LEGISLATIVE COUNCIL

Thursday, November 3, 1966.

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

ASSENT TO BILLS.

His Excellency the Governor, by message, intimated his assent to the following Bills:

Audit Act Amendment,
Branding of Pigs Act Amendment,
Flinders University of South Australia Act Amendment,
State Lotteries.

QUESTIONS

CITRUS INDUSTRY.

The Hon. Sir LYELL McEWIN: I notice that in yesterday's newspaper the learned judge, Justice Travers, criticized the Citrus Industry Organization Act. He is reported as saying:

It should be amended to state clearly whether it was or was not intended to authorize the committee to deprive some sections of the industry of their livelihood.

Can the Minister representing the Minister of Agriculture say whether the Government has considered this statement, and whether it proposes to amend the Act in accordance with the suggestion made?

The Hon. S. C. BEVAN: The Government has not had an opportunity to consider the matter because it is first necessary to obtain the transcript of the proceedings. The Government has not had an opportunity to do anything at this stage, but I am sure that immediately the transcript is available the Government will fully consider the comments of the learned judge and decide whether it is necessary to bring down amendments to the Act.

MELROSE POLICE.

The Hon. G. J. GILFILLAN: Has the Chief Secretary an answer to my question of October 27 relating to the appointment of an additional police officer in the Port Germein district council area to be stationed at Melrose?

The Hon. A. J. SHARD: I have an answer from the Deputy Commissioner of Police as follows:

The police requirements in the Port Germein district council district have been kept under review since the Melrose police station was closed. There has been no increase in the work at Melrose, which is being handled comfortably from the surrounding stations. Any inconvenience to residents brought about by their need to obtain licences, etc., could be remedied by making prior appointments with the police officer either by letter or telephone. A survey has been made of "the things required by law" which would make it necessary for the public to attend at the Melrose police station. The figures shown are the yearly average for each activity:—

Accidents reported	16
Firearms registered	8
Gun licences issued	25
Found property handed in	7
Driving licences produced	35
14-day permits issued	22
Safety certificates	1
Written driving tests conducted	13
Practical driving tests conducted	18

This makes a total of 145 inquiries of this nature per year or 12 per month. This suggests that the average number of callers at the Melrose police station for these purposes would have been one every 2½ days, which is hardly sufficient to warrant retention of a full time police officer. There has been no increase in these figures since the station was closed, and records from Booleroo Centre and Wilmington show that each of those stations is on a par with Melrose in this respect. As stated previously, the Port Germein district council area is well policed in comparison to the rest of the State on a police to population basis. There is no reason at this stage to consider re-opening the Melrose police station.

SNOWTOWN POLICE STATION.

The Hon. L. R. HART: I ask leave to make a statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. L. R. HART: I have been informed that it is the intention of the Police Department to close the Snowtown police station as from November 21. That station is situated on a busy highway and the volume of work is such that, in addition to the present permanent officer at Snowtown, the officer from Bute visits Snowtown once a week, and the officer from Brinkworth also puts in one day a week at Snowtown. In addition, the local court deals with 80 to 90 cases a month. The people of Snowtown have been informed that when the police station is closed they will be serviced by a 2-day visit by the officer at Bute each week and also a 2-day visit by the officer from Brinkworth. The reason given for the closing of the Snowtown police station is that the accommodation is not suitable. If this is the correct reason, will the Chief Secretary consider having a single man stationed at Snowtown?

The Hon. A. J. SHARD: I have heard something about the Snowtown police station and have had an approach from the Police Association of South Australia. As the honourable

member has said, the accommodation, apparently, is very poor, but I was not aware that the Commissioner of Police had actually decided to close the station. However, I shall refer the question to the Commissioner for a full report about what is happening and the reasons for any action taken.

LAND ALLOTMENT.

The Hon. D. H. L. BANFIELD: Has the Chief Secretary a reply to the question I asked on Tuesday last regarding advances made under the Rural Advances Guarantee Act?

The Hon. A. J. SHARD: These answers have been supplied by the Treasury Department:

1. Applications over the last 12 months supported by the Land Settlement Committee and approved involved 22 projects concerning 25 owner-breadwinners.

2. Average value of the land per owner-breadwinner as assessed by the Land Board was $30,427.

3. The average price paid for such land was $27,517 per owner-breadwinner. This excludes stock and plant.

4. The highest price paid excluding stock and plant was $43,000.

5. The average value of the purchasers' equity was $8,771. This is the difference between the valuations and the guaranteed bank loans, which averaged $21,656 per owner-breadwinner. It does not take account of any other borrowing which may have been secured upon the land.

6. The average of resources per owner-breadwinner, including stock and plant but over and above the equity in the land, was $11,262. Including the equity in the land, the average was $20,033.

7. The highest value of a purchaser's resources was $38,452, which included $22,000 equity in the land.

8. In all cases the Director of Agriculture has given a certificate as required by the Rural Advances Guarantee Act that the land is adequate for maintaining the applicant and his family after meeting all reasonable costs and expenses and repayment of the loan and interest thereon.

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

Leave granted.

The Hon. R. C. DeGARIS: The Chief Secretary has just given figures of the number of properties financed under the Rural Advances Guarantee Act and the value of those properties: I think he said there were 22 in the last 12 months. Can he say how many of these properties were dairy farms and, of the balance, how many were other than freehold?

The Hon. A. J. SHARD: I think the honourable member will realize that I cannot give an answer now, but I shall be pleased to obtain the information for him.

PLANNING AND DEVELOPMENT BILL.

The Hon. Sir LYELL McEWIN: I seek leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. Sir LYELL McEWIN: In yesterday's *News* the Attorney-General is reported as saying that the Planning and Development Bill, passed the previous night by the House of Assembly and consisting of 58 pages and 80 clauses, has been on the House of Assembly Notice Paper since last year, so as to give Parties an opportunity to study it. The report also stated that a number of amendments had been accepted by the Government, and that the Attorney-General hoped the Bill would be passed before Parliament rose on November 17. The report further stated:

It would now be extraordinary if the Legislative Council delayed its passage because they have had every chance to study it.

The second reading of this Bill has been placed on the Notice Paper for Tuesday next. Can the Chief Secretary say whether he expects this Council to review a Bill of this dimension in the brief period of five sitting days before the adjournment?

The Hon. A. J. SHARD: I have not given any thought to the question, nor did I see the article in the *News*. After all, this Council is master of its own destiny, and it is not for me to say what shall or shall not be done. The Bill is in the charge of the Minister of Local Government. I do not know whether he has discussed the Bill with Cabinet, but I cannot say just what the position is. It is for the Council to make up its own mind.

HIRE-PURCHASE AGREEMENTS ACT.

The Hon. F. J. POTTER: I should like to address a question, without notice, to the Chief Secretary, following on his indication yesterday that he intended to introduce an amendment to the Hire-Purchase Agreements Act complementary to the Money-Lenders Act passed yesterday. Can the Chief Secretary say whether this amendment will be brought down before November 17?

The Hon. A. J. SHARD: I am not in a position to give an answer, but I shall take it up with Cabinet.

DEMONSTRATION.

The Hon. Sir LYELL McEWIN: Mr. President, in the *News* of November 1 appears a letter signed by certain gentlemen who are represented as members of the executive committee of the South Australian Council of Churches. The letter appeared under the heading "Vietnam War Protest" and stated that

these gentlemen viewed with concern the arrest and charging of a group of members of the Pacifist Society of the University of Adelaide which was staging a non-violent demonstration on the steps of Parliament House as a protest against the war in Vietnam. The letter went on to say:

. . . we are particularly concerned with their right to demonstrate in the way they choose. We believe freedom to differ from the Government of the day is a fundamental right which should be jealously guarded.

I do not know whether there is less or more sanctity associated with the steps of Parliament House than with a religious hall or a church, but I think the letter has been written without any knowledge of the circumstances associated with the arrest. I ask you, Sir, whether you would be prepared to invite the gentlemen concerned to visit Parliament House and become acquainted with the proper facts?

The PRESIDENT: I will consider that.

HILLS TRAINS.

The Hon. H. K. KEMP: I ask leave to make a statement prior to asking a question of the Minister of Transport.

Leave granted.

The Hon. H. K. KEMP: Hills residents are in considerable difficulty because the last train that serves the Mount Lofty and Bridgewater areas leaves Adelaide at 6.27 p.m. each day. This obviously leaves a very large number of people who wish to be in the city later than that time without any means of transport except the bus services. These are admittedly good but do not serve all of the area.

People living any great distance from the main roads (for instance, Upper Sturt and many parts of Mount Lofty) have to walk great distances through the failure of the trains to run later. I am not sure what service is provided to Blackwood: I believe it is somewhat better. However, there is obviously no possibility that the popularity of rail travel in this area will increase unless considerably better service in the off-peak hours is provided. Will the Minister of Transport say whether there is any prospect of a train service being provided later than 6.30 in the evenings?

The Hon. A. F. KNEEBONE: I shall take notice of what the honourable member has said, ask for information on this matter, and bring down a report.

JOINT HOUSE COMMITTEE.

The Hon. A. J. SHARD (Chief Secretary) moved:

That the Hon. A. F. Kneebone be discharged from attending the Joint House Committee and that the Hon. D. H. L. Banfield be appointed in his place.

Motion carried.

PRINTING COMMITTEE.

The Hon. A. J. SHARD (Chief Secretary) moved:

That the Council do now proceed to elect by ballot one member of this Council to be a member of the Printing Committee in the place of the late Hon. C. C. D. Octoman.

Motion carried.

A ballot having been held, the Hon. C. M. Hill was declared elected.

ROWLAND FLAT WAR MEMORIAL HALL INCORPORATED BILL.

Read a third time and passed.

SUCCESSION DUTIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 2. Page 2707.)

The Hon. H. K. KEMP (Southern): In speaking to this Bill, I think we should consider some of its implications that have not been detailed so far in the debate. South Australia is undoubtedly by far the poorest and driest State in Australia, and in every way its resources are strictly limited. On the other hand, it is by far the most developed State. Every square inch of land capable of development has been occupied and every square inch of land that receives enough rainfall to make it possible to be worked agriculturally has been thoroughly utilized.

In spite of this limited area (less than one-sixteenth of the State) with more than 10in. of rainfall, and in spite of our limited resources, we have built up manufacturing industries to a high degree, all the more remarkable because of the paucity of our reserves. Despite this handicap, South Australia has been, so far, by far the most comfortable State to live in, a State in which we are sure that our children face a good future. All this has been achieved by a thrifty population; it has not been done by Governments or large organizations.

This remarkable State of ours has been built up by the individual efforts of its people, mostly small people. I think it is the frugal attitude of the people and their thought for the future, a characteristic of the South Australian population, that has helped in the State's

development. The difference in the position in the States is undoubtedly due to the people of each State, and in South Australia it is undoubtedly due to the fact that our people have not only been given the opportunity to work but to preserve to a reasonable extent the fruits of their labours.

An apt illustration of my argument appears in the richest part of the Murray Mallee; the area from Pinnaroo to Lameroo. As I have said, it commences at the border but immediately across the border in Victoria there is the section of mallee that Victorians rate as their worst farmland; it has been considered until recent years almost hopeless as far as farming and development are concerned. On one side of the border is full development with a prosperous community, while on the other side there are farmers in dire need of relief; that has been the case for many years, although the position has improved in later years.

Our best mallee areas are comparable with their worst. The difference has come not only from the farms but from the way farmers in South Australia have been permitted to work. It was made possible for farmers and small businessmen in South Australia, who were willing and had the ability to work and look after their affairs, to develop their holdings.

It was also possible for a man to build up a small business in Adelaide, as far as his capabilities allowed, and to a large degree the manufacturing industry (which has become of so much importance to the economy of the State) had its origin in such small beginnings. Individuals were allowed to accumulate the results of their endeavours. Our largest enterprise (General Motors-Holdens) started as a small blacksmith shop. Much the same applies to the Perry Engineering Company and many other industries.

This Bill aims at the accumulation of assets. Wealth does not normally pass in succession to people in the form of money. Only a small percentage of wealth exists in that form; the greater proportion is working capital, as represented by the land and machines on which our productivity depends. That is why this legislation is of vital importance to the future of the State. As it stands, the Bill amounts to a capital levy to be made each year upon our land, factories and small businesses. The amount aimed at is $2,000,000 a year.

At this stage it is impossible to estimate exactly the amount that will be collected under the legislation and it is possible that the final figure will be higher than the $2,000,000. This withdrawal of money will be made not so much from people's previous savings (which, from the State's point of view, would be of minor importance) but it will be a levy on working capital, machines and factories, as well as farm lands and every other productive enterprise in the State. This should not be forgotten for a moment.

We have been told that the purpose of the Government in introducing this legislation is to stop up loopholes through which some people have been avoiding the payment of taxation. The fact is that the Act, as it now stands and has stood for many years, was intentionally designed to preserve as far as possible working capital from such imposts. I think the previous Government was reluctant to tax in this field because of the severe repercussions which inevitably follow and affect the continuity of businesses and the productivity of the State.

The approach of that Government was to make it possible for a person prepared to live frugally and who wanted to make provision in order to preserve his working unit to do so. It was possible for such a person to make legal provision for his family and protect the working capital in the event of his demise.

To categorize expenditure of money on life insurance for the purposes of paying succession duties and as a means of avoiding taxation is a complete departure from the truth. I have in mind a family that I know lives modestly and works the farm well. From the time of acquiring their property they have put aside one-fifth of their comparatively limited income to ensure that the farm should continue to be passed down to members of the family.

Farms enter into this debate frequently because farming is practically wholly carried on by private individuals and it is a private business in most cases. Some incorporated pastoral firms do not carry on farming but work mainly in the pastoral lease country. They are not essentially running farms. In farming, when the line of succession from father to son is broken, great damage is done to the efficiency of a farm. The most efficient farmer usually is the man who has been brought up on the land and knows it thoroughly. I know that there are exceptions to this rule and that some farmers, despite having spent a lifetime in agriculture,

are not efficient, but the great majority of our truly efficient farms tend to remain in the same family for generations and, the longer the family tenure, the more efficient they become.

I do not think it is necessary for me to go into the details and figures that have been ably presented by other honourable members, but I consider that this action of attrition, and the wearing away of capital that must inevitably result from an increase in taxation such as this, must be forcibly brought to the attention of the Council. This cannot be over-emphasized, because, when we examine this type of taxation on a wider field, we find that practically every community that has gone into heavy succession and estate duty taxation has immediately felt the repercussions severely.

This is noticeable if we examine the economy of many of the old countries. We have an extreme example in Great Britain. She was forced into this class of taxation originally in order to pay the cost of the First World War. Probably the worst and most unfavourable item affecting the British economy, and the item that has brought her economy to its present precarious state, has been the dispossession of the small people in the community of their capital. It may be said that this taxation will not affect the really large and important businesses and firms.

The prosperity of the State depends to a large degree on these big firms but much of the wealth and prosperity of the State is to be found in the one-man businesses, whether they be butcher shops, farms or garages. The total number of people working in this type of industry is far greater than the number working in the larger factories. The man who is self-employed and the owner of a business is the most efficient worker. This legislation will bring into the net of taxation practically everybody in the community who has had the frugality and the ability to accumulate to himself anything more than the house he lives in, the car he and his family drive, and his furniture and assets.

The latter people are being completely excluded but anything of the order of a business that will support a man and his family and allow him to work independent of a large organization will be required to pay heavy taxation. The dividing line seems to be somewhere around the $20,000 to $25,000 mark and this is just about where the line occurs in relation to the man who has not bothered to make any provision for the future other than by having his own house and car, and the man who has not wasted the best of his money and wages.

An enormous amount of money is now being brought within the reach of the Taxation Commissioner. As soon as this money is touched (particularly the money of the small business people), there must be an immediate loss of efficiency in the community. Any loss of efficiency must immediately increase the number of people who are unemployed and must have all the other disadvantages that arise when capital, instead of income, is spent.

I do not consider that there has been any great escape from taxation by individuals because of the loopholes, but if there has been this escape, why have not the loopholes been brought out into the open and details given about them, and about how they can be prevented? Our present legislation has been built up over many years in order to protect our businessmen, our farmers and our small men as far as it has been possible to do so. That legislation is being clawed down and a completely different approach made.

The new legislation is claimed to be similar to that of Victoria, where estate duty is levied. When that State went into estate and succession duty taxation, it found that the farmers were being hit so heavily (and the farmers were a group that could hit back) that the concession given to them was real. They were given a 30 per cent concession. This Government says that a miserable $6,000 is all the exemption that it can provide for agricultural property. Succession duty taxation was mentioned by the Labor Party in its policy speech before the last election, but it cannot be said that the Government has a mandate to make profound alterations to the spirit, method and amount of taxation.

A mandate to alter the law as profoundly as this is certainly not contained in a policy of increasing the exemption in relation to small estates and the estates of widows. The increases are certainly in line with the Government's stated policy of greatly increasing taxation on the larger estates but it in no way conforms to the stated policy of reducing taxation to nothing on a primary-producing living area. Earlier this afternoon the Chief Secretary gave details of what Government officers considered to be a living area in agriculture, and the living area, as an average, was stated to be a property worth $34,000. The highest rated as a living area was $43,000. The difference between this figure and the

$6,000 mentioned repeatedly by the Government as a living area in relation to this Bill is laughable. Even in States where a similar type of taxation as the Government proposes is in force, it has been forced on the Government to increase the exemption on primary production property up to 30 per cent, but Victoria has wisely not been drawn into making such a ludicrous concession as $6,000 as a living area.

I consider that this is the worst form of taxation that can be exacted in South Australia, which is a very poor State in natural resources and which must always, for its prosperity, rest on the individual frugality, ability and willingness to work of the people in the community. This form of taxation discourages to the utmost a man from trying to work hard to better his life and that of his family, so that later he can pass on a worthwhile asset. Such a man is penalized heavily, even more heavily than is apparent on the surface.

Another aspect is the enormous amount of work, cost and inconvenience that will be forced on this type of person—the farmer, the small business man, the man who is self employed—in trying to adjust himself to the extra impost that will be made on him. I understand even firms specializing in this work are finding it difficult to ascertain exactly what are the implications of the legislation before us.

If we think about permitting this to go on, when we are dealing with something that is vital to the prosperity of our State, we must say "No". As this legislation stands, it is undoubtedly straight-out socialist and partisan legislation. It is the duty of this Council to restrain such legislation until the will of the people has been clearly shown.

My attitude is that I must oppose this legislation to the utmost, and it is only after we have had another election and the Labor Party has come back with an increased majority that we should even consider allowing it to put forward legislation of this nature. I oppose the Bill.

The Hon. JESSIE COOPER secured the adjournment of the debate.

ADELAIDE WORKMEN'S HOMES INCORPORATED ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 1. Page 2637.)

The Hon. JESSIE COOPER (Central No. 2): I rise to support this Bill, the main requirement of which is to permit the Adelaide Workmen's Homes Incorporated to provide accommodation for elderly and retired working people. Honourable members must all be aware that there is an ever-increasing demand for this type of accommodation—a demand which has not yet been properly met in our society, although the Housing Trust and other organizations have in recent years been making strong moves in that direction. The Adelaide Workmen's Homes Incorporated must be commended for providing homes for workmen and their families at an extremely low cost.

The Bill does not in any way mean a complete change in the activities of this organization, but it simply proposes to give it power to provide accommodation for a percentage of those who wish to avail themselves of the facilities available. When the scheme was provided for by Sir Thomas Elder in his will almost 70 years ago there were no such things as housing trusts or similar organizations working to supply good but cheap homes for workmen in South Australia. Now, of course, this is being done and, although the organization has since its inception been doing this work, it is now finding pressure on it to supply homes for the aged people and, particularly, for widows. This is a general community problem and merits our support. I, therefore, support the Bill.

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

TRAVELLING STOCK RESERVE: HUNDRED OF NAPPERBY.

Adjourned debate on the resolution of the House of Assembly:

That section 346, hundred of Napperby, which is portion of a reserve for a camping ground for travelling stock (as shown on the plan laid before Parliament on June 21, 1966), be resumed in terms of section 136 of the Pastoral Act, 1936-1960, for the purpose of being dealt with as Crown land.

(Continued from November 2. Page 2700.)

The Hon. Sir LYELL McEWIN (Leader of the Opposition): This resolution refers to an area of land which, some 30 years ago, was set aside as a camping reserve for stock. It is alongside a travelling stock route, a creek runs by, and it was possibly a convenient place to camp for people who wanted a watering place for stock. It is no longer required for this purpose, and the Minister has said that the Stockowners Association and the Pastoral Board have raised no objection to its resumption and that the District Council of Port Pirie, under whose control this area

was placed previously, has asked that it be resumed as Crown lands and available as a picnic area.

This area, which is in the foothills east of Port Pirie, is no doubt suitable for use as a picnic ground which, because of the development and expanding population of Port Pirie, has become necessary. Having examined the map on the notice board of this Council, I am satisfied that this resolution is justified. I am therefore pleased to support it.

The Hon. R. A. GEDDES (Northern): I, too, support the resolution for the resumption of this area of Crown land, to be under the control of the District Council of Port Pirie. Last year, as Chairman of the Stock Owners Association in this area, I examined this area and interviewed the people whose properties adjoined it. Everyone expressed agreement that the land should be resumed for the benefit of picnickers.

Port Pirie is a growing city and this area, which is east of the city near the Flinders Ranges, is becoming very popular with its residents, particularly people with young children. Therefore, it is wise that the council is taking over this land, as the council will be able to build barbecues, take adequate fire precautions, and provide a service to the community while at the same time looking after the problems of fire prevention and the beautification of the area.

The Hon. L. R. Hart: What is the area of this land?

The Hon. Sir Lyell McEwin: It is 22½ acres.

The Hon. R. A. GEDDES: This can be seen from the map on the notice board. I support the resolution.

Resolution agreed to.

NATIONAL PARKS BILL.

Adjourned debate on second reading.

(Continued from November 2. Page 2714.)

The Hon. C. R. STORY (Midland): I support the Bill and, with very few reservations, I give it my whole-hearted blessing. In the second reading explanation the Minister made it clear that this had been in the mind of the Government for a considerable time, and I do not blame the Government for trying to get a consolidation in the matter. In New South Wales, for many years the Lands Department has been under one roof, and this has worked to the very great benefit of national parks in that State. The New South Wales Minister who administers national parks told me recently about the vast extent of national parks in that State. I think this is one of the things that South Australia has lacked, in that it has little parcels of land scattered from one end of the State to the other but there has been no real ownership or administration of these areas, and I think this Bill is a step in the right direction.

There is some merit, too, in having a board of commissioners, as provided in the Bill. I shall have one or two things to say about the commission because, although it is easy to gather together 15 people (although I gather that this will be almost a voluntary body and it will not be quite as easy to get members as it is to get people when they are paid a fee of, say, $25 a day), we have to get the right people on the commission. This is where the Minister will have a heavy responsibility, particularly as the Bill does not set out, as some legislation does, the type of people who will comprise the commission. Sometimes in other legislation representatives of certain organizations are named, and it is then only a matter of filling in their names, but here it is an open go. National park holdings are scattered over many hundreds in the State—Adelaide, Archibald, Makin, Auld, Billiatt, Barossa, Rivoli Bay, Clare, Glyde, Santo, Kuitpo, Para Wirra, Peebinga and Waitpinga.

The Hon. R. C. DeGaris: Is Flinders Chase among them?

The Hon. C. R. STORY: Flinders Chase, which is on Kangaroo Island, is not.

The Hon. R. C. DeGaris: It is under a different Act, is it?

The Hon. C. R. STORY: Yes, and I shall deal with that. As the districts are as widely scattered as the South-East, the North, the Murray Mallee and the Far West Coast, it will be difficult to gather up 15 people who will have some knowledge of them. I shall make a suggestion, even though I shall not move an amendment, on this aspect. I suggest here and now that consideration be given to representatives being drawn from approximately the areas of the present Legislative Council districts —Southern, Northern, Midland, Central No. 1 and Central No. 2. We could get at least one representative from those areas who would be well acquainted with the conditions there.

The Hon. Mr. Dawkins yesterday outlined the vast area of land at present coming under this Act. It is an area of many large holdings. Some of this country is not of the best quality; some of it has to be watched carefully lest it become a dust bowl. It is also vulnerable to becoming a breeding ground for vermin and noxious weeds, particularly vermin.

If there is one thing that upsets people who have to make their living from the land, it is being up against a reserve where the Crown does not carry out its responsibility of keeping down vermin. The Crown is not the best of landlords; in fact, it is not a good landlord in many respects. I have watched this position over many years. Whilst a landholder next door is obliged to control noxious weeds and vermin, the Crown is not always good in that respect. I hope that the commissioners, if wisely selected, will appreciate this perhaps better than the Crown does, because everybody's business is nobody's business: if we leave something to a lot of people, it does not get done. Perhaps the commission will look after this matter. I have heard an honourable member who will probably be speaking in this debate go so far as to say that these reserves should be fenced in order to keep the vermin in the reserves, if something is not done about it.

The Hon. S. C. Bevan: It depends what sort of vermin you are talking about.

The Hon. C. R. STORY: Quite. I am not talking about the sort of vermin that we foster. The next point is clause 13, which deals with the quorum of the commission. This is something unique, in that the commissioners are given the powers of compulsory acquisition. This is something I do not know of in any other Act. Not only are they given powers of compulsory acquisition—

The Hon. S. C. Bevan: That is wrong.

The Hon. C. R. STORY: The Minister should not jump in too soon and say that I am wrong. He often does that and then rues it later. It is what happens at the finish, not at the beginning, that matters: it is like the game of poker.

The Hon. S. C. Bevan: I draw the honourable member's attention to the fact that all this does is to put the national parks into the schedule as far as the other Act is concerned. The power of acquisition lies in the other Act. The Government has the acquisition powers, not this commission. This commission has no acquisition powers.

The Hon. C. R. STORY: It is peculiar, then, to read what clause 33 states:

The Lands for Public Purposes Acquisition Act, 1914-1935, is amended as specified in the Fourth Schedule to this Act, and as so amended, may be cited as "The Lands for Public Purposes Acquisition Act, 1914-1946".

Clause 15 ("Powers of commission") goes to great pains to lay down what the Minister shall do: it is "with the consent of the Minister this", "with the consent of the Minister that" and "with the approval of the Minister" but, when it comes to compulsory acquisition, it does not say that it is "with the approval of the Minister".

The Hon. S. C. Bevan: Read the other Act.

The Hon. C. R. STORY: I have.

The Hon. S. C. Bevan: The other Act says that the powers are with the Government.

The Hon. C. R. STORY: It is by proclamation. There is a real problem in this, because clause 13 states:

Six members of the commission shall form a quorum thereof.

We can easily get six members of a commission. Even if what the Minister says is right, we can get six members; it will be a quorum, which can recommend the acquisition—

The Hon. C. M. Hill: But the six can be influenced by one Town Planner.

The Hon. C. R. STORY: Quite, but I want to see this properly expressed and tidied up to the point where this is definitely a Ministerial charge. I do not visualize why they would want the powers of compulsory acquisition, because Parliament has to vote the money for it. It is acquiring fairly large tracts of land but I do not quite see why a body like this should have compulsory powers of acquisition. Surely, if something was to be bought, it could be bought on the open market, as anyone else would buy it; but, if they go to arbitration on compulsory acquisition, they will have to pay plenty for it in any case. My point is that I want to see this matter of compulsory acquisition tied down to either a completely unanimous vote of the commissioners or being the direct responsibility of the Minister in charge of this Bill. I cannot see where there are many other sources likely to provide money to the commission, because it is not really a money-earning organization. While it has the right to sell wattle bark, I do not think that wattle bark is making a fortune for anybody at the moment.

Another thing that interests me is that the commission can sell and trade animals. I want to be sure that this Bill does nothing to override the provisions of the Bill we passed in 1964 (now the Fauna Conservation Act) because we went to a lot of trouble then to make sure that the fauna were properly protected. Whilst this present Bill gives the commissioners power to trade, exchange and sell certain animals on the reserves, I want to be sure that they come under the provisions of the Fauna Conservation Act. I think they do. This worries me a little. I do not want to be misconstrued in what I say here, but there is

plenty of evidence that people who have reached the high rank of commissioner in other organizations such as this have also gained financially through the sale of various reptiles, animals and birds. I want to be sure no loophole exists because I abhor the use of our natural fauna in the way it has been used not only in this State but in other States.

The next point I wish to make concerns clause 16. Some years ago some status was given to the National Trust of South Australia, of which I am a foundation member and proud of my membership, because it is looking after history as it is being made. Not every country has had the good fortune of being in a position to preserve its natural history such as we have been able to do. The National Trust has done, and is doing, a remarkable job. It works under an Act of 1955, but I notice that clause 16 of this Bill states:

It shall be lawful for the commission to accept—

(*a*) grants, conveyances, transfers and leases of land whether from the Crown or any instrumentality thereof or any other person;

(*b*) rights to the use, control, management or occupation of any land;

and

(*c*) gifts of personal property of any kind, to be used or applied by it for the purposes of this Act.

It seems to me that by the insertion of that provision much land that has gone to the National Trust in the past will pass into the hands of the commissioners. I think the reason for this will be that the commissioners under this Bill will be armed with some revenue. They will receive money from time to time from Parliament to help them carry on development and other work whereas the National Trust has been most unfortunate in this respect. I am not slating this Government any more than I am slating the previous Government, but little has been done to help advance the activities of the National Trust. The trust has had to carry on by the use of its own funds, which it receives from generous donors, but some large and valuable tracts of land are vested in the trust, such as the Ashby estate, the Margaret Dowling Park, the Janet Reiners Park and the Overland Corner reserve, together with a number of others. It will be a pity if the trust loses some of these areas because they are not properly able to finance them. I suggest to the Government that it should consider helping to finance the trust in its activities, or make sure that there is no pirating under these two Acts, because under the Bill before us the commission will have the same rights as the National Trust in that succession duty will not be chargeable on anything given under the National Park and Wild Life Reserves Act. The commission is also exonerated from payment of all rates and taxes and is even better off than under the other Act, because the National Trust has to pay water rates, whereas under the Bill all rates and taxes are completely exempt.

I am particularly keen on the matter of preserving what we have in the way of reserves in this State. I have raised some queries, and the Minister says that the Land for Public Purposes Acquisition Act does not apply in the way I think it does. I should like the Minister to investigate this thoroughly; he is quite often right but it seems to me that this is something that needs to be watched carefully. I do not want any commissioners vested with powers, as a quorum, to proceed with compulsory acquisition because, where there is likely to be expenditure of public money of this magnitude, I think the Minister should have the final say. I know that Cabinet deals with such matters and that the Governor, by proclamation, can do certain things under certain provisions, but in this Bill I cannot see any provision giving the Minister direct power. I realize that the commissioners have power to ask Cabinet to take action, but I hope that the Minister will obtain the information I want; and I have no doubt that he will tell me quite firmly if he is proved to be right in the opinion he has given.

With the few reservations I have made I think the Bill will do much to assist in getting our national parks into better shape, not only for the protection of fauna and flora but also for the promotion of national fitness and sport generally. After all, the State is at the stage where such things must be done while land is available and the room still exists to do them; otherwise the opportunity will be lost. I support the second reading.

The HON. L. R. HART (Midland): Together with other honourable members I am in general agreement with the principles set out in this Bill. I think it is generally accepted that there is an increasing need for land to be acquired for national parks and reserves and also that such land should be placed under a central control. Yesterday the Hon. Mr. Dawkins expressed the view that perhaps at this stage we had sufficient land for national parks. He said that we did not have a lot of undeveloped country in this State and that

we should ensure that an unnecessary amount of such land was not earmarked for the purposes of parks and reserves. However, during the debate on the Appropriation Bill in 1965 I dealt with the matter of national parks and reserves. My research at that time revealed that other countries possess extensive parks and reserves. The biggest reserve in the world is the Wood Buffalo National Park in Canada, consisting of 17,300 square miles. Many countries have reserves of well over 1,000,000 acres, and even small countries like Britain have extensive parks, such as the Lake District National Park of 866 square miles and the Snowdonia National Park of 845 square miles.

South Australia is no doubt lagging behind other countries in the provision of parks, however much country is still available in this State for this purpose, and it is our duty to see that the opportunity to acquire it is not lost. Indeed, it was only this afternoon that a portion of land was resumed that could well be used as a national park. I also suggest that consideration be given to the resumption of some inland areas in this State for national parks. This land is at present held under pastoral lease and much of it probably would not be returning a great income, because it is suffering from the ravages of drought and over-stocking. However, the inland has many unusual features peculiar to that area and attracts many tourists, not only from our own populated areas but also from other countries.

This land could, with proper treatment, attract much tourist trade that would be of better economic value than its present uses return. As the Hon. Mr. Story has said, we must ensure that national parks do not become breeding grounds for noxious weeds and vermin and that they do not present a fire hazard to the district. Many people visit national parks where there are camping sites and the danger of fire is always present. We should continually guard against that danger.

The first section of the Bill with which I shall deal is clause 7, in which it is provided that the commission shall consist of 15 members who shall be appointed by the Governor upon the recommendation of the Minister. Much has been said about the need for some of these members of the commission to be men with a primary-producing background and, indeed, that they should be nominated by primary-producing organizations. There may be many good reasons why this should be so. Perhaps it may dispel many fears held by landholders, particularly in relation to the acquisition of land, if they know that the commission will consist of men who are well qualified to interpret the effect of compulsory acquisition in the interests of the district and who, in addition, have an intimate knowledge of the suitability of lands for parks and of the treatment needed by such lands.

The idea of a panel jointly nominated by primary-producer organizations is nothing new. It is done at present, particularly in relation to the board of the Metropolitan Export Abattoirs. Under the Metropolitan Export Abattoirs Act, a panel is nominated jointly by certain producer organizations, and I consider that a similar jointly-nominated panel could be accepted by the Minister in relation to his appointment of members of this commission. The producer organizations could well be reduced in number to the National Farmers Union, which is the national body of many of the producer organizations, and possibly the Stockowners Association, which is a member of the National Farmers Union, State-wise but not on a Federal basis. I suggest that the Minister further consider this matter.

Another matter with which I wish to deal was dealt with by the Hon. Mr. Story. It is in relation to a quorum at meetings of the commission. Clause 13 (2) provides that six members of the commission shall form a quorum thereof. I consider that a quorum should consist of a majority of the members of the commission, in which case the number required would be eight. Although reasons have been given as to why we should not place an onerous task on members of the commission, we must realize that the members have a responsible job to do and, when they accept nomination, they should be prepared to place their services at the disposal of the commission for the betterment of the business of the commission. The Bill provides that a meeting of the commission shall be held at least once in every period of two months. This would mean only six meetings a year, and I consider that it would not be asking too much to ask at least eight members of the 15 to attend six meetings a year.

I now wish to deal with clause 15 (1) (*b*) (vi) and (vii). To my way of thinking, this provision is out of character with the actions of the present Government. In most Bills that have been introduced the functions of a board or commission have been subject to the approval of the Minister. In this case, there are two important provisions. One provides that the commission may remove and sell stone, bark and timber, and the other provides that it may sell and exchange plants and animals.

We can accept that this commission will probably be rather short of funds and that it may well be considering the sale of stone, which could come from all types of quarries. The bark and timber that may be sold may be a valuable asset in the eyes of the commission but perhaps we should not vest this power in the commission itself.

I consider that these two provisions should require the approval of the Minister before the commission can give effect to them. When we realize that a quorum of six members can make these decisions, I feel that we are taking great risks. Unless the Minister can give a good reason why the provisions of these paragraphs should not require Ministerial approval, I foreshadow an amendment.

Clause 17 (1) (*e*) provides:

The commission may, with the approval of the Governor, make by-laws for grazing cattle and for impounding cattle, sheep or other stock found straying in national parks and for the disposal thereof.

What worries me is why the commission should make by-laws in relation to the grazing of cattle only.

The Hon. S. C. Bevan: Sheep wouldn't do much damage, would they? It would be a good sort of national park!

The Hon. L. R. HART: If the Minister bears with me, I may give good reasons why sheep may be required to be grazed on certain reserves. I realize that it is possible that sheep could do a great deal of damage to some of the flora that may be growing on a reserve, but I remind the Minister that cattle also can do much damage to some of the trees that may be growing on the reserves. To prevent a fire hazard some of the reserves may need to be grazed very hard and portions of them may need to be grazed very short, so that sheep would be the proper animals for this purpose. The commission should have the power to make by-laws for the grazing of cattle or other grazing animals. In this particular case the by-law should be broadened; if it is not done in this way, in the interpretation clause it should be stated that "cattle" means other grazing animals as well. Unless the Minister can show very good reason why grazing animals other than cattle should not be included, I foreshadow an amendment in the Committee stage. Clause 19 (2) states:

The Governor may from time to time by proclamation declare the name by which any national park shall be known.

I consider it is a very good idea. All parks should be named and, where possible, named with exciting names—names that would tend to attract people to them—and also that we should perpetuate the names of people who have contributed much towards the founding of parks and reserves. Clause 20 (1) is rather interesting. It states:

The Governor may, subject to subsection (2) of this section, declare, by proclamation, that any Crown lands or any land owned in fee simple by the commission which is not subject to any encumbrance shall be a national park under such name as specified in the proclamation or any subsequent proclamation.

The word that interests me is "encumbrance". What is meant by "any encumbrance"? Does it refer to mining rights already held on this piece of land. That is how I read it, and if it is so, I should like to relate it to clause 25, which deals specifically with the operation of the Mining Act in relation to national parks. The reason I am interested in this matter is that while I was associated with the Mallala District Council, which had control over some 20-odd miles of coastline, it ran into considerable problems with the Mining Act in relation to shell grit deposits in the area.

The council was able to exempt certain areas of the coastline from the operation of the Mining Act, but where mining rights already existed we were not able to exempt those areas. I should like to know whether where a portion of land is taken over by the commission and proclaimed a national park, the mining rights held over this land will continue to operate? I consider this is important. I draw the Minister's attention to a portion of land known as Port Gawler, where there is some 80 acres of coastline strip held under freehold title. It is one of the few pieces of freehold land along the coastline in South Australia. This 80 acres of land contains very valuable shell grit deposits. I think it was in my first Address in Reply speech in this Chamber that I suggested the Government should consider acquiring the land.

I expressed the fear that if the Government does not acquire it someone else might take out mining rights and the whole area might then be ruined as a national pleasure resort. I suggest that the commission to be appointed should consider acquiring this land while it is still largely in its natural state. It is a very valuable area from a resort point of view and one that should not be ruined by the operation of mining for shell grit. There is considerable land adjacent to this area that has been virtually ruined, not because of its being mined for shell grit but because of its being indiscriminately mined for this purpose. I appreciate that industry should

not be deprived of some of the raw materials that are available, but in the mining of them we should guard against indiscriminate mining.

The Hon. C. M. Hill: I think that word "encumbrance" is incorrectly used. I think what is meant is "mortgage" or "charge".

The Hon. L. R. HART: That is what I am interested to know. I wonder whether mining rights would still be regarded as an encumbrance. When the Minister replies, no doubt he will clear up these matters. Clause 32 deals with the moneys required for the purposes of this Act. It states:

All moneys required for the purposes of this Act shall be paid out of—

(*a*) moneys to be provided by Parliament for such purposes; and

(*b*) moneys received by the commission from any other source.

The lack of finance will no doubt hamper the functions of the commission. The total income of the national park and wild life reserves for the year ended June 30, 1966, was $164,395, which included the special grants totalling $119,200. Against this, there was a total expenditure of $153,176, of which the biggest item was $52,184 for wages and salaries; thus, we see that nearly one-third of the total receipts was taken up by wages and salaries.

It is evident that, as commendable as this Bill is, little progress can be made unless the Government can find ways and means of increasing its grants to the commission. Knowing the financial position of the State at present, there would appear to be little prospect of money being made available to the commission greatly in excess of what the national park and wild life reserve people are getting now. The other matter that has been discussed by most members who have spoken on this Bill is related to the Fourth Schedule, which sets out to amend the Land for Public Purposes Acquisition Act. I consider there is much merit in what has been said previously by honourable members. When the commission decides to compulsorily acquire land it should only do so with the approval of the Minister and there should be a unanimous decision of the commission.

I do not believe that this would unduly hamper the operations of the commission. After all, we must appreciate that the commission is a promoter, and the promoter has the power to acquire. If the provision for the acquisition of land is not laid down in this Bill, or in the Land for Public Purposes Acquisition Act, then the provisions of the Compulsory Acquisition of Land Act should apply. Failing that, we could perhaps consider, where land is to be compulsorily acquired, whether it could be done by resolution. However, no doubt this matter will be dealt with in Committee, so at this stage I support the second reading.

The Hon. R. A. GEDDES secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL (REGISTRATION).

Consideration in Committee of the House of Assembly's message:

Schedule of the Amendments made by the Legislative Council to which the House of Assembly has disagreed:

No. 3. Page 4, line 25 (clause 11)—Leave out "substantially similar" and insert "adequate".

No. 4. Page 4, line 25 (clause 11)—Leave out "to" first occurring and insert "for".

Schedule of the reason of the House of Assembly for disagreeing to the foregoing amendments:

Because the amendments would impair the efficacy of the Bill.

The Hon. S. C. BEVAN (Minister of Roads): This Committee deleted from clause 11 "substantially similar" and inserted "adequate" and deleted "to" and inserted "for". I consider that "for" should not be used, as I do not think it is a correct preposition. It is desired only to proclaim another State that we are sure has provisions that have the same aim as the provisions in this Bill. Although the amendments made by this Committee may make it easier for a court to interpret the matter, it is considered that the amendments are not in the best interests of the Bill and that they could lead to lengthy litigation in future. Both amendments are in the one clause.

The Hon. F. J. Potter: They are connected, aren't they?

The Hon. S. C. BEVAN: Yes, they are virtually one amendment. If this Committee insists on its amendments, the efficacy of the Bill will be impaired. I therefore move that this Committee do not insist on its amendments.

The Hon. F. J. POTTER: I cannot agree with the Minister or the statement in the schedule from another place that the amendments would impair the efficacy of the Bill. It seems to me that they do exactly the opposite. We went into this matter fully and, without knowing exactly what went on in another place, I surmise that it did not know what these amendments were about. The amendments were fully explained here, when it was said that they were designed to ensure that the Governor was able to proclaim in particular the State of Victoria, because more

vehicles came from that State than from others. I think it was conceded that Victorian policies were not substantially similar to those in South Australia. Perhaps in our haste to alter "substantially similar" to "adequate" we did not pay as much attention as we might have done to the consequential amendment to strike out "to" and insert "for". If we had been on our toes, I suppose we would have said "For the purposes of this Part". One must not forget that the Minister also altered the clause and that his alteration was obviously accepted by another place. Although I do not dispute that amendment, it made the general syntax of the clause awkward, and my amendment did not help the awkward wording. I shall seek your ruling, Mr. Chairman, on whether it will be possible for this Committee to move a further amendment to these amendments, in particular to add "the purposes of". If this were done, the provision would be coherent, and the other place could have another look at it.

The Hon. S. C. BEVAN: I point out that another place had the opportunity of considering the very words that the Hon. Mr. Potter has suggested. It rejected them, so it would be foolhardy of us to insert them now after they had already been debated and rejected in another place. It would be a waste of time for us to do that.

The Hon. Sir Lyell McEwin: The suggestion that these words be inserted has been considered?

The Hon. S. C. BEVAN: Yes. My information is that they were discussed when we sent the Bill back to another place. What would be the use of another place considering these very words again when already it had considered and rejected them? If that is the way we want to go on, all right; I can't do anything to prevent it. I suggest we do not persist with our amendments.

The Hon. C. R. STORY: I am surprised to see the Minister losing his punch: I did not think I would see that day. I never thought it was a bad idea if beaten once to go back and have another try. If the Minister has another think about it, he may agree that this Chamber had good reason for sending out the amendment in the form in which it went to another place. Now that the explanation has been given, I think we should try again.

The Hon. R. C. DeGARIS: This is a very minor amendment, whichever way we look at it; it is not of nation-rocking importance. New subsection (5), if amended as suggested, would read:

For the purposes of subsection (4) of this section, the Governor may proclaim any State or Territory the law of which in his opinion makes adequate provision for the purposes of this Part to be a proclaimed State or Territory.

The only real argument centres around the Hon. Mr. Potter's suggested amendment.

The Hon. S. C. Bevan: The words "for the purposes of" were suggested this afternoon.

The Hon. R. C. DeGARIS: I was citing the effect of the amendment suggested by the Hon. Mr. Potter. The form of the new subsection that I have just read is the form in which the honourable member suggested we should send it back to another place. When moving his amendment, he explained fully the alteration of "substantially similar" to "adequate", and this Committee accepted the reasons for that amendment. While these amendments are minor, I think the intention of this Committee is correct. We should stick by what we feel is the correct amendment to this subsection.

The Hon. L. R. HART: It is largely a question of verbiage. We are trying to alter it to clarify the purpose of the clause. I do not think we are trying to alter the context of the clause. We should endeavour to ensure that the verbiage is correct. Admittedly, the other place had the opportunity of considering this wording, but I do not think the Minister is correct in saying that it did so.

The Hon. A. J. Shard: Read *Hansard*!

The Hon. L. R. HART: So that the matter may be cleared up once and for all, this Chamber should further consider this clause now and we should be given sufficient time in which to do that. I suggest that the Minister should now report progress for a few moments so that the Hon. Mr. Potter can have time to confer with the Parliamentary Draftsman, who might even suggest to the Minister that this wording would improve the Bill.

The Hon. S. C. BEVAN: For some other reasons and not necessarily at the suggestion of the Hon. Mr. Hart, I am pleased to ask that progress be reported and the Committee have leave to sit again.

Progress reported; Committee to sit again.

Later:

The Hon. F. J. POTTER: I move:

To amend the Minister of Roads' motion that this Committee do not insist upon its amendments, by adding the following words:

> and that an alternative amendment be made in lieu thereof, namely, to strike out "substantially similar provision to this Part" and insert "Provision adequate for meeting the requirements of this Part".

I have had the benefit of much assistance from the Parliamentary Draftsman in this matter.

The Hon. Sir ARTHUR RYMILL: I was one of those honourable members who supported the Hon. Mr. Potter's amendment in the first instance and I still agree that his amendment was adequate. However, the other place has not agreed to it, I think possibly on technical grounds, because there could be some quarrel that the amendment was not sufficiently self explanatory. It seems to me that the Hon. Mr. Potter has been at pains to make his amendment more acceptable in the technical sense. I think it is particularly well drawn. The Chief Secretary agrees with me now.

The Hon. A. J. Shard: I was laughing. I was wondering what the legal brains down below would think.

The Hon. Sir ARTHUR RYMILL: The Hon. Sir Norman Jude said yesterday that he had agreed with the Chief Secretary twice this session. I find myself in agreement with the Chief Secretary much more often than that. Anyway, I do not think this is a nation-rocking matter. However, I think that the Hon. Mr. Potter's amendment is better and more effective and that it will enable things to be done more sensibly than would the Bill as it was drawn in the first instance. I think the Committee ought to agree to this amendment and see what the other place does about it.

Amendment carried; motion as amended carried.

STATUTES AMENDMENT (HOUSING IMPROVEMENT AND EXCESSIVE RENTS) BILL.

(Second reading debate adjourned on November 1. Page 2651.)

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. C. M. HILL: I move:

After "tenant" to insert "to the landlord".

The purpose of the amendment is to ensure that the actual amount payable by the tenant to the landlord is that dealt with under the clause and to prevent any misunderstanding or question that may arise. The tenant, of course, does not usually pay the landlord for such services as electricity and gas. It is usual for the tenant to pay his own charges for services of that nature. I am sure the Government's intention is that the amount payable referred to in the clause is, in fact, the amount payable by the tenant to the landlord.

The Hon. A. J. SHARD (Chief Secretary): The amendment is acceptable, because it makes clear the intention of the Bill.

Amendment carried; clause as amended passed.

Clauses 4 to 7 passed.

Clause 8—"Circumstances in which owner of substandard house may apply to local court for relief."

The Hon. C. M. HILL: I move:

After "house" to insert "which at the time the agreement was entered into was".

This clause deals with the circumstances in which the owner of a substandard house may apply to the local court for relief. As I interpret the Bill, I thought there was a possibility that a house could be declared substandard after the owner had purchased it and, as a retrospective clause dates back two years, it seems it would be possible for an unscrupulous owner to purchase a house in average condition and then, by his own occupation thereof, adversely affect its condition and even ruin the property. He may then be able to apply for relief which, as honourable members will remember, enables the court to set aside an agreement to purchase and other agreements, too.

The court also has the power to let him remain in the house at a rental fixed by the South Australian Housing Trust. I am sure it was never intended that a house could be declared substandard after purchase. My amendment would make it clear that the substandard notice must be issued before purchase for these circumstances of relief to apply.

The Hon. A. J. SHARD: I assure honourable members that it is the Government's intention that the new section 15c should apply to a house which is declared to be substandard before or at the time the agreement is entered into. Generally, it is not the Government's intention in proposing this admittedly wide amendment to the Excessive Rents Act to interfere with sale and purchase transactions of substandard houses which are genuine transactions entered into by both parties in good faith. Clause 8 is directed at those fictitious and illusory transactions that I mentioned in my second reading speech. It is in these transactions only that the Government considers relief should be provided to tenant purchasers who suffer as a consequence of the onerous obligations they assume under these fictitious agreements.

Honourable members should, however, bear in mind that the courts must decide whether a transaction is harsh and unconscionable and

whether relief should be granted. It is hardly likely that the courts will assist an unscrupulous purchaser to avoid legal obligations entered into with his eyes wide open. The Government raises no objection to the amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

MONEY-LENDERS ACT AMENDMENT BILL.

Read a third time and passed.

PROHIBITION OF DISCRIMINATION BILL.

Adjourned debate on second reading.

(Continued from November 1. Page 2636.)

The Hon. Sir LYELL McEWIN (Leader of the Opposition): The purposes for which this measure was introduced, as explained by the Minister, are rather unusual. I say at the outset that what the Bill is meant to achieve is something that would receive the approbation of most people, because we learn from the explanation that all these things have been practised in South Australia. Therefore, one wonders about the necessity to introduce such a measure. The Minister said:

In South Australia, fortunately, we do not have very many practices of racial discrimination.

That phrase is repeated later in the explanation, yet this Bill has been introduced, apparently, because of conditions that exist in other parts of the world, not here, which, after all, is only one State of the Commonwealth. The Bill has been introduced as a result of a United Nations Draft Convention on Racial Discrimination and the Government has apparently advised the Commonwealth Government that the Commonwealth Government should take action to ratify that convention. Further on in the explanation the Minister said:

In South Australia, happily, we have a community that clearly disapproves of discrimination against persons by reason of their race, colour of skin or country of origin. That disapproval stems from the general attitude of this community that all citizens should be given equal rights before the law . . .

The whole of the Minister's explanation emphasizes that this is something that is accepted and approved by everybody in the State. Yet, we have a Bill that suggests that that condition does not exist. To that extent, I consider that the legislation creates a wrong impression and that it can be mischievous in its result. Regarding clause 8, we are told:

When the Government originally prepared the Bill it did not include the provision contained in clause 8 . . .

That is in regard to the sale of premises and the inclusion of conditions regarding transfer. The Minister went on to say:

but the Bill was subsequently discussed with several academics in Australia who had had experience of investigating discriminatory practices in other parts of the world, particularly in the United States of America. They strongly represented to us that, whereas at the moment there were no known discriminatory practices in South Australia of the kind prohibited in clause 8 . . .

The Minister there reiterated that the conditions did not exist here. He continued:

nevertheless this was the most objected to and the most regularly used discriminatory practice in the United States, and it had become increasingly used in the United Kingdom (that is, the provision of restrictive convenants upon disposal of or dealings with land to exclude these people of certain different racial characteristics from certain areas in the community).

Apparently, the whole background to this Bill and the reason for its introduction relates to something that happened in the United States or in some other part of the world and South Australia is going to put the whole world right.

A convention was laid down by the United Nations and it has received some consideration in Commonwealth circles. About two or three Bills have been introduced with a view to putting this question to the people by way of referendum so that, if there is any discrimination, legislation will be such that it will be comparable in all States of the Commonwealth rather than applicable to one State only. Some of the discussion has been quite interesting. I have only been able to get a smattering of the discussion, but a Bill introduced in 1965 provided for the amendment of the following provision in the Constitution:

That the Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good Government of the Commonwealth with respect to the people of any race, other than the Aboriginal race in any State, for whom it is deemed necessary to make special laws.

So, a private Bill was promoted in the Commonwealth Parliament in 1965 and provided for this matter, with others, to be referred to a referendum. However, the referendum was not held and the Bill lapsed. A Bill at present before the Commonwealth Parliament contains a different provision. It provides:

Section 51 of the Constitution is altered by omitting paragraph (XXVI) and inserting in its stead the following paragraph:

(XXVI) The advancement of the Aboriginal Natives of the Commonwealth of Australia.

There is also a new clause 117A., which provides:

Neither the Commonwealth nor any State shall make or maintain any law which subjects any person who has been born or naturalized within the Commonwealth of Australia to any discrimination or disability within the Commonwealth by reason of his racial origin:

Different points of view were expressed in the debate, and most members subscribed to the views of Mr. Wentworth, M.H.R., who introduced the Bill. Mr. Wentworth said in the debate:

The Aborigines, very rightly, require equal protection throughout the Commonwealth from adverse discriminatory laws. All of such laws should go. The present position is that the Aboriginal in Queensland has quite different rights before the law from those of an Aboriginal in New South Wales. At the moment I am not suggesting which is correct and which is incorrect. I am saying that it is bad that there should be a lack of uniformity and that the Aborigines throughout Australia need equal protection against adverse discrimination.

Further on, the same speaker said:

I think it is advisable to write a prohibition against racial discrimination into our Constitution in something like these words, because unless we did so there would be inadequate protection for Aborigines in both the Commonwealth and the State spheres. Our international relations would be improved by the inclusion of this section, which was in accordance with resolutions of the United Nations. It would also give expression to the ideal of homogeneity in our population which was expressed by the Prime Minister (Mr. Harold Holt) only a couple of nights ago in this House.

Later on, Sir Robert Menzies spoke on this Bill, and he pointed out that what was proposed would not necessarily assist the Aborigines but could work in rather the opposite direction from which the amendment was meant to operate. Therefore, we get conflicting views. One thing that was made definite was that the best we could do for the Aborigines of this country would be to make them equal with Australians; in other words, completely integrate them and put them in a position where they would enjoy the same privileges, be subject to the same laws, and have the same responsibilities as everyone else. I think we are all agreed on that, and I think that is the desire of the Aborigines themselves.

Unfortunately, as I said earlier, this Bill rather gives the impression that there is discrimination here when, as has been pointed out, there has been no discrimination. This is a Bill which could be misunderstood and which could create problems that have not existed previously. If we take all these clauses that mention places where discrimination must not occur, we can see very easily how a misunderstanding can occur, completely unrelated to race or colour. It may be that an Aboriginal is rejected in certain circumstances, and as a result of this new legislation that has been introduced that person may get the idea that he must not have a negative reply from anybody who is white in colour. I am afraid misunderstandings will occur.

One of the things that is provided under this legislation (and without which I would not be at all happy to support it) is that any action must be subject to the certificate of the Attorney-General. The only safety I can see in this measure is that every case will be properly inquired into before the Attorney-General takes any action. However, I think that in itself could cause considerable embarrassment for the Minister, because it will necessitate proper inquiries beforehand, and however careful he may be I can see there could be difficulties in the administration of the Act.

As I said earlier, nobody would wish to deny the objective of the Bill. We all want integration and, better still, assimilation. We have this already to a certain extent, and the more it is achieved the better it will be for everybody concerned, so that we can all be treated in the same way and not have the position where we must have legislation that deals with different races of people. One of the difficulties regarding the Constitution was that we might have to deal with some other race of people. I refer to the position that could arise if the Nauruan people were absorbed into the Commonwealth. I do not like legislation which sets out to correct something that does not exist. I support the second reading of the Bill.

The Hon. C. R. STORY (Midland): I rise to speak on this Bill, although I am not enamoured of it at all. Like the previous speaker, I consider that this thing is absolutely bristling with problems. I do not see anything very much in the Bill, which I consider to be nothing but window-dressing, except that the effect of it, in my opinion, will be detrimental to the way in which we as Australians have got along with people all our lives. I am sorry to see a piece of legislation put on the Statute Book because a chartist Minister has in his mind that he wants to get

everything that the International Labour Organization and the United Nations want and is not worried one bit about the real effect it will have on established people in this State.

We have been living with these various nationalities in Australia since the first fleet arrived, and I think we have in the history of South Australia something of which we can be extremely proud. We have seen the infusion into this country of large numbers of people from Germany. Those people have been absorbed into the community, and we have seen them continue with their own cultural and religious beliefs without being in the slightest manner discriminated against. We have seen over the years the infusion of people from Poland who, too, have lived alongside people who first came from England. We had a big influx of Yugoslavs in the 1920's, and while those people maintain close links among themselves they are still perfectly acceptable to most people. In more recent times, and also in the 1920's and the 1930's, we had a big influx of Italians, and they are now scattered over the whole of the State and are part of our community. We also have our Aborigines, who were here before we arrived.

I believe that in the main the Aborigines have been accepted. They have certainly not been discriminated against because of their colour. There may be instances in which for other reasons the Aboriginal is not accepted in all quarters, but it is certainly not because of his colour or his race. One thing we are not conscious of is the colour of people's skins. I have noted repeatedly when I have had something to do with conducting Commonwealth Parliamentary Association tours of this State, and when I have been overseas, that the Australian delegates and the Australian people have not been worried in the slightest about a person's colour or race. They take people on their face value and on the way they conduct themselves, so I think it is nothing other than a slur on the people of South Australia to suggest that they do these things and that a Bill is necessary to deal with them.

In his second reading explanation, the Minister said that very few cases occurred, yet I noted that the Attorney-General said in another reference that he could bring before the court a number of cases. Unfortunately, I have forgotten the number, but he mentioned a considerable number. There is something inconsistent in this, and what worries me more than anything is that many innocent people will be brought before courts for all sorts of reasons.

The Hon. Sir Lyell McEwin: The North had a special mention.

The Hon. C. R. STORY: It certainly did. In my district there is a large population of Aboriginal people who, generally speaking, get along very well with the rest of the community. One has to live in one of these communities to understand the position fully. As I said earlier, there is no discrimination against these people because of their colour or country of origin. I would not want to associate with some white people who were born in this community, and the same type of people exist in all nations and colours. If a person is charged under this legislation the onus will be on him to get himself out of it. The Crown (not the person discriminated against) will do the prosecuting. This may become a costly business because, if a person comes before the court and the case is not proved, the Crown will have to pay the costs, and I am not sure that all these cases will be thoroughly investigated before they are brought before the court. I think this legislation will focus attention on something that does not really exist now.

The Hon. C. D. Rowe: You cannot make people good by legislation.

The Hon. C. R. STORY: No, we have seen that since the first time we attempted to put this type of thing on the Statute Book: irrespective of the penalty, some people will still do what they want to do. The 1962 Act, under which Aboriginal people were protected on the one hand and governed on the other, was an extremely good Act that removed from the Statute Book any semblance of discrimination, as Aborigines were made as all other citizens of South Australia.

The Hon. R. C. DeGaris: It was protection more than discrimination.

The Hon. C. R. STORY: That is so. That Act set out to remove differences between Aborigines and white people so that we would all be one. If that Act had been administered correctly and if it were still being administered correctly (and I do not think it is) we would not have had half the bother we have had. We got rid of many of these things under the Act but we still kept the administration we had under the old protectionist days, when there was a Protector of Aborigines.

The object of the 1962 Act was to let these people get on their own feet and, by so doing, to allow them to become completely equal. However, when an Aboriginal parent

is accused of not looking after his children properly, the welfare officer from the Aborigines Department, not an officer of the Social Welfare Department, investigates the matter. Why is there any need for this difference when we are all as one?

This shows that the Minister is extremely inconsistent in his approach to the Aboriginal people. He makes it possible for them to be discriminated against, because it is not necessary in a street of 10 houses for a policeman to see whether Mrs. X, who is white, has swept under the bed or done her washing properly but it is possible (and it happens frequently) for the welfare officer to go into the home of an Aboriginal family living in the same street. This gives Aboriginal people an inferiority complex, because those who live in towns have much pride and do not like this type of thing. I regard this as a definite form of discrimination between Aborigines and white people in the one street. So, in the department administered by the Minister who introduced this Bill in another place, discrimination is practised, yet the Bill that he introduced is entitled "An Act to prohibit discrimination against persons by reason of their race or colour".

Throughout the Bill we have the expression "by reason only of his country of origin or colour of skin". I wonder just what the effect will be on some of the people who run various functions in cities and towns. It seems to me that the Bill was hastily drafted. We have seen this happen in other Bills, where bits and pieces are taken from other Acts and an attempt is made to weld them together. In this Bill, something is taken from the Places of Public Entertainment Act, and snippets are taken from the Licensing Act and the Excessive Rents Act (the latter now being defunct). No doubt if I knew other Acts better I would be able to identify other things.

The Hon. C. D. Rowe: Discrimination in employment depends on whether one is a member of a union, doesn't it?

The Hon. D. H. L. Banfield: Every conscientious person would be a member of a union, wouldn't he?

The Hon. C. R. STORY: I hope to have an amendment on this matter accepted. I now deal with the interpretation clause, which states:

"boarding-house" means any house (not being licensed premises) in which three or more persons exclusive of the family of the proprietor thereof are boarded for hire or reward: "Lodging-house" means practically the same thing. I think we understand what "licensed premises" are. Then the definition of "place of public entertainment" is interesting. It reads:

any hall, building, or other place, whether enclosed or unenclosed or partly enclosed, where a public entertainment is held (including any buildings and premises used in connection with such hall, building, or place), and includes any theatre, concert room, circus, menagerie, or skittle or bowling alley, or any place in which dancing is taught other than a room in a private dwellinghouse.

If we are consistent, with that we should have a description of what a "public entertainment" is. The Places of Public Entertainment Act states:

"Public entertainment" means entertainment (including, though without limiting the meaning of that term, concert, recital, lecture, reading, entertainment of the stage, cinematograph or other picture show, dancing, boxing, or other amusement, or contest) which is open to the public, whether admission thereto is or is not procured by payment of money or on any other condition.

The difficulty, as I see it, with this definition of "place of public entertainment" is that there are halls throughout the State used for public entertainment but on certain special occasions they are used by the organization to which they actually belong. Whilst under the Places of Public Entertainment Act it is specifically mentioned that the provisions do not apply to certain religious groups, there is no mention of organizations like the Returned Servicemen's League, lodges and organizations of that description.

The wording here should read "where a public entertainment is in progress", not "where a public entertainment is held".

People come along to the door in certain cases where a function of some description is going on. We want to keep them out. Some discussions take place. They may not be Aboriginal people at all: they may be other people. I have often heard that, when there is disagreement between people, the first thing that many people do is to make some reflection upon another person's country of origin, such as "You Pommy!", "You drongo!", and "You Yank so-and-so!". This does happen. Actually, it is not a public entertainment that is being held. If I invite my friends to come to a certain hall (and I know that some honourable members will say that I would not need a hall for that) and I have a semi-private show and other people try to get in, I naturally try to keep them out. I am sure this happens in many cases. It seems to me that this provision needs tidying up so that it is a place where there is a public

entertainment, as with the R.S.L. people, who let their halls for so many nights a week and then hold their own functions there. It is interesting to note that clause 4 states:

A person shall not refuse or fail on demand to supply a service to a person by reason only of his race or country of origin or the colour of his skin.

That is interesting wording. We can misconstrue or do anything we like with that, and it still does not quite set out what it means. There are all sorts of uses for that and, as the 1962 Act stands at present, I do not think it would be an offence. I leave that for honourable members to decide. It is a quaint way of wording it. Clause 6 reads:

A person shall not refuse to let a dwelling-house or a room or rooms in a boarding-house or lodging-house to any person by reason only of that person's race or country of origin or the colour of his skin:

That, we must bear in mind, is any house where three people other than the family are residing. An amendment has been placed in this Bill making a proviso. Fortunately, I have been able to ascertain from the honourable gentleman who moved the amendment in another place what it means, but the mumbo-jumbo of it frightens me. The proviso is:

Provided that this section shall not apply to a boarding-house or lodging-house which is occupied by the proprietor thereof if the person to whom such room in such boarding-house or lodging-house is available for letting—

That sounds to me as though the person is available for letting. The proviso continues:

. . . is entitled in common with the proprietor to the use of any accommodation other than accommodation required for the purposes of access to the boarding-house or lodging-house.

What it means is that the proprietor would not be discriminating against a person if he said that he was not to use his toilet and bath facilities; in other words, the proprietor would be able to say, "You can stay here but you are not allowed the use of those special parts of the house that I reserve for my wife and myself."

The Hon. R. A. Geddes: Does it include the kitchen and cooking of all meals?

The Hon. C. R. STORY: No. It is terribly wordy. It is like many other things in the Bill. It is so unnecessary to have this sort of thing.

I come now to clause 8, which deals with the prohibition of agreements with restrictions. There are agreements where we can say, "We will let this house to Mr. X", and he could sublet it or let rooms in it but, in order to protect ourselves and our assets, we say, "You can do this subject to one or two things." Under this provision, we cannot write it in: if certain people are notoriously bad tenants, we cannot record it in these agreements. This is going a little further and presuming far too much upon people's rights in these matters. Perhaps the legal fraternity in this Council will have more to say on that.

The Hon. G. J. Gilfillan: The penalties are very severe.

The Hon. C. R. STORY: Yes. The maximum penalty is $200, which is very severe. It appears to me that there is no first offence, even in such an important Act as the Road Traffic Act, that attracts such a severe penalty. We get two bites of the cherry for a first offence.

The Hon. M. B. Dawkins: I think this Government will be interested in two bites of the cherry. It usually is.

The Hon. C. R. STORY: It seems to me that a maximum penalty of $200 is too high.

The Hon. A. J. Shard: That is the maximum. What is the minimum?

The Hon. C. R. STORY: Even if the magistrate dealt with the matter leniently he could not very well let the defendant out of the fire, because the severity is written into the amount of the fine. If we provided for a fine of $25 a magistrate might say, "This can't be a very severe offence. Therefore, I can fine him $5." We are providing for a maximum fine of $200.

The Hon. A. J. Shard: They don't do that in industrial prosecutions, do they?

The Hon. Sir Norman Jude: What about breaking and entering?

The Hon. C. R. STORY: The penalty provided in this Bill is much more severe than the penalties for what we consider to be terrible offences, such as stealing motor cars. I think the Chief Secretary will agree that a fine is a guide about what Parliament thinks.

The Hon. A. J. Shard: That is what I am taking issue about. Magistrates do not always follow it.

The Hon. C. R. STORY: I have known it to be acted upon. I have heard magistrates refer to the maximum penalty provided when dealing with the penalty to be imposed.

The Hon. D. H. L. Banfield: Did that scare you?

The Hon. C. R. STORY: It may not scare me in relation to clause 4, but it would under many of the other provisions. Another amendment that has been made since the Bill was drafted is clause 9 (2), which provides:

Proceedings for offences against this Act shall be taken only on the certification of the Attorney-General.

I think it is poetic justice that this should be put back into the lap of the Attorney-General, because he will have the responsibility of sifting the cases to see whether they are genuine or will stand up in court. This is about the maximum penalty that could have been included. Committees may have examined the matter and tried to improve the position, but there will be no conciliation: it is sudden death. If an offence is committed, no-one will say to the person who has offended, "I think you are doing the wrong thing but I give you a week in which to put this in order. If you offend again, you will be dealt with." Offences will be dealt with before the court and there is not a lot of human kindness in the Bill. It is not the sort of measure we would expect from an architect of a Bill entitled the "Prohibition of Discrimination Bill". I support the measure because it is difficult not to support it. However, I have little heart in it and I think we shall rue the day that it ever appeared on the Statute Book.

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

LONG SERVICE LEAVE BILL.

Read a third time and passed.

ADJOURNMENT.

At 5.40 p.m. the Council adjourned until Tuesday, November 8, at 2.15 p.m.