LEGISLATIVE COUNCIL

Tuesday, November 15, 1966.

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

QUESTIONS

WILMINGTON TO HAWKER ROAD.

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

Leave granted.

The Hon. Sir LYELL McEWIN: My question concerns the progress made in bituminizing the road between Wilmington and Hawker. A considerable amount of work has been done north of Quorn, for some 20-odd miles, with a view to continuing the bituminizing there, but there is a break of 24 miles between Wilmington and Quorn before the bitumen on the other side of Quorn. Can the Minister of Roads say whether that piece is included in the department's programme for bituminizing the road, which I know is intended to proceed as far as Hawker? There is about 24 miles of road not yet bituminized but greatly used by tourists and others. Can the Minister enlighten me on that?

The Hon. S. C. DEVAN: I would not at the moment like to rely upon my memory of the road between Wilmington and Quorn. I will obtain a report from the department and let the honourable member have the information as soon as possible.

KYANCUTTA LOOPLINE.

The Hon. G. J. GILFILLAN: I ask leave to make a short statement prior to asking a question of the Minister of Transport.

Leave granted.

The Hon. G. J. GILFILLAN: In June of this year approval was given for the building of a loopline in the Kyancutta railway yard to facilitate the unloading of the silo and the handling of superphosphate to that district. At present this work has not proceeded, and the harvest has already started in the area, involving the cartage of oats. It has been found that the station yards are congested to such an extent that empty trucks for the carriage of oats cannot get into them.

In addition, the acreage under crop in the district has increased by about 11 per cent and the district is experiencing a prolific season. I believe congestion is such that only one grower's order for bulk superphosphate can be handled at any one time in the station yard and many growers are anxious to avail themselves of the discount available to growers who arrange for delivery of bulk superphosphate before December 31. In view of the urgency of this matter, will the Minister take steps to ensure that this work is done at the earliest possible moment and in the meantime, will he confer with South Australian Co-operative Bulk Handling Ltd. to see whether some other means can be found to cope with this emergency and help dispose of the present oat crop?

The Hon. A. F. KNEEBONE: I will make a note of what the honourable member has said in order that I may call for a report on the matter and see what can be done.

RAILWAY IRONS.

The Hon. R. A. GEDDES: I ask leave to make a statement prior to asking a question of the Minister of Transport.

Leave granted.

The Hon. R. A. GEDDES: I have received a complaint from a landholder that his request to buy secondhand railway irons, which have been removed in preparation for the new standard gauge railway line, has been refused by the South Australian Railways authority at Peterborough. Will the Minister say what is the policy of the South Australian Railways regarding the sale of secondhand railway irons taken from the Broken Hill to Port Pirie railway line and which I understood were available for sale to the public?

The Hon. A. F. KNEEBONE: I do not know whether there has been any change in policy on this matter, but I will make inquiries and let the honourable member know.

HOUSES FOR ABORIGINES.

The Hon. L. R. HART: Has the Minister representing the Minister of Aboriginal Affairs a long-awaited answer to my question on houses for Aborigines?

The Hon. A. J. SHARD: Yes, and the answer is:

Only two of the houses for Aborigines built with local labour at Point Pearce have been finished. Arrangements for a building officer to oversee the completion of these houses has been arranged. The pressure for renewed housing on the station has been much greater than can be coped with on the programme for using local labour in the course of training. The Government agreed a crash programme for providing some additional housing prefabricated off the reserve to meet an emergency only.

NORTHERN BY-ELECTION.

The Hon. R. A. GEDDES: I ask leave to make a statement prior to asking a question of the Minister representing the Attorney-General.

Leave granted.

The Hon. R. A. GEDDES: As a result of the declaration of the poll following the recent by-election for the District of Northern, the Port Pirie *Recorder* has complained that the Electoral Department does not give sufficient information to the press (and therefore the public) concerning the exact position of polling booths at Port Pirie and other country towns. Will the Minister examine this complaint with a view to improving the relationship between the press and the Electoral Department?

The Hon. A. J. SHARD: I will refer the question to the Attorney-General. I was under the impression that the Electoral Office did publish such information rather fully. However, if the honourable member will be good enough to supply me with a copy of the article I will have it sent to the Attorney-General for examination with a view to obtaining a reply.

HOSPITAL FEES.

The Hon. Sir LYELL McEWIN: Has the Chief Secretary a reply to my question of November 8 relating to hospital fees in connection with indigent and itinerant Aborigines in subsidized hospitals?

The Hon. A. J. SHARD: As promised, I have obtained a reply. It is the Government's policy that Aborigines should have the same rights and responsibilities as other citizens. Where the Aborigines fail to pay the debts incurred to the Government they are sued in the normal way and moneys have been recovered at a reasonable rate where this policy has been adopted. If hospitals will follow this policy where necessary, they should get results.

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

Leave granted.

The Hon. Sir LYELL McEWIN: I wish to explain to the Chief Secretary and the Council that my question related to indigent and itinerant Aborigines and the fact that the subsidies to hospitals were based originally on assisting hospitals to treat indigent cases, which they are obliged to do. Is it Government policy to take into consideration the many cases of this nature when making grants to the hospitals concerned?

The Hon. A. J. SHARD: I understand that that part of the question is taken into consideration by the maintenance committee. However, I shall check on that and, if I am not able to give the Hon. Sir Lyell a reply this week, I shall reply to him in writing.

LOCAL GOVERNMENT COMMITTEE.

The Hon. R. C. DeGARIS: Can the Minister of Local Government report on what progress has been made by the committee working on the revision of the Local Government Act and whether there is any possibility of the committee being hampered by lack of finance?

The Hon. S. C. BEVAN: Much work has been undertaken by the committee and many representations have been made in relation to the Local Government Act for the consideration of the committee. The committee is still in session examining the matters that it was charged with examining, and I expect that it will be some time next year before it furnishes a report and recommendations to me.

PRINCES HIGHWAY.

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: My question refers to a portion of Princes Highway No. 1 south of Nairne, near Dawesley Hill. A few months ago much Highways Department activity took place at the bottom of Dawesley Hill and the old bridge was virtually duplicated in width. This length of road is designated as being three or four miles of winding road, and it is difficult to overtake any vehicle on that section. No work regarding the laying of metal or sealing has been done even for a short distance at the bottom of the hill. Because of the expected heavy traffic during the Christmas period, will the Minister obtain a report whether it is intended to seal this road before the holidays or, at least, to proceed with the work?

The Hon. S. C. BEVAN: I shall make the necessary inquiries, as Sir Norman suggests. However, I hazard a guess that he would be dead lucky to get the sealing done before Christmas.

GAWLER BY-PASS.

The Hon. M. B. DAWKINS: I ask leave to make a statement prior to asking a question of the Minister of Transport.

Leave granted.

The Hon. M. B. DAWKINS: Honourable members will know something of the stock hazard that has been in existence on the Gawler by-pass ever since it was created more than

three years ago, particularly on the more northerly of the two railway overpasses, which is curved on the actual overpass. On this particular part of the roadway stock travels at least twice a day (and this has been the case for a considerable time). For a period extending from the time of the opening, efforts have been made to obtain a solution to the hazard of the cattle travelling over the curved overpass, on which motor cars may be travelling at high speeds. Agreement was finally reached and a level crossing was provided some quarter of a mile farther north on the railway line. So far as the Highways Department and the local council are concerned, the level crossing has been constructed and completed. This work has been done for about four or five months. It now awaits the railways completing its part of the bargain. Can the Minister ascertain how soon the railways can complete its part of the work, so that this hazard to human life can be removed?

The Hon. A. F. KNEEBONE: I shall obtain a report and let the honourable member have a reply as soon as possible.

PORT AUGUSTA HOSPITAL.

The Hon. Sir LYELL McEWIN: My question is addressed to the Chief Secretary and concerns a report of the Public Works Committee last week recommending the construction of a new hospital at Port Augusta. Will the financial provision for this hospital appear in next year's Estimates, and what is the programme concerning the building of the hospital?

The Hon. A. J. SHARD: I wish I could say that it was planned for next year, but I cannot do so. The Government is hopeful that construction will commence in the 1968-69 financial year, although we shall have to wait to see what money is available. There can be nothing planned for the year 1967-68.

SUCCESSION DUTIES.

The Hon. Sir LYELL McEWIN (on notice):

1. How many deceased estates were assessed under the Succession Duties Act for the year 1965-66?

2. How many beneficiaries were—

(*a*) widows;

(*b*) widowers;

(*c*) descendants or ancestors?

3. How many beneficiaries were relations other than descendants or ancestors?

4. How many beneficiaries were strangers in blood?

5. How many beneficiaries were charitable institutions?

The Hon. A. J. SHARD: The replies are:

1. By the nature of the South Australian Succession Duties Act each deceased estate is not always subject to one assessment. Deceased estates may be disposed of in a number of separate ways: for example, by will, by gifts or settlements, or by increases in benefits to beneficiaries, as, for example, through joint tenancies or insurance policies. Each of these methods of disposition becomes a separate matter for assessment. The department dealt with 7,807 of such matters in 1965-66. A number of these would have been exempt from succession duty.

2. to 5. This information is not available, as statistics of classes of beneficiaries are not maintained by the department.

PUBLIC SERVICE SALARIES.

The Hon. F. J. POTTER (on notice): What will be the cost to the Government of the increased salaries awarded by the Public Service Arbitrator on November 2, 1966, to women employees aged from 16 to 25 years—

(*a*) in the current financial year; and

(*b*) in a full financial year?

The Hon. A. J. SHARD: The estimated amounts are: (*a*) 1966-67, $80,000; (*b*) full financial year, $120,000.

COTTAGE FLATS BILL.

Second reading.

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

That this Bill be now read a second time.

Its purpose, as the long title states, is to enable the Treasurer to pay to the South Australian Housing Trust for the purpose of providing housing for persons in necessitous circumstances certain moneys out of the Home Purchase Guarantee Fund under the Homes Act, 1941-1962.

The South Australian Housing Trust for some years has been constructing groups of small flats to house in the main old-age pensioners and others in necessitous circumstances. The need for this type of accommodation is increasing annually even though various church and other charitable organizations have been erecting similar flats for elderly folk. These organizations have been entitled to a two-to-one capital contribution from the Commonwealth Government, which means that only one-third of the capital cost has to be found from their own resources. The trust, on the other hand, cannot take advantage of this subsidy and consequently it loses substantially

on each flat as far as rent is concerned, the rent necessarily being low in all cases of this type.

Many of the aforementioned organizations obtain much of their one-third capital contribution from their prospective tenants, who provide a "life-interest" payment. This means that a large percentage of pensioners without capital have to rely on the trust to provide the necessary accommodation at rentals within their means.

The trust is building separate designs for couples and for women living alone. In recent years it has concentrated its efforts towards assisting women living alone, as they constitute the greatest single housing problem of the present day. As well as those who remain unmarried, the large number of widowed women who apply to the trust are obliged to live lonely lives for years until their application is satisfied. During this period of waiting it is not unusual for them to move many times from accommodation that is often unsatisfactory for a variety of reasons.

A further problem relating to the housing of elderly people is manifesting itself in many of the houses built by the trust many years ago. Children have grown up, married and left the family house and only the aging parent or parents remain in the house which normally provides shelter for four, five or more people. Such accommodation can better serve a young family whereas, should the elderly folk remain, the rent frequently has to be reduced. This fact further limits, it will be appreciated, the trust's ability to provide additional housing. As at June 30, 1966, the trust had invested $2,795,000 in these cottages and 804 cottage flats have been completed. In present contracts 51 flats remain to be handed over and tenders are presently being called for a further 100 flats. The trust, realizing the extreme need for this type of housing, would like to be building them at a much greater rate, but is limited financially to the present rate of building. It is estimated that the current weekly loss per flat averages $2.10 (or approximately $87,000 per annum) and from this it can be appreciated that any special provision that can be made by the Government will relieve the trust to that extent in its programme.

Clause 3, accordingly, provides that the Treasurer may from surplus moneys in the Home Purchase Guarantee Fund, which is kept under the Homes Act, 1941-1962, pay to the South Australian Housing Trust $50,000 for the next five financial years beginning in the present financial year. In this connection, it may be mentioned that the present balance in the Home Purchase Guarantee Fund held as a reserve against obligations undertaken by the Treasurer up to June 30, 1966, was $297,000, and this has lately been increasing at the rate of about $80,000 a year. The Government, therefore, considers that it can afford to make the annual payments provided for in this clause over the next five years and still retain an adequate reserve to meet any contingent liabilities upon guarantees under the Homes Act.

An arrangement will be entered into with the trust that these annual amounts will be matched on a dollar for dollar basis by the trust out of its surplus funds. Clause 4 lays down that the trust must expend these annual sums of $50,000 for the purpose of building cottage flats which will be let by the trust to persons in necessitous circumstances. It is not considered necessary to provide in the Bill what the minimum weekly or monthly rentals should be. This matter can safely be left in the hands of the trust to determine, subject of course to normal Ministerial supervision. Clause 5 deals with the application by the trust of the rents received from cottage flats. Clause 6 is the usual appropriation provision. I commend this Bill for the consideration of honourable members.

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

ROAD TRAFFIC ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its purpose is to amend the Road Traffic Act, 1961-1966. Clause 3 amends section 5 of the principal Act, and the definitions that call for particular comment are "carriageway", "cross-over" and "road". The definition of "carriageway" is substantially the same as the definition of "carriageway" contained in the National Code and it indicates in more detail than the existing definition what the expression "carriageway" includes. With regard to the definition of "cross-over", the passage "and includes any such track which is a continuation or part of a road adjoining a divided road" has been deleted from the existing definition. With the advent of many narrow median strips in roadways (for example, Hampstead Road) and short sections of medians in some other roads near intersections, considerable confusion arises regarding giving way at junctions, and some motorists proceed

when they should give way. This confusion is verified by the fact that many applicants for drivers' licences fail to give a correct answer on this matter when undergoing their licence examination. If there is no median strip in a through road, a motorist on that road must give way to the driver of a vehicle entering the road from an adjoining road on the right (section 63). Where a median is installed on the through road, however, a "cross-over" exists and the give way rule is reversed (section 65).

The board considers that the presence of a narrow median in a road should not affect the give way rule and it therefore recommends that the definition of "cross-over" should be amended as proposed. This would eliminate the existence of all cross-overs at junctions and, except as at a "give way" sign, a driver in all cases would have to give way to the vehicle on his right. South Australia is the only State in which a median strip on a through road alters the give way rule at junctions. The National Road Traffic Code does not contain a special rule for giving way at road junctions on divided roads, and this amendment would bring our legislation into line with the Code. The definition of "road" has been extended to include every carriageway, footpath, dividing strip and traffic island therein. This definition is more in line with the National Code definition. The new definition of "air cushioned vehicle" needs no special comment.

Clause 4 amends section 24 of the principal Act and inserts the word "install" after the word "construct" therein. This will have the effect of providing that a council shall not install certain traffic control devices without the approval of the board, such as safety bars, line marking, safety salls, etc. It extends the scope of this section. Clause 5 amends section 31 of the principal Act by inserting the word "device" therein. Section 31 at present empowers the board to order the removal of certain lights, signs or advertisements which are likely to increase the risk of accidents. It has come to the board's notice that some service stations are using life-sized animated dummy uniformed service station attendants which wave approaching motorists into the service station. In one case, such a figure was positioned on the median strip of a busy highway and in other cases they were placed on the road either near the service station entrance or near the boundary of the property. These devices have caused confusion to approaching motorists and are misleading when placed too near the carriageway. The board, therefore, seeks authority to control their location. It is doubtful whether such a "dummy" could be classed as a "sign, light or advertisement" for the purpose of this section and it is therefore proposed that the word "device" be inserted to cover this situation.

Clause 6 amends section 32 of the principal Act. The Government has accepted the recommendation of the board that it be vested with the power to fix speed zones without the necessity of making a special regulation on each occasion. In a number of cases, it has been desirable to fix speed zones at short notice or to vary existing speed zones. It has also been necessary at short notice to fix special speed limits at roadworks where the 15 m.p.h. speed limit under section 20 is too restrictive. If the board is empowered to fix speed zones by resolution the signs could be erected and the speed limit would apply on the day following the board meeting. This would eliminate the necessity of preparing lengthy reports and documents to define and substantiate the reasons for the new or altered zones. It would also obviate the printing and circulation of many copies of regulations each time a zone is established or altered. Speed zoning is a continuing process and as traffic or road conditions vary from year to year, it is necessary to alter speed zones to suit existing circumstances and to cater for extended areas of housing development in country areas. It is therefore considered by Government that the board's task of fixing speed zones for many miles of roads throughout the State would be greatly facilitated if it could be done by resolution of the board. Honourable members will recall the circumstances that led to the rejection of this proposed amendment in the 1965-66 Road Traffic Amendment Act.

Clause 7 amends section 40 of the principal Act. This is an important amendment which appears elsewhere in this Bill and, if passed, should have a significant effect in reducing the number of motor accidents. The Australian Road Traffic Code Committee and the Australian Road Safety Council strongly advocate the deletion of the term "right of way" as this expression tends to imply to motorists that they have a definite right to proceed in certain situations. No such right exists, however, as both the national code (Regulation 1502) and the Road Traffic Act (section 45) require that a person shall not drive a vehicle without due care or attention or without reasonable consideration for other persons using the road.

All road safety authorities are constantly endeavouring to impress this fact on road users and their efforts would be considerably assisted if the term "give way" is substituted for the expression "right of way". The expression "give way" will accordingly be substituted for the expression "right of way" wherever that expression appears in the Act.

Clause 8 amends section 51 of the principal Act. Representations have been made by the Auto Cycle Union of South Australia through Mr. H. R. Hudson, M.P., that the speed limits for motor cycles carrying pillion riders be reviewed with a view to setting higher limits and, following an investigation of this matter, the board is of the opinion that the speed limits contained in section 51 of the Act are too restrictive and unwarranted in view of the improved design of motor cycles and today's traffic conditions. The limits set out in the amendment conform with Regulation 1002 of the National Road Traffic Code. In making the above recommendation, however, the board considers that the wearing of approved safety helmets should be made mandatory in order to afford some protection from head injuries in the event of a motor cyclist being involved in an accident. The Government accepts this recommendation and provision is made in respect thereof in clause 27 of the Bill.

Clause 9 inserts a new section 53a in the principal Act. The Transport Control Board recently recommended that a speed limit of 45 miles an hour be fixed for trailers and 50 miles an hour for motor buses. Draft regulation 1001 (2) (*c*) under the National Road Traffic Code prescribes a speed limit of 50 miles an hour for vehicles licensed for the carriage of nine or more passengers and 45 miles an hour for vehicles to which a trailer is attached. However, the Australian Road Traffic Code Committee recently recommended that the 45 miles an hour limit should not apply to light trailers having a gross loaded weight of 15cwt. or less. The Government accepts the recommendation of the Road Traffic Board that these limits are desirable for safety reasons particularly as a number of human lives could be at stake in an accident involving a bus. Sudden braking of a bus travelling at a high speed could cause serious injuries to passengers by throwing them from their seats. If this occurred on a bend the vehicle could overturn due to the passengers being thrown to one side of the vehicle.

Most buses are 8ft. wide and some now in service are 8ft. 2½in. in width. They therefore occupy much more road space than a motor car. The maximum speed permitted for a commercial vehicle of 3 to 7 tons weight is 40 miles an hour. The speed limit of 50 miles an hour for buses already applies in Western Australia, New South Wales and Victoria and a limit of 45 miles an hour for trailers also applies in New South Wales and Western Australia. A similar limit in Victoria is under consideration. Subsection (1) of this section therefore restricts the speed of buses, etc., to 50 miles an hour. A penalty of $100 is provided. At the present time cars and trucks in South Australia can tow caravans and trailers which are not fitted with brakes and in many cases these vehicles could not be stopped safely in an emergency. The term "trailer" includes a caravan. Subsection (2) of this section restricts the speed of a vehicle to which a trailer or other vehicle is attached to 45 miles an hour. A penalty of $100 is provided. This subsection does not apply to a trailer which together with the load therein does not exceed 15cwt.

Clause 10 and clause 11 amend the heading to section 62 of the principal Act and also substitute a description of the meaning of "give way" for the meaning of "give right of way" for the reasons explained in clause 7. Clause 12 amends section 63 of the principal Act not only by making a consequential amendment and striking out "right of way" but also by making the intention of this section more clear and specific. Honourable members will recall that subsection (1) of this section was amended during the last session and will also be aware that the words "or junction" were inadvertently omitted from this amendment. These words have now been inserted by a recent amending Bill which has been passed by Parliament. With regard to the introductory words inserted by this amendment it has been suggested that the existing phrase "Subject to section 64 of this section" might invalidate the accepted "give way" rule. To clarify the intention the expression "Except as provided in section 64 and section 72 of this Act" has been substituted. Valid criticism has also been made of the passage "and there is danger of a collision" in subsection (1) of this section. These words were taken from the National Code. They have an unnecessarily limiting effect on the scope and intention of this subsection and could give rise in this context to difficulties in interpretation, particularly having regard to the provisions of section 64 of this Act. The passage has accordingly been deleted.

Clause 13 repeals section 64 and enacts a new provision. Under the provisions of the existing section a driver approaching a "give way" sign from the direction in which the sign is facing shall give way to any vehicle approaching the intersection from his right or left only. At many locations, it is desirable to require motorists to give way to vehicles approaching from other than the right or left. For example, where a turn or a bend occurs in a major road and a minor road continues straight on (Mount Barker Road at the junction of Woodside Road), it is desirable that a driver on the minor road approaching the major road should be required (by the erection of a "give way" sign) to give way to traffic approaching from the opposite direction on the major road and about to turn to the right in front of him. There are many similar intersections or junctions which could be made safer by the use of "give way" signs if section 64 is amended as proposed. The National Code does not adequately provide for the use of "give way" signs, but a recommendation by the Road Traffic Board in line with this proposed new section was adopted in principle at the last meeting of the Australian Road Traffic Code Committee.

Clause 14 amends section 65 of the principal Act and deals with giving way at cross-overs. This clause and clauses 15, 16, 17 and 18 are amended for the reasons given in clause 7. Clause 15 amends section 66 of the principal Act and deals with giving way when a vehicle enters a road from private land. Clause 16 amends section 67 of the principal Act and deals with giving way at pedestrian crossings. Clause 17 amends section 68 of the principal Act and provides for turning vehicles to give way to pedestrians. Clause 18 amends section 69 of the principal Act and deals with the obligation of a driver driving his vehicle from a stationary position at or near the boundary of a carriageway to give way to any vehicle proceeding along that carriageway. Clause 19 amends section 72 of the principal Act by replacing the "right of way" concept by the "give way" concept. Paragraph (*a*) of clause 19 inserts the words "Except as provided in section 64 of this Act". These words are necessary to provide for situations where "give way" signs have been installed.

Clause 20 amends section 74 of the principal Act, which deals with driving signals. It has the effect of providing that the driver shall not diverge to the right or left or turn his vehicle to the right or left without giving an appropriate signal as prescribed by this section. The clause provides for the making of regulations dealing with a proper signal for diverging or turning to the left. With the increased number of lane-lined roads in use, it is important that a driver should not change lanes either to the left or to the right unless he first gives an appropriate signal. Section 74 already requires a driver to give a proper signal before he turns right or diverges to the right. When driving within marked lanes a driver is permitted to pass another vehicle on the left of that vehicle. Should the driver in the outer lane decide to occupy the next lane on the left or turn to the left, a dangerous situation could occur in the absence of a proper driving signal.

The National Code does not provide for diverge left signals at the present time, but the board proposes to recommend to the Australian Road Traffic Code Committee that this type of signal be included in the code, owing to its importance. The adoption of this amendment would mean that all vehicles would have to be fitted with either flashing turning indicator lights or semaphore type turn indicators on both sides of the vehicle. Flashing turn indicators are already mandatory in Queensland and New South Wales. They will also be compulsory in Western Australia by January 1, 1967. These signals give a much better indication to other road users of the driver's intention. Frequently hand signals are given in a confusing manner and they can seldom be seen at night.

Flashing turn indicators are readily available at a moderate price and many owners have already voluntarily fitted them to early model cars no doubt because of their convenience and effectiveness. It is proposed to amend the regulations at the appropriate time to provide for the use of either semaphore type or flashing turn indicators for both left and right turns. It will be noted that no regulations on this matter will come into force until January 1, 1968. The purpose of this is to enable owners of vehicles which are not already equipped with turn indicators to have sufficient time to have them fitted to their vehicles.

Clause 21 amends section 78 of the principal Act, which deals with the duty at stop signs and substitutes the words "give way" for the words "right of way". Clause 22 inserts a new section 82a in the principal Act. The Government has accepted the recommendation of the board that it be vested with the power to control the angle parking of vehicles. Investigations have proved beyond doubt that angle parked vehicles cause more accidents than those which are parked parallel to the kerb.

There are existing situations where the angle parking of vehicles is daily creating serious traffic hazards, but the board is unable to prevent this practice.

It is considered that a council should be required to obtain the board's approval before it permits angle parking in its area as some councils appear to be more concerned with accommodating the maximum number of vehicles than in providing safe traffic conditions. Police records show that accidents have markedly increased where parallel parking has been changed to angle parking or where centre of the road parking has been introduced. An example is the comparison of accident rates as between Norwood Parade and Unley Road. Angle parking was originally permitted in the former street, whilst parallel parking only was allowed in the latter. Norwood Parade, which is much wider than Unley Road and carries less traffic, had three times the accident rate of Unley Road. The cost to the community is too great to allow councils to experiment with angle parking just to store more vehicles on roadways, which were primarily constructed for travel.

The board is not averse to angle parking at places where there is a sufficient width of carriageway to accommodate "through" traffic, but it should have the authority to disallow angle parking where it is unsafe. All parking in New South Wales is controlled by the State Government and is administered by an interdepartmental committee (Parking Advisory Committee) comprising representatives of the Police, Main Roads Department, Department of Motor Transport, etc. In Victoria, angle parking comes under the jurisdiction of the Victorian Traffic Commission.

Clause 23 amends section 94a of the principal Act which deals with portions of the human body protruding from a vehicle. The section was introduced in 1964 primarily to prevent the practice of some drivers clutching the roof of the vehicle with their right hand (gutter-clutching) and so giving the impression that they were giving a "stop" or "slow down" signal. The prevention of injury to right elbows protruding through the driver's window was also a consideration. The amendment actually passed by Parliament was more extensive in that it made it illegal for a person to ride on an external step or foot board of a vehicle. No exception was made for riders of motor cycles.

It has since come to the board's notice that it is customary and sometimes desirable or necessary for persons to travel on special vehicles or items of road marking equipment on a step or platform provided for the purpose. Examples are some types of firefighting vehicles, refuse collecting vehicles, tractors, and line marking machines used for marking road pavements. It is considered that the board should be empowered to exempt persons riding on certain vehicles from the provisions of subsection (1) of this section. The Police Department has drawn attention to the practice of persons riding on the tray of motor trucks. This is not riding in a vehicle. The words "or on" are therefore inserted in subsection (1) of this section.

Clause 24 repeals section 115 of the principal Act. This section provides that, if a pedal bicycle is fitted with a lamp on the right side of the bicycle showing a white light to the front and a red light to the rear and such light complies with the requirements of this Act and the regulations, that bicycle need not be fitted with any other headlamp or rear lamp. The National Road Traffic Code regulation 3001, as well as regulation 5.09 under the Road Traffic Act, provide that a bicycle shall be equipped with separate head and rear lamps as well as a rear reflector. The code also states that the rear half of the rear mudgard must be painted white. A combination head and tail lamp does not give a satisfactory indication of the presence of a cycle at night, particularly on a dark road and Government has accepted that board's recommendation that section 115 should be repealed.

Cyclists are a serious hazard on a road at night unless their vehicles are adequately lighted and, in fairness to motorists as well as to the cyclists' own safety, the board considers and the Government accepts that a separate tail light and a head light, each complying with the regulations, are essential. It is proposed to amend the regulations to provide that the rear section of the rear mudgard on a pedal cycle shall be painted white.

Clause 25 amends section 141 of the principal Act, which deals with widths of vehicles in two respects. First, it amends in subparagraph (1) of paragraph (*b*), the "total width provision", by substituting 8ft. 6in. for 8ft. 4½in. Secondly, it amends subparagraph (ii) of paragraph (*b*) of subsection (4) of this section passed in the last session of Parliament, which permits the unlimited projection of a rear vision mirror or a signalling device beyond the side of a vehicle, provided it is not more than 5ft. from the ground.

The intention in making this amendment was, it is suggested, to allow a mirror or signalling device projection of 6in. on each side of the vehicle, provided the mirror or device was at least 5ft. above the ground. Draft regulation 1006, prepared by the Australian Motor Vehicle Standards Committee, provides that a mirror or mirrors may project up to a maximum of 6in. beyond the sides of a vehicle or its load. This would allow a maximum width of 8ft. 6in. where a mirror is fitted on both sides of a vehicle. The board has strongly recommended that the maximum projection of a mirror or signalling device beyond the side of the vehicle or its load should not exceed 6in. regardless of its height from the ground and the Government has accepted this recommendation.

The actual height of the mirror is of minor consequence, because at 5ft. it could strike a pedestrian or other vehicle which is 5ft. or more in height and, irrespective of the height, the vehicle to which it is attached would require the additional width of roadway or parking space, depending on whether it is travelling or parked.

The Hon. C. R. Story: It doesn't matter if the man cannot see in the mirror, I suppose? That's incidental.

The Hon. S. C. BEVAN: He has to be able to see in the mirror, in accordance with the Act at present.

The Hon. C. R. Story: Well, he couldn't see in the mirror if the distance were brought down to that.

The Hon. S. C. BEVAN: Paragraph (*b*) of this clause accordingly provides that the passage "and that mirror or device is five feet or more above the level of the ground" should be struck out. Clause 26 amends section 146 of the principal Act by striking out the passage "on that axle must not exceed eight tons" in subsection (2) thereof. The words in this passage are, since the passing of the amendment to this subsection in the last session, redundant and meaningless. They should have been struck out when the amendment to this subsection was made in the last session but this inadvertently was not done. In short, this amendment is a mechanical drafting error.

Clause 27 inserts a new section 161 and has the effect of prohibiting the driving of hovercraft without the approval of the board. Inquiries have been received from prospective operators of air-cushioned vehicles regarding the registration and operation of this type of vehicle, and the Registrar of Motor Vehicles has sought the board's comments on this matter. The Regional Director of Civil Aviation has advised that the Commonwealth Parliamentary Draftsman considers that the Department of Civil Aviation has no power to control the operation of these vehicles, except insofar as their operations may affect the safety of aircraft.

There is no reference to this type of craft in the National Road Traffic Code, but this matter was discussed at the last meeting of the Australian Road Traffic Code Committee, and the committee does not favour the operation of air-cushioned vehicles on roads. The board concurs and recommends that the use of these craft on roads be prohibited unless authorized by the board. The inclusion of the power to approve operation on roads is to provide for any unforeseen circumstances which might arise in the future.

Clause 28 inserts a new section 162c in the principal Act and provides that a person shall not after December 31, 1967, drive or ride on a motor bicycle with or without a sidecar unless he is wearing a safety helmet of a type approved by the board. A penalty of $50 is provided. The provision does not apply to a person carried in a sidecar. Subsection (3) provides that the board shall by notice in the *Gazette* prescribe specifications as to design, materials, etc.

In proposing the amendments to section 51 regarding speed limits for motor bicycles, the Government considers that, while on the one hand higher speed limits for motor cycles is justified, it is felt on the other hand that the wearing of approved safety helmets should be made mandatory, in order to afford some protection from head injuries in the event of a motor cyclist being involved in an accident.

Research has shown that the most common cause of deaths of persons involved in any sort of road accident has resulted from injury to the head. This occurs in 60 per cent of all road deaths and in 46 per cent of deaths to occupants of motor vehicles. Among motor cyclists, it accounts for 71 per cent of all deaths. It is generally held that the motor cyclist incurs the greatest risk of all road users of being involved in an accident. It is assessed that a motor cyclist is 17 times more likely to be killed for every mile he travels than a motor car driver; a motor scooter rider 10 times; and a mo-ped rider eight times. These figures inspired Victoria to introduce legislation to make the wearing of helmets by motor cyclists compulsory from January 1, 1961. In order to assess the effect of this

legislation, a study was conducted on accident fatalities to ascertain the general effect of wearing helmets. The study produced the following conclusions:

(1) That the introduction of legislation making the wearing of helmets by motor cyclists had been highly successful.

(2) The law was virtually self-enforcing and the rate of wearing was estimated at 99.5 per cent.

(3) Motor cyclist fatalities were reduced by 50 per cent. From the study, there can be no doubt that by its ready enforceability, high effectiveness and moderate total costs involved, the compulsory wearing of helmets is essential for the protection of the motor cyclist, whether he is travelling on a long or short trip and however great the inconvenience may be to wear the helmet.

Clause 29 amends section 175 of the principal Act by inserting an evidentiary provision. In two overloading cases recently heard in the Angaston Court of Summary Jurisdiction, the magistrate refused to allow the Highways and Local Government departmental prosecuting officer to produce certificates of accuracy for weighbridges and Hi-way loadometers. Both cases were subsequently dismissed. To call the Warden of Standards or the Officer-in-Charge, Civil Engineering Testing Laboratories, to give evidence as to the testing and accuracy of the weighbridges and loadometers would place an unnecessary burden on the testing authorities. The Government therefore accepts the recommendation of the Commissioner of Highways that the evidentiary provision be inserted in the Act. I commend this Bill for consideration of honourable members.

The Hon. Sir NORMAN JUDE secured the adjournment of the debate.

HARBORS ACT AMENDMENT BILL.

Second reading.

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

That this Bill be now read a second time.

Its object is to provide for the abolition of the South Australian Harbors Board and its replacement by an ordinary department of the Public Service to be known as the Department of Marine and Harbors. The Harbors Board, which consists of three Harbors Commissioners appointed by the Governor, was set up many years ago, and it was considered desirable that it should possess a high degree of authority. It has very wide powers. It may make agreements, fix charges, purchase and dispose of land and plan and fix its own work programme. It has the exclusive control and management of all harbours in the State, lighthouses, etc., and all necessary ancillary powers. It licenses and controls pilots and pilotage. It controls the removal of wrecks and obstructions and generally controls harbours and ferries within the State.

The board also administers the Marine Act, which covers the whole field of merchant shipping within the State, covering the grant of certificates of competency to masters, mates and engineers, powers in relation to the safety and prevention of accidents, investigations and inquiries into casualties, incompetency and misconduct. It recommends the making of regulations under both Acts. While some of the operations of the board are subject to Governmental approval, it is its own master in many respects, and for the most part the Minister can act only on the board's recommendations.

In the early days when the board consisted of members of the Public Service, it controlled something like 80 ports spread around the State's coast and gulfs and the Murray River. Internal, interstate and international transport was slow and limited in kind, and industry consisted mainly of unorganized primary industry, so that few approaches were made to the Government as such. Today, industry, both primary and secondary, is highly organized and, indeed, the Premier's Department, charged with the attraction of new industries and providing assistance to existing industries, has been set up. The Minister of Transport is charged with the co-ordination of the transport system, while such matters as the future operation of containers have become important. These developments demand that the Government be in a position to act quickly to meet competition and secure the best results. In any event, in the eyes of the public it is the Government which is finally responsible, and it is considered undesirable that it be placed in the position of having to work through and seek the approval of a board.

There appears to be no good reason why harbours could not with great advantage to the State and the public operate more efficiently through a department directly answerable to a Minister and always available to a Minister for counsel and judgment. It is the Government's policy that harbours should be under the direct control of a Minister fully responsible to Parliament and the people.

Although the Bill appears to be long, nearly all of its provisions are of a consequential nature. The main clause is clause 7, which removes from the principal Act the whole of Division II of Part III of the principal Act.

constituting the board. In place of the present provisions, it is provided by new sections 49 and 50 that the Minister of Marine is to be a body corporate. New section 51 abolishes the South Australian Harbors Board and vests its property, rights, powers, functions, duties and liabilities in the Minister. New section 52 makes consequential provision. New section 53 provides for the establishment of a Department of Marine and Harbors under a Director of Marine and Harbors, while new section 54 provides for the continuance in office of present officers of the Harbors Board Department, the present General Manager to be the Director. New section 55 is a machinery provision enabling the Minister to delegate his powers, new section 56 placing the administration of the Act under the Director subject to the Minister. New section 57 provides for an annual report to be laid before Parliament.

The remaining clauses are of a consequential nature. Clause 4 is a saving clause to enable the continuity of proceedings, existing proclamations, regulations and the like. Clauses 5 and 6 are of a formal character. Clause 8 repeals section 86 relating to disputes between the board and the Railways Commissioner.

Clause 9 repeals sections 141, 142 and 143 relating to the audit of the board's accounts. Such provisions will be unnecessary in view of the creation of the new department. Clause 10 removes the provisions relating to the reconstruction of the Port Adelaide wharves, these provisions having been spent. Clauses 12 to 15 (inclusive) make consequential amendments of a formal character to the principal Act and to the Marine, Local Government and Explosives Acts, in the main substituting the Minister for the board in all of these enactments.

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

SUCCESSION DUTIES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 2926.)

The Hon. R. A. GEDDES (Northern): This Government believes that fewer and fewer people should pay more and more; that thrift should be penalized; that capital should be spent as revenue; and that fundamental changes in the law of succession (such as the aggregation clauses of this Bill) can be made without a mandate. These changes will affect every person who has arranged his affairs, however modest, in line with the existing law so that on his death his family can carry on without a forced sale of capital assets, which can materially affect the efficient running of a rural property and affect the living area necessary for an economic unit.

This Government believes that the rural industry is a succulent source of additional money. The rural industry supplies all the material needs (food and clothing) of the people of South Australia and exports its surplus products. These exports provide 51.5 per cent of the moneys needed to import textiles, timber, electrical goods, petrol and oil, and these imports are vital to maintain the large labour force employed in our secondary industry. The Government believes that the primary producer has the resources to pay the planned increases in succession duties because the capital cost of land in this State is so high. It blithely believes the money tied up in land, machinery, fencing and water improvements can be readily realized to pay succession duties. It believes that plans to meet the problem of taxes on death by prudent life assurance policies paid for annually over good years and bad should also be taxed. I consider this to be a direct penalty on the thrift of the wise people who wish to keep their rural holdings an economical unit for those who succeed them.

The standard of living in this State is as high as the standard anywhere in the world, yet the average rural holding shows a profit of between 2 per cent and 3 per cent only. It is easy to look at land values and say they show great wealth, but a 3 per cent return on capital is not a great return of profit. In the last 10 years this State's population has increased by 25 per cent and the rural population by only 2 per cent. The 23,035 owners or lessees of land could afford in 1966 to pay wages to only 8,172 permanent employees.

I agree that the Bill provides relief for small estates and hits heavily at large estates, but usually owners of large estates are able to make adequate provision to meet the payment of duties, and they will still be able to do so despite the provisions of this Bill. My main objection is in relation to people who have middle-class estates, as they will need to provide more money for Government revenue. People owning moderate estates are not able to divide their incomes and have someone else pay the premiums on life assurance policies. With a separate succession, reasonable savings in duty levied on policies could be made, but

that is not so under this Bill: the middle man who is faced with increased duty on his estate and has life assurance to cover this problem will find that the proceeds will be dutiable in his estate.

Of the 29,000 holdings of land in South Australia, 20,000 are between one and 900 acres in size. These are held by people in the middle-class group. Men and women of moderate means deserve to have fairer consideration than they will receive under this Bill. Why should a man with life assurance assets of $50,000 be treated differently from a man who has $50,000 invested in Broken Hill Proprietary Company Limited shares? The man with life assurance policies would have had to pay $400 a year out of his pocket for 10 years or more in premiums, and this would have involved him in some sacrifice. The man with the shares would have had more substantial means, have been able to accumulate $50,000 in cash, have inherited the bulk of the assets during his lifetime, or have obtained the money from some other source. He would have received $1,000 a year income from his investments. I can see no reason why the man with the shares should not have to pay duty, and I think there is every reason why the person who by his thrift has paid $400 a year to provide protection for his family through life assurance should be exempt.

Furthermore, there is a tremendous difference between the wealthy man and the middle man in that the latter relies almost entirely on life assurance to provide for his family, whereas the former, whether pastoralist or industrialist, will no doubt have a business that will continue and from which an income will still be forthcoming for the benefit of his family. The family of a middle man relies almost entirely on life assurance policies to meet death duties. Life assurance has been the traditional means of providing for death duties, and I am not prepared to see this provision taken away from any man, particularly the middle man.

There are many anomalies still in this Bill and many parts with which I do not agree but, because of the technical nature of these clauses, I shall withhold my remarks until the Committee stage. If the Minister indicates in replying to the second reading that the Government is prepared to accept constructive amendments, I will support the second reading but, if not, I will not support it.

The Hon. M. B. DAWKINS (Midland): I rise to speak to this Bill which, despite the improvements that have been made (I do not think anyone will attempt to deny that improvements have been made), is still too much like the vicious Bill that this Council found it necessary to reject last year. It still has the aggregation proposals and the provisions concerning assurance. I intend this afternoon to talk about this proposed legislation from the primary producer's point of view. Other honourable members, with great competence, have dealt with other examples, and the Bill has been widely discussed. We must remember that the primary producer, even if he is only 20 per cent (or whatever it is) of the population these days, still provides at least 70 per cent of the oversea balances and the wherewithal for our economy to be balanced and advancement to continue. While I believe that the Government has endeavoured to make some improvements (and I give the Government credit for that) the Bill is still objectionable in some respects. I cannot support it as it stands.

To some extent, it is a similar Bill to, but sugar-coated compared with, last session's Bill. I am totally opposed to the aggregation clauses, for which I believe the Government has no mandate. It has made no real attempt to exempt a living area for a primary producer, which it promised to do in the policy speech of the present Premier in February 1965; or perhaps it would be better to say that the Government has no real appreciation of what a living area is or of the variations there can be in a living area for various types of primary producer—dairy farmers, fruit blockers or cereal farmers, to name only three members of the primary-producing fraternity.

The Hon. Mr. Gilfillan stated (I am not quoting him word for word, but this is a summary of what he said) that the people who are interested in this Bill are in three categories: (1) those who are opposed altogether to succession duty; (2) those who are opposed to a vicious duty but are prepared to accept reasonable imposts; and (3), at the other end of the scale, those who are opposed to any retention of capital, their object being a peasant society. I do not think any moderate Labor man really wants that object, but my purpose is to show this afternoon that, with Bills such as this, one can achieve (at any rate, in time) virtually a peasant society, in primary-producing circles at all events.

The Hon. Mr. Gilfillan went on to say that in his opinion most people belonged to the second category, those opposed to vicious duty but prepared to accept reasonable imposts. I

support the honourable gentleman in his statement that most people are in that category. However, some provisions of this Bill take us away from the category of "reasonable imposts". If this Bill is passed as it now stands, it will stop development in some quarters. I am positive that the Government has no real appreciation of the difficulties under which a primary producer works or the relatively large amount of capital in assets, not in cash, needed to obtain a modest income. A few moments ago the Hon. Mr. Geddes mentioned a return of 2 or 3 per cent on capital.

I had no idea he was going to suggest those figures, but I endorse them entirely, because it is my own opinion that in many cases farmers receive only 2 or 3 per cent on the capital that today they have tied up in land. Therefore, they need a large amount of capital in assets to earn a modest income. I am sure that the Government, further, has no appreciation of farming difficulties, for it has increased grain freight rates by amounts up to 33⅓ per cent in the one operation. Under this Government it appears that it is something in the way of a sin to be successful; yet it is on the successful people that the Government depends for its day-to-day revenue, for the money needed for expansion and for the creation of further employment and the circulation of money in the community. It is the successful people who inevitably pay more in taxes—in income tax (from which the Government gets an indirect return), land tax, water rates, freight rates, and all the rest. Therefore, these people pay collectively for Government services during their lifetime.

If a man is successful, it is reasonable that he should pay reasonable taxes throughout his lifetime. Because men are successful, however, and build up their assets and have something to leave, this Government wants to tax them unduly when they are dead. This is the socialistic practice of levelling everybody down. Therefore, no-one will try very hard, and the whole nation will suffer. If we divide up the farmlands and breed a nation of peasants, we shall reduce our productive capacity. We have only to stop for a moment and consider the case of China and Russia which, although they are dominated by Communist Governments, are nevertheless socialistic in their practice. These nations were once great producers of grain. We know that in recent years, as a result of their collective farms and the reduction in production, they have both been buying large quantities of grain. It is the inevitable result of levelling people down to a peasant society.

When I was in Tasmania last year at the Commonwealth Parliamentary Association conference, I had cause to say something about future land development in Australia, because that was one of the important subjects with which we dealt. I had something to say in particular about the development of third and fourth-class land in South Australia because, after all, we have not much land left to develop, and most of what we have is third or fourth-class land. I have mentioned before in this Chamber (I do not apologize for mentioning it again) the sand and sea shells kind of country at the bottom of Yorke Peninsula, and the light sandy country in the Murray Mallee.

Soon after my return, I had cause to say something more about this type of country when this Government stopped freeholding further land. If we stop people from virtually creating something out of nothing—that is, from developing by hard work and at great expense land that is now useless into worthwhile properties—first, by denying people the right to freehold what they have created and, secondly, by taking it away from their heirs when they are dead, we shall bring further agricultural advancement to a dead stop and shall do this State much harm. The Hon. Mr. Kemp the other day mentioned the country in the Lameroo-Pinnaroo area which has been developed under the liberal laws of this State into good country and brought into good production; he also mentioned the country across the border in Victoria which, under less liberal laws over the years, has not been developed to anything like the same extent, and therefore is not an asset to the State of Victoria in the same way as the Lameroo-Pinnaroo-Geranium areas are assets to this State. I believe that if we penalize farm estates by imposing high duties we are going to stop further development, and we shall get a complete freezing of enterprise and expansion in the agricultural areas. If we have a Succession Duties Act that in some cases will place crippling charges on some estates, over a period of years it will be found that a large number of agricultural properties will be reduced in such a way that there will be considerable peasantry in agriculture. One has only to go a few miles from Adelaide to observe areas that have been cut up into five and 10 acre lots. They are sections of land which, under broadacres, produced good crops of grain and provided good grazing,

but which in the five and 10 acre blocks have been over-produced, blown away, or not developed properly.

A stage is reached where people may be struggling for a living. I, like my friend the Hon. Mr. Geddes, protest on behalf of the medium-sized estates and point out the effects this Bill will have on them. Nobody will be prepared to work himself to a standstill in order to develop a new property if it is to be taken away from him during his lifetime because he is no longer able to freehold it or if his heirs will find it necessary to mortgage it up to the hilt to pay succession duties. Nobody will be prepared to develop further and increase production on what may be an already well-established property because such effort may place him in a more crippling bracket in death or succession duties. Nobody will be prepared to develop agricultural properties and so develop the State, if he is no longer able to cover his estate in so far as succession duties are concerned by taking out sufficient assurance cover, because again this would place such a person in a crippling bracket of succession duties under this Bill.

I submit that the Government will ensure (if it passes this Bill in its present form with its obnoxious aggregation proposals) that primary production will not expand but tend to stagnate. Further, if the Government considers primary production is not important to the State or that it is not important to its own revenue, it will proceed with this Bill at all costs and reject all demands to improve it. However, let me tell the Government that primary production is still "primary"; it is no accident that it has been given the name "primary production". It is still primary and not secondary; it is still of primary importance to the wellbeing of the State and, important as secondary industry is today (largely through the progressive policies of the previous Liberal Government), it is essential for the advancement of this State that primary industry should continue to expand and not be subjected to the marking time or tightening up that I believe will be the result of this Bill, not merely for the benefit of the primary producer but with the aim of securing sufficient food for our growing population. I know that we used to be worried at times in the past about export surpluses, but in some categories at least the State is fast catching up with such surpluses, and they do not worry us to the same extent as previously. We shall eventually reach the position where we will be hard put to feed our own people.

The Hon. Mr. Banfield said that $40,000 and not $30,000 was the "break-even point". Let us accept that. Does the honourable member really believe that an estate of $40,000 (and remember this is only £20,000) is a big estate? Even a small place, including property, stock and insurance, would have no trouble in adding up to $40,000. The problem is much more accentuated with a farm. First, because of the grossly inflated land values that obtain (through no fault of the farmer) over large portions of the State, it means that in many cases a property with a capital value from a production viewpoint of only $30,000 has a saleable value of at least twice that amount. If the Hon. Mr. Banfield had $40,000 no doubt he could invest it in very good securities at 5 or 6 per cent, and if he cared to take moderate risks he may secure even more. On the other hand, as a Socialist, he would probably spend it until it was gone, but if he put it into a farm he could not expect a better return than the 2 or 3 per cent mentioned by the Hon. Mr. Geddes and by me.

What I am trying to drive home to the Government is that only a most ordinary farm would be worth $40,000 in most cases in these days of inflated value. The Government would not be getting into the "big people" here. Other members have spoken about the manner in which this Bill will affect people in secondary industry, but I am concerned with the men on the land with medium-sized estates. It would be a medium-sized or small farm that would be worth $40,000, depending on the location and type of farm. If the farmer is lucky, he will also own some plant, he may have saved a few bob, and he will have some assurance to provide for his wife and family. The value of that farm and these other assets could well reach $60,000. I protest on behalf of the medium estates. These relatively small estates may be small as far as acres are concerned, but not as far as saleable value is concerned, but the point is that the farm would only be worth that amount if the farmer wanted to sell. It would not be worth anything like that amount as far as production capacity was concerned. Turning from the person in the medium bracket, let us look at the man who is a pioneer; the man in this day and age who wants to follow in the footsteps of his grandfather of a hundred years ago. He wants to develop something and he would, but for this Bill and the restriction on freeholding, be prepared to go out and spend half his lifetime developing 3,000 acres of what may now be useless country. He would be prepared to do

that for the benefit of the State as well as himself.

I suggest that such a man would need 3,000 acres of this type of country in the early stages; I refer to the type of country that can be found at the bottom of Yorke Peninsula, where there is sand and sea shell. It might be wondered how anybody could do anything with that country. I believe if a man took over that sort of property for a small amount he could well spend half a lifetime developing it, and getting little from it for the first portion of his time there. He could easily ruin his health and shorten his life in the process. He is, as I said earlier, a successor of the pioneers. He could buy 3,000 acres of sand for a small sum of money. He may well be told that, after virtually creating this country into a valuable asset over a period of 20 or 30 years (after the application of trace elements and manures, and the establishment of clovers), the land is worth $60 to $80 an acre, while the total estate may be worth $180,000, plus the value of plant, insurance, and the few bob he may have saved in the later years. Then, he may be told by this Government (if it is still in office and the provisions still obtain) that it is so grateful and appreciative of his efforts that it proposes, by way of reward, to take much more than one-quarter of it from his heirs by way of death duties.

The Hon. R. C. DeGaris: It depends on how many inheritors there are, too.

The Hon. M. B. DAWKINS: Yes. The amount could be much more than that, in certain circumstances. Even under the most favourable provisions, the First Schedule, much more than one-quarter will be taken away in death duties. If the property was valued at $200,000 or more the amount of duty would be $52,500 plus 40 per cent of the excess over $200,000. At present, the basic charge for an estate of this size is $35,450. If we multiply that by one and a half, we get about the same amount as the $52,500 just quoted. So, in respect of the man who spent half his life-time creating something out of nothing, the increase would be 50 per cent.

The Hon. L. R. Hart: That is State duty only.

The Hon. M. B. DAWKINS: Yes, we have to add the Commonwealth duty to that.

The Hon. R. C. DeGaris: The Commonwealth duty is 48 per cent.

The Hon. M. B. DAWKINS: Yes, it is 48 per cent. In order to pay these exorbitant death duties his heirs will spend half of their life-time marking time and trying to pay off the overdraft, instead of advancing, if indeed they can retain the property intact. The policy of this Government would result in creating such an overdraft. Will we get anyone who is willing to go in for this sort of expansion if we place these crippling burdens, which are so accentuated by the aggregation, upon people? Of course we will not. When a man examines these matters and talks to his solicitor, he will get a nine-to-five job somewhere else.

It is not only because of the crippling duties that farmers may have to pay but also because of the stagnation that can be caused by this type of legislation that I cannot accept it in its present form. The Hon. Mrs. Cooper dislikes succession duties, to put it mildly. I think she comes into the first category that the Hon. Mr. Gilfillan mentioned, those who were opposed to succession duties altogether. However, I think Mrs. Cooper has never said anything more correct in this Council, although she has probably said other things of equal value. I make no apology for repeating this statement that she made:

> 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 entirely endorse that statement. If we have people who have advanced and expanded their activities during their time here, and who are paying taxes all their lives, why should there be an excessive charge made when they die? I would not go along with the abolition of succession duties. Much as I would like to do so, Governments need money, and we know that. However, I cannot justify the excessive rates of duty that this Bill envisages in some cases. I believe that the great objection to the Bill is that it will divide and decimate country properties, and I endorse the objections that have been made to it.

The Hon. Mr. Story and the Hon. Mrs. Cooper mentioned the position in the United Kingdom. I know that the Rt. Hon. Sir Winston Churchill is reported to have said, in answer to an interjection, that he could never subscribe to Socialism and that he had no intention of presiding over the disintegration of Great Britain and the Commonwealth. However, I believe that Earl Attlee did this very thing, able and confident as he may have been, and dedicated to his own ideas. The Socialists in Britain proceeded to level everyone down and

reduce their capacity as individuals (and, therefore, as a nation) to expand and develop. This has brought Great Britain to her present unsatisfactory position. The dismemberment of the larger estates in Britain and the tendency to dismember the Commonwealth are the result of socialistic policies. The Socialists in Britain 20 years ago, when they took over Government, proceeded to bring everyone down to a level to reduce their capacity to expand and develop.

I believe that this policy has brought Great Britain to her present unsatisfactory position and I believe that we cannot unscramble the egg. If the Socialists break the eggs, we cannot put them together again. We may institute some corrective measures but we could not undo the harm that the Bill before us will do. If it is passed in its present form, it will be the preliminary to a straight-out estate duty n South Australia. I should be exceedingly sorry to see such a thing happen. I believe that that would mean that we would continue to lose the drive and effort that we have had in the last 20 or 30 years at least until recently. This loss of initiative, drive and expansion which has gone on in the last 18 months and which has reduced our standing in the eyes of the other States, would continue and would be accentuated in primary industry in particular and in other segments of the community.

Therefore, I consider that the Government would be very wise to withdraw and redraft the Bill. I am not in favour of it, as I have endeavoured to indicate, but I am prepared to see the Bill go into Committee in order to see whether the Government is sincerely prepared to amend it.

The Hon. C. R. Story: Has the Minister given any intimation yet about whether he will accept amendments?

The Hon. M. B. DAWKINS: I am anxious to hear what he says in reply. If the Bill reaches the Committee stage, I intend to support amendments that will attempt to make it more reasonable and just.

The Hon. C. D. Rowe: I take it that we shall get detailed explanations regarding the suggestions that we have made.

The Hon. M. B. DAWKINS: I hope the honourable member is right and I look forward with much anticipation to the Chief Secretary's reply.

The Hon. A. J. Shard: Whatever I said would not make any difference.

The Hon. M. B. DAWKINS: However, should there be no very substantial improvements made in Committee, I intend to vote against the third reading.

The Hon. L. R. HART (Midland): Two things concern me about this Bill. First, I am not enamoured of the concept of succession or estate duty as a means of raising State revenue, largely because by this means of taxation, as shown in the Bill before us, there is no place for thrift or prudence. In studying the background of death duties, one finds that duties upon estates and deceased persons were imposed as long ago as 1865 by New South Wales and Tasmania, and by 1895 all of the then colonies had enacted duties upon deceased estates. This, of course, was before Federation, and it was not until 1914 that the Commonwealth introduced the Estate Duty Assessment Act. This Act provided for the levying of duties on the net value of the estate after the payment of all debts.

State probate duties are especially defined in the Act as being debts on the estate. In drawing up its legislation at that time, the Commonwealth, of necessity, paid regard to the fact that death duties were imposed by all States. Further, it was recognized that before an estate could be dealt with, probate —a State function—had to be obtained and probate duty paid.

In determining the base upon which the Commonwealth estate duties should be levied, it was logical that deductions should be allowed from the gross value of the estate for obligations contracted by the deceased. On this view, deductions for State probate and succession duties would not be allowable, since they represent debts incurred after death. However, State probate and succession duties, along with several other debts, appear to stand on a special footing of their own.

They arise directly out of the death; they are incurred immediately afterward, and their amount is readily ascertainable. They constitute a positive and inescapable diminution of the amount of the estate passing to the beneficiaries. On this basis, therefore, it is no more than equitable than the value upon which Commonwealth duty is assessed on an estate should be after deduction of State probate and succession duties. By that, we see that the greater the amount of State duty paid on an estate the less the amount of Commonwealth duty that is available, and the lower the amount of State duty the higher the amount that would be incurred in Commonwealth

duties. However, the Commonwealth duties are at a lower and much less vicious rate.

I consider that the time has arrived for a reappraisal of all forms of death duties and their impact on various sectors of the economy. We should be looking to alleviate and not intensify this method of taxation. It can be shown that death duties have a particulary detrimental effect on the rural sector. In some cases, many necessary improvements are deferred to escape increasing property valuation during the latter years of a producer's life. In other cases, money, which might be spent on providing farm improvements, goes to pay death duties. In both instances, the nation loses by rural properties not being used to their maximum production.

I can instance at least two cases where this applies. One is on the question of afforestation. It is generally recognized that a great deal of our shortage of softwood timbers could be overcome if we could encourage farm afforestation; that is, encourage the private individual to go in for growing pine trees, but one of the things that discourages the primary producer and the landowner from engaging in this form of production is this question of death duties. A man may have a forest that is reaching maturity, and he may be unfortunate enough to die and that forest is assessed on its value at the time of his death. In a case of this kind, death duties could be crippling. So, here alone we find that the very impact of death duties is preventing a certain section of producers of this State who are on land suitable for this purpose from engaging in this very necessary culture. I understand that in some countries death duties are not payable on afforestation land until such time as the crop is harvested. However, this Government, apparently, is not prepared to look at this question of alleviating death duties on the producer of softwood timber. If it were, an appropriate provision would have been incorporated in this Bill.

The other matter I wish to discuss is that of drought reserves of fodder. We all know that this country is subjected to periods of drought, and that it is necessary that we have adequate supplies of fodder to carry us through such periods. Here again, we run into the question of the person who has made adequate reserves for his own needs and, perhaps, a little extra for the needs of others. When he dies and his estate is valued, this fodder which he has put by for his own needs and for the benefit of the nation is subjected to these vicious succession duties and, therefore, people are discouraged from putting by these very necessary drought reserves.

I would go so far as to say that my advice to a farmer who has more than one son and who has insufficient land for them would be that he would be very unwise to endeavour to place all of his sons on the land at present. It would be necessary for him to purchase extra land, and in doing so he would be building up a capital asset which could well cause extreme financial difficulties should he happen to die at an inopportune time of his life. It would be far better for the farmer's sons if he gave the boys a higher education to fit them for another vocation in life. If they went to a university and obtained a degree they would, at the age of 23, 24 or 25, be in a position to take a job or enter a profession, which would be fairly highly paid, whereas if the farmer kept them at home on the farm, he would have the problem of buying extra land for them. This would be difficult economically, and the sons would have to work for a very low rate of wage until they were able to get themselves established.

The Hon. M. B. Dawkins: Then they have to pay very high succession duties.

The Hon. L. R. HART: If they were successful and are able to redeem their debts, then, of course, they would be up against this very same thing themselves—this increasing rate of succession duties. In giving them the extra education, the father would be assisted by the State and, of course, the expenses he incurred would be an income tax deduction. This is something that should not be: we should encourage people to go on the land and increase production. As the Hon. Mr. Dawkins says, as the population increases the need for food will increase, and it will be necessary that we have full production of food in this country.

I believe the impact of increased succession duty rates and the drastic alteration to the principle under which they are applied are not fully appreciated by this Government. The Government appears to base its case in relation to primary-producing land on what is virtually a minimum living area—an area from which a producer, by sheer hard work and diligent application to his job, is able to eke out a bare existence.

Last week the Hon. Mr. Banfield went to great pains to give examples of the size and values of properties which, he said, were able to provide a living for a family unit. We must have flexibility in our primary production. If

a man has a dairy farm, dairy farming is his job. If dairy farming is not paying, there is no other form of production that he can engage in. Where monoculture exists, an attitude of mind develops that demands that production of the commodities should continue when all economic dictates are that it should cease. The dairy industry would be in a sorry plight if it were not for the high subsidy of $26,000,000 a year paid to dairy farmers in Australia.

All farmers cannot be dairy farmers. Of what use to a grain producer is a property valued at $30,000, $40,000 or even $50,000? A grain producer has a capital investment of many thousands of dollars in machinery, which can be economically used only over a large area for a long period. A farmer could not economically fit himself out with machinery to farm a 400-acre property, and the trend all over the world is to increase the size of properties because of the necessity for flexibility in production.

Australia cannot afford to waste its valuable resources on uneconomic enterprise. For this reason, producers should always have alternative forms of economic production available if one form of production becomes uneconomic. We know that it is the policy of the Labor Party to break up what it terms large estates, but what does it term a large estate? This is something we want to know.

The Hon. C. R. Story: If you listen to the member for Glenelg, it is valued at between $20,000 and $30,000.

The Hon. L. R. HART: Yes, and he is an economist and should know!

The Hon. M. B. Dawkins: And a theorist.

The Hon. L. R. HART: Yes. However, when he goes into country areas he does not talk on that subject: he confines his remarks to matters of education, about which possibly he has some knowledge. On the question of agriculture, one must listen to the people who are engaged in and have some knowledge of it. If the Labor Party wants to break up this country into peasant farms (which undoubtedly it is trying to do, or will do under this legislation) it will have the very problem I mentioned—industries that will have to be subsidized because they cannot economically carry on. Where will the money to subsidize them come from?

Undoubtedly the Labor Party will say that we should go into collective farming. If they were students of Marxism they would say that this was successful in Russia but, as the Hon. Mr. Dawkins pointed out, this was not successful in other countries and it will not be successful anywhere, because the system of sharing machinery has never worked in this country where it has been tried under private enterprise. This is so because crops do not wait until the neighbour has finished using the machine that belongs to the group: they must be reaped when ready. Reducing the size of farms could lead this country into economic disaster, which I say with conviction and as a result of my knowledge of farming practices.

A producer of substance, with what may be termed an economic family unit, continually faces the problem of keeping this unit intact on his demise. The sale of farm property to meet death duties must be discouraged, because fragmentation of properties must inevitably lead to the development of uneconomic units. In some instances it may even result in competent farmers being forced off the land on to the labour market. Indeed, this is happening in many cases today. Present-day farming does not offer a high percentage return on capital invested in the property. In fact, the Bureau of Agriculture Economics survey showed that 56 per cent of the people on farm properties in South Australia working as owner and family help were receiving less than the basic wage in return for hours worked. Does the Labor Party want to reduce the labour force on farm properties to the basic wage level? Does it realize that by this legislation this is what will happen?

It may be said that farming is a way of life. It cannot be denied that it is a highly competitive enterprise. To be a successful farmer requires not only a wide practical knowledge of the many skills connected with farming but also adequate financial backing in addition to a good general knowledge of business procedure. To gain entry to an agricultural college it is now necessary that one have a high standard of education—Leaving or Matriculation standard. This would not be necessary if it were not desirable that the farmers of tomorrow have an adequate knowledge of business and farming practices. The day when the farmer's son left school at 14 and went home to the farm and milked cows and drove horses or a tractor has passed. Farmers now need a highly-trained background, and it is essential that this type of person be attracted to the land, not driven away from it.

When a farmer dies, there is often insufficient money on hand to satisfy the requirements of death duties. Then the heirs are faced with the problem not only of settling the debts but also of ensuring the continuity of the property as an economic productive unit. If farming

is hampered by a lack of available funds, the obtaining of those funds is rendered harder by an enforced sale to pay succession duties. Then, as an economic unit, the farm would either deteriorate or have to be sold. In this Bill much stress has been laid in speeches by members of the Government on the benefit to be gained by widows. A cross-section survey of 70 estates revealed that only 32 were passing to widows, so people other than widows were interested in benefits in relation to succession duties.

This is a complicated Bill. If the Government set out to confuse the layman, it certainly did a good job. The administrators of wills will have some difficulty in interpreting the provisions of the Bill. It has been suggested to me by people in trustee companies that they do not fully understand the implications of the provisions. If this is the case, undoubtedly there will be a higher cost in the administration of estates, in addition to the high rate of succession duty envisaged in this Bill.

I turn now to the Bill itself. There are two matters about which I am not happy. One is the aggregation of insurance with other assets of an estate. People should be encouraged to make provision for the payment of death duties. In doing so, they should not be placed at a disadvantage. Insurance should not come into the aggregation provisions—that is, if we are prepared to accept aggregation at all. I do not think we should. Regarding the Bill previously before this Council, many honourable members said they would be prepared to accept an increase in the rates of succession duty. The Government has come back and introduced this Bill, saying, "We have brought you an amended Bill. Why aren't you prepared to accept it?" But this is not a Bill amended along the lines suggested by honourable members previously: it is still an aggregation Bill. The only trouble was that the Government itself did not understand the Bill: possibly it does this time.

Another matter that concerns me is the question of joint tenancies and tenants in common. If a property is held under a joint tenancy, it does not qualify for the primary-producer rebate. I should like the Minister when he replies to this debate to give an acceptable and substantial reason why land held under joint tenancy or even by tenants in common should not qualify for the primary-producer rebate. If the same property was held under two different titles but farmed as one unit it would qualify for that rebate, but if held under joint tenancy it would not. There may be reasons for this. Perhaps the Government wishes to enforce the subdivision of such properties or the properties of people under joint tenancies into two titles, thus gaining extra stamp duty.

Much as I dislike this Bill, it can possibly be improved by amendment. Although I opposed the previous Bill on its second reading, at this stage I am prepared to support the second reading of this Bill. I hope that during the Committee stage we shall be given the opportunity of amending it. I trust that the Government will be compromising in its attitude, because many good reasons have been put forward why some of these provisions are completely unacceptable, not only to the rural section but also to all sections of the community. No doubt, Government members in this Council agree with some suggestions that have been made, but the problem always is that the Government has its masters: it is a matter of what its masters say. I suggest that the Government members be true members of a House of Review and consider legislation on its merits. I reserve further remarks on the Bill to the Committee stage. At this stage I am prepared to support the second reading.

The Hon. C. M. HILL (Central No. 2): I shall not speak for long, because the points I had in mind about this measure have already been mentioned during this fairly long debate. It is worth mentioning that it has been a long debate. It has been so of necessity, because one of our purposes is to hold up very important measures of this kind until such time as we are convinced that the people have had adequate time in which to acquaint themselves with all aspects of them.

Some relief is being given in this measure to estates that come roughly into the moderate range. Many such estates exist within my electoral district. Because of that and because it is essential that further debate in the Committee stage should take place to see whether some of the proposals put forward by the Opposition will be considered by the Government, I am prepared not to oppose the second reading but I reserve my final decision to a later stage.

Like all honourable members who have mentioned the need for people to have the right to take out life assurance, properly assigned and taken out for a specific purpose, I believe there is a need for this and I strongly support honourable members who have asked the Government to consider the matter. It seems common sense, and it is practical and

eminently fair, that anyone should be able to protect his accumulated interests and his wealth in such a way that when he dies a separately proposed life assurance policy is there for the purpose of meeting death duty. That a Government should oppose a man's right to do that, to protect that which he has accumulated and to protect his family, is almost unbelievable, in my reckoning: yet under this measure a person is not entitled to do that.

I understand there are amendments on the file that will allow it. They will receive my strong support. We have heard much about country interests during this debate and how country people understandably have large amounts of capital tied up in property. The same principle applies in the metropolitan area, where people who have accumulated business interests have capital tied up in forms of assets other than money. On a person's death there is a need for money to be available for succession duties, and it should be available from life assurance.

I oppose the general principle of aggregation of assessments within the one estate, as suggested in this Bill. It was also included in the Bill of a similar type introduced during the last session. I strongly criticize the Government for its approach on the subject of aggregation, particularly because I believe that the Government prior to the election knew that it was going to change this principle. I believe it knew this was to be the new approach and yet it was not mentioned in the policy speech or at the time of the election. This amounts, in my view, to political deceit.

The Government did mention some aspects of succession duties at the time, but this was not one of them. It had the knowledge that this was to be the approach, yet it did not give any information to the people that such a principle was within the proposals. It did not do it because it knew what the reaction of the people would be. It also knew that such a principle would be three-quarters of the way to an overall estate duty principle. The Government knew how strongly the people would object to the introduction of such a principle.

I know that in the Government's platform it was intended to greatly increase succession duties on large estates. Because it was in the platform, and because the Government was elected, understandably it could claim that it had a mandate on that point. However, it is a fairly hollow mandate because, as we all know if we are honest in examining this feature, any Government would have the numbers of its side on a question such as this. I believe we are entitled to look at the matter from the point of view of the State as well as from the aspect that it is part of the Government's mandate. I believe great damage can be done to the State if the process of levelling down of wealth is applied, particularly in South Australia, because here we do not want to curb enterprise and initiative of this kind.

I speak particularly of people in the metropolitan area as distinct from those in country areas. It is not easy for people in the metropolitan area to accumulate reasonable wealth commensurate with the skill applied by them to their work because we do not have a wealthy State capital. We live in a climate of price control and in an economy where profits are not high; we are not blessed with natural resources and a great number of our large business enterprises are branches of national groups with head offices in other capital cities. Therefore, it is not easy for people in the metropolitan area to accumulate wealth and any wealth accumulated has been earned the hard way. Having earned it the hard way it is in the State's best interests to allow these people full rein instead of restricting and curbing them, which measures of this kind tend to do. If we do allow enterprise full rein it will undoubtedly be of great benefit to the State.

Here we have a taxing measure (admittedly backed by this rather hollow form of mandate) that will level down the people in that financial category. I think it is an extremely bad thing for the State. I am prepared not to oppose the second reading of the Bill, but I am looking forward with great interest to the debate that will ensue in the Committee stage. I reserve my final decision until we reach the third reading stage.

The Hon. Sir ARTHUR RYMILL (Central No. 2): During the debate on this Bill last session, in common with other members, I told the Government that I was prepared to support only an increase in succession duty rates, and that it did not have a mandate for anything else. I have read again the policy speech delivered by the Premier prior to the last election, and portion of it states:

Our policy on succession duties provides an exemption of £6,000 for the estates inherited by widows and children. It also provides that a primary producer will be able to inherit a living area without the payment of any succession duties but a much greater rate of tax will be imposed on the very large estates. This will be more in keeping with what is in operation in other States.

That was the only mention of succession duties; no mention was made of aggregation or of the increases that are set out in this Bill on other than the very large estates. The very large estates are not the only estates singled out.

The Bill is similar to the one introduced last session. As other honourable members have said, there has been an attempt to give it a more attractive look, a sort of sugar coating, but the coating, in my opinion, is thin. I drew attention in the debate last session to the fact that in a federal system State succession duties cannot be isolated from Commonwealth estate duty. I do not think this matter has been dealt with by honourable members who have spoken in this debate. I again draw the attention of the Council and the public to the fact that this is not the only duty that has to be paid on deceased estates, because there is a very substantial Commonwealth duty as well. Any duty that is the province of both the Commonwealth and State Governments must be considered on the basis of the total impact on the individual, not just the impact of one or other of the duties.

I dealt with this matter fully last year and invited the Government to bring in a Bill dealing only with rates. I told the Government categorically and unequivocally that I would support such a measure. However, it has not chosen to do that. It has chosen to bring back a Bill similar to the one that this Council rejected last session. So, for the same reasons as I gave last year, and for the same reasons as have been given by other honourable members, I do not propose to support the second reading. If it passes the second reading, I shall support amendments designed to limit the scope of the Bill.

The Hon. **Sir NORMAN JUDE (Southern):** I think I can say quite reasonably that I endorse practically all the criticisms of this Bill made by my colleagues. I appreciate that some further concessions are made, but the underlying principles remain the same. It would be unnecessarily redundant if I were to repeat the many excellent arguments that have already been advanced by honourable members (in fact, to some degree, on both sides). However, I emphasize the extraordinary and almost pathetic lack of knowledge displayed by some honourable members about what we might term ordinary farm values, such as soldier settlement blocks and farms with an area of between 500 and 1,000 acres. Only a few years ago members of both political Parties, in this Council and in another place, doubted whether they were adequate living areas for our returned soldier settlers. An examination of *Hansard* will back up that statement.

Certain amendments have been suggested in order to remedy the more vicious provision in the Bill for increased taxation, and I shall listen to the Government's opinion on these amendments. In short, I shall let the second reading pass but unless the Government, not only my colleagues, advances argument for improvement of the Bill, I shall certainly vote against the third reading.

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for the attention that they have given to this Bill. As I see it, the main objections raised by honourable members to the principle of the Bill relate to aggregation, to the insurance exemption, to the size of a living area, and to the primary production provisions. There is nothing new in the principle of aggregation. It is almost universally applied, and this State has been the exception in this respect. As has been indicated, the object of these provisions is to prevent the avoidance of duty by loopholes. The Government attaches considerable importance to the aggregation principle.

One honourable member suggested that the new provisions should be applied only to arrangements made after the passage of the Bill. It is true that in the past certain provisions against reciprocity have been made, but these were made only when it was proposed to levy duties upon benefits not previously dutiable. All that the provisions of this Bill do is provide that all benefits accruing to one beneficiary that have hitherto been dutiable in several parts shall in the future be aggregated to determine the rates of duty and extent of exemptions applicable to one beneficiary. There is no proposal to extend duties to items not previously dutiable.

Honourable members have also objected that the new and additional exemption of up to $2,500 for insurances kept up for a near relative is insufficient. The Government considers that the amount of $2,500 is reasonable, having regard to the rises in basic exemptions and the higher rebates in respect of land used for primary production passing to a near relative. I would repeat what I said in my second reading speech in connection with exemptions—that rebates will be allowed at the average rate of duty chargeable on the whole of the property taken.

Exception has also been taken to the rebate in respect of land used for primary production

because it is considered to be too low. It is said that $24,000 is inadequate. The Government does not accept this suggestion. As I said in my second reading speech, a widow succeeding to a primary-producing property with a net value (and I stress the word "net") of $24,000 will pay no duty, whereas at present she would pay $1,575. Moreover, if succeeding to primary-producing property with a net value below about $54,000, she would pay less than at present. A son succeeding to such property with a net value of $18,000 would pay no duty, instead of $1,225, while he would pay less than at present if succeeding to primary-producing property with a net value below about $39,000.

It is considered that the provisions are generous. It should be noted that, where more than one child succeeds to a primary-producing property, the provisions of the Bill are still more generous than those in the existing Act. While on the subject of primary-producing property, I refer to suggestions made by some honourable members that subparagraph (*d*) of the definition, which excludes interest held as a shareholder in a company as a joint tenant or tenant in common or as a member of a partnership, should be removed. I point out that this exclusion is already in the principal Act and was, in fact, enacted by the previous Government. These particular cases were excluded because it was a fair presumption that the land was held in such manner so as to secure advantages in State or Commonwealth tax and, accordingly, no further benefit or advantage was appropriate. Honourable members opposite accepted the exclusion when it was introduced in 1959. The Government has not introduced but has merely continued the exclusion.

Honourable members opposite have also objected to the comparisons made in my second reading speech with the amounts payable in other States. I admitted that it was difficult to compare local rates with those elsewhere because of the difference in the mode of assessment, but the fact remains that the present Bill will narrow the difference between amounts payable in this State and those payable elsewhere. Apart from the general principles to which I have referred, this Bill may be regarded as a Committee Bill. Some amendments have already been placed on members' files and they will be considered in due course by the Government. I would not expect that the Government would be prepared to agree to any radical departures from the principles of the Bill, but as I have said we will be prepared to look at such amendments as are brought in.

I should like, in closing, to correct some misapprehensions as to the effect of the Bill. The Hon. Mr. Gilfillan compared the table of rates of duty in the principal Act with the first table proposed in the Bill. This is not a legitimate comparison as it stands. The table in the principal Act already allows for the basic exemption to a widow or child of 21, while the new table is drawn up without the available exemptions which are now provided for in the body of the Bill. The rebate of duty is, under the Bill, calculated by taking the ratio of the exemptions claimed to the total succession and applying this ratio to the duty which would be payable if no exemption were provided.

The Hon. Mrs. Cooper made the same slip in her comparison of rates of duty in the U.K. and the proposed rates of duty under the Bill. The Hon. Mr. DeGaris argued that the point of break-even for property passing to a widow where a joint tenancy is involved is about $30,000. I hope we have taken the correct figures. If we have not, I ask the Hon. Mr. DeGaris to correct them. This is not correct, as can be seen if Mr. DeGaris's example of an estate of $46,500 is varied slightly. Assume an estate of $40,000 passing to a widow and consisting of $8,000 in a joint tenancy, $10,000 in insurance and $22,000 of other property passing by will. In this example the duty under the present Act would be $3,300, while the duty under the Bill before us is $3,331. This example indicates that where a matrimonial home is already in a joint tenancy and passes to the widow the break-even point is approximately $40,000. This is less than the break-even point where all property passes to a widow by means of a will, because the joint tenancy case is given already a suitable advantage under the principal Act.

Honourable members have suggested that the whole of the additional revenue that the Government expects to obtain from this measure will be payable by successors who inherit amounts in excess of $40,000 and they therefore assume that the Bill discriminates against the primary-producing community. This is not correct on two grounds: first, strangers in blood and successors of collateral consanguinity cannot claim the same rebates as widows, ancestors and descendants and, therefore, would pay higher duty on successions below $40,000; secondly, as the information obtained from the Parliamentary Land Settlement Committee

shows, and as is shown also by a third sample taken by the Treasury over a nine-month period, a large percentage of primary-producing successions involved land valued at less than $40,000.

The Treasury survey examined all assessments over the recent nine-month period which involved primary-producing land rebates under the principal Act. Of these—

(*a*) 34 per cent involved net values of primary-producing land of $10,000 or less. The average net value of the primary-producing land was about $5,800, and of other property in the same successions $9,000.

(*b*) 36 per cent involved net values of primary-producing land of over $10,000 but not exceeding $20,000. The average net value of such land was about $15,300, and of other property in the same successions $9,700.

(*c*) 15 per cent involved net values of primary-producing land of over $20,000 but not exceeding $40,000. The average net value of such land was about $28,400, and of other property in the same successions $16,800.

(*d*) 10 per cent involved net values of primary-producing land of over $40,000 but not exceeding $60,000. The average net value of such land was about $46,400, and of other property in the same successions $20,700.

(*e*) 5 per cent involved net values of primary-producing land of over $60,000 but not exceeding $80,000. The average net value of such land was about $64,800, and of other property in the same successions $8,400.

(*f*) None involved net values of primary-producing land of over $80,000.

I would like honourable members to note that this survey shows the significant amounts of other estates accompanying successions in primary-producing land. Certain honourable members have accused the Government of publishing tables which give the most favourable cases from the point of view of the Bill. In fact, the example published by the Premier of a primary-producing land comparison, and corrected examples given by the Hon. Mr. DeGaris, state the most favourable case for the principal Act. Under section 55 (*f*) of the principal Act the primary-producing rebate is available only in respect of that part of the succession which is primary-producing land, while under the Bill the additional exemption of $12,000 is available as long as there is $12,000 of land in the succession.

If, in the examples given by the Premier and the press, and by the Hon. Mr. DeGaris in this Council, it is assumed that only half of the succession is primary-producing land, the level of duty calculated as payable under the present Act would have to be increased in each case, while above a succession of $24,000 the duty payable under the Bill would remain unaffected.

Honourable members who have studied the Bill, together with the principal Act, will realize that the subject of succession duties is an extremely complicated one. Therefore, they will appreciate that any proposed amendments must be given very careful consideration, and what may appear to be a simple change may, in fact, involve the loss of considerable revenue.

I hope that that reply covers the main part of the queries raised, but for honourable members' benefit I have much more information with me dealing with the various amendments on the files. It is not my purpose to give that information in the second reading debate, but if and when we get to the amendments in the Committee stage I shall give a considered reply then. I think that is all I need say in reply to this lengthy debate on the second reading.

The Council divided on the second reading:

Ayes (14).—The Hons. D. H. L. Banfield, S. C. Bevan, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, A. F. Kneebone, Sir Lyell McEwin, F. J. Potter, A. J. Shard (teller), and C. R. Story.

Noes (4).—The Hon. Jessie Cooper, H. K. Kemp, C. D. Rowe and Sir Arthur Rymill (teller).

Majority of 10 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Property subject to duty."

The Hon. F. J. POTTER: I move the following suggested amendment:

In new paragraph (*e*) inserted by paragraph (*c*) to strike out all words after "settlement" and insert "made by the deceased in which the deceased had any interest of any kind".

New paragraph (*e*) relates to section 20 of the principal Act, and it relates to property chargeable with succession duty under the existing Act by means of the administrative procedure of a Form U. Perhaps it is fair enough within a succession duty system to provide for that type of settlement to be under a Form U assessment, but we are not under this Bill adhering to all the characteristics of such a system.

Somebody wrote to the daily press the other day stating that the Bill before Parliament

was still a succession duty Bill, and that is true. However, before we assess the duty on a succession the property is aggregated, and to this extent we are adopting the principles of an estate duty system, so new paragraph (*e*) has no real place in any aggregation that has subsequently to be assessed for succession duty. Section 8 of the Commonwealth Estate Duty Assessment Act sets out the property to be included for estate duty purposes: subsection (3) provides:

> For the purposes of this Act the estate of a deceased person comprises:
>
> (*a*) his real property in Australia (including real property over which he had a general power of appointment, exercised by his will):—

I emphasize "his"—

> (*b*) his personal property . . . if the deceased was, at the time of his death, domiciled in Australia; and
>
> (*c*) his personal property in Australia.

It then defines what is meant by "property", and in the list are included various classes of property. Most of the definitions in this Bill are substantially the same as those in that Act. It provides that property comprises *inter alia* any property that has passed from the deceased person by any gift that he has made within three years before his death. It provides also that property subject to duty includes an interest of any kind of the deceased person for his life in property comprised in a settlement, which interest he surrendered to any other person within three years before his decease. The legislation also includes property comprised in a settlement made by the deceased under which he had any interest of any kind for his life whether or not that interest was surrendered by him before his decease, unless it was so surrendered more than three years before his decease. It also includes the beneficial interest in any joint tenancy, and in any property

> which the deceased person had at the time of his decease, which beneficial interest, by virtue of a settlement or agreement made by him, passed or accrued on or after his decease to, or devolved on or after his decease upon, any other person,

and so on. It also includes a policy of insurance where the premiums were paid by the deceased. I emphasize that, throughout all those categories in the Commonwealth Estate Duty Assessment Act, in order to come into the aggregation the deceased must have had some interest of some kind in the property either at the date of his death or within the appropriate period.

The Hon. R. A. Geddes: Some interest other than a life interest.

The Hon. F. J. POTTER: In which he had an interest of any kind.

The Hon. R. A. Geddes: That would include a life interest?

The Hon. F. J. POTTER: It would include a life interest, yes. In other words, the estate does not take into the net any property in which the deceased had no interest. Contrast that with this provision and we see that there is nothing in the clause as drawn in any way limiting it to property in which the deceased had some interest of some kind.

I gave an example in the second reading debate of the unfortunate situation that can arise in the case of a person appointed to be a trustee or an administrator of somebody else's property. Just because he assumes that responsibility and because he has the power to dispose of any section of that property under the exercise of either the power of appointment or (if he has it) the power to revoke any power of appointment, by exercising any of those prerogatives given to him specifically by the settlor he can prejudice the disposition of his own property under his own will, perhaps to his children. That seems unfair and wrong and should find no place in an aggregation of duty for succession duty purposes. In other words, if I leave $40,000 to my children equally and I have the power of disposing of or administering another $40,000 from an entirely different source, in which I never had one day's interest during my lifetime, and that money, too, goes to my children, it seems to me ridiculous that they should pay duty on $80,000 when only half the money comes from my estate.

The Hon. R. C. DeGaris: It would be an entirely separate succession?

The Hon. F. J. POTTER: Yes, and under the existing Act they would pay on a separate assessment. That is fair enough: I am not arguing against that. It has its place in the succession duty system, but it has no place in an aggregation system.

The Hon. C. D. Rowe: You never had any legal right to that property at all?

The Hon. F. J. POTTER: That is so. Just because I happen to be put into a position of trust and just because that money happens to go to my children on my death, that being the time that marks the succession to my children, although it may come from a parent, a grandparent or a stranger, it does not seem to make sense that that inheritance, which has been established under a settlement and on which

proper duty (gift duty and stamp duty) has been paid, should attract succession duty now as part of an aggregation system.

The Hon. R. C. DeGaris: If your amendment is carried, will the inheritance under that settlement be taxed for succession duty or not?

The Hon. F. J. POTTER: Probably not. I cannot see how we can fairly add it in and then tax it for succession duty. That is my point. I do not mind if some way can be found, if it is considered essential to protect the revenue of the State (although I am a little sceptical about this), to tax it as a separate succession. That is all right and I shall not complain, because it is in the existing Act; but it is unfair and wrong to aggregate it and then tax it as a succession.

The Hon. Sir Lyell McEwin: You said that this money could come from some other relative?

The Hon. F. J. POTTER: It can be added and aggregated to any money that the beneficiaries may derive from me purely because they get it on my death.

The Hon. C. R. Story: But you have had the enjoyment of it during your lifetime?

The Hon. F. J. POTTER: No; I have had nothing to do with it during my lifetime.

The Hon. C. R. Story: Then how did you get it; how did you get involved in it at all?

The Hon. F. J. POTTER: I never had it myself as my property. If the day of my death is the day nominated for my children to take the full benefit of the property, under this clause as drawn that other inheritance has to be aggregated with the rest of the estate derived from me. The wording is:

> property given or accruing to any person under any settlement, such property being deemed to be derived upon the death of the settlor or other person upon or after whose death the trusts or dispositions took effect.

That is quite wrong in principle. It is incapable of justification on any fair or notional ground. I made the point earlier that it burdens the person who is the family adviser and is charged with carrying out the duty of a trustee with a set of circumstances in which he can prejudice the beneficiaries under his own will, because he has certain powers as a trustee of disposing of other persons' property. I emphasize that that sort of provision has no place in the Commonwealth estate duty legislation. Nothing like that is found there or in any other estate duty legislation.

The Hon. R. C. DeGaris: Can you give us an example of how this will work so that we can understand it more clearly?

The Hon. F. J. POTTER: I think I can give some examples, although it is not easy.

The Hon. R. C. DeGaris: Assume that you are involved.

The Hon. F. J. POTTER: Let me suppose that I am a trustee of the Hon. Mr. Story's settlement, and he has allowed me to say that I can exercise a power of appointment to determine where the residue of his estate shall go at any particular time—say, at my death. I exercise that power of appointment, so that I give to my children Mr. Story's property in addition to the property that they get from me. Assuming we each have property worth $40,000 (which is the figure I have already mentioned), succession duty will be paid on $80,000. In other words, property that belonged to the Hon. Mr. Story (in which I did not have any interest except for the power of disposal as a trustee) would be included and payment made on the total amount. Take a more simple case. My father may say that he will leave his property to my children but that they will not receive it until after my death. He leaves nothing to me. The trust fund would be set up and paid for and I would look after the estate, after gift duty and stamp duty had been assessed. Why should such a property be aggregated?

The Hon. A. F. Kneebone: Succession duty would not have been paid on it.

The Hon. F. J. POTTER: That is so. It would be a settlement made during a lifetime.

The Hon. C. M. Hill: In that last example, I take it on the death of the honourable member there would be succession duty payable on the amount passing to the children from the grandfather.

The Hon. F. J. POTTER: Yes.

The Hon. A. F. Kneebone: But there would not have been any succession duty paid on it originally.

The Hon. F. J. POTTER: There would be later; it would be separately assessed. They would pay succession duties.

The Hon. S. C. Bevan: Not under the honourable member's example.

The Hon. F. J. POTTER: Yes, they would, under form "U". My main point is that this principle finds no place in an estate duty system. I want to know why it should form part of the system here. It seems to me (and I may be wrong) that this has been plucked from the existing Act and put into this Bill. All the other provisions in this aggregation section have also been taken from the existing Act, but I think the architect of this Bill has

overlooked the fact that in doing this it is creating an anomaly; in other words, including in the aggregation property in which the deceased had no interest at all.

I shall be interested to hear whether my argument is defective in any way. It is not an easy matter to explain to people who do not frequently have much to do with this type of business. It is a matter on which I am not completely *au fait* because I have not had occasion to deal with it often. However, the mere fact that it does not frequently occur does not overcome the difficulty. I think my amendment will bring the Act in line with the Commonwealth Estate Duty Act.

The Hon. A. J. SHARD: Rather than prolong the debate I would like to examine the amendment. I ask that progress be reported.

Progress reported; Committee to sit again.

HIRE-PURCHASE AGREEMENTS ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

Its object is to bring the provisions of the principal Act, relating to the statutory rebate that an owner must make to a hirer under a hire-purchase agreement when the agreement is determined at an early date, into line with the provisions recently enacted in the Money-Lenders Act Amendment Bill. Those provisions, as honourable members will recall, provide a measure of relief for money-lenders, where a contract for the loan of money is determined before the due date, by allowing a reduction in the amount of the statutory rebate by a proportionate amount of the stamp duty paid upon the contract.

The amendments had the support of the South Australian Division of the Australian Finance Conference and were passed by both Houses. The present Bill merely brings the Hire-Purchase Agreements Act into line and is a necessary consequence of the Money-Lenders Act amendments designed to ensure that similar provisions will apply in relation to stamp duty where money is lent or goods are sold on hire-purchase.

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

PROHIBITION OF DISCRIMINATION BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 2869.)

The Hon. G. J. GILFILLAN (Northern): I speak to this Bill in some confusion (and this state of mind has been mentioned by other honourable members) because we have, on the one hand, the Government's claim that this is pioneering legislation and, on the other, the Government's statement, as contained in the explanation, that racial discrimination does not exist in South Australia. This leaves us in the rather peculiar position of considering a Bill that sets out to prohibit something that does not exist. Most honourable members dislike the wording of the Bill, but to vote against the measure would, perhaps, give the impression that we favoured racial discrimination. So, this Bill, considered from all angles, is most unusual.

I believe that, so far from reducing discrimination (if such does exist in South Australia), the Bill highlights such a situation. I also consider that it is something of an insult to those people who belong to different races or the colour of whose skin is different from that of most people in the State. We find the phrase "to a person by reason only of his race or country of origin or the colour of his skin" recurring in the measure and I think this puts emphasis on a difference between the peoples of various races, while the average South Australian is not conscious of such a difference.

The Bill is most undesirable because it highlights a discrimination and a difference that do not exist in the mind of the average South Australian. The measure also imposes a high penalty for infringement. In every clause where discrimination is referred to, a penalty not exceeding $200 is provided. A person can commit serious offences under the Police Offences Act far more cheaply than he can commit an offence under this Bill. I query clause 7, which provides:

> 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.
> Penalty: Not exceeding Two hundred dollars.

I have placed an amendment to that clause on the files. Circumstances that occur in country districts could make the enactment of the provision a hardship. Hundreds, or perhaps thousands, of country properties employ one or two people and many of those properties are

in isolated areas. It is necessary for the person employed to live on the property and generally to take meals in the homestead and to live in close association with the family. The wives are often left on the properties with the employees, and the families may comprise teenage children.

By reason of the isolation of the properties, the families are thrown into close association with the employees who share some of the facilities of the homestead. In those circumstances, the person employing should have absolute right of choice in the type of person he wants to have working for him. Circumstances where employees are living in a part of a house are vastly different from those associated with people working in a factory. This is something which is recognized in clause 6 with reference to a boarding house. In that clause, a proviso is inserted that a person running or managing a boarding house shall have some discretion where the facilities are shared in that boarding house. I consider that in clause 7 there should be some recognition of the conditions that apply in the circumstances I have outlined.

The Hon. S. C. Bevan: You are discriminating yourself. You are discriminating in the argument you are putting forward.

The Hon. C. M. Hill: About to the same extent as the unions do.

The Hon. G. J. GILFILLAN: Not to the same extent.

The Hon. D. H. L. Banfield: The unions take people who do not pay.

The Hon. G. J. GILFILLAN: I do not think they are very happy about people who do not pay. This is probably the most severe case of discrimination that we could find in the whole of the State—where a person is actually prejudiced in his employment because of the reason mentioned by the Hon. Mr. Hill. It is where people are subjected to very severe pressures that would not be tolerated in probably any other part of our democratic life. That is not in the Bill. I refer back to the Minister's interjection about discrimination. Regarding my suggestion about clause 7, I consider that the person who employs one or two people on a country property, with those people sharing the same home, should have absolute right of choice in the matter of accepting or rejecting an employee. I do not think that is at all unfair.

The Hon. S. C. Bevan: They do not have to employ them. There is nothing in the Bill to say you have to employ this or that person.

The Hon. G. J. GILFILLAN: That is quite true, but at the same time—

The Hon. C. D. Rowe: If you turn down one person, you have to explain why.

The Hon. G. J. GILFILLAN: After the initial employment it could be found that the person was not satisfactory. I can see the position where this sort of Bill could bring forward complaints that do not exist at present.

The Hon. R. C. DeGaris: In the U.S.A., I believe the figure is six.

The Hon. G. J. GILFILLAN: In the U.S.A., a similar proviso applies, and the number there is six. The Americans have had much more experience in this matter than we have. It has been admitted that in the U.S.A. there is discrimination. With some doubt as to whether the Bill will accomplish anything, I support it.

The Hon. H. K. KEMP (Southern): In speaking to this Bill, it should be kept in mind that in its introduction in another place there was the admission that in South Australia there is materially no discrimination. I think it is the experience of every honourable member that there has been no discrimination as to colour, creed or origin in this State until this matter was brought up in the legislation now before us. I do not think that point can be over-emphasized. I think if we can justly apply the words of Sir John Cleland in another context, the Bill seeks to correct an injustice that does not exist here.

It has been shown in the debate that experience overseas with legislation of this type has not accomplished the purpose at which it was aimed and that it has aggravated the trouble. There is no necessity for us to go over that ground again. The type of legislation that will correct discrimination is completely different from this, and because there is no discrimination here, what possible purpose have we in putting this legislation on the Statute Book?

If we examine this Bill (I think this point has been made by several honourable members before me), we see that it actually discriminates against the native white Australian. When such a man seeks a position, or has any aspirations, he may be dismissed without further consideration.

In this case, the discrimination has to be made in respect to what we might call the coloured-skin person. This point should not be overlooked—that this Bill, in actuality, discriminates against a person of white skin. For this reason alone it is sufficient to knock it completely out of consideration. There is no doubt that in this case the Bill has been brought

forward to further the aims and objectives of the very left wing of the Labor Party in Australia, and I certainly oppose the Bill.

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

[*Sitting suspended from* 5.46 *to* 7.45 *p.m.*]

CONFERENCE PROCEDURE.

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

That Standing Order 254 be suspended to enable the Legislative Council to sit during the conference on the Motor Vehicles Act Amendment Bill (Registration).

Motion carried.

PLANNING AND DEVELOPMENT BILL.

Adjourned debate on second reading.

(Continued from November 9. Page 2879.)

The Hon. C. M. HILL (Central No. 2): When I spoke last week on this Bill I endeavoured to stress some of the fundamental principles that I think should apply to town planning in a democratic society. They can still apply and can still give that society true town planning. I acknowledged when I spoke previously that the Government had some mandate to introduce further town planning into South Australia.

These fundamental principles to which I refer are: first, the need to have such checks within the framework of the legislation as to enable the people who will be affected by town planning to say whether or not they want a particular plan, and when they want it and if and when such plan should be changed to suit them. This check, I submit, should be at local government level. Local government representing the people at local level should, if ever the need or a clash arose, be the master of a co-ordinating town planning authority.

Secondly, the town planning authority should not override local government and whittle away from local government the authority to administer regulations to control land use, but rather should delegate that authority to local government, which has had the traditional role to zone and to exercise many other controls within the provisions of the Local Government Act, the Building Act and other Acts.

Thirdly, I endeavoured to emphasize the need to plan and suggest rather than control in the overlapping with other State Government departments as without a check in this sphere this town planning department might become one of the most powerful of the service departments within the Public Service. Its departmental head could become the most senior servant in regard to other departmental heads, and its Minister elevated to a position of false seniority over other members of Cabinet, irrespective of who might comprise the Government of the day.

I am not convinced of the need for the authority to hold property, be a developer and act as a principal. Rather it should be a co-ordinator, a planner and an expert adviser; and Government departments and the South Australian Housing Trust and local government could continue to acquire and hold property for all their various established and traditional purposes.

Fourthly, I believe the people should be able to exercise a check on plans to zone or freeze the hills face and, by permitting a special classification of residential zoning in its place, the question of possible compensation to the present owners would be satisfactorily resolved, the green belt appearance would be assured and improved, and residential construction befitting a large modern and prosperous city would result. Other compensation questions should be resolved by only limited use of interim development control. Indeed, I should like to hear a further explanation of this whole aspect of interim development control as it applies within this Bill.

Fifthly, I believe that private enterprise should be co-opted to a larger degree on the proposed authority to give it better balance, and I believe more play to be highly desirable on the question of supply and demand regarding adequate subdivisional land being always available to individuals desiring to plan to live in an area of their own choice rather than being forced to live in an area where the planners say they will be healthier, happier and possibly wealthier.

Sixthly, I believe the people do not want grandiose renewal schemes of the inner suburbs with the proposed authority planning various developments for families with children, but rather that the Housing Trust, which is the existing State housing instrumentality, should redevelop some run-down or poorer areas to moderate plans whilst available housing finance still continue to provide fringe and low-priced single unit housing in healthy pleasant outer suburbs. These, in summary, are the main changes I propose to try to achieve when this legislation reaches the Committee stage in this Chamber.

I am not opposing the general principle of town planning or the introduction of some town planning legislation by the present Government.

We are most fortunate, as I tried to indicate previously, in having in our present Town Planner a man of great professional knowledge, integrity and dedication. There are many clauses in this long Bill that, in my opinion, are favourable. Time will not permit me to comment on these as I go through the Bill, because I do not want to delay it unnecessarily.

I shall deal only with those clauses that I feel need further investigation and, possibly, explanation. In clause 3 (2) (*c*) we have the position in which the Town Planner will have issued what is generally known as Form A to some particular subdivision. Unless that Form A has issued, then the measure apparently must be re-lodged and dealt with under the new proposed legislation.

Although I do not want to be unfair on this point, I know that there are many cases where people have been waiting a long time for their consents at this stage to Form A, and there is some evidence to indicate that these applications for consents to subdivisions have been delayed departmentally, possibly in the hope that this legislation will come through and from the department's point of view a better result will occur if the proposal is dealt with under this new measure.

However, again wanting to be reasonable, I feel that if any application had been made, for example, earlier than six months ago, it should be proceeded with under the old legislation. I turn now to clause 8 (2). Paragraphs (*b*) and (*c*) of that subclause state:

> The Authority—
>
> (*b*) subject to this Act, shall be capable of acquiring, taking or letting out on lease, holding, selling and otherwise disposing of real and personal property;
>
> (*c*) may, with the approval of the Minister, enter into any contract with any person to develop, or secure the development of, any land in any manner consistent with any authorized development plan, and may, in its name, sue and be sued;

This deals with a point I raised a few minutes ago of the authority being in fact a principal. It can, of course, be its own subdivider; if it is short of funds it can enter into the business of subdividing. The authority can be its own developer. I do not think it is proper for a town planning authority to assume this role. My concept of its role regarding this matter is that it should be an adviser, and that any private individual wishing to subdivide should be able to seek its advice. I visualize also that councils would seek its advice.

Regarding the fact that it is proposed that the authority can develop, I point out that the State's instrumentality already established through the Housing Improvement Act as the State's developer is the South Australian Housing Trust. That orginization, of course, is a vast building operation set up in fact to build large developments of this kind, and this authority, I imagine, can advise the trust and help plan for the trust; but I do not think it alone should be able to develop in lieu of the trust.

It might be held, regarding the authority being able to hold its own freehold, that it is necessary for specific purposes for the authority to hold land for future planning. However, I point out that we have Government departments that acquire their own land and hold their own land, and we have local government which can hold land within its areas for reserves and for ovals and other recreational purposes. If the need exists for larger recreational areas, we are in the process of setting up the National Park Commissioners to manage land of that size, land which, as members know, will, under that proposed legislation, be vested in the Crown.

So, Sir, there are established authorities—local government, Government departments and semi-Government departments—which do and must hold land and which do and must acquire land. These authorities are experienced in such holding, and, of course, experienced in using the land for their particular purposes. Such an authority as envisaged in this Bill should, in essence, be a planner, a co-ordinator, and an adviser. Therefore, I ask: is there a need for this authority to hold freehold land, to act as a subdivider of freehold land, and to develop freehold land?

I know the authority will have funds in hand under other parts of this legislation for the purpose of acquisition for reserves and for recreational purposes, but those funds could still be made available for the purchase of the land of that kind, and the land could still be purchased in the name of these established authorities or in the name of the particular local government body, as the case may be.

I turn now to clause 8 (5), which deals with the composition of the authority. I know that over a long period of time since this legislation was first mooted there has been considerable public discussion by individuals and associations interested in this measure as to the best composition of this authority. I know that there has been considerable opposition to the South Australian Housing Trust being a member. I notice in this Bill before us that the trust is not named as a member, as the Bill is

worded, although it is quite indicative to me from the wording of paragraph (*e*) (i) of this subclause that in fact the trust will be represented on the authority, as it is stipulated that the Minister of Housing will seek his nominee (subclause (6)) through the Housing Trust.

I do not oppose that concept. As it is by far the State's largest house builder and developer it could be considered unfair to have a competitor of that size on an authority which would be handing decisions down to much smaller developers in regard to subdivisions and developmental planning of that kind; nevertheless, the trust is the State's housing instrumentality, and I am now of the opinion that there is nothing greatly wrong in the trust's being a member of the authority.

However, as I mentioned earlier, I am concerned that there should be represented on this authority more people representative of private enterprise. On this authority I should like to see one nominee of the Chamber of Commerce, one member representing the Chamber of Manufactures and one member whose appointment was recommended by the Real Estate Institute of South Australia.

The Hon. C. D. Rowe: I wonder why the words "If the Minister" are used in subclause (6), (7), (8) and (9) of clause 8?

The Hon. C. M. HILL: That is an interesting point. It is one of the many detailed questions that arise in this long and complex measure. I am endeavouring to avoid detail tonight, because I shall have an opportunity to query some of these matters in Committee. I have been told that an honourable member with more than 30 years' experience in Parliament has said that this was the most far-reaching legislation that he has ever perused. That is indicative of how far reaching and complex the measure is. In the Committee stage I shall further discuss the proposed appointees that I have mentioned. My proposal would increase the number on the authority from 9 to 11.

Although many associations have been keen to reduce the number of personnel on this important authority, I see no danger in increasing the number. Clause 11 (4) provides for four members to be a quorum at meetings of the authority and another subclause provides for the Chairman to have a deliberative and a casting vote. I consider that four is too few to form a quorum, especially if the total number on the authority is increased from 9 to 11. Clause 18 (1), which defines the powers of the authority, provides:

Subject to this Act, the authority is charged with the responsibility of promoting and co-ordinating regional and town planning and the orderly and economic development and use of land within the State and shall have and may exercise and discharge such powers, duties, functions and authorities as are conferred on, imposed on or vested in the Authority by or under this Act.

That is an important provision. If we assume that promoting means helping to forward or helping to initiate and if we place the emphasis on the word "co-ordinating", then I think that power of the authority is quite proper, because I understand that it does not actually deal with acting as a principal, holding land or developing land but that it is there to enable the authority to promote and co-ordinate such things as regional and town planning and the orderly and economic development and use of land. Co-ordinating is its true role.

Clause 19 deals with the composition of the appeal board. Here again, much discussion has ensued among associations interested in the Bill and, although strong recommendations have been made to me that the composition should be altered or that this is not the best we could have in the public interest, I am satisfied not to oppose the composition as provided in the Bill.

Clause 26 (5) provides that the board shall cause its decision to be published in any manner it thinks fit. People with whom I have had discussions claim that it is desirable for the board's decisions to be published in a specified way or in certain detail, because those appealing against decisions of the board should have some precedents upon which to base their appeals and should be able to consider whether an appeal was likely to be successful. They will know if there is a likelihood of a successful appeal only if they can peruse judgments that the board has handed down in previous cases. As the clause reads, it may be possible for the board not to explain its reasons in any great detail, and this might be unfair to individuals who desire to appeal but who have not precedents upon which to work in their considerations. Clause 28 (1) provides:

On the recommendation of the authority the Governor may, by proclamation, declare any part of the State to be a planning area for the purposes of the Act.

Despite the fact that much of the Bill deals with the metropolitan area, that clause enables any part of the State to be declared a planning area, by proclamation. That matter is of particular interest to country towns, both large and small. Clause 29 deals with the examination of a planning area by the authority. I

am pleased that considerable liaison with local government, and the need to confer with local government is provided for.

I am concerned about subclause (2), which gives the authority (and, elsewhere in the Bill, the Director has the same power) power to refuse consent to subdivide land where, in the opinion of the authority (and, later in the Bill, in the opinion of the Director) land nearby has not been used to a sufficient extent. When I spoke last week, I tried to make the point that when land is subdivided today the landowner pays the cost of all the services within the subdivision.

There is not any burden on the State now, although there was at one time. I believe in allowing supply and demand to operate and in the right of the individual to choose where to live. If a restriction is placed on land and a decision made that a certain subdivision is not going to be approved because one alongside has not been sufficiently built up, we are throwing out of balance the aspect of supply and demand. We will create false values for the unsold allotments in the first subdivision: we will limit supply and force young people to pay excessive prices for land.

That is an important aspect in the outer suburbs of Adelaide. The land alongside that has not been built on is not necessarily unsold; it may be held by young people who purchased it when 18 or 19 years of age and who are holding it pending building. They are entitled to do this, and many are doing it because it is a worthwhile means of compulsory saving. Many young people today would do better if they bought land in this way rather than a motor car, which depreciates quickly.

Encouragement should be given to people to do this: in many cases parents are holding land to give to children when they come of age or when they marry. Because land in a subdivision is not developed or built on does not necessarily mean that there is a supply of land on the market. Under this Bill the authority and the Town Planner are to have the right to say whether or not they will agree to an outer paddock being subdivided until the adjoining land is built on. That is theoretical and wrong: it forces people to buy land in a position that is not of their choice, and this aspect should be seriously considered.

The Hon. R. C. DeGaris: It allows much speculation in land.

The Hon. C. M. HILL: It would tend to restrict speculation for subdividing, but it plays into the hands of speculators of subdivided blocks.

The Hon. R. C. DeGaris: That is what I meant.

The Hon. C. M. HILL: Yes; they buy at the sale price and hold, knowing that the adjacent land will not be subdivided because of the law. It is only a matter of the speculator sitting on the land waiting for the unearned increment. He gains at the expense of young people, and as a result of this legislation being introduced. Clause 35 (6) states:

If the authority reports to the Minister that in its opinion the supplementary development plan is not consistent with, or is not a suitable variation of, the authorized development plan, the authority shall furnish the Minister with its reasons for such opinion, and the Minister shall inform the council accordingly and return the plan to the council, but if the authority reports to the Minister that the supplementary development plan is consistent with, or is a suitable variation of, the authorized development plan, the supplementary development plan shall be deemed to be a supplementary development plan prepared by the authority and duly submitted to the Minister in accordance with section 31 of this Act and the provisions of sections 32 to 34 (both inclusive) of this Act shall apply and have effect in relation thereto accordingly.

This is a typical example of how close the machinery of this legislation is to a Minister, and indicates that the Minister in charge of this legislation should be the Minister of Local Government, who is in liaison with the council concerning the plans.

Clause 36 is one of the most important in the Bill, and one of my most important principles is involved in the second line, which states, "the Governor may, on the recommendation of the authority or the council . . .". Ways and means should be investigated to see whether a joint recommendation cannot be effected. If that happened, people, through local government, would be in their proper position with relation to town planning.

It is apparent throughout this measure that although councils are consulted in the preparation of plans and in the general concept of town planning, in the event of conflict the authority reigns supreme. Similarly, the administration of the regulations should be carried out by councils, as they have been, to a large extent, for many years. Other Government departments, particularly the Highways Department, have regulations and they are being transgressed by this clause.

I see no reason why these more stringent regulations should not be controlled by councils and other Government departments, and I question the need for this proposed authority

to administer the regulations. These provisions are far reaching.

Under clause 36 (4) (*b*) (iii) the authority is given power to tell an owner or builder the type of material that he or it should use in the facade of a public building. That is only an opinion, and what one expert thinks is good another thinks is bad, and what one may think is attractive another thinks is unattractive. We are reaching the realm of the ridiculous if we permit the external appearance of a building to be controlled in this way. I recall very well when a Georgian-style building was erected in this city in Pirie Street, at the eastern end. There was considerable public controversy at that time as to whether this was good or bad for the city. The experts could not agree, and so we have to be very careful when we get down to the detail in this Bill to see that the whole aspect of planning is not going too far.

Most of these measures under subclause (4) are, at the moment, within the control of local government. They have been widened and expanded somewhat, but the principles are still there. Also under the same subclause we see where overlapping occurs. The Highways Department, as I understand it, has power to control access on to arterial roads, freeways, and so forth, but the Bill, as I read it, takes away that power and gives it to the new authority.

The clause in regard to compensation is the important one under this subclause (4). Paragraph (*d*) is mentioned again in the part of the Bill that deals with compensation. Paragraph (*d*) is related to the reservation of land for any purpose for which the land may be compulsorily acquired or taken under any Act. I cannot see why, for example, the Education Department cannot carry on as it is doing and acquire land for school purposes, and I cannot see why the Highways Department cannot carry on as it is doing and acquire land for freeway purposes.

The same applies to the Hospitals Department, or the department which controls the freehold property of the Hospitals Department. I cannot see why a local government authority cannot acquire land for reserves within its own particular municipality. Surely, the machinery is present now, but here we have this proposed authority tending to overlap these other departments on this point, because the proposed authority can acquire compulsorily. As I mentioned a few minutes ago, it can hold property, and I seriously question whether there is any need—

The Hon. S. C. Bevan: This is for the purpose of having a planning programme.

The Hon. C. M. HILL: I dispute the claim that there is no planning at all today. The map indicates that there is some planning, but it has not been extended, perhaps, to the point it should have been over the years. We have had planning, and we have planning at present. If we did not have planning, the Minister could not progress with the freeways he is planning and building at present. Similarly, elsewhere under this same clause 36 we see further overlapping with the Highways Department in subclause (*h*) (i). We have complete overlapping there, for it provides for the conservation, preservation and enhancement of the natural beauty of the foreshores and banks of the shores and rivers.

I do not think that the municipality of Glenelg, which has launched its own planning scheme for its foreshore treatment, will look very favourably upon a newly-formed authority being given the power to completely override its particular planning. I consider that if Glenelg wants to redevelop and replan its foreshore it is a matter for Glenelg, and I think the municipality is quite capable of it.

We go further than that. The authority can prohibit the alteration or destruction of buildings or sites of architectural, historical or scientific interest or natural beauty. Here again, there is overlapping with the National Trust, which, I believe, has been given the power to compulsorily acquire. I know the trust is short of funds, but the authority will be in funds, because the people who do not give land for reserves in their subdivision, provided a subdivision does not include more than 20 blocks, are forced to pay $100 for each new allotment into a fund. This fund could be used for such purpose as acquiring a site of particular architectural interest.

The next clause will particularly interest the Minister, because it deals with trees. Paragraph (*k*) indicates that the authority can prohibit the cutting down, topping, lopping or destruction of trees, except with its consent. If this is not overlapping, I do not know what is. The Minister will have to go cap in hand when trees have to be lopped or removed on any of his highways to this newly appointed authority. The Minister's own Director sits on this authority as a member, while the Town Planner sits as the Chairman of the authority, and in regard to trees the Minister simply comes and seeks permission. Apparently, it

applies to private property as well, so how far and how wide can this authority extend?

The Hon. R. C. DeGaris: At least the Minister will not get the blame.

The Hon. C. M. HILL: I think he is strong enough to look after himself. He has never tried to pass the buck during the time that I have been here. I am pointing out these little facets that sparkle all the way through the measure, and great care must be exercised before they finally become law. Control is to be given to the authority over signs. I question at the moment whether authority is inadequate in this State with regard to the control of signs. I think that it is probably through local government that control is exercised over signs on country or main roads, but I am not sure of that. I know that control is exercised in the City of Adelaide which has control over sky signs, for example. If we have adequate control, is there any need for further control to be exercised by this new authority? One could go on and on.

Then we come to paragraph (*o*), which was only added to this measure a few weeks ago, and this gives the lie to any opinion that might be held outside this Council that this Council has had the measure before it for a long time and has known its contents. The paragraph states:

> (*o*) regulate, restrict or prohibit, either absolutely or subject to any conditions which may be imposed by the authority, the extraction from the soil of any turf, soil, sand, gravel, clay, rock, stone or similar minerals, the production of salt by the solar evaporation of sea water, the dressing and treatment of minerals or the manufacture of products therefrom;.

This proposed control bites into industry, and I ask the Minister to touch upon it in his reply and to explain the reason why it is proposed to give this authority control over a quarry, for example, and particularly over the extraction of salt. If this measure is in any way aimed at Imperial Chemical Industries as one of the basic industries of this State, we should be told. If the Town Planner has any scheme in mind to limit this industry by restricting the salt pan areas in this State, in places like Port Augusta, we should be told, because it is important. Will the Minister explain whether any plans are at present envisaged about anything that will adversely affect any industry, in connection with this recently inserted clause 36 (4) (*o*)?

Subclause (5) of the same clause touches on the point that the authority may, with the approval of the council, delegate its powers and functions. The authority should delegate them and not have the right to retain and exercise them itself.

By clause 38 (9) we are left in no doubt that, if local government and the proposed authority cannot agree on anything, the newly appointed authority will have the controlling say.

Part V of the Bill contains clauses 40 to 42, dealing with interim development control. I should like the Minister to give a further explanation of interim development control as it is proposed in this Bill and as it is proposed to be administered. I have looked at this matter carefully and at length, and have discussed it with people, but I am still in doubt about what is meant in this Bill by "interim development control".

I can remember talking about this with the Town Planner of Melbourne a year or so ago and he told me about interim development control in Melbourne. He gave me an example of a developer who purchased a large site in the vicinity of the Myer Emporium in Melbourne and proposed to erect on it a maximum height investment building. The authorities were planning an underground railway and hoped that a station would go under that site and that in due course above that station an arcade would be built to channel pedestrian traffic down through the Myer Emporium to the underground station. An interim development order was placed on this site. When the developer placed his plans before the authorities to develop the site in a maximum way, he was told of this order and that it would restrict any building on that site to a three-storey building, because the authorities assumed that in, say, 20 years' time they would want to acquire the site for this public purpose.

That is interim development control in the true sense. It temporarily controls the use of a site and at the time the developer has to scrap his main plans he is compensated because, of course, the price he paid for his land was a maximum price on the basis that he could use it to its full capacity; but its use being restricted by the interim development order meant that its value automatically decreased, and compensation was paid in this way. That was a fair, just and reasonable proposal from both the landowner's and the public authority's point of view, because the owner retained the site and in 20 years' time when the authority would have had to buy it an enormous sum of money would not have to be paid for a completely improved property.

If that is envisaged here, will compensation be considered on the basis that I mentioned in the example? I have read as much as I can about clauses 40 to 42. I have been reading about the freeze and the necessity of freeze, but I am still confused about what is really meant by Part V. I should like further information on that point.

In clause 52 (1) (*d*) we have some further reasons why the Director can refuse a subdivision. We may be tending to become theoretical in this matter. For instance, one of the reasons why the Director can refuse consent on the grounds that the subdivision is premature will be:

(ii) the availability or non-availability of community facilities.

We have to ask: which came first, the chicken or the egg? We know that people have bought and built in the outer fringes where all the community facilities do not exist that we should like to see there, but the hard and practical fact of the matter is that conditions have been satisfactory and development has taken place. I wonder whether we shall get any new developments at all in the outer fringes? This same increase in price occurs in respect of the existing subdividers of land if we have to wait for community facilities such as halls and schools to be built. We all appreciate that schools will not be built in open paddocks before houses are built in the vicinity.

Clause 63 (Part VII) deals with land acquisition and there are special provisions relating to compensation. As I read it and as I understand it (if I am wrong I stand to be corrected), compensation reverts back to clause 36, that part of the clause where land can be reserved and acquired for what I call service purposes. I question whether this is compensation as we expect it to be. Rather is it consideration for compulsory acquisition than compensation in the form in which we should like to see it in this Bill.

Subclause (2) of clause 63 gives the authority the right to acquire compulsorily. This was the power or the right that I opposed earlier in my speech tonight, because I see no need for this authority to compulsorily acquire or hold its own real estate.

Lastly, in clause 77 there is a provision that was, I believe, in one of the original measures. It gives the Director the power to prepare plans and reports for private owners, and the money collected by the Director is to be paid into the general revenue of the State. I cannot help thinking that this is an unwarranted interference, if it is exercised, and if it is in the Bill I have to assume that at some time it will be exercised. I think it is an unwarranted interference in the rights of licensed surveyors, professional people in private practice whose skill and knowledge is applied today in the preparation of plans.

If it were going to force surveyors only to peg out land and estates in the field, I think we would be restricting them unfairly and unnecessarily. I think we must agree that when members of the public know that this right is contained in this measure they will in many cases prefer to go straight to the Director and seek the Director's help in this manner, because they would feel that if the Director prepared a plan that plan in all probability would not meet with great objection from the authority of which the Director was Chairman, and with that knowledge I think the public will by-pass these professional men who in the past have given very good service to the public and who I think might be treated unfairly by this clause.

I look forward to hearing other members, when this matter is debated further, on the points that I have raised and on many other matters which I feel sure will affect members and their constituents. I hope that all the problems that arise when one imagines what could result from this large and complex measure will, in the main, be ironed out before this Bill is passed.

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

MOTOR VEHICLES ACT AMENDMENT BILL (REGISTRATION).

At 7.55 p.m. the managers proceeded to the conference. They returned at 8.25 p.m. The recommendations were:

That the Legislative Council do not insist of its alternative amendment, but make the following amendments in lieu thereof:

Page 4, line 24 (clause 11), leave out "makes"; line 25 (clause 11), leave out "similar provision to" and insert "meets the requirements of"; and that the House of Assembly agree thereto.

Consideration in Committee.

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

That the recommendations of the conference be agreed to.

I do not desire to speak at any length on the amendment. The conference was in entire agreement in this matter, and the position now is what both Houses apparently have sought.

Motion carried.

Later the House of Assembly intimated that it had agreed to the recommendations of the conference.

EDUCATION ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 2922.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): I have examined this Bill and can see nothing in it which I feel should be the subject of any objection. As pointed out in the second reading explanation, the Bill is really in three parts. The first part amends certain titles of the principal officers of the Education Department; the amendment in the second part is to enable the separate promotion lists of male and female teachers to be combined in one list; and the third part increases the penalty on the parent of a child who does not attend school.

Dealing with these matters *seriatim*, first, the amendment of the titles of the senior officers provides that the Director of Education becomes the Director-General of Education; the Deputy Director becomes the Deputy Director-General, and officers in charge of groups of schools, who I think are now called superintendents, are to be called principal officers. This is an age of titles that we live in, and if this is what the Government wishes I see no reason why the titles should not be adopted. I have not been able to ascertain the precise reason why these titles should be altered, and I would have thought they were satisfactory as they were before. However, if it is the wish of the powers that be that these other titles should be substituted, I personally see no objection to it at all.

The second part is self-explanatory. The separate lists for males and females is to be combined in the one special promotion list. This is largely, I think, to facilitate the compilation of the list and to save time. That is the explanation given, and I should imagine that this is a perfectly satisfactory reason for it. Also, of course, we know that the status of male and female teachers is in a different category from what it used to be.

Regarding the penalty on a parent whose child does not attend school, the present penalty is a maximum of 50c or, to be more comprehensible or to explain it to myself perhaps, 5s., which in these days is a pretty mild penalty. That is the maximum, not the penalty. It is proposed to increase the maximum from 50c to $5. The amount is being increased 10 times or, to the purist, by 1,000 per cent. I prefer to speak in terms of what is a fair thing and I should not think that a maximum of $5 for this offence is anything out of the way at all.

The Hon. A. J. Shard: That goes to prove how misleading percentages can be.

The Hon. Sir ARTHUR RYMILL: Yes, I have challenged percentages often enough, particularly in an arena in which my colleague, the Hon. Murray Hill, still often finds himself. Rents were often increased 300 per cent, and that seemed terrible. I used to prefer to think that people had been getting rental too cheaply for years and that the matter should have been adjusted years before. The same principle applies to this. We are here not to say that it is an increase of a certain percentage but to gauge what is a fair thing. In my opinion, this is fair. I have dealt with the three Parts of the Bill and consider that the Council can confidently support it, as I do.

The Hon. A. F. KNEEBONE (Minister of Labour and Industry): I thank the Hon. Sir Arthur for the manner in which he dealt with the Bill. In connection with his inquiry as to the reason for the changing of the titles, from time to time consideration has been given to the changing of the titles of officers in the senior positions in the department in order to bring them into line with positions in other States.

The Hon. Sir Arthur Rymill: I thought that.

The Hon. A. F. KNEEBONE: I hope that that explanation does not change honourable members' minds and that they will not ask why we should be in line with other States. This is an instance where it is desirable that the positions in South Australia be in line with those in other States.

The Hon. Sir Arthur Rymill: I thank the Minister for his explanation.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Compulsory attendance at school."

The Hon. C. R. STORY: The increase from 50c to $5 seems to me to be a steep increase, although I do not know how long it is since the present amount was fixed.

The Hon. Sir Arthur Rymill: It is a 1,000 per cent increase.

The Hon. C. R. STORY: Yes, it seems to be a big increase.

The Hon. R. C. DeGaris: It is not an increase of 1,000 per cent.

The Hon. C. R. STORY: Sir Arthur is a banker and I rely on his advice, as I would rely on the advice of my banker. I should like the Minister to explain the reason for this increase.

The Hon. A. F. KNEEBONE: These amounts were last assessed in 1915, so about 50 years have passed. Education is important today and it is necessary that children attend school. I think that the penalty is reasonable, having regard to that.

The Hon. C. R. STORY: In 1915 the basic wage was $4.80 and that wage came, as the Minister ought to know, as the result of a strike. If we relate that wage to the present basic wage of $34, we have a big discrepancy.

The Hon. C. D. Rowe: Parents had more children in those days, so they were likely to get into more trouble.

The Hon. C. R. STORY: This penalty seems to me to be severe.

The Hon. C. M. Hill: It will be the parents who pay it.

The Hon. C. D. ROWE: A few years ago an honourable gentleman named Condon sat in this seat and he made numerous speeches objecting to increases in penalties. Therefore, I consider that I should make this objection at this stage in his honour. The only other objection I make is that I hope that this increase is not a forecast of what we are likely to get from the Government in regard to other matters.

Clause passed.

Remaining clauses (9 and 10) and title passed.

Bill read a third time and passed.

MENTAL HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 2920.)

The Hon. Sir LYELL McEWIN (Leader of the Opposition): It is nice to be able to stand up and address oneself to a measure and be able to say, "I support it". It is not often we get a simple and clear-cut measure before us. I am a little committed to this Bill in advance because, at the time the present Director of Mental Health was being interviewed, I had found from experience for a couple of years during the term of Dr. Cramond that it was necessary to have direct contact with the Director of Mental Health.

The work was developing at such a pace that it was necessary in order to save time that I should have direct contact with the Director and that I should have a first-hand approach to him. That was done with the consent of the Director-General of Medical Services, otherwise he was subject to everything being passed through him, and that would only entail an additional obligation on him. I had direct approach to the Director of Mental Health and kept the Director-General of Medical Services informed of what was being done. I can only offer my support to what is contained in this Bill. It means that the Director will be Director of that branch of the department and directly responsible to the Minister, and that has my approval.

Most of the other contents of this Bill are of a consequential nature, excepting one which is a rather unusal amendment. It is contained in clause 8, and arises because it has been discovered that the intention of section 37b of the principal Act was expressed completely opposite to what it was meant to do. The intention of section 37b was that intellectually retarded persons should not be admitted to a training centre on the recommendation of a doctor's certificate more than 10 days old. This amendment corrects the position. I do not wish to delay the Council in discussing this measure. I support the second reading.

Bill read a second time and taken through its remaining stages.

HEALTH ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 2921.)

The Hon. Sir LYELL McEWIN (Leader of the Opposition): This Bill has direct reference to notifiable diseases. The amendments are such that I can give them my support. I remember in the matter of venereal disease some years ago I had the problem as Minister of Health at the time, of introducing certain legislation, but it took two approaches to get it passed in this Chamber. The main objection was regarding treatment in a confidential way. The criticism was that if we made these diseases notifiable, people would sneak around to the back doors of chemist shops and treatment would be administered, so that the whole purpose of the legislation would be defeated.

Most of the legislation of the period was on a voluntary basis and it was gradually strengthened as experience proved necessary and the demand required. This Bill makes some alteration in notifiable diseases, in this case relating to gonorrhea and syphilis. At the present time these diseases have to be reported, and such matters as notification will,

under this Bill, have to be reported to the Central Board of Health, where a state of privacy is preserved. As far as the patient is concerned, they are reported by the doctor. In clause 4 an obligation is placed upon medical practitioners to report not only cases of tuberculosis but also gonorrhea and syphilis. In other words, as I read the Bill, this obligation is taken out of section 127 where they report these cases to the local board and is put under section 128 of the principal Act, where it is made the responsibility of the medical practitioner attending a case to report to the central board.

A new Part IXc has been inserted. It provides for scientific research and studies, and makes access to departmental reports available to those carrying out any research, but they must observe secrecy about those reports. I think the necessary protection is given there for scientific research. We all appreciate that, in the field of health, research continues to become more and more important as regards both medicine and treatment. There is nothing in this Bill that I can take exception to. I support the second reading.

Bill read a second time and taken through its remaining stages.

HOSPITALS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 2921.)

The Hon. Sir LYELL McEWIN (Leader of the Opposition): This Bill, as I interpret it, provides for the positions of Director-General of Medical Services and Deputy Director-General of Medical Services. We have just dealt with a measure that makes the Director of Mental Health Services the senior officer in charge of the department dealing with mental health instead of being subject to or working through the Director-General of Medical Services. This Bill deals with another phase of the status of the Director of Mental Health Services, in that it creates the Director of Mental Health Services the Deputy Director-General of Medical Services. That means that we are, in fact, deciding that whoever is Director of Mental Health Services is automatically standing in line for the position of Director-General of Medical Services. About whether this is desirable as a permanent practice I have some reservations, but I certainly have no reservations about the qualifications of the present Director to fill that position. As a matter of fact, it has been the practice in the past that, during the absence of the Director-General of Medical Services on leave, the Director of Mental Health Services (Dr. Birch, and later Dr. Cramond) usually acted as Deputy Director.

The Hon. A. J. Shard: It was laid down somewhere in an Act, I think.

The Hon. Sir LYELL McEWIN: It was, but it applied only in the absence of the Director-General of Medical Services. This makes the position permanent. It may be that other officers would have better qualifications to be Director-General of Medical Services on a given date than the Director of Mental Health Services. That is the only difficulty I foresee in this legislation. I make it clear, however, that I am not speaking at all derogatorily of the ability and capacity of the present Director of Mental Health Services. We were most fortunate to be able to get the services of Dr. Shea again in South Australia; they had been lost for a brief period. We are lucky to have him. I am thinking only that perhaps on another occasion conditions may not be the same and it could be embarrassing to the Government. That is my only problem. I have no reason for saying that at present: it is only from the long distance viewpoint that I express the opinion that this could be embarrassing to the Government. This position is regarded as a stepping stone to the higher position when that position becomes vacant. Having drawn attention to this one aspect of the Bill, I support the second reading.

The Hon. A. J. SHARD (Chief Secretary): I agree with Sir Lyell McEwin's remarks, but the position has been, as I am informed, over the years that whoever was Deputy Director of Mental Health Services occupied the other position. Unfortunately, on each occasion it was necessary to go to the trouble of making appointments. Therefore, the people concerned thought it would be better if the position was made definite in the Act.

I agree with Sir Lyell McEwin that in the present circumstances we have no worry whatever, and I hope that this will apply for some years to come. We are fortunate indeed to have Dr. Shea. If the position that has been forecast ever arises and we are in trouble, the Government of the day or the Minister (whoever he may be) will have to amend the Bill. However, I do not think that will happen. Although the nasty experience we had with one doctor could occur again, I do not think we have anything to worry about in this matter.

Bill read a second time and taken through its remaining stages.

MARKETING OF EGGS ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

It makes certain miscellaneous amendments to the Marketing of Eggs Act, 1941-1965. There are two principal amendments proposed in this Bill. They are:

(1) an amendment of the definition of "producer" in section 2 of the principal Act to overcome certain difficulties that have arisen in the administration of the Act; and

(2) an amendment to stagger the terms of office of producer members of the board by providing that one of the three producer members of the board retire each year instead of all three producer members retiring at the end of a period of three years from the time of their appointment.

The need for the first of these two amendments has been brought about by the following set of circumstances: in 1965 the Commonwealth passed legislation dealing with the poultry industry. Subsequently our legislation was amended by the substitution of a new definition of "producer" to bring it into line with the Commonwealth legislation. The new definition defined a producer as a person who keeps 20 or more hens (a hen being defined as a fowl that is not less than six months old). As a result, the board lost control over eggs sold which had been produced by birds under the age of six months. It has, therefore, become necessary for "producer" to have two interpretations, one in line with the Commonwealth legislation, when the term is used in relation to qualifications to be a member of the Egg Board or to vote at the elections therefor, and the other to enable the board to control the orderly marketing of eggs produced by birds whether over or under the age of six months.

The second principal amendment has been thought desirable because of the advantage of having experienced producer members on the board. Under the existing provisions, the three producer members now in office are due to retire on March 31, 1967, but under the new provisions there will always be at least two experienced producer members on the board and one producer member would be elected each year in one of the three electoral districts.

I shall now explain the clauses of the Bill. Clause 3 (*a*) inserts a definition of "levy day" in section 2 of the principal Act. This will replace the term "relevant day" in section 4a of the principal Act. Levy days will occur once a fortnight in accordance with the Commonwealth Acts imposing hen levies. Clause 3 (*b*) amends the definition of "producer" to provide for the two meanings in which this word is now used in egg marketing legislation which have been explained earlier. Clause 3 (*c*), which is a drafting amendment, inserts the definition of "the Commonwealth Acts" in section 2 instead of section 4a of the principal Act.

Clause 4 (*a*) inserts the definition of "year" for the purposes of section 4a of the principal Act. Clauses 4 (*b*), (*c*), (*d*) and (*e*) amend subsections (5), (6), (6a) and (7) (*b*) of the same section which specify the requirements necessary before a producer may have his name included in the roll of electors for an electoral district. The amendment ensures that only a *bona fide* producer, that is, one who has met his obligations under the Commonwealth Poultry Industry Levy Act, 1965, and who, on at least 13 levy days in the year last preceding the date fixed for an election, was keeping at least 250 hens in his district, is entitled to have his name included in the roll of electors for that district. Subsections (5) and (6) (when the definition of "year" is read in conjunction with them) allow for a 12 months' qualifying period as near as practicable to the date fixed for an election and sufficient time for the preparation of rolls, for the rolls to be available for the perusal of interested producers, for ballot papers to be posted out to the various districts, and for the voting to be held and the poll declared before April 1 in the year of the election. The amendments in paragraphs (*c*), (*d*) and (*e*) are merely consequential amendments. Paragraph (*f*) corrects an error in the reference to the Returning Officer.

Paragraphs (*a*) and (*b*) of clause 5 make amendments to section 7 (2) of the principal Act, which are consequential upon the operative amendment to section 7 (2), which is set out in paragraph (*c*) of clause 5. This amendment alters the provisions relating to the term of office of the producer members of the board. At present all three producer members are due to retire on March 31, 1967, and, in order to stagger the terms of office of the producer members of the board to ensure a continuity of experienced producer members being maintained, it extends the term of office of two

of the producer members, one by one year and one by two years, the order of their retirement being determined by lot at the direction of the Governor.

Clause 6 inserts a new paragraph in section 8 of the principal Act, which sets out the conditions under which a casual vacancy occurs in the office of a member of the board. The amendment provides that a producer member may be removed from office by the Governor if he fails to pay his hen levy as required by the Commonwealth legislation or if he fails to keep 250 hens on at least 13 of the 26 levy days in any period of 12 months falling within his term of office. The purpose of this amendment is to ensure that only a person who continues to be a *bona fide* producer can be a producer member of the board.

Clauses 7 is a simple amendment relating to decimal currency. Clause 8 increases the penalty for a breach of the regulations from a maximum of £20 to a maximum of $100. As values have changed since the Act was introduced in 1941, a penalty of $100 is now a more realistic deterrent. Clause 9 extends the period of operation of the Act by five years from September 30, 1968, to September 30, 1973. This extension is advisable in that it would give greater stability to the industry and obviate the necessity of seeking a further amendment at a later date.

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

WORKMEN'S COMPENSATION ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

The principal object of this short Bill is to provide workmen's compensation protection to waterfront workers while travelling to and from places of pick-up. The Act at present covers travelling between place of residence and place of work and, of course, workers are covered while in actual employment. In pratcice, waterfront workers report to pick-up centres where they may or may not be engaged. If they are engaged then the cover applies but there is no provision for cover between place of residence and place of pick-up. This anomaly does not exist in either New South Wales or Victoria where specific provision is made.

Accordingly, clause 4 makes provision along lines almost identical with corresponding sections in the Acts in those States, providing that a person is deemed to be employed while in attendance at a place of pick-up for the purpose of being selected for employment, while travelling to a place of pick-up for such purpose and, in the event of non-selection, while travelling home. Such a person is deemed to be employed by employer who last employed him in his customary employment.

Clause 3 makes the necessary consequential amendment to section 4 of the principal Act. Clause 5 provides that the amendments shall apply in relation only to injury occurring after the commencement of the Bill. Clause 6 deals with another matter. Last year a new section 28a was inserted in the principal Act, the intention of which was to provide for compensation to be paid at current rates. The new section was drafted at a manager's conference between both Houses. The Government has been advised that it is ambiguous and, accordingly, clause 6 amends this section so as to make it quite clear that current rates for death or total or partial incapacity shall be at the rates ruling at the time of death or incapacity as the case may be. Total liability for an employer is sot affected nor are lump sum payments or payments for table injuries. In other words, current rates will be applicable only in the case of death or partial or total incapacity, that is, payments for death and weekly payments for incapacity.

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

PASTORAL ACT AMENDMENT BILL.

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

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

That this Bill be now read a second time.

This short Bill provides for an amendment to section 41 of the Pastoral Act, which now provides that leases for pastoral purposes of land not south or east of the River Murray must be for a term of 42 years. The amendment will provide that where any of such land is, in the opinion of the board, likely to be required for intense cultivation, public works, a site for a town or cemetery, mining rights, parklands, pastoral research or reserves, or that the land is inadequate for a living area, a lease for a lesser term may be granted upon conditions to be determined by the Minister.

The immediate problem arises out of dealings with the residue of lands resumed in connection with the Chowilla dam project. It

has become apparent that some modification of the type of lease that may be granted would facilitate the settlement of present claims and permit the occupation and development of the remaining land to proceed without interruption. The amendment would also enable leases to be issued over certain lands in the pastoral area of the State which are now let on annual licences and for which no other form of tenure is available under the principal Act. Yearly tenancies are unsatisfactory both to the occupier and the interests of the State.

The amendment will have the effect of permitting the present occupiers to obtain a lease issued under the provisions of the present Pastoral Act, rather than an annual licence or Miscellaneous Lease. Obviously, it is better for lands within the pastoral area to be let under the Pastoral Act. This will provide a greater degree of security for the occupier, and simplify administrative procedure within the department.

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

POLICE OFFENCES ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 2926.)

The Hon. Sir LYELL McEWIN (Leader of the Opposition): We seem to have reached that stage of the journey where I now have to disagree with a Bill that has been submitted by the Government. Although we were warned by a press statement on March 17, 1965, that legislation would be introduced to divest the police of powers to deal with loitering, I did not take the announcement seriously. I did not believe that any responsible Government, after some experience in office, would approve legislation that would jeopardize not only law and order but also life and property.

The Attorney-General's announcement encouraged an early reaction, for on August 14, 1965, we had ugly scenes in Rundle Street, or in the vicinity of Frome Street, because of the failure of people to obey requests by the police to move on. The important provision under discussion is section 63 of the Lottery and Gaming Act, which was first enacted in the Police Act in 1904, many years ago. I think what was said on that occasion is worth reviewing. The *Hansard* report states:

The Hon. B. A. Moulden, in moving the second reading, said he had introduced the Bill because of the crowds which assembled in Grenfell Street on race days, and he hoped the measure would have the effect of abolishing the evil. People congregated almost daily in that street, and their loitering was a source of great inconvenience and annoyance to business people and pedestrians. He did not believe the Council would object to dealing with crowds in a similar way in other parts of the city. He had been interviewed by several tenants and landlords of Grenfell Street, and they had assured him that the crowds constituted a serious nuisance and affected business. One gentleman had stated that he had incurred heavy loss on account of the assemblages preventing people from entering his premises. Business people had vacated offices in the vicinity owing to existing conditions. The reason he had moved in the direction of an amendment to the Police Act was partly due to an interview with the Commissioner. Section 79 of Part VII of the Act of 1869, which dealt with regulations for preventing obstructions in the streets, set out 12 offences, and he proposed to add another. When the Bill got into Committee he would ask permission to make amendments in clause 2. He was glad to know that the Government intended to support the Bill and hoped it would have a speedy passage through the Council, and that the evil complained of would be a thing of the past.

If we turn over two pages of *Hansard*, we see that that Parliament passed that legislation at that time because of the problems it had to deal with. That Bill, incidentally, was called the Street Obstruction Bill, and in 1907 it was brought into another Act, then known, as reported in *Hansard*, as the Gaming Suppression Bill. I presume that is why the clause ultimately came into the Lottery and Gaming Act and that is why some people consider that it is only something to do with gaming and people should not be prosecuted under this clause for ordinary offences. It seems to me that when it was introduced in 1907 it was associated with the introduction of a totalizator. I have not had time to really check whether that was the time when totalizators were introduced, but that may be the reason it was included in the Lottery and Gaming Act.

On that occasion quite a long speech was made by the Commissioner of Public Works. The Bill was introduced on that occasion in the House of Assembly. The previous Bill I referred to was introduced in the Legislative Council, but in 1907 the Minister stated that the Government was bringing down a Bill it believed would be in the interests of the community at large, irrespective of any particular section. He said it was a rather strong Bill, but no stronger than had been introduced in the other States. Mr. Roberts interjected, "Its pretty strong when you have the power

to arrest a man for walking slowly along." The Minister proceeded:

It was necessary that the Bill should be strong to suppress the evil they were contending against. They were either going to suppress gambling or else they would have to suppress the totalizator. They had been told over and over again that the totalizator would purify betting by taking it off the streets, out of the offices and shops, and putting it on the racecourse. That Bill said:— "Allow the totalizator to exist as at present but put down all other forms of betting." The Government was determined to put their feet down firmly and solidly upon the question of betting other than through the totalizator.

And so the speech proceeds, in which the claims were made that the getting rid of nit-keepers and bookmakers, the same as we are going to do under T.A.B., and the police are going to clean it up by the proposal that we take away any power they have to deal with this particular problem. That is what we are being told. The suggestion in the Minister's speech is that these powers are being taken out of the Lottery and Gaming Act and placed in the Police Offences Act. If that were true I would not be wasting my breath in debating the Bill. If the Minister is prepared to transfer word for word section 63 from the Lottery and Gaming Act into the Police Offences Bill I will be satisfied, but I see no reason, in view of what we are promised under T.A.B., to take it out of the Lottery and Gaming Act, because it is appropriate in that Act. If the Minister asks to include a similar clause in the Police Offences Act, I will support him. However, as this is presented to us now, I have no alternative but to oppose the Bill completely.

I think I should draw attention to what was in the original draft in 1907, which was much more strict than what we have in the Lottery and Gaming Act at present. The law then said:

Any person standing or loitering in any street or upon any footpath wthin any municipality, and who shall after being requested by any police or special constable refuse or neglect to move on . . .

There were special constables in those days and they had power to act under the loitering provision. The word "municipality" is used there because there were by-laws in certain municipalities that gave the police all the powers they had under this particular clause of the Police Act, 1907, but that did not apply in every municipality, and so we had different laws prevailing upon which the police could act, and that is why Parliament apparently introduced a Bill to deal with this problem. Now section 63 of the Lottery and Gaming Act, 1963, reads:

No person standing in any street shall refuse or neglect to move on when requested by a police constable so to do, or shall loiter (whether such loitering shall cause or tend to cause any obstruction to traffic or not) in any street or public place after a request having been made to him to any police constable not to so loiter.

There are no comparable powers under the Police Act at present to enable the police to act on those lines. In the Bill, which we are told is to be a substitute, we find very different words:

Where three or more persons are loitering in company in a public place in such circumstances or in such a manner as to lead a member of the police force reasonably to apprehend . . .

The words "reasonably apprehend" are included, which places the responsibility on the police that they have to be able to reasonably apprehend, or in other words, wait until something really happens before they can take any action. That is what I object to in this Bill. This has come before us previously. It was brougt home forcibly to me when I happened to be Minister when in 1964 the present Attorney-General (then Mr. Dunstan) led his Party successfully to delete the provision from the Lottery and Gaming Act. It was that year that in my capacity as Minister I had to appeal to the Legislative Council to prevent that becoming effective.

The Hon. A. J. Shard: What year was that?

The Hon. Sir LYELL McEWIN: It was in 1964. I can understand that the Minister has to support this legislation that he has introduced today, possibly under duress; he is probably much wiser now than he was then. He then voted against putting that Act right in this Chamber, strictly on a Party basis, when the powers were restored to the police that were deleted in another place. The reports from the Commissioner of Police, who is responsible for law and order, on that occasion more than convinced me of the necessity for it; and I have no doubt that, if the Minister today consulted with the Commissioer of Police, there would be no variation from what was the position in 1964. The need to retain the necessary powers is even greater today, with our increased population. I would certainly not expect, in those circumstances, a change in the police views.

These powers are necessary to enable the police to act before trouble occurs, causing damage to property, possible injury to

citizens, or a disturbance in the streets, and to avoid situations arising that could lead to court proceedings. That is what I call preventive legislation, legislation that we as a Parliament should seek to maintain on the Statute Book. Serious mob disturbances and gang battles that occur from time to time in other places are singularly rare in South Australia. I hope that Parliament will hold fast to the powers that have served us so well over 60 years and have not been abused by the police, in spite of what anybody says to the contrary. No matter how perfect the Statutes and the Police Force are, there is always the odd occasion when somebody may feel aggrieved or when perhaps a mistake has been made, but it is sacrificing far too much to deprive the police of these powers merely because of isolated incidents that may occur. If we compare the situation in South Australia with that in other places, we see that here we have enlightened legislation, which enables the police to suppress trouble situations before they erupt into large-scale disturbances. Without this power, we shall sacrifice security for molestation of either person or property.

I recall the kind of situation that needed police intervention—the whistling after and calling to young women, the blocking of footpaths, the making of offensive remarks, and persons loitering at street corners. Under this Bill, the police could not take any action until they reached the state of mind enabling them to "reasonably apprehend" that an offence might be committed. So I could go on and relate other instances of which I am aware. For instance, we see somebody lurking around a dark corner and a young woman comes along; the man is there for the purpose of molesting her. It may be that the police are aware of this but they cannot take any action because they cannot "reasonably apprehend" that an offence will take place. Loitering is, of course, an individual thing. If a man wants to break into a bank or similar institution, he goes there. A policeman may observe something suspicious, but, because that person is only one of three and it would be easy for him to offer a reasonable excuse (for instance, that he was waiting for a friend to turn up) and the friend is not far away, ready to do his job when a brick is thrown through a window of the bank, there is no opportunity for the police to act in time to prevent damage to property, and perhaps danger to life, because the policeman has to "reasonably apprehend".

I know there are other honourable members more learned in the law than I (perhaps it is not a proper comparison to say "more learned", because I am not learned in the law) who will understand and be able to interpret the language that appears in this Bill. Suffice it to say that I am definitely opposed to the alteration of a measure that has served South Australia so well over the years. If the Government desires to include this provision in the Police Offences Act Amendment Bill and is prepared to accept the same drafting as we have at present, which has been tried and proved and has not been criticized in the courts, to my knowledge, then I am prepared to support it. I see no reason why it cannot run side by side with the section in the Lottery and Gaming Act, 1963. I oppose this Bill entirely.

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

NATIONAL PARKS BILL.

Adjourned debate on second reading.

(Continued from November 10. Page 2930.)

The Hon. S. C. BEVAN (Minister of Local Government): This Bill has received attention from honourable members and during the debate various questions have been raised. I have been asked to reply to some of the criticisms made. The question of the appointment of commissioners was dealt with at some length by honourable members. It is intended to provide for a wide cross section of opinion and interest. Members will be sought for their knowledge and experience not only in purely conservation matters but in administration, finance, land usage and tourism; in fact, in all matters which may be of concern to the management of our National Parks in their broadest sense.

Appointments on this basis are considered necessary to preserve a proper balance in the membership of the commission, and my colleague the Minister of Lands has given an assurance that primary producers will not be overlooked when recommendations for appointments are being considered. However, he desires to depart from the provisions of the present Act whereby eight of the commissioners are either nominated by various bodies or hold their appointments *ex officio*, so that members will be appointed on the basis of the individual contribution they can make to the affairs of the commission rather than that they should represent any particular organization.

Referring to the acquisiton of land, clause 33, which by the Fourth Schedule to the Bill amends the Land for Public Purposes Acquisition Act, 1914-1935, inclusion of this amendment in this Bill does no more than amend the foregoing Act, and the amendment was included in this Bill as a convenient way of handling the matter rather than by the introduction of a separate Bill.

The reason for the amendment arises from the fact that on opinion given to the Government the present Lands for Public Purposes Acquistion Act does not empower the establishment of reserves as this is not at present considered to be a public purpose within the meaning of that Act, and therefore no power now exists to compulsorily acquire land even though it may be of the greatest importance to preserve some particular area or feature.

Although all areas which have been secured in recent years have been obtained by negotiation with the owners, it is desirable that the Government should be able, should occasion arise, to acquire by other means. It is, however, to be hoped that additions to any National Parks will continue to be made by voluntary negotiation rather than by compulsory acquisition.

Inclusion of this amendment in the Lands for Public Purposes Acquisition Act does not give the power of compulsory acquisition to the commission, and any action in this regard would follow the normal procedure provided in that Act, with full Ministerial responsibility. Further, funds which are provided for the purpose of purchasing lands for reserves are under the direct control of the Minister and not under the control either of the commissioners as at present constituted or the proposed commission.

Reference has been made to the areas which have been set aside and some misgivings have been expressed by honourable members. However, much of the land which has been set aside is unsuitable for development and much more remains to be done if a full representation of the flora and fauna of the State, or what is left of it, is to be preserved. Consideration is being given to the addition of inland areas. It is also desirable to add to National Parks some of the more attractive natural features of the State.

Reference has been made to the control of vermin and noxious weeds. In this regard the commissioners clearly already do all in their power to control these matters, and their efforts are only limited by the funds which can be devoted to this purpose. A policy to fence all reserves was initiated over two years ago and many miles of fencing and firebreaks have, in co-operation with adjoining landholders, been erected. This policy is a continuing one which will take some years to complete.

Honourable members have commented on the quorum provisions of the Bill which provide for six members and compares with four under the present Act. The number provided is considered reasonable for what will be a more or less voluntary service by people with other important interests; a larger quorum may well prevent a regular meeting being held, and this would impede the administration of the commission. Experience with most bodies of this type is such that very important matters are delayed for consideration by a full attendance of members, and I am assured that this has been the policy of the present body.

Reference has been made to the powers of sale of animals. These powers are already included in section 5 of the present Act. It does not, however, override the Fauna Conservation Act which the present Bill will complement in providing habitats for native fauna. Powers of removal of stone, bark and timber are also included in section 5 of the present Act; they are exercised only very rarely, particularly as regards any sale, and are not regarded as a matter of great significance. Quarrying in National Parks would be inconsistent with the objects of the Bill and contrary to clause 25.

The Hon. Mr. Story raised a question on clause 16. This is similar to section 13a of the present Act and, as pointed out in the second reading explanation, enables the commission to accept grants of land and gifts of personal property. I can see no particular conflict of interest between the commission and other bodies like the National Trust in this matter.

The Hon. Mr. Hart referred to the number of meetings prescribed. Section 13 of this Bill provides for the minimum number of meetings which must be held. In practice meetings would be held, as they need to be, at much more frequent intervals. The present commissioners hold a regular monthly meeting in addition to special meetings where this is necessary.

He also referred to the omission of sheep from clause 17. This clause is substantially similar to section 7 of the present Act. It is not usually desirable to graze sheep in National Parks, and consequently provision for a by-law

to control this has not been considered necessary. The fact that no provision is included to make by-laws in respect of sheep does not preclude the commission from permitting such grazing if it should be necessary, as this could be done under the powers contained in clause 15.

The reference to encumbrances in clause 20 refers to any mortgage or charge, or impediment as to title. It is the intention of the Bill that all lands, before proclamation as National Parks under the Bill, will become Crown lands. No lands can become Crown lands if subject to encumbrances as to title, and all such must be removed.

Crown lands are subject to the Mining Act, but upon becoming National Parks this Bill provides that the Mining Act and Mining (Petroleum) Act shall not apply. It is the intention of the Government to meet any such problems of the type outlined which may arise—they do not arise with any area at present held—by action under clause 25, subsection (2). This clause would also be used where the public interest indiciates that it is desirable that any part of National Parks should be brought under either of these Acts.

Further, in answer to the queries raised by the Hon. Mr. Hill, there are hundreds of small reserves throughout the State under local government control. Many places of historical interest are under the control of the National Trust, and these lands do not come within the provisions of this Bill. It is intended that the commission will concentrate on the larger areas. There is no likelihood of conflict between the commission and local government.

The attention of the Hon. Mr. Hill is drawn to the definition of Crown lands in the Crown Lands Act which is adopted under clause 18 of the Bill. Lands used by a local government body cease to be Crown lands for the purposes of the Crown Lands Act and this Bill; therefore, the fears of the honourable member are groundless.

If the honourable member wishes to see what reserves have been established, I would refer him to the annual report of the commissioners. The Belair National Park is held by the present commissioners under a restricted title under section 4 of the present Act. To ensure that all lands controlled by the commission can be given the protection of this Bill, by which they are declared National Parks (clause 19), action under clause 11 (3) has been taken. The Bill provides that once declared National Parks, the land cannot cease to be such without the approval of Parliament. I think that answers the questions raised during the debate by honourable members.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Members of the commission."

The Hon. M. B. DAWKINS: I move to insert the following new subclause:

(1a) One of the members shall be selected from a panel of three persons nominated by the Stockowners Association of South Australia, one from a panel of three persons nominated by the United Farmers and Graziers of South Australia and one from a panel of three persons nominated by the National Farmers Union of South Australia.

I said in my second reading speech that I considered there should be some definite provision for the inclusion of a reasonable number of primary producers on the commission because of the close contact they have with fauna and flora reserves and because of their interest in such facilities. The Stockowners Association of South Australia represents many grazing properties. The United Graziers and Farmers of South Australia are now representative of most of the medium-sized properties. The National Farmers Union of South Australia is a liaison body that embraces the Stockowners Association, the United Farmers and Graziers and all other aspects of primary production and, presumably, the nominees from the National Farmers Union would come from the other aspects of primary production that it embraces.

I think there is a need for more specification of the people who should be chosen to work on the commission. I am appreciative of the fact that members of the present commission have done an excellent job. Definite representation from primary production and from other spheres interested in conservation would strengthen the commission.

The Hon. S. C. BEVAN (Minister of Local Government): I oppose the amendment and hope the Committee will not accept it. The whole purpose of the Bill is the establishment and maintenance of national parks. We cannot sectionalize regarding the appointment of commissioners. If we did, many other organizations interested in national parks would be justly entitled to claim that they should have representation. Are they not just as interested in national parks as is any other

organization? This is by no means a complete list, but the following organizations are interested in national parks:

Nature Conservation Society of South Australia; South Australian Ornithological Association; National Trust of South Australia; Field Naturalists' Society of South Australia Incorporated; Royal Society of South Australia Incorporated; South Australian Field Sportsmen's Association; National Fitness Council of South Australia; Royal Zoological Society of South Australia; Advisory Board of Agriculture; Bushfires Research Committee; Emergency Fire Services; Royal Agricultural and Horticultural Society; Local Government Association; Murray Valley Development League; Agricultural Bureau; Upland Game Association of South Australia Incorporated; Adelaide Bushwalkers Society; South Australian Society for Growing Australian Plants; Avicultural Society of South Australia; United Farmers and Graziers of South Australia (Incorporated) (previously Australian Primary Producers Union (South Australian Division) and South Australian Wheat and Wool Growers' Association); Stock Owners Association of South Australia; South Australian Fruit Growers and Market Gardeners Association; Forests Department; National Farmers Union; and the Fauna Conservation Department.

All the organizations I have mentioned are definitely interested in national parks and are justly entitled to claim that they are equally entitled to representation. The amendment attempts to tie the Minister's hands. Subclause (3) gives the Minister a discretion regarding the appointment of the best available people, and surely the Minister will take cognizance of the need to have representation of primary production.

The Hon. Sir ARTHUR RYMILL: I must again rally to the trumpeting of the Government in the person of the Minister, because he has made exactly the points I intended to make. As the Hon. Mr. Shard knows, I was at one time President of the National Trust, and many of the organizations that the Minister of Local Government has referred to nominate people on the trust council. It is perfectly clear that if we have certain bodies nominating members, we must give a proper hearing to other interested organizations. I know from the experience I have had in other organizations that there are far more people interested in national parks than those who are getting the preferential treatment that the Minister of Local Government has referred to. I think it would be completely invidious to give certain people the right to nominate to the exclusion of others, but if we give a number of bodies the right to nominate, where do we finish? Which ones do you choose, and which do you omit? I think it is far better to leave the Bill as it is drawn and leave it to the common sense of the Minister from time to time to nominate people.

This has happened in the past in many of these things and I think it has worked reasonably well. I cannot imagine that tying the hands of the Minister would provide any better result. He will nominate the people, irrespective of the specification he has read out, who he thinks are best able to serve on the commission. I support the clause as drawn.

The Hon. L. R. HART: We always know when the Minister is on weak ground, because he blows his trumpet very loudly and becomes very vocal. I contend, and suggest to the Minister, that many of the bodies he has named are associated under one principal organization, and we can take it that most of the producer organizations that he has named are members of the National Farmers' Union. Instead of naming all of them, we could name the National Farmers' Union, and that would be representative of most of the bodies named.

Certain sections of the community have a more vital interest in this Bill than others, particularly the land-owning sections, because these are the people who may have land acquired for the purpose of national parks, and it is in the interests of these people that they should be guaranteed some representation on this commission. It is not unusual for certain interested bodies to submit a panel of names to the Minister from which he shall make a selection. This occurs, as I said in my second reading speech, in the appointments to the Abattoirs Board.

I have no doubt that if we investigated the various Acts we would find where this occurs in other instances, so I suggest to the Minister that he gives some consideration to allowing the producer organizations to submit to him a panel of names from which to make his selection. These are the bodies which are interested in the land that may be acquired, and these are the people who have some knowledge of the treatment required of such land after it has been acquired.

I consider that, if these bodies were represented on the commission, we would have a far greater acceptance of the actions of the commission, particularly in relation to the acquisition of land. I suggest to the Minister that he give favourable consideration to this question, because I consider that the Bill will be more acceptable to the people outside if they know they have reasonable representation on the commission.

The Hon. JESSIE COOPER: I regret I cannot support the amendment. As I said in my second reading speech, I believe this is an occasion for giving the widest possible coverage to an authority—a group of people which surely should contain persons such as scientists in various fields and people experienced in fire-fighting. We do not want a policy that is too restrictive in choosing the commission, as I believe this will be. We want people of broad interests and people who have at heart the interests of all the people in all sections of the State. Therefore, I support the Government in its opposition.

The Hon. R. C. DeGARIS: I sympathize with the motives of the Hon. Mr. Dawkins in moving this amendment, but I cannot go along with it, for the reason that the Minister has stated. I consider that permitting a panel of names to come from various organizations does create problems in relation to the appointment of commissioners. I believe the commissioners should be appointed by the Minister and that there should be some primary-producing representation on the commission, first, because I believe the commission should be broadly based, and secondly, because practically all of these national parks will be in rural areas. We want to be sure that the interests of primary producers are represented on the commission. Although I appreciate the motives of the Hon. Mr. Dawkins, I cannot support the amendment.

The Hon. M. B. DAWKINS: I do not wish to delay the Committee unduly, but I do wish to mention one or two things. First, by the opposition that has been raised, one would think my amendment suggested that all or a majority of the commissioners should come from one section of the community. I thought the Minister got quite worked up. He read out a long list of organizations. There are, as the Hon. Mr. Hart said, no less than 14 organizations that are members of the National Farmers Union. Quite a number of them was on the Minister's list and, of course, the United Farmers and Graziers Association is now a combined organization, and these associations, together with the Stockowners Association, represent practically the whole of primary production.

All that my amendment seeks to do is to ask that 20 per cent (three out of 15) of the members—as, indeed, will the other amendment we might consider directly—should be people who would represent primary-producing interests. I do not see any particular objection to some other people being specified to be appointed, and as the Hon. Mr. Hart also said, there is nothing new about this. This happens in other organizations where the Minister has for many years had a list of names submitted to him. No organization would have the effrontery to submit one name to the Minister. The Minister would be selecting names from a list that had been provided for his own benefit, and he would know who were acceptable people in the eyes of the industry concerned. My amendment merely seeks that 20 per cent of the commission be representative of primary production in areas from which so much of this land of fauna and flora has been and will be taken.

The Hon. G. J. GILFILLAN: I represent a district where this matter of reserves causes some concern both to adjoining landholders and to local government bodies. I am inclined to agree with the Hon. Mr. DeGaris that this amendment may have a weakness, in that it specifies certain organizations. I agree with the Hon. Mr. Dawkins and the Hon. Mr. Hart that we should have some representation of people who thoroughly understand the problems associated with reserves. The statement by the Hon. Mrs. Cooper that we need scientists and various other people is true, but this is a wide and large panel. The inclusion of someone who is at least a *bona fide* primary producer or associated with the land would improve this legislation. Although I agree with the Hon. Mr. DeGaris that this may not be the ideal amendment, in lieu of any definite proposal by the Minister to include in the Bill a reference to representation of people from the land, I support the amendment.

The Hon. S. C. BEVAN: I oppose this amendment because it provides for preferential treatment. The Hon. Mr. Hart said that a number of the organizations that I listed are members of some other organization. I will give the honourable member a list, nowhere near complete, of the organizations I read out and he will not find any such number there. He knew that perfectly well when he made the accusation. There are one or two organizations. Many organizations are enumerated in the National Trust legislation which I have not mentioned at all; they, too, are interested in national parks and are entitled to representation as well. If we give specific representation in the Bill to a particular body (and the amendment states that an organization shall submit a panel of three names from which the Minister shall appoint one representing the particular organization), I suggest

that all the other organizations are entitled to representation. There is another amendment on the file to be moved by the Hon. Mr. DeGaris.

The Hon. R. C. DeGaris: I have not moved it yet.

The Hon. S. C. BEVAN: I ask honourable members to defeat this amendment. If it is defeated and the Hon. Mr. DeGaris moves his amendment, I shall submit a proposal to the Committee that, I think, will overcome the difficulty of both amendments. At the moment, we are dealing with this one amendment.

The Hon. C. R. STORY: I support the amendment. It has been suggested that a privileged class has been introduced here. Primary producers were suggested not because they lacked representation but merely because they would be of benefit to the commission.

The Hon. S. C. Bevan: Then why not any of these other organizations that I have mentioned?

The Hon. C. R. STORY: If we take any one of the organizations named by the Minister, we see that little provision is made for the practical man. We have a large area on Eyre Peninsula where, although scientists may be able to look after the theoretical side, there are people who know every nook and cranny of it. That applies also to some of the country in the South-East, which has its own peculiarities. The national parks would be well served by the practical experience of people living in those areas. The suggestion is made not to seek some great benefit for the primary producers but to try to get a balance between the theoretical and the practical. Therefore, I shall support the amendment until I hear what pearls of wisdom drip from the lips of the Minister when he brings forward his amendment, which may be a better one.

Amendment negatived.

The Hon. R. C. DeGARIS: Perhaps the Minister will, at this stage, indicate the amendment that he says he has up his sleeve to enable me to judge whether or not I should proceed with my amendment. We may be able to save time if he does that.

The Hon. M. B. Dawkins: He would have to go back to the Trades Hall and ask them!

The Hon. S. C. BEVAN: If honourable members think that they are nice and funny by throwing around insults, I shall take objection. I am tolerant on the floor of this Council but I resent the implications that come from behind me. This is not the first occasion. It is about time I took exception to it, and I shall take exception to it. When I am in charge of a Bill in this place, I am entitled to put my views forward whether honourable members accept them or not, just as any other honourable member is entitled to put forward his view. I can go off the deep end and get rather obnoxious at the same time.

The CHAIRMAN: If the Minister thinks the honourable member has said something objectionable, perhaps the honourable member will withdraw the remark.

The Hon. M. B. Dawkins: If I have offended the Minister, I will withdraw the remarks I made.

The Hon. S. C. BEVAN: I move:

In subclause (3) after "shall" to insert "have regard to the desirability for representation on the commission of any class of primary producer and shall".

I think this would overcome the objections that have been raised regarding representation on the commission.

The Hon. R. C. DeGARIS: I think this amendment overcomes the objections I had to this clause. I agree with the Hon. Mr. Story that there is a need to make sure that these commissioners are balanced between the theoretical and the practical. I believe there is some complication in that at present there are 13 commissioners and those 13 will be appointed as commissioners under this Bill, leaving two more to be appointed. Of the present 13 commissioners, there is already representation of *bona fide* primary producers, so I think this amendment overcomes my objection. Therefore, I will not move the amendment that I have on the file.

Amendment carried; clause as amended passed.

Clause 8—"Term of office of members of the commission."

The Hon. R. C. DeGARIS: The amendment I intended to move in this clause is consequential on the amendment I had on file regarding the previous clause, so I shall not move it.

Clause passed.

Clauses 9 to 19 passed.

Clause 20—"Declaration of national parks."

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

In subclause (1) to strike out "encumbrance" and insert "mortgage or charge."

I judge from something the Minister said in his reply that he has some objection to this proposed amendment. I am suggesting this change because I consider that the use of the word "encumbrance" can adversely affect the

whole purpose of this clause. The Minister indicated that the definition of "encumbrance" was "a mortgage or charge" or, I think, "an impediment on the title."

I again quote the case I mentioned before of an impediment on the title in the form of an easement to the Electricity Trust so that the trust can have power mains running through certain land. The trust must have rights of entry upon that land. As I read this clause, if land of this kind was in the name of the commission, as it could be (it could be left by will to the commission), and an encumbrance or an easement of that kind was on the title, I cannot see how the machinery indicated in this clause could be put into effect. Land in the commission's name must not be subject to any encumbrance: as it reads, it must be absolutely a clear title, and unless it was a clear title the commissioners could not recommend that the land be declared.

The easement of the kind I mentioned to the Electricity Trust would, of course, carry through, and even when it was Crown lands, as I understand the position, the trust would still have rights to enter and the easement would remain. I think this problem would be overcome if "encumbrance" was struck out and "mortgage or charge" inserted. I think it is the intention that the land be clear of any mortgage or charge over it before the machinery can be put in train regarding declaration as a national park. Upon the making of that declaration, the land would automatically vest in the Crown.

The Hon. S. C. BEVAN: I oppose the amendment. The reference to encumbrance relates to any mortgage or charge or impediment as to title. As the honourable member has pointed out, the land cannot become Crown land if there is any encumbrance on it. The word "impediment" has been used in the explanation given to me and I am not sure that the words "mortgage or charge" would adequately cover the matter. I consider that the provision, as it stands, meets what is desired.

Amendment negatived; clause passed.

Clause 21—"Management, etc., of national parks."

The Hon. H. K. KEMP: I move:

After "21" to insert "(1)"; after commission" to insert the following subclause:

(2) The commission shall—

(*a*) maintain and preserve the fauna and flora in and the natural features of national parks for the use and enjoyment of the people of the State;

(*b*) eradicate weeds, pests and vermin in national parks; and

(*c*) maintain national parks in such a condition as not to constitute an undue risk of fire in adjoining lands.

The amendment is self-explanatory and relates to a matter with which I dealt at length in my second reading speech.

The Hon. S. C. BEVAN: I oppose the amendment, because I consider that it does not improve the Bill. In fact, it does not do anything. The honourable member desires to insert a provision that will require the commission to maintain and preserve the fauna and flora in and the natural features of national parks for the use and enjoyment of the people of the State and, in addition, to eradicate weeds, pests and vermin in national parks. Who will determine what constitutes weeds?

The Hon. H. K. Kemp: The Noxious Weeds Act.

The Hon. S. C. BEVAN: The weeds that the honourable member has in mind are not defined, nor is there a definition of what constitutes pests and vermin. What will be the position if the commission puts its own interpretation on these words and someone complains that it is doing things that it has no right to do? The commissioners will be men of high standing in regard to the establishment and preservation of national parks. I cannot see how the commission would be able to give effect to the matters referred to in the amendment. This measure will not override the Noxious Weeds Act or the Vermin Act. The Commissioners will be conversant with these Acts and with their duties in regard to national parks.

The Hon. C. D. Rowe: Is the honourable member correct in assuming that those other Acts apply to Crown lands?

The Hon. S. C. BEVAN: I feel sure that there is an obligation to remove.

The Hon. H. K. Kemp: We are talking about Crown lands.

The Hon. S. C. BEVAN: It is ludicrous to suggest that a national park would be allowed to run wild while the owner of adjoining land would be required to destroy weeds, pests and vermin on his property. The Commissioners will have their duties in regard to the national parks.

The Hon. H. K. Kemp: Where are their duties detailed?

The Hon. S. C. BEVAN: The honourable member has expressed his opinion many times on this matter and the Government will obtain the best people available for the work. Now, what are their duties? Do we spell out every little word of what their duties have to be in relation to the Act? Surely, if we appoint people to do a particular job they are expected to do the job; they are not appointed for life, as far as we are concerned, and surely the men who will be appointed to do the job are going to do the job.

The Hon. H. K. Kemp: What is the job? Where is it stated what the job is?

The Hon. S. C. BEVAN: Are we not getting to the ridiculous when we say "What is the job?" It is do the very things the honourable member says in his amendment shall be done. The national park is a national resort as far as the people of the State are concerned. We have one very close to the city and it does not take very long to reach it. Belair and Long Gully are good illustrations of what a national park should be. I consider that a mass of contradictions has been put up in the amendments, and I hope the Committee rejects them.

The Hon. H. K. KEMP: I am astonished at the Ministers' remarks. There is nothing to do other than to vote on my amendment, but I must make a few points. First, nearly all of these Acts do not apply to Crown land. Secondly nowhere in this Bill is any mention made of what the purpose of the commission is, although it is given vast power.

The Bill leaves an enormous amount of latitude to the commission. Surely there should be some indication as to how and for what purpose the commission is being created. Finally, it must be appreciated that the duties implied have been badly neglected in the past.

One of the chief reasons for the great uncertainty of landholders in nearly every country district is the serious fire risk that has arisen from the neglect to provide fire breaks in national parks and Crown areas. The control of vermin on Crown lands has been deficient in the past, and it must be one of the commissioners' duties that they must conform to the legislation requiring them to control vermin and noxious weeds and safeguard the areas against fire.

The Hon. L. R. HART: I consider that there is some merit in the amendments that the Hon. Mr. Kemp has on file. The landholders' opposition to parks and reserves over the years has stemmed largely from the fact that they have been breeding grounds for weeds, vermin and other pests, and also that they have constituted in many instances a very grave fire risk to adjoining lands. Right through the Bill we have laid down certain provisions which the commission shall observe. I see no reason why these extra guidelines should not be inserted in the Bill. After all, the commission may consider that a certain area is largely a recreational area and this could be decided by six members, not the full commission, and in making provision that a particular area shall be a recreational area, certain flora and fauna of a very precious nature that may be in that area could well be destroyed. I think that the guidelines suggested by Mr. Kemp should be inserted in the Bill.

The Hon. G. J. GILFILLAN: I, too, consider these amendments have some merit. I mentioned this particular matter in my second reading speech. Some reference has been made tonight to the Belair National Park and the parks close to the metropolitan area and the way in which they have been maintained. In the wider areas these problems are quite serious. I mention Eyre Peninsula, where there is a reserve of 250,000 acres in one area. These very problems of vermin and pests mentioned by the Hon. Mr. Kemp are those which the local people associate with this type of reserve. People spend large sums of money on the eradication of vermin and rabbits; in fact, they are forced to do so under the Act, and they find that this type of reserve is a constant reservoir which maintains vermin in the district.

I consider that, rather than the words "eradicate weeds, pests and vermin in national parks", it would be better to specify "noxious or dangerous", and I wonder whether the word "control" would be better used in this sense, because it is almost impossible to eradicate weeds completely from any area because, as honourable members well know, there is a vast reservoir of seeds in the ground which can lie there for many years before they germinate. The same thing applies to vermin—it is almost completely impossible to eradicate them from some areas, particularly in rough country. It is a matter of control more than eradication. I wonder if the word "eradicate" is too severe in this content.

The Hon. Sir ARTHUR RYMILL: The Hon. Mr. Hart and the Hon. Mr. Gilfillan both said rather faintly that there is some merit in this amendment. I think there is much merit in the amendment, but I find these terms a contradiction. For instance, Mr. Gilfillan has mentioned that vermin (and he

emphasized rabbits) must be controlled but these are fauna which must be preserved, as I read it, under paragraph (*a*), unless there is some other interpretation. I think "fauna" is not necessarily, unless it is defined somewhere else—natural or indigenous.

That is what I want to hear the Hon. Mr. Kemp on. Flora would include that lovely plant salvation jane, which is one of the most beautiful plants around the countryside. I suffer from it myself on my little country property, and it is the most difficult thing to "eradicate", to use the term that has just been used. I agree that this amendment is good. I hope it will be accepted, but I should like the Hon. Mr. Kemp to explain the apparent contradiction in terms. It may be that these terms are defined elsewhere and that they are not contradictory.

The Hon. H. K. KEMP: The wording here is as suggested by the Parliamentary Draftsman. The original wording of my amendment was:

(*a*) maintain and preserve the fauna and flora in and the natural features of national parks . . .

(*b*) eradicate weeds, pests and vermin in national parks;

in conformity with the Noxious Weeds Act and the Vermin Act. I cannot take the blame for the ambiguity here, but I ask leave to withdraw my amendment with a view to moving another.

Leave granted; amendment withdrawn.

The Hon. H. K. KEMP: I now move:

(2) The commission shall—

(*a*) maintain and preserve the indigenous fauna and flora in and the natural features of national parks for the use and enjoyment of the people of the State;

(*b*) control pests and vermin in national parks;

and

(*c*) maintain national parks in such a condition as not to constitute an undue risk of fire in adjoining lands.

The Hon. C. D. ROWE: I have had some experience of reserves. It is always the case that the local landowner is required to destroy noxious weeds and vermin on his own land, but it is not done on adjoining Crown lands. It is virtually impossible to destroy them on Crown lands. Therefore, if we put this amendment into the Bill it will mean that far fewer acres will be declared reserves than is the case at present. The intention of the Hon. Mr. Kemp's amendment is good, but where do we get the dollars and cents to implement it? It is impossible. I should like to see a general direction given to the commissioners that they must do whatever they can in these matters. Therefore, I suggest to the Hon. Mr. Kemp that he include in subclause (2) after "commission" the words "as far as practicable". It is impossible to ask the commissioners to destroy all noxious weeds and vermin, but it is advisable that we should let them know that they should do these things as far as possible.

The Hon. H. K. Kemp: I should like to accept that suggestion.

The Hon. Sir ARTHUR RYMILL: There is much to be said for the Hon. Mr. Rowe's suggestion, so this may be an appropriate time for the Minister to ask that progress be reported.

The Hon. L. R. HART: I agree with the Hon. Mr. Rowe's suggestion but point out that, if we water down this amendment too much, there will be no purpose in having it. It is all very fine to ask, "Where do we find the money to eradicate these weeds?", but the private landowner is required to eradicate them and he has to find the money to do it. If there is to be a reservoir of weeds at his back door, as the Hon. Mr. Gilfillan said a while ago, what hope has the private landholder of eradicating them? The commission should comply with the provisions of the Noxious Weeds Act, as any individual is required to do. The reason why today there are so many noxious weeds about is that the Crown lands or lands under the control of Government institutions or even councils are infested with weeds, which in turn infest the surrounding country.

I realize that the eradication of weeds is a costly business and it may be impossible to eradicate certain weeds. No Government will take action against an individual or body if that individual or body is endeavouring to rid his land of weeds. At present, certain district councils are trying to eradicate the boxthorn. I can name areas where the council itself is probably the greatest offender in allowing boxthorn on its properties. The same applies to the artichoke, which today is a weed that can be eradicated. A few years ago it was difficult to do this. Again, some councils are trying to eradicate the artichoke.

It is the weeds that are inclined to spread on to adjoining properties that the commission should be required to eradicate. If there are as many weeds on the adjoining properties as there are in the national parks, and the Hon. Sir Arthur Rymill mentioned salvation jane, then it may not be necessary or desired that this weed be eradicated. I suggest that the Minister look at this amendment and if he can make a

better suggestion he should do so. However, I warn the Committee that we should not water down this amendment to such an extent that it becomes ineffective.

The Hon. S. C. BEVAN: I think we may be able to get over this difficulty if I move an amendment to the amendment moved by the Hon. Mr. Kemp. I therefore move:

To strike out paragraphs (*b*) and (*c*) of the Hon. Mr. Kemp's amendment and insert the following new paragraphs:

(*b*) take such measures upon national parks as may be deemed satisfactory—

(1) for the control of such noxious weeds and dangerous weeds as may from time to time be declared to be such pursuant to the Weeds Act, 1956-1963.

(2) for the control of vermin within the meaning of the Vermin Act, 1931-1962; and

(3) for the elimination of bush fire hazards.

I think that will meet the desires of the Committee.

The Hon. H. K. KEMP: I accept it as far as it goes. However, there is one omission, and that is the matter of pests which is quite likely to be of serious moment in some cases. Fruit fly particularly might easily involve the National Park Commissioners in costly work if it should be found in the Belair area. This would involve the addition of another paragraph, specifying the elimination of pests under the Vine, Fruit and Vegetable Protection Act.

The Hon. S. C. BEVAN: This goes further than what the honourable member originally submitted.

The Hon. H. K. KEMP: My original amendment related to weeds, pests and vermin, and it was put in that form by the Parliamentary Draftsman.

The Hon. S. C. BEVAN: What has fruit fly got to do with noxious weeds?

The Hon. H. K. Kemp: If you get fruit fly on blackberries in the National Park you will soon know.

The Hon. S. C. BEVAN: The honourable member spoke forcibly in relation to his amendment, but now we find that something has cropped up that had not entered into the matter previously.

The Hon. M. B. Dawkins: They were all in right from the start.

The Hon. S. C. BEVAN: I cannot see where it was in.

The Hon. C. R. Story: The Minister has not dealt with pests in his amendment.

The Hon. Sir Arthur Rymill: I think you ought to report progress.

The Hon. S. C. BEVAN: We will stay here all night to iron it out, so far as I am concerned.

The Hon. Sir Lyell McEwin: That's the way to get on.

The Hon. S. C. BEVAN: This Bill is urgent, so it is important that we go on with it. I had an amendment on the file. It was up to the Hon. Mr. Kemp to indicate what he wanted; he did that by putting an amendment on the file, and I have gone further.

The Hon. H. K. KEMP: Would it be satisfactory to the Minister if I added a paragraph relating to the control of pests within the meaning of the Vine, Fruit and Vegetable Protection Act?

The Hon. S. C. Bevan: That would be all right.

The Hon. G. J. GILFILLAN: I am at some loss to understand what the words "as may be deemed satisfactory" mean. Is the position that the commissioners will take such measures as may be considered necessary?

The Hon. H. K. Kemp: Yes.

The CHAIRMAN: Does the Minister desire to withdraw his amendment?

The Hon. S. C. BEVAN: Yes, Mr. Chairman; I ask leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. H. K. KEMP: I ask leave to withdraw my amendment, Mr. Chairman, and to substitute in its place another amendment.

Leave granted; amendment withdrawn.

The Hon. H. K. KEMP: I now move:

After "21" to insert "(1)"; after "commission" to insert the following new subclause:

(2) The commission shall as far as practicable—

(*a*) maintain and preserve the indigenous fauna and flora and the natural features of national parks for the use and enjoyment of the people of the State,

(*b*) take such measures upon national parks as may be deemed satisfactory—

(i) for the control of such noxious weeds and dangerous weeds as may from time to time be declared to be such pursuant to the Weeds Act, 1956-1963,

(ii) for the control of vermin within the meaning of the Vermin Act, 1931-1962,

(iii) for the control of insects and disease within the meaning of the Vine, Fruit, and Vegetable protection Act, 1855-1959, and

(iv) for the limitation of bush fire hazards.

The Hon. Sir LYELL McEWIN: As I understand the amendment, it referred to pests as that word was defined in the Vine, Fruit, and Vegetable Protection Act. I have just examined that Act with the Parliamentary Draftsman, and the word "pest" does not appear. While I have sympathy with what the honourable member is trying to do, I hope that anything we vote on will be in language that can be interpreted and that it will mean something. It is of no use the Committee's just muddling on: for goodness sake, let us have something intelligent on which to vote.

The CHAIRMAN: If the Minister will consider asking that progress be reported, we could avoid some trouble.

The Hon. S. C. BEVAN: I am quite happy to sit here. However, so that there will not be any misunderstanding, I ask that progress be reported. I hope that tomorrow we shall have before us an amendment that can be debated.

Progress reported; Committee to sit again.

ABORIGINAL LANDS TRUST BILL.

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 5 and 10 to 12 and disagreed to amendments Nos. 6 to 9.

SUPREME COURT ACT AMENDMENT BILL.

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

ADJOURNMENT.

At 11.44 p.m. the Council adjourned until Wednesday, November 16, at 2.15 p.m.