon. Mr. Story has not moved an amendment. The question of relevancy does not come up.

The Hon. C. R. STORY: I may be barking up the wrong tree and this matter may be covered by legislation already passed that dealt with the position of Commissioner. However, I draw attention to the point because I think this legislation will be repeated. I am prepared to let the matter go until the end of the Committee stage, provided that at that point progress will be reported so that the Minister can look at the point I am raising. If necessary, the Bill could be recommitted. The amendment will not be mine; it will be a Government amendment that the Minister will move if he agrees with me on this matter. Therefore, I do not think I would need to get an instruction.

Clause passed.

Clauses 8 to 36 passed.

Clause 37—"Obstructing roads and ways."

The Hon. S. C. BEVAN: In relation to the queries that have been raised about this Bill, I ask that progress be reported and the Committee have leave to sit again.

Progress reported; Committee to sit again.

ADJOURNMENT.

At 4.30 p.m. the Council adjourned until Wednesday, November 17, at 2.15 p.m.