LEGISLATIVE COUNCIL

Tuesday, November 8, 1966.

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

NEW MEMBER FOR NORTHERN.

The Hon. Arthur Mornington Whyte, to whom the Oath of Allegiance was administered by the President, took his seat in the Council as member for the Northern District, in place of the Hon. C. C. D. Octoman (deceased).

QUESTIONS

HOSPITAL FEES.

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

Leave granted.

The Hon. Sir LYELL McEWIN: I understand that questions have been asked previously, if not in this Council then in another place, regarding the difficulties that Government subsidized hospitals have in collecting fees, particularly in relation to Aborigines. The amount outstanding at one hospital at June 30 last was about $6,000 and fees of $1,770 have accumulated since that time. Can the Chief Secretary say what is the Government's policy regarding the treatment and hospitalization of indigent and itinerant Aborigines in Government subsidized hospitals?

The Hon. A. J. SHARD: This matter has given the Government some concern. The Hon. Sir Lyell has asked about the Government's policy but, although I have some ideas about what we propose to do, I should not like to say now what is the Government's policy. I will not ask that the question be placed on notice. I will obtain a Cabinet decision so that there will be no misunderstanding and I will give Sir Lyell an answer before the Council adjourns next week.

EDUCATION COSTS.

The Hon. R. A. GEDDES: Can the Minister representing the Minister of Education inform me what it costs to educate a child from Grade I to Grade VII, and from first year high school to matriculation standard, at a State school?

The Hon. A. F. KNEEBONE: I will convey the honourable member's question to my colleague and obtain a report as soon as possible.

YORKE PENINSULA WATER.

The Hon. M. B. DAWKINS: Has the Minister of Mines an answer to the question I asked on November 1 regarding extensions to the water supply at the bottom end of Yorke Peninsula?

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

The investigation of the Carribie Basin has shown that up to 20,000 gallons of water an hour can be safely developed by means of bores. This advice has been conveyed to the Engineering and Water Supply Department by way of a report on the basin.

BALHANNAH MINE.

The Hon. H. K. KEMP: Has the Minister of Mines an answer to the question I asked on November 1 about the old Balhannah mine?

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

An application has been received for registration of a claim covering the old Balhannah mine. The intentions of the applicant in respect of the mine, if registration is granted, are not known.

EDUCATION DEPARTMENT EXPENSES.

The Hon. L. R. HART: Has the Minister of Labour and Industry, representing the Minister of Education, an answer to the question I asked on November 2 about the cost of forwarding the transcript of an address by the Minister?

The Hon. A. F. KNEEBONE: Yes. My colleague considers it would have been more economical to have had the transcript delivered rather than posted.

HIRE-PURCHASE AGREEMENTS ACT.

The Hon. F. J. POTTER: Has the Chief Secretary an answer to my question of November 3 concerning an amendment to the Hire-Purchase Agreements Act?

The Hon. A. J. SHARD: Yes. As promised, I obtained a Cabinet decision on this matter. It is hoped to introduce an amendment to the Act before November 17.

PALLETIZATION.

The Hon. R. A. GEDDES: Can the Minister of Labour and Industry, representing the Minister of Marine, say whether any studies have been made by the department concerning the merits of palletization as compared with containerization for the movement overseas of the State's export cargoes?

The Hon. A. F. KNEEBONE: I do not know whether there has been any comparison between the two methods. My colleague, the

Minister of Marine, will have more information on this matter than I, but I think that palletization will be used in conjunction with containerization, rather than that the two methods compete. I will obtain a report as soon as possible.

HOUSES FOR ABORIGINES.

The Hon. L. R. HART: On September 27 I asked the Chief Secretary, representing the Minister of Aboriginal Affairs, a question about houses for Aborigines. As it appears that an unduly long period has elapsed without my getting a reply, will the Chief Secretary ascertain whether the Minister of Aboriginal Affairs will provide a reply?

The Hon. A. J. SHARD: Yes.

OFF-SHORE BOUNDARY.

The Hon. C. M. HILL: Will the Minister of Mines say whether the Government is continuing its negotiations with Victoria in an endeavour to settle the dispute regarding the position of the boundary between South Australia and Victoria off the coastline and whether the Government hopes that agreement will be reached after further discussions?

The Hon. S. C. BEVAN: I expected, because of press statements made, that a question would be asked on this matter, and I obtained a reply. Discussions have take place between Mr. Wells, Q.C., and the Victorian Solicitor-General to see whether the boundary between the two States could be agreed for the purposes of the off-shore oil legislation. A number of proposals have been examined, but no final proposal has been made at Ministerial level. No letter offering to "split the difference" has been received from Sir Henry Bolte. The Government is prepared to continue talks at officer level to endeavour to achieve a basis for settlement that will fully safeguard South Australia's rights.

SEWER INSPECTIONS.

The Hon. C. M. HILL: I ask leave to make a statement prior to asking a question of the Minister representing the Minister of Works.

Leave granted.

The Hon. C. M. HILL: I have been told that, under the Engineering and Water Supply Department's regulations, sewer inspectors are now using what is known as a water test instead of a smoke test to check sanitary installations in new buildings, particularly public buildings and other large buildings being constructed throughout the State. A plumber has informed me that in his view a great quantity of water is wasted by this particular test, as in buildings of which he has some knowledge (for example, the new construction at the Royal Adelaide Hospital and the State Government building in Victoria Square), because of the length of pipe used (one building has a pipe 9in. in diameter) a large quantity of water has to be used, and possibly this could be saved if the former tests were reverted to. In view of the limitations on our water supply and its cost, will the Minister of Labour and Industry ask his colleague to investigate this matter and ascertain whether the department's inspectors could revert to using the smoke test instead of using the water test?

The Hon. A. F. KNEEBONE: I shall convey the question to my colleague and bring back a report as soon as it is available.

ROADSIDE VEGETATION.

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

Leave granted.

The Hon. L. R. HART: Mr. J. R. Dunsford, the Director of Lands, said when addressing a meeting of the Mount Lofty Ranges Association that he believed that the retention of roadside vegetation was warranted for aesthetic reasons. He went on to say that a 30ft. wide strip on both sides of South Australia's 80,000 miles of roads would provide another 500 square miles of natural vegetation. Will the Minister comment on the merits or otherwise of such a scheme?

The Hon. S. C. BEVAN: I am not aware of such a statement made by an officer of a department. In those circumstances, I have no comment to make.

DENTAL SERVICES.

The Hon. C. R. STORY: I ask leave to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. C. R. STORY: I understand that pensioners in South Australia receive free dental treatment at the Dental Hospital in Adelaide. This same facility is available for country pensioners, but in many cases it is difficult for them, and particularly invalid pensioners, to get to the metropolitan area to attend the Dental Hospital. I understand, too, that there is a fairly long waiting list. Country dentists do assist in some respects along these lines and, I understand, voluntarily give certain rebates to pensioners; but this is not consistent throughout the whole dental

profession. Can the Chief Secretary say what is the Government's policy in this matter and whether the Government will consider dentists in country districts handling some of this work, with Government subsidies?

The Hon. A. J. SHARD: This question has been discussed by me with a deputation from the Dental Association, at least one member of which, I think, was from the district represented by the honourable member. Cabinet discussed this matter briefly and then referred it to the Dental Hospital in Adelaide to try to find out whether it would be possible to formulate some definite policy on it, but I can assure the honourable member that no final decision has been taken. It is one of those things which, through pressure of business, will have to be left to be dealt with after Parliament adjourns next week but, when we resume in February or March, I will make it my business to see how far we can go. If the honourable member will ask his question again early next year, we may be able to say what the Government's policy will be. I hasten to add that the whole Government is sympathetic to the proposition and, if some reasonable arrangement can be arrived at, we shall be glad to help alleviate the problems of the people concerned.

LAND ALLOTMENT.

The Hon. R. C. DeGARIS: Has the Chief Secretary an answer to my question of Thursday last about guarantees under the Rural Advances Guarantee Act?

The Hon. A. J. SHARD: Yes. The replies are as follows:

1. Of the 22 properties financed by guarantees under the Rural Advances Guarantee Act during the past twelve months nine were dairy farms, of which two also carried sheep for wool production.

2. Of the balance of 13 properties, five were freehold, one was part freehold and part leasehold (perpetual lease), and seven were leasehold. Of the last seven, two were war service perpetual leases, four were marginal lands perpetual leases and one was perpetual lease.

In determining the value of these leasehold properties it is the practice of the Land Board to calculate the value as if it were freehold and then deduct an amount to cover the interests of the Crown. The leasehold value so determined is only very slightly lower than the freehold value.

CITRUS INDUSTRY.

The Hon. Sir LYELL McEWIN: On November 3 I asked a question of the Minister representing the Minister of Agriculture regarding criticism by Justice Travers of the Citrus Industry Organization Act and I asked whether consideration had been given to such criticism by Cabinet. Has the Minister a reply to my question?

The Hon. S. C. BEVAN: The question was dealt with in Cabinet last Monday. A series of questions on notice had been asked in another place, all dealing with the same subject, and those questions will be answered there today. As I have said, Cabinet has considered the matter and has been studying the transcript of court proceedings in relation to the comments of the learned judge and their possible effects on the Act.

The Hon. Sir LYELL McEWIN: Further to the Minister's reply, I ask the Leader of the Government whether this Council is to be treated in this cavalier fashion. Even though questions are being asked in another place I do not know their content, and if I or any other member asks a question in this Chamber I believe we are entitled to the courtesy of a reply. Again, even though a reply may be given in another place, the Minister here is aware of discussions in Cabinet and I resent the fact that he does not treat this Council with the courtesy it deserves. The Minister represents the Minister in another place and I think members of this Chamber are entitled to a reply. This is not the first time such a thing has occurred this session, and I object to this type of treatment in connection with questions asked here.

The Hon. S. C. BEVAN: I had no intention of being discourteous to any honourable member in this Chamber and I hope that I have never been discourteous. I made reference to a number of questions on notice in another place and said that they would be answered today. I thought I had answered the Hon. Sir Lyell McEwin's question when I said that Cabinet had considered the matter on Monday last and was studying it having in mind the comments of the learned judge and the possible effects on the Act. I cannot see why the honourable member should take exception to my reference to questions in another place.

The Hon. Sir Lyell McEwin: I object to the qualification given in the reply that similar questions would be answered in another place.

STIRLING FREEWAY.

The Hon. Sir NORMAN JUDE: I ask leave to make a statement prior to asking a question of the Minister of Roads.

Leave granted.

The Hon. Sir NORMAN JUDE: I wish to refer to major construction work taking place

at present in the Stirling district between Crafers and Stirling known as the Stirling Freeway. This matter has been raised before. The freeway will be the first major construction of its kind in this State. The Minister may or may not be aware of a tremendous amount of interest in this vast construction work, but even people reasonably versed in such matters (as I am) cannot follow the exact trend of the construction when it is being carried out, as it has to be, piecemeal, so to speak, with some concrete work and some road work proceeding at the same time. In view of the great interest displayed by many people, particularly at this time of the year, will the Minister request the department to erect a descriptive and informative map of the part of the freeway between Crafers and Stirling at a suitable site, such as in the tourist bay on the Mount Barker Road going south or at another place where it would not cause traffic congestion?

The Hon. S. C. BEVAN: A map of the whole area, explaining the route (or the Stirling Freeway, as it is called) has been exhibited for some time in the district council office and any person interested may examine it there. As the honourable member has said, an identical question was asked some time ago, and an answer was given. If the honourable member now desires me to go further and again request the department to make available a plan at some other place and so eliminate the necessity to visit the district council office, I will again raise the matter with the department. However, I repeat that such a map has been, and is at present, exhibited at the council chambers.

The Hon. Sir NORMAN JUDE: I am well aware of the facts mentioned by the Minister, but I point out that this does not meet the requirements of the public.

The PRESIDENT: Order! The honourable member must not discuss the question.

The Hon. Sir NORMAN JUDE: I am sorry. I ask the Minister if he will take the matter up with the department and perhaps have the map exhibited on the roadside, as with the Snowy River project.

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

Leave granted.

The Hon. R. C. DeGARIS: I agree entirely with the views of the Hon. Sir Norman Jude that a number of people want information on this freeway, and I realize there has been co-operation evidenced by the Minister in explaining that the plans are available at the district council office. Sir Norman suggested that those plans be placed in a tourist bay on the Glen Osmond Road. Will the Minister arrange to have a notice placed in the tourist bay so that anybody interested will be able to go back to the district council office in Stirling and view the plans?

The Hon. S. C. BEVAN: I repeat: anybody interested may even now go to the district council office and view the plans free of cost or, if in the metropolitan area, people may go to the Highways Department office and there view the plans, still free of cost. However, if the honourable member is suggesting that the plans be placed in the tourist bay, I will take the matter up with the department and see whether it can be done. A previous suggestion was that the plans be placed in a parking bay in a glass case, but all honourable members must be aware of just how long the glass would last: I would say that inside half an hour it would not be there.

TRAFFIC LIGHTS.

The Hon. C. M. HILL: Will the Minister of Roads ascertain when the Highways Department expects to have traffic lights installed at the intersection of Greenhill Road, Peacock Road and King William Road, Hyde Park?

The Hon. S. C. BEVAN: I shall obtain the information for the honourable member as soon as possible.

SUCCESSION DUTIES.

The Hon. C. D. ROWE: I rise to congratulate the Chief Secretary on his efforts in arranging for a postponement of the implementation of the amendment to the Stamp Duties Act until November 21. I know that his action is greatly appreciated. I understand that on previous occasions, when the time has been extended regarding the imposition of tax, it has been usual for the Commissioner of Stamps and Succession Duties to send circulars to the offices of land agents, conveyancers and other interested people, informing them as to when the new rates were to apply.

The PRESIDENT: Does the honourable member desire leave to make a statement?

The Hon. C. D. ROWE: I have already made a statement, and I am indebted to you, Mr. President. Can the Chief Secretary say whether the same procedure will be followed on this occasion, because I rather think it should be?

The Hon. A. J. SHARD: I surmise that it will be done. However, I will take up the matter with Treasury officials. The announcement was made on Thursday and the officers have had only Friday and Monday to send out the notifications.

WEST BEACH PRIMARY SCHOOL.

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

ADELAIDE WORKMEN'S HOMES INCORPORATED ACT AMENDMENT BILL.

Read a third time and passed.

STATUTES AMENDMENT (HOUSING IMPROVEMENT AND EXCESSIVE RENTS) BILL.

Read a third time and passed.

ABORIGINAL LANDS TRUST BILL.

The Hon. A. J. SHARD (Chief Secretary): Before dealing with the report of the Select Committee, I extend a welcome to our new member, the Hon. Mr. Whyte. I assure him that he has the congratulations of all honourable members on his success at the election. We welcome him amongst us and, although doubtless he will hear differences of opinion expressed when we get down to real politics, he will also find that those differences are expressed in a courteous and frank manner, and that when we leave the Chamber we are all good friends. I am sure the good fellowship that has existed amongst members of this Chamber since I have been here will continue.

The Hon. A. J. SHARD brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Ordered that report and minutes be printed.

The Hon. A. J. SHARD moved:

That the Bill be recommitted to a Committee of the whole Council on the next day of sitting.

Motion carried.

SUCCESSION DUTIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 3. Page 2743.)

The Hon. JESSIE COOPER (Central No. 2): I oppose this Bill and state at the outset that I am opposed to succession duties or estate duties in a growing country like Australia, and that I would oppose legislation of this sort, irrespective of which Government introduced it. The proposed succession duty has been designed to hit most severely at a minority of the community. However, it appears that it will do few people much good and that it will do most people harm. As is usual in the socialistic project of getting rid of differences in wealth, the majority of thrifty people are the ones who are going to be greatly harmed.

Mr. President, we have already had the benefit of speeches by other honourable members who, by the figures they gave, have proved that it is the middle class that will suffer most by this legislation. I believe it is the duty of the Council not only to protect minorities but also to protect the community as a whole against class legislation or legislation showing a bigoted outlook. Most people in South Australia disagree with the principle of succession duty. We have in Australia a general system of taxation to provide the necessary funds for the running of the country. Money that is required should be raised by this system and not by ever-increasing demands and constant alterations to special taxes and class and group taxes.

The principles of succession and estate duties are most damaging to the economic growth of any developing country. The specious argument heard for the destruction of estates and the grabbing of a large percentage of their capital will not stand close examination. A young country like Australia needs constant investment by its people in new businesses and new projects. This investment can come only from those who have a sense of thrift and the necessary capital assets to make the investment. The practice of making special taxes in order to dissipate what may be looked upon as private individuals' purses of investible capital produces only a distribution of money that will ultimately be spent upon minor luxuries or spread through Government social services, thus leaving the provision of real risk and development capital to outsiders and oversea sources.

What, Mr. President, is the use of bleating about oversea investment in Australia, and particularly in South Australia, when Government policy is so blatantly designed to destroy the ability of individual South Australians to establish new industries, or to expand the old, from their own resources? We hear all about complaints that oversea money is developing our heavy industry, our food factories, our textile mills and our oil deposits, or opening up new country, for example, in Western Australia and the Northern Territory. Yet, we

must know that those who, by their thrift and planning, should be able to afford to take pioneering risks, namely, those individuals and families who have built up primary and secondary industries in the past and the present, are not allowed to accumulate sufficient funds for long enough to accomplish really big tasks.

I have noticed that particular care has been taken by the proponents of this Bill to refrain from examining its effects on family groups. The emphasis has been placed solely on its effects upon widows. South Australia and Australia as a whole have been built in the past by family activities in various spheres of development, family loyalties and family business associations, whether in rural areas, or professional or industrial spheres. It is upon this structure in our community that duties of the type envisaged in this Bill are specifically aimed. If this Bill is passed, what will happen to family businesses—rural, as well as industrial and commercial? For instance, a man who has spent his whole life in building up a farm will have to sell it. The same thing applies to a business that has been built up. At death, the farm or business is weakened to such an extent that it is taken over by a big combine.

The history of countries which have developed rapidly—the U.S.A., the European industrial countries, the U.K. and Japan—has been a history of investible funds widely invested in the hands of comparatively few people. One cannot be idealistic and spread money in a country equally among all its people; one cannot have a completely levelling process in the community and, at the same time, expect people to have the necessary backing to take risks, to be original, or to exercise drive in industrial development, if they have no asset to take care of.

I would suggest that if any country needs succession and estate duties it is not Australia today and it is certainly not South Australia—a comparatively less wealthy Australian State. Honourable members know as well as I do the history of the imposing of death duties in England. The concept of penalizing estates really savagely was introduced before the First World War by a British Government largely at the instigation of a man who bore bitter resentment against the artistocracy of England. During the week-end I was doing some preparation on a later Bill before us, the National Parks Bill, and I commend to members a book I was reading from the Parliamentary Library entitled *Poison on the Land*, a section of which deals with death duties and their relation to the preservation of estates and wild life in England. It speaks about Lloyd George's bitter campaign of the 1910 period; how he as Liberal Chancellor took his cue from an earlier Chancellor who had introduced death duties on land, but whereas the first man had thought in pounds and shillings, Lloyd George struck in golden sovereigns. He set out to break the landed gentry. The book says that his pride had never recovered from the sharp treatment he received in early days, as a country lawyer, from a bench of Welsh petty squires. The author goes on to say:

> Now, little more than half a century later, the dead hand of death duties has struck, root and branch, at the whole centuries-old, once inviolate, structure of British landownership.

The effect of this legislation on the family fortunes in Britain is worth a moment's study. It holds many warnings for us. During the First World War two generations were frequently killed within a few months of each other. The vicious death duty imposed then virtually destroyed many of the big estates. Again, the situation was, of course, aggravated by the Second World War. The result of these imposts has been that the wealth of the old families of England has been practically annihilated in the first half of this century, whereas in the U.S.A. the great private holdings by bankers, industrialists, motor magnates, oil tycoons and others have remained largely intact.

We have seen, as a result of these financial circumstances, develop the greatest industrial nation the world has ever known, with the highest standard of living for its people the world has ever known—that is, the U.S.A.—whereas, in England, after the destruction by death duties and other ill-advised economic and socialistic measures, the wealth of private individuals and families, its hundred-year-old development, particularly in the industrial sphere, has been greatly hampered, nor have the challenge and the responsibility been taken up on a wide enough basis by any public sphere of development. Since the raid on the purses of the people who have the ability, drive and resources, England has had the greatest difficulty in maintaining her position among the exporting countries of the world.

We hear continually of the high rate of death duties in the U.K. Now, the U.K. has only one estate duty, although there have been many in the last 50 years. Under this one law, an estate of £5,000 sterling, that is, $12,500, is completely exempt from duty, but there is no such generous provision in the Bill before us. However, I am more concerned with the people who always suffer. Remember

that death duties are always the beloved weapon of the little men who wish to smash big men, but it is always the people in between who get crushed in the process. The U.K. death duty has always been considered high, but if one compares the schedule in the Bill with the U.K. schedule of today a few devastating facts emerge in the middle brackets. For example, an estate in the U.K. not exceeding £8,000 sterling is subject to a rate of not more than 3 per cent, whereas under this Bill, on an estate of the same size, that is, $20,000, the proposed rate of duty is 15 per cent.

The Hon. D. H. L. Banfield: What is the present rate?

The Hon. JESSIE COOPER: I do not know. The honourable member will have to look it up. I have always been taught to keep to the point in this Chamber. As I was pointing out, it is five times as much as the corresponding English estate duty for this value. Now, take a large estate, still in the middle bracket, valued at £20,000 sterling. In the U.K. this estate pays duty at the rate of 12 per cent, whereas the equivalent estate in Australia of $50,000 pays at the rate of 17 per cent. This is not a duty to add a little money to Government coffers, but it is an attack upon the resources of the middle class to destroy its initiative and ability to own any sort of business or property, and to reduce all South Australians to a low mean.

I wish to emphasize that this great land of ours cannot be developed on a basis of small holdings and small farms. I am afraid that this legislation will bring about exactly that. It is designed to break down and destroy privately-owned business, family estates and rural holdings so that their segments become so small that they may no longer be large enough to sustain a middle-class existence. I have, as I have said before, never approved of the principle of succession or estate duties in Australia. I certainly am not prepared to vote for an increase in their impact.

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

PROHIBITION OF DISCRIMINATION BILL.

Adjourned debate on second reading.

(Continued from November 3. Page 2757.)

The Hon. C. D. ROWE (Midland): This is one of the most difficult Bills on which I have been asked to speak during the whole of my career in Parliament. The difficulty arises because, if one says in so many words that one proposes to vote against it, the statement will be misinterpreted outside this Chamber and the impression will be given that one favours some kind of discrimination. Consequently, I hesitate to say what my approach will be.

I am not at all happy with certain aspects of the measure. In the first instance, it only partly prohibits discrimination. On the face of it, it leads us to believe that there will be no discrimination on the basis of either race or colour, but an examination of the Bill shows that it is limited to certain areas of activity. In those areas there is to be no discrimination, but apparently there can be discrimination in others. For instance, if one is letting a whole house the question of discrimination can arise but if one is letting half a house apparently one is excluded from the provisions of the Bill. We should either have a Bill that goes the whole way and says there shall be no discrimination whatever on the ground of race or colour, or we should have no Bill at all. I do not think a Bill dealing with certain aspects and not with others provides an answer.

I believe this Bill will accentuate incidents of discrimination rather than reduce their impact. I am not satisfied that it is possible to make people good by legislation, and I do not think this is the type of moral or social question that can be solved by legislation. Also, how does this Bill line up with our immigration policy? If there is to be no discrimination because of race or colour, and if this is to be accepted on all fronts, does it mean that we have wiped out all our immigration policies, irrespective of which Party may be in power at the time? I do not think either of the principal Parties has gone so far as to say that there will be no discrimination in relation to the people who come to this country. For numerous and proper reasons we still must exercise some degree of control in relation to the people who come to this country: this applies not only to Australia but also to many other countries. In fact, the majority of countries have discriminatory policies regarding the admission of foreigners. To say in a Bill that we have got rid of discrimination in South Australia (and this is promoted by the South Australian Government and has no effect beyond our borders) is, I think, putting us in an invidious position, as a different set of principles is involved over the borders of the State. For all these reasons, I think the Bill is ill-advised and that it would be better

and that we could achieve what we want if we did not have to deal with legislation of this nature.

I shall now deal with the matter in greater detail. In his second reading explanation the Minister said that there was little racial discrimination in South Australia at present, and I agree with that. He went on to say that if it had not been for the introduction of this Bill we might have seen in this State some incidents similar to those that had occurred in other States because those States had no legislation of this kind. I do not accept that statement as true. I had the privilege, through the courtesy of the members of this Chamber and the Government, to attend the Commonwealth Parliamentary Association conference at Ottawa, and I took the opportunity while I was away to travel in as many parts of the world as possible. I was greatly pleased to see the way in which people of different colours, religion and race mixed, worked and apparently lived together quite happily and contentedly. After seeing that, I am satisfied that, where there are unfortunate disturbances and demonstrations, they are nearly always sparked off by some desire for publicity. In other words, these things are more likely to happen when some publicity is attached to them than when people are left to their own devices.

That view was confirmed the other day when there was a demonstration on the steps of Parliament House. When I was about to leave the building somebody wanted to hand me a pamphlet about some matter. I did not take the pamphlet, so I do not know what the matter was, but I was rather interested to see that just as the demonstrators were gathering people from one radio station and one television station came to see what was going to happen. They had apparently been given prior notice that the demonstration was to take place. I believe the real reason for the demonstration was the prospect of publicity rather than any deep-felt conviction regarding the matter at issue. Probably these people were lacking in any conviction. One of the worst things that can happen in this matter is to have publicity. If the Bill were not on the Statute Book there would be far less publicity, so I think we would be better off without it.

It seems to me that we rush into these things with high motives and in a headlong frenzy without giving them serious thought or proper consideration. What will be the position if a case comes before the Attorney-General and he has to decide whether he will give a certificate for a prosecution to proceed? I envisage this situation. A person decides to let a house in the suburbs and has four applicants to rent it. Three of them may be Australian families, and the fourth may be an Aboriginal or Greek family—or even a family from Yorke Peninsula! The owner of the house decides, in his own good judgment, to let it to one of the Australian families.

The position immediately arises that the other Australian families who applied and who have no right of appeal cannot say that they have been discriminated against on the grounds of race or colour, but the Aboriginal or Greek family has a right of appeal. So there is discrimination as between Australian and other families; but, when the owner of the house finds that he has to justify what he has done, his position is invidious. He may be able to see just by the appearance of the people that they have not reached the same standard of living habits as the Australian families have. He may have been able to make individual inquiries of his friends to satisfy himself about the position but, when the case comes up in court and he asks people to come along and give evidence about the living standards of these people, it is an almost impossible proposition. We are putting altogether too big a burden on the owners of houses with regard to the proof that will be required of them.

That would not be so bad if this kind of case was conducted in the courts with no more publicity than occurs with most court proceedings, but I can imagine what will happen when the first case of this kind comes before the court. The press, radio and television will be advised beforehand that such and such a family has made an application for, or is objecting to the letting of, a house on the ground of discrimination. The case will be met by the full blast of publicity, which is most undesirable. That should be avoided. Consequently, I do not feel that I can go along with that aspect of the Bill.

It is interesting to consider how the provisions of this Bill relating to prohibition of discrimination line up with our own national immigration policies. I do not profess to be an expert on the implications of the immigration policy of either the Liberal and Country League or the Australian Labor Party, but in general terms I think both Parties believe that the time has not arrived when we can open the

gates to all and sundry and say, "You are welcome in Australia. There will be no discrimination on the grounds of race or colour." If that is still the situation, if we still have to have some restriction on people coming here from overseas and if we pass this Bill, we shall put ourselves into a most invidious position. We shall say, "Within the borders of South Australia there is a prohibition on discrimination, but that does not exist as far as getting into Australia is concerned." Those two things are not compatible; therefore, we should be well advised to drop this Bill, because we say to a person on a ship in the harbour at Port Adelaide, "Our immigration laws prevent you from getting on the wharf and landing here but, if by some means you can land here, you then have absolute freedom and equality with the rest of us." It just does not add up. Therefore, I believe we are running right against our own immigration policy. Have the leaders of the Australian Labor Party and of this Government looked at this question? Are they expressing the voice of their own Party on this matter? This Bill has been drafted and brought into Parliament with inadequate consideration and certainly without thought for its implications for anybody outside Australia reading its provisions.

I have said that the Bill goes only a certain distance with discrimination. This is what worries me. If there is a principle of non-discrimination, then either we go the whole distance and accept the principle or we do not. I do not think we should bring in a Bill stating that in about four separate spheres there is to be no discrimination but in all the other areas of our life there should, apparently, be discrimination. As far as I can see, the Bill says that there is not to be discrimination against people being admitted to boarding-houses, licensed premises, or places of public entertainment, or in the matter of service. But they are limited areas in the whole of life's activities. For instance, there is to be no discrimination if one lets a whole house, but there may be if one lets only a part of it. That makes things very difficult for us, and I would rather not have that provision in the Bill. I now draw attention to clause 7 of the Bill which states:

A person shall not dismiss an employee or injure him in his employment or alter his position to his prejudice by reason only of his race or country of origin or the colour of his skin.

That is quite fair and I go along with it. That means that if a person has an employee he cannot discriminate against him because of his race or the colour of his skin as against other employees but, as I understand this clause, it does not say that we must not discriminate against the person when we are about to employ him. In other words, this clause refers only to when he is, in point of fact, already an employee and it is still open to us to discriminate in the matter of employing a person of this race or another race. The Bill needs looking at and redrafting from these various angles. "Service" is defined in the Bill as meaning:

The supply for reward of water, electricity, gas, transport, or other rights, privileges or services (not being services rendered by a servant to a master) by any person (including the Crown and any statutory authority) engaged in an industrial, commercial business, profit-making or remunerative undertaking, or enterprise.

That is to say, we cannot refuse any of those services to a person purely because of his race or colour. I do not quite know what that definition means and how far it goes. When we view the Bill *in toto*, I feel that, if there are any cases for prosecution under this Bill, there will be a long legal argument about what fields the Bill does and does not cover, and also the interpretations of the various terms of the Bill. There will be great difficulty for a defendant in bringing forward the evidence that he knows exists but which may not be readily available to him. I call to mind an analogous case in this regard.

Some years ago we had the most unfortunate case I can ever remember in the history of this State, involving an Aboriginal called Stuart. I say now in retrospect that, if Mr. Stuart had not been an Aboriginal, the case would not have attracted nearly as much attention, publicity and criticism as it did; but, because he was an Aboriginal, the whole thing was taken up by the press, and so on. In retrospect, it is now clear that many incorrect interpretations and statements were made, and the case achieved an importance far in excess of what the situation warranted at the time. A disservice was done to the Aboriginal people in that it high-lighted discrimination (or some slight discrimination) that existed between various members of the community when what should have been done was decrease the discrimination to see that people lived in contentment and harmony, with everybody trusting everybody else as a brother. In these and many other matters the persons concerned are those with knowledge of all the facts and they are better able to make a decision on those facts than an independent person without that information.

Referring again to the Stuart case, I was a member of Cabinet at the time that the criticism was at its height. Sources of information and knowledge were available to us which, for obvious reasons, could not be made public at the time because it would have been improper to do so. With that knowledge we made certain decisions and, looking back, I believe those decisions were correct. In the same way I believe certain decisions made by the present Cabinet on similar types of question are probably correct, even though I have sometimes thought them to be wrong. I realize that, as I have said, certain information and sources of information are available to Cabinet that are not available to other people. Methods can be properly employed by which members of Cabinet may inform themselves of the facts of the matter and, knowing those facts and having other information at their disposal, I believe the Ministers are more competent to make a correct decision than I would be when I can only inform myself from, perhaps, a biased newspaper report or some other sources. Consequently, I do not question decisions of such a nature in this Chamber. However, those remarks do not apply to some of the policy decisions that Cabinet has made.

I return to the case of an Aboriginal applying for a rental house. The owner of that house may have sources of information available to him concerning the standard of living of the Aboriginal in question and, having that information, he makes a decision without discrimination coming into the matter at all. However, when it comes to disclosing such matters in open court and getting witnesses to enter the court and prove the truth of the statements in order to justify the action of the owner, it is a completely different kettle of fish.

The Hon. C. M. Hill: I suppose the Housing Trust could be taken to court?

The Hon. C. D. ROWE: I think the trust is expressly included in this Bill and I believe it could be taken to court, but because of this aspect and the difficulty of proving all the facts in a case that I believe would be given unfortunate publicity, I think it would be far better not to pass this Bill but rather let people act according to their consciences. I believe that the trend of the public conscience is towards assimilation and greater association with these other people, and I believe by the gradual development of that conscience and people doing the right thing because they believe it is proper we are far more likely to solve this unfortunate problem than by tackling it with legislation. People use the expression "All men are equal", but that, in my opinion, is a misquoted expression; people who use it do so without reference to its correct biblical context.

The Hon. A. F. Kneebone: They leave out the word "born".

The Hon. C. D. ROWE: Be that as it may, everybody is different; even members of the same family are different. An elder brother may have extraordinary gifts as a scientist but he would not be treated in the same way as, perhaps, a younger brother with gifts more suited for lesser pursuits. Likewise, an elder sister may be a gifted singer whereas a younger one may be more suited to the nursing profession. My point is that even though we are all brothers and would like to act as such, differences do exist in standards of approach, and so on.

I think the way to solve this is not by ensuring that there is no discrimination but by understanding the implications of the moral issues involved and having them accepted by the community. That would be far better than enacting legislation or having arguments in courts of law. I believe that to be the wrong way to tackle such problems and I am sorry that the Bill has been introduced. Even though the Bill may have been introduced with the best of intentions, and all the goodwill in the world, I do not think it will achieve its purpose.

The Hon. R. C. DeGARIS (Southern): The honourable member who has just resumed his seat said he found it difficult to speak on this Bill. I thought I would not find it difficult, but I do so now because the honourable member has voiced my reaction to the Bill. As was pointed out by the Minister in his second reading speech, South Australia does not have much racial discrimination. The Minister further stated:

> In South Australia we have a community that clearly disapproves of discrimination against persons by reason of their race, colour of skin or country of origin.

I believe all members agree with that statement. I will be honest in my approach: I do not know of any case, in all my experience, of discrimination purely on the grounds of colour of a person's skin, race or country of origin. As was also pointed out by the Hon. Mr. Rowe, this Bill is rather limited in its scope. In the first place, it deals with the question of discrimination only on three grounds: race, country of origin, and colour of skin. They

are in turn applied to a limited section of our community: to licensed premises, public entertainment, shops, public places, and so on. A person may not refuse to supply his services on those grounds alone. A licensee within the meaning of the Licensing Act shall not refuse to supply food, drink or accommodation.

It also applies to a dwellinghouse and restriction on the sale of land as regards people falling in those categories. Therefore, the concept of the Bill is limited to race, country of origin or colour of skin and it is further limited in its application to the matters dealt with in the various clauses of the Bill. When I said I did not know of any actual discrimination in relation to the colour of a person's skin only or in relation to his race only, I was sincere. However, I think there will always be some form of discrimination. In my experience, this discrimination has never been based on race, country of origin or colour of skin.

Discrimination in some form will always exist, irrespective of what legislation we have and, from what we see of discrimination in our own country, it is more likely to have for its base something other than race, colour of skin or country of origin. The only case of discrimination committed to paper that I can find is in relation to the award covering shearing in Queensland. That is an Australian Workers Union award and I understand that it is still the position that Italians cannot shear sheep in Queensland. They are debarred from membership of the Australian Workers Union if shearing.

Laws against discrimination have been operating for many years in other parts of the world, such as in the United States of America and Canada. Originally, these laws applied only to discrimination in public places. I think the first laws were introduced in the 1940's. Over the years they were extended to include such things as employment, housing, education, credit facilities, and insurance. A study of the matter shows that mere imposition of a criminal or civil liability for a breach of the anti-discrimination laws was not in any way effective. I think it was clearly highlighted by the Hon. Mr. Rowe in his second reading speech that the mere imposition of criminal or civil liability and dragging people to court did not in any way prevent discrimination.

The Hon. C. D. Rowe: It accentuates it.

The Hon. R. C. DeGARIS: I think that is so, and that will be shown by a case that I shall put before the Council. The experience everywhere in the world where there has been anti-discrimination legislation has been that the imposition of criminal or civil liability in no way overcomes the problem and, because of that experence, the countries concerned have adopted a completely different approach. An administrative body has been set up to enforce the laws combating discrimination. I should like to deal with this aspect of the problem more fully and show that administrative enforcement against discrimination provides the only successful method of promoting equal opportunities for minority groups. The experience gained in other parts of the world shows that the Bill before us will be completely ineffective and will only add to the difficulty. In 34 States in the United States of America legislation against discrimination, usually against discrimination because of race, creed, colour, national origin or association, has been enacted. This is the position in New York State. Of the 34 States of the United States of America that have anti-discrimination legislation, 31 have a commission for the administrative enforcement of the laws. I should like to cite the scope of the anti-discrimination laws in New York State, which are almost a replica of those in the other States. They have been set out as follows:

The most comprehensive law against discrimination, the New York State Law, provides that it shall be an "unlawful discriminatory practice", on the grounds of an individual's race, creed, colour or national origin:

1. For an employer to refuse to hire or employ, to bar or discharge an individual or to discriminate against an individual in compensation, terms, conditions, or privileges of employment.

2. For a labour organization to exclude or expel from membership or to discriminate in any way against an individual member or employer.

3. For an employer or employment agency to print or publish any advertisement or application form for employment or to make any inquiry which expresses directly or indirectly any limitation, specification or discrimination, or intent to make any limitation, specification or discrimination other than what is known as a "*bona fide* occupational qualification".

4. For an employer, employment agency or labour organisation: (*a*) to deny any qualified person admission to apprenticeship or guidance training programmes, on-the-job training programme or other occupational training or retraining programme;

5. For an owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement, directly or indirectly, to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof . . .

6. For an education corporation or association which holds itself out to the public to be non-secretarian, to discriminate.

7. For any person having the right to sell or lease housing accommodation constructed or to be constructed: . . .

8. For a person having the right to sell, rent or lease commercial space (premises for a commercial undertaking) to discriminate in the similar way as with housing accommodation.

9. For any real estate broker, salesman or his employee or agent to: (*a*) refuse to sell, rent or lease or negotiate for sale or lease any commercial space or housing accommodation; (*b*) to represent that the space or accommodation is not available for inspection, sale, rent or lease when it is so available; or (*c*) to print or publish or cause to be printed or published, advertisement or application forms for the purchase, rental or lease of such accommodation or to make any record or inquiry expressing indirectly or directly, any limitation specification or discrimination.

10. To discriminate against any applicant for financial assistance for the purchase, lease, construction or rehabilitation of housing accommodation or commercial space.

11. For any persons engaged in any activity above to retaliate or discriminate against any person because he has opposed a forbidden discriminatory practice or because he has filed a complaint, testified or assisted in any proceeding under the Act.

That is a rough cross-section of the anti-discrimination legislation in America, which covers a much wider field than a person's race, country of origin or the colour of his skin. It was found that the imposition of a criminal or civil liability in no way assisted in overcoming the problems of discrimination. Every State in the United States of America except two has adopted the idea of appointing a commission to enforce the anti-discrimination laws. The commission has a twofold function: first, the administration of the complaint procedure; and secondly, to inform and educate the public on the nature of its anti-discrimination laws. The complaint procedure is set in motion in this way: the person claiming to be aggrieved by an act of discrimination files a complaint with the commission, and the commission receives the complaint. The second step is that the commission then conducts an investigation to decide whether or not the complaint is justified. If the commission, in investigating the complaint that has been lodged with it, supports the complaint and considers it justified it will then attempt to eliminate the discrimination by mediation, by conference, or by conciliation.

The first step is known as finding a probable cause. This means that slightly stronger grounds must be found by the commission before it proceeds than a mere *prima facie* case. Up to this point, there is no public hearing or publicity. We come right back to the point raised by the Hon. Mr. Rowe that, in this Bill, the only approach is a criminal action, and as soon as the person is prosecuted the publicity media will highlight this fact, and this is why the legislation has failed elsewhere in the world. This only increases the very problem that the legislation sets out to cure.

We have the complaint procedure, where a person who is aggrieved complains to the commission; and where the commission conducts an investigation and decides whether or not the complaint is justified; and if the commission considers that the complaint is justified it then attempts to eliminate the discrimination by mediation, conference or conciliation. After these three steps, if the discriminatory practice still continues, the commission may call for a public hearing before it, at which both the respondent and the complainant appear to have their cases heard by the commission in public.

From this point, the commission in its findings can enforce the order by bringing its proceedings into court. If the commission finds that the discriminatory practice does exist, it issues an order for it to cease; then, if it does not cease it can enforce its finding in a court, where there is a further public hearing. While the commission is operating in this way one can see that publicity does not appear on a complaint raised before the commission until it is absolutely certain that a probable cause exists. This is something more than a mere *prima facie* case. Also, the commission is engaged in education to lead to a voluntary compliance with the spirit of the law.

Throughout the United States these commissions are working with commissioners varying in number from five to 12 in the various States. The State of New York has seven commissions. I have been through the five steps in which, first, the complaint is lodged; secondly, the investigation; and thirdly, the conciliation. If those three do not work and the discriminatory practice still exists there is the public hearing; and the next step is the court action. It is rather interesting to see where this type of legislation leads. Some interesting cases, which I could relate, have come before the New York State commission. The New York State Commission on Human Rights published a booklet containing the general rules for pre-employment inquiries. That is, when a person, say, leaving school requires a job and makes application to a factory, he is given a questionnaire (which is the usual procedure even in Australia). These questions must come within a certain category, otherwise it is discrimination.

Perhaps I could refer to some portions of the booklet. For example, the law of discrimination, so far as the commission interpreted it, prohibited a question, such as "What is your religion?" or "What is your national origin?" but it allowed the question, "How many languages do you speak?" and "What language are you most fluent in?" But it was discrimination for an employer to ask, "What is your religion?" or "What is your national origin?". There were further investigations. One concerned a Chinese restaurant that advertised for Chinese waiters. The commission looked at the question and came to the conclusion that a Chinese restaurant should be able to discriminate and have Chinese waiters so as to maintain the decor of the restaurant. The same thing happened with an Italian restaurant.

Also, in these pre-employment inquiries the questions, "What is the colour of your eyes?" and "What is the colour of your hair?" were allowed but it was discrimination to ask, "What is your complexion?" or "What is the colour of your skin?". In pre-employment inquiries no photograph is allowed to accompany the application for a job, as this could be interpreted as being discrimination. I have already dealt with the question of how they approached this problem in the United States. They found that the approach, as set out in this Bill, simply did not and could not work, and they are attempting to overcome the problem of making discrimination a civil or criminal liability by having it handled by an administrative commission. The question, "What languages do you speak?" was allowed, but it was discrimination to ask, "What is your mother tongue?"

Also, there was an interesting case at the same time in relation to an airline that advertised for hostesses. Several people applied, including one negress. She did not get the job and she took the matter to the commission. The airline said the reason she did not get the job was that her hips were too wide to make her an efficient air hostess. The commission found there was discrimination, because after measuring a number of hips it found that the negress had hips no wider than the girls who got jobs. So, the commission does have certain pleasurable duties in approaching the question of discrimination. In a further case a negro teacher filed a complaint with the New York State commission because he was discharged from employment by the Board of Education. The commission found that there was no probable cause for discrimination, as the children in the school could not understand the marked southern drawl of the person who was discharged, and no further action was taken.

I could give many other examples of the investigations of the commission, but the point is that none became public property: they were all handled within the commission. As pointed out by the Hon. Mr. Rowe, this legislation has no possible hope of working where a criminal liability exists right from the word "go". An examination of the laws of Canada, the American States, Nigeria, India and any other place that has anti-discrimination laws, shows that the only possible way to handle the problem is to have administrative enforcement and not a criminal liability. In 1962 the New York Commission for Human Rights investigated 1,392 complaints, of which 443 were adjusted by conciliation and eight were ordered for hearing, so only 451 were found to have a probable cause. Of the balance, 829 were dismissed for lack of a probable cause, 36 were withdrawn and 76 were dismissed for lack of jurisdiction. It is interesting to note that only eight complaints became public hearings. I think this makes the point clear that it is impossible in anti-discrimination legislation to have a civil or criminal liability only.

The Bill provides that the only means of overcoming any discriminatory practice is for criminal action to be taken. This is to be completely in the hands of the Attorney-General, who must give a certificate before a prosecution can be launched. This means that the Attorney-General will assume to himself all the powers of human rights commissions set up in other parts of the world as administrative units for enforcing anti-discrimination laws. As American and Canadian experience shows, discrimination can be successfully decreased by a law, but the only way to see that it decreases (if a problem exists) is to have administrative enforcement. The civil or criminal enforcement of anti-discrimination legislation has proved to be completely ineffective throughout the world. Also, it is potentially harmful, as an immediate public hearing without preliminary negotiations, and with the consequent publicity given to cases brought with the object of extracting monetary revenge or criminal sanctions, can only increase racial friction. Furthermore, the opportunity of giving evidence to a civil or criminal court could be enjoyed by those who sought to demonstrate their prejudices or obsessions. What I have said is supported by an article headed "Administrative Enforcement of Laws against Discrimination" by Jeffrey Jowell

in *Public Law* 1965. In this article, which deals with the anti-discrimination laws in Great Britain, the following appears:

Although most other personal rights are enforced only by an aggrieved individual's initiation of proceedings, the importance of equal treatment to the general welfare give the State a special interest in vindicating the rights of complainants. Since the enforcement of individuals' rights will have a broad educative effect on the community, the State has also an interest of its own as strong as the complainant's. By replacing the ineffective civil or criminal suit with administrative investigation and enforcement, it is able to ensure that both objectives are realized.

I consider this to be the only possible way in which anti-discrimination can work. As I have pointed out, I have made a complete study of the situation in Canada and America and have found that the only way in which this type of legislation can work (if it is necessary) is by administrative enforcement and not by criminal or civil liability.

I believe this Bill has been introduced hastily, and without much thought having been given to it, to fall into line with a United Nations directive. I do not believe we have any discrimination in South Australia because of race, country of origin or colour. Therefore, I ask the Government to withdraw the Bill and make thorough inquiries on the correct way to administer this matter and, if it finds it necessary to have any anti-discrimination legislation, to introduce a Bill in line with modern administrative practices in this type of legislation.

The Hon. R. A. Geddes: As in other parts of the world.

The Hon. R. C. DeGARIS: Yes. Other parts of the world that have a problem have rejected this approach as being ineffective and only adding to the problem. These countries have nearly all changed to the principle of administrative enforcement through a commission so that the matter is handled by conciliation without reaching court action. This Bill will only create a problem that at the moment does not exist or, if it exists, is extremely minor and insignificant. If an attempt is made to put this legislation into effect, it will only increase racial friction.

After having made my own research into this problem, I urge the Government to withdraw the Bill and have a second look at the matter and, if it is firmly convinced that such legislation is necessary, introduce a Bill in line with the accepted principles in other parts of the world that have had a long association with this problem and know something about its administrative difficulties. I support the second reading, but I ask the Government to note the views I have put forward.

The Hon. H. K. KEMP secured the adjournment of the debate.

NATIONAL PARKS BILL.

Adjourned debate on second reading.

(Continued from November 3. Page 2749.)

The Hon. R. A. GEDDES (Northern): First, I support the remarks made by the Chief Secretary in welcoming the Hon. Mr. Whyte to this Council. I concur with the Chief Secretary when he points out that we are all human. We welcome the honourable member here with that in mind, but at the same time I remind him that on occasions we are politically poles apart. I am sure the honourable member appreciates that he comes here for the purpose of representing his district to the best of his ability. I wish him well. The long title of the Bill states:

A Bill for an Act to enable national parks to be established, developed and maintained for public recreation and to provide for the management, control and conservation therein of animals, plants and land in its natural state.

In my opinion, the provisions of the Bill lack imagination and initiative; they do not go far enough. Apart from the commission being able to acquire land for the preservation of its natural flora or fauna, or both, and make the necessary improvements on it from grants made to it by the Government from time to time, there is no relationship to ensure that the people of the State can see what powers the commission has or what it can do. There should be an amalgamation of the National Parks Commission with the Tourist Bureau so that, together with adequate representation of those concerned about the preservation of what we have, we shall have people well fitted to look after tourists and provide facilities and amenities for them. The income from the tourist trade will make tick many hundreds of towns within this State. If tourists are to travel, see and appreciate, they must have an aim and object at the end of their journey. The Tourist Bureau at this stage is the authority responsible for providing and financing all caravan parks but, if the National Parks Commission is to look after our priceless natural heritage, let the public see it in its natural state and let it be organized in a proper way, as the Tourist Bureau can organize it.

It is with pride that we look at our State with its limited natural resources compared

with other States or other countries of the world, but what we have nobody else has, so let us look at it. To preserve our heritage is good; I applaud the thinking behind the Bill, but why stop halfway? Why not make the National Parks Commission the sole authority for showing us all that we have and, whilst showing us, looking after us properly in the matter of accommodation and entertainment?

It has been proved in America that, where people have the privilege of being able to see their beautiful natural parks, they are growing increasingly aware of the importance of preserving them in their natural beauty. It is claimed that 121,000,000 people visit America's national parks annually. This huge number results from a decision by the American Government some 10 years ago to make good roads through the areas, roads that have become windows in the wilderness for millions of people living in cities and seldom, if ever, seeing the sky except through a haze of smog.

This Bill does not go far enough, because nowhere does it explain the purpose, function or duty of the National Parks Commission. It can be implied that it is not specific. The Bill states in one place:

All properties, rights, powers, duties and liabilities of the former corporation are, subject to this section, hereby transferred to and vested in the commission.

Later, it states that the national parks are to come under the care, control and management of the commission. But what purpose does the commission have? Is it to preserve, promote or restrict? What function will the commission have—to educate and make the reserves a window in the wilderness, or will there be tennis courts, kiosks, juke boxes and waste-paper baskets? There are many opinions within the thinking of people on what should be preserved within the complex provisions of this Bill.

Mr. Lothian, the Chairman of the National Park and Wild Life Commissioners, said recently:

It is most unfortunate that there are no areas of local vegetation being preserved in this district,

that is, the city of Whyalla. The newspaper report continues:

He said that salt bush, myall, bullocky bush, emu bush, native eucalyptus, cassias and other native vegetation should be preserved. . . . "There should be big reserves to preserve this type of vegetation for all times." Mr. Lothian mentioned that it was important that the areas be untouched.

What do we want? Do we want everything to be locked up, as if in a museum or in a glass case, as the Minister of Roads said this afternoon in reply to a question? Clause 7 states:

The commission shall consist of fifteen members who shall be appointed by the Governor. . . .

It has been said earlier by other speakers that it is only fair and reasonable that the number should be specified in the Bill and that people with pastoral interests should be on this commission, people with a knowledge of the grazing and pastoral industry, people in a position to know how to control, combat and look after rabbit problems, people who understand the stocking rates in the areas where the national parks will be—in the North, in the South-East, on Eyre Peninsula and in other areas. There is no mention in the Bill of a retiring age for members of the commission, although it points out that the members are appointed for a certain period of time, and are eligible for re-election.

The Hon. M. B. Dawkins: Probably 73.

The Hon. R. A. GEDDES: I should think 74.

The Hon. D. H. L. Banfield: What about bringing up the retiring age for members of Parliament?

The Hon. R. A. GEDDES: I am talking about the Bill. Although at present there is no retiring age for employees in certain jobs, I am suggesting that there should be for this job, because it needs initiative, clear thinking and the spirit of youth to make it tick and be worth while.

The Hon. D. H. L. Banfield: Don't you think the Minister has all those qualifications?

The Hon. R. A. GEDDES: The Minister indubitably has all those qualifications; I am concerned about the members of the commission.

The Hon. A. F. Kneebone: You had better be careful what you say about them!

The Hon. R. A. GEDDES: Even though the commission comprises 15 members, six shall constitute a quorum. Members shall meet at least once in every two months and a quorum of six members may purchase land, compulsorily acquire land and make by-laws and regulations concerning the public and the expenditure of money. I believe that six is not a realistic figure in relation to the work that the commission will be doing. In clause 15 (1), amongst many other powers, the commission may:

(ii) make roads, ways, paths and bridges;

The Hon. S. C. Bevan: I think that is a good clause because it will save the Highways Fund.

The Hon. R. A. GEDDES: The public, who contribute to most things in this State and in Australia, also pay registration fees on motor

vehicles as well as petrol tax. I think it would be wise if the power to make roads, ways, paths and bridges was removed from this Bill and the Highways Department instructed to do that work. People have more leisure these days. We may have a good road to a national park but perhaps a second-rate road for people towing a caravan behind a Volkswagen or some other low horse-power car or for other people towing a caravan behind a powerful V-8 motor vehicle with the power to climb steep hills. It is only right that such people should be considered and the whole complex not placed in one small pocket with a limited grant that can be used year by year. There should be an understanding in this Bill that the commissioners should allow the Highways Department to carry out necessary road-work.

The Bill also states that the commissioners may sell and exchange plants and animals. I hope that any sale of animals authorized by the commissioners will come under the Fauna and Flora Conservation Act passed by Parliament fairly recently, because we do not want to have the countryside spoilt owing to the absence of some of our natural fauna. Clause 17 (1) states:

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

Last week the Hon. Mr. Hart referred to this point. It seems strange that cattle should be permitted to graze in national parks or reserves with no mention made of grazing sheep. If a national reserve is created in the northern areas of the State where there is limited grass and herbage, surely sheep, the natural grazing animals for the last 100 years, should be permitted to graze there? Will the Minister examine this point and ensure that sheep be permitted to graze as well as cattle?

The Hon. S. C. Bevan: There is nothing to stop people grazing sheep if they want to; it can be done under a by-law at any time.

The Hon. R. A. GEDDES: It does not say so in the Bill; it simply states that they may graze cattle. If the Minister states that this is so—

The Hon. L. R. Hart: It is a matter of interpretation.

The Hon. R. A. GEDDES: But it does not say so in the Bill, and if is not in the Bill it is not worth having.

The Hon. S. C. Bevan: The honourable member will want us to name kangaroos next!

The Hon. R. A. GEDDES: Clause 25 (2) states:

> The Governor may by proclamation declare that any land comprised in a national park or any part thereof shall be brought under and be subject to either or both of the Acts referred to in subsection (1) of this section with or without modifications specified in the proclamation. Upon the making of any such proclamation, the Act specified therein shall apply to and in respect of the national park specified therein with such modifications as are so specified.

If mining or mining petroleum leases are granted on a national park area, will money realized from such a venture go to the commission for use in a manner similar to that used by the Aboriginal Lands Trust?

The Hon. S. C. Bevan: To what money is the honourable member referring?

The Hon. R. A. GEDDES: Any money received from mining or mining petroleum leases.

The Hon. S. C. Bevan: It would go to the Treasury.

The Hon. R. A. GEDDES: That is the answer I wanted. Clause 33 causes me concern. It 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, 1914-1966".

We have the beginnings of a Bill to bring under one roof the preservation of our national reserves, but it does not go far enough. The quorum of six has the right to acquire land compulsorily, even though the Minister may have to give his consent. I think this is going too far, and in the Committee stage I will move that clause 33 be deleted.

The Hon. S. C. Bevan: All the clause does is enable the amending of the other Act. If it is not done in this Bill, it will mean another Bill to amend the Act.

The Hon. R. A. GEDDES: I think it is wrong for the commission to have the right to acquire land compulsorily.

The Hon. S. C. Bevan: The commission does not have that right.

The Hon. R. A. GEDDES: In spite of the interjection of the Minister, I think it does. By reading the Lands for Public Purposes Acquisition Act, I think the commission has the right if this clause is inserted in the Fourth Schedule.

The Hon. S. C. Bevan: I will lend the honourable member the Act so that he may go through it.

The Hon. R. A. GEDDES: I believe that Parliament should be allowed to adjudicate

on this point, and I will raise the matter when the Bill is in the Committee stage. With that small exception, I support the second reading.

The Hon. H. K. KEMP (Southern): I should like to make it clear at the outset that I support the Bill and believe strongly in it. I think the consolidation envisaged is sound, but there are grave defects in the Bill as it now stands. The first of these emerged in my perusal of it over the weekend. I tried very hard to appreciate how it has got through to this Council in the way that it has. I refer to the complete absence of any duty or responsibility of the commissioners being designated in this Bill.

I checked through the legislation it supersedes and I found that it probably arose from the fact that attention was given to correcting the defects in the working of these older Acts, not realizing the tremendous assets as listed in the schedules to this Bill must have responsible administration laid down under very definite rules. I feel that these rules must be incorporated in the Act that sets up the commission.

I set out to try to draft possible requirements with the idea of getting them worked into the Bill in the Committee stage. Frankly, I think it is far beyond the capability of a private member of this Council to do the necessary composition, and I think that if the Government had this very grave omission drawn to its notice it would be only too willing to correct this matter itself.

Members will find from a perusal of the Bill that there is no duty or responsibility laid on the commission whatever, that the commission is set up without any stated purpose at all. I do not think it is necessary to labour the point that this must be corrected. The only references that could be made are those that the Hon. Mr. Geddes has detailed in clause 11 (2), which states:

> All properties, rights, powers, duties and liabilities of the former corporation, are, subject to this section, hereby transferred to and vested in the commission.

In the National Park and Wild Life Reserves Act, 1891-1960, fairly fleeting reference is made to duty, because that Act was designed merely to set up a group of private commissioners to look after the Belair National Park, the one national park concerned. However, the National Park Commissioners will now have a huge list of properties to look after; they are detailed, of course, in the second and third schedules, and together they comprise a very large area of the State, an area which is regrettably, however, not nearly as large as it should be. These responsibilities should be carefully detailed.

One of the reasons why parks of this nature are very unpopular in country districts is that they are merely slabs of land kept out of cultivation with no provision whatever for pest control or fire prevention. I think it is essential, with the powers being vested in the commission, that it must be given the responsibility of vermin-proofing and fire-proofing all the land, including scrubland, put under its control. I am sure there would be much more popularity for national park projects in country districts if this was laid down as a first duty on the commissioners responsible for them.

I disagree with the Hon. Mr. Geddes on one point: I feel that we must have the power of acquiring further available land wherever that acquisition is considered necessary. Unfortunately, in this State we have such a very small area of useful land, and most of it that is useful is already in private hands. Some of these areas that are in private hands today are very valuable indeed, and as our national assets are endangered I feel that in deserving cases we must give the commissioners powers to preserve them.

I looked at one other point in the Bill: I found that continually there is reference to "the Minister". I have heard it said in debate that the commissioners are not going to be responsible to anyone but themselves. However, on reading the Bill carefully I do not think there is any reason to fear this.

The commissioners are answerable to the Minister, but what is not designated at any stage is the Minister to whom they are answerable. We naturally assume that it will be the Minister of Lands, but I think it should be stated clearly. Surely there is no need for any secrecy in this matter, so why not lay the responsibility on the Minister of Lands, as he will in any case take it?

Regarding the question of the power being given the commissioners to run cattle where necessary, here again I feel there is a minor defect in the Bill which can be corrected simply in the Committee stage by substituting "livestock" for "cattle", thus giving them the power to run whatever is suitable.

Finally, a matter that has been greatly debated in both Houses is the agricultural experience of the commissioners. The aim is, I know, to have the commissioners completely free from control by sectional interests and completely free from pressure-group control,

but the point is, of course, that this inevitably leaves them under the pressure-group control of the body which is primarily interested; I refer to the many botanists, zoologists and geologists and what-not at the University of Adelaide, many of whom have not the remotest clue as to the needs of practical landholders who must of necessity surround these national parks.

In the original Act the need for some agricultural experience was recognized in the first appointment of a commissioner, as the President of the Royal Agricultural and Horticultural Society, and as far as I can see that has never been amended. He is given the power of appointing a deputy where it is necessary for him to do so. I cannot see that there has ever been any defect in the working of the old commissioners, and why on earth cannot that precedent be followed? The old commission comprised five members, one of whom in this way represented the pastoral and agricultural interests. Why should there not be the same proportion on the new commission of 15 members? That proportion enabled the commission to work happily and effectively over the years. I repeat that I am strongly in favour of the Bill and that I strongly support the amalgamation behind it. However, unless a clear definition of the duties, responsibilities and objects of this commission is given, I shall certainly raise strong opposition in the Committee stage.

The Hon. C. M. HILL (Central No. 2): I, too, support the general concept of the provision of national parks in South Australia. However, I consider that national parks, as such, should be large areas, and that there may not be a need to have a large number of them. I see a difference between what I imagine to be the true national park, other reserves such as we now have (some under the control of local government authorities and other institutions and some jointly controlled by local government) and pieces of land that are of interest, perhaps owned by the National Trust.

When a Bill of this kind is before us, we should try to distinguish between the general concepts of parks and reserves. We should have some large national parks in this State. Then, there should be reserves which serve local communities and which could not be regarded as being national parks. Further, in the third sector, lands of historical or geographical significance or of some other special interest should come within the ambit of the National Trust. We should do all that we can to preserve and encourage the ownership and development by local government or, in some cases, control by local government, of the smaller areas. I hope that, if this Bill becomes law and the commission is set up, local government will not be interfered with because of the existence of the commission.

There is provision in the Bill under which people may will property to this commission. Some such property may not be suitable for national park purposes and the commission may be able to transfer it, perhaps for valuable consideration, to councils. The commission is being given the right to sell and, rather than try to obtain funds by disposing of small holdings, these holdings could well be transferred to local government. I appreciate that the commission's financial position will be an important consideration. Nevertheless, councils may be able to obtain small holdings that come to the ownership of the commission.

The commission should bear in mind that it could help local government and small neighbourhoods by enabling suitable land to be used for parks and sporting purposes without its coming within the definition of national parks. I hope that the commission will concentrate on large areas, to which people will travel long distances, having regard to transport facilities available today. An example is the national park at Upper Sturt, to which people come from far and wide in order to enjoy what the park has to offer. There is no point in the argument sometimes advanced that these large parks must be close to the centres of population, because people will travel long distances to enjoy the facilities available. It is interesting to note that the railways serve the Upper Sturt Park.

Another important matter relates to the National Trust. Properties may, perhaps through error, fall into the hands of the commission although they should be under the control of the National Trust. I hope that, if that happens, the commission will adopt the attitude that small areas that are of historical significance or that have some other special significance should be transferred to the trust. We should ultimately have in South Australia, first, national parks; secondly, playing areas and parks of a local nature; and, in the third group, lands held by the National Trust.

I am concerned about a possible clash between the provisions of this Bill and section 450 of the Local Government Act, which provides:

All parklands and public squares within the limits of any area shall, for all the purposes of this Act, be under the care, control, and management of the council of the area.

That provision means that, if land suitable for a park and containing all the scenic attractions of a park, is left to the commission by will or is acquired by the commission and the commission does not desire at that time to transfer the land to the Crown and have it declared a national park, there may be conflict about the power to control the particular area. I hope the Minister will clarify that matter in order to ensure that there will not be any overlapping that could damage local government in any way. It seems to me that the section clashes with the provisions of the Bill that give the commission power to control lands held by it and lands held as national parks.

I consider that the commission has a dual purpose. It acts as a manager in respect of Crown lands, and at the same time it can own and manage other lands that it does not deem worthy, as I read it, to be declared park lands. If there is any conflict there, I think the point should be clarified. Secondly, I query the significance in the area of land to which I referred, the National Park, being transferred under this Bill to the Crown.

It appears it is owned at present by the trustees or the body that will go out of existence when this Bill becomes law. I refer to the commissioners of the National Park and Wild Life Reserves, and at that time it will automatically vest in the Crown. I wonder whether, if we are to deal with new large national parks—national from the national point of view—they need to be or should be Crown lands.

I query whether or not we are taking away from this newly-formed commission some of its real significance if we appoint it simply as manager, because it appears that the commissioners of the National Park at Upper Sturt have been doing a very good job. I do not know whether any queries have been raised there in regard to ownership. They are not Crown lands as I read it, but they will automatically become Crown lands when this Bill is passed. Clause 11 (3) states:

The following lands of which the former corporation is the registered proprietor are hereby transferred to and vested in the Crown for an estate of fee simple.

I should like the Minister, when replying, to say whether there is any real significance in this happening, because it has been in the commissioners' names. I think the ownership and management have been of the highest order, and now, by this Bill, this area will become Crown land. Under this Bill all national parks will eventually go into the name of the Crown. If a person wills land to the commission for national park purposes and if the commissioners consider that the land is suitable and should be a national park, the commissioners will recommend that the Minister declare it to be a national park. On that declaration, under clause 20 (3) the land shall then become vested in the Crown.

I wonder whether this is an encouragement to people who might have valuable holdings and who might be pleased to see, for the sake of posterity, their land become a national park. I think they would be happier if they knew it was to remain in the commissioners' names rather than vested in the Crown. Clause 20 clearly sets out the machinery that is involved in a case such as I have mentioned. It states:

(1) 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 is specified in the proclamation or any subsequent proclamation.

(2) A proclamation under subsection (1) of this section shall be made—

(*a*) in the case of Crown lands, upon the recommendation of the Minister; or

(*b*) in the case of land owned by the commission—upon the recommendation of the commission.

This again brings me back to the form of dual ownership that will result under this Bill. The commission can simply hold land. It need not have it declared a national park. It can hold the land in its own name, and it will be under its care and control. In some instances there could be land in another name, and in other instances there could be land in the name of the Crown.

The Hon. Sir Norman Jude: You mentioned the Local Government Act. Are you not somewhat concerned about the possibility of sections 854 and 855 affecting the Adelaide City Council?

The Hon. C. M. HILL: I am coming to that. I again say: are the commissioners given their proper significance by having this land taken from their names and vested in the Crown? There are several points in the Bill on which I wish to comment. Clause 7 deals with members of the commission. I notice that there is an amendment on the file in regard to it, and I heard the Hon. Mr. Geddes comment upon it this afternoon. I hope that, from the point of view of the National Park at Upper Sturt, there will be a sufficient continuity of membership of the new commission from the old group so that those who have had much experience in the management and control of that park will be able to maintain

contact with the area and continue the good work they have been doing. It would be in the best interests of the park itself.

Regarding clause 15 (1) (*b*) (vi), dealing with the removal and selling of stone, the Hon. Mr. Hart made some comments. In view of the controversy that has been raging in this State for a long time regarding the quarrying of stone, I do not think it would be too restrictive to write into this clause the words "shall not quarry for commercial purposes". If they were inserted we would know for all time that many problems that have arisen in the past would not arise in the future. We could have words to this effect so that the intent will be accomplished at an early stage and so that at no time will there be quarrying of stone for commercial purposes in any national park in this State.

The Hon. C. R. Story: Do you think the commissioners should take over Victoria Square?

The Hon. D. H. L. Banfield: Who is allowing car parking there?

The Hon. C. M. HILL: Who gave us permission to close the road? It is Crown land, and this is what I am coming to. It is Crown land, and under the Bill as it stands the Minister can proclaim any Crown land to be a national park. The park lands around and within the boundaries of the city of Adelaide are Crown lands and under the control of the Adelaide City Council.

Clause 20 provides that on the recommendation of the Minister any Crown land can be declared a national park, but I think it was intended that the park lands within the city of Adelaide should be excluded from this provision. I intend to place an amendment on honourable members' files to make it clear that park lands, being Crown land, do not come within clause 20 and cannot be declared by the Minister to be national parks.

The Hon. C. D. Rowe: The Government may be happy to take over the controversy regarding Victoria Square!

The Hon. C. M. HILL: It would not be happy to take over the responsibility of maintaining the park lands, which costs a great deal of money. I shall seek clarification regarding the word "encumbrance" in clause 20. When I first perused the Bill I thought it was intended to mean a mortgage or charge.

The Hon. S. C. Bevan: So it does.

The Hon. C. M. HILL: In that case, my amendment is certainly needed, because if the park lands came within the definition this provision would have no meaning. If this is what is meant, the Bill should say so. For example, if the electricity power main between Port Augusta and Magill passed over certain land there would be an easement for the Electricity Trust giving it the right to enter upon the land to maintain the lines when the need arose, and I would think that that easement would normally be classed as an encumbrance on the title, as it has some restrictive effect. If the word means mortgage or charge, this land could be declared a national park, but otherwise it could not.

Clause 25 contains a rather unusual contradiction, such as we had in the Aboriginal Lands Trust Bill earlier this session: the Government is saying in the first paragraph that the Mining (Petrolum) Act and the Mining Act shall not apply and in the second paragraph that the Government may nevertheless by proclamation bring national parks under these Acts. This appear to me to be window dressing. If the Government has the right to do this, the whole clause should be deleted.

Clause 26 (3) provides that no rates, taxes or assessments of any kind shall be made, calculated or charged on any land comprised in a national park. I bring to the Minister's notice that there may be some moieties for kerbing or roads and that if the Crown or the commissioners do not share the cost it may be unfair to the council. I have in mind particularly the Corporation of the City of Mitcham, which by guesswork I think has about four miles of road frontage to a national park—possibly much more if the northern boundary is considered.

The time will probably come (it usually comes sooner than we think) when kerbs or footpaths have to be constructed, and it will not be fair to ask the ratepayers of the one municipality to bear the whole cost. At some time in the future a moiety for roadmaking may be due. The council obtains some benefit as a result of the park being there, but it is there for national purposes: the State as a whole uses it, and I think the State or the commission should contribute. If councils have to construct footpaths or kerbs, some allowance should be made.

The Hon. C. D. Rowe: This Bill exempts parks from water rates, even though they may be getting income.

The Hon. C. M. HILL: True, and I do not disagree with this, as I think the commission will need all its income for maintenance purposes. Time will tell, however, but the income will not be large and I think the State as a whole should give some relief from the payment of rents.

The Hon. C. D. Rowe: The correct way to do this is to have a vote by Parliament, not to have a rebate of rates.

The Hon. C. M. HILL: I agree, and I think that point is worth considering. There may be times when in the interest of the people as a whole it is necessary for a particular area to be compulsorily acquired. However, I think this is a power that the State should use with extreme care. There are many times when, by negotiation, land can be obtained without being compulsorily acquired.

The Hon. S. C. Bevan: Isn't that always the principle?

The Hon. C. M. HILL: It is not. When the Engineering and Water Supply Department wants to put down a drain, it has the right to compulsorily acquire. If the Highways Department needs land for freeway purposes, it can go ahead and compulsorily acquire, but is this in the same category as a public utility?

The Hon. S. C. Bevan: If you look at the records, you will see the stage where compulsory acquisition comes into it. We always try to negotiate first.

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

The Hon. S. C. Bevan: You said it might be necessary at some time to acquire by compulsory acquisition.

The Hon. C. M. HILL: Another reason why extreme care should be exercised is that the consideration is based upon the value of the property to the dispossessed owner. It will be difficult to value some scenically beautiful land at market value, or assess its value to the dispossessed owner, because it is not property that can be valued by the normal, usual and proper means of comparable sales. In the country, for example, it cannot be valued on comparable sales with farming land, because the subject land can have special scenic beauty and, therefore, special value.

One can easily appreciate the great difficulties to be encountered if negotiations of this kind finish up in the courts. We know that sentimental value and considerations of that kind are not taken into account, and that some of the scenically attractive areas of the State have been in the hands of some families for many generations.

The Hon. R. A. Geddes: And, in fact, they have helped to maintain their scenic attractions by preserving the country as it is.

The Hon. C. M. HILL: Exactly; and therefore it has affected their income over a long period of time. So we see the difficulties involved when we come to value this land on the basis of its value to the dispossessed owner. This is one of the main reasons why I think greater care should be taken here than has been taken in the past if this or any future Government is given power under this legislation to compulsorily acquire. The land has special value to the owner and will have special value to the State. It may be the only acquisition of its kind that has ever been made, yet the court is to be asked to assess its value, and the value must be checked against comparable sales. So we see how impossible the situation is.

If some amendment could be written into this Bill so that we as representatives of the people would know the process that would take place before negotiations and notices to serve appeared on the scene, more justice would be done than if we passed this Bill with the clause as now drafted. However, in general, I support the measure.

The Hon. S. C. Bevan: What part of it do you support?

The Hon. C. M. HILL: I support the provision for the establishment of truly national parks. We have one that I know of, and perhaps there are others in the State that I do not know of. If we can throughout this State establish parks (as at Belair) comparable in size and beauty, facilities and amenities, with parks in other States and countries, it is a wonderful concept. The Minister asked me which part I supported. That is the overall picture I support.

The Hon. Sir Lyell McEwin: There is another one at Para Wirra.

The Hon. C. M. HILL: Yes, but they can be established throughout the State. The Flinders Ranges could ultimately become a national park. I do not know whether the country members here will agree with that, but it is places of that kind that people come to visit from all over Australia. When we ourselves go overseas as tourists we seek out the national parks to see what they have to offer. That is the concept in the Bill that I support.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

PLANNING AND DEVELOPMENT BILL.

Second reading.

The Hon. S. C. BEVAN (Minister of Local Government): I move:

That this Bill be now read a second time.

It gives effect to a major feature of the Government's election policy. The Australian Labor Party told the people of South Australia that under a Labor Government there would be effective town planning in South Australia, that it would be possible to put

into effect the recommendations of the Town Planning Committee with regard to metropolitan Adelaide, and that town planning would operate throughout the State. The Bill gives effect to this. I pay a tribute to the many organizations that have concerned themselves with town planning and have made submissions to the Government on the form this legislation should take. I refer particularly to the Municipal Association, the Town and Country Planning Association, and the South Australian Division of the Institute of Planners, as well as to the architects and town planning groups throughout the State.

I pay a particular tribute to the Town Planner of South Australia (Mr. S. B. Hart), who is a man dedicated to his work and accorded throughout the community a great respect for whatever he does. He has made a valuable contribution in his submissions on this Bill. Effect has been given in it to the submissions that have been made to the Government and it expresses in clear and simple terms the best of planning provisions throughout this country. It is designed to secure the orderly and economic use and development of land within the State. It repeals the existing Town Planning Act, which has become an extremely difficult piece of legislation to administer and to amend satisfactorily. Before proceeding to deal with the clauses of the Bill, I should like briefly to outline the history of town planning legislation in this State in order to make honourable members aware of the sequence of events that have led to the introduction of this Bill.

In 1916 a Bill for an Act relating to the planning and development of land for urban, suburban, and rural purposes and to make further provision for regulating the use of such land for building and other purposes was passed in another place; but the country was at war and the Bill was laid aside. The Bill was largely the work of Mr. C. C. Reade, the first Government Town Planner in South Australia. In 1917, the first Australian town planning and housing conference and exhibition was held in Adelaide. This was followed by Australia-wide agitation for town planning legislation. At this time, the subdivision of land in South Australia was controlled by the then Municipal Corporations Act, the District Councils Act, and the Control of Subdivision of Land Act, 1917.

A further Town Planning and Development Bill was subsequently passed and became law in 1920. It was the first Act of its kind in Australia, and South Australia was widely acclaimed for its leadership in this important field. In those days, South Australia was in the vanguard of planning in this century in Australia; it was carrying on in the heritage of Colonel Light. Unfortunately, members will see from the history that I shall give that that did not continue. South Australia is now behind every other State in town planning provisions. I hope this measure will put us once more in the vanguard. The Town Planning and Development Act, 1920, provided for the establishment of a separate Town Planning Department to deal with any matters in connection with town planning and housing, the permanent head of the department being the Government Town Planner appointed by the Governor. The duties of the Government Town Planner included the planning of new towns and extensions to existing towns, the replanning of existing towns, the planning of public open spaces and industrial areas, the planning of settlements in rural areas, and issuing reports or bulletins relating to town planning. The Act introduced the present system of controlling land subdivision jointly by the Government Town Planner and councils. An annual report had to be submitted to the Minister and laid before both Houses of Parliament.

The Act provided for the establishment of a Central Advisory Board of Town Planning, and for the appointment of town planning committees by councils. Some of of these committees are still active today. Amending Bills were introduced in 1923, 1924 and 1925 but were not proceeded with and the Act was finally repealed in 1929 by the Town Planning Act, 1929, which also repealed the Control of Subdivision of Land Act, 1917. In many respects, the Town Planning Act, 1929, was a poor reflection on its predecessor, but it is still the basic Act relating to town planning in this State. The separate Town Planning Department created by the 1920 Act was abolished, the Town Planner becoming an officer of the Department of the Registrar-General of Deeds. The sections relating to planning new towns, recreation areas, etc., were entirely deleted; and whilst the Act was called a Town Planning Act, it dealt mainly with the control of land subdivision in a rudimentary manner.

The Act set out to control the cutting up of large and small areas of vacant land, and applied mainly to plans which subdivided land into allotments intended to be used for residences, shops, factories and other like premises.

The subdivision of land for agricultural purposes remained subject to the Municipal Corporations Act and the District Councils Act. These two Acts were later repealed by the Local Government Act, 1934. An honorary committee was appointed by the Government in June, 1951, to "ascertain what steps should be taken to provide a co-ordinated plan of development for the metropolitan area". Following the report of this committee in July, 1952, an amending Bill passed the House of Assembly in 1954, but lapsed in the Legislative Council. A further amending Bill was passed in 1955. This Act provided for a Town Planning Committee to replace the former appeal board and, with few exceptions, to be responsible for the functions previously within the province of the Town Planner with regard to the subdivision of land. The Act further charged the committee with the preparation of a development plan for the metropolitan area of Adelaide, the first measure dealing with town planning in the wider sense since the repeal of the 1920 Act.

In 1956 a further amending Act provided for the registration of easements in favour of the Minister of Works and councils and enacted provisions similar to those which prior to the Local Government Act, 1934, were contained in the Municipal Corporations and District Council Acts relating to the subdivision of agricultural land. The amendment Act of 1957 transferred the control of land subdivision back from the Town Planning Committee to the Town Planner, the committee continuing to deal with appeals against decisions of the Town Planner or councils. The Act also contained provisions relating to the road-making powers of councils in subdivisions, and the subdivision of agricultural land. The amendment Act of 1955 had also provided the Town Planning Committee with its second major function, that of preparing a plan to show how the metropolitan area should develop in the future. In preparing the plan, the committee had to consider the probable future development of the metropolitan area, the provision of public transport, adequacy of highways, provision of open spaces such as parks and sports grounds, zoning of industrial districts and the subdivision of land in relation to the economic provision of public services. The committee also had to consider any other general matters to ensure that the metropolitan area would develop in a manner in the best interests of the community.

The development plan and report were submitted by the committee to the then Attorney-General and laid before both Houses of Parliament in October, 1962. An amendment to the Town Planning Act followed in 1963. The amendment Act of 1963 enables the committee to recommend to the Minister amendments to the report, thus ensuring that long range planning of the metropolitan area is kept under constant review. The Act also enables the plan to be implemented by regulation. The committee can recommend to the Minister regulations on any matter referred to in the report after consulting the councils concerned. A further provision of the 1963 Act required the committee to call for and consider objections to the report within 12 months of the passing of the Act. The committee has submitted to the Government a report on the objections received, and this has been made public. At the end of its report on objections, the committee points out that the development plan and report should be maintained continuously as a statement of policy for guiding the development of metropolitan Adelaide, and the following extract from page 294 of the committee's major report of 1962 further explains the committee's views on the status of the development plan:

> The recommendations for implementing the development plan do not involve the actual approval of the plan contained in this report. The recommendations concern the administrative machinery which is needed to guide the future development of the metropolitan area. Once the machinery is established, the plan provides the basis for the administrative steps which follow.

The committee also states in its report on objections that "the effective implementation of several aspects of the development plan requires stronger powers". The present position regarding town planning is that we have a Town Planning Committee with two functions: (1) to act as a planning committee for the metropolitan area of Adelaide; and (2) to hear and determine appeals against refusals by the Town Planner or councils to approve plans of subdivision or re-subdivision. The duties of the Town Planner are also two-fold; he acts as, first, Chairman of the Town Planning Committee; and is also, secondly, the approving authority for the subdivision and re-subdivision of land throughout the State in conjunction with councils, excluding the City of Adelaide.

The Town Planner is an officer of the Registrar-General of Deeds Department, but is responsible directly to the Minister for the administration of the Town Planning Act. The Town Planner and his staff comprise that branch of the Public Service now known as the South Australian State Planning Office. For

many years, representations have been made concerning the need for a complete revision of our town planning legislation. There has been a growing public awareness that mounting congestion, inconvenience and ugliness do not necessarily have to be accepted as our metropolitan area and country towns grow. New houses, factories, shops and schools are continually being constructed and existing buildings pulled down and replaced by new ones. Intelligent guidance of this continuing activity in accordance with a pre-determined policy or plan can secure for the future a far more efficient and acceptable pattern of development for healthy community living.

With proper planning, factories and houses can be kept separate, costly measures to combat traffic congestion can be avoided, co-ordination of public services can be achieved and adequate well-sited facilities for employment, recreation, education and shopping can be secured. A development plan and its associated regulations are the basis for securing the co-ordination and guidance of development as it occurs. The development plan would comprise a map (defining zones for industry, commerce and residences, and showing land reserved for public purposes such as highways, schools and public open space) and an explanatory report. The development plan and its report set out the broad policy, and the regulations give the powers necessary to control private development. Positive powers of land acquisition are also needed to promote development for public purposes in accordance with the development plan. The present Town Planning Act has provided for a development plan for the metropolitan area only, but it is significant that 29 councils in the country have sought advice from the Town Planner on the future development of their towns. There is thus a need to look beyond the metropolitan area and to establish a State Planning Authority with the task of examining and planning the future development of our regions and towns throughout the State. Such an authority should have the necessary positive financial and legal powers to acquire land and secure its proper development. It should also be the channel for securing consistency and continuity in the framing and execution of State and local policies with respect to the use and development of land.

A satisfactory urban environment cannot be achieved without the acceptance by the community of some degree of legal restriction on the use and development of land, but it is essential that in a democratic society every individual who feels aggrieved by any administrative decision should have a right of appeal to an independent appeal body. Members will recall that objections that were raised to the regulations that were recently brought into force under the existing town planning legislation to control land subdivision largely concentrated around the fact that appeals from a decision of the Town Planner went to the Town Planning Committee, of which the Town Planner was chairman. It is essential to provide that an appeal should not be from Caesar to Caesar but to an independent appeal body on any administrative decision. At present the Town Planner, as Chairman of the Town Planning Committee, hears appeals against his own decisions on certain subdivision applications. The lack of criticism of the decisions reached by the committee is a tribute to the complete impartiality shown by the chairman, but it is clearly a most invidious position that Parliament has given to a public servant. Legislation is therefore needed to establish an independent planning appeal board. Other requirements demanding urgent legislative change can be summarized as follows:

(1) The status of the Town Planning Committee's development plan and report on the metropolitan area of Adelaide, 1962, needs to be clarified and given statutory recognition.

(2) The powers needed to implement the committee's proposals should be strengthened and made effective.

(3) The regulation-making powers given in the Town Planning Act Amendment Act, 1963, need clarification, particularly in relation to zoning and the reservation of land for future acquisition by public authorities.

(4) A more effective control of land subdivision in relation to the availability of public services should be secured.

(5) The procedure relating to the control of land subdivision should be simplified and made more effective.

(6) It is essential that land disposed of by long-term lease should comply with normal subdivision requirements.

Members representing country districts may well know of the kind of development that has gone on, particularly along the borders of the Murray River, on the banks of which there has been a cutting up of long-term leases that have previously not been subject to town planning approval. The undesirable kind of development that has taken place in certain areas needs to be stopped. Following announcements that a new Bill was to be prepared, and after the

introduction of this Bill in another place, various bodies have made submissions to the Government, including the Municipal Association of South Australia, the Australian Planning Institute (Adelaide Division), individual councils, the South Australian Local Government Engineers Group, and others. All the submissions have been carefully considered, and I wish to express my appreciation for the work and time involved in their preparation.

I will now proceed to deal with the clauses of the Bill. Part I, which deals with preliminary matters, consists of clauses 1 to 5. Clause 1 provides that the Act shall come into operation on a day to be fixed by proclamation. This will enable the necessary appointments to be made and other administrative action to be taken before the Bill becomes law. Clause 2 describes the arrangement of the Bill. Clause 3 provides that the existing Town Planning Act and the amending Acts specified in the schedule are repealed. However, the present regulations made under the repealed Act will continue in force, and provision is made for dealing with transitional administrative matters, including current applications for approval of plans and current appeals to the Town Planning Committee. Clause 4 provides that the Act applies throughout the State except where otherwise expressly stated. Clause 5 contains the definitions necessary for the purposes of the Bill, and it also clarifies the meanings of "deposited" in relation to the depositing of plans of subdivision in the Lands Titles Registration Office and "approved" in relation to plans of resubdivision.

Part II of the Bill, which deals with administration, consists of clauses 6 to 27. Division 1 consists of clauses 6 and 7, and deals with the Director and Deputy Director of Planning and their qualifications. The officers at present holding the positions of Town Planner and Deputy Town Planner are to be called the Director and Deputy Director of Planning. The title of Town Planner has given rise to confusion regarding this officer's status and duties, and the new title conforms with the general practice now prevalent in the Public Service. Clause 7 enables the Deputy Director of Planning to perform the functions of the Director during the absence of the Director.

Division 2 of Part II consists of clauses 8 to 18 and deals with the State Planning Authority. Clause 8 establishes the State Planning Authority. The authority will take over some of the functions of the Town Planning Committee, which will cease to exist. The authority's membership is based on the need to obtain co-ordination by those authorities responsible for developing towns and cities in the State and those bodies responsible for controlling private development. Such co-ordination is becoming more difficult to achieve with the increasing complexity and gathering momentum of city development. The authority will consist of nine members. The Director of Planning will be chairman, and the Director of the Engineering and Water Supply Department, the Commissioner of Highways and the Surveyor-General will be members of the authority. The Governor will appoint five other members representative of the South Australian Housing Trust, the City of Adelaide, the Municipal Association of South Australia, the Local Government Association of South Australia Incorporated, and a joint representative of the South Australian Chamber of Manufactures and the Adelaide Chamber of Commerce.

Clause 9 enables the Governor to remove a member of the authority from office for reasons specified and clause 10 refers to vacancies. Clause 11 provides that the authority shall have a common seal and describes the manner in which the authority shall conduct its meetings. Clause 12 enables the Deputy Director of Planning to act as chairman of the authority during the Director's absence. Clause 13 provides that any vacancy in the office of a member or any defect in a member's appointment will not render any act of the authority invalid. Clause 14 enables fees to be paid to the members of the authority. Clause 15 provides that acceptance by a person of office as a member of the authority shall not be a bar to his holding any other office, but a member of Parliament will not be eligible for appointment as a member of the authority. Clause 16 provides for the appointment of a secretary to the authority who shall be subject to the Public Service Act.

Clause 17 enables the authority to make use of the staff of the South Australian State Planning Office and of councils and other statutory bodies and, subject to the appropriate Minister's consent, to make use of officers of other departments of the Public Service. The general powers of the authority are contained in clause 18. The authority is charged with the responsibility of promoting and co-ordinating the planning of regions and towns, and the orderly development and use of land within the State. The authority may report to the Minister on any proposals relating to the use, development or redevelopment of any land, and it may carry out research into problems associated with the planning of regions and towns and issue reports and bulletins. The authority may

establish committees, which may or may not include members of the authority, to advise on such matters as may be referred to them by the authority. Thus the authority could establish committees to advise it on various matters related to the future development of the State, for example, regional development committees, joint committees representative of municipalities and their adjoining district councils, or specialist committees dealing with particular subjects such as traffic and transport, redevelopment, or tree preservation.

Division 3 of Part II consists of clauses 19 to 27, and deals with the planning appeal board. It is proposed to replace the present Town Planning Committee, so far as its appellate functions are concerned, by an independent planning appeal board. Clause 19 provides that the board shall consist of three members appointed by the Governor. The membership is designed to ensure that the rights of the individual are safeguarded, that local government is represented, and that the technical aspects of any appeal are fully considered. The chairman is to be a local court judge, a magistrate or a legal practitioner; one member is to be selected from a panel of names chosen jointly by the Municipal Association of South Australia and the Local Government Association of South Australia Incorporated; and the third member is to be selected from a panel chosen by the governing body of the Adelaide Division of the Australian Planning Institute Incorporated. The Australian Planning Institute is the body representing the planning profesion in Australia, and nominates representatives for the National Capital Planning Committee in Canberra, and also for the State planning Authority of New South Wales.

Clauses 20 to 25 deal with administrative matters relating to the board. Clause 26 provides for the hearing and determination by the board of appeals against decisions of the authority, the Director, or any council. The board may confirm the decision appealed against or give such directions as the board thinks fit to the authority, the Director or the council, who shall give effect to the determination. The determination of the board is subject to a further appeal to the Supreme Court on any question of law. The board is required to publish its decisions. Clause 27 provides that the board may determine each appeal, having regard to all relevant matters, including the provisions of any authorized development plan (which I will deal with later), the health, safety and convenience of the community within the locality within which the site of the appeal is situated, the economic and other advantages and disadvantages (if any) to the community of developing the locality within which the appeal site is situated, and the amenities of the locality within which the appeal site is situated. "Amenity" is defined in clause 3 as including that quality or condition in the locality which contributes to its pleasantness and harmony, and to its better enjoyment.

Part III of the Bill, which deals with planning areas and development plans, consists of clauses 28 to 35. Division I consists of clauses 28 and 29, and deals with planning areas. Clause 28 provides that, on the recommendation of the authority, the Governor may by proclamation declare any part of the State to be a planning area. The boundaries of a planning area may be amended by a subsequent proclamation, and, before making any recommendation, the authority must consult the council or councils concerned. Clause 29 provides that, as soon as practicable after the proclamation of a planning area, the authority must examine the planning area and make an assessment of its future development, having regard to the various matters which are listed in that clause. These include studies of traffic and transport, the adequacy of open spaces, the zoning of districts for residential, commercial or other uses, the need for redevelopment, the suitability of land for subdivision in relation to the availability of public services, and studies of any other matters which are necessary to ensure that the physical, social and economic development of the planning area might proceed in the best interests of the community. It will be seen that clause 29 is based upon the terms of reference given to the Town Planning Committee in the repealed Act, in relation to the metropolitan area. The metropolitan planning area is defined in clause 5, and includes that part of the State which is included in the Town Planning Committee's report on the metropolitan area of Adelaide, 1962.

Division 2 consists of clauses 30 to 35, and deals with development plans. After making the examination of the planning area, the authority shall prepare a development plan indicating, generally, the measures that in the opinion of the authority are necessary or desirable for providing for the most suitable development of the planning area (clause 30). The term "development plan" by definition

includes an accompanying report. The authority must consult every council within the planning area and every other authority responsible for the provision of public services. When the development plan has been prepared, the authority must give public notice that the development plan is open to public inspection for a period of at least two months, and permit written representations to be submitted. After receipt and consideration of the representations, the authority may amend the development plan as it thinks fit. The authority will then submit the development plan to the Minister, together with a summary of the representations (if any), and a statement describing the action taken or recommended by the authority regarding each representation (clause 31).

The Minister then considers the development plan (clause 32) and forwards the documents to the Governor, who may then decide to proceed with the development plan without alteration, or to proceed with the development plan as modified by such alterations as he considers necessary, or to refer the development plan back to the authority for further consideration; or the Governor may decide not to proceed with the development plan.

Where the Governor decides to proceed with the development plan, he may by proclamation declare the development plan to be an authorized development plan (clause 33). This clause also sets out the procedure to be followed if the Governor refers the development plan back to the authority. Clause 34 provides that the authority shall supply a copy of any authorized development plan to every council concerned, and the authorized development plan must then be made available for inspection by any member of the public during ordinary office hours.

Clause 35 enables the authority to review any authorized development plan or prepare supplementary development plans for any part of the planning area, and the same procedure of public exhibition, consideration of representations and submission to the Minister, applies. A council may also prepare a supplementary development plan of any part of its area that lies within a planning area. The metropolitan area of Adelaide development plan referred to in the Town Planning Committee's report on the metropolitan area of Adelaide, 1962, becomes an authorized development plan, by definition, in clause 5.

Part IV of the Bill, which deals with the implementation of authorized development plans, consists of clauses 36 to 39. Clause 36 provides that the authority or the appropriate council or councils may recommend the making of regulations to give effect to the objectives of an authorized development plan. The regulations are to be called planning regulations, and will bind the Crown. The list of items for which planning regulations may be made is contained in subclause (4) and includes those items listed in section 28a of the repealed Act and other items that it has been found necessary to include in the regulation-making power.

The principal items for which planning regulations may be made include zoning, the reservation of land for future acquisition by public authorities, the control of development along main highways, the preservation of buildings or sites of architectural, historical or scientific interest, the preservation of trees, the control of advertisement hoardings, securing improvement of the appearance of ruinous or dilapidated buildings or land, the provision of adequate space for car parking and the loading, unloading and turning of vehicles when new building takes place, and facilitating the redevelopment of substandard areas. The authority may delegate all or any of its powers under a planning regulation to the council or councils of the area concerned.

It is appropriate at this point to explain the procedure envisaged by planning regulations relating to the reservation of land for future acquisition by a public authority. The satisfactory development of a city depends on the use of some land for public purposes, such as roads, schools and open spaces. Therefore, it is necessary that land for essential public purposes is available when and where it is needed. In a rapidly growing metropolitan area, public authorities may not have money to acquire in one short period all the land needed for a number of years ahead; consequently, if land is not bought or reserved well ahead of requirements an authority is faced with buying land which has already been built on, or "making do" with less suitable sites. The repealed Act enables the Town Planning Committee to recommend regulations for reserving land for future acquisition by an appropriate authority.

The committee has prepared draft regulations concerning the reservation of land for open spaces, and has consulted with councils thereon as required by section 28a of the present Act. The regulations provide for the definition of the land on a plan, and require the owner to obtain consent for any development of the land. If permission to develop the land is refused, then the owner can require that the land be purchased by the authority for

whom the land is reserved. The committee has also notified every landowner affected by the regulations and is now considering their representations.

Clause 36 deals extensively with the procedure involved in the reservation of land under the Bill. The term "acquiring authority" is defined in clause 5 as the person or body specified in the planning regulation in whom the power is vested to acquire the reserved land. Clause 36 (11) provides that the Registrar-General shall make certain entries on the certificate of title if land is reserved, and subclause (12) provides that while the land is reserved it is assessed for tax or rates having regard to the use to which the land is put at the relevant time. Subclauses (13), (14) and (15) contain provisions similar to the draft regulations under the present Act to which I have just referred. Subclause (16) provides that a planning regulation shall prevail over any by-law made by a council which is inconsistent with the provisions of the planning regulation.

Clause 37 safeguards the existing use of any land or building. Subclause (2) of that clause provides that where a person carrying on an industry has, before the Bill becomes law, been using any land or acquired any land for the purposes of that industry and such use was permitted or authorized by or under the Building Act or any by-law thereunder as in force when the Bill becomes law, such person or his successor in business may, so long as he is the owner or occupier of the land, use or continue to use the land in connection with that industry in accordance with such permission or authorization, but such person will not be exempted from compliance with any provision of the regulations requiring space to be provided for parking, etc., of vehicles on such land or regulating means of access to or from a road adjacent to the land.

Clause 38 deals with the procedure for making planning regulations. Both the authority and every council concerned may recommend regulations. Before the recommendation is submitted to the Minister, public notice must be given that the proposed recommendation is available for inspection for a period of at least two months, and any person may lodge objections to the proposed recommendation. The authority or the council shall afford each person who has lodged an objection the opportunity to appear personally or by counsel before the authority or council and be heard in support of the objection. The authority or the council, when making the recommendation to the Minister, must forward a statement containing a summary of the objections and a description of the action, if any, taken or recommended by the authority or the council regarding each objection.

Before the authority makes a recommendation, it must consult every council concerned, and a summary of the comments made by the council must be forwarded to the Minister with the recommendation. When a council recommends a planning regulation to the Minister, the Minister must refer the regulation to the authority for report, and if the authority reports that the recommendation is not in accordance with the objects of the authorized development plan, the Minister shall not proceed further with the council's recommendation. Thus, the Bill ensures the closest liaison between the authority and local government but does give local government the opportunity of proceeding with the implementation of detailed plans, which is a marked improvement on the provisions contained in the repealed Act and should be welcomed by local government. Clause 39 provides that the Acts Interpretation Act applies in relation to every planning regulation made under Part IV.

Part V, which deals with interim development control within the metropolitan planning area, consists of clauses 40 to 42. Clause 40 provides that the provisions of this Part do not limit the application of any other provisions of the Act. Under clause 41, the Governor may, on the recommendation of the authority, by proclamation declare that any land within the metropolitan planning area shall be subject to the provisions of the section for a period not exceeding five years. The Governor may by proclamation declare that land already proclaimed shall cease to be subject to the section. Where any land is subject to the section, no person shall change the existing use of any land or any buildings, or construct or alter any buildings without the consent of the Authority or an appropriate council.

Maintenance and other routine work being carried out by public authorities is exempted from this provision. Before granting or refusing its consent, the authority or council shall have regard to the provisions of the metropolitan development plan and also the health, safety and convenience of the community, the economic and other advantages and disadvantages of the proposed development to the community, and the amenities of the locality within which the proposed development is situated.

The authority or council may grant its consent subject to conditions, and there is a right of appeal to the planning appeal board against any refusal by the authority or council or any condition attached to a consent. Clause 42 ensures that the control of land subdivision within the metropolitan planning area is related to the provisions of the authorized development plan, and provides that the Director shall refer applications for approval of plans of subdivision to the authority for report if the land is situated within certain prescribed localities. The prescribed localities are the industrial zones, the hills face zone, and rural zone shown on the Town Planning Committee's development plan, 1962.

If the authority reports to the Director that the plan of subdivision does not conform to the purpose, aims and objectives of the metropolitan development plan or to the planning regulations (if any) relating to that plan, the Director shall refuse to approve the plan of subdivision. There is a right of appeal to the board against such a decision. Thus, clause 41 is designed to ensure control of the use and development of land within the metropolitan planning area while the necessary planning regulations are being made, and clause 42 ensures that land subdivision is adequately controlled in relation to the metropolitan development plan. Rights of appeal exist in both cases.

Part VI, which deals with the control of land subdivision, consists of clauses 43 to 62. Clause 43 provides that Part VI shall not apply to the city of Adelaide, nor to any Crown lands or land used for primary production which is subject to an agreement, lease or licence granted by the Crown. Clause 44 provides that land shall not be sold, transferred or mortgaged except as an allotment or an undivided share of an allotment nor shall any contract of sale or agreement for sale and purchase of land be entered into other than as an allotment. No land may be leased other than as an allotment or an undivided share of an allotment for a term exceeding five years without the approval of the Director. The term "allotment" is defined in clause 5. An allotment is virtually a defined lot on an approved or a recognized plan.

Subclauses (3) to (6) contain a number of exemptions. Clause 45 relates to the approval by the Director of plans of subdivision and plans of resubdivision. A plan of subdivision is defined in clause 5 as a plan dividing land into more than five allotments of 20 acres or less in extent or into one or more of such allotments, and showing a proposed new road or reserve for public use. A plan of resubdivision means any plan creating five allotments or less. It may also show a proposed road widening.

Where a plan of subdivision has been deposited in the Lands Titles Registration Office or a plan of re-subdivision has been approved, the Registrar-General is required, under clause 46, to make appropriate entries on every certificate of title effected. Clause 47 enables the Registrar-General to refuse to register dealings with land unless an appropriate plan of subdivision has been deposited or a plan of resubdivision approved. When any plan of subdivision or resubdivision has been accepted by the Registrar-General, any road or reserve shown on the plan vests in the council of the area without compensation by virtue of clause 48, and such a road becomes a public road. This provision exists in section 14 of the repealed Act. Clause 49 lists the grounds upon which the Director or a council may refuse approval to a plan. The grounds are similar to those included in the current control of land subdivision regulations, but the opportunity has been taken to make amendments arising from the 15th report of the Committee on Subordinate Legislation, 1965. Clause 50 enables further grounds of refusal by the Director or council to be prescribed by regulation.

Clause 51 deals with control by councils over the construction of roads in new subdivisions. The repealed Act originally gave control over road making to municipalities only, but the amending Act of 1957 extended the powers to those district councils which chose to take advantage of them. At present, the road making control is exercised by 115 councils throughout the State, whose population represents 96 per cent of the State population. The clause, therefore, enables all councils to exercise discretionary powers relating to the construction of roads in new subdivisions. The construction must be in conformity with detailed construction plans and specifications signed by a prescribed engineer, and submitted to and approved by the council prior to the commencement of work.

Councils may also, if they wish, withhold approval to a plan of subdivision if the applicant has not made binding arrangements satisfactory to the council that the work will be carried out or completed at the cost of the applicant, and within such time as may be specified by the council. "Prescribed engineer" means a person who is a corporate member of the Institution of Engineers, Australia, or the holder of qualifications which exempt him

from the associate membership examination of the institution, and who practises the profession of engineer.

Clause 52 lists further grounds upon which the Director may refuse approval to any plan of subdivision or plan of resubdivision. If, in the opinion of the Director of the Engineering and Water Supply Department, the requirements of the Minister of Works for the provision of water supply and sewerage services to every allotment have not been met or cannot be met, the Director may refuse approval. Provision is also made for the setting aside of 12½ per cent of the land being subdivided for reserve purposes where more than 20 new allotments are being created. If the plan shows 20 allotments or less and, if 12½ per cent of the land is not shown as reserves, the owner may choose to pay into a fund administered by the authority a sum of 100 dollars for each allotment if the land is situated in the metropolitan planning area, or $40 for each allotment if the land is situated elsewhere in the State. This alternative financial contribution applies only to allotments that are two acres or less in extent. Considerable attention has been given to these provisions relating to the setting aside of lands for reserves in subdivisions.

It is considered that the long-term interests of local government will best be served by obtaining land rather than money in lieu of reserves: therefore, the option to contribute money does not apply where more than 20 new allotments are being created. Many councils have expressed concern that the person creating only a small number of allotments does not contribute towards open spaces. Even if one new allotment is being created, a new family will be housed, making an increased demand on open spaces. Thus, when small areas are being subdivided, it would be impracticable to obtain very small pieces of land for reserves, and a direct contribution of money into a central fund is considered to be the most equitable, simplest and quickest way of providing for the open spaces. An alternative proposal for contribution of money based on valuation of the land was considered by the Government but rejected, as it would involve long administrative procedures and difficulties of valuation.

The Director may also refuse approval to any plan if the development of the land is considered to be premature having regard to the availability of public services and community facilities, the number of allotments already created in the vicinity, or any proposals contained in any authorized development plan. Approval may likewise be refused if the proposal is likely to interfere with the natural features and general character of the locality or if the subdivision would create undue erosion. The Director may also refuse approval if an existing road has not been widened sufficiently to meet future needs. This provision was one of the matters considered and discussed by the Subordinate Legislation Committee when examining the control of land subdivision regulations at present operative. Since 1930 the regulations have given a wide power to the Town Planner to request road widenings to be set aside in plans of subdivision or resubdivision. The Bill prescribes the limits to which the Director may go in requesting road widening, and these are based on the current practice, which has been operating for several years.

When land is being subdivided, the maximum road widening which may be requested is 50ft. This width provides sufficient land for a service road alongside an existing highway. If land is being subdivided (that is, into five allotments or less) the maximum road widening that the Director may request is related to the overall width of the street fronting the proposed allotments. The maximum widening is to be such as to make the total width of the street 50ft., which is the usual width required for a residential street. Thus, if a person is creating new allotments facing an existing back alley or very narrow street, then he must provide some land to help increase the width of the street to that normal for a residential area. The amount of land that the Director may request for visibility purposes on a corner allotment is limited to 250 sq. ft. Any land set aside on a plan for road widening purposes is shown as road, and vests in the council without payment of compensation under clause 48. When land is subdivided fronting the sea-coast, a lakeside or bank of a river, clause 53 enables a reserve to be obtained at least 100ft. in width along the frontage, and ensures that the rear of any allotment shall not abut such a resrve. The Director may dispense with or modify these requirements if he thinks fit.

Clause 54 provides that the Director or a council must give reasons for refusal of approval to any plan. Clause 55 deals with easements in favour of the Minister of Works or a council shown on plans of subdivision, and is similar to section 14a of the repealed Act. Clause 56 provides that persons having any interest in the land shown on any plan should signify their consent in writing on the

plan. Clause 57 enables the Director to require any plan submitted as a plan of re-subdivision to be prepared and dealt with as a plan of subdivision. This is similar to section 17 of the repealed Act. Clause 58 enables the Director to approve a plan of resubdivision, subject to conditions relating to mortgages, consolidations and other matters. Clause 59 provides for a penalty for dividing land otherwise than in accordance with an approved plan. Clause 60 gives the Registrar-General power to correct errors existing in any plan in the Lands Titles Registration Office or the General Registry Office.

Clause 61 enables any person to apply for a proclamation declaring that his land shall not be divided into allotments or used for any purpose not in keeping with its character as an open space. While that proclamation applies, the land is assessed for tax or rates having regard to the existing use of the land. The clause is similar to section 29 of the repealed Act, but a new provision is included concerning the revocation of proclamations. This enables the taxing and rating authorities to recoup the amount of tax or rates that would have been payable up to a period of five years preceding such revocation. About 3,516 acres was subject to proclamations under section 29 of the repealed Act at December 31, 1965, but no proclamation had been revoked under that Act. Clause 62 is a general regulation-making power relating to the control of land subdivision.

Part VII, which deals with land acquisition and special provisions relating to compensation, consists of clauses 63 to 70. Clause 63 gives the authority power to acquire land, either by agreement or compulsorily, with the approval of the Minister. The authority may then develop the land for any purpose proposed under any authorized development plan or planning regulation. The authority may sell or dispose of the land with the approval of the Minister. All moneys derived by the authority from the disposal of land are to be paid into the fund referred to in Part VIII. This power of the authority to acquire land and secure its development is a positive measure to assist in implementing authorized development plans and planning regulations, and will be particularly important in relation to redevelopment.

Clause 64 enables compensation to be paid for losses arising out of the operation of a planning regulation that reserves land for future acquisition by a public authority. The effect of reserving land for future acquisition may cause a reduction in the price an owner is able to obtain for his property when it is offered for sale. The owner is able to obtain as compensation not more than the difference between the value of the land as affected by the reservation and the value of the land as not so affected.

A procedure for determining disputed claims for compensation is contained in clauses 65 and 66. Clause 67 concerns the action that may be instituted by the claimant against the acquiring authority in the courts; clause 68 enables compensation paid to be taken into account when the land is subsequently acquired; and clause 69 enables compensation to be paid if the authority refuses consent to the alteration or destruction of any building or site of architectural, historical or scientific interest, or the cutting down or destruction of any trees. The authority may, with the approval of the Minister, either by agreement or compulsorily, acquire the land on which the buildings or the trees are situated, together with adjoining land that the authority considers necessary for the purpose of preserving the character of the buildings or the land. Clause 70 provides that compensation in respect of any matter shall be payable only once, and no further compensation in respect of the same matter may be claimed under any other enactment.

Part VIII, which deals with financial provisions, consists of clauses 71 to 74. Clause 71 provides that moneys required for the purposes of the Act shall be paid out of moneys provided by Parliament. A fund to be known as the planning and development fund is to be established in the Treasury under clause 72. There shall be paid into the fund moneys made available by the Treasurer out of appropriations authorized by Parliament, moneys derived by the authority from the sale or disposal of land, moneys received by the authority arising from the payment of money in lieu of land for reserves under clause 52, and all moneys raised by loan. The Treasurer may make advances to the authority for moneys appropriated by Parliament on such terms and conditions as he thinks fit. Clause 73 enables the authority, with the approval of the Minister and the concurrence of the Treasurer, to borrow money and mortgage any property vested in the authority as security for any loan. The clause also enables the Treasurer to guarantee the repayment of any loan made to the authority for the purposes of it functions and duties. Clause 74 enables the authority to use the fund, *iner alia*, for the acquisition and development of any land, for the payment of compensation, for the payment of rates, taxes and other

charges, for the transfer to any reserve for the repayment of money advanced to or borrowed by the authority, for the payment of principal, interest and expenses in respect of moneys borrowed or for the maintenance of property owned by the authority.

Part IX, which deals with miscellaneous matters, consists of clauses 75 to 81. Clause 75 deals with the submission of annual reports to the Minister (for laying before Parliament) by the authority, the Director and the Chairman of the Planning Appeal Board. Clause 76 requires the authority to keep proper books of account and empowers the Auditor-General to make an annual audit of the authority's accounts. Clause 77 enables the Director with the approval of the Minister to prepare plans, reports and do other work (not being surveying) for any person, and to charge fees that are approved by the Minister. All moneys collected by the Director are to be paid into the general revenue of the State. The clause is similar to section 7 of the repealed Act. Clause 78 gives any member of the authority or of the Planning Appeal Board and the Director and authorized persons power to inspect land and buildings, but no building can be entered unless the owner or occupier has been given reasonable notice of intention to enter the same. Clause 79 enables regulations to be made for the purpose of giving effect to the provisions and objects of the Act. Clause 80 makes provision for continuing offences against the Act, and clause 81 provides that proceedings for offences against the Act shall be disposed of summarily. The schedule lists the Acts repealed; these are the Town Planning Act, 1929, and the amendment Acts of 1955, 1956, 1957 and 1963.

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

MONEY-LENDERS ACT AMENDMENT BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 3 to 5, but had disagreed to amendments Nos. 1 and 2.

ADJOURNMENT.

At 6.1 p.m. the Council adjourned until Wednesday, November 9, at 2.15 p.m.