LEGISLATIVE COUNCIL

Tuesday, March 14, 1967.

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

QUESTIONS

MILLICENT NORTH SCHOOL.

The Hon. R. C. DeGARIS: Has the Minister of Labour and Industry obtained a reply to my recent question about the Millicent North Primary School?

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

The editorial in the *South Eastern Times* of February 23 concerning the proposed Millicent North Primary School is not factual in several respects, including the question of the cost of a Samcon school compared with that of a solid construction school and the question of delay.

The statements attributed to the honourable member in the same paper of February 27 on the questions of delay, maintenance and availability of finance are also incorrect. The estimated cost of a solid construction building for the Millicent North Primary School is considerably higher than the estimated cost of the school as proposed in Samcon construction. The matter has been thoroughly investigated by officers of the Education Department and the Public Buildings Department, and they are satisfied that a change in design from Samcon to solid construction is not justified. A change would cause a delay of at least 12 months.

COOKING WARE.

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

Leave granted.

The Hon. C. R. STORY: Last Saturday week two representatives of a stainless steel cooking ware company called upon two constituents of mine and, after a two-hour discussion with the young couple, induced them to sign a contract for the considerable sum of $188.40. The couple paid a deposit of $30 and, almost immediately after they signed the contract, they realized that, because of their other commitments, they could not possibly go on with the proposition. They attempted to get in touch with the company's representatives in the town but were not successful.

They then communicated with the head office of the company and asked to be released from the contract. I have a letter in reply that stated that they could not be released. As a consequence, they have lost their deposit, although they are not being forced at this stage to take the goods. Will the Minister who represents the Attorney-General ask his colleague to investigate the company and see whether some legislation, similar to that introduced in another place and passed through this Chamber in relation to high-pressure book-selling, could be introduced?

The Hon. A. J. SHARD: I shall be glad to convey the honourable member's question to my colleague the Attorney-General. If the honourable member will give me the facts of this particular case, I will see what can be done. I do not think anybody wants me to repeat my opinion of pressure salesmen. I know what I would do with them! However, if we can find out what these people are suffering from pressure tactics, we will make every endeavour to get at the facts and examine the matter closely to see whether the law cannot be tightened for salesmen of this type.

PORT WAKEFIELD ROAD.

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

Leave granted.

The Hon. M. B. DAWKINS: Mr. President, you will be aware of the plans that have been in hand for some time to duplicate the Port Wakefield Road, and we have been led to believe that this duplication for any great distance is some years away. Also, it has been understood that the duplication as far as the Salisbury highway turn-off is probably due to be done fairly soon. Can the Minister of Roads indicate just when the Highways Department intends to proceed with the duplication as far as the Salisbury highway?

The Hon. S. C. BEVAN: I am not in a position to give the honourable member a full report, but much work is to be done on the Port Wakefield Road so far as the Cavan railway crossing is concerned. It is planned immediately finance is available to put an overway over that crossing. Until such time as the lower portion of the road, affecting the alteration to the Cavan crossing and the road from there onwards, is completed, I am afraid that the rest of the road will be waiting to be completed. However, I will get a full report and make it available for the honourable member as soon as possible.

EAST MURRAY AREA SCHOOL.

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

Leave granted.

The Hon. C. R. STORY: My question concerns the East Murray Area School, previously known as the Agincourt Bore school. I had a reply recently from the Minister as regards the connecting of the telephone, when I was told that the matter was still being investigated. The other matter I raised by question some time ago concerned the supply of screen wire doors and screens on the windows. It is reported to me by the school committee (I had a letter from the secretary of that committee) that the circulatory system of air by fans operates in the school but, because of the dust and heat, it has been impossible to open those windows during the dust storm period; also, that the fly menace is bad. The reply I got was that screen wire would be supplied only in places where it was necessary. Judging from my own experience in the area and the report I have, I believe that these screens are necessary at this time. Will the Minister ask his colleague the Minister of Education to investigate the matter further and will he bring down a report?

The Hon. A. F. KNEEBONE: Yes. When the honourable member first asked this question I thought I gave a reply on behalf of my colleague, but, in view of the added remarks of the honourable member, I will ask my colleague to give a further report on this matter.

SOUTH-EAST ROAD JUNCTION.

The Hon. R. C. DeGARIS: Has the Minister of Roads a reply to the question I asked on March 7 concerning the junction of the road leading to Glencoe and the Princes Highway?

The Hon. S. C. BEVAN: The honourable member's question related to the junction of the road from Mount Gambier to Millicent (the Princes Highway) and the road leading to Glencoe. This intersection was reconstructed some years ago and should provide for safe negotiation by traffic. Reports regarding the recent fatal accident are currently being studied to determine whether any modifications are required.

SALISBURY INTERSECTION.

The Hon. M. B. DAWKINS: Has the Minister of Roads an answer to the question I asked last week regarding the intersection of the Angle Vale road and the Waterloo Corner road?

The Hon. S. C. BEVAN: A design has been prepared showing the improvements that are necessary to the present T-junction between Main Road 410 from Angle Vale to Bolivar and Main Road 101 from Salisbury to Waterloo Corner. The improvements will enable the intersection to be more safely negotiated by heavy vehicles. Negotiations are in hand for the necessary work to be carried out by the City of Salisbury, and it is anticipated that work will commence within two weeks.

TRAIN SIREN BLASTS.

The Hon. F. J. POTTER: Has the Minister of Transport a reply to the question I asked last week concerning train siren blasts?

The Hon. A. F. KNEEBONE: The whistle on a locomotive or the siren on a railcar is sounded when approaching a level crossing in compliance with departmental rules and for the express purpose of warning pedestrians and the drivers of road vehicles, and it is regarded as an important contribution to the safety of road users. The intensity of the sound and the code adopted have been prescribed with this in mind. Similar practices apply not only on all Australian railway systems but also overseas. The whistle provides an audible warning supplementing visual warnings comprising signs and automatic equipment, and experience has demonstrated that the latter are insufficient in some cases to attract the attention of road users approaching level crossings. Any action taken to eliminate or reduce the effectiveness of such audible warnings will obviously prejudice safe movement. Accordingly, the use of the whistle must remain an essential part of operating procedures.

IMPOUNDING ACT.

The Hon. L. R. HART: Has the Minister representing the Minister of Local Government an answer to the question I asked on February 28, concerning an amendment to the Impounding Act.?

The Hon. S. C. BEVAN: As indicated in my reply to the honourable member on February 28, it is the intention of the Government to bring down an amendment to the Impounding Act. The Parliamentary Draftsman is at present preparing an appropriate amendment for consideration and I will recommend that it be introduced during the final session of the present Parliament, not during this present session.

SURVEY CO-ORDINATION.

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

Leave granted.

The Hon. C. M. HILL: The Institution of Surveyors, Australia (South Australian Division) has been supporting for some years a

move towards survey co-ordination which, it is claimed, will reduce delays in work such as road construction, drainage, extension of water and sewerage services, and also delays in private survey practice. The Minister of Lands stated at the institution's annual meeting in the middle of last year that proposals put before him on this matter were being closely examined and, if legislation was necessary, the institution would be given the opportunity to assist in framing it. My question is: is this question still being examined and, if so, will the Minister consider appointing a small committee with representation thereon from the Institution of Surveyors to continue such examination and to assist in framing any proposed legislation?

The Hon. S. C. BEVAN: I shall refer the honourable member's question to my colleague, the Minister of Lands, and obtain a reply as soon as possible.

ALICE SPRINGS ROAD.

The Hon. A. M. WHYTE: The Main Alice Springs Road, as it is known now, is in a state of disrepair, especially when we have rain in that area. As the Kingoonya to Coober Pedy road carries much of the traffic to Alice Springs, can the Minister of Roads say what consideration has been given to making this an all-weather road?

The Hon. S. C. BEVAN: All these matters are bound up with the availability of finance. As far as I know, there has been no planning, nor has finance been made available for the particular road the honourable member has mentioned. Written representations were made to me from Alice Springs asking that South Australia seal the road from Oodnadatta to Alice Springs in order to make Alice Springs a tourist attraction. Naturally, South Australia is not going to seal any road outside its borders. However, I shall make inquiries in connection with the road mentioned by the honourable member.

MAITLAND AREA SCHOOL.

The Hon. C. D. ROWE: Will the Minister representing the Minister of Education obtain a report about the progress being made with the building of the Maitland Area School and when it is likely that it will be opened?

The Hon. A. F. KNEEBONE: I shall be happy to obtain the information for the honourable member.

HACKHAM CROSSING.

The Hon. Sir ARTHUR RYMILL: I wish to ask the Minister of Roads a question regarding the Hackham crossing. Honourable members may be relieved to know that this may be the last time I shall ask such a question. Can the Minister say whether a level crossing going straight through will be provided, without the frills of an overpass and so on?

The Hon. S. C. BEVAN: The present crossing will be abandoned and it is intended that the new crossing will be a straight-through one, not one going around an S bend as at present. The planning is for an open crossing, not an overway, to be placed there, because it is considered that the volume of railway traffic does not warrant the expense of an overpass.

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

Leave granted.

The Hon. Sir ARTHUR RYMILL: I shall not go into this matter in great detail, but on August 12, 1958, I asked the then Minister a question, and the part to which I wanted to refer reads:

> Although this may sound like heresy to the Railways Department, the days of the Iron Horse are gone and it may now be possible to straighten that road,—

referring to the same road—

> install efficient warning devices and possibly stop the train from the north twice a week to make it additionally safe, as thousands of vehicles cross the road every day.

There was more in the question. The Minister, with his usual courtesy, said:

> Yes. I am glad to inform the honourable member that the matter is already being considered.

Later in the same year, on August 27, I asked the Minister whether he had any further information, and he replied:

> I have further detailed information which says that various alternatives for the improvement to the alignment of Hackham crossing have been under consideration. The straight-through route has the defects of fairly steep grade and bad visibility. A survey has been made and an estimate will shortly be available of the cost of deviating the road to the east and crossing the railway with an overpass where the line is in a cutting.

The Minister then continued his answer. The volume of railways traffic is much the same today. Can the Minister say why the Highways Department has suddenly discovered that

what I said on August 12, 1958, which was so often rejected afterwards, has become practicable after about nine years and after thousands of motorists have been inconvenienced every day since by the delay?

The Hon. S. C. BEVAN: I think the answer is obvious. The honourable member mentioned that he directed his question to the Minister in 1958. This is 1967 and much water has flowed under the bridge since 1958. Much planning has been carried out over the last nine or 10 years. This is another instance of where not only the crossing, as such, has been investigated but, also, the whole reconstruction of the main South Road. It is hoped that the road will be completed in the not far-distant future from Adelaide to Victor Harbour. As the result of the investigations made, and considering the volume of rail traffic on that line, it has been decided that the crossing does not warrant the expenditure involved in constructing an overway. It will be more practicable to continue the road straight across rather than have the present deviation. The matter has been fully investigated by engineers of the department concerned, and this is their answer.

The Hon. Sir ARTHUR RYMILL: As this is precisely what I suggested, I would like to know why it has taken the Highways Department nine years to find it out?

The Hon. S. C. BEVAN: All I can say is that nine years have elapsed. In that time further progress has been made and there is now a different outlook from what was suggested in 1958.

The Hon. Sir Arthur Rymill: It is in exactly the same place.

NATURAL GAS PIPELINES AUTHORITY BILL.

Adjourned debate on second reading.

(Continued from March 9. Page 3552.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I have already thanked the Chief Secretary for his kind remarks about my selection as Leader of my Party in this place, and I now thank other honourable members who have spoken in a similar way. I assure members of this Council that whoever occupies this position, and whichever Government is in office, an attempt will be made to continue the high standards that have been maintained in this Chamber. I refer particularly to the high standard of criticism as opposed to what has come to be known as political opposition. These high standards have already been established. Much has been said of late, without any facts being presented, in an attempt to show that this Council in its deliberations is somewhat obstructive to the will of the people. I am proud of the high standard that has been set over the last two years, and any study of the facts will show due cause for the pride I hold.

I am pleased to be able to support this Bill. In leading the debate on the matter, I want to say that it must rank as one of the most important developments that has occurred in this State. Its purpose is to provide for the establishment of an authority, to be known as the Natural Gas Pipeline Authority of South Australia, and for conferring on that authority power to construct and operate pipelines for the conveyance of natural gas. I am certain that all members of this Chamber would like to see this development take place as speedily as possible. At the same time, however, it is the duty of every member to subject this Bill and its objects to the closest scrutiny.

For many years natural gas was looked on as being somewhat of a nuisance in petroleum search; it was regarded as a hazard that the searcher had to endure. When any strike of natural gas was found the only way to handle it was to flare it and get rid of it. North America leads the world in the development and use of natural gas. Although it was developed for domestic and industrial use 100 years ago, the big development did not take place until the 1920's. America now has about 1,000,000 miles of gas pipelines. Each year in America between 40,000 and 50,000 new wells are drilled, and between 6,000 and 7,000 of these produce gas. When one considers that in Australia only about 1,000 wells have been drilled and compares this number with the number drilled in America, one realizes that it is remarkable that we can now see the possibility of every capital city in Australia being supplied with natural gas in the foreseeable future.

Natural gas now supplies about 35 per cent of the total energy requirements of the United States of America. The very fact that only about 1,000 wells have been drilled in Australia and that we can see the possibility of every capital city being supplied with natural gas must surely be a strong argument in favour of oversea capital being invested in Australia and of our using the knowledge that people from overseas have in developing these natural resources.

The growth of the use of natural gas in America since the 1920's has been fantastic, especially when one realizes that it has been achieved in competition with established fuels. I think we all appreciate that in the United States there is an abundance of alternative fuels in open competition with natural gas. However, South Australia's fuel resources are of low quality and limited in total quantity, so it is imperative that we develop as speedily as possible the use of alternative fuels.

Natural gas is a clean fuel—it is non-toxic and non-corrosive. Apart from being capable of use to provide energy requirements, it is also an ideal raw material. As a matter of fact, some countries consider natural gas to be too valuable a raw material to be burned and converted into energy, and they use it entirely as a raw material for industrial purposes. I believe that in South Australia and, indeed, in the whole of Australia we are on the threshold of developments similar to those that have taken place in North America. I think we should reflect on some of the facts that led to this development. It began in 1940 with the Mining Petroleum Act, which was passed so that encouragement could be given to companies to search for deposits of oil and gas in South Australia. It was very necessary for this encouragement to be given because of this State's peculiar position—its complete lack of resources and almost complete lack of energy supplies. Also, if we were to maintain our development, there was a need for us to get ahead of the rest of Australia in this type of development. The attitude of the Government of the time led to an increase in activity in relation to oil and gas search. Involved in this also, of course, is the faith of many people who invested in oil search in Australia and in this State, and the faith of the exploration companies.

In 1963 a discovery of natural gas was made at Gidgealpa, and later discoveries were made at Moomba. At present there are two producing wells with established reserves of about 800 billion cubic feet of gas, and probable reserves of 1,440 billion cubic feet. From what I have said so far, two very important points arise, and these points are not only present in my mind but have been put to me by people in various parts of the State. The first is whether we are justified in pressing on with the construction of over 500 miles of pipeline when, by comparison with the United States, exploration work in this State is meagre, and whether we should not wait before pressing on with this pipeline in the hope that supplies of gas or oil will be discovered closer to the consuming market. Who knows but that tomorrow very large deposits may be found on the continental shelf or in the Gulf area? Some people ask whether this expensive pipeline to the Far North of South Australia should be proceeded with. I cannot agree with this view: I believe there is no time to lose in constructing the line.

This State has experienced a down-turn in activity—loss of advantages that we previously held. We cannot afford to lose any time in the development of this natural resource to overcome any further deterioration in the advantages that this State possesses. I cannot agree that we are not justified in pressing on with this development.

The second point put to me is that we should not press on with this development until we are completely sure of our reserves in the field. There are safeguards contained in this legislation and in the Minister's submissions in this regard. I turn to making a comparison once again with the United States of America. Unlike the development of natural gas in Canada, practically all the natural gas resources of the United States of America have been developed by using commercial finance. By comparison, the Canadian legislation is very similar to ours, and so is the United States legislation, but the vital difference between the Canadian, United States and South Australian legislation is the method of providing the money. In the United States, a producer may discover a producing area. The field is tested and it may be found there are resources there that will supply a consuming market for at least 20 years. These are the two factors that have to be established in order to develop the field on purely commercial lines—first, that there is a consuming market and, secondly, that resources are sufficient to supply that consuming market for a period of at least 20 years.

From what I have read so far and the reports that have come forward, I believe that at present in the Gidgealpa-Moomba field there are sufficient resources to supply an available consuming market for 20 years. Therefore, on straight commercial finance in the United States this line would have been proceeded with immediately. I said before that previously natural gas was regarded as possibly of a nuisance value and a hazard in relation to petroleum search and exploration. That is not the position now, but still today there is a

grain of truth in this statement. Prospecting companies, of course, still wish to press on with oil search and to discover oil. The passing of this Bill will give a great incentive to these producing companies to step up their activity and to prove further reserves of gas in the field. I do not think anyone can say with any certainty that there will be further large discoveries in the Gidgealpa-Moomba field but, comparing the structures that have been explored with those yet to be explored, one can say at least that the position is much more than hopeful. So I cannot accept either of these views—that we should not press on with this pipeline because we are not justified in doing so until the reserves are proved, or that we are not justified because further supplies may be found closer to the market. I accept the need for the rapid development of this natural resource of indigenous fuel of high quality that we possess in this State.

My next point concerns finance and matters related thereto. I am certain that the difficulties that the Treasury faces at present have possibly added to the final cost of the gas to be delivered in the metropolitan area. Any study of Parliamentary Paper 102 will show that this is a possibility. Looking at the legislation of other countries dealing with natural gas pipelines, one sees a remarkable similarity in that legislation, the greatest difference in this legislation being the method of financing the proposals. I understand that $20,000,000 is to be raised by institutional borrowing at semi-government rates over a period of five years, but most of the requirements will be in the next two years. The expiry date of these loans is to be 1972. At that time there will be a need for conversion of these loans. The Commonwealth is supplying a loan of $15,000,000, making a total loan involvement in this project of $35,000,000. Very little is said in the second reading explanation on finance. Part of this question is dealt with as follows:

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.

That means that the Commonwealth loan of $15,000,000 will have to be repaid, both principal and interest, from 1972 until 1980. I assume from that that interest will be payable on the loan as soon as it is raised, but after 1972 both interest and principal will be payable. Any Government of the day in 1972 will be faced with rather tough financial problems: the conversion of the loans from the institutional borrowers, the repayment of the loan to the Commonwealth over a period of eight years, and the re-financing of these loans without knowledge of what the interest cost will be. Some calculations I have made show that a rise in interest rate of ½ per cent will mean a rise of 1c in the transport cost of each 1,000 cubic feet of gas through the pipeline. These financial problems will be aggravated by the obvious need for the looping of the line, and of course its eventual duplication. All these problems can and should be handled to allow this State to use indigenous fuel, a natural resource most desirable for us all.

I turn now to Parliamentary Paper 102, annexures 2 and 3. These show clearly the increase in cost using various methods of finance. In annexure 2—"Natural gas transportation expenses estimates: Government financing"—the final cost of transport given is 9.7c for each 1,000 cubic feet of gas. Annexure 3 (1) shows the cost, with substantial public financing, as 10.6c for each 1,000 cubic feet and annexure 3 (2), "Natural gas transportation expense estimates," shows the cost, with commercial financing, as 14c for each 1,000 cubic feet. I think that we can understand the importance of this question in connection with the conversion of these loans: any increase in interest rates will have a big bearing on the transportation costs of gas through this pipeline. It is reasonable to assume that the difficulties faced by the Treasury at present could have added to the final cost to the consumer of gas from these fields. However, this problem does not concern us at present; we are deciding here how to tackle a problem, given the circumstances as they are now. I am certain that the Government must be pleased with the encouragement and assistance that it received from private financial institutions which are taking a vital interest in the development of this important natural resource in South Australia.

Turning to the technical aspects of this line, I emphasize that two aspects stand out: the first is the size of the pipeline. This question is dealt with on page 4 of Parliamentary Paper 102:

To meet fully the prospective market for gas as a fuel only, as it seems likely to develop over the next 20 years, would call for a 22in. pipeline in the first instance, followed by looping with a second 22in. pipeline commencing after eight years. Our present problem, however, is to tailor our programme to:

(1) Established reserves of deliverable gas (by tender date) of at least 750 billion cubic feet.
(2) The necessity to contemplate a minimum supply period of 20 years from the date of each progressive commitment of considerable capital funds.
(3) Adoption of the devices of "peak-shaving" and "interruptible supply contracts" to achieve the most economical use of the capital facilities.
(4) Recognition of the desirability of keeping the initial capital requirements to a reasonable minimum, and of providing subsequent capital requirements so far as possible out of recoveries.
(5) Notwithstanding the foregoing, having the maximum of flexibility to provide subsequently facilities to supply additional quantities of gas within potential demands, as those additional reserves may be established.

It seems clear from this statement that a 22in. pipeline is desirable and, given further supplies of gas in the field, looping of an 18in. line could well be required within five years. Paragraph (4) of this same Parliamentary Paper seems to sum up the whole position, that is, recognition of the desirability of keeping initial capital requirements to a reasonable minimum. That appears to be the main consideration in the reduction of the line from 22in. to 18in. A 22in. pipeline, it is estimated in this Paper, should meet fully the prospective market (for gas as a fuel only) that seems likely to develop over the next 20 years. I do not wish to go fully into the question of costs of a 22in. pipeline and of an 18in. pipeline, but the figures I have prepared show a not insignificant saving on the transport cost of gas if a 22in. pipeline was provided at a capital cost under $40,000,000 and, if the capital cost of a 22in. pipeline was about $35,000,000, the saving on transport costs would be significant. I believe that the programme has had to be tailored to present circumstances in relation to the initial capital requirements.

The other technical aspect that I should like to refer to is the question of route. The Minister, in his second reading explanation, stated:

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.

I am sure that, as far as I can gather, insufficient information has been supplied or is available to make a statement like that. I believe it is necessary for this Government to embark immediately upon an engineering survey of both these routes. It appears that the pipeline will have to be a welded steel pipeline carrying gas under a certain pressure and at a certain temperature. The Minister, in his second reading explanation, did not state whether it would be necessary to bury this pipeline; I think it will be necessary to bury it at least two feet. I should like information on this question.

The Hon. S. C. Bevan: The intention is to bury the line.

The Hon. R. C. DeGARIS: If it is to be buried, as the Minister says, it will be necessary to know the type of country through which it will pass because this will have a big bearing on the cost, as most members will understand. Costly rock excavation must be avoided; it is much easier to run a line through sandy country than to cut a line two feet deep through solid rock. In this connection, the direct route could be costlier, but no information has been given to the Council on this question. Furthermore, there is the problem of access roads. It seems obvious that any pipeline traversing 500 miles from the north of South Australia will require access roads, not only for the delivery of pipes, but also to service the line after it has been constructed. It may well be that it is better to use the railway line for this purpose; if so, the gas pipeline could possibly come from Gidgealpa to Lyndhurst siding and then via Leigh Creek to Port Augusta. Another problem is that of easements that will be necessary.

All these questions will have a great bearing upon the route that this pipeline should take. It seems that the figure given of an extra $2,500,000 or $3,000,000 which the western route is said to cost in comparison with the eastern route can only be put in the category of guesswork, because all these factors must be considered in the cost of the route. I urge the Government to engage immediately in an engineering survey of both routes and of any alternative routes and to take all these matters into consideration. It may be that the cheaper route is the one through the Gulf towns. It

may even be desirable, on this matter alone, to refer the project to the Public Works Committee for a report. I hope that the Government takes this as a genuine criticism and that it does not refuse to consider this matter because of a possible loss of face in relation to pressures that have been applied regarding the route. Of all the statements regarding the route in the explanation, I think this one is based on anything but reliable information:

. . . it seems virtually certain that the main pipeline route must be the most direct practicable route.

I have heard reports of pressures for the whole of this matter to be referred to the Public Works Committee, but I cannot go along with that idea. I do not agree entirely with it but I consider that use could be made of the committee in order to decide which is the most economical route by which the gas should be brought down. I ask the Minister for information about why it is necessary to include reference to derivatives. The title of the Bill is:

An Act to make provision for the establishment of an authority to be known as the Natural Gas Pipelines Authority of South Australia; to confer on the authority power to construct and operate pipelines for the conveyance of natural gas and derivatives thereof in South Australia and to do things incidental or in relation thereto; and for other purposes.

Many clauses refer to the word "derivative", particularly clause 10 (1) (*a*), which provides:

construct, reconstruct, or install or cause to be constructed, reconstructed or installed pipelines for conveying natural gas or any derivative thereof within this State and natural gas storage facilities connected therewith;

The Hon. S. C. Bevan: It has to be cleaned before it is delivered to us.

The Hon. R. S. DeGARIS: I realize that.

The Hon. S. C. Bevan: Butane and that sort of thing have to be extracted.

The Hon. R. C. DeGARIS: I understand that, but I do not think that answers the question. I am still not happy about provisions regarding derivatives being included in the legislation. Clause 10 provides most of the powers and functions of the authority and I understand that the pipeline authority shall become a common carrier. The authority will not be involved in the purchase or re-sale of gas: its function will be to take delivery of the gas from the purification plant that is to be established and to deliver it to the consumer at this end, a charge being made for transport of the gas. The producer will be responsible for purification of the gas and he will sell direct to the consumer. Although the role of the authority will be that of a common carrier, clause 10 (1) gives power to do these things:

(*e*) purchase, take on lease, or otherwise by agreement, acquire, hold, maintain, develop and operate any natural gas storages and the necessary facilities apparatus and equipment for their operation;

(*f*) for purposes of selling or otherwise disposing of the same, purchase or otherwise acquire and store natural gas or any derivative thereof;

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

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

The Minister explained that it was not intended that the authority would use the powers conferred in those four provisions. However, the authority will be able to use them if it obtains the consent of the Minister. I am not objecting to this. The authority may need those powers at some time and Ministerial approval will have to be obtained to enable that to be done. Clause 15 (3) deals with profits that accrue to the authority and provides:

Out of any profits accrued or accruing to the authority, the authority may, with the approval of the Treasurer, make payments to the Electricity Trust of South Australia, to the South Australian Gas Company and to any other like authority approved for the purpose by the Minister, or any of them, by way of rebate or drawback on charges.

I think this provision requires explanation. I understand that any rebate of profit that the authority makes can be made only to the consumer. I bring that matter to the attention of the Council, because other honourable members may wish to deal with it more fully. I consider that the development of natural gas and its transport to the consuming market is possibly one of the most important developments that have taken place in South Australia. It will secure for the public benefit a relatively low-cost fuel for electricity generation and for domestic and industrial use. I am certain that the members of the Party that I lead will do all in their power to assist in the development of this most important natural resource.

I am sure that the Minister will reply to the questions with which I have dealt, and other honourable members may also raise queries about the legislation. However, I give the assurance that, as far as my Party in this

Council is concerned, we are interested in doing all in our power to ensure the development of these resources for the benefit of the public of South Australia. I support the second reading.

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

GARDEN PRODUCE (REGULATION OF DELIVERY) BILL.

Second reading.

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

That this Bill be now read a second time.

Its purpose is to control the times of delivery within a prescribed portion of the metropolitan area of fruit and vegetables which have been purchased by wholesale. At present it is only possible to control deliveries within the limits of the East End Market as prescribed by the East End Market Act, 1872. The East End Market premises are controlled by the East End Market Company Limited and the Adelaide Fruit and Produce Exchange Company Limited, who have the power to make by-laws regulating the activities on these premises. However, in recent years, regular purchases of market produce by wholesale have been operating just outside the prescribed East End Market area and are therefore not regulated by the by-laws made by the two market companies. They have begun conducting business much earlier than the official time prescribed for opening the East End Market by the two market companies. This has made it necessary for the tenants of the East End market to commence business earlier than the official time prescribed in order to be able to compete with traders outside the East End Market area. Any attempt by the two market companies to enforce the official market starting time would only result in tenants leaving the market area and setting up business nearby. As a result, conditions at the East End Market have become chaotic and the stability of the industry is in danger.

This Bill has been prepared after discussions with representatives of the fruit and vegetable industry and has the support of the whole industry. Its provisions give the Minister power to control the time of delivery on any particular day within a particular portion of the metropolitan area of fruit and vegetables to persons who have purchased them by wholesale. I shall now deal with the clauses individually.

Clause 2 contains the necessary definitions for interpreting the legislation. These are self-explanatory. Clause 3 contains a prohibition for any person to deliver garden produce at a place within a prescribed area on any day before the time prescribed for that day to any person who has purchased the same by wholesale. A penalty of $100 is provided for any offender against this prohibition. Clause 4 sets out the method by which an area becomes a prescribed area. The Governor must by regulation prescribe an area within a 25-mile radius of the General Post Office to be a prescribed area not less than seven days after that regulation takes effect. In a similar way the Governor may subsequently prescribe that any prescribed area or any part of a prescribed area shall cease to be a prescribed area from a day fixed in the regulation.

Clause 5 sets out the method by which a time becomes a prescribed time for a particular day. The procedure is that the Minister must publish a notice both in the *Gazette* and in a daily newspaper declaring that from a certain day, being a day not earlier than seven days after the notice appears in the *Gazette* and in the daily newspaper, a certain time shall be the prescribed time for a particular day. Different times may be prescribed times for different days of the week. By a subsequent notice also published in the *Gazette* and a daily newspaper, the Minister may vary the time previously prescribed for a particular day and declare that from a certain future day at least seven days after the publication of the notice in the *Gazette* and a daily newspaper a different time shall be the prescribed time for that day. Clause 6 provides for summary disposal of all proceedings for offences against clause 3 and provides that proceedings shall not be commenced without the consent of the Minister. Clause 7 is a simple provision giving power to make regulations for the purpose of the Bill. I commend the Bill to honourable members.

The Hon. C. R. STORY (Midland): In rising to discuss this Bill I mention that I am aware of the keenness of the Chief Secretary to continue with it immediately, and perhaps obviate the necessity for a few extra hours of sitting at night. The East End Market is unique in South Australia. It is an old organization and we have learned to live with it. Whether we, as producers, have liked it or not is another matter. It is an instrumentality run under certain bush rules worked out over many years in an effort to make it possible for the market to function.

In recent years certain by-law-making powers were granted the two companies operating at the market.

At first glance the Bill is a socialistic piece of legislation, and the Minister will be granted the right to fix any area within 25 miles of the General Post Office as a prescribed area. In any part of that area the Minister may by regulation prohibit the action of any producer in disposing of his goods on a wholesale basis.

The Hon. Sir Norman Jude: Does the honourable member think that this would be a restrictive trade practice?

The Hon. C. R. STORY: I am not sure about that; I do not think it would be because I do not think such a restriction would apply to a Government. What does disturb me is that this measure could channel most of the trading of fruit and vegetables through the agents of the East End Market. The powers granted to make regulations will enable the Minister to make it impossible for any transaction to take place on a wholesale basis anywhere within 25 miles of the General Post Office. Therefore, it is probable that the places prescribed for business will be within the exact precincts of the East End Market.

The Hon. C. M. Hill: Isn't that the only place where the trouble is occurring? Why is there a limit of 25 miles?

The Hon. C. R. STORY: I would not say that it is the only place because at present I do not think it interferes with the market except that the merchants are not getting the commission on the produce being sold. Many producers are selling wholesale to chain store organizations and arranging for delivery at Enfield, Marion and other places. That does not interfere with the market, but what is proposed in this measure is that no transactions shall take place before a prescribed time—I think the suggestion was 7 a.m. My experience it that at 7 a.m. people should be going home to breakfast from the market and not starting work. One of the great advantages of the early opening of the market is that people may pick up a load of fruit in an area, transfer it in the cool of the night and dispose of it early next morning so that it may be in a greengrocer's shop as fresh fruit ready for sale to the housewife. If operations are not to commence before 7 a.m. it seems to me that it will be too late. I do not know how the stallholders in the Central Market will get on because they normally like to have their stands full and ready for operation at that time.

The Hon. C. M. Hill: One stallholder has a girl working at 6.30 a.m. in order to serve shift workers.

The Hon. C. R. STORY: I imagine that would be so. The early bird catches the worm. The Minister has power to make regulations but we cannot hazard a guess at what they might be. I am pointing out some of the difficulties that could arise if the regulations are not correctly drawn. Parliament has the right to deal with the regulations and I promise the Minister that if such regulations are not in the best interests of the industry generally, including the housewife, I will not allow them to pass. The Bill provides that "prescribed area" means an area that by virtue of section 4 of this Act and the regulations is for the time being a prescribed area for the purposes of the Act. This could be any area within 25 miles of the G.P.O. If this were applied to the whole area within a circle around the city, no wholesale business could take place in that area, but beyond Gawler and Two Wells there would be no restriction.

The Hon. Sir Norman Jude: If a person at Gawler were prevented from selling, would it not be a restrictive trade practice on the individual?

The Hon. C. R. STORY: I think so. The purpose of the Bill is not clear, and I should like to have much more information from the Minister before I go along with it. He has said that this measure has the blessing of the Fruitgrowers and Market Gardeners Association and the Citrus Organization Committee. I have been in touch with the Secretary of the former and I know that his organization is happy about the legislation, and the latter, although not vitally interested, is an interested party. However, I want to know from the Minister whether there is anything hidden in this matter, because I suspect there are certain aspects in which the regulations will have the effect of altering vastly the operation of the wholesale fruit trade in Adelaide. I know this relates only to the commencing time of the wholesale market, but if a blanket provision applies to the whole of the metropolitan area it will have the effect of causing all fruit and vegetables to be brought to one point. The thing that worries me is that a monopoly could be created.

The Hon. S. C. Bevan: It is only within a prescribed area.

The Hon. C. R. STORY: Yes, a prescribed area is set out, and a prescribed time is also set out: clauses 3 to 5 deal with these matters.

I want to be sure that this is just a matter of prescribing an area adjacent to the East End Market so that other people will not be in open competition with stallholders and agents, who pay dues to the City Council and rates and taxes. The same problems are experienced with itinerant hawkers who come to country towns and sell in competition with the man living in the area. However, I object to anything that would preclude the practice of delivering goods before 7 a.m. in outer suburbs to various wholesalers, as that would be too restrictive.

If this is merely to relate to the East End Market, I do not object to it, but I shall have to be assured by seeing the regulations that we are not creating a great monopoly for the merchants of the Adelaide market. I have lived all my life in association with them and I know they are powerful people. The Secretary of the Fruitgrowers and Market Gardeners Association, whom I respect, has said that this is the first move in an effort to bring some law and order to what is happening outside the market now. This is the first of a number of reforms, which I hope will be for the better, in relation to the set-up of the sale of garden produce. However, the suggested time of 7 a.m. is too late—it should be no later than 6 a.m. I think that one can now get into the market at 4.30 a.m.

The Hon. A. J. Shard: You can get there before then.

The Hon. C. R. STORY: I think 7 o'clock is too late; it is almost reaching the stage of being a 9 a.m. to 5 p.m. set-up, which we do not want for perishables.

The Hon. S. C. Bevan: The Bill does not say anything about 7 o'clock.

The Hon. C. R. STORY: No, but I have read, perhaps in the proceedings of another place, that that is the time suggested.

The Hon. S. C. Bevan: A suggestion was made in another place that the time would be 7 o'clock, but this has to be determined by the Minister.

The Hon. C. R. STORY: Then that is all the more reason why I should speak on this aspect. If the matter has not been resolved, I suggest 5 o'clock. I am prepared to support the second reading so that in Committee I can discuss some of the more intricate provisions. Also, I should be interested to see the regulations when they are introduced. I acknowledge that the market is in a chaotic condition and that something should be done, but I do not know that this is the answer.

The Hon. C. M. HILL secured the adjournment of the debate.

WEIGHTS AND MEASURES BILL.

Second reading.

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

That this Bill be now read a second time.

Its object is to provide legislation that will enable the administration of weights and measures to be brought into line with modern developments in commerce and industry and with practices that have been accepted throughout the Commonwealth. The existing Weights and Measures Act was originally based on English legislation and, although it has been amended from time to time to provide for specific needs, it has become outmoded with the introduction of new and more complex equipment and techniques in industry and commerce. Recent legislation by the Commonwealth, which has entered the field of weights and measures in a substantial way, and by other States has rendered the South Australian Act unworkable in its present form.

After examination of the existing Act and a study of corresponding legislation of the Commonwealth and other States, further amendment is considered impracticable, and action has been taken to draft a new Act and regulations to meet present-day conditions and to give control comparable with that exercised in other States.

The most important features of the new Bill are provision for any council to relinquish control over the administration of the Act in its area upon satisfying the Minister that such action is desirable; increased power for inspectors to enter buildings and other places for the purpose of checking prepacked stock; power to make regulations for control over appointment of inspectors by councils; the registration and control of repairers and adjusters of weighing and measuring instruments; the registration of public weighbridges and weighmen; and inspection and stamping fees for petrol pumps and weighbridges in lieu of licence fees. The fees proposed will return not less than the amount currently being received under licensing. South Australia is the only State with licence fees for these instruments. The most important advantages to be expected from the new Bill are more effective and efficient inspection and control of weighing and measuring instruments and procedure for the protection of

both the public and traders, and uniformity of requirements and standards with other States and the Commonwealth so far as is consistent with conditions in South Australia. Achievement of a high degree of uniformity will remove many anomalies and difficulties at present encountered by trade and industry.

South Australia and Victoria are the only two States of the Commonwealth where local government administration of weights and measures still operates. Whilst this Bill does not propose the withdrawal of local government powers, except in the case of default or where sought by a council and approved by the Minister, it does provide for controls which should increase the efficiency of council administration. Experience has shown that the standard of efficiency and control varies considerably among different councils. The effectiveness of control is entirely dependent on the ability and training of the local inspectors, and some councils, particularly the smaller and more remote ones, are finding increasing difficulty in complying with the requirements of modern and more complex equipment. Before the presentation of this Bill, the draft was submitted to representatives of local government authorities and of trade and commerce in order that their views could be given full consideration. Some suggestions were put forward and have been incorporated in the Bill.

Clauses 1, 2 and 3 are machinery clauses usual in Bills of this nature. Clause 4 sets out the format of the Bill. Clause 5 provides definitions for the purposes of the Bill. Most are straightforward and do not need further explanation. I will, however, elaborate upon the definitions of "package", "sale" and "use for trade". The definition of the term "package" has been expanded from the existing Act to meet practices adopted by both industry and trade. The definition of the term "sale" whilst new to South Australia is common to most other State Acts and the extended meaning of the term to cover "offer or expose for sale, keep or have in possession for sale" is needed to meet the modern trend towards pre-packaging of goods. The definition "use for trade" is the most up-to-date meaning at present in legislative use. This extended meaning of the term is needed to cover all avenues of trades practices. Clause 6 has been included in every Act passed since 1843 and its purpose is to provide uniformity of weights and measures throughout the State. Clause 7 re-enacts in this Bill clauses introduced into the existing Act in March, 1966, and is a uniform clause throughout the whole of the Commonwealth. Clause 8 provides for the replacement of any standard lost or destroyed.

Clauses 9, 10, 11 and 12 re-enact sections 36, 36(*a*), 38 and 38(*a*) respectively of the existing Act and place them in their correct order of sequence. These clauses are uniform throughout the Commonwealth. Clause 13 deals with appointments. Subclause (2) has been inserted to enable central administrative functions to continue in the absence of the warden. Under the existing Act certain functions cannot be carried out until an acting warden has been appointed by the Governor. The clause also provides that the deputy warden, during his tenure of office as acting warden, shall have all the powers of the warden (subclause (3)). Clause 14 details the responsibilities of the central administration under this Bill. Subclause (2) (*d*) (*ii*) provides for the first time that those parts of the State not within the bounds of any council district shall come within the ambit of weights and measures, through the central administration. This extention is necessary to meet the increasing trade along the roads through these areas. The members of the public, whether local residents or travellers, carrying out trade practices should have the protection of this Act. Subclause (2) (*d*) (*iii*) provides for control of weights, measures and instruments used in various Government activities and the exercising of this control by the central administration.

Clause 15 provides for local government administration to the same extent as the existing Act. To enable two or more councils to utilize the same inspectors and standards, some sections of the Local Government Act dealing with joint undertakings are to apply. These provide Ministerial control over such schemes. The scope of local administration is detailed in clause 16. Clauses 17 and 18 deal with the appointment of Inspectors of Weights and Measures. In both England and Victoria, where there is council administration similar to South Australia, a council can appoint as an inspector only a person who has satisfied the equivalent of the Warden of Standards that he is competent to act. In these two places this calls for the applicant to have completed an appropriate training course and successfully passed an examination. It is proposed in the regulations under this clause to give the Warden of Standards power to require persons to demonstrate their ability

to satisfactorily carry out the duties of an inspector under the Act. It is proposed in existing circumstances to gradually introduce these requirements as trained officers become available.

Clause 19 provides that no inspector shall derive profit from or be employed in the making, adjusting and repairing of weighing and measuring equipment and that he shall not receive any reward from any trader. It also provides that the Minister, at the request of the council, may authorize inspectors to adjust scales and charge for such adjustment. The purpose of this provision is to allow a competent inspector in an isolated area to carry out certain minor adjustments and thereby provide a service to traders. All charges made under this subsection are to be accounted for as the council directs. Clause 20 provides for secrecy of information obtained by inspectors in the course of their duties. Clause 21 provides than an inspector who commits a breach of the Act shall be guilty of an offence. Clause 22 provides that, if a council wishes to employ a person or private firm in an inspectorial capacity in lieu of a person employed by it under the Local Government Act, then that person or firm must provide two sureties.

Clause 23 provides that every council shall provide such standards and equipment as the Minister directs. It further provides that the standards in force prior to the passing of this Act may remain in force subject to this clause. Clause 24 provides a penalty for councils failing to comply with the Minister's directions under clause 23. Clause 25 re-enacts section 43 of the existing Act. It provides that the Minister may direct any council to enforce the Weights and Measures Act and, if that council fails to enforce the Act, the Minister may do so and recover all costs from the council. Clause 26 re-enacts section 47 of the existing Act. It enables persons outside council areas to have their weights, measures and instruments checked by a council inspector. Clause 27 re-enacts section 55 of the existing Act. Penalties have been appropriately increased. Clauses 28 and 29 are normal financial provisions.

Clause 30 re-enacts section 57 (*b*) of the existing Act. It provides that, where the administration by councils of a certain class of instrument or of an industry is either a matter of difficulty or one that creates undue expense, then the Governor may proclaim that the administration of that class of instrument or industry shall cease to be vested in the council and shall be transferred to the central administration. Petrol pumps and weighbridges were proclaimed under this section approximately 30 years ago. Pharmaceutical weights and measures were proclaimed in 1965. Clause 31 is new and provides that, if a council fails to comply with a notice to enforce the Act (under clause 25) or where a council of its own volition satisfies the Minister that it is unable to administer the Act, then the Governor may proclaim that the administration of the Act in that area shall be vested in the central administration.

Clause 32 defines the powers of inspectors of weights and measures. Paragraphs (*a*), (*b*) and (*c*) are similar to section 51 of the existing Act. Paragraphs (*d*), (*e*), (*f*) and (*g*) confer powers new to South Australia, but are common to all other State Acts and are necessary to give the inspector power of entry to check prepacked goods held or exposed for sale. Under paragraph (*h*) the inspector will have power to check packages for deceptive marking. Paragraph (*i*) gives the inspector power to seize and detain articles which contravene the Act. Paragraphs (*d*) to (*i*) are powers which are needed by inspectors in this State to administer this Act and will be essential when the proposed uniform code for marking and standardization of packaged goods is introduced.

Clause 33 provides power for the inspector to seize weighing instruments and measuring instruments which contravene the Act. This clause sets out in greater detail the power which inspectors have under section 51 (1) (*c*) of the existing Act. Clause 34 provides that every instrument shall be marked with a stamp of verification. Clause 35 provides that every instrument be produced for inspection once in every two years. It further gives the Governor power to make regulations exempting certain instruments from being inspected or stamped, exempting instruments in certain parts of the State from the provisions of the Act, and providing for more frequent verifications on certain classes of instruments. Clause 36 provides that if an inspector finds instruments not stamped as required or incorrect or otherwise unjust he may either seize them, or give to the owner a notice to repair same within 14 days or, if he is empowered by the Minister to adjust, make any necessary adjustments. Clause 37 was inserted in the existing Act in March, 1966, as subsections (5), (6) and (7) of section 26 of that Act. This clause gives the Commonwealth power to approve patterns of weighing and measuring instruments. Clause 38 provides that the council inspector shall visit each place of business at least once in every two years. That is the longest period allowed

for reverification. Inspectors should, however, visit the trader's premises much more frequently to check that instruments are in full view of the public and to see that the packaging requirements are being met.

Clause 39 provides, first, that no person shall use or have in his possession for use any instrument which is not stamped as prescribed and, secondly, that any instrument that is stamped in one council area subject to the Act shall be considered to be a legal instrument throughout the State unless found to be defective. Clause 40 forbids the use for trade of any weight, measure, weighing instrument or measuring instrument which is unjust or has been mended or repaired, until the same has been restamped. It also provides that a person who mends or repairs such instrument shall obliterate any existing stamps on it. Subclause (1) of clause 41 deals with offences and is self-explanatory. Subclause (2) provides that any contract, etc., made in reference to any false weight, measure, weighing instrument or measuring instrument shall be void. Clause 42 provides that any person using a false instrument is guilty of an offence against the Act and such false instrument is liable to be forfeited. Clause 43 provides that, where applicable, the Government inspector has the same powers as an inspector.

Part V is not the uniform code for the marking and standardization of packaged goods. The uniform code has not, as yet, been completed and the Ministers throughout the Commonwealth have agreed that no one State will introduce the code before a date to be mutually agreed upon. The purpose of this Part is to maintain the *status quo* regarding packages until the date for the implementation of the Code. This Part also provides for the first time in South Australia that the sale of solid fuel shall be controlled by this Bill.

Clause 44 replaces section 18 of the existing Act and follows section 12 of the Commonwealth Act, which is more explicit in its meaning. Clause 45 re-enacts section 19 of the existing Act. It provides for the selling of articles by either avoirdupois or metric weight with the exception of gold, silver and precious stones, which may be sold by the ounce troy. Clause 46 re-enacts section 18 (*a*) of the existing Act and provides for the dual marking on packaged goods in both systems. Clause 47, with the exception of subclause (1), re-enacts section 30 of the existing Act. Subclause (1) provides that all sales are to be made by net weight or measure. Clauses 48 to 50 re-enact sections 31, 32 and 33 of the existing Act, in substance, with increased penalties. Clause 51 replaces sections 16 and 17 of the existing Act which have been in force since 1885. It provides for the sale of goods by dry measure using a schedule of weights permitted per bushel for the various commodities. Although a new requirement in South Australia, it is the practice in every other State.

Some councils have been concerned with the glaring anomalies in the sale of solid fuel. Complaints investigated have on occasions shown that deliveries of supposedly one-ton loads of firewood have, on checking, shown substantial short weights. To remedy this situation clause 52 provides:

(1) that unless the written consent of the purchaser is obtained, solid fuel must be sold by net weight;
(2) that anyone who sells solid fuel by false description or wet solid fuel with intent to defraud, shall be guilty of an offence against the Act;
(3) that any interested party or any inspector have power to demand that the solid fuel be re-weighed in his presence;
and
(4) that this section is in addition to, and not in derogation of, any other section of this Act relating to the sale of articles.

Similar provisions exist in other States. Clause 53 is self-explanatory. Subclauses (1) to (4) of clause 54 are general offences provisions usual in this type of legislation. Subclause (5) provides that, where a person is convicted and the court is satisfied that the offence was committed with intent to defraud, then the court may impose a term of imprisonment not exceeding six months. This term may be either in addition to or in lieu of any other penalty. Subclause (6) gives a court power to order a defendant found guilty of an offence to pay to the person defrauded such compensation as the court thinks fit. Subclause (7) provides that in actions against a body corporate action may be taken against any person who is the manager or acts as the manager of the body corporate.

Clause 55 re-enacts section 56 of the existing Act. In a prosecution for an offence against the Act in respect of any instrument, the onus of proof is to be on the defendant to show that the instrument was stamped as required. Clause 56 limits a person's liability for a second similar offence. Clause 57 is an evidentiary provision providing that unless evidence is given to the contrary no proof shall be required of the appointment of any officer

under the Act. It further provides that any other document relating to or arising out of the administration of the Act is, if purporting to be signed by the warden, to be received as evidence unless the contrary is shown. Clause 58 is a defence provision with regard to due diligence. Clause 59 protects civil rights. Clause 60 gives the court power to award costs against the complainant if the complainant is not an inspector and the complaint is withdrawn or dismissed. Clause 61 is self-explanatory. Clause 62 provides that all fines and penalties shall be paid to either councils or general revenue of the State as the case may be.

Clause 63 is an evidentiary clause as to possession of an instrument for use for trade. Clause 64 provides for the forfeiture of instruments and/or goods which are in contravention of this Act. Clause 65 provides that all goods so forfeited become the property of the council or the Crown, as the case may be. Clause 66 provides for the recovery of fees in any court of competent jurisdiction. Clause 67 provides a general offence clause for obstruction, use of abusive language or assault against an inspector or the impersonation of an inspector.

Clause 68 provides for regulation-making powers. Subclause (1), although new to South Australia, is a necessary provision. Subclauses (2) and (3) re-enact subsections i and ix of section 68 of the existing Act. Sublause (4) is new in South Australia and is self-explanatory. Subclause (5), although this power is new to South Australia, is one of the basic requirements to properly administer the Act. Subclause (6) replaces section 68 (12) of the present Act which has been re-drafted. Subclauses (7) to (11) re-enact section 68 xii, iv, vi, x and xiii of the present Act with slight drafting modifications. Subclause (12) is new and may appear similar in part to the power of the Minister under clause 37 (2), but this is not so. This clause enables prohibition of the use of an instrument where such action is desirable. Regulations under subclause (12), while having a limiting effect on the use of instruments, will go further and prescribe that certain trades may have classes of weights, etc., prescribed specifically for their use, for example, dispensing scales used in pharmacies and class A beam scales for weighing precious stones.

Subclause (13) is new and makes provision for prescribing the method of use of prescribed instruments. Subclauses (14), (15) and (16) re-enact subsections xi, ii and xiv of section 68 of the existing Act. Subclause (17) provides for the registration of public weighbridges and weighmen. At present any licensed weighbridge may be used as a public weighbridge whether the weighbridge is suitable or not or whether the weighman knows how to weigh or not. Although an innovation in this State, it has a counterpart in every other State Act. Subclause (18) complements subsection (17). Experience has shown that it is necessary.

Subclause (19) provides that the methods of taking tare weights may be regulated. Most of the anomalies at present existing in public weighing can be traced to either the inability of the weighman to weigh correctly, which is covered by subsection (17), or the taking of stated tare weights. Subclause (20) is new to South Australia but is used in some other States. It gives the Governor power to prescribe the methods by which certain classes of goods may be sold.

Subclause (21) re-enacts section 68 XVa of the present Act. Subclause (22) re-enacts section 68XVI of the present Act and provides in addition new powers to control certain methods of deceptive packaging, e.g., oversize packages and certain meaningless discounts. Both the 1963 English Act and the latest amendment to the Queensland Act placed this responsibility upon weights and measures administration, as an inspector of weights and measures is required to inspect the package. Subclause (23) complements subsection (22).

Subclause (24) is a new requirement but one which experience has shown to be necessary for the proper administration of the Act. Subclauses (25), (26) and (27) re-enact subsections XV, XVIII and XVII of section 68 of the existing Act respectively, except that increased maximum penalties are provided in conformity with present day money values.

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

ABORIGINAL AFFAIRS ACT AMENDMENT BILL.

In Committee.

(Continued from March 9. Page 3548.)

Clause 3—"Additional power to make regulations."

The Hon. C. D. ROWE: I raised certain matters about this clause when I was speaking earlier, and I have since placed an amendment on file. However, I understand that the Chief Secretary has an explanation and it may be better for me to delay moving my amendment until he gives it.

The Hon. A. J. SHARD (Chief Secretary): As honourable members know, the Aboriginal Affairs Department is not under my Ministerial control. I hope the replies I have obtained to the matters raised by several honourable members will satisfy them. I shall explain these matters and the Hon. Mr. Rowe can then proceed with his amendment if he so desires or, if necessary, progress can be reported. Fears have been expressed by honourable members about new regulation-making powers that would allow the making of regulations transferring powers over entry permits, for instance, to Aboriginal reserve councils, when these councils have been formally constituted.

The powers have been drafted widely so that this measure will not have to be amended as to this section for some time. It is not proposed to gazette regulations now to transfer all possible powers to reserve councils. This will be a gradual process. There are at present no councils operating on tribal reserves. There are five councils operating on de-tribalized reserves. There is no council, either, at Coober Pedy Reserve or at the North-West Reserve. The development, condition and training of reserve residents show considerable differences as between these reserves. Therefore, reserve regulations will differ from reserve to reserve according to the negotiations undertaken with a particular council and the circumstances relevant in each case.

At the outset reserve regulations transferring any powers as to entry permit will not remove the Minister's overriding power and the powers to be exercised by any councils will be subject to stringent conditions as to the maintenance of health, housing and employment standards. The reason for the wide draft of powers is to provide flexibility. The regulations will, of course, be subject to the scrutiny of Parliament. The powers have been sought by existing informal reserve councils and some of these are in danger of breaking up because they have not been sooner given specific authority and responsibility.

I point out that, so far from a superintendent's position being difficult, the superintendents previously recommended a complete end to the permit system for entry to reserves because of the trouble it caused. The Government could not accede to this view because of the difficulty of maintaining established standards without a permit system. The establishment of reserve councils is a necessary and desirable development—it is needed to carry out the scheme for the establishment of the Aboriginal Lands Trust approved by this House and reported on by a Select Committee. I assure members that the drafting of this clause is not intended to provide the transfer of all the Minister's powers in the foreseeable future.

The Hon. C. D. ROWE: I move:

In paragraph I of new section 41 to strike out all words after "councils" second occuring.

I am indebted to the Minister for the explanation he has given and I believe that it does help. However, I still wish to proceed with my amendment. I am entirely in favour of the establishment of Aboriginal Reserve Councils because I think that is the goal towards which we should march. I think the sooner more Aboriginal people are encouraged to manage their affairs the better it will be for everybody. New section 41 begins:

The Government may make regulations for the following purposes: I. 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 . . .

My amendment would allow that portion to remain, but it would delete the rest, which reads:

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.

If such regulations were made these councils could "do, perform and exercise any of the powers or functions of the Minister." They would empower the councils to make recommendations, for instance, that would prohibit a policeman from entering any reserve and also prohibit a member of Parliament doing likewise. I think we must place a restriction on these people at this point.

The Hon. F. J. Potter: Is the honourable member sure that "regulation" is the correct word, or should it perhaps relate to a rule?

The Hon. C. D. ROWE: It could, perhaps, be better expressed as a rule. If the power remained as suggested in the Bill it would limit the people who would be permitted to enter the reserves. Even if a regulation is

brought before the Parliamentary Committee on Subordinate Legislation that committee may have difficulty dealing with it because of the wide powers granted in the Bill. I would prefer to let the first portion of new paragraph 1 stand as far as I have suggested, and when such regulations come before the Subordinate Legislation Committee they could be examined in detail. If at that time they conformed with the views expressed and the answer given by the Minister then they would be approved. I do not think we are entirely opposed to the Minister's suggestion, but I believe we should make certain that the Subordinate Legislation Committee would not be fettered in its expression as to what regulations might be permitted.

I am happy with new paragraphs II and III. I do not see that my proposal contains anything to which the Government should object but if the Government would prefer that the matter be adjourned for further discussion I would be happy. However, for the reasons mentioned, I would like my amendment accepted.

The Hon. A. J. SHARD: My advice is that the Government must oppose this amendment because I am instructed that such an amendment as moved by the Hon. Mr. Rowe would take all the meat from the new section. It is true that the honourable member has had some experience on the Subordinate Legislation Committee and it is possible that queries may arise there. However, in the light of the explanation I received from the Minister of Aboriginal Affairs, I do not think it can go that far nor was it intended to do so.

The Hon. F. J. POTTER: In order to clarify the thinking of honourable members on this matter I wish to make one point. Perhaps some members have the idea, which I think is wrong, that we are, in fact, handing over to the reserve councils the right to make regulations. That is why I asked the Hon. Mr. Rowe whether he thought he was using the correct wording. After all, it is only the Governor in Executive Council who can make regulations and he would presumably make such regulations on the advice of the Ministers in Executive Council. Therefore, whatever powers these reserve councils exercise they will be powers that the Minister enjoys, but not powers to make regulations. At the most they could recommend regulations that would still have to be made by the Governor in Executive Council in the normal way.

The councils may be able to make rules of some kind, but the effect of such rules would be something that could be examined. If the proposed new paragraph I is amended as suggested by the Hon. Mr. Rowe I think it will cover the matter. I find difficulty in understanding why the Minister should hand over his powers to the reserve councils. Apparently, from what the Minister has said, it is simply to give them something to do. The only objection honourable members would have would be that these councils would introduce something undesirable in the general fettering of the rights of certain people to enter reserves. I think any rules made by a council would be of doubtful validity and would not have the effect of regulations, which must be made by the Governor in Executive Council.

The Hon. Sir ARTHUR RYMILL: I can see both lines of thought, especially as I was a member of the Select Committee and gained a far better understanding of the matter as a result. If the amendment is carried there will be wide regulation-making powers, but the words the Chief Secretary wants to remain in the clause would, I think, have the effect of altering certain provisions of the Act. Whether this could be done legally in this way is beyond my knowledge. Section 19 provides that the Governor may appoint a person to be the superintendent of a reserve. This clause provides that without limiting the generality regulations may permit reserve councils to do, perform and exercise any of the powers or functions of the superintendents.

Section 23 provides that a person who enters the boundaries of an Aboriginal institution (the clause under discussion refers to them as well as to reserves) is guilty of an offence unless he has the written permission of various people, including the Minister. If the clause were passed as drawn (assuming it is lawful to do this), it would enable a regulation to over-ride the Act and the Minister would have no power, it being exercised by the reserve council. If the amendment is carried, there will be no power residing in the Governor to make a regulation that gives reserve councils the power of exercising the authority of superintendents or the Minister. There is the safeguard that regulations must come before Parliament and be subject to disallowance.

The Hon. F. J. Potter: If your point was right, they might not even get the Crown Solicitor's certificate.

The Hon. A. J. Shard: Unless they do, they are not worth anything.

The Hon. Sir ARTHUR RYMILL: The Hon. Mr. Potter says that these words are a specific authority in the hands of the

Governor and that the Subordinate Legislative Committee would, because Parliament has passed this specific power, almost be bound to uphold its exercise.

The Hon. F. J. Potter: That follows from what I have said.

The Hon. Sir ARTHUR RYMILL: This clause gives certain general powers; it provides that without limiting those general powers the Governor can specifically say that the reserve council shall exercise the authority of superintendents or, indeed, of the Minister. I think this is one of the Hon. Mr. Rowe's objections.

The Hon. C. D. Rowe: It is my principal objection.

The Hon. Sir ARTHUR RYMILL: It is a specific direction to Parliament that it shall approve the exercise of those powers.

The Hon. F. J. Potter: Nevertheless, I still think we could disallow it.

The Hon. Sir ARTHUR RYMILL: Possibly, but it would be difficult for Parliament, after passing a specific regulation-making power, to disallow a regulation to exercise that power. I see no objection to passing the total clause if we could think of some wording that would clearly indicate that it was intended to be a power the practical or individual exercise of which must be subject to scrutiny by Parliament with the aid of the Subordinate Legislation Committee. If the Chief Secretary thinks there is anything in what I have said, perhaps he will report progress.

The Hon. A. J. SHARD: I cannot see any difficulty about the matter, because no regulation is introduced unless it has the certificate of the Crown Solicitor. However, I ask that progress be reported to enable me to investigate the matter.

Progress reported; Committee to sit again.

MOTOR VEHICLES ACT AMENDMENT ACT (No. 2), 1966, RECTIFICATION BILL.

Adjourned debate on second reading.

(Continued from March 2. Page 3368.)

The Hon. Sir NORMAN JUDE (Southern): This must be one of the most unusual Bills ever to come before this Council. Only three months ago we passed an amendment to the Motor Vehicles Act dealing with the regulating of vehicles commonly known as tow-trucks. Examining the reports and speeches made at that time, one finds certain doubts expressed, particularly about the verbiage of the Bill. whether it meant what one read into the various clauses. The people who expressed those doubts have been proved correct. While I am somewhat reluctant to use the word I intend to use, I should think that this would be regarded by draftsmen today as the biggest botch of a measure ever passed by this Parliament.

The result is that the Minister, with whom I sympathize sincerely, is placed in the most invidious position of introducing a Bill labelled "Motor Vehicles Act Amendment Act (No. 2), 1966, Rectification Bill". I can assure honourable members that I have taken advice on this point and have learnt that no Bill bearing a similar title has ever been presented to Parliament. This, of course, is an amending Bill to an amending Act. When we have an amending Act, naturally it is written into the Statutes. That is actually done until there is a reprint later. If we cannot write an amending Act into the Statutes without damaging the existing Act, we then have to have an amending Bill. At present, any layman who wants to find out what he has to do about operating tow-trucks and so forth finds himself in the position in which I have been placed, of reading the relevant portions of the principal Act, reading the amending Act (in this case I will call it the November Act, for clarity), then placing this Bill alongside it, together with considerable amendments, and then deciding what is the law and what is not. I am content that the Bill at present before us is correctly drafted. I am not an expert but I know the Minister would be the first to agree with me that it is difficult to follow the verbiage. I can only suggest (and I believe he may have this intention) that, if we pass this Bill, the sooner we tidy up the whole matter by repealing the amending Act to the amending Act early next session, the better it will be, from the point of view of clarity, for the people who have to operate under the Act.

I shall endeavour to be brief upon this, because it is essentially technical. In his second reading explanation the Minister said:

Clause 3 repeals and re-enacts section 5 of the amending Act. The combined effect of sections 5 and 6 of the amending Act is to render it unlawful for a person to drive a tow-truck outside "the area", namely, the area that lies within a radius of 20 miles from the General Post Office. This was clearly not the intention of Parliament. This defect has been cured by the new section 5, re-enacted by clause 3 of this Bill, which makes section 72 (2) and (3) of the principal Act subject to the provisions of section 74a (which was enacted by section 6 of the amending Act).

The Hon. C. R. Story: That is very clear!

The Hon. Sir NORMAN JUDE: I have accepted that this involved drafting does enable tow-trucks to be driven outside the area that the previous legislation prevented them from doing. A further clause, which I am sure honourable members will accept as desirable, refers to the automatic cancellation of a tow-truck licence in the event of the driver's licence of the person concerned being cancelled for some offence under the Road Traffic Act. The Registrar obviously pointed out to the Minister that a considerable waste of time, paper and filing would occur if it was necessary to de-register and then re-register tow-truck drivers every time a driver's licence was cancelled, this often happening merely through its lapsing for a few days before being renewed in the ordinary course of events. There is no breach of the law by a driver's failure to renew his licence provided he does not drive. That is a desirable amendment. The remainder of the Minister's explanation is just as technical as what I read out a few moments ago. I can only suggest that honourable members accept this difficult piece of drafting, which had to be done to clean up the mess (that is the only word for it) made by the amending Act last November. I support the second reading.

The Hon. C. R. STORY (Midland): I find myself with little left to say about this Bill, as Sir Norman has covered the position very well. However, I should like to add a little to what he said. I support the course of action that he has suggested and to which I know the Minister, too, is inclined—that we pass this Bill and then get the whole matter consolidated. At this stage it is impossible fully to comprehend what we have before us. Sir Norman has said that we have these various amendments: two Bills with their explanations, Statutes and loose-leaf Statutes. That is a most unsatisfactory position in which to find ourselves. I have had much to do with this measure. When it was previously before this Chamber, I moved amendments to try to reconcile some of the anomalies present at the time. This measure came before us in November last, something after two o'clock in the morning. That is one reason why I believe we should not rush these measures through or try to deal with too many Bills at one time. I said at the time in my concluding remarks after the Minister and I had exchanged some rather vicious words:

There has been conjecture about paragraphs (*g*) and (*h*). I do not want to jeopardise the Bill. Trial and error will show whether the paragraphs work and, when Parliament meets in February, the Minister will be able to make any necessary adjustments. I support the Minister in his request that the amendment be not insisted upon.

Another place is involved in this matter, and a complete contrast results from the insertion (in another place) of the extra words in paragraph (*g*). The two matters in paragraphs (*g*) and (*h*) of clause 8 brought the Minister and me into conflict. The whole purpose of their being added was to clarify the position that areas beyond 20 miles of the G.P.O. should be exempt from the provisions of this Act. As the matter stands at present (and I suppose it is general knowledge among tow-truck operators), Rafferty's rules apply; we might just as well have no provision on this matter. I am very much in favour of putting this in order.

The draftsman who drew up this legislation in a reasonable form has done a very good job. I am only sorry that he did not handle the drafting of the original legislation. If it had reached the Statute Book in its then form it would have done irreparable damage and caused much confusion. The draftsman has put the legislation in order. The operation of tow-trucks in South Australia will be much better, particularly for those unfortunate people involved in accidents.

I agree with the new provision concerning licences. It is right that a person whose normal licence has been cancelled should not necessarily have his tow-truck licence cancelled; it may not be a serious offence that caused the cancellation of his normal licence. However, we must be careful that this matter is thoroughly considered at all stages. I believe that there is sufficient incentive for people who have a licence to drive a tow-truck to be particularly careful to ensure that they continue to have that licence. I do not raise any further objection. However, I would like to add that this situation is a very good argument for the existence of the Legislative Council: it exists to straighten out some of the messes that another place gets into from time to time. I believe that, if we were given a little more time, we would not get into so much trouble. I support the Bill.

The Hon. M. B. DAWKINS (Midland): I, too, support the Bill. I wish to address myself very briefly to it. I was one of those people who received a considerable number of representations from rather unhappy tow-truck drivers during last November. Like other members who have spoken on this Bill, I suggest that the troubles we have had with this are a result of the

introduction of this legislation a couple of days before the end of the session and the consideration of it during the small hours of the morning. We must do something to straighten out the mess, as the Hon. Sir Norman Jude said, and I believe that it is necessary that we should pass this legislation at this point of time on the understanding that in three or four months' time, during the next session, the legislation will be properly strightened out and we will be able to agree to it in a more easily understandable form. I do not wish to delay the Council at this time. I support the Bill on the understanding that the legislation will be consolidated at a later stage.

The Hon. S. C. BEVAN (Minister of Roads): I appreciate members' attention to this Bill. There is really nothing for me to answer at this stage. Members have accepted the Bill as it is; it was difficult to understand what the clauses meant when we were considering the earlier amending legislation. Because of that I arranged for the two pieces of amending legislation to be consolidated so that the effect of the whole amending legislation could be understood. I agree that people outside may have difficulty in following the effect of this amending legislation. However, anomalies are occurring that this legislation will rectify. If we waited for a consolidated Bill, considerable inconvenience and, perhaps, loss of licences by some people would result. I have been asked this afternoon to arrange for the legislation to be consolidated into one measure that embodies all the amending legislation. I assure members that this will be done during the next session. Time will not permit such an action in this session. The two pieces of amending legislation will be embodied in one measure, and then the Act in the Statute Book will be easy to follow.

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

PLANNING AND DEVELOPMENT BILL.

In Committee.

(Continued from March 9. Page 3559.)

Clause 19—"The Planning Appeal Board"—which the Hon. Sir Arthur Rymill had moved to amend by striking out "three" in subclause (1) and inserting "four".

The Hon. S. C. BEVAN (Minister of Local Government): I do not want to oppose the amendment before the Committee but I do want to oppose a later amendment.

Amendment carried.

The Hon. Sir ARTHUR RYMILL: I move:

In paragraph (*b*) of subclause (1) to strike out "and" last occurring.

The Minister has on file a later amendment that is of such a nature that I do not propose to proceed with the next amendment I have on file. Frankly, I think the Minister's proposed amendment does in a better way what I set out to do.

Amendment carried.

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

In paragraph (*c*) of subclause (1) after "Minister" to insert "and (*d*) one who shall not be a member of the authority but who in the opinion of the Governor has knowledge of and experience in public administration, commerce or industry."

I think this amendment meets Sir Arthur's requirements. In terms of my amendment, this member of the board will not be a direct member of the authority, or a member of any particular organization as such. The appointee will be a person with knowledge of and experience in public administration, commerce or industry.

The Hon. Sir ARTHUR RYMILL: I am satisfied with this amendment. My quandary in drawing my amendment was to get a suitable person who was not personally interested, either himself or as a member of some organization. I am sure no honourable member would disagree that, as I have pointed out, the majority of members of appeal boards should be able to bring independent views before the board. I think the Minister has acknowledged that that is desirable, and I thank him for his consideration of my representations. If the amendment is carried, the appointment of this person will be in the hands of the Governor in Council and it will be the province of the Governor in Council to appoint anyone with these qualifications. However, in view of what has been said, I am sure that the Executive, in dealing with this matter, will see that the ideas of the amendment are fulfilled so that the person appointed is a disinterested party.

Amendment carried.

The Hon. Sir ARTHUR RYMILL: In view of the passing of that particular amendment, amendment 3 (*a*) standing in my name becomes inappropriate and I do not propose to proceed with it. The other amendments in my name are appropriate to the amendment already carried. I move:

In subclause (8) to strike out "Any two" and insert "Subject to this section any three".

Amendment carried.

The Hon. Sir ARTHUR RYMILL moved:

In subclause (9) to strike out "two" and insert "three".

Amendment carried.

The Hon. Sir ARTHUR RYMILL moved:

In subclause (9) after "board" to insert "; but if all the members of the board are present when a matter is being heard or considered or re-heard or reconsidered by the board and the members are evenly divided as to their decision on the matter, the decision concurred in by the chairman and one other member of the board shall be the decision of the board".

Amendment carried.

The Hon. Sir ARTHUR RYMILL moved:

In subclause (10) to strike out "two" and insert "three".

Amendment carried; clause as amended passed.

Clauses 20 to 25 passed.

Clause 26—"Board to hear appeals."

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

To strike out subclauses (3) and (4).

These subclauses deal with an appeal to the Supreme Court on a question of law. My action in moving to strike out these subclauses foreshadows new amendments which I propose to move after this clause has been dealt with, namely, the insertion of several other clauses designed to set up a planning appeal committee. I think I made it clear that this appeal committee is to be the final tribunal of appeal in questions arising under this legislation. I believe that we do not then need to write into the Act this appeal to the Supreme Court on a question of law, because at any stage of the proceedings before the board or before the appeal committee (if we set one up) there will always be jurisdiction in the Supreme Court which can be invoked by the normal procedures of using prerogative writs. The Supreme Court can always direct any tribunal on a question of law and direct it to carry out its functions according to law.

If we left the Bill as it is it would provide an opportunity for the Supreme Court to make rules and so make an appeal on a question of law easier but I am quite satisfied that the right is there, and consequently I think these subclauses are unnecessary. As I said, my other amendments suggest the setting up of a planning appeal committee. Honourable members, in thinking about this amendment, must have in mind whether or not they intend to support my foreshadowed amendment to establish a planning appeal committee, because if they are not in favour of supporting that amendment we will all naturally want to retain this right of appeal to the Supreme Court. However, I should then like to see the whole matter go to the Supreme Court on appeal, both on questions of law and fact. At the moment, it is limited to a question of law, and I think the only effect it can have is to merely shorten the procedure, and not in any way to invest the Supreme Court with jurisdiction which it does not already have and which can be exercised in every case. Indeed, we see instances from time to time where the Supreme Court has interfered with the exercise of jurisdiction by various boards.

The Hon. S. C. BEVAN: I strongly oppose the deletion of these subclauses, which were inserted at the request of and with strong support from the Opposition in another place. The Hon. Mr. Potter wishes to remove these subclauses with a view to moving another amendment in relation to a further appeal committee. I indicate now that I will strenuously oppose that amendment, for various reasons. We know the opinion expressed by Supreme Court judges who dealt with appeals under the previous legislation. I maintain that the inclusion of the suggested provision would be detrimental to the legislation. I do not desire to make any further comments regarding the subclauses. However, in my opinion and in the opinion of the Supreme Court judges it would be a retrograde step to introduce the legislation foreshadowed. It has been criticized previously because of what will follow and I ask the Committee not to accept the deletion of subclauses (2) and (3). It is considered that they are necessary as a safeguard on questions of law where people have the right to appear before the Supreme Court.

The Committee divided on the amendment:

Ayes (12).—The Hons. Jessie Cooper, M. B. Dawkins, L. H. Densley, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter (teller), C. D. Rowe, Sir Arthur Rymill, and A. M. Whyte.

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

Majority of 6 for the Ayes.

Amendment thus carried.

The Hon. S. C. BEVAN moved:

In subclause (5) to strike out "decision" and insert "determination".

Amendment carried.

The Hon. F. J. POTTER: I move to insert the following new clause:

26a. (1) For the purposes of this Act the Governor shall appoint a committee to be called the "Planning Appeal Committee".

(2) The committee shall consist of five members.

(3) Members of the committee shall be—

(*a*) The Minister, who shall be Chairman;

(*b*) Two Members of the Legislative Council, one of whom shall be selected by those Members of the Legislative Council who belong to the group led by the Leader of the Opposition in the Council;

(*c*) Two Members of the House of Assembly, one of whom shall be selected by those Members of the House of Assembly who belong to the group led by the Leader of the Opposition in that House.

(4) For the purposes of this Act a member of a House of Parliament whose seat has become vacant by effluxion of time or because the House in which he sits has been dissolved or the term of that House has expired, shall be deemed to be a member of that House until his successor is appointed.

(5) Every member of the committee shall, subject to this Act, hold office for such period and on such conditions as are determined by the Governor.

(6) Any matter referred to the committee for decision shall be determined by the committee at a meeting convened by the Chairman of the committee.

(7) Any four members of the committee, of whom the Chairman of the board shall be one, shall be competent to transact any business of the committee, and shall have and may exercise and discharge all the powers, duties, functions and authorities of the committee.

(8) A decision concurred in by any three members of the committee shall be the decision of the committee.

(9) The chairman shall preside at all meetings of the committee and at the hearing of all appeals before the committee.

This is one of the most important amendments in connection with this Bill because it seeks to establish a planning appeal committee which shall consist of five members, with the Minister as Chairman, two members of the Legislative Council (one from each political Party) and two members from another place (again, one from each political Party). This committee will be the final appeal tribunal and shall be the final judge on the facts of any matter arising under this legislation that can be the subject of an appeal. Any person aggrieved by a determination of the board would have the right to appeal to the committee.

Another important amendment is contained in new clause 26g, which deals with the hearing of appeals. Then, by appropriate amendments to clause 27, I provide that the committee is to consider the position having regard to all relevant matters in that clause. I believe this provides the best possible check from the point of view of the property owner or anybody who may be affected by the determination of the authority in the first place, carried through to an appeal to the board in the second place, and finally dealt with by the planning appeal committee. We have a precedent for this in the existing Town Planning Act, where we could always go to a committee, albeit somewhat loosely set up under the provisions of the Act and perhaps of doubtful constitutional validity; but there is no question about the validity of this committee that will be set up if the amendment is carried. It will provide the final review of all facts. This is the best solution to all the matters raised by honourable members in the second reading debate about the need to look after the property owners and anybody else affected by decisions under this legislation.

The Hon. S. C. BEVAN: We cannot properly debate an amendment that is not before the Committee. I hope honourable members appreciate what they will be doing if they approve this amendment. Under the 1962 legislation we already have some experience of a Parliamentary committee dealing with town planning. How long has that committee taken to reach decisions on appeals? We all know how long it has taken. I suspect the honourable member has in mind that this is a good way to wreck this Bill. Honourable members here from time to time have suggested who should have the jurisdiction over town planning. If this amendment is carried, don't suggest that I in the future as Minister of Local Government should have that jurisdiction. If it is carried, any future town planning legislation will not see the light of day. Where do we go from that? Every infinitesimal thing coming before a council for decision will be appealed against. Anyone appointed as a member of this committee would know how much time he would have to spend concentrating on that work.

The Hon. F. J. Potter: How many appeals were there under the old system?

The Hon. S. C. BEVAN: There were about three, and it took a number of years to deal with them.

The Hon. C. D. Rowe: I do not think the appeals were unduly delayed.

The Hon. S. C. BEVAN: The honourable member may be right; it depends on the interpretation of "unduly delayed".

The Hon. Sir Arthur Rymill: I was on the committee that dealt with two of them; they did not take much of my time.

The Hon. S. C. BEVAN: The Hon. Mr. Potter is suggesting that we should have an appeal against an appeal. The Bill already provides for the membership of the authority.

By amendment, its membership has been increased. A planning appeal board is to be set up. It could be said to be one-sided. It will have its hands full for a long time. Now, it is proposed to set up an appeal committee against the decisions of the appeal board. How long will it take? My colleague, the Attorney-General, would never be able to spare the time in this respect unless at some time during the night when Parliament was not sitting he could get the members of the committee together to deliberate on these things. If the suggestion is that the Minister should be the chairman, I° could not do it. I do not know how the ordinary member appointed to this committee would be able to fit in that work, especially when Parliament was sitting.

Every honourable member wants to pay adequate attention to the legislation coming before him. If this amendment is carried, what time will he be able to spare on the committee? If it is carried, we shall have to wait for 12 months for the authority to do something because of the number of appeals coming forward and the time it will take members of the committee to get together and deliberate. Other authorities can do their planning and submit their plans. There will be an appeal by an individual against the decision of the council, say, not to allow something. If that goes to the authority, immediately there will be an appeal where there is an adequate appeal board set up to deal with it.

This Bill provides that any decision can be appealed against. Under the 1962 legislation there is definitely not an appeal board. Previous appeals were small in number compared with those that we visualize under this Bill. I am concerned about this. The amendment is unnecessary. The appeal board will deal with two main types of appeal—those relating to zoning problems associated with the use of land and those relating to the subdivision of land. In both cases the decisions appealed against will be made under powers given by Parliament, either under this Bill or by subsequent regulations. We must not lose sight of the fact that the regulation-making powers can be appealed against. In relation to zoning problems, for example, appeals may arise where a council does not exercise a discretionary power vested in it, or in relation to a subdivision an appeal may arise where there is reasonable ground for dispute concerning the suitability of the land for that purpose. We here in Parliament set the broad pattern, the main areas of yes and no. We then entrust the administration of the law to local government, the authority and the Director, and we go further and establish a completely independent appeals board to safeguard the public against the three bodies acting too severely when discretion could be exercised. There is no justification at all for Parliament to enter into this executive sphere. Justice Abbott in *R. v. Town Planning Committee: ex parte Skye Estate Ltd.* severely criticized the present Town Planning Act, which provides for an appeal to a Joint Parliamentary Committee from a decision of the Town Planning Committee. I repeat to members what he said:

> This legislation makes the furthest advance against the rule of law which has yet been made by any democratic British Parliament. The separation of the legislative, executive and judicial powers of the Constitution used rarely, if ever, to be overstepped; and if overstepped the courts of the country used to declare the legislation unconstitutional either by reason of its being *ultra vires* or for some other reason.

Justice Reed in the same case said:

> . . . it seems to me the deliberations of a Joint Committee thereunder do not answer the description of an "appeal" as that term is understood in this connection.

Justice Abbott concluded:

> The company will possibly be permitted to address the Joint Committee of Parliament, but as that committee has the right to take into consideration any other matters deemed relevant by the Joint Committee, the company may possibly end up in a worse position than it now occupies.

This was the court's opinion of the present legislation where it provides for the very thing that the honourable member is attempting to put into this legislation.

Members may be interested to learn how other States and New Zealand provide for appeals. In Victoria, appeals relating to zoning matters are determined by the Minister, and subdivisional appeals by a magistrate. A Bill at present before the Victorian Parliament proposes to relieve the Minister of determining the appeals and transfers the duty to a planning appeal board similar to that envisaged in the Bill we have before us. In New South Wales the Supreme Court hears and determines all aspects of zoning appeals and a board deals with subdivisions. In Western Australia the Minister of Town Planning determines the appeals. In Tasmania the Town and Country Planning Commission hears and determines appeals relating to zoning problems and there is no right of appeal concerning subdivisions. In Queensland recent legislation has transferred the responsibility for appeals from the

Minister to a local government court, which comprises one man, a district court judge. There is then a further right of appeal to the Supreme Court on questions of law. In New Zealand an independent appeal board, similar to the board envisaged in our Bill, operates and has done so very effectively since 1954.

I believe that the proposed Parliamentary committee is completely impracticable having regard to its proposed membership and the amount of work it would have to perform. The amendment does not limit the size or nature of the appeals to be heard by the Parliamentary committee and members could be faced with long and protracted hearings and site inspections in any part of the State. As I understand the amendment, a person, for example, refused permission by the council to cut off a piece of land adjoining his house in Port Lincoln or Mount Gambier, because it is not wide enough, can appeal to this Parliamentary committee. As the Bill stands at present, the appeals board will deal with the matter and if there is a dispute on a question of law it can be determined by the Supreme Court. The board has to publish its decisions and I propose to move an amendment later to ensure that its reasons are also published. I suggest to members that they should have confidence in the board they are establishing and that they should not undermine public confidence in it by establishing this Parliamentary committee.

One of my main reasons is that I envisage delay in hearing appeals, especially when Parliament is in session. We should bear in mind the Printing Committee and the time needed to dispose of its business; it takes a fair amount of time to get the members of that committee together at 12.45 p.m. for deliberations. How would an appeals committee comprised of members of Parliament, including the Minister, function? I do not know how the town planning authority would function in these circumstances: it could not go on with the planning, and much subdivisional work would be held up because of an appeal against the very people whose interests (we were told earlier) it is desirable to protect—surveyors and land agents. I am sure that what I am saying will prove to be the case if the amendments are carried. There is a danger concerning the number of appeals that would come forward as a result of the amendments; knowing that they could go to a Parliamentary committee, people would lobby its members. The time that members of the committee could allot to the task would be insufficient for proper attention to be given to appeals. I hope that these amendments will not be carried. We have an appeals board and we should have full confidence that its members will give unbiased decisions. They are in a good position to determine the appeals.

The Hon. C. D. ROWE: I listened carefully to the Minister because I realized that in some respects this idea of having a final appeal committee consisting of members of Parliament was dangerous. There are, of course, three heads of government that apply in any democracy: the executive, the legislature and the judiciary. Each has its separate and proper function. In some countries democracy has been overthrown because one or two of these heads have been condemned by one party. It is dangerous for the executive to take over the power of the courts, and it is dangerous for the court's powers to be taken over by Parliament. This kind of thing should not be done unless there are specific reasons. If we look at the Bill's content and the ambit it covers, I think it can be truly said that it extends to such a variety of people's interests and it overrides so many authorities that it calls for special consideration.

Therefore, I believe that in these circumstances we are justified in submitting that the final decision concerning the rights of these people should be protected by the Minister and members representative of all shades of political opinion in both Houses of Parliament. I have come to this decision because, first, we have already had this procedure and in spite of what has been said by Their Honours the Judges of the Supreme Court. I have already mentioned the basis of their criticism and said why it is not justified regarding this Bill. Despite that, I think this proposal is well worthwhile. I do not share the Minister's opinion that everyone who has a minor complaint will push the matter to the extent of coming before the committee. Experience has shown that people have come to the committee only when they consider that some injustice has been suffered and when they think that that injustice can be rectified.

In two cases that came before a committee on which I was chairman, I considered that a grave injustice was done and that the individuals had a right to go to the committee. In my speech on the second reading, I mentioned the case of a man who wanted to subdivide land near the metropolitan area. He and his family had owned

the land for many years and had used it successfully as a grazing proposition. However, because of the topography of the land and the difficulty of providing water, he could not get approval to subdivide, whilst because of the development that had gone on around him and because of ravages, such as those caused by stray dogs, he could not use the land for the purpose for which he had used it in the past. He had to keep the land and suffer severe disability, not because of anything he had done but because of the progress that had taken place in the State. I think he was justified in bringing the matter before the committee.

I also consider that we are justified in providing for the setting up of a committee to deal with appeals of this kind. If a spate of appeals on all sorts of trivialities comes before the committee, it will be only a storm in a teacup. The committee will not treat the matters lightly and the people will soon learn that it is of no use their coming before the committee unless they have good cases. In regard to the difficulty of the Minister and members about finding time to sit on such a committee, I had no difficulty about finding time for meetings on the two occasions when I was chairman. As far as I know, we never had to adjourn because of this difficulty. I consider that we always applied ourselves to the work and handled matters expeditiously and satisfactorily.

Because of that, I support the Hon. Mr. Potter's amendment. It may be that, when the legislation has been in operation for a few years and we have seen the pattern, this final appeal provision will not be necessary. However, in view of the far-reaching powers being given to the authority, it is only reasonable to expect that the individual should have his rights protected as far as possible.

The Hon. S. C. BEVAN: Because of the ramifications of this matter, I ask that progress be reported.

Progress reported; Committee to sit again.

Later:

The Hon. R. C. DeGARIS: During the second reading debate, I said I was concerned about the size of the planning appeal board and suggested it should be enlarged to four members. My actual words were:

I should like to see this appeal board enlarged. I have considered who should be the fourth person on the board; it is difficult to find someone to fill the role that I have in mind, that is, someone from the section of the community that can be adversely affected by this legislation.

The Hon. Sir Arthur Rymill had on the file an amendment to appoint someone to be nominated jointly by the Chamber of Commerce and the Chamber of Manufactures. Since that time the Minister has placed on the file an amendment that has been carried. I think it solves the problem satisfactorily, but I am still concerned about this question I raised in the second reading debate. I commend the Minister for the excellent speech he made in reply to the amendment proposed by the Hon. Mr. Potter. However, I do believe also that the views put forward by the Hon. Mr. Potter and the Hon. Mr. Rowe are relevant to this position. The committee proposed by the amendment is in the form of a review committee and cannot be regarded in the same way as the original appeals board. In my opinion all documents and evidence that come before the appeals board would be available to this committee and there would be less time taken in reviewing the case by this committee than would be taken in putting the original case before the appeals board. If this committee could not handle the work that came before it, I am quite sure that the appeals board could not handle the number of appeals that came before it.

Those who continue to appeal or ask that their cases be reviewed would be only a percentage of those who go before the appeals board. Secondly, less time would be taken at this second stage of review than would be taken before the original appeals board. I think that the Minister said, in reply to the Hon. Mr. Potter, that in Western Australia the final appeal was to the Minister.

The Hon. F. J. Potter: In other States, too.

The Hon. R. C. DeGARIS: Yes, but particularly in regard to Western Australia. In this case all we are asking is a similar thing, except that the Minister is assisted by a Parliamentary committee. The Minister said that this extra avenue of review would cause long delays.

The Hon. S. C. Bevan: Be fair! Don't you think it would?

The Hon. R. C. DeGARIS: The length of the delay would not be one-half the time that a Supreme Court appeal would take. The Hon. Mr. Potter pointed out that this makes no difference concerning the ability to appeal to the Supreme Court, but goodness knows how

long an appeal to that court would take. An appeal to this committee of review would, in fact, save time rather than cause extra delays.

The Hon. A. F. Kneebone: They could still go to the Supreme Court.

The Hon. R. C. DeGARIS: The Hon. Mr. Potter said that the Supreme Court appeal would still lie.

The Hon. F. J. Potter: On a point of law only. However, there will not be a great deal of law argued.

The Hon. R. C. DeGARIS: So I cannot agree that this committee of review will be overworked. I am certain that this extra check is well worth trying and that, if the appeals board clearly gives its reasons for rejection of an appeal, this committee should not be overtaxed.

Another point is that such a course will involve the appellant in expense; it will not be easy for him to continue so he will think twice before he brings it to the committee of review. However, the existence of this committee comprised, as it will be, of the Minister and four other members of Parliament, will show clearly that justice is being done without the high cost and long delay that are involved in a Supreme Court action. Also, I believe it gives adequate protection to the rights of the small man who should have every possible avenue of expressing his views. I believe, in all seriousness, that this amendment is well worth trying for those reasons. I support the amendment.

The Hon. C. M. HILL: I, too, support the amendment moved by the Hon. Mr. Potter. I am particularly concerned at some of the things said by the Minister this afternoon on this point. The Hon. Mr. Rowe ably brought out the principal fact that this question of planning resolves itself, as far as the little person is concerned, into a human problem, and an appeal committee of Parliamentarians is very fit to sit in judgment on such a human problem. We are here to help the little people, whilst the Minister (whose Party professes to speak for them) takes an attitude that will not give the little person the same deal that he will receive if this amendment is carried.

Let us take an example of a subdivisional problem that might arise in which this human factor can be recognized. Consider a few acres of land on the outskirts of a town which the owner proposes to subdivide: it might be all he possesses and it might represent his whole life's work. It might be a poultry farm. He is refused permission to subdivide for one of the many reasons stated here and he believes that he is not receiving a fair deal and wants to have his case adequately heard. From the Minister's viewpoint, he goes to the appeals board, and if the question is not one of law, he is then finished; we want to help him to take it a further stage, and yet the Minister objects to this.

The Minister mentions the question of zoning. Consider a widow whose only asset is a house in an area that is newly zoned and, because of this planning regulation, its value may decrease and the widow may have to sell the house. If this planning regulation is introduced, the capital of this lady is reduced accordingly. She has the opportunity to object to this proposed zoning regulation and she may make her objection. She certainly should be given every opportunity to express her attitude through every stage of appeal machinery.

I do not know why the Minister criticizes this general principle of appeal. Is it not inherent in our British system of law that one can take an appeal further and further? A condemned murderer can take his appeal until it gets to the Sovereign of the realm. This very Government is taking an appeal at present to the Privy Council, and it thought it so essential that it was going to send one of its own Ministers over there.

The Hon. F. J. Potter: The Privy Council is the fourth stage of appeal.

The Hon. C. M. HILL: Here we have a Minister of the Crown who does not believe in the general principle of appeal. I cannot understand that attitude at all. He quotes past experience. Let him produce the facts! Is it true that there have been three appeals on this principle over the last eight years, and, if it is not true, how many have there been and how long did each one take?

He contended that they took an innumerable number of years, but surely the time that was taken is on record. He should substantiate his statement by telling us how long they took. To top off his whole amazing contention, he complained about the time factor. I thought that this Government had been trying to make political capital out of the fact that it was going to work the Opposition day and night and that time meant nothing to it. However, it has now changed its attitude and is complaining about time. To make matters worse, the Minister has not the time to hear the appeal of the little person.

I was surprised to hear the views that were put forward by the Minister this afternoon when he spoke against this amendment, which simply provides the machinery by which an appellant who considers that his case has not been fully considered seeks to take the matter further. The Hon. Mr. Potter has proposed a further appeal provision. The person concerned would not be happy when he realized that there was a dead stop. He would say, "What kind of justice is this, that I cannot take this matter further?" For those reasons, I strongly support the Hon. Mr. Potter's amendment.

The Hon. S. C. BEVAN: I thought that I had contributed sufficient this afternoon to ensure that the Committee would not carry this amendment. Perhaps the contribution made by the Hon. Mr. DeGaris does not quite fit the bill. He was talking about the expense of appealing to the Supreme Court, and was telling us that any person who wanted to appeal against a decision of the authority would have to go to the Supreme Court. Of course, that is not right and never has been the position. Since action has been taken this afternoon, his argument does not hold water.

I was rather amazed at the contribution made by the Hon. Mr. Hill when he alleged that the Minister (who is myself in this instance) had not considered the small man. He made a rather impassioned plea that the small man was going to get the rough end of the stick. If the Hon. Mr. Hill, in carrying out his Parliamentary duties, has looked after the small man as much as I have, he may have something to talk about. I suggest that he is concerned not about the small man but about the bigger man, the land agent.

Apparently, the honourable member is afraid that an appeal board as established in this Bill will not be so sympathetic to the people he represents as a Parliamentary committee will be. I think those remarks are a slur on the people appointed to the appeal board.

The Hon. C. D. Rowe: I don't quite go along with that.

The Hon. S. C. BEVAN: I am not concerned about whether the Hon. Mr. Rowe goes along with it. The utterances were made and we all heard them. It is suggested that the small man will get a go from the Parliamentary committee but that he will not get a go from the appeal board set up under this Bill. If that is not a slur on those appointed to the board, I do not know what is. It shows the honourable member's faith in the people who will be appointed to the board.

It is remarkable to note the difference between the debate in this place and what transpired in another place. It was advocated in another place that the board have the final decision and that the Supreme Court be a place to which to appeal on a point of law. That is how these clauses about the Supreme Court came to be included. Now we have a different aspect.

I could not sit by and hear those statements that were made without wanting to reply to them. I know where I stand. As long as this Committee knows what it is doing, that is all right and no words of mine will change anything. If this new clause is inserted, I think it will be found that the words that I uttered this afternoon in opposition to the amendment were true. We shall see where we go from there.

The Committee divided on the Hon. F. J. Potter's amendment to insert new clause 26a:

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

Noes (5) The Hons.—D. H. L. Banfield, S. C. Bevan (teller), A. F. Kneebone, Sir Arthur Rymill and A. J. Shard.

Majority of 8 for the Ayes.

New clause thus inserted.

The Hon. F. J. POTTER: I move to insert the following new clauses:

26b. The Governor may by notice in writing served on a member of the committee, remove him from office on grounds of misconduct or incapacity to perform his duties or functions as a member of the committee.

26c. The office of a member of the Committee shall become vacant if—

(*a*) he dies;

(*b*) he resigns by written notice given to the Minister;

(*c*) he is removed from office by the Governor pursuant to Section 26b of this Act.

(*d*) he is absent without leave of the Minister from four consecutive meetings of the committee.

(*e*) he ceases to be a member of the House of Parliament by virtue of which office he was appointed to the committee.

26d. The members of the committee shall be entitled to such remuneration and such allowances for expenses in respect of each separate sitting of the committee as the Governor may determine.

26e. (1) The office of Chairman or member of the committee shall not on account of any payment received pursuant to this Act or otherwise be deemed to be an office of profit within the meaning of Section 45 of the Constitution Act, 1934-1965.

(2) The Chairman or any other member of the committee shall not by reason of holding office or on account of receiving any payment under this Act be regarded as having undertaken, executed, held, enjoyed, entered into, or accepted any contract, agreement, or commission with, under or from any person or persons for or on account of the Government of the State within the meaning of any provision of the Constitution Act, 1934-1965.

(3) The seat in any House of Parliament of a person who is the chairman or any other member of the committee shall not be vacant nor shall his election as a member of that House be void nor shall he be incapable of or disqualified from sitting or voting as a member of that House nor shall he be liable to any forfeiture or penalty for so sitting or voting by reason only of his holding the office of the chairman or any other member of the committee or of accepting any remuneration or allowance to which he is entitled under this Act.

26f. No act, proceeding or determination of the committee shall be invalid on the grounl only of any vacancy in the office of any member or of any defect in the appointment of any member.

26g. (1) Any person aggrieved by a determination of the board under this Act may appeal to the committee and the committee shall hear and determine such appeal and review the board's determination and may by order either confirm the determination of the board or vary or reverse the determination of the board and the Chairman of the committee shall cause a copy of its order to be served on the board and on each of the parties to the appeal.

(2) If the Committee varies or reverses the determination of the board it shall by its order give to the authority, the Director, or the council against whose decision the appeal was made such directions as the committee thinks fit and the authority, the Director, or the council, as the case may be, shall, as soon as practicable after receiving notice of those directions, comply with them.

(3) The committee shall cause its order to be published in any manner it thinks fit.

These clauses are, I think, consequential.

New clauses 26b to 26g inserted.

Clause 27—"Provisions as to appeals to the board."

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

In subclause (1) after "board" to insert "or committee"; in subclause (2) after "board" to insert "or chairman of the committee, as the case may be,"; after "decision" to insert "or determination"; after "board" second occurring to insert "or committee"; after "board" third occurring to insert "or the committee"; in subclause (3) after "appeal" to insert "to the board or the committee was or"; in subclause (4) after "board" to insert "or the committee, as the case may be,".

These amendments are consequential on the clauses dealing with the appeal committee, and indeed make the same provisions as to appeals to the committee as apply to appeals to the board.

Amendments carried.

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

In subclause (4) after "appeal" to insert "who may appear at the hearing of the appeal personally or by counsel, solicitor or agent".

This question was raised during the second reading debate. I think that possibly it was the intention in any case that a person could be represented in this manner. However, I think it desirable that this provision should be written into the Bill. As an amendment moved by the Hon. Mr. Potter in this subclause has just been carried, the provision would apply both to the board and to the committee.

Amendment carried.

The Hon. F. J. POTTER moved:

In subclause (5) after "board" to insert "or the committee as the case may be,".

Amendment carried.

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

After subclause (7) to insert the following new subclause: (7a) in any determination which is the subject matter of an appeal to the committee all evidence taken before the board and all books or documents produced to the board shall be forwarded by the secretary of the board to the chairman of the committee."

I agree with what the Hon. Mr. DeGaris said earlier. I can foresee that this is going to be merely a review committee and that all documents and the evidence taken before the board will be merely transmitted to the committee, which will review the position from that point and will not have to start *de novo* and examine witnesses on oath and do all the things that the board will do.

Amendment carried; new subclause inserted.

The Hon. F. J. POTTER moved:

In subclause (8) after "board" to insert "or the committee".

Amendment carried; clause as amended passed.

Clause 28—"Declaration of planning area."

The Hon. G. J. GILFILLIAN: I move:

In subclause (1) to strike out "proclamation" first occurring and insert "regulation".

I believe my amendment is self-explanatory. Members have supported the Bill in principle, but I think most members have expressed the wish that something should

be written into the Bill to safeguard the man in the street from the extensive powers contained in the Bill. The Hon. Mr. Rowe referred to these extensive powers and their wide application. In fact, they even override other existing Acts in some circumstances. Part III, of which this is the first clause, does not deal with the metropolitan area, which is already defined in this legislation. This refers to the declaration of further planning areas throughout the State. Most honourable members are familiar with the machinery of this Part, in that in the Bill as printed these areas may be proclaimed and plans may be drawn up and submitted to local authorities and the Minister and, finally, to Executive Council. Once they have been amended and finally adopted, the final administration of them is by regulation. It can be argued that regulations do finally come into this Part but, in my experience of regulations, once a certain form of regulation is adopted by Parliament it is difficult to find a legitimate reason to vary regulations when applied to different areas. This has been brought before this Chamber time and again in council by-laws dealing with this type of problem.

I am in favour of the administrative details being governed by regulation but the proper place and time for the protection of Parliament is in the initial stages before any great expense is incurred in planning. I have no doubt it can be argued that this Act is subject to the Minister and that we have this control, and finally through Executive Council. It has been argued that the Minister is answerable to Parliament but we know he is answerable to Parliament only in that he can be asked questions, which he may or may not wish to answer. We are going too far in giving away the powers of Parliament to various boards and authorities. We have to watch that closely if we are to retain the powers given to Parliament for the necessary protection of the community. I expressed some concern in my second reading speech at the very wide powers contained in this Act enabling the authority to promote and co-ordinate regional and town planning and the orderly and economic development and use of land within the State.

I have found on inquiry that it is not practicable to exclude primary-producing land from this Act, and we have the assurance in the Minister's second reading explanation that it is not the intention of this administration to interfere with the normal use of primary-producing land; but we cannot foresee the future and what a future authority may wish to do in this respect. I have no objection to planning. Every honourable member will agree that planning is most essential, but I can visualize the position where a small country town is proclaimed a planning area and the surrounding rural land within that council area is proclaimed with it. These are the points where the people concerned should have the right to appeal to Parliament by way of regulation.

The machinery of printing in the *Gazette* a regulation or a proclamation is much the same. It is from then on that the difference is emphasized, in that by proclamation the community has no further appeal to Parliament whereas by regulation it may give evidence to the Subordinate Legislation Committee and have its wishes considered at that level. The rest of my amendments are consequential. I leave it to you, Mr. Chairman, to decide whether I should move these amendments *en bloc* or individually.

The Hon. S. C. BEVAN: I oppose the moving of these amendments all at the one time. This is one more case of altering "proclamation" to "regulation". The honourable member says that he will abide by your ruling, Mr. Chairman, whether these amendments should be taken *en bloc* or not. If he asks for your ruling on that, it must be that they cannot be taken *en bloc,* because they are not all consequential on altering "proclamation" to "regulation". I am sure the honourable member will readily agree that his final proposed amendment is nowhere near being consequential. I strongly oppose these amendments. Clause 28 provides that the Governor may by proclamation declare any part of the State to be a planning area. The proclamation is made on the recommendation of the authority and subclause (6) ensures that the councils concerned are consulted. After the planning area has been proclaimed the authority must proceed under clause 29 to examine the planning area and prepare a development plan. Again this must be done in consultation with the council or councils concerned.

Then follows a procedure for publicly exhibiting the plan allowing representations to be made, and eventually the plan may become an authorized development plan under clause 33. Subsequent clauses enable the

authorized development plan to be revised from time to time. The authorized development plan and its accompanying report is thus a statement outlining the policies which should be adopted to ensure that the town develops in the most satisfactory manner. In country towns, for example, the report may deal with measures to promote and stimulate development.

At no stage in this procedure does the regulation of any activity apply. If the authority or the council, as a result of the investigations made in the preparation of the development plan, feels that any regulatory measures are required, then regulations can be made for any of the subjects listed in clause 36. Parliament then has the opportunity to disallow the regulations if it so wishes.

The effect of the honourable member's amendment is that the survey and investigations needed to prepare a development plan cannot begin until a regulation defining the area of study has lain on the table of both Houses for 14 sitting days and has not been disallowed. I see no merit in the proposal and furthermore I see considerable disadvantages for councils in the country which this provision is designed to assist. I draw honourable members' attention to the fact that the metropolitan area is already a planning area by definition in clause 5, therefore the need to proclaim new planning areas will only apply beyond the metropolitan area.

The councils most severely affected by the amendment will be those country councils which are anxious to establish policies for the future development of their towns. When introducing the Bill, I mentioned that 29 councils in country areas had sought advice in the preparation of development plans for their towns. Considerable progress has been made with many of these councils. Surveys have been carried out, draft development plans prepared and ratepayers' meetings held. The Town Planning Committee's eleventh annual report for 1966 details the work previously carried out or currently in hand. It is an impressive list and I propose to read it to members as it shows the vital interest shown by councils in the country for the future development of their towns.

In the Upper Murray area let us consider Waikerie, Barmera, Berri, Loxton, Paringa and Renmark. Planning proposals were discussed with council members at Berri, Loxton and Paringa. Proposed development and zoning plans were explained to a public meeting at Berri. Further progress was made towards the completion of plans for Loxton and Paringa.

In the Murray Mallee area, let us consider Lameroo, Pinnaroo, Geranium, and Coonalpyn. Draft development plans were prepared for Lameroo, Geranium and Coonalpyn. Further information was sought on land use at Pinnaroo.

In the South-East, let us consider Mount Gambier, Millicent, Robe, Keith, Bordertown, and Padthaway. Planning proposals for Millicent were explained to a public meeting. An amended draft development plan for Robe was prepared following further discussions with the Robe Town Planning Committee.

In the Upper North, let us consider Port Augusta. The series of base maps of the city was completed and assistance was given to the Junior Chamber of Commerce in carrying out its land use survey project. In the Lower North there were Port Pirie, Clare and Crystal Brook. A base map for Port Pirie was completed and a draft development plan supplied to the council. Substantial progress was made on the preparation of a base map for Clare. The preparation of a base map for Crystal Brook was begun.

In the central area of the State there were Gawler, Riverton, Kapunda, Murray Bridge, Tanunda, Nuriootpa, Angaston, Minlaton, Port Vincent, Warooka and Yorketown. A land use survey was carried out for Kapunda and copies of a land use plan were supplied to the council. Land use data for Murray Bridge and environs was up-dated. Land use studies were made for Minlaton, Warooka and Yorketown and discussions took place with council officers.

The purpose of proclaiming a planning area is to give some formality to the initial stages of preparing a development plan and to ensure that the thorough examination is based on those items listed in clause 29. The delay that could result from having to secure a regulation merely defining an area of study could run into many months, particularly if Parliament is in recess.

The Hon. Mr. DeGaris in his second reading speech was anxious that a development plan should be produced within 12 months of the proclamation. In reply I had to reluctantly admit that it would be impracticable to include in the legislation a specific time limit. The Hon. Mr. Gilfillan on the other hand takes the opposite view with this amendment. He wishes to give country councils a major

stumbling block to overcome, just at a time when we should be encouraging them with every means at our disposal to secure the satisfactory development of their towns. I strongly oppose these amendments. I have repeatedly heard a member here get on his feet and say that there should be more power vested in local government. The honourable member said it during his second reading address on this Bill; he said that it was taking powers away from the councils. I know whose expression that is: I know where that originated. I remind the honourable member that his amendments would take away powers from councils in the area he represents. I ask the Committee not to carry these amendments.

The Hon. C. R. STORY: I listened to the Minister with much interest. It is a long time since I have seen him become so emotional; when he does he usually does not have very good material. I cannot understand what difference the word "regulation" inserted in the clause will make in relation to the argument put forward by the Minister. He read out a formidable list of towns which have been assisted up to date by the Town Planner's Department. I would be interested to learn from him how many years ago those approaches were made, and how long it is since the plans were put forward by those councils. What the Minister said was that by accepting the Hon. Mr. Gilfillan's amendments we shall hold up for a considerable period plans for various districts.

The Hon. S. C. Bevan: It all goes in the melting pot, and all the work has gone for nothing.

The Hon. C. R. STORY: The work that has been done by the planning authority will not be undermined by the passing of the Hon. Mr. Gilfillan's amendment. The work that has been done is a very useful basis for the councils to work on, and I have no doubt that when the authority is set up the work will go on as before. Indeed, it will have power at its elbow to do these things. The making of regulations is not a major undertaking. The planning stages of these towns will vary. For example, the conditions in Paringa and Barmera are entirely different. When the councils are ready, I believe that the regulation will be passed. When the Minister was a private member of this Council he was a keen advocate of having regulations in lieu of proclamations, and I am one of his strongest supporters when he speaks along those lines

The Hon. S. C. Bevan: We did not often win.

The Hon. C. R. STORY: We did not always win but we always tried: we are still trying. I will support the Hon. Mr. Gilfillan's amendment and I would like the Minister to reflect upon the number of years during which approaches were made by these towns and when the plans were made available to councils. He will find it surprising.

The Hon. G. J. GILFILLAN: I listened to the Minister's reply with much interest but I find his argument hard to follow. I have had some small experience with the town planning office and I fully appreciate its efforts, but when the Minister reads such a list of towns I wonder just how far the planning has gone in relation to them, and just what delay there will be in the implementation of the plans, even with the absolute maximum of assistance through this Bill. I cannot understand how this amendment will unduly delay any plans. There is enough work on hand to keep the authority busy for some time. A regulation can be gazetted quickly and there will be little overall delay compared with the time taken for the issuing of a proclamation. If the Government is sincere, it will have no objection to providing this opportunity for people to state their views. Throughout the Bill the authority is given over-riding power over councils. Councils may wish to protest, and the authority will be obliged to consult councils before submitting a proposal to the Minister. The amendment will give them an opportunity to submit their views.

The Committee divided on the amendment:

Ayes (15).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, L. H. Densley, R. A. Geddes, G. J. Gilfillan (teller), L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan (teller), A. F. Kneebone, and A. J. Shard.

Majority of 11 for the Ayes.

Amendment thus carried.

The Hon. G. J. GILFILLAN moved:

In subclause (2) to strike out "proclamation" first occurring and insert "regulation"; to strike out "proclamation" second occurring and insert "regulation"; and to strike out "proclamation" last occurring and insert "regulation".

Amendment carried.

The Hon. G. J. GILFILLAN: I move:

In subclause (3) to strike out "Upon the publication of the proclamation in the *Gazette*" and insert "On the day on which the regulation takes effect as provided in this section".

This amendment is somewhat consequential, in that the subclause as it stands is contradictory in regard to the machinery of a regulation. A regulation does not become absolute until it has lain on the table of the Council for 14 sitting days.

Amendment carried.

The Hon. G. J. GILFILLAN moved:

In subclause (3) to strike out "the proclamation" second occurring and insert "that regulation"; in subclause (4) to strike out "proclamation" first occurring and insert "regulation".

Amendments carried.

The Hon. G. J. GILFILLAN: I move:

In subclause (4) to strike out "on the publication of the proclamation in the *Gazette,*" and insert "on the day on which the regulation takes effect as provided in this section,".

This is a similar amendment designed to ensure that the Bill as it will read will not contradict the meaning of the word "regulation". It is a consequential amendment.

Amendment carried.

The Hon. G. J. GILFILLAN: I move:

After subclause (4) to insert the following subclause:

(4a) Every regulation made under this section shall be—

(*a*) published in the *Gazette;* and

(*b*) laid before both Houses of Parliament within fourteen days after such publication, if Parliament is then in session, and if not, then within fourteen days after the commencement of the next session of Parliament.

This amendment is of a similar nature. Honourable members will find that we passed a somewhat similar amendment earlier this session in the Local Government Act Amendment Bill. I have consulted with the Parliamentary Draftsman, and this amendment is the result of that consultation.

The Hon. S. C. BEVAN: Honourable members can now see why I said that not all these amendments were consequential. I oppose all the amendments. We have heard tonight about how the small man must have adequate protection. Regulations brought down from time to time have to lie on the table of each House for 14 sitting days or until such earlier time as objection is taken to them and they are disposed of. I have argued against the phraseology previously.

The Hon. M. B. Dawkins: It was in the Local Government Act Amendment Bill.

The Hon. S. C. BEVAN: That Act was amended by the honourable member's Party in this Council and not by me. I strenuously opposed the provision then and I do so now. Members opposite say that they are anxious for a plan to be brought down so that all the people interested will be able to get on with the job, but what will happen if Parliament is not in session?

The Hon. C. D. Rowe: It is nearly always in session now.

The Hon. S. C. BEVAN: If Parliament is in recess for six months, there will be a delay. I maintain that a regulation could lie on the table for nine months without anything being done, and the authority and everyone else would be delayed in their work.

The Hon. Sir Arthur Rymill: This provision applies in many Acts of Parliament.

The Hon. S. C. BEVAN: The Hon. Sir Arthur Rymill knows that once this Parliament is prorogued it could be in recess for six months. Everyone knows that before this Government came into office a six months' adjournment was the usual thing.

The Hon. Sir Arthur Rymill: The House has to agree to the adjournment.

The Hon. S. C. BEVAN: We all know that the House has to adjourn.

The Hon. A. J. Shard: Opposition members still want to be the Government.

The Hon. S. C. BEVAN: If members want the House to be adjourned it will be adjourned. I maintain that this is a move to try to wreck the Bill. We have heard such a lot about the small man; let us hear what his champion says if a regulation is sitting here for nine months.

The Hon. G. J. GILFILLAN: Again I find it difficult to follow the Minister's reasoning. I feel very strongly about his statement that this Council is trying to wreck this Bill, because nothing is further from the truth. I believe members have given much constructive thought to the working of the Bill and I am sure that many have supported it because of the necessity of town planning, even though they had some doubt about the excessive powers contained in the Bill.

My amendments are not designed to delay the implementation of this legislation in any country area, and the Minister is exaggerating when he mentions what could be done in exceptional circumstances. I cannot envisage

its being done in this instance. The introduction of regulations is largely in the hands of the Government itself, and if it wishes to introduce a regulation on the last day of sitting naturally there will be some delay before it goes through Parliament.

The Hon. S. C. Bevan: How many times did the previous Government introduce legislation when the House was not in session?

The Hon. G. J. GILFILLAN: That may be so. If the Government has an area that it wants to declare urgently, there is nothing to stop it bringing in a regulation as quickly as possible when the House is sitting. I think there will be very few occasions when the planning authority is actually ready to go on with planning but is held up because of the time factor with regulations. We know the authority will have a large volume of work to perform. I assure honourable members it is not my intention to hold up a declaration of any area.

The Hon. S. C. Bevan: What was your purpose in moving these amendments?

The Hon. G. J. GILFILLAN: This last amendment, the one we are debating at the moment, is similar to one included in an earlier Bill in connection with local government.

The Hon. A. J. Shard: Who put it there? Not the Government!

The Hon. G. J. GILFILLAN: If the provisions of that Bill had come into effect before Parliament had dealt with the regulations, it would have caused much unnecessary expense and inconvenience to the public. The same could occur here with town planning: it could cause much uncertainty and expense. I emphasize that this is not intended to delay town planning: it is merely an attempt to write this democratic provision into the Bill for the benefit of the community.

The Hon. A. J. SHARD (Chief Secretary): I oppose the amendment on the ground of principle. I have never departed from the principle that regulations operate from the time they are laid before Parliament. I have always favoured regulations—

The Hon. Sir Arthur Rymill: You didn't say that just now.

The Hon. A. J. SHARD: All right; I know where I am going. I look after No. 1 sometimes! This was never put into that Local Government Bill by the Government. The only time that regulations have been put in is since the Labor Party has been in Government. Tell me whether that is right or wrong.

The Hon. Sir Arthur Rymill: It is wrong.

The Hon. A. J. SHARD: You name them.

The Hon. L. H. Densley: Any amount of times.

The Hon. A. J. SHARD: I do not know of them. The regulations are a complete departure from the accepted principle of regulations, that they are laid before Parliament (hundreds of them) and become operative unless they are disallowed within a certain time. The real reason for this amendment is that some honourable members of this Chamber still think they should be the Government. They are, in effect, saying, "We are not concerned with who is in Government; we have the numbers, and unless the regulations suit us we will disallow them." Honourable members cannot have it both ways. That is the principle. To my knowledge it has never been done in this way in my time in this Parliament. It is about time we got up on our legs and told the public why this is being done. It is being done because this Chamber wants the last say on the regulations. Honourable members opposite say, "We are not concerned with what happens in another place. We have the numbers here and the Government will do as we tell it." If that is not right, somebody please get up and tell me.

The Hon. C. R. STORY: The Minister has said at some length and with some feeling that the reason why this is being done now and why it was done before is that this Party wishes to have the last say. I would ask the Minister to think along another line and reflect that never in his time in Parliament has he been confronted with legislation of the type that we have received in the last 18 months. It has been churned out at a rate of knots, little consideration being given to much of it, because we have been amending it ever since we have passed it.

The Hon. C. D. Rowe: "Rectification" is the term.

The Hon. C. R. STORY: The other point I would make is that this town planning legislation is breaking completely new ground. In the hollow of his hand the Minister holds the destiny of the people of this State. He can do things under this Act that were never visualized in the term that the Minister has served in this place. Parliament's job is to protect people, and the simple fact that we are trying to do that is not taking anything out of the hands of the Government; in fact this Government ought to be pleased that we are protecting it from its own folly.

The Committee divided on the Hon. G. J. Gilfillan's amendment:

Ayes (15).—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, L. H. Densley, R. A. Geddes, G. J. Gilfillan (teller), L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, C. D. Rowe, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Noes (4).—The Hons. D. H. L. Banfield, S. C. Bevan (teller), A. F. Kneebone, and A. J. Shard.

Majority of 11 for the Ayes.

New subclause thus inserted.

The Hon. G. J. GILFILLAN: I move to insert the following new subclause:

(4b) If no notice of a motion to disallow a regulation made under this section is given in either House of Parliament within fourteen sitting days after the regulation was laid before that House of Parliament, the regulation shall take effect on the day following the fourteenth sitting day after it was so laid before that House or the fourteenth sitting day after it was laid before the other House, whichever occurs later but if any notice of motion to disallow the regulation has been so given in either House or both Houses of Parliament, the regulation shall come into effect only if and when that motion or those motions is or are negatived.

This is consequential to subclause (*a*). It is the usual procedure in connection with council by-laws that apply to planning and zoning. All council by-laws must lie on the table of the House before becoming operative, so there is no precedent in this respect concerning zoning and planning. This is merely carrying the normal procedure into this section of the Town Planning Act.

Amendment carried; clause as amended passed.

Clauses 29 to 34 passed.

Clause 35—"Supplementary development plans."

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

At the end of subclause (1) to insert: "; but, if the area of a council or any part thereof lies within the planning area, the Authority shall not prepare a supplementary development plan affecting any part of the area of the council—

(*a*) unless the council has requested the Authority to do so;

or

(*b*) unless the council has failed or refused to prepare and submit to the Minister within twelve months after being requested to do so by the Authority, a supplementary development plan relating to the area or part of the area of the council that lies within the planning area;

or

(*c*) unless a supplementary development plan of the area or part of the area of the council that lies within the planning area prepared by the council has been returned to the council by the Minister under this section."

This clause deals with supplementary development plans and I draw the Committee's attention to its importance. After a time (and it probably will not be a long time) there will not be any development plans like those we have dealt with previously; all the plans will be supplementary development plans. They will be supplementary development plans from the word "go" in the metropolitan area because, if the legislation is passed, the 1962 plan as we see it on the notice board becomes the development plan and there will be great haste to bring it up to date; this will be done by supplementary development plans.

Similarly, from the country viewpoint, once an area has been declared a planning area and once a development plan is in existence for that area, it will not be very long, in this rapidly changing scene, before a more modern plan is brought forward and that plan (and those after it) will become supplementary development plans. So, thinking of the future, we must seriously consider this feature of supplementary development plans.

The essence of my amendment is to give the initiative in this matter to the local council and I make no apology for that. I have said all along that if the people within an area want planning, as far as I am concerned they can have it, and the body to find out whether they want planning within their area is their local council. It is at that level that all the arguments by people who are affected should take place. After the local council representatives decide that they want a plan, I have no argument about their plan.

The purpose of this amendment is to give this control to local government as far as possible, but at the same time it forces certain responsibilities upon local government, and I believe that, if we are to have planning, local government must accept responsibilities: these are that they must keep their town planning up to date and that they should not turn their backs and say, "In this modern world we do not want to have anything to do with town planning."

In this amendment, if a local council does that, the authority can step in and say, "We are going to plan your area." I think that is only proper. If the council does not accept the responsibility and does not take the initiative and keep abreast of the times, the central

planning authority must be given the right (and it is given the right in this amendment) to step in and do the job for it. Clause 35 (1) states:

The authority shall, from time to time, re-examine the planning area affected by an authorized development plan and may, if it considers fit prepare a supplementary development plan of the planning area or any part thereof.

However, if a council has its area in that locality, then the authority shall not prepare a supplementary plan unless the council has requested the authority to do so, and I have been told by the Minister tonight that many councils are doing this and I am very pleased to know that they are doing so. Many councils have taken the initiative and have asked the Town Planner for help, advice and ideas. Proposed new paragraph (*b*) provides that the authority cannot proceed unless it, considering that an area should be planned, says to the council, "You must produce a plan." If the council does not produce the plan within 12 months, the authority will have the right to prepare the plan.

The Hon. C. D. Rowe: Is a period of 12 months too long?

The Hon. C. M. HILL: Well, a time had to be fixed. Some councils have shown interest in this matter, have conducted research and have approached the Town Planner, whereas some would not have done that. In addition, council areas vary in size and have different problems. If the authority considers it desirable that a plan be produced, it should not have to wait longer than that time for a council to so produce a plan. In terms of new paragraph (*c*), if the plan produced is unsatisfactory and the Minister sends it back, the authority will be able to produce a plan for the area.

The amendment will enable councils to play an essential part in planning, with particular reference to the metropolitan area, where the machinery is far more advanced than is the case in country areas. The plan for the city area was prepared in 1962 and since that time the city has been developing at a fast rate. Therefore, it is essential that the changes be made. I realize the difficulty about achieving co-operation between councils and the Town Planner. However, the Town Planner's role is that of a co-ordinator and adviser and he, having his information up to date (as I know he has) will discuss all these difficulties with councils. If councils tend to turn their backs on what is required, it will be up to the Town Planner to visit the area concerned and promote the idea of town planning with the council. The amendment gives the authority the right to take the initiative and do the job.

The Hon. S. C. BEVAN: The amendment limits the powers of the authority to prepare supplementary development plans. Let us consider the 36 councils whose areas have already been proclaimed as planning areas. The authority will not be able to proceed for 12 months unless the councils request and require that action be taken. One council may say to the authority, "You are not going to take action until we request you to do so." On the other hand, the neighbouring council may say to the authority, "We want this development to go on." In those circumstances, how would an authority operate? How does the honourable member think the council of which he is a member will operate?

I do not think the honourable member desires to empower any of the councils in the metropolitan area to prevent a plan to be proceeded with. However, that is the effect of this amendment. The metropolitan plan will require revision from time to time but, if the amendment is carried, this cannot be done unless all councils request that it be done. The revision could not proceed if one council did not favour it. If this is not what the honourable member desires, he should not proceed with the amendment. On the other hand, if he is aware that this will be the position, all I can say is that he intends to restrict the authority, particularly in regard to the metropolitan area. The Bill provides that a council can forward a plan to the Minister, who will forward it to the authority. The whole metropolitan area is proclaimed at present, and necessary work is proceeding. However, if this amendment is carried, an objection by one council can delay the other councils involved.

The Hon. C. M. HILL: Regarding the balance between the power of councils and the power of the authority, I make no secret of the fact that I want the balance to lie on the side of councils. At the same time, there is sufficient power to enable the authority to act if it is unreasonably restricted by a council. If this amendment was carried and the Act was proclaimed, I would think the machinery would be that the Town Planner would immediately give notice to these councils that he wants a supplementary plan within 12 months. That means it will not be able to go longer within that period.

I think it means, secondly, that many councils will get down to the job immediately and

that within much less than 12 months they will have supplementary plans because they want to have them. All their zoning and other facts relative to that 1962 plan are out of date. Councils will be eager to see a supplementary plan lodged for their particular area, but they will also be eager to prepare it themselves. Obviously, some of them do not want to do this.

The Minister has quoted a long list of country councils which have sought help and advice from the central planner. As the Minister well knows, some councils in the metropolitan area have sought that advice. Under my amendment, any council can ask the Town Planner to prepare a plan for it. It works itself out immediately, and many councils will want to do that.

I realize that by my amendment there will be some delay, more than there would be if the amendment was not proposed. However, if we try to assess the actual time of this delay, I would hazard a guess at about six months longer, which is about half the 12-monthly period. If there is any delay of six months in this measure on a plan which has been there going back to 1962, for the sake of getting this form of responsibility on to the shoulders of local government and for the sake of the opportunity of giving local government its right to take the initiative in this matter, then I say that that period is not an undue one.

I still come back to my original point, and again I talk about the little man. He is going to sort out his problems in his own local council meeting; that is where his voice, in the main, will be heard as these plans are being prepared. I want to make sure his voice can be heard there and will be heard there, and my amendment will go a long way towards seeing that that is done.

The Committee divided on the amendment:

Ayes (14).—The Hon. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, L. H. Densley, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill (teller), Sir Norman Jude, H. K. Kemp, F. J. Potter, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Noes (5).—The Hons. D. H. L. Banfield, S. C. Bevan (teller), A. F. Kneebone, C. D. Rowe, and A. J. Shard.

Majority of 9 for the Ayes.

Amendment thus carried.

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

To strike out subclause (6) and insert in lieu thereof the following subclause:

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

(*a*) inform the council accordingly and return the plan to the council;

or

(*b*) treat it as a supplementary development plan prepared and duly submitted to the Minister by the authority in accordance with section 31 of this Act and the provisions of sections 32 to 34 (both inclusive) of this Act shall apply and have effect in relation thereto accordingly.

Although the Minister may not agree with me, in my opinion this amendment is consequential on the previous one. I refer members back to the subclause which states that a council may examine its own area and may from time to time prepare its own development plans. Then it follows from the council that simply takes its own initiative and prepares its own plans that that plan is referred to the authority for report. The subclause I propose to insert deals with the procedure that the Minister can adopt or adopts in an instance like that, when he has before him a plan prepared by a council, and attached to that plan are the authority's views on it. There are then certain lines of action he can take, by this amendment. Either he can tell the council that he is sending the plan back to it and will not accept it or he can treat it as a supplementary development plan, as provided for by subclause (3).

The Hon. S. C. BEVAN: I oppose this amendment. It takes power away from the authority, so the arguments about placing too much power in the hands of one particular individual are reversed in this case. At present such a plan must be returned to the council by the Minister. The intention appears to be to leave the decision as to the acceptability of the council's supplementary development plan with the Minister rather than with the State Planning Authority. There seems little advantage in this as the State Planning

Authority would only be interpreting policy already approved by the Governor in the authorized development plan.

This amendment returns the plan to the Minister and the Minister then returns it to the council. Is it not far better that these matters should be fully examined by the authority and then, if found wanting, returned to the council, where the necessary action can be taken when the council looks at them again? What is the authority for if it is not for the purpose of co-operation? That is the intention of the Bill. Is it not far better for the authority to be the one to examine this plan and its ramifications and, if some alteration is necessary, to return it to the council along with its comments rather than return it to the Minister and the Minister, in turn, send it back to the council? All these things are going from one to another, on to another and yet another and finally they get back to where they started—the council itself.

The Hon. C. M. HILL: I apologize for not giving a further explanation of this matter. This amendment provides the opportunity for a council to produce its own plan, which may not be agreed to by the authority. By this amendment, the Minister may accept that council's plan and reject recommendations of the authority. I do not expect that that will happen often but I have in mind particularly some far-flung country towns that may become involved in this matter.

In instances like that, it may be that the local people within that country town want a certain plan. There may be some feature in the planning of that town—traditional, historical, or personal to them and their families before them—that they want incorporated in the plan. However, that may not be in line with academic planning and some conflict may arise. In that instance, this amendment specifically gives that town the chance to have its wishes considered. In other words, this is a little valve or outlet by which people affected by planning can have a plan accepted that is not in all respects approved by the authority.

I make no apology for giving the Minister the responsibility of making the decision. The Government itself all through has brought this machinery stage by stage up to the Minister for either his final approval or his recommendation to his Cabinet. I agree with that principle. I do not think the Minister will shirk this responsibility, or will want to. From the point of view of local government, this is an important provision that I should like to see in this legislation. It will not be exercised often, but a clash at some stage somewhere throughout the State may arise. If and when it does, I want the Minister to have an opportunity, after weighing up all the questions involved, of casting his vote in favour of the local area involved.

Amendment carried; clause as amended passed.

Clause 36—"Planning regulations."

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

In subclause (4) (*o*) to strike out ", the production of salt by the solar evaporation of sea water, the dressing and treatment of minerals or the manufacture of products therefrom".

This clause is important and lengthy. It deals with planning regulations. The various reasons for them are given in subclause (4), and they run on and on and on. Although I understand the arguments concerning regulations and I understand that Parliament will have the opportunity to have another look at them, I query this one aspect concerning this amendment. I mentioned it during my second reading address; the Minister may have replied to this point, but I cannot recall his doing so.

The State cannot afford to have planning interfering too much with industry at this stage of the State's development. I understand that, if a factory is in an area that will be zoned a residential area, the factory will be unable to expand its operations further. Ultimately, if it continues to grow, it will have to move to a proclaimed factory area. I am not quibbling with that kind of interference. When we consider the I.C.I., one of the biggest industries in the State, we should (in our current economic climate) be cautious and try to ensure that industries of this kind are not affected to the point that they want to curtail operations.

The words that I am moving to be deleted say that power will be granted for regulations to be brought down concerning the production of salt by solar evaporation from the sea and the dressing of minerals or the manufacture of products therefrom. It is mysterious what is meant by these words: I do not know. I have some idea, but I fear that some objection (perhaps aesthetic) will be taken to the salt pans in the Bolivar area.

I do not want to see that industry interfered with to the point that it will curtail production. I do not know the industries that the planning authority has in mind and which it wants to regulate concerning the dressing and treatment

of minerals. In short, it involves industry and, rather than wait for the regulations, I would like to curtail the margin within which this regulation can be framed. I fear that industry might be affected and, if that is likely, I believe that in the interests of the State the idea ought to be nipped in the bud at this stage.

The Hon. S. C. BEVAN: I oppose the amendment. This must be done by regulation; we insist the regulations must lie on the tables of both Houses for 14 days or, if there is an objection, until that objection is disposed of. It must run the gauntlet of Parliament.

The Hon. C. M. Hill: Not under this clause.

The Hon. S. C. BEVAN: What does it mean, "to regulate?" If it is not done by regulations, what is it done by?

The Hon. C. M. Hill: The normal procedure.

The Hon. S. C. BEVAN: At one moment we are told that we must have all these things and the next moment we are told that they can all go by the board. What is the result of all this? The honourable member says that he must protect industry. How does he get on regarding the Parliamentary appeals committee when the authority is going to interfere with all these industries, as the honourable member visualizes? Where will all this go? The provision enables the authority to approve zoning regulations. The procedure for making the regulations involves examination, right of objection and final approval by Parliament. There is ample opportunity for bringing the rights of an owner forward if he believes that he is adversely affected. The honourable member says that we should protect industry. I wonder where we are going and how sincere we are concerning some of the amendments that have been proposed.

Amendment negatived.

The Hon. S. C. BEVAN moved:

In subclause (4) (*k*) before "such" to insert "decisions on".

Amendment carried.

The Hon. L. R. HART: I should like to make one or two observations in relation to clause 36. I hope that I am dealing with the right clause; this is such a complex Bill that one is never quite sure whether he is dealing with the correct clause. I am a little concerned about certain land that may be frozen for future requirements. I refer in particular to rural land that may be frozen for future open spaces or recreational reserves. This land that is frozen for future requirements may continue in its present use and during that period the owner may elect to have it declared rural land for rating purposes: that would give him a concessional rating.

We all know that rural land, to be fully productive, must have certain improvements effected to it from time to time. In the case of this particular land the owner is virtually living on borrowed time and it is unlikely that he will effect these improvements to this land which, if so effected, would probably bring about a long-term advantage rather than a short-term advantage. So during the period in which he may still occupy the land he is not necessarily obtaining the best use from it.

I am concerned about land tax, district council rates, and water rates for the land. On what basis will this land be rated? It is unlikely that it will be rated on its productive capacity. It will be rated on the basis of sales of comparable land in adjoining areas. I consider that this land is in a special category, because it is used only temporarily as rural land and is not able to carry a high rental. I know of land which has been frozen for later use for recreation purposes and which is carrying a high rating of council rates, land tax and water rates. It would be impossible for the owner to make the land pay because of this rating burden.

I assume that, when the authority decides to take over the land, the owner will be required to pay the full rating for the previous five years. This would create an anomaly, because the owner would be paying a higher rate than should be the case. The assessible rate would be a lesser amount, whereas the owner would be assessed at the higher rate. The Bill does not seem to provide for cases such as this and I am not sure how the matter can be dealt with. However, I point out that rating will be unduly high and that this matter should be taken into consideration.

Clause passed.

Clauses 37 to 41 passed.

Clause 42—"Plan of subdivision of land in prescribed localities within Metropolitan Planning Area."

The Hon. S. C. BEVAN: I ask that progress be reported.

Progress reported; Committee to sit again.

TRAVELLING STOCK RESERVE: ORROROO.

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That the travelling stock reserve between Orroroo and Morchard, as shown on the plan laid before Parliament on November 1, 1966, be resumed in terms of section 136 of the Pastoral Act, 1936-1966, for the purpose of being dealt with as Crown lands.

The Hon. A. J. SHARD (Chief Secretary): This reserve comprises about 1,130 acres, and was set aside as a route for the travelling of stock when survey of this area was carried out during 1875 and 1876. With modern methods of transport, the need for this land has largely disappeared. Three times in the past 14 years proposals have been put forward for the resumption of this land. On the first two occasions some opposition was aired to the proposed resumption and the procedure lapsed. Repeated requests since 1958 by the district council for resumption, now supported by the Stockowners Association, have led to a further inspection and recommendation by the Pastoral Board that the time is opportune to resume this land so that it may be dealt with as Crown lands.

It is worthy of note that apart from the very limited numbers of travelling stock using this land, the Director of Agriculture has reported on the problem of weed control on this land and its capacity for infesting neighbouring areas with horehound. In view of these circumstances, I ask honourable members to support the motion.

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

LOTTERY AND GAMING ACT AMENDMENT BILL (DIVIDENDS).

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

SUPERANNUATION ACT AMENDMENT BILL (CONTRIBUTIONS).

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

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

That this Bill be now read a second time.

It deals with three matters. The first is mainly administrative. From the commencement of the principal Act in 1926 until the Amendment Act of 1961 a valuation of the fund was required each five years. By the 1961 Amendment Act, upon the recommendation of the late Public Actuary, section 7 was amended to require a three-yearly valuation. This called for a valuation as at June 30, 1965, but unfortunately, before he could carry out the valuation, the Public Actuary died, and the Government was not able to appoint a replacement until a few weeks ago. Because of this, and because of the considerable amendments in benefits and contributions made by the 1965 and 1966 amending Acts, no very useful purpose would be served by a belated valuation as at June 30, 1965. The new Public Actuary has recommended a valuation as at June 30, 1967, which is again five years from the preceding valuation, but thereafter he has suggested valuations at three-yearly intervals as his predecessor had recommended. Clause 4 of the Bill gives effect to those recommendations.

The second matter is a reduction in contribution rates for units or part units of pensions taken up by contributors prior to February 1, 1966. This reduction is called for as a consequence of the assumed higher future earning power of the fund. Honourable members will recall that the 1965 amendment reduced all contributions as indicated by the increased Government subsidy rate of 70:30 instead of 2:1, and also reduced rates for new units taken up from February 1, 1966 onwards consequent upon the higher future earning capacity of the fund.

The question of whether the rates of contribution for old units should be likewise reduced consequent upon the higher earning capacity was deferred until it could be ascertained whether the surpluses of the fund were adequate to justify this as well as to give adequate and comparable benefit to pensioners. An examination has been made, and the Superannuation Board, the Acting Public Actuary, and the Under-Treasurer advised that they were satisfied upon the adequacy of the surpluses.

In broad terms, as at the end of December, 1966, the surpluses are believed to be of an order approaching $8,000,000, and the proposal to reduce contributions would absorb about $2,000,000 of this, whilst a proposal I shall describe shortly which will benefit pensioners will absorb a further $2,000,000 approximately. Clause 5 makes provision for the appropriate adjustment of contributions. There will be a considerable volume of clerical preparation involved in this and it is proposed that the adjustments date from the first pay period in July next.

The third matter is that of protecting the purchasing power of pensions, particularly those of long standing. This, as members have lately been well aware, has involved the particular problem of the "means test" for Commonwealth social service pensions, as in many cases increased superannuation payments have

had the effect merely of reducing the Commonwealth pension and so giving no net benefit to the pensioner. Last year the Government promised honourable members that it would very closely examine this particular problem. The Victorian Government and its Superannuation Fund had an exactly parallel problem which, it is reported, has been handled by a recent amendment in a generally satisfactory manner. The Victorian approach has been followed in this Bill, though it has been simplified and we have been able to learn from the difficulties and problems encountered in the early stages of the Victorian scheme. The Victorian officers have been most helpful in their advice and co-operation.

Broadly, the scheme is to pay supplementary pensions out of the fund adequate to make good net losses in purchasing power since the individual pensions were first granted. This is to be done in four groups where the required supplements are respectively 32½ per cent, 15 per cent, 10 per cent and 7½ per cent. In calculating these supplements, appropriate account has naturally been taken of any increases in pension which may have been granted from the fund or from the Government subsidy since the pension commenced. In the four groups the effect of the new supplement proposed will be, so far as purchasing power can be accurately estimated, to maintain purchasing power on average for each group with a small overrun of perhaps 1 per cent or 2 per cent.

However, so that there shall not be a significant volume of payments out of the fund which would be of no net benefit to pensioners because of the effect of the Commonwealth "means test" for pensions, provision is made for the supplementary pensions to be payable upon individual application and at the discretion of the board. Moreover, the board will not be authorized to approve a supplementary pension unless there is a net effective benefit to the pensioner of at least 20c a week. A pivotal feature of this section of the Bill is that, to handle the means test problem, there is no fixed statutory right to a prescribed amount of pension, but simply a right to apply and an authority of the Board in its discretion to grant supplements up to the extent prescribed.

An important difference between these provisions and those in Victoria is that these are based upon full maintenance of purchasing power to the present time, whilst those in Victoria are based upon five-sevenths of the increase in the appropriate salary or wage level since the pension was granted. The Victorian criterion gives an almost impossible task in defining and calculating the supplement and it is in most cases, if not all, a less favourable criterion than that proposed in this Bill.

The scheme for supplementary pensions in this Bill, as in Victoria, is to be paid for from surpluses already accumulated in the fund. It is expected that to meet the supplements over the remaining life of existing pensioners and their dependants will call for a present capital sum of about $2,000,000 to be set aside from those surpluses. As it is proposed also to handle through the same account those special supplements to pensions which were granted out of surpluses in 1964, new section 68b enacted by clause 6 of this Bill calls for an apportionment of $3,000,000 for the two purposes combined.

Representations have been made to the Government by the South Australian Government Superannuation Federation, representing both contributors and pensioners, that the supplementary pension scheme should be met only 30 per cent out of the surpluses of the fund and 70 per cent by the Government. This request the Government has not been disposed to grant. In the first place the fund has undoubtedly more than adequate reserves to meet the whole cost, and pensioners equally with contributors are entitled to share in the benefits of any surpluses. Secondly, the surpluses have arisen substantially through higher interest earnings than earlier contemplated and, as high interest earnings are often concurrent with reducing purchasing power of fixed incomes, there is substantial logic in apportioning such surpluses, at least in part, to maintain the purchasing power of long-standing pensions. Thirdly, no other State has accepted an obligation of subsidizing such supplements, but they have been met in Victoria and elsewhere out of surpluses of the funds. The Commonwealth only has provided such supplements out of Government moneys. As this State has at considerable cost recently raised its subsidy to normal pension units to be fully in line with that of the other States, and as its finances generally as compared with other States are at present by no means favourable, the request for a special subsidy in supplementary pensions could not be entertained. At the time when the normal State subsidy was lower than elsewhere, and when the fund had no surplus out of which to meet supplementary pensions, it was reasonable that the State should contribute

to protection of the purchasing power of long-standing pensions. But in the present circumstances neither of those conditions apply.

It should be mentioned that the federation would seem to have two groups having rather different views upon this matter. As may be expected, the pensioners generally support the provision of supplementary pensions out of the surpluses of the fund. Some representatives of contributors, however, have taken the view that the surpluses should be reserved entirely or mainly for the benefit of contributors. The Government cannot accept the latter view for the past contributions of pensioners and the invested reserves thereby built up have equally contributed to surpluses as have the past contributions of present contributors. Pensioners, or their breadwinners, were once contributors. Present contributors and their dependants will in due course be pensioners. Any apparent conflict of interests would seem to arise from a rather shortsighted view. The provisions of this Bill, benefiting as they do equally both contributors and pensioners, are likely to absorb about half the present surpluses of the fund. As to the other half, an undertaking has been given by the Government that no action will be taken to distribute it until a new and complete investigation has been made of the fund by the Public Actuary and until the federation has been given full opportunity to make its representations on the matter by deputation or otherwise.

Because of the great deal of preparatory clerical work necessary to implement the supplementary pensions provisions it is proposed they shall operate as from June 20 next, which is the commencement of the first pension fortnight calling for payment in July, 1967. One particular feature in the provisions which may require further explanation is the proposed conversion of the 1964 supplementary payments, now paid annually, to become fortnightly payments. A divisor of 25 is proposed rather than 26 so as to counterbalance the spread of payments over a full year instead of a single payment at the beginning of the year. It is, of course, administratively most desirable that all supplements be paid fortnightly rather than some annually and some fortnightly.

The provisions for supplementary pensions are in clause 6 of the Bill while clause 7 is a consequential amendment which provides that the special additional pension payment authorized in the 1965 amendments, to recompense a pensioner for his having contributed prior to his retirement on a basis of subsidy less favourable to him than 70:30, shall count neither as pension nor as supplementary pension for the purposes of calculating payments under the supplementary pensions scheme. In other words, the special recompense authorized in the 1965 amendments stands entirely alone.

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

SUPREME COURT ACT AMENDMENT BILL (PENSIONS).

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

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

That this Bill be now read a second time.

Its purpose is to increase the pensions paid to judges who have retired some time ago and to widows of deceased judges. Under the present pension scheme a retired judge is paid one-half of the salary he was receiving at the date of his retirement, and on his death his widow receives one-quarter of the salary he had been receiving at the date of his retirement. As salaries of judges have been increased continually over the years to meet the rising cost of living and to bring the salaries of the judges of our State more into line with the salaries paid to judges in the other States, the pensions being paid to judges who retired some time ago are much lower than those being paid to more recently retired judges.

The pensions paid to retired policemen and public servants have been raised from time to time having regard to the loss of purchasing power in the pension since retirement. Therefore, it seems reasonable and equitable that an adjustment be made to pensions of judges whose retirement is of longer standing. The most reasonable solution seems to be to prescribe a minimum pension. Since July 1, 1958, the index of retail prices indicates a rise of the order of 22 per cent and since July 1, 1960, a rise of the order of 13 per cent. Bearing this in mind, the suggested minimum pension for a judge is $6,250 per annum, with half this amount being paid to his widow on his death. At present pensions being paid to retired judges range from $5,000 per annum to $6,850 per annum, and pensions being paid to judges' widows range from $2,500 per annum to $3,125 per annum. This means that the pensions most recently granted will remain unaltered while the others granted before July 1, 1963, will be increased to the minimum pension, the amount of the increase depending on the date from which they commenced.

Clause 3 adds a new subsection to section 13e of the principal Act and provides that from April 1, 1967, the minimum pension to be paid to a retired judge will be $6,250 per annum and the minimum pension to be paid to the widow of a deceased judge will be $3,125 per annum.

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

POLICE PENSIONS ACT AMENDMENT BILL (SENIOR CONSTABLES).

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

CROWN LANDS ACT AMENDMENT BILL (LIVING AREA).

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

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

That this Bill be now read a second time.

Its purpose is to liberalize further the limitation on the unimproved value of Crown lands which may be allotted to any one person. Prior to the amendment which was passed earlier in this session, the Land Board had examined the whole situation regarding limitation under the Crown Lands Act following the land tax quinquennial assessment of 1965. The amendments were considered to be those which would bring the whole field of limitations into line with present-day values. With regard to those sections dealing with transfers, subleases and surrenders for other tenure, the limitations fixed have been found in practice to be quite satisfactory. In the case of allotment of such unoccupied Crown lands as become available in outlying areas, the limitation under section 31 has also proved satisfactory.

However, a number of cases have occurred where land previously held under terminating tenure has become available for allotment in comparatively closely settled districts. In these cases it has now been found that the limitation of $15,000 is not adequate to provide a living area. It is therefore considered better to introduce a further amendment than to prolong a situation which would result in either keeping suitable land out of permanent settlement or allotting it in areas which are substandard. Clause 3 of the Bill accordingly increases the limitation of $15,000 to $25,000. Subclause (*b*) of this clause increases the amount of the excess which may be granted at discretion from the present $1,000 to $2,000. This amount has been increased in the light of the previous amendment and is in the nature of a consequential amendment designed to increase proportion of the excess to the larger margin provided by subclause (*a*).

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

DOG-RACING CONTROL BILL.

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

Report received and ordered to be printed.

The Hon. A. J. SHARD moved:

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

Motion carried.

ADJOURNMENT.

At 10.32 p.m. the Council adjourned until Wednesday, March 15, at 2.15 p.m.