LEGISLATIVE COUNCIL

Thursday, March 9, 1967.

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

QUESTIONS

BUILDING INDUSTRY.

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

Leave granted.

The Hon. R. C. DeGARIS: I noticed a report in this morning's *Advertiser* that the Plasterers Society was deeply concerned about the position in the building industry in South Australia. If one accepts the Commonwealth Statistician's report, one will see that there has been a very marked down-turn in building activity in South Australia and that the decline is much sharper here than in any other State. Will the Chief Secretary, as Leader of the Government in this Chamber, say whether the Government will call a conference of all interested parties in the building industry in South Australia in an attempt to find a solution to this problem?

The Hon. A. J. SHARD: Before I answer the question, may I be permitted on behalf of my colleagues and myself to extend congratulations to the Hon. Mr. DeGaris on his election as Leader of the Liberal Party in this Chamber. I am sure that we as a Government and he as Leader will continue in the same spirit of co-operation to pass legislation in the interests of the people of this State. I hope that his position as Leader of the Opposition will continue for many years.

As the Leader knows, I am not the Minister of Housing, but I am prepared to take up this matter with the Premier, who is the Minister of Housing, and obtain a report. Last week I complained about newspaper reports containing untrue statements, and this is no exception. The Government gets the blame for the downward trend in the housing position in this State, but it is not the Government's fault—it is in the private sector. I have a statement that proves conclusively that as far as the Government is concerned the position is just as good now as, if not better than, it has been over the last five years. The General Manager of the South Australian Housing Trust reports:

(1) At the end of February, 1967, the Housing Trust had completed the erection of 2,189 houses since the start of the present financial year. The trust expects to complete a total of 3,150 houses during the current financial year.

(2) The average number of houses completed by the trust over the previous five years was 3,117 houses a year.

(3) The value of buildings erected by the trust in the current financial year is expected to amount to $26,000,000.

The Director of the Public Buildings Department reports as follows regarding expenditure by that department:

Financial Year.	Total Expenditure.
	$
1960-61	15,200,000
1961-62	17,200,000
1962-63	15,800,000
1963-64	17,000,000
1964-65	22,100,000
1965-66	25,000,000
1966-67 (estimated to end of financial year)	26,200,000

It will be seen that the Government is spending more money in the building sector than has been spent in previous years. I leave the matter there. There is a proper place for the expression of views on the position. It is unfortunate that there is unemployment in the building industry: it is unfortunate for anyone to be unemployed. Honourable members have heard me express that opinion many times. However, I do not think the Government should be blamed blatantly (as it was this morning) because the private sector of the industry is not constructing houses or buildings.

The Hon. L. R. HART: I understood the Chief Secretary to say that at the end of February, 1967, 2,180 houses had been completed. If that figure is correct, can he say how many of them are occupied?

The Hon. A. J. SHARD: The number of houses completed was 2,189. I do not know how many are occupied but I shall obtain the information for the honourable member.

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

Leave granted.

The Hon. C. M. HILL: I was interested to hear the Minister's comments about the private sector in the building industry. It is my belief that the main problem centres around housing finance. Will the Chief Secretary ascertain from the State Bank how long applicants for housing loans must wait at present between the time when they first lodge their names with the bank for a loan and the time when that money is available?

The Hon. A. J. SHARD: I shall be pleased to refer the question to the Treasurer.

GAUGE STANDARDIZATION.

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: I am sure that everybody in South Australia is vitally interested in the standardization of rail gauges, particularly in relation to this State. In recent years we have had brought to our notice the necessity for the standardization of the line between Port Pirie and Broken Hill and, happily, that work is now being carried out. Also, the necessity for the provision of a standard gauge railway between Port Augusta and Whyalla and for the standardization of the link between Adelaide and Port Pirie has been mentioned.

Can the Minister say whether the Government has been able to make any progress in negotiations with the Commonwealth Government for the commencement of standardization work between Port Pirie and Adelaide following the completion of standardization between Port Pirie and Cockburn and between Terowie and Peterborough? Is he able to say whether the Government favours the present route between Port Pirie and Adelaide or whether it favours a route by way of Crystal Brook?

The Hon. A. F. KNEEBONE: The matter of standardization of other lines in South Australia following the standardization of the line between Cockburn and Port Pirie has been the subject of negotiation between the South Australian and Commonwealth Governments. In regard to the section between Adelaide and Port Pirie, the Commonwealth Government has made available money for a survey of the most appropriate route by which this section should be standardized. The Commonwealth Railways Commissioner has prepared a report on this proposition. The report has gone to the Commonwealth Government, which is studying it. We are pressing for urgent consideration of it and an agreement between the two Governments on the next step in the standardization, because other lines within South Australia, and particularly in the Peterborough Division, need standardizing, too.

These are all the subject of discussion between the two Governments. A firm decision on priorities has not been made by the Governments, but we are pressing on with negotiations and hope in the near future to be able to come to a final decision. It must be realized, of course, that whatever standardization is undertaken (I think honourable members are aware of this) the Commonwealth Government supplies the funds in the first instance and the State Government pays back to the Commonwealth, on a 50-year basis, three-tenths of the full amount. That puts the picture in its right perspective when we are discussing the financial arrangements with the Commonwealth.

YORKIE CROSSING ROAD.

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

Leave granted.

The Hon. R. A. GEDDES: I understand that the bridge over the gulf at Port Augusta has been closed to all west-bound traffic with a maximum gross load of 16 tons or over. The alternative route for this heavy transport is via a road called the Yorkie Crossing road, involving another 25 miles of travel. It has been reported to me that this road is in a shocking condition and, when wet, is dangerous and often impassable to heavy duty vehicles. As this road is now the only link with Eyre Peninsula, Western Australia and Northern Territory for vehicles liable to ton-mile tax, will the Minister as a matter of urgency request his department to have the Yorkie Crossing road made an all-weather road as soon as possible to avoid possible delays to road transport with the winter weather approaching?

The Hon. S. C. BEVAN: This matter is already in hand with the Highways Department. If there had not been so much dilly-dallying in the construction of the new bridge, as to where it should or should not go at Port Augusta, we should have been well on the way to having a completely new bridge there. This is an urgent matter. I have had an urgent request from the Highways Department to authorize the construction of a new bridge. The bridge is now dangerous and must be closed to heavy traffic. The Highways Department is looking at the road with a view to making it more trafficable for heavy vehicles which now have to go around the top of the gulf.

RAILWAY ACCIDENTS.

The Hon. R. C. DeGARIS: I ask leave to make a short statement before asking a question of the Minister of Transport.

Leave granted.

The Hon. R. C. DeGARIS: Before asking my question, I should like to take this opportunity to thank the Chief Secretary for his kind remarks on my appointment as Leader of the Liberal and Country League in this Council. I assure the Council that I shall try to carry out my duties in the best interests of this Chamber. I should also like to offer my congratulations to you, Sir, on your election as President, and I pay a tribute to you as the previous Leader of my Party. My only hope is that I can emulate you in the standard of leadership that you displayed during your term as Leader.

My question is: would the Minister of Transport like to make a statement about the serious derailments and accidents that have occurred recently on South Australian railways?

The Hon. A. F. KNEEBONE: I mentioned before that the Minister of Roads and I have met with departmental officers concerning this matter. We have discussed all measures that may be taken. Our officers have submitted a report to us but I cannot reveal its contents because my colleague and I have not considered the full ramifications of the suggestions in the report. We are very concerned about derailments and accidents and we are not treating them lightly. We know the difficulties involved, and we are considering whether anything practicable can be done or whether it is a matter of education. Although we are concerned about the number of accidents, we believe that many of them (some of which involved deaths) could have been prevented if the victims had shown more care.

Before I resume my seat, I wish to add my congratulations to those of the Chief Secretary regarding the appointment of the Hon. Mr. DeGaris as Leader of the Liberal and Country League in this Chamber.

GILES POINT ALTERATIONS.

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

Leave granted.

The Hon. C. R. STORY: A recent report in the *News* said that alterations were to be made to the proposed deep sea port at Giles Point, and that some delay would be occasioned because of the alterations. Can the Minister give details of the proposed alterations to the scheme, and can he indicate the delay that may occur as a result?

The Hon. A. F. KNEEBONE: I cannot give a detailed answer now; I was not aware of the reference to a delay. In order that I can give a detailed answer to this question I shall contact my colleague in another place and obtain a report as soon as possible.

GOVERNMENT PRINTING OFFICE.

The Hon. M. B. DAWKINS: Can the Chief Secretary inform the Council of any further developments towards the establishment of the very much needed new Government Printing Office?

The Hon. A. J. SHARD: Since I last reported to the Council on this matter a planning committee from the Public Buildings Department has been appointed, and an officer holding an important position in the Government Printing Office has been delegated to that committee. I understand that the planning of the proposed new building is well advanced; I discussed this matter only this week with the Public Service Commissioner because the Public Stores Department is also concerned. Most of the planning should be completed within a month; the Government is treating this as a very urgent matter. The Public Service Commissioner told me that planning was up to schedule and that the whole proposition would soon be ready to be referred to the Public Works Committee. I cannot say exactly when that reference will be made, but I can assure the Council that planning is progressing favourably and in accordance with the Government's wishes.

GREENHILL ROAD.

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

Leave granted.

The Hon. H. K. KEMP: Previously I have had occasion to remark on dangerous conditions applying on the Greenhill Road. Another example has now been given me by constituents in my district relating to the hazard attaching to the sharp corners just above the Burnside section on this road. In later months there has been a tendency for this road to be used more and more by heavy interstate vehicles seeking to avoid the tortuous section of the Mount Barker Road beyond Stirling. More heavy vehicles are appearing on the Greenhill Road at peak traffic times.

Recently a resident of my district encountered one of these long vehicles on the very sharp corner immediately above the deepest drop-away and there was insufficient room between the wall side of the road and the

semi-trailer as it turned the corner for that resident to get past. This person had to stop dead and watch the available roadway diminish to less than five feet wide. This is a dangerous situation, but it is occurring not infrequently.

Since the above incident was reported to me I have heard of other people who have had a similar experience. I appreciate that the road is substandard, but can the Minister say whether it is possible for this road to be brought up to present-day standards in the foreseeable future? In the meantime, will it be possible to examine these corners to see whether they can be improved without great expenditure and (this is a hardy annual) when it is expected that additional safety fencing on the extremely hazardous drop-aways on this road will be erected?

The Hon. S. C. BEVAN: In view of the nature of the honourable member's question and explanation, it would appear that a restriction should be placed on larger vehicles using the road or on the tonnage allowed on such vehicles on that road. I point out that the road, when built, was not meant to carry semi-trailers as it now has to do along with other traffic. I will refer the question to the Highways Department in order that a full report may be submitted and I will let the honourable member know when it is available.

BEEF ROADS.

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

Leave granted.

The Hon. Sir NORMAN JUDE: I was interested to read in this morning's *Advertiser* that a special grant has been made for what are termed beef roads in this State. As the majority of honourable members are aware, Commonwealth funds are only made available for roads under two Commonwealth Acts: one is the Roads Grant Act on a five-year basis and the other is a special Act referring to beef roads and developmental roads in Queensland, Western Australia and the Northern Territory. The grant I mentioned is associated with another grant made to Queensland. Will the Minister of Roads say whether this grant will be subject to an additional matching grant from South Australian funds?

The Hon. S. C. BEVAN: As the honourable member would be aware when he was Minister of Roads, for some time applications were made by the then Premier to the Commonwealth for financial assistance for the building or maintenance of a beef road. These applications were made in relation to the Birdsville track, but they were rejected all along the line. South Australia has now been brought into the special fund the honourable member has mentioned and will be given an allocation for a beef road. I made an application through the Premier recently for financial assistance from this fund for up-grading the Birdsville track, and the press report the honourable member has seen flows from those representations. A considerable sum of money from that fund will be made available over a period of, I think, the next seven years.

I have had no official notification from the Commonwealth, nor has the Premier, in this matter, but about $50,000,000 is to be made available to Western Australia and Queensland (primarily Queensland), and $1,000,000 of that sum will be made available over the next seven years for up-grading the Birdsville track. This is the result of our recent representations. I do not know how far this sum will go in up-grading the track, but it is not subject to a matching grant from the State. We shall have to spend much more than $1,000,000 from our funds to enable cattle to be brought to the railhead to be marketed in this State, but I hope that we can convince the Commonwealth Government that it should increase the allocation by another $5,000,000 or $6,000,000, as I could spend that amount very easily on this road.

EAST MURRAY AREA SCHOOL.

The Hon. C. R. STORY: Has the Minister of Labour and Industry obtained a reply from the Minister of Education to my recent question about providing a telephone service at the East Murray Area School?

The Hon. A. F. KNEEBONE: The Minister of Education reports:

To provide a telephone service to the East Murray Area School, the Education Department is required to erect a private line a distance of four miles 52 chains (to pick up existing wires) to the Mindarie exchange. The cost of the line erected to Postmaster-General's Department specifications would be $4,500. This is obviously an uneconomic proposition and at this time funds cannot be provided. However, if the Postmaster-General's Department would permit the school to be connected to the Galga exchange through a party line, then the length of private line would be reduced to about one mile. The Education Department will discuss this proposition with the Postmaster-General's Department.

ORE FREIGHT RATES.

The Hon. D. H. L. BANFIELD: Before asking my question of the Minister of Transport, I should like to offer my congratulations to you, Sir, on your elevation to the high office of President of this Council. We know your work as Leader of the Opposition, and we are sure that you will carry out your duties as President with the same dignity as you carried out your duties as Leader. I congratulate the new Leader of the Opposition, the Hon. Mr. DeGaris, on his appointment. We know that his early training has fitted him for the position, and I trust that he will have a very long term as Leader of the Opposition in this Council.

In view of the publicity given to the South Australian rail freight rates for the cartage of concentrates from Cockburn to Port Pirie, can the Minister of Transport give any further information to this Chamber so that we shall know the position?

The Hon. A. F. KNEEBONE: I am glad the honourable member has asked me this question, because this gives me an opportunity to keep the Council informed of what is going on in the matter, which is a serious matter for all of us in this State.

The Hon. C. D. Rowe: If you had let us know we would have asked the question!

The Hon. A. F. KNEEBONE: Apparently my colleague is more on the ball! I met representatives of the mining companies this morning and they submitted further proposals to vary the agreement on the freight rate. These proposals will receive the Government's immediate consideration. In view of the publicity given to this matter in the press, I think I should say that the past negotiations with the mining companies and those that took place today were conducted on a most amicable basis.

SOUTH-EASTERN DRAINAGE.

The PRESIDENT laid on the table the interim report by the Parliamentary Committee on Land Settlement on South-Eastern Drainage Proposals for Variation of Drain C Extension Works in the Eastern Division.

ABORIGINAL AFFAIRS ACT AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from March 8. Page 3489.)

The Hon. C. M. HILL (Central No. 2): First, may I take this opportunity to offer you, Sir, my congratulations upon your election yesterday as President of the Legislative Council. I believe your elevation was a fitting tribute for the long and meritorious service that you have given and are still giving to this Chamber and this State.

This Bill adds further to the process, which I think we all want to see eventually achieved, of granting to the Aboriginal people more and more opportunities to attend to their own affairs and be integrated properly within the State. Although it may not have been the purpose of the Bill to take that further step, it will have that effect.

I suppose the real intention of the Bill is to clarify some existing machinery and make some of this machinery run a little more smoothly than perhaps it could have run under previous legislation. The part of the Bill that interests me is, I think, summarized in two sentences that I shall read from the Minister's second reading explanation, in which he said:

> It is considered desirable that the Aboriginal people should be encouraged to run their own affairs, and to this end it is proposed to set up in appropriate cases councils which will be empowered to regulate the affairs of the institution. The new provision will also empower regulations to authorize a delegation to such councils of any powers or functions of the Minister or superintendents and to enable reserve councils to control entry into Aboriginal institutions.

Three points arise from that. I agree with the first, which concerns the help that has been given and is to be given to co-operatives and other commercial concerns being set up by the Aboriginal people on their reserves. They are to be given more freedom to conduct those enterprises, and I think that is good: they should be given considerable freedom in these business ventures.

We were told by the Minister later in his explanation that certain co-operatives were functioning and, in particular, that a mining venture was operating in which the Aboriginal people were mining a semi-precious stone and processing it for jewellery and similar articles. It appears that the Aborigines have the opportunity to make those products. It seems that, under the previous legislation, they would have been forced to sell or transfer them to the Government and that the Government would have been entitled to sell them on the open market. The margin from marketing directly with the outside business world and in such oversea places such as Hong Kong that would have gone to the Government will now go back to the Aborigines.

I trust that these business ventures will be profitable. However, I express a warning that all business ventures, especially in their early stages, are not profitable, particularly in the business world of today. I am a little cautious and consider that reference to the Minister in business decisions for a year or other relatively short period may have been a means of assisting these people. The Minister is able to arrange for advice of this kind to be given in many ways. If that were done, the Minister would have been a help, not a hindrance. However, the Government is anxious to give these people full rein in their operations and I certainly hope that it all works out well from the profit-making point of view and from the point of view of achievement of business success. Such achievement will give them more confidence to expand commercial operations.

I am not able to speak in the same glowing terms about the other two points that concern me. Although I shall be repeating some of the things that have been said by the Hon. Mr. Geddes and the Hon. Mr. Story, I shall be repeating them not for the sake of repetition but because the matters are extremely important. Clause 3 enacts the following new section:

41. The Governor may make regulations for the following purposes:—

1. Providing for the establishment and constitution of Aboriginal reserve councils for and in respect of Aboriginal institutions and defining the rights, duties, powers and functions of such councils and in particular but without limiting the generality of the foregoing for empowering any of such reserve councils to do, perform and exercise, any of the powers or functions of the Minister or superintendents for reserves under this Act, and providing that, notwithstanding anything in this Act, any such reserve council may grant with or without conditions, or refuse permission to any persons or classes of persons to enter, or be in, or remain upon, any Aboriginal institution for and in respect of which such council is constituted and providing that entry into or remaining upon any such institution without the permission or otherwise than in accordance with the permission of such council shall be an offence.

That subclause particularly interests me. It seems that the Minister proposes to give away to these reserve councils a control that he previously had so that the councils will be able to act without any control by him. I submit that such a delegation is contrary to Government policy. I have always considered that the present Government places much importance on Ministerial control. However, we now have a case of the Minister's not wanting control in this sense and being prepared to give certain rights to the councils. Of course, he will still exercise a control in another way.

The Hon. C. D. Rowe: Do you think that these councils will be able to override the Minister in some respects?

The Hon. C. M. HILL: Well, they will not have to refer many things to the Minister. However, the Minister will still retain much control in a rather unusual way of which I do not think any Minister could be proud. We remember previous legislation under which meetings of the Aboriginal Lands Trust could not be held if the Minister's nominee, the Secretary, was not present. If the representatives on the trust arrived for a meeting, some having travelled from distant parts of the State, the meeting could not commence unless the Secretary was present. I do not think that is a system of which anyone can be proud and I question whether it is proper to keep that kind of control on the one hand and to introduce legislation like this on the other, at the same time telling the man in the street that the achievement is that all this power has been given to the reserve councils. One of the great pities of the new policy relates to a point I made earlier, that the Minister can be helpful in these matters. Reference back to the Minister by the reserve councils for his consent on many matters may well be a blessing in disguise, because the reserve councils are somewhat inexperienced in many of the projects they are contemplating. It is not unfair to say that their personnel is probably fairly inexperienced in some of the big business projects we hope to see undertaken on these reserves.

I do not want to be unfair to the personnel of these councils, but I think that statement is true. Some of the ventures that I want to see them putting into operation could grow in scope and size to big business operations. Of course, even if it is simply working the land, basically it is a business operation, as country members know only too well. In the early years when these councils are taking over the reserves and getting them on to the sound footing that we want to see them on, some reference to the Minister may be helpful.

The Hon. F. J. Potter: Actually, it would have to come back to the Minister to make a regulation.

The Hon. C. M. HILL: I will come to this matter of regulations in a moment.

The Hon. F. J. Potter: I think your point is that it comes back to the wrong time?

The Hon. C. M. HILL: I will deal with regulations now. I know that it must come back and that we look again at this matter when it comes to the time for regulations but, if a future Parliament was considering approving regulations, it would look back to see the scope that this Parliament felt was satisfactory, within which those regulations could be formulated. If a future Parliament considering regulations before it and asking itself whether they should or should not be approved sees in the legislation passing through this Chamber now a scope as wide as that mentioned here, it must form the opinion that, when we considered it and passed it (if we do pass it), we were satisfied with the vast breadth of this whole question.

Of course, such future Parliament would be more content to pass those regulations if they did not fall within this wide scope whereas, if this scope could be limited here and now, regulations would be drawn up within that narrow margin and would be considered by the legislators of that time in the future as being within that margin. That is my point on this check that will occur when regulations come forward. The time to restrict the scope of this matter is now.

My second point (and, again, it was made ably by the Hon. Mr. Geddes yesterday) concerns the restriction of ingress into and egress from the reserves. I wonder whether, again, we are guiding this question along the proper lines when we pass legislation emphatically referring to this matter. Yesterday, the point was raised, as it was raised many times in the latter part of last year, whether or not we were getting anywhere with integration, when we tended to assist these small societies within the society of the State. Is this integration when we give the people on the reserves the right to stay there and to stop other people from coming in—and, of course, going still further, to tell people to get out? That is in this legislation before us.

If we are to have as our ultimate aim those people managing their own business affairs or working the land or operating co-operatives or mining ventures on the reserves, why should not the ordinary people connected with commerce have the right to go in and put propositions to these people—machinery salesmen, mining engineers and representatives of those people from other States where machinery and know-how have to be sold and promoted—to enable them to function within the reserves? To stop commercial men of this kind entering the reserves is wrong.

I see no reason, for example, why representatives from the stock and station agents, the big companies of the State and of Australia, should not be allowed in. These managers from the townships call upon men throughout the country, on the stations, at the homesteads, and so forth; but here we are specifically intending to pass legislation giving these reserve councils the right to say, "No; we do not want to have anything to do with those people; they are not to come on to our property." There are many other groups of people, some of whom were mentioned yesterday, affected by this rule that these reserve councils will have the right to restrict entry in this way.

I am concerned, too, about what I term "the little people" from the reserves. What the reserve councils' policy will be I do not know, but it is fair to say that on some reserves there are Aboriginal people who do not want to be caught up in the modern way of life, especially the modern way of business life. It is our responsibility to keep these people in mind. Here, we are giving the councils that run these reserves the power to say to some of these little people who want to continue living as they have lived previously, "You must get off. You have been here for too many years; you will not fit into the new pattern that we are establishing here or the new way of life on these reserves. You must get out." I wonder whether the Government has fully considered the needs and problems of some of these little people on the reserves who may be affected by this legislation.

On those two points I express considerable fears. I have heard with interest fears expressed by other speakers, too. At this stage it is unwise for us to give this power to the reserve councils without reference back to the Minister; it is also unwise for us to go so far as to give this power to these councils to say who can and who cannot come in and who must get out of the reserves. I look forward to further debate during the Committee stage.

The Hon. H. K. KEMP (Southern): I wish to point out aspects of this Bill that have not been laboured sufficiently. I wish to question the real need for this legislation. Under the Act as it stands at present there is very practicable power vested in the responsible

authorities. I know of this because I have had first-hand experience of the extreme difficulty experienced by people who have had reason to legitimately enter a reserve. Such people are forced to adopt very expensive measures to obtain permission to enter a reserve; this is taking place today. In the far north-west corner of the State some very promising nickel fields are being proved.

I am sure that the lengths to which people have to go to enter those fields cover every possible safeguard that is necessary to protect our Aborigines from contacts which could bring personal or health hazards. A very strict medical examination is necessary before a person is allowed to go near these fields, and a very strict character guarantee must also be given; persons desiring entry to these fields are considered by the authorities in Adelaide and authorities in the district itself.

The legislation now before us gives a blank power to the reserve councils, and it will be the councils on the reserves that will absolutely limit any possibility of legitimate entry to the reserves—unless one happens to be a favoured person. This raises the question of whether the purpose of this legislation is to have the rights in that land taken and preserved for the Aborigines themselves, and the Aborigines only. If that is the case, it cannot possibly work: I believe that such a purpose is the case. The Chief Secretary, in his second reading explanation, made considerable mention of a chrysoprase deposit that is now being worked as semi-precious stone; the idea is to eventually build up a craftsman industry, the stones to be polished and apparently to be sold to tourists. Who discovered that chrysoprase deposit? It is most unlikely that one of the Aborigines on the reserve discovered it, and it is most unlikely that a reserve council would have the ability to direct the exploration for deposits like the nickel fields that are at present being proved.

This Bill means that the whole of that land would be put into cold storage and that there would be a denial of access to licensed persons to prospect for petroleum, natural gas, or other minerals—a blanket refusal. Prospecting is a very specialized science today that calls for a high degree of training and much experience, and it is beyond the resources of the Aboriginal Affairs Department to pursue such matters efficiently. It seems that conditions may be created whereby nobody else can exploit such mineral resources.

If we consider the powers in existence to protect Aborigines it will be realized that some of the words in clause 3 are completely unnecessary. If the clause finished at the word "councils", it would be a thoroughly satisfactory clause and would not raise all these completely unnecessary matters that are against the interests of the Aborigines and, I am sure, against the interests of the State as a whole. The clause states:

> Providing for the establishment and constitution of Aboriginal Reserve Councils for and in respect of Aboriginal institutions and defining the rights, duties, powers and functions of such councils.

If we leave it at that when regulations are made, they will be subject to inspection by Parliament and the Subordinate Legislation Committee. I am sure that the purpose is effectively served without stepping squarely on the rights of people who have at present very limited rights of lawful entry.

Turning to clause 3 III, the penalties mentioned therein are very severe unless there is an ulterior purpose being served by this legislation. We should consider whether such penalties are warranted, and whether a council should have the power to impose a fine of $200 or six months' imprisonment for a matter of trespass, and it must be remembered that the trespassing may be done by people of their own nationality.

In many parts of South Australia there is still wealth hidden in the ground that belongs to the community as a whole, not to any section of it. We must not impede the search for such wealth unnecessarily: to do so would not benefit the Aborigines; it would be costly to the community as a whole. I support the Bill provided there is a limitation to section 41 of the Act.

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for the attention they have given this Bill. A number of speakers have questioned clause 3, which inserts section 41. I have requested information to present in reply to honourable members but so far I have not received it. I think it would be wise at this stage to let the Bill proceed into Committee and, after clause 2 has been dealt with, I shall be happy to ask that progress be reported. I shall then be in a position to reply to the questions asked by honourable members on the two distinct aspects of the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Additional power to make regulations."

The Hon. C. R. STORY: This is the object clause of the Bill. I welcome the assurance of the Chief Secretary that more details will be given later and that progress will be reported. Because we are not in a position to obtain a reply from the Minister now, will he give an assurance that sufficient time will be given honourable members to prepare suitable amendments to this clause if that is necessary? It will not be known whether amendments are necessary until the Chief Secretary has replied and I hope he will give the assurance asked for.

The Hon. A. J. SHARD: I do not think my worst enemy could accuse me of barring freedom of speech. I assure honourable members that, if possible, copies of my reply will be made available to them and plenty of time will be given to consider the subject matter. If it becomes necessary, I shall again move that progress be reported on Tuesday, and perhaps the debate could be adjourned on motion. I ask that the Committee report progress.

Progress reported; Committee to sit again.

NATURAL GAS PIPELINES AUTHORITY BILL.

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

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

That this Bill be now read a second time.

It is with a great deal of satisfaction that I now present for consideration a Bill to authorize the setting up of a Natural Gas Pipeline Authority whose function will be to construct and operate the first major natural gas pipeline in Australia. The gas pipeline project as envisaged by the Government was set out in some detail in the submission to the Right Hon. the Prime Minister on September 22, 1966, requesting financial co-operation of the Commonwealth, and to this submission was attached the full report of the Government's consultants, Bechtel Pacific Corporation Ltd. With the concurrence of the Prime Minister both the submission and the consultant's report were tabled in this Parliament during the following week. Both documents are now printed as Parliamentary Paper 102.

The original submission was that the Commonwealth should lend directly to the State the necessary initial capital funds estimated at between $35,000,000 and $40,000,000 upon the normal terms for Government loans, leaving it entirely to the Commonwealth's decision as to the source from which it should secure the funds. This seemed the simplest and most economical procedure and had certain precedents in relation to loans made to other States. At the same time it was indicated to the Commonwealth that this State was willing to consider and consult upon alternative arrangements, if the Commonwealth thought this course desirable. In the event, the Commonwealth suggested the examination of alternatives and, following conferences between State and Commonwealth Treasuries and a great deal of examination of a variety of sources of funds, the Commonwealth at the recent Premiers' Conference made a proposal to which the Government has, in principle, indicated acceptance.

In the course of examination of alternatives we gave close attention to the practicability of the pipeline authority securing Loan funds as a semi-governmental borrower. We met with the greatest of co-operation and even enthusiasm from the directorates and managements of the major financial institutions operating in this State. As a result, the Government was advised that there seemed good prospects that the pipeline authority could raise from such sources something of the order of $20,000,000 over a period of four or five years but concentrated substantially in the vital two financial years 1967-68 and 1968-69.

As a consequence of this advice the Commonwealth agreed to support a State application to the Australian Loan Council for a borrowing authority over the period ending June 30, 1972, of $20,000,000 for the purpose. Loan Council has already given formal approval to this. Because the minimum requirement of $35,000,000 was clearly beyond the borrowing capacity of the pipeline authority in this State over the developmental period, the Commonwealth has indicated its willingness to advance to the State for this purpose the balance of $15,000,000 as required in the form of bridging finance. That is to say, the Commonwealth will act as if it were an institutional lender and lend to the State on the appropriate semi-governmental terms and interest rates, until the State is in a position to re-finance the Commonwealth loan from borrowings from the normal sources. The State will be required to repay and re-finance these loans after June 30, 1972, spread over an eight-year period.

These terms and conditions of borrowing are not quite as favourable as we would have wished. Direct long-term advances from the Commonwealth at the ruling governmental rates would have been simpler and more economical.

We would have liked access to a rather larger sum so that we could have greater flexibility in the capital expenditure programme. It is, however, recognized that the Commonwealth had to contemplate other States making requests for finance for similar or comparable projects, and it accordingly felt bound to adopt methods and procedures in this case which would not become unacceptable precedents for other cases.

The full details of the Commonwealth's lending proposals have not yet been submitted to this Government in writing for acceptance, and in point of fact they have so far been limited to a verbal statement by the Prime Minister to the Premiers and to some preparatory discussions between the Commonwealth Treasury officers and the South Australian Under-Treasurer.

On the basis of present ruling rates of interest there is every expectation that the cost of the combined capital funds to the pipeline authority will be no greater than 5¾ per cent. This is the maximum rate currently payable on institutional loans privately arranged for periods of 15 years or more. On this basis, as Parliamentary Paper 102 has shown, the project should be able to operate successfully and provide gas at rates significantly below the costs of alternative fuels.

As the Government has pointed out to both the Commonwealth Government and Loan Council, there are a number of important matters to be concluded before the Government would be prepared to commit major sums to the pipeline project. First, although all the evidence from the field points very strongly to reserves of gas well in excess of the quantities necessary to support the project, further wells must be drilled to obtain complete confirmation of adequate reserves. Secondly, firm long-term contracts as to price and quantity must be concluded between the producers and the main customers, and particularly the Electricity Trust of South Australia. I believe an arrangement has been reached with the South Australian Gas Company and substantial progress has been made in discussions with the Electricity Trust. Thirdly, it will be necessary to negotiate firm long-term arrangements between the pipeline authority and the producers as to charges for the conveyance of gas.

It is not expected that these matters, which have yet to be completed, will mean any delay in proceeding with the project, as it is proposed to proceed simultaneously with engineering design work so as to be ready to call tenders as soon as the other matters are satisfactorily completed. The design and planning of the project are being so arranged as to give the maximum flexibility and adaptability for any expansion or duplication that may subsequently prove desirable as more gas may be proven and markets may expand. This is set out in Parliamentary Paper 102.

Whilst no final determination has been made as to the precise route of the pipeline, it seems virtually certain that the main pipeline route must be the most direct practicable route. This will keep the early financial requirements to a reasonable minimum. The estimated additional costs of a less direct route passing to the western side of the ranges of between $2,500,000 and $3,000,000 would not in the earlier stages of the pipeline bring any greater revenues.

It may subsequently mean somewhat lower costs if connections should subsequently be required to such towns as Whyalla, Port Pirie, Port Augusta and Wallaroo, but on the other hand would mean higher subsequent costs for duplication if the longer western route were adopted. As subsequently more gas may become available justifying additions to the main line capacity and as demands in economic quantities may arise at such towns as I have mentioned, the adoption of the most direct route for the main line will not prejudice connections to those towns, nor will it raise the prospective overall costs, particularly when interest is brought to account in discounting future capital commitments.

I shall now deal with the clauses and main features of the Bill. Clause 2 provides that the legislation will come into operation on a day to be fixed by proclamation. Clause 3 contains the necessary definitions for interpreting the legislation, the most important being the definitions of "natural gas" and "pipeline". The expression "producer company" is defined for the purposes of interpreting clause 4 (4) (*d*). Within the meaning of that expression are included the two companies (Delhi Australia Petroleum Ltd. and Santos Ltd.) which were responsible for the discovery of natural gas and which have made this legislation possible. Clause 3 (2) enables the Governer to proclaim certain companies to be, or to cease to be, producer companies for the purposes of this Bill.

Clause 4 provides for the setting up of the authority, which would be a body corporate holding all its property for and on behalf of the Crown and consisting of six members appointed by the Governor of whom:

(*a*) two shall be appointed on the recommendation of the Minister, one of whom shall be the chairman of the authority;

(*b*) one shall be appointed on the nomination of the Electricity Trust of South Australia;

(*c*) one shall be appointed by the nomination of the South Australian Gas Company; and

(*d*) two shall be appointed on the joint nomination of the producer companies.

Subclause (6) provides for the appointment of a deputy to act for a member who is unable to perform his duties or is acting as deputy for the chairman. Subclause (7) provides that the Public Service Act shall not apply to any member of the authority and a member shall not as such be subject to that Act.

Clause 5 provides that the normal term of office of a member will be five years but that the terms of office of the first members are to be staggered as provided in paragraphs (*a*) to (*f*) of subclause (1). Subclause (3) provides that the Governor may remove a member from office. Subclause (4) sets out the circumstances under which the office of a member will become vacant, and subclause (5) enables such a vacancy to be filled for the remainder of that member's term of office.

Clause 6 deals with matters relating to proceedings of the authority. Subclause (3) provides that four members shall constitute a quorum at any meeting of the authority. Subclause (4) (*b*) gives the chairman both a deliberative as well as a casting vote. Subclause (6) provides that no liability shall attach to any member for any act or omission by him in good faith and in the exercise of his powers or functions or in the discharge of his duties under this Act. Clause 7 deals with the custody and the affixation of the common seal of the authority to any instrument. Clause 8 provides for remuneration of the members of the authority at such rates as are fixed by the Governor.

Clause 9 empowers the authority to appoint its officers and servants for the purposes of the Bill. These officers and servants will not be subject to the Public Service Act. Provision is also made for the authority, with the approval of the appropriate Minister and on terms to be mutually arranged, to make use of the services of any officers or employees of a department in the Public Service. Subclause (4) empowers the authority to pay pensions to its officers and their dependants and to make arrangements for superannuation to be paid to officers of the authority or their dependants.

Clause 10 contains the main powers and functions of the authority, which are:

(*a*) to construct, reconstruct or install pipelines for conveying natural gas or any derivative thereof within the State and natural gas storage facilities;

(*b*) to purchase, take on lease or otherwise by agreement acquire any existing pipeline and sell or otherwise dispose of any pipeline owned by the authority;

(*c*) to hold, maintain, develop and operate any such pipeline and convey and deliver through such pipeline natural gas or any derivative thereof;

(*d*) to make such charges and impose such fees for the conveyance or delivery of natural gas or any derivative thereof through such pipeline as it may, with the Minister's approval, determine;

(*e*) to acquire, hold, maintain, develop and operate natural gas storages;

(*f*) for purposes of resale, to purchase or otherwise acquire, and to store, natural gas or any derivative thereof;

(*g*) to sell or otherwise dispose of natural gas or any derivative thereof so acquired;

(*h*) to purify natural gas or any derivative thereof or treat it for the removal of substances with which it is mixed;

(*i*) for its own use and consumption to acquire natural gas or any other kind of fuel;

(*j*) to invest its funds by deposit with the Treasurer or in such other manner as the Treasurer approves; and

(*k*) to enter into contracts and do anything incidental to all or any of the foregoing powers.

Subclause (2), however, provides that the authority must not:

(*a*) construct, reconstruct or install any pipeline unless the route thereof has been approved by the Governor; or

(*b*) do, or enter into any contracts to do, any of the things referred to in paragraphs (*e*), (*f*), (*g*) or (*h*) of subclause (1) without the approval of the Minister which is to be given only on his being satisfied that it is necessary or desirable to do such thing in order to protect the interests of the authority or to promote or assist in the operation of any pipeline of the authority.

It is not intended that, in the ordinary course, the authority would exercise any of the powers referred to in those paragraphs. However, the situation could arise when some such action may be necessary to protect the interests of the authority and to ensure that the assets of the authority are protected and used in the best interests of the public. Subject to the other provisions of this clause, subclause (3) allows the authority to construct a pipeline across a road or bridge and to break up the soil or pavement of such road or bridge and break any sewers, drains, etc., necessary for the purposes of the pipeline. However, before so doing the authority is required to give to the persons controlling the road, bridge, sewer or drain, etc., seven days' notice of its intention to commence work, except in cases of emergency when there is a defect in an existing pipeline.

When the authority does work of a kind specified in this clause it shall be done under the superintendence of a person approved by the person or body controlling the bridge or road and in accordance with a plan approved by that person or body. If a plan suitable to that person or body and the authority cannot be agreed upon, then the work shall be carried out according to a plan approved by the Governor. The authority must, when carrying out this work, ensure that a minimum amount of damage is done, and shall make compensation for damage done and, as soon as possible, repair the bridge, road, sewer or drain, etc. It must take all precautions necessary to warn people of any danger while the bridge, road, drain or sewer, etc., is in a state of disrepair.

Clause 11 extends the application of the Mining (Petroleum) Act to the authority except to the extent that the authority is, by proclamation, exempted from the operation thereof. Clause 12 confers on the authority power, subject to the Governor's approval, to acquire land, by agreement or compulsorily, for the purposes of constructing or operating a pipeline or natural gas storage facilities and incorporates the relevant provisions of the Compulsory Acquisition of Land Act for the purposes of its power to acquire land compulsorily. Subclause (3), however, prohibits the authority from selling any land or leasing any land for a period exceeding five years without the Governor's approval.

Clause 13 requires the authority to convey through its pipelines any natural gas or derivative thereof of any kind which the pipeline is equipped to convey (on delivery of such natural gas or derivative into the pipeline) if the authority is required to do so by a producer, a gas supplier within the meaning of the Gas Act or a purchaser from either a producer or a gas supplier. This liability is subject to the obligations that have been undertaken by the authority. The gas or derivative must be so conveyed upon such terms and conditions as are from time to time agreed between the authority and other party or, in default of such agreement, as are determined by the Minister. The provisions of this clause equate the authority, as far as is practicable, to a common carrier of gas through its pipeline.

Clause 14 confers on the authority power to borrow money from the Treasurer or, with the consent of the Treasurer, from any other person for purposes set out in paragraphs (*a*) and (*b*) of subclause (1). Subclause (2) empowers the authority to issue debentures to secure the repayment of money so borrowed. Subclause (4) guarantees the due repayment of principal sums borrowed by the authority and the payment of all interest secured by any such debenture. Subclause (5) authorizes the Treasurer to lend money received by the State from the Commonwealth Government for the purpose or appropriated by Parliament for the purpose to the authority for the purposes mentioned in subclause (1) and to pay out of general revenue any sum required for fulfilling any guarantee referred to in subclause (4).

Clause 15 makes the authority liable to reimburse the Treasurer to the extent of an amount that is certified by the Auditor-General to be the amount of expenditure incurred by the Government before the constitution of the authority in connection with feasibility surveys and other matters in preparation for the proposed pipeline from the Gidgealpa-Moomba gas fields which have been carried out under Government authority. It is estimated that the expenditure incurred and to which the Government is committed to date, almost wholly under the authority of the Minister of Mines, is about $120,000 and that further commitments of much the same order may be made before gas reserves may be fully proved and the necessary supply and conveyance agreements negotiated.

The clause also requires the authority to honour and discharge every liability of the Government under any contract, undertaking or commitment, made before the constitution of the authority on behalf of the Government in connection with the proposed pipeline from

those gas fields as if the authority was a party to that contract, undertaking or commitment. Subclause (3) of the clause authorizes the authority, with the approval of the Treasurer, to make payments to certain public utilities that are consumers of natural gas. These payments will be by way of rebate or drawback on charges made against them by the authority or some other person (for instance, a producer) in connection with the conveyance or supply of natural gas or any derivative thereof through any pipeline under the control of the authority. If it appears to the Treasurer that the authority ought to make payments under subclause (3), on a report of the chairman of the authority, the Auditor-General and the Under-Treasurer, the Treasurer may require the authority to make payments under subclause (3).

Subclauses (3) and (4) are enabling provisions arising from the possible nature of conveyance charges yet to be finally negotiated. It has been indicated in Parliamentary Paper 102 and elsewhere that the primary objective of the State's provision for a pipeline is the securing for public benefit of a relatively low cost fuel for the generation of electricity and for domestic and industrial purposes. This can only be done by securing the capital funds at the moderate rates available for semi-governmental borrowing and avoiding the necessity to pay taxes and commercial dividends upon the equity capital that would have been necessary if the pipeline were financed on commercial lines. The manner of provision for depreciation through amortization, which is practicable in a public undertaking, is also financially advantageous as compared with normal depreciation provision on a commercial basis.

The Government takes the firm view that the economics in transportation consequent upon Governmental undertaking of the project must be applied to the ensuring of lower costs in fuel supplies, particularly to the main public utilities. This has been promised in negotiation with the Commonwealth and it has undoubtedly been a major factor in securing Commonwealth and Loan Council co-operation in securing the requisite finance. The supply and price agreements with the main consumers and the conveyance charges may be determined on such a basis that the pipeline authority makes its charges to the producers broadly on the basis of what a commercially financed pipeline would require. In such an event subclauses (3) and (4) would be required to authorize that the appropriate margins be appropriately passed back to the public utilities. I understand that the agreement recently negotiated between the producers and the South Australian Gas Company was upon the assumption of pipeline charges on a commercial basis and accordingly, if this is to stand, some rebate arrangement as authorized by this section is required.

In this connection I would add that, whilst it will of course be proper for the pipeline authority to build up reasonable reserves against contingencies, it is not proposed that the authority be a profit-making undertaking but rather one which secures the availability of natural gas at as low a cost to the community as is practicable. Clause 16 requires the authority to prepare and present to the Minister an annual report, the first of which must be presented on or before October 31, 1968, which, together with the Auditor-General's annual report on the accounts and balance-sheet of the authority, is to be tabled before both Houses of Parliament as soon as practicable after the receipt thereof.

Clause 17 enables land held under a Crown lease or pastoral lease which may be resumed for a public work or public purpose, to be resumed for any purpose under this Act. Subclause (2) confers power on a body corporate to grant to the authority any easement, lease, licence or other authority over any land belonging to it, upon conditions agreed upon by that body corporate notwithstanding that the constitution of the body corporate does not authorize it to make such a grant. Clause 18 makes the authority liable to rates and taxes but in assessing such rates and taxes the land belonging to the authority shall be assessed on its value without regard to any pipeline, natural gas storage facilities, or any apparatus, equipment or other facilities belonging to the authority. Clause 19 contains a general regulation-making power.

Before resuming my seat, I point out to hon ourable members that the Bill on our files is the same as the one that I have just explained, except for clause 16 which was amended in another place to provide that the Minister shall be authorized to lay upon the table of both Houses of Parliament the report of the authority immediately it is to hand. That is the only amendment to the printed Bill before honourable members.

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

PLANNING AND DEVELOPMENT BILL.

In Committee.

(Continued from March 8. Page 3499.)

Clause 3—"Repeal and savings schedule."

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

In subclause (2) (c) after "form 'A'" to insert " or which had been made earlier than six months before the commencement of this Act".

I support this amendment by saying that my primary concern is for those people or companies who, in all good faith and at a time when a certain Act was in existence, applied for subdivisions of land and, possibly through no fault of their own, have not yet received Form "A" consent, although the matters have been proceeding and the different authorities have been considering the questions involved. The people themselves may have been acting cautiously—and one can understand caution on questions of this kind. Some smaller people do not rush into subdivision because risk and capital are involved. I cannot help thinking that we are not giving those people a fair deal.

If at the time of the passing of this legislation they have not reached the stage of Form "A" (a formal approval of the proposal, from which point onwards it becomes a machinery affair) it is unfair that they must start all over again—under a new Act and a new set of rules, so to speak. People lodging applications within the last six months should have been careful, for surely they would have understood that there was a chance (perhaps a fairly strong chance) that this new legislation would be passed. I am not saying that those people should have their applications considered under the old Act, but people who made their applications between six and 18 months ago in good faith to subdivide land and who for one reason or another have not so far received their Form "A" are not being treated very fairly, because one Act is being repealed and another is being proclaimed. It is not fair that they should have to start the process all over again.

I have listened to the Minister's comments on this but have not had an opportunity of checking the information he gave. However, I think he said that about 200 to 250 applications to subdivide land were made each year and that in the 12 months' period from September 30, 1965, until August 30, 1966, 27 subdivisions had not received Form "A" consent. So, assuming there were not any before this date, which goes back beyond 18 months from the date of the proclamation of the Act, it seems that 27 persons are concerned in this matter. That number is about 10 per cent, in very rough figures, of the number lodged each year, and it is not a great number. I believe that I must support these people in this matter. I discussed the matter with a person who had contacted a surveyor who does more of this kind of work than any other surveyor; he said that his office in that same 12-month period (August, 1965, to August, 1966) had lodged 31 applications of this kind and 11 were still awaiting Form "A". These 11 applications would be part of the 27 referred to earlier.

I am quoting these figures from the rough notes that I made while the Minister was speaking yesterday: if I am wrong in the figures I have quoted, I will stand corrected. The purpose of my amendment is to try to be as fair as possible to those who made applications under another Act some time ago. It revolves around the question of retrospectivity, and it is surely a form of retrospectivity when we are going to make all these people (who have acted in good faith within the Act with their business affairs) start the process all over again. The Minister said yesterday that 21 out of the 27 applicants had not attended to some matter as requested by the Town Planner's Department and, of course, that is quite possible.

As I said earlier, some owners, because of the risks involved and because of their general attitude to their affairs, do not rush into this sort of thing quickly; I can well understand that this proportion of these people are still collating information. I was told this morning of a party who had applied for a subdivision and the matter had gone to the local council which had said, in effect, "We shall not tell you whether we are going to approve this or not until you provide a detailed plan and specification of the road pattern and the making of the road." These people were confronted with expense in order to do this and they were not sure, if they went to that expense, whether the council would consent, and they were not sure whether they would ultimately get Form "A".

Such people do not rush to a professional engineer and go to this kind of expense overnight. Some of these people are small poultry farmers who may find, through suburban growth, that their few acres may be suitable for subdivision and they may want to buy a few acres further out. Their land is the very capital of these people: they have nothing else. They do not rush into these processes that must be undertaken. That is the reason why agents (whether they be surveyors, solicitors, or

licensed land agents) are waiting: they are waiting for their principals to decide about the processes that must take place.

I hope the Committee will give the amendment serious consideration because I realize that, if it is carried, there will be no unfairness to this small group of people.

The Hon. S. C. BEVAN (Minister of Local Government): I must oppose the amendment; I believe that the points raised by the Hon. Mr. Hill are adequately covered in clause 3 (1) as it stands at present:

> (c) every application made under the repealed Act to the Town Planner or a council for approval of a plan of subdivision (which has received the approval of the Town Planner by letter in the form known as letter form "A") or for approval of a plan of re-subdivision and not finally disposed of at the commencement of this Act shall be dealt with and disposed of as if this Act had not come into operation . . .

The amendment moved by the honourable member states:

After 'form "A"' insert "or which had been made earlier than six months before the commencement of this Act".

Any application that was made earlier than six months ago, under the honourable member's amendment, would be given effect to. We could go back six or eight years. There is no stipulation in the amendment at all. The remarks I made yesterday should have cleared up the position for the honourable member. I will repeat what I said:

The State Planning Office deals with between 200 and 250 applications a year for approval of plans of subdivisions. There are 27 applications outstanding and they were submitted between September 30, 1965, when new regulations came into effect, and August 30, 1966—approximately six months ago. . . . Of these 27 applications, 21 are waiting for the subdividers' agents to supply further information

If there is any delay in coming to a decision, the subdividers' agents are the cause of it because they have not furnished the information at the right time. My comments yesterday continued:

A further five applications are awaiting a council decision, and the Town Planner is currently dealing with the remaining applications. The subdivider can take action against a council which does not arrive at a decision within two months, if he desires to do so.

If the applications are outstanding, the subdivider of his own volition has failed to take any action. The crux of this point is in the following:

The chief objection to permitting applications already lodged to continue to be dealt with under the old legislation is that there are many applications that have lapsed for various reasons over a period of many years. These applications do not proceed, for example, because the subdivider lacks capital or he is unable to purchase adjoining land, or for other reasons. However, the application is rarely withdrawn and in some cases the State Planning Office has the utmost difficulty in trying to reach finality on the matter. Such applications are filed, but they are still considered valid applications under the present Act. The number of these applications could be considerable, and it would be unwise to enable an applicant to revive one of these applications, which may have been made many years ago, merely to circumvent the provisions of the new legislation. When the present Town Planning Act was amended in 1956 and provision was made for subdividers to construct roads and provide public services in the metropolitan area, the Government at that time did not give any grace at all to applicants who had not received the preliminary approval known as Letter Form A. Those who had received Form A approval were only given two months in which to deposit their plans in the Lands Titles Office. Section 11 (2) of the present Act is the relevant section and I see no reason for amending the Bill in this regard. I hope these remarks deal adequately with the questions raised by members who requested further information.

We can understand what would be the effect of the honourable member's amendment, if it was carried; the amendment as moved, can go back to all these old applications which are still valid as far as the Town Planner's Department is concerned, but which, in fact, lapsed years ago. This amendment would revive all these applications for consideration again. I oppose the amendment.

The Hon. C. D. ROWE: I think there is a middle course that we may follow. I see the point of Mr. Hill's amendment in that people who have lodged applications that have not been finalized need consideration. On the other hand, I do not think we should consider people who may have submitted applications five, six or perhaps 10 years ago. If a person has not used reasonable diligence in pursuing the matter he should stand the consequences. I know some subdividers do not have unlimited finances and they must consider well before proceeding with their application because it is a costly procedure. I wonder if the Hon. Mr. Hill would be prepared to amend his amendment to read "or which had been made earlier than six months but not more than three years before the commencement of this Act".

The Hon. C. M. HILL: We want the old applications considered under the old Act, but perhaps I had not made myself clear. The Minister referred to applications many years back. In my experience the town planning office has endeavoured to keep such matters up to date by writing to these people, but I accept the Minister's comment that many are still outstanding. I think the Hon. Mr. Rowe's suggestion is a good one, because it will overcome some difficulties. I am prepared to alter my amendment by inserting after "months" the words "but not more than three years". I seek leave to do that.

Leave granted.

The Hon. F. J. POTTER: I think the Minister is overlooking an important point when he suggests that the matter is covered by the existing words. Perhaps other honourable members have also overlooked the point. Clause 3 (*c*), which mentions Form A, refers to a plan of a subdivision, but the approval not finally disposed of at the commencement of this Bill refers to a plan of resubdivision, and that is different altogether. Therefore, I do not think the Minister is correct in suggesting that the matter dealt with by the Hon. Mr. Hill is covered by the clause.

The Hon. S. C. BEVAN: I understand the Hon. Mr. Potter's comments, but I think that the Hon. Mr. Hill is trying to protect certain people whose applications have not been dealt with. His intention is that the applications be dealt with as though they were still under the 1962 Act and not under this Bill, if and when it becomes operative. I cannot see that there would be many applications outstanding, where approval has not been given within the period.

The Hon. Sir Norman Jude: Supposing that an application had been held up for tactical reasons?

The Hon. S. C. BEVAN: By whom? It cannot be held up by a council for tactical reasons if an applicant desires it be dealt with, except for that period of two months. The honourable member is dealing with those applications that are outstanding for a longer period than two months. The Town Planner has intimated that he desires to deal with outstanding applications of that type under the old Act. There is no evidence that applications to subdivide have been delayed departmentally pending the passing of this Bill. It has been said that all old applications, however long they have been lodged, would be dealt with. The suggestion now is that the Town Planner or the authority under this Bill, should not deal with applications lodged more than three years ago. The subdivider may have applied for a subdivision but he or his agent may not have done anything about it. Surely it is not too much to expect of a person who has applied under the previous legislation, that he should again apply under this legislation. We have been assured that recent applications will be dealt with as though the old legislation were still in operation.

When the Act was amended in 1956, and increased requirements were made for road construction and the provision of public services the Government did not give any grace to applications that had not received Form A approvals. Those who had Form A approvals were given only two months to deposit the plan. This has worked satisfactorily ever since the Town Planning Act commenced to operate. It has not acted harshly against anyone, so I do not see why this provision, which gives a period of grace, should act harshly. The clause is adequate to meet the circumstances, and I appeal to honourable members not to carry the amendment.

The Hon. C. M. HILL: In my remarks I did not make any claim that there had been any delay on the part of the Town Planner or his office.

Amendment negatived; clause passed.

Clauses 4 to 7 passed.

Clause 8—"The State Planning Authority."

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

In subclause (5) to strike out "nine" and insert "ten".

This amendment is to increase the number of members on the authority to 10.

The Hon. C. M. HILL: I move to amend the amendment:

By striking out "ten" and inserting "twelve".

It can be seen from the further amendments that I propose to move to this clause that the extra member that the Minister seeks to have included is included by them. The Minister wishes to have the authority increased in size by one member, and he has indicated who that member should be. My amendment to his amendment includes his intentions but adds a further two members to the authority.

If my further amendments are carried, one extra member will be a person nominated by the Minister of Transport on the same basis as under the Minister's amendment, but there will be a further two members.

I intend to move for the deletion of a further clause that provides that one member shall be a person chosen from three names submitted by a joint meeting of the Chamber

of Commerce and the Chamber of Manufactures, and for the insertion of a provision that provides for three extra members. This will mean a net gain of two.

I would like to see one person recommended from three names forwarded to the Minister by the Chamber of Commerce, one recommended by the Chamber of Manufactures and one recommended by the Real Estate Institute of South Australia. It seems that the Minister has good reason for his amendment, although it must have been a last thought, because it was not reckoned with in the long discussion stage.

I can well understand the reference to transport made by the Minister yesterday. Previously it was thought that the general aspect of transport was closely associated with the Highways Department. Although other authorities are involved, that department is conducting the Metropolitan Adelaide Transport Study being carried out in the department's building at Walkerville and, I understand, at the expense of the department. I thought that having more representatives of transport on the authority would make it top heavy, but I suppose transport becomes a separate aspect when we think of the railways and the way in which this Government is trying to bring all forms of transport under one Ministry. The Municipal Tramways Trust may be doomed, although I do not know whether that will happen in the near future.

All these forms of transport have operated well in the past as far as service is concerned. If it is intended that all forms of transport be dealt with by one department, I can see merit in the proposal to have a representative of the Minister of Transport on the authority. However, the Minister's amendment puts the authority out of balance in an important respect. It throws out of balance the representation from commerce, which represents private interests, and from the important Government departments. It is essential to have balanced representation.

I suppose the strongest argument against my amendment is that it further increases the number of members, having regard to the general belief that the bigger committees get the more cumbersome and indecisive they become. However, that does not apply in this case. The committee will consist of senior men in this State who will not become bogged down in dealing with problems, because each member will have a particular understanding of the matters with which he is concerned. The proposed Public Service members are senior, dedicated and professional men and it is necessary that they be able to sit and vote on an authority such as this.

I do not oppose the Minister's proposal, but in order to effect a balance the private sector must have more representation than is provided for in the Bill. As the Government has referred to two chambers, so I, in providing two out of the three members that I propose, refer to those two chambers. The Chamber of Commerce is extremely representative of the commercial interests in the State. It plays an important part in the economic life of the State, as it should do if the State is to progress as we hope it will. Persons engaged in all aspects of commerce have the opportunity of joining the chamber and of having their views put as one group.

That also applies to the Chamber of Manufactures. The manufacturing industries are vital to this State. There have been suggestions that, in the future planning of the State, some large factory holdings can be seriously affected. Of course, on one hand those concerned with planning contend that, although that may be so, the general interests of the whole community are paramount in the long run. On the other hand, the interests of some factories are also important, especially at the present stage of our growth.

I think that the third representative from the private sector should be from the Real Estate Institute of South Australia. This proposal may be attacked on the basis of vested interests, about which one hears so much. I have heard it during the time that elasped since this Bill was conceived.

However, I point out that the institute represents the vast majority of active licensed land agents in the State. They act for their principals and acquire an intimate knowledge of the attitude of those principals to all property matters. One of the most important of these matters is value. The loss of value as a result of planning can have an adverse effect on the people concerned. Perhaps it comes down to watching closely the interests of the small person who is not a member of the Chamber of Commerce or the Chamber of Manufactures.

The Hon. Sir Arthur Rymill: I did not understand what objection you thought might be raised to this appointment.

The Hon. C. M. HILL: I do not want to take up the time of the Committee if there is not going to be an objection.

The Hon. Sir Arthur Rymill: I thought you said that some objection would be raised to the appointment of this particular nominee.

The Hon. C. M. HILL: Yes. I said that in view of what I have read and heard.

The Hon. Sir Arthur Rymill: The fact that he might be an interested party?

The Hon. C. M. HILL: Yes.

The Hon. Sir Arthur Rymill: But so are the others interested parties.

The Hon. C. M. HILL: Of course they are.

The Hon. Sir Arthur Rymill: All of them.

The Hon. C. M. HILL: That is so. The point is that we want someone with an intimate knowledge of the affairs of the little landowner.

The Hon. Sir Arthur Rymill: Quite.

The Hon. C. M. HILL: It is the same as when we put a country representative on a board affecting country activity: it is foolish to say he has a vested interest. He is put on that board because he has an intimate knowledge of what is going on. Here, too, I say that a member of the institute has similar intimate knowledge. This would not be the first authority to which a representative of that institute had been appointed.

The Government appointed a Land Agents Board, which deals with licences and polices all fields of real estate. The institute recommends a person, who sits on that board. However, I shall not pursue that further now. I say only that there is every possibility that a senior member of the Real Estate Institute (and only the names of very senior members would be submitted in a case like this) could contribute to the fair and good working of this authority.

The CHAIRMAN: I point out to the Committee at this stage how I propose to deal with these amendments, of which there are two before us—one from the Minister and one from the Hon. Mr. Hill. I propose first to put the question to strike out "nine" with a view to inserting a higher figure. If that amendment is carried, I propose then to put Mr. Hill's amendment first—that "twelve" be inserted—because, if that amendment is carried, it will then be unnecessary to deal with the Minister's amendment. In the event of "twelve" being negatived, I will then put the amendment that "ten" be inserted.

The Hon. S. C. BEVAN: I oppose the amendment of the Hon. Mr. Hill. My amendment is that the Minister of Transport shall nominate a representative on the authority. I notice that the Hon. Mr. Hill's amendment embodies that—plus other representatives. He considers that the Chamber of Commerce and the Chamber of Manufactures should be represented, and also the Real Estate Institute. My view is that the membership of the authority needs to be kept to a minimum, because the larger the authority the more unworkable it becomes. At present the Chamber of Commerce and the Chamber of Manufactures have joint representation.

I fail to see why the views on industrial matters of either of those two chambers cannot be placed adequately before the authority. Assuming the representative to be from the Chamber of Manufactures, he can easily deal with a matter of commerce if it comes before the authority, and *vice versa* if the representative comes from the Chamber of Commerce. It is a wonder the Hon. Mr. Hill did not go further and say, "In dealing with industry, I consider also that the Employers Federation should have representation." Perhaps I am putting something into his mind and he will want to amend his amendment further to include such a representative. The argument would then be that the employers were adequately represented because we were providing for a joint representation of the Chamber of Manufactures and the Chamber of Commerce.

The original suggestion was that "nine" should become "ten"; now it is proposed to make it "twelve" instead of "ten". That would not improve the efficiency of the authority: on the contrary, it would tend to make it more at cross purposes within itself. The membership proposed by the Bill, including my amendment, would be adequate to meet the position. There is no doubt that the Minister of Transport needs a representative on the authority, for reasons already given. Transport studies are nearing completion and a report will be available in about September of this year, so that matters of public transport and railways can be considered in relation to other matters coming before the authority. A representative of the Minister of Transport is necessary because of the ramifications involved. The rest of the community is adequately represented by the present proposal.

The CHAIRMAN: I shall put as an amendment the question:

That "nine" proposed to be struck out stand part of the clause.

Amendment negatived.

The CHAIRMAN: Now that "nine" has been struck out, I shall put as an amendment the question that "twelve" be inserted.

The Committee divided on the amendment:

Ayes (13).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, L. H. Densley, G. J. Gilfillan, L. R. Hart, C. M. Hill (teller), Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, and C. R. Story.

Noes (6).—The Hons. D. H. L. Banfield, S. C. Bevan (teller), R. A. Geddes, A. F. Kneebone, A. J. Shard, and A. M. Whyte.

Majority of 7 for the Ayes.

Amendment thus carried.

The CHAIRMAN: There are a number of consequential amendments following the Committee's decision.

The Hon. C. M. HILL moved the following amendments:

In subclause (5) (*e*) to strike out "five" and insert "eight".

After subparagraph (i) in paragraph (*e*) to insert the following new subparagraph:

"(1*a*) one shall be nominated by the Minister of Transport."

Strike out "and" at the end of subparagraph (iv).

Strike out "jointly" in subparagraph (v).

Strike out in subparagraph (v) "bodies" and insert "body".

Strike out in subparagraph (v) "and the Adelaide Chamber of Commerce, Incorporated, and submitted jointly by those chambers to the Minister." and insert:

", and submitted by that association to the Minister;

(vi) one shall be selected by the Governor from a panel of three names chosen by the governing body of the Adelaide Chamber of Commerce Incorporated and submitted by that association to the Minister;

and

(vii) one shall be selected by the Governor from a panel of three names chosen by the governing body of the Real Estate Institute of South Australia Incorporated and submitted by that association to the Minister."

Amendments carried.

The Hon. C. M. HILL moved:

Strike out "and" in subclause (9) first occurring and insert a comma in lieu thereof.

Amendment carried.

The CHAIRMAN: We have passed over one amendment that the Minister desires to move. Will the Committee grant leave that the Minister be now allowed to move that amendment?

Leave granted.

The Hon. S. C. BEVAN moved:

To strike out subclause (6).

Amendment carried.

The Hon. C. M. HILL moved:

In subclause (9) after "Incorporated" second occurring to insert "or the Real Estate Institute of South Australia Incorporated"; to strike out "them" and insert "that association"; to strike out "jointly" first occurring; to strike out "jointly" second occurring; to strike out "bodies" and insert "body"; to strike out "those chambers" and insert "that association"; after "(v)" to insert ", (vi) or (vii)"; and to strike out "those chambers fail" and insert "that association fails".

Amendments carried; clause as amended passed.

Clauses 9 and 10 passed.

Clause 11—"Common seal, meetings and quorum."

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

In subclause (4) to strike out "four" and insert "six".

Concern was expressed earlier regarding the small number necessary to form a quorum. As the number of the authority has been increased to 12, this further justifies an increase in the number required to form a quorum.

Amendment carried; clause as amended passed.

Clauses 12 to 18 passed.

Clause 19—"The Planning Appeal Board."

The Hon. Sir ARTHUR RYMILL: I move:

In subclause (1) to strike out "three" and insert "four".

I regard this clause in a way as being possibly the most important part of the Bill. I have not intervened previously in this debate, although I have taken a great interest in the Bill and have read the proceedings and listened fairly intently. This seems to me to be the part of the Bill where justice is either going to be assured or not.

Whether or not an authority of this nature should have interested parties represented on it is debatable, but when we come to a question of an appeal board (and I am sure other honourable members must agree with me) this must be as detached a body as possible, so that its members can hear the evidence and make up their minds, without having any particular axe to grind. Three members are proposed for what is to be called the Planning Appeal Board.

One is to be a legal man, and we can take it that he will be in effect a sort of judge; the second one is to be selected as the nominee of certain municipal authorities, and in my view no such nominee can be completely detached from the effect of this Bill. I have been a member of such a body for many years, and I know exactly what happens, what one is expected to do, and what pressures come along. Therefore, I say deliberately that whoever that man may be he cannot be completely detached from the interests of the authority itself.

The third member is to be selected from a panel of three names chosen by the Adelaide Division of The Australian Planning Institute, and, of course, that body itself would not say that it is detached in this sort of way, because it is closely interested in planning, and this could well mean that its interests supersede the rights of the individual in whom I am interested and whose welfare I think is very much a prerogative of this Council; and this is one of the things we particularly stand for.

Therefore we have on this appeal board one person who I think could be regarded as completely detached and two persons in a board of three who are not. I am not imputing anything wrong or improper in regard to those people; on the contrary, I say that they are all people who are very interested in the general welfare of the State. However, in connection with an appeal board, we must be secure in the knowledge that that board is detached from the interests about which it has to adjudicate. Thus, instead of having three members, two of whom cannot be said to be detached, I am advocating four members, two of whom will be detached, and I am proposing that, in the event of equality of votes, one of those members will have a casting vote.

The difficulty has been how the fourth member should be appointed, and I have given much thought to that. I have consulted friends who are interested and other honourable members. The best solution I can arrive at is the amendment that I have moved. I am doing that in order to have as the additional member a person who shall be chosen jointly by the Chamber of Manufactures and the Adelaide Chamber of Commerce and recommended to the Minister by those chambers. It may be said that this representative member will be from the business community, but I think the business community is representative of the type of person who can be reasonably detached from the deliberations of this type of authority and who can bring to bear the views of the layman. He would be able to make a decision in the best interests not of one but of all persons concerned with planning, the theory of planning and the doing of practical justice to the individual who may be hurt by a decision of the planning authority.

I think we can properly say where we stand in regard to the protection of the individual. It does not mean that we shall protect a man just because, fortuitously, he is in the position of losing money when his land is taken for some purpose or because his land is situated where that is going to happen to him anyhow (and I think some of us have already been in that position). We must ensure that, in all concepts of the matter, some sort of justice is done to the individual. The basis of my amendment is an attempt to get a more complete form of justice for the person who is likely to suffer under the legislation. I regard this as a vital aspect of the Bill and I commend the amendment.

The Hon. S. C. BEVAN: We have already increased the number of members and I thought that the intention was to have a completely unbiased appeal board, and that any arguments that were to be advanced should be brought before the board. In terms of Sir Arthur's amendment, the people concerned will be members of the authority itself.

The Hon. Sir Arthur Rymill: And in a complete minority.

The Hon. S. C. BEVAN: Are they going to be dummies and not put the views of their own particular organizations?

The Hon. Sir Arthur Rymill: You can interpret it that way if you like.

The Hon. S. C. BEVAN: I am totally opposed to it, but should like to examine the matter further. Therefore, I ask that progress be reported.

Progress reported; Committee to sit again.

GARDEN PRODUCE (REGULATION OF DELIVERY) BILL.

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

WEIGHTS AND MEASURES BILL.

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

ADJOURNMENT.

At 5.19 p.m. the Council adjourned until Tuesday, March 14, at 2.15 p.m.