LEGISLATIVE COUNCIL

Thursday, November 28, 1968

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

ASSENT TO BILLS

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

Bulk Handling of Grain Act Amendment,
Dairy Cattle Improvement Act Amendment,
Motor Vehicles Act Amendment (No. 2),
Railways Standardization Agreement (Cockburn to Broken Hill),
Trustee Act Amendment,
Wheat Industry Stabilization.

MINISTERIAL STATEMENT: HIGHWAYS DEPARTMENT

The Hon. C. M. HILL (Minister of Local Government): I seek leave to make a statement.

Leave granted.

The Hon. C. M. HILL: Senior officers of the Highways and Local Government Department are extremely concerned about the recent allegations by Mr. Hudson, M.P., and the subsequent publicity that has arisen therefrom. The department has been unfairly brought into disrepute. The Commissioner called on me this morning and expressed his very deep concern about the whole matter. He has given to the Public Service more than 30 years of splendid, dedicated service and, as honourable members know, he will retire next March, I think. He claims that the integrity of his staff has been questioned and that the image of his department in the eyes of the public and in the eyes of local government is suffering as a result of this whole matter.

The Commissioner came to me, as his Minister, and requested permission to publish in the daily press a statement, which he produced to me. Rather than the Commissioner's writing to the press, I considered it preferable and proper, with his consent, to inform Parliament of his feelings and those of his senior officers. Therefore, I shall quote his statement in full. It is headed "Reply to allegations against Highways and Local Government Department by Commissioner of Highways", and is as follows:

During recent Parliamentary debates and in statements made on radio, television and in the daily press, it has been alleged that my department has been making alterations to workmen's time sheets in order to falsify tractor repair costs. The purpose of doing this is presumed to be to make the operating costs of departmentally-owned machines higher than those of machines operated by private contractors.

At the outset such action is entirely refuted. The allegation is regarded as a serious reflection on the honesty of not only senior members of my staff and myself, but down to the level of the workshop foremen. In other words, it must be inferred that these allegations mean that I and my staff are in collusion with the Minister of Roads and Transport to falsify departmental records. If this were correct, there would be not less than five very senior wellknown members of the Public Service involved and at least three other more subordinate members. Such collusion, to say the least, is ridiculous and is considered to be a serious reflection on the characters and integrity of these individuals.

It would appear that the statements referred to have been made in complete ignorance of the costing and time keeping methods operating not only in Government departments but in many other private engineering and manufacturing works. There is confusion as to the purpose of time cards and time sheets. Time cards are provided in an automatic clock. An employee punches the clock on his arrival at work and again when he "knocks off". The clock types the time in figures and these are used to check the hours the employee actually worked. They do not show times worked on any particular job and, despite what has been alleged, they cannot be altered by anyone.

Time sheets are made out by an employee at the end of a day's work. On these are shown the times to the nearest half hour an employee works on a particular job. These times may relate to a particular tractor or machine. They may also include such matters as sick leave, annual leave, cleaning up, sharpening tools and incidental work. Each time sheet must be certified by the workshop foreman, whose duty it is to ensure that they are correct. If they are not, it is his duty to correct them, otherwise costing records would be inaccurate. This procedure is one that is practised not only in engineering workshops but in any profession or trade. Even the doctor, dentist or lawyer has, in some manner or other, to keep such records in order to charge his clientele correctly. There is little doubt that adjustments do have to be made from time to time.

A further matter is that Ministers of the Crown, for the most part, are not concerned with day-to-day routine procedures adopted by Government departments. Such matters are the responsibility of the head of the department, who is subject to the Audit Act administered by the Auditor-General. The latter officer is responsible to Parliament to ensure that procedures operating in each department comply with the Act. In a large department day-to-day auditing is a continuing process. The Public Service as a whole and the Highways Department in particular have always adopted a policy of being non-political. They serve the State conscientiously and advise their particular Minister accordingly.

These allegations are both incorrect and ill-conceived; they downgrade the public image of the department and do nothing to foster good relations with Parliament. Furthermore, it has always been traditional that members of Parliament do not place the Public Service officers in the invidious position of not being able to defend themselves. This is the position in which my department and I now find ourselves. It is for this reason that this statement has been published, as the allegations cast doubts on the integrity of departmental staff and myself and cease to be political.

I can add only that I have, both in Parliament and in public, asked Mr. Hudson to retract his statement and to apologize to the Commissioner and his officers. However, to the best of my knowledge, he has not as yet done that.

QUESTIONS

ROAD MAINTENANCE

The Hon. S. C. BEVAN: I seek leave to make a short statement prior to asking a question of the Minister of Roads and Transport.

Leave granted.

The Hon. S. C. BEVAN: As I understand the Highways Act, it is the responsibility of the Highways Department to build and maintain declared main roads in South Australia. Indeed, this has been wholly the responsibility of the department. I have been informed that the Highways Department is notifying district councils through whose areas main roads pass that they will be charged for the maintenance costs of main roads, and especially the Sturt Highway. Can the Minister of Roads and Transport say whether the Highways Department has informed any district councils through whose district the Sturt Highway passes that they will be responsible for the costs of maintaining the Sturt Highway or, if it has not, does the department intend to notify the councils of such matter? Also, can the Minister say under what authority this action would be taken?

The Hon. C. M. HILL: I shall bring down a report on this matter for the honourable member.

AIRPORT TAX

The Hon. A. M. WHYTE: On October 16 I asked a question of the Chief Secretary regarding the proposed airport tax of $2 a head and I pointed out then that air transport plays a vital role in communication and transport on Eyre Peninsula. I said also that a charge of $2 a head would impose further burdens on the people in that area. The Chief Secretary said he would take up the matter with the Premier. Can he now say whether the Premier has done anything in this matter?

The Hon. R. C. DeGARIS: I think the Premier is doing and has done all he can in this regard. I brought the matter to his attention, but, as I pointed out to the honourable member when he asked the question, this is purely a Commonwealth matter. Perhaps I should say to the honourable member that he is represented in the Commonwealth Parliament and that, if he wants to take the matter further, he could bring it to the notice of that representative.

BAROSSA VALLEY TRANSPORT

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

Leave granted.

The Hon. M. B. DAWKINS: For some time now there has been a proposition to close the passenger services on the Eudunda-Kapunda railway and also on the Angaston and Tanunda railway lines in the Barossa Valley. The matter has been the subject of some representations by constituents of that area and some further representations by the member for Angas in another place and also by the Hon. Mr. Rowe and myself in this Council. Can the Minister of Roads and Transport indicate whether the Government has reached a final conclusion on this matter?

The Hon. C. M. HILL: Road passenger services will operate to Barossa Valley towns such as Lyndoch, Tanunda, Angaston, Nuriootpa and Truro and to Kapunda, Eudunda and Robertstown from December 16 next. The decision to replace existing rail services has been made only after very full consideration of representations made to the Government by deputations from both these districts and after consideration of a petition lodged from the Tanunda-Angaston area.

The road services to be introduced will provide good quality equipment, flexible service and daily fares substantially lower than daily rail fares. In addition, parcels up to 50 lb. in weight can be carried, with special permits, where appropriate in emergency circumstances, for over-weight items. Other road parcel services already exist. The annual savings to the State are $80,000 on the Angaston line and $90,000 on the Eudunda line. With a suitable alternative service at no cost, this cannot be ignored at any time, and it is more vital when we are trying to restore the State's finances, particularly in an era of rising wages and other costs.

The Hon. S. C. BEVAN: Several people who use the rail service from Angaston to Adelaide every day have approached me about the possibility of their being able to retain the tickets issued to them for the last journey on this service. At present, of course, those people have to hand in their tickets at the barrier in Adelaide. Will the Minister request the Railways Commissioner to allow these people to retain, as a memento, their tickets for this last journey?

The Hon. C. M. HILL: I am sure that this can be arranged.

SCHOOL SUBSIDIES

The Hon. A. F. KNEEBONE: I seek leave to make a short statement prior to asking a question of the Minister of Local Government representing the Minister of Education.

Leave granted.

The Hon. A. F. KNEEBONE: It was the policy of the previous Government to allot school subsidies on the following basis: towards the end of each financial year the school bodies were asked to inform the Education Department of the amount they proposed to claim in the coming financial year, supported by details of the items of work for which a priority was requested. The needs of each school were then considered, and an allocation was made at the beginning of each financial year having regard to, first, the number of enrolments, secondly, the date of establishment and needs of the school, thirdly, the subsidy paid in the preceding few years, and, fourthly, any circumstances that warranted special consideration.

Upon being advised of these allocations and the approved projects, the school bodies could then determine the items to be subsidized within the respective allocations. As some schools did not take up the full allocation, the subsidy was again reviewed in about February, towards the end of the financial year. When it appeared that some schools would not spend their allocations, a reallocation was made to schools needing money to include some priorities that missed out in the first allocation. This was a fair way of distributing the amount of money available for subsidy. Will the Minister ask his colleague if it is the Government's intention to continue with that policy, including the reallocation I have mentioned?

The Hon. C. M. HILL: I will ask my colleague this question.

DEEP SEA PORT

The Hon. R. A. GEDDES: I wish to direct a question to the Minister representing the Minister of Marine. About four years ago a committee was set up to investigate an alternative deep sea port on Eyre Peninsula. Last week it was announced in the press and over the radio that a report in relation to this deep sea port was in the hands of the Government. Can the Minister inform the Council (and indeed the people of Eyre Peninsula) of the findings of this committee?

The Hon. C. R. STORY: It is true that a report has been brought down. The Chairman of the committee concerned, who is one of my officers, has issued me with a copy of the findings of the committee, which I transmitted to the Minister of Marine. The Minister is studying the report, which should be available within the next few days, and it will be laid on the table of both Houses of Parliament and then become public property.

PORT WAKEFIELD ROAD

The Hon. C. D. ROWE: I direct a question to the Minister of Roads and Transport. For some time work has been proceeding on the main road between Port Wakefield and Wild Horse Plains. Can the Minister tell the Council how long it will be before that new portion of road is likely to be available to traffic?

The Hon. C. M. HILL: I will obtain the information for the honourable member.

HIGHWAYS DEPARTMENT

The Hon. D. H. L. BANFIELD: I ask leave to make a short statement before asking a question.

Leave granted.

The Hon. D. H. L. BANFIELD: Last night channel 9, when referring to a challenge issued to the Minister of Local Government by Mr. Hudson, member for Glenelg, to debate the efficiency of the Highways Department's operations and the relative merits of private contractors to do work now done by the Highways Department, indicated that it would provide time for the debate to take place on the *Newsbeat* session. In view of the public interest in the Highways Department at the present time, and in view of the fact that the Minister has availed himself before of the facilities of this session on channel 9, I now ask the Minister if he has accepted the challenge of the member for Glenelg, and, if so, when he expects the debate to take place?

The Hon. C. M. HILL: I read in this morning's newspaper that this great challenge had been issued. First, I will not entertain going

on a platform or appearing in front of a television camera until the member for Glenelg has had the decency to apologize to the public servants concerned for insulting them. Secondly, as the member for Glenelg should know, it is most inappropriate for him to say on the one hand, "Officers have been falsifying records; send the Auditor-General down there", then on the other hand to say, "Let the Minister and me debate the issue." Therefore, I cannot enter into discussion on any matter at all in regard to the present inquiry that has been instigated. I might add that a report from the Auditor-General is expected towards the end of next week. Further, as soon as the Government receives the report it will be tabled. However, after the member for Glenelg has apologized, on any other matter, at any time, at any place and on any subject at all, I am only too pleased to debate with the member for Glenelg.

ROAD SEALING

The Hon. Sir NORMAN JUDE: I desire to ask a question of the Minister of Roads and Transport. In view of the tremendous development with regard to salt production in this State, will the Minister take up with the Highways Department the matter of the possible use of salt stabilization on roads, as at present difficulty is being experienced in financing the bitumen sealing of roads?

The Hon. C. M. HILL: I will do that.

PUBLIC EXAMINATIONS BOARD BILL

Read a third time and passed.

LICENSING ACT AMENDMENT BILL (No. 2)

Read a third time and passed.

PRICES ACT AMENDMENT BILL

Read a third time and passed.

ABORIGINAL AFFAIRS ACT AMENDMENT BILL

Read a third time and passed.

MARINE ACT AMENDMENT BILL

Second reading.

The Hon. C. R. STORY (Minister of Agriculture): I move:

That this Bill be now read a second time.

It makes several amendments to the Marine Act, 1936-1966, some of which are designed to ensure the validity of certain existing provisions, and others of which are to improve the operation and efficiency of the Act.

Perhaps the most significant amendment consits in the insertion of a new Part in the Act establishing a committee to regulate the manning of coast-trade and river ships. The question of the manning requirements that should be made and enforced by the Commonwealth and the various States of the Commonwealth has been studied for some time by the Australian Transport Advisory Council, a council of Commonwealth and State Government representatives convened by the Department of Shipping and Transport. The council has made recommendations that have been studied by officers of the Department of Marine and Harbors, and it is now thought desirable that, in accordance with those recommendations, a State manning committee should be established having authority to determine the manner in which vessels are to be manned. Apart from the advantage of the Commonwealth and States adopting a uniform attitude towards the manning of ships, this amendment should accomplish an important economic advantage by the removal of outmoded and wasteful manning scales, which are, in any case, quite inappropriate for the more specialized vessels now being built.

The Bill provides that the provisions of Part V of the Act, relating to investigations and inquiries into collisions, incompetence and misconduct shall apply *mutatis mutandis* to fishing vessels. An attempt has in fact already been made to extend these provisions to fishing vessels by regulation, but the validity of such a provision in the regulations is in question. There have been casualties involving fishing vessels since that regulation was promulgated and, in particular, the loss of the tuna vessel *San Michele* has underlined the necessity of legislation making possible inquiries into casualties involving vessels of this kind.

The Marine Act provides that the Minister may cancel a certificate of survey in respect of a vessel if any structural alteration, or alteration to the machinery or equipment, is made without his approval. However, the findings of the Court of Marine Inquiry in regard to the abandonment of the ketch *Nelcebee* highlighted the need to amend the Marine Act to provide that a vessel in respect of which a certificate of survey has been issued must not be modified without the prior approval of the Minister. The Bill, therefore, provides that structural alterations to a ship in respect of which a certificate of survey is in force, or modifications of its equipment or

machinery, must not be made unless the Minister has approved them. In consequence of the introduction of compulsory surveys for fishing vessels, the Department of Marine and Harbors has employed two additional surveyors, who are shipwrights and who undertake the survey of only small wooden vessels. They have been appointed with the title of "ship surveyor" because section 70 of the Act provides only for the appointment of ship surveyors or engineer surveyors. The Bill amends the Act to provide for a title more appropriate to their distinctive calling and function.

In order that Australia may become a signatory to the Convention on the Safety of Life at Sea, it is necessary that certain amendments be made to the Marine Act to bring it into conformity with that convention. The Bill, therefore, makes an amendment to section 127 of the Act, providing for the application of certain provisions of the Commonwealth Navigation Act in this State, and enacts a new Part in the schedule to the Act, embodying relevant portions of the convention. In fact, an attempt has already been made, pursuant to section 59 of the Act, to insert these provisions in the schedule by means of regulations, but doubts have been expressed about the validity of this attempt to put these provisions into effect. The provisions of the Bill are as follows:

Clause 1 is merely formal. Clause 2 suspends the Bill for the signification of Her Majesty's consent thereon in accordance with section 736 of the Imperial Merchant Shipping Act. Clause 3 makes a formal amendment to the principal Act. Clause 4 enacts new section 5a and re-enacts section 6 of the principal Act. New section 5a validates certain amending Acts the validity of which has been questioned in view of the fact that they did not conform to section 736 of the Imperial Merchant Shipping Act. This provision requires legislation affecting the coasting trade to have a suspending clause providing that it is not to come into effect until after the signification of Her Majesty's pleasure thereon. Section 6 is re-enacted because of an error made in amending it in 1966. Clause 5 strikes out provisions relating to manning scales the operation of which is to be superseded by the manning committee. Clause 6 makes a drafting amendment to the principal Act.

Clause 7 repeals sections 19 and 20, which are the present provisions in the Act relating to the manning of ships. Clause 8 re-enacts section 26 (2). It is re-enacted simply for reasons of drafting. Clause 9 enacts new Part IIIA comprising new sections 26a to 26e. This new Part establishes, and defines the functions of, the manning committee. New section 26a establishes and provides for the composition of the committee. It is to be comprised of three permanent members appointed by the Governor and two members who are nominated by the owner, or agent of the owner, of the ship in respect of which a determination is to be made. New section 26b provides for the nomination of these members. New section 26c provides for the quorum of the committee and the manner in which it is to decide questions arising for its consideration. New section 26d provides for application to the committee, and defines its functions. It is to determine with what minimum complement of officers, engineers and seamen a ship should be manned, and what should be their respective minimum qualifications and experience to ensure the safe navigation of the ship and the safe use of the ship in matters incidental to its navigation. New section 26e gives the committee certain powers necessary for the effective performance of its functions.

Clauses 10 to 13 make drafting amendments to the principal Act. Clause 14 repeals an obsolete proviso. Clause 15 amends section 59 of the principal Act. The Second Schedule, to which that section refers, is now to contain the Rules for Preventing Collisions at Sea formulated by the Convention on Safety of Life at Sea. Consequently, references in that section to regulations are expanded to include rules. Provisions providing for a penalty for breach of the regulations or rules are also inserted.

Clause 16 inserts corresponding provisions providing penalties for breach of regulations relating to navigation on the Murray River. Clauses 17 to 19 make consequential amendments to sections 61, 62 and 64 of the principal Act. Clause 20 re-enacts section 68 of the principal Act as new section 67aa. The amending Act of 1957 inadvertently inserted Division XA in the middle of Division X, thus displacing section 68 from its proper position in that division. This amendment restores the section to its logical position.

Clause 21 provides for the application to fishing vessels of the provisions of the principal Act dealing with inquiries and investigations into marine casualties. Clause 22 repeals section 68 of the principal Act. As has been

mentioned, this section has been re-enacted as new section 67aa. Clauses 23 and 24 provide for a new category of surveyor to be entitled "shipwright surveyors". As I have said, these surveyors are to undertake the specialized task of surveying small wooden vessels.

Clauses 25 and 26 make drafting amendments to the principal Act. Clause 27 enacts new section 78a. This new section prevents any alteration to the equipment or machinery, or any structural alteration to the hull, of a ship in respect of which a certificate of survey is in force, unless the alteration is approved by the Minister. The value of a certificate of survey, which could otherwise be rendered nugatory by such alteration, is thus preserved. Clauses 28 to 31 make drafting amendments to the principal Act.

Clause 32 re-enacts section 85 of the principal Act. This re-enactment is necessary because of defective amendments made in 1966. Clause 33 makes drafting amendments to section 86 of the principal Act. Clause 34 repeals section 108 (4) of the principal Act. The subsection is now obsolete. Clauses 35 to 37 make drafting amendments to the principal Act. Clause 38 provides for the application in South Australia of sections 215, 265 and 268 of the Commonwealth Navigation Act. The application of these provisions in this State is necessary to bring our law into conformity with the Convention on Safety of Life at Sea.

Clauses 39 and 40 make drafting amendments to the principal Act. Clause 41 repeals section 145 of the principal Act. This section inserts a provision in the Harbors Act, and it has been thought desirable to repeal this section in the Marine Act and to incorporate it in the Harbors Act by means of an amendment to that Act, which is to be presented to Parliament in the course of this session. Clause 42 enacts the first part of the Second Schedule. These provisions were in fact promulgated by regulation in early 1966. But doubts have been raised about their validity in that form, and consequently they are inserted by this Bill. They contain so much of the rules formulated by the Convention on Safety of Life at Sea as is relevant to South Australian conditions. Clause 43 makes decimal currency amendments to the principal Act.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

DISTINGUISHED VISITOR

The PRESIDENT: I notice in the gallery Mr. A. E. Allen, M.P., senior Government Whip in the New Zealand Parliament. I extend to him a very cordial welcome on behalf of honourable members. Mr. Allen is the Australasian regional representative on the Executive Committee of the General Council of the Commonwealth Parliamentary Association. I ask the Hon. Chief Secretary and the Hon. Mr. Shard to escort Mr. Allen to a chair on the floor of the Council on the right of the Chair.

Mr. Allen was escorted by the Hon. R. C. DeGaris and the Hon. A. J. Shard to a seat on the floor of the Council.

POOR PERSONS LEGAL ASSISTANCE ACT AMENDMENT BILL

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

The Hon. R. C. DeGARIS (Chief Secretary): I move:

That this Bill be now read a second time.

This short Bill amends the Poor Persons Legal Assistance Act, 1925. Section 3 of that Act relates to the provision of legal assistance for persons charged with serious offences when those persons have not sufficient means. Under the Act as it now stands, such application by a poor person must be made before the jury is empanelled, and the effect of the amendment proposed by clause 2 will be to enable such an application to be made at any time.

Section 4 of the principal Act relates to civil actions *in forma pauperis*, that is, actions in relation to which no fees or reduced fees are payable. To qualify to undertake an action in this form, a person must be worth less than "one hundred pounds, his wearing apparel and the subject matter of the cause or matter excepted". Clause 3 of this Bill proposes that this limitation will be raised five-fold to $1,000. Clause 4 repeals sections of the principal Act relating to an obsolete State Act (the Matrimonial Causes Act) and an obsolete office (that of Public Solicitor).

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.

CROWN LANDS ACT AMENDMENT BILL

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

The Hon. C. R. STORY (Minister of Agriculture): I move:

That this Bill be now read a second time.

It proposes amendments to the Crown Lands Act that are designed to achieve five principal objects, as follows:

(*a*) to remove the limitations upon the allotment and granting of Crown perpetual leaseholds, agreements to purchase and grants, both as to value as well as area which at present are included in the Act;

(*b*) to provide a more secure form of tenure for relatively isolated business and residential developments in outback areas which can at present only be provided by annual licence;

(*c*) to increase penalty interest rates in the Act from 5 per cent to 10 per cent per annum;

(*d*) to make certain amendments of a machinery nature to facilitate the administration of the Act; and

(*e*) to make certain amendments arising from an examination of the Act by the Commissioner of Statute Law Revision.

The first two of these objects are of most significance. The decision to propose the abolition of limitations in the Act has been reached after lengthy and very careful consideration, and I believe that these considerations should be given. Limitations have existed in the Act from its very early days, and in times of easy availability of land it has been considered desirable to take measures to ensure that undue aggregation of land holdings did not take place. This policy was sound from sociological as well as economic considerations, as it would be against the interests of a community, particularly a community that draws much of its strength from rural activities, to allow the control of land to become or remain in the hands of relatively few people. However, while such a policy is commendable in its intent, it is necessary from time to time to examine it in the light of prevailing conditions and to consider whether such a policy operates to the general advantage of the State.

Limitation of holdings under the Act can be imposed by reference to one of two criteria: (*a*) the physical area of a holding can be fixed at some arbitrary figure; or (*b*) an upper limit can be set on the unimproved value of holdings. It was the practice for many years in this State to limit holdings only by reference to their unimproved values, but it was thought desirable in 1966 to introduce an area limitation to establish some degree of equity between individual landholders in the various parts of the State. This action was brought about by a very wide disparity in unimproved valuations. Landholders in the older-established area would, under the unimproved value criteria, have been severely limited in their ability to acquire additional areas of Crown leaseholds, whereas those in the more recently developed parts of the State could have obtained and held areas to an almost unlimited extent. It was accordingly considered that, if the policy of limitation was to continue, some attempt should be made to deal equitably as between people in all parts of the State.

It should be observed that limitation on the physical area of holdings in this State poses some difficulties due to the considerable variations in types and productivity of land, and there have been some difficulties in administering the area limitations. Limitation by unimproved values overcomes some of the difficulties that arise from area restriction, as in a general way unimproved values should be related to productivity. However, such values must bear a close relationship to the market price of land, and in this State, where the demand for land is high and the area available is decreasing, prices of rural land have risen with increasing rapidity. Values are now more attuned to demand for land than to productivity. This situation makes it difficult to ensure that the unimproved values in one area truly relate to unimproved values in another area, and in this period of fluctuating but generally rising prices it is almost impossible to maintain an equitable position.

In reviewing the limitations in the Act, consideration has been given to whether some variation in the present level should be made or whether, under existing conditions, the limitations serve a useful purpose at all. It is concluded that they no longer do so. It is noted that over the years a substantial area of the State has been granted in fee simple, and at present the agricultural areas of the State comprise about 16,000,000 acres of land held in fee simple and about 20,000,000 acres under Crown perpetual leasehold. In these circumstances it is apparent that, had landholders wished to aggregate, substantial opportunity has long existed for them to do so with freehold land. However, it is considered that the high prices that prevail do not encourage undue aggregation, as in general the productive capacity of the land makes it increasingly difficult to obtain a reasonable return upon the capital investment involved.

Honourable members are aware that Part VIa of the Act (Special Development Leases) was enacted in 1967 to cover the development of the county Chandos area. Under its provisions, limitations of holdings do not apply. In perhaps no other State has the potential for agricultural development been reached to

the extent that it has in South Australia. As a consequence, considerable pressure exists to obtain land, with a corresponding rise in prices. It is clear that the limitations that apply under the Crown Lands Act can affect the demand for freeholds and the price paid.

The original intention of limitation (to prevent undue aggregation of land) has been substantially attained. Today the current trends in agriculture are changing rapidly and require a change in the present limitations. It is noted that the results being achieved by settlers who operate under stock mortgages and budgetary control with the Lands Department show conclusively the effects of rising costs and lowered returns during the past three years. Returns have barely been maintained despite substantial increases in per acre production. It is apparent that, in some areas, holdings are not large enough for the benefits of technology to be effectively used and a reduction in unit costs achieved. Such a cost reduction can be brought about only by a more intensive use of plant and the spreading of overheads over greater volumes of production. This problem is causing concern in other States and in Commonwealth administration also. Capital involvement in today's farms is heavy. It should be made possible for sufficiently large areas to be held to justify investment. Increasing costs, which make it so difficult for the small farmer to prosper, can best be met by allowing the holding of larger areas.

Today there are many people with farming experience and ability and with recourse to capital who are restricted in their holdings. For our industrial development, we search overseas for people to come to South Australia to invest in this State. We should not ignore the potential that already exists in our community to advance our primary industry significantly. Only by encouraging economic primary production can we expect to hold export markets. Experience in administering drought relief shows us the grim position of farmers on areas of land that are too small. Some of these are unable to bear any additional commitments whatever. The Crown Lands Act provides that, although the Minister shall not capriciously refuse consent to transfer, he may decline to consent to a transfer in circumstances where he or the Land Board considers it is undesirable. In considering any application to transfer I believe that it would be appropriate to prevent subdivisions which seek to create holdings that are uneconomically small or undue aggregation of land in an undeveloped state. As a matter of policy I would propose to act accordingly.

The other matter of significance is the provision of a more secure form of tenure for business and residential development in outback areas. As the Act stands at present, permanent tenure cannot be granted outside of hundreds, and the amendments now proposed will eliminate this restriction and will enable perpetual leases or agreements to be offered to people who have either established or intend to establish permanent improvements on the land. This provision is sought by business people in these areas who are providing or intend to provide facilities for the public in the established mining settlements, and for the benefit of the tourist industry, particularly along the roads leading to the Northern Territory and to Queensland. Already there has been substantial investment. I believe that it will result in further desirable development of tourist facilities in these areas.

The other objects of the Bill will become clear as I give details of the various clauses. Clauses 1 and 2 are formal. Clause 3 effects certain consequential and form amendments to section 2 of the principal Act which sets out the arrangement of sections therein. Clause 4 again effects certain consequential amendments to section 4 of the principal Act. The definiton of "homestead block" being a form of lease which is no longer offered is inserted in consequence of the revision of the provisions relating to the few leases of this land that still exist. Clause 5 amends section 5 of the principal Act by striking out an unnecessary reference to the Eleventh Schedule, which is proposed to be repealed by this Bill. Clause 6 will somewhat decrease the number of signatures required on a land grant by dispensing with need for the signature of the Under Treasurer.

Clause 7 amends the paragraph of section 9 of the principal Act which provides in effect that particulars of any remission of the covenant, agreements or conditions contained in any lease shall be annually laid before Parliament. The amendment proposed that remission of personal residence conditions, which are frequent and in these days of no great significance, will not have to be so laid before Parliament, and this should result in some saving of work and expense on the part of the department. Clause 8 amends section 22, which relates to the offer of Crown lands on perpetual lease or agreement and in effect provides for the direct offer of Crown lands to persons who (*a*) already occupy the lands

under licence from the Crown and, (*b*) have erected or intend to erect permanent improvements on the land. This amendment would enable inhabitants of mining settlements that do not justify being laid out as towns to get a sufficient permanency of tenure to justify substantial improvements. The settlement of Coober Pedy falls into this category. Clause 9 repeals section 31 of the principal Act, which relates to the limitation on the unimproved value of holdings where new allotments from the Crown are concerned. Clause 10 amends the provision in section 42 of the principal Act which relates to the early completion of an agreement for purchase. Under the section as it presently stands, the purchaser cannot complete his purchase until the expiration of six years after he enters into the agreement. This does not seem to be justified when the agreement is itself for less than six years, and accordingly provision is here made for completion on the expiration of the agreement where the period is less than six years. Clause 11 amends section 50 by deleting the reference to "leases with the right of purchase" since leases of this kind no longer exist.

Clause 12, by amending section 58, increases the interest on amounts owing in respect of any lease or agreement and in arrear from 5 per cent to 10 per cent. This increase is justified, if only to preserve the concept of a penalty to encourage the clearing of arrears. Clause 13 amends section 66a by increasing the upper limit on the value of small parcels of Crown land which may be allotted directly to adjoining leaseholders. In the light of present land values the limit of £200 ($400) is considered to be rather too low, and the figure of $2,000 seems rather more appropriate. Clause 14 amends section 66b by removing a limitation similar to that referred to in section 66a but applying to the case of adjoining freeholders.

Clauses 15 and 16 amend the provisions of the Act in sections 77 and 78 which deal with miscellaneous leases and provide in effect that they must all be allotted by the Land Board. Previously, miscellaneous leases for grazing and cultivation were allotted by the Land Board, the remainder having to be offered by public auction. It is felt that the circumstances of the granting of leases of this type do not justify the inconvenience and expense of a public auction when there is often only one person interested in the lease. The amendment will enable land to be allotted more expeditiously.

Clause 17 repeals section 81 of the Act. This section provides that the holder of a forest lease, granted under the Woods and Forests Act, 1882, may apply to surrender his lease for a perpetual lease or agreement. The effect of issue of such lease or agreement would be to remove the land from control of the Woods and Forests Department. This section is now repugnant to the Forestry Act, 1950, as the only forest leases remaining are leases issued under the Woods and Forests Act, 1882, over portions of forest reserves, and on expiry these lands will pass to the control of the Woods and Forests Department pursuant to the Forestry Act, 1950. Clause 18 effects a statute law revision amendment. Clause 19 effects a statute law revision amendment by repealing a provision that is obsolete.

Clauses 20 to 28 repeal and amend such provisions of Part IX of the Act which deals with homestead blocks as are necessary to recognize that this form of tenure is no longer applicable to present conditions, and at the same time to ensure that such homestead blocks as still remain can continue to be dealt with under the Act. Clause 29 effects a statute law revision amendment. Clause 30 strikes out subsection (6) of section 170a which relates to a limitation on the size of the holdings. Clause 31 again amends section 170b by striking out a provision relating to the limitation on the size of holdings. Clause 32 amends section 171, which limits the size of a divided closer settlement block to one having an unimproved value of $14,000 by striking out this limitation. Clauses 33 and 34 are statute law revision amendments which strike out reference to an already repealed provision. Clause 35 repeals section 181, which sets forth a limitation on the size of holdings. There has been no activity under the foregoing sections for some years and the amendments, though of little consequence, are included for sake of consistency.

Clause 36 amends section 192 of the Act and increases the rate of interest on arrears of rent from 5 per cent to 10 per cent. Clause 37 increases from 5 per cent to 10 per cent the interest charged on extensions of time for the payment of rent. Clauses 38 and 39 are statute law revision amendments. Clause 40 repeals sections 203 and 204a of the Act, which again relate to limitations on holdings. Clause 41 repeals section 211 of the Act, which limited the power of the board to fix rents or purchase money on perpetual leases or agreements. In the light of present

day conditions, it is not thought that this limitation is justified.

Clause 42 amends section 212 of the Act by striking out the provision relating to limitation of holdings. Clause 43 repeals section 220 of the Act which relates to limitations on holdings. Clause 44 repeals section 221 (2ab) of the principal Act which again places what is considered to be an undesirable limitation on the power of the board to fix rents. Clause 45 amends section 225 of the principal Act by repealing those subsections relating to limitation on holdings. Clause 46 amends section 228b of the Act by including district and municipal councils in the bodies that may be sold lands direct.

Clause 47 repeals section 237 of the principal Act which relates to a limitation on commission for bidding at an auction. While such a provision may have been useful in the past it is felt that it has no application in the world of today and accordingly it is proposed to repeal it. Clauses 48 to 50 are statute law revision amendments. Clause 51 repeals a provision now obsolete having been superseded by section 50b of the Act. Clauses 52 and 53 make a statute law revision amendment. Clauses 54 to 57 are amendments consequential on the repeal of the sections to which the schedules proposed to be repealed by these sections relate.

The Hon. S. C. BEVAN secured the adjournment of the debate.

STAMP DUTIES ACT AMENDMENT BILL (No. 1)

In Committee.

(Continued from November 27. Page 2775.)

Clause 5—"Repeal of ss. 82 to 84c and enactment of sections in their place" to which the Hon. H. K. Kemp had moved a suggested amendment, which amendment the Hon. R. C. DeGaris had moved to amend.

(For wording of amendments see pages 2772 and 2773.)

The Hon. H. K. KEMP: I seek permission of the Committee to withdraw my amendment of yesterday, because I wish to substitute an amendment, materially the same, with a view to correcting the former one. In doing so, I think the Committee is entitled to an explanation why this should be necessary, and I point out that examination overnight has indicated that my corrections made by my proposed amendment are vital.

Leave granted; amendment withdrawn.

The CHAIRMAN: The Chief Secretary moved an amendment to the Hon. Mr. Kemp's amendment yesterday. In order to substitute an amendment as now proposed by the Hon. Mr. Kemp it will be necessary for the Chief Secretary to withdraw his amendment temporarily and then start again.

The Hon. R. C. DeGARIS (Chief Secretary): I am willing to withdraw my amendment temporarily in view of the explanation given by the Hon. Mr. Kemp. I therefore ask leave to withdraw it.

Leave granted; amendment withdrawn.

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

In new section 84c (4) to insert the following subsections:

(4a) No provision of this Act shall be construed as requiring a society to which this subsection applies which has received money in the course of its business, from any of its members or from the sale, disposal or distribution of any commodity or animal owned by it, or acquired by it from or for, any of its members, or from the marketing of any such commodity, whether packed by it or not, or of any product derived from the processing of any commodity owned by it, or acquired by it from or for, any of its members, to pay duty under this Act on the receipt of such money or to include the amount so received in a statement to be lodged by the society with the Commissioner pursuant to paragraph (*a*) of subsection (1) of section 84f of this Act.

(4b) For the purposes of subsection (4a) of this Act—

(*a*) "society" means a society as defined in the Industrial and Provident Societies Act, 1923-1966, as amended—

(*a*) the members of which are—

(i) persons engaged in the business of primary production as defined in the Land Tax Act, 1936-1967, as amended, or in the fishing industry;

or

(ii) societies defined in the Industrial and Provident Societies Act, 1923-1966, as amended, the members of which are engaged in the business of primary production as so defined, or in the fishing industry.

and

(*b*) the primary object or one of the primary objects of which is—

(i) the sale, disposal or distribution of commodities owned by it or acquired by it from or for any of its members or from or for members of such societies as are members thereof;

or

(ii) the processing, packing or marketing of commodities owned by it, or acquired by it from or for any of its members or from or for members of such societies as

are members thereof or products derived therefrom;

and

(*b*) a reference to a society to which that subsection applies is a reference to a society, as defined in paragraph (*a*) of this subsection, in the ordinary course of whose business, commodities and animals owned by it or acquired by it from or for any of its members are sold, disposed of or distributed by it or such commodities or products derived therefrom are packed and marketed, where the receipts from the sale, disposal or distribution of such commodities and animals so sold, disposed of or distributed or the amount of its receipts from the marketing of such commodities, whether packed by it or not, or of any such products derived from the processing of any such commodities of its members is not less, respectively, than ninety per centum of the total value of commodities and animals sold, disposed of or distributed by the society, or of its receipts from the processing, packing and marketing of such commodities or products.

Close examination of the amendment I moved yesterday regarding the needs of co-operatives has confirmed me in my opinion that the amendment is vital at this stage. I do not wish to cover all the ground again, but I believe that co-operatives should be given the same privileges as those that apply to the Wheat Board, the Barley Board, and to other marketing boards. Surely a co-operative is a marketing board under the control of growers and established by growers, and it differs in no way from the operations of the Wheat Board and those other agricultural marketing boards established by Statute and run by the Government. It would be grossly unfair for the fruit and fishing industries to be asked to carry a burden of taxation that has been eliminated or substantially reduced in its impact on other primary products such as wheat, eggs, and barley.

The Hon. R. C. DeGARIS: The attitude I adopted yesterday has not changed with the amendment now submitted by the Hon. Mr. Kemp. I, also, do not wish to cover ground that I covered yesterday, but I point out that the spirit of this legislation is that where a co-operative acts as an agent for a member, either for goods flowing from or for goods coming to the member, then that co-operative will not be required to pay double taxation. The Hon. Mr. Kemp mentioned the Wheat Board. I point out that, by the principal he enunciated in his last statement, where a co-operative acts as the Wheat Board acts, then it is exempt from double duty. However, I believe we must preserve the same principles throughout this legislation: where any organization acts as a principal, it should not be exempt. I see no reason why this should be altered, and I intend again moving my amendment to that of the Hon. Mr. Kemp.

The Hon. H. K. KEMP: I oppose the Chief Secretary's amendment for the simple reason that co-operatives would not be given the privilege given to similar statutory bodies set up by the Government even though co-operatives serve exactly the same function. I point out that the Wheat Board, the Egg Board and others work as principals, and not as agents.

The CHAIRMAN: The Hon. H. K. Kemp has moved to insert new subsections (4a) and (4b), to which the Chief Secretary has moved an amendment. The question before the Chair is that the proposed subsection (4a) be inserted.

The Hon. Sir ARTHUR RYMILL: On a point of order, does this mean that if we vote for this the Chief Secretary's amendment is lost?

The CHAIRMAN: Yes; that is the position. An amendment has been moved by the Hon. Mr. Kemp, to which the Chief Secretary has moved an amendment to exclude new subsection (4a) in favour of his amendment. The Committee has to decide whether the Hon. Mr. Kemp's amendment stands or whether the Chief Secretary's amendment does. If the Hon. Mr. Kemp's amendment does not, the Chief Secretary's amendment will come before the Committee. The question before the Chair is "That the Hon. Mr. Kemp's suggested subsection (4a) stand part of the clause."

The Committee divided on the suggested amendment:

Ayes (10)—The Hons. D. H. L. Banfield, S. C. Bevan, Jessie Cooper, M. B. Dawkins, H. K. Kemp (teller), A. F. Kneebone, C. D. Rowe, A. J. Shard, V. G. Springett, and A. M. Whyte.

Noes (8)—The Hons. R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, Sir Norman Jude, F. J. Potter, Sir Arthur Rymill, and C. R. Story.

Majority of 2 for the Ayes.

Suggested amendment thus carried.

The Hon. R. C. DeGARIS: I move:

To insert the following new subsection: (5) Subject to any agreement between the persons concerned, a person who, while acting as the solicitor or agent of another person, has paid out of his own moneys duty in respect of money received or deemed to have been received by him on behalf of that other person, shall, if he has not been paid the

amount of that duty by that other person, be entitled to recover from that other person by action in a court of competent jurisdiction the amount of such duty or so much thereof as has not been paid by that other person.

This amendment is suggested by the Law Society to give a solicitor or an agent who pays stamp duty out of his own moneys on payments received by him on behalf of a client or principal power to recover the amount of duty so paid from the client or principal. The Bill as at present drafted does not expressly give the right of recovery to a solicitor or agent, and the Government believes this amendment is desirable.

The Hon. Sir ARTHUR RYMILL: I had it in mind to move a similar amendment myself, because I regard the Bill as defective in this regard. This amendment is necessary, and I support it.

Suggested amendment carried.

The CHAIRMAN: I draw the attention of the Committee to an omission at the beginning of the second paragraph of new section 84f(1), where "(*b*)" should be inserted before "at the time of lodging".

The Hon. Sir ARTHUR RYMILL: I move:

In new section 84h after "practicable" to insert "for any person, or that it would be unreasonably expensive or onerous for a solicitor or agent,"; to strike out "a person" and insert "him"; to strike out "that person" and insert "him"; and after "amount" second occurring to insert "or some other amount".

I am moving these amendments in lieu of the rather lengthier ones I foreshadowed in the second reading debate. They are designed for the same purpose—to simplify and render less expensive the obligations of solicitors and agents, but they do not, as my previous amendments would have, relieve them of the obligation to collect stamp duty as agents.

The practical object of these amendments is not, I think, apparent at first sight, so I should like to explain them to the Committee. They empower the Commissioner to permit methods of ascertainment of the duty payable other than those laid down by the Bill as standard in cases where the standard method is unreasonably onerous or expensive.

The amendments, of course, will have general application to solicitors and agents, and authorization of the variations on the theme, so to speak, will remain in the hands of the Commissioner. However, I am given to understand by the Chief Secretary that the Government is prepared to accept these amendments for the purpose, *inter alia,* of using the power granted to solve a major portion of the difficulties I outlined in the second reading debate relating, in particular, to stock agents and wool brokers, and that the Government will see that a dispensation is granted enabling these organizations to account for and deduct the duties in relation to their accounts sales to their customers instead of in relation to the buyers. I pointed out in the second reading debate that in many cases the accounts sales to the buyers involved a number of customers, and if this clause as amended were not in the Bill it would mean in those cases and in other cases a complete reprocessing of the accounts sales at enormous expense, to the extent that it might even be cheaper for the agents or brokers to pay the duty and have done with it, rather than go to all the unproductive expense of reprocessing their accounts sales.

If they can do it on the accounts sales to their customers, the method will be more or less automatic. It will enable the agents or brokers to make a simple calculation, instead of making very complicated and difficult calculations and instead of a complete reprocessing of buyers' accounts. In relation to accounts sales, it will mean that the clerk will simply have to shift the decimal point three places, and the amount of duty payable will in most cases be exactly the same or, if not exactly the same, it will be substantially the same as would have been payable under the other method. This is a virtuous amendment. I have conferred with the Government on it and I think it will be acceptable to the Government. I should be grateful if the Chief Secretary would confirm what I have said as being the intention of this amendment because, of course, it does not write in precise words into the legislation all those things I have said that it aims at.

The Hon. R. C. DeGARIS: In replying to the second reading debate, I indicated very clearly that this legislation was somewhat complex and that the Government did not want to see a great deal of unproductive work involved in the collection of the tax. The Government hopes to achieve the greatest degree of simplicity in the operation of this legislation. In his second reading speech the Hon. Sir Arthur Rymill raised the problem that will be faced by wool brokers and stock and station agents in regard to this matter: a buyer may purchase several hundred lots from, possibly, several hundred different vendors for whom he is acting. To apportion the stamp duty would be onerous upon and unreasonably expensive to the agent. I do not think I can give a blanket undertaking that the Commissioner will

interpret it in this way, but I do know that new section 84h was included for this very purpose.

It was realized there would be some difficulty in regard to this matter, as mentioned by the Hon. Sir Arthur Rymill, and the Commissioner is here given the power to look at some other method of calculation and collection of the receipts tax. I believe new section 84h, with the honourable member's amendments, is sufficient to allow the Commissioner to judge this situation and to say whether it would be easier for the agent and for the Commissioner if a different system (calculation from the accounts sales) was adopted in this regard. The honourable member's amendment is acceptable to the Government, and I consider that this amendment will allow the difficulty he mentioned in his second reading speech to be overcome and that it will also allow the method that he suggested to be adopted.

The Hon. Sir ARTHUR RYMILL: I regret to say that I am not satisfied with the Chief Secretary's reply, because it is not what I understood the position to be when I agreed to withdraw the amendment I previously foreshadowed. I understood that the Government would undertake during the Committee debate that this would be the policy of the present Government. I realize that it cannot undertake for future Governments, of course, but once a practice of this nature is established I imagine it will stick. If the Minister is not prepared to give this undertaking I will ask him whether he will report progress or, if necessary, I will move that myself, so that I can get a further amendment drawn that will put this in black and white. If the Chief Secretary is not prepared to give this undertaking my amendment is quite meaningless.

The Hon. R. C. DeGARIS: I think I am prepared to give the undertaking to the honourable member that this will be carried out in this way.

Suggested amendment carried; clause as amended passed.

Clause 6—"Amendment of Second Schedule to principal Act."

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

In Exemption 2 to strike out "for rates or any payment made from Government funds". An important principle is involved here. Included in the list of exemptions are transactions of the Government of this State, of the Commonwealth or of another State and transactions of the South Australian Housing Trust, yet it is proposed by this Bill to make local government (which is another form of government) pay tax on those receipts outside the receipts of rates or of payments made from Government funds. From the financial viewpoint local government bears the same kind of relationship to the State Government as the State Government bears to the Commonwealth Government—it has a very limited field from which it can raise revenue. I realize that it does engage in enterprises which receive revenue, such as caravan parks and swimming pools, but anything it gains in this respect is put back into the enterprises themselves or is used for the benefit of the community. However, in the main, State and Commonwealth Government property within a local government area is not ratable. This is a very big concession to the State and Commonwealth Governments. True, State and, in some cases, Commonwealth moneys subsidize some local government enterprises and local government is reimbursed, which is only right, from motor registration fees and taxes on petrol. Indeed, the Act provides that these revenues must be spent on the roads, and the Government is a collecting agency rather than a principal in making available that money.

The Hon. S. C. Bevan: Councils are restricted in their budgets as well.

The Hon. G. J. GILFILLAN: That is correct. My amendment will not cost the Government much in lost revenue. I believe this amendment is necessary because if we are to establish the principle of State Government taxing local government we shall start something that might be extended in the future. For all the reasons I have outlined, and having an intimate knowledge of the problems facing local government, I move the amendment standing in my name.

The Hon. M. B. DAWKINS: I endorse the Hon. Mr. Gilfillan's comments and support the amendment because I do not think it is good for State Governments to appear to be taxing the revenue of local government. As the Hon. Mr. Bevan interjected, local government is restricted in its budget and in its sources of revenue. Also, as honourable members know, local government has done a splendid job over the years in its functions in South Australia. I support the amendment in spite of, and not because of, some of the representations that have been made to honourable members during the last week.

The Hon. S. C. BEVAN: During the second reading debate I intimated that I would move an amendment in Committee regarding local government having to pay this tax, and I outlined my reasons. However, I do not

intend to proceed with my foreshadowed amendment, which would have had the same effect as the amendment moved by the Hon. Mr. Gilfillan which had not been distributed before I spoke. Indeed, I think it was distributed at about the same time as I foreshadowed my amendment because immediately I sat down I saw it on my desk in front of me and, on reading it, I saw that it covered what I intended. I therefore support the amendment moved by the Hon. Mr. Gilfillan.

The Hon. R. C. DeGARIS: I have some sympathy for the attitude of honourable members who have spoken to this matter. However, I point out that rates and any payments from Government funds are exempt. One must appreciate that local government today runs many business undertakings, and I refer to councils that operate electricity undertakings. In some other areas they are run by private enterprise, and those undertakings are not exempt. Local government is also involved in other business activities; indeed I could mention one activity where it is directly involved in a private enterprise undertaking—forestry activities.

I would not object to an extension of the exemption to services provided to the community by the council, where money is paid in relation to such services as rubbish disposal, dog licences and so on. However, I am afraid I cannot agree to an extension of the exemption to all local government activities.

The Hon. G. J. GILFILLAN: I, too, sympathize with the Chief Secretary, because he is handling a difficult piece of legislation this afternoon. However, I point out that the instances he mentioned of local government entering into other undertakings are limited in number, and generally the enterprises entered into by local government are for the benefit of the community. As such, local government is not a business undertaking. All members know that any moneys received by local government must be spent and that, under the Act, local government is not able to build up large reserves. Indeed, the Local Government Act specifically provides that local government exists to serve the community.

The Hon. S. C. Bevan: And it is a non-profit making organization.

The Hon. G. J. GILFILLAN: Yes, and a fully autonomous form of government within the Act.

The Hon. Sir NORMAN JUDE: Having listened to the Chief Secretary, it is obvious that he realizes there is room for compromise in this matter and although, with the Hon. Mr. Gilfillan, I have certain sympathies for him in this matter (because he has a close knowledge of local government as, indeed, have other members), I ask the Chief Secretary whether he is prepared to report progress so that members can further examine this matter.

The Hon. R. C. DeGARIS: As other members would like to examine clause 6 and other matters associated with it, I am willing to report progress.

Progress reported; Committee to sit again.

FRUIT AND PLANT PROTECTION BILL

Adjourned debate on second reading.

(Continued from November 27. Page 2780.)

The Hon. M. B. DAWKINS (Midland): I support this Bill, which sets out to repeal the Vine, Fruit and Vegetable Protection Act, 1885-1959. The Act which it is intended to repeal, according to the Minister of Agriculture, was enacted substantially in its present form away back in 1885 and therefore, of course, with the changed conditions that have occurred over that period, it is obvious that some drastic alteration is necessary. I believe that over the years some attempt has been made to meet the altering conditions by regulations under the Act. However, it is quite clear that the Act needs considerable revision.

The vine, fruit and vegetable industries in South Australia are becoming increasingly important. The Hon. Mr. Kemp, of course, is an expert in these matters, as also is the Minister of Agriculture. My own connection with them is somewhat indirect through having contacts with various members and constituents who have had more experience in this matter, but I believe that these are a very important section of our agricultural industry and our agricultural economy, and that they are becoming increasingly important as the State grows.

Machinery is provided in the various clauses for the repeal of the present Act and for the continuation in office of the inspectors appointed under that Act. Also, the necessary regulations and proclamations under that Act, as they will apply under the new Act, may be continued.

Clause 3, which is rather comprehensive, sets out in great detail the necessary interpretation of the various definitions that come into this Act. This takes care very comprehensively of the necessary descriptions of the various categories. Clause 4 empowers the Governor to prohibit the introduction of any type of fruit or plant into this State. Clause

5 sets out that the Governor may specify certain ports or places through which plants may be introduced into this State. This is very necessary, because if persons are going to bring some plants into the State they have to be very carefully inspected, and it is necessary to have a limited number of specified points at which this work can be done thoroughly. It is also important to have the necessary powers to prohibit the introduction of anything which is found to be unsatisfactory or which could endanger the vine, fruit and vegetable growing activities in South Australia. The Bill also provides, in clause 7, for quarantine areas which may be declared by the Governor in Council. This is also very important.

The Bill generally covers the subject very well and brings up to date the requirements for fruit and plant protection, and I think that under the Bill the arrangements for preserving our valuable vine and fruit plantations in South Australia will be very much better taken care of and carried out than was the case under the old legislation. Therefore, without any further ado, I support the Bill.

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

ELECTORAL DISTRICTS (REDIVISION) BILL

Adjourned debate on second reading.

(Continued from November 27. Page 2777.)

The Hon. V. G. SPRINGETT (Southern): This Bill, when it becomes an Act, will produce a change in the numbers of those who represent the people of this State in the House of Assembly. Throughout the years of the State's Parliamentary history the number of representatives has varied considerably. The first Assembly had 36 members coming from 17 electoral districts. Of course, this was on a male suffrage. It has increased to 46 members in 22 districts, 52 members in 26 districts, 42 members in 13 districts, and 46 members in 19 districts, at which it remained from 1915 to 1938. From 1938 until today there have been 39 members from 39 districts.

Such fluctuations have had various causes, chief among them, of course, being transport changes, communication alterations, and the variations in the size and distribution of population. Also, one cannot ignore the interpretation of the pressures which have applied at certain times in our history. Our present mobility and speed of transport make it, one might say, easier for certain members to cover their districts. The changing industrial pattern, however, has concentrated large numbers of people in smaller areas.

Between 1938 and now there has been a 50 per cent increase in our population, but one factor remains common throughout the history not only of this Parliament but of associated Parliaments in the world, and that is that members are still expected by their electors to give a personal service. This applies no more to the metropolitan or urban area than to the country area, or *vice versa.*

I have found that there are certain similar factors between what is called political life and a medical life, as applied to geographical problems. It is a well-known fact in a distant part of the world that years ago a young man, when he qualified medically, would start practising in a closely knit urban area where he could service a larger number of people with ease, and then when he was older and more established economically he would move out to a rural area where he could service fewer patients covering a much wider geographical region. That applies in no small measure to the problem in politics.

The Hon. D. H. L. Banfield: Do all your old boys go to the country?

The Hon. V. G. SPRINGETT: Some of the Hon. Mr. Banfield's members do, too. The modern cry in certain sections of Parliament today is one vote one value, and the emphasis seems to be on the "one vote". I consider that the emphasis should be on "value". It is impossible for anyone to support the contention that the needs of 1,000 voters scattered over many square miles require and deserve no more time or attention than do the needs of the same number of voters concentrated in a few blocks of city land. It has been said from time to time in condemnation of the smaller country electorates that "people should be represented, not trees". I think we might say that people should be represented in the city and that the proportion of their representation should not be worked out on the number of paving stones in a street. The appeal from all electors is: "Can you help me in my problem?"; "Come and see me in my problem"; and "Can I come to see you?" How easy it is to answer such calls in a city and urban area compared with a rural and country area.

Some people even suggest that the weighting of country seats that has been suggested in another place when it has been considering this

Bill is generous compared with the city. First, I am convinced that, if people in all parts of the State are to be treated fairly, such a weighting becomes a basic necessity. During the time of the last State elections it was general for the Government Party of today to promise a redistribution on a 25-20 basis. Frankly, I would prefer to be speaking in a debate on that basis now. However, when one looks back one recalls that the alternative Party offered a House of Assembly consisting of 56 seats (a level from which it slipped very quickly after the election), and one is conscious that the present number of 47 seats is far more reasonable and far more in keeping with the Liberal and Country League's offer of 45 seats compared with the election promise, or threat, of 56 seats as suggested by the Australian Labor Party. It is, therefore, with not a complete degree of enthusiasm that I support this Bill.

The Hon. D. H. L. BANFIELD (Central No. 1): I, too, support this Bill. I think all honourable members appreciate that it is high time that the boundaries were drawn differently and that more representation should be given to the people generally, not to the cobblestones or trees as suggested by the Hon. Mr. Springett. I do not think it is merely a coincidence that, under the existing set-up, there are 17 districts containing less than 8,000 electors and that 12 of those districts are held by the Liberal and Country League Party, four by the Australian Labor Party, and one by an Independent.

At present eight districts have more than 8,000 and fewer than 16,000 electors; these districts are equally divided, four seats being held by the L.C.L. and four by the A.L.P. Districts with numbers between 16,000 and 24,000 electors (and this is no coincidence) have one seat held by the L.C.L. and five held by the A.L.P. Districts with more than 24,000 and fewer than 30,000 electors have two seats, one held by the L.C.L. and one by the Labor Party. One district with more than 32,000 and fewer than 40,000 electors is held by the L.C.L., while four are held by the A.L.P. In the only district with more than 40,000 (Enfield, with 45,510 electors) the sitting member is a member of the A.L.P.

We find that 63 per cent of L.C.L. members are elected from districts with fewer than 8,000 electors, compared with 21 per cent of members of the A.L.P. Therefore, at the elections it was found that both Parties were interested in redistribution; both considered it necessary. The proposal of the A.L.P. for 56 seats would have been a fair distribution and would practically have achieved the result of one vote one value. The L.C.L. in one of its few policy announcements brought forward a plan for 45 seats and, as we all know, neither Party received a mandate from the electorates, although the Labor Party received a mandate from the people of this State.

The Hon. C. R. Story: We have the numbers on the floor.

The Hon. D. H. L. BANFIELD: The Government has not got the numbers on the floor, nor has it the confidence of the people. Members opposite stick their necks out time and time again and say that they have the numbers. They do not have the numbers on the floor at all; the Government is there with the support of the so-called Independent Speaker. Therefore, the Government does not have the numbers on the floor. It was beaten on the floor of another place recently, so how can it be said that it has the numbers on the floor? The Government is not sure of its majority in another place: it has not always got the numbers on the floor. That was proved when the Premier indicated that he wanted to sit until December 19, but, under pressure from the Speaker, he had to agree to adjourn Parliament on December 12. Therefore the Government, irrespective of what the Minister has said, has not got the numbers on the floor of another place. The Government has the promise of the Speaker that he will not bring it down. Although the Labor Party received the support of 53 per cent of the electors, each Party gained 19 seats, and a so-called Independent has the balance of power—and he wields the balance of power, as I have illustrated. In the Millicent by-election campaign the Premier, as reported in the *News* of May 29, 1968, said:

> The Government would not compromise on its 45-seat electoral reform plan if it won Millicent, the Premier Mr. Hall, said today. "If we win Millicent, I will consider it an endorsement of our plan," Mr. Hall said. "If we lose Millicent, I will consider it an endorsement of the Australian Labor Party plan, and of course we will then have to compromise to achieve electoral reform."

That is one of the few promises the Premier is putting into operation; he promised a compromise and that is why this Bill is before this Council. In a spirit of compromise the A.L.P. dropped back from its suggestion of 56 seats to 48 and, as the numbers are against us in the other place, we have further compromised and are prepared to support this Bill. We are disappointed that we cannot get one vote one

value because, under two extremes under this Bill, some country votes can still be each worth two metropolitan votes. Of course, this is much better than the present set-up in some districts. For instance, the votes of nine people in Enfield are equal to only one vote in Frome, where there are less than 5,000 electors. So, two to one in favour of country electors is much better than the present nine to one.

We are disappointed that Gawler is to be left out of the metropolitan area. The Bill is a little contradictory there because, although it specifically excludes Gawler from the metropolitan area, clause 9 provides:

The commission shall have regard to any community of interests of the people within the proposed Assembly district generally, whether such interests are economic, social or regional or otherwise.

I cannot see what community of interests Gawler would have as a rural district. For instance, the high school there comes within the metropolitan area but the township itself will not, under these proposals. Surely the high school at Gawler must come within some community of interests; yet by the Bill the Government excludes the township of Gawler from the metropolitan area, although for a long time it has been recognized as part of it. Only a short time ago it was necessary for the trotting club to move about 400 yards away from its existing trotting track in order to be outside the metropolitan area; yet the Bill states that the commission "shall have regard to any community of interests of the people." It falls down in the case of Gawler. No good reason has been given why Gawler should not be regarded as part of the metropolitan area. Willunga is to be part of it. I suggest that Gawler's community of interests is more metropolitan than that of Willunga, yet Willunga will be included in the metropolitan area. However, in a spirit of compromise (we are always happy to co-operate with the Government when it attempts to get on the right track) and as this Bill goes some way towards what we desire, I am happy to support it.

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

EXPLOSIVES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 27. Page 2765.)

The Hon. S. C. BEVAN (Central No. 1): I support the Bill, which extends the number of places in which explosives can be stored. I have some queries that perhaps will be clarified before the Bill passes through the Committee stage. Clause 3 amends section 21 of the principal Act. Subsection (1) of that section is amended by striking out some words and inserting others, and subsections (2) and (3) are struck out and replaced by new subsections (2) and (3). Subsection (1) provides:

The Chief Inspector may license as a magazine any suitable building which is approved by him as suitable with regard to its situation and external and internal construction for the safe custody of explosives.

The purpose of clause 3 is to improve that subsection by introducing other types of building that can be used for storing explosives. I emphasize that under this subsection the Chief Inspector "may". Under the Bill, the Chief Inspector may license as a magazine any suitable building, structure, excavation or place that he approves as suitable for the safe storage of explosives. Subsection (2) imposes restrictions on the granting of a licence. It provides:

No magazine shall be licensed if it is situated within 200yds. of any building or public street or road: Provided that a magazine may be licensed if it is situated within 200yds., but not less than 100yds., of any building or public street or road . . .

Subsection (3) provides:

The Chief Inspector may—

here again, it is "may"—

issue a licence to the owner of the magazine or other person intended to have charge of the magazine. The licence shall be valid only for the person named therein, and for the quantities of explosives therein mentioned.

The Bill proposes to strike out subsections (2) and (3) and insert new subsections. New subsections (2) and (3) provide:

(2) The Chief Inspector shall issue to, and in the name of, the owner or person in charge of any building, structure, excavation or place licensed as a magazine under subsection (1) of this section a licence in respect of that building, structure, excavation or place.

(3) The licence shall be valid only for the person named therein, and shall be subject to such conditions in relation to—

(*a*) the quantity and nature of the explosives to be stored in the magazine at any one time;

and

(*b*) the measures and precautions to be taken for, or in relation to, the safety and security of any person or property, and to ensure that the magazine is kept properly maintained and repaired,

as may be prescribed, and as the Chief Inspector may think fit to add, and specifies in the licence.

The amendment then makes further conditions in respect of the licence. In section 21 (1)

of the principal Act, the Chief Inspector "may" license buildings. At first glance I should imagine that, before the Chief Inspector licensed any premises as a magazine for the storage of explosives, he would satisfy himself that the structure was such that it would be quite safe to license the premises and that streets and buildings would be adequately protected. The Chief Inspector must consider all these points before he issues a licence.

New subsection (2) says that he "shall issue" a licence—"shall" is mandatory— and he shall issue it "in the name of the owner or person in charge". He has no alternative: he shall do it. He shall do it once he determines to license the magazine. And he must do it in the name of the owner or the person in charge. What happens if the person in charge of the magazine is an employee? He may be dismissed in the future or he may leave of his own volition, but these premises are licensed in his name! What is the procedure in these circumstances? Must a fresh application be made for a licence for the magazine, because it is not licensed in the owner's name? I suggest to the Minister that the subsections could be better expressed.

I turn now to the proposed amendments to section 32 of the principal Act. Subsections (1) and (2) are amended so that they refer to the person in charge of the magazine at a particular time, but subsection (3) provides:

No person shall be entitled to receive any explosives from any Government magazine unless he produces to the Chief Inspector or magazine-keeper such certificate, nor unless the storage and any other charges authorized by this Act have been paid to the magazine-keeper, or other person authorized by the Chief Inspector to receive the same.

I suggest that the wording of these three subsections should be made more consistent. Subsections (1) and (2) are amended to include the words "or person in charge", but subsection (3) is confined to the magazine-keeper. Consequently, I believe that subsection (3) should be amended to include the words "or person in charge" to make it consistent with subsections (1) and (2).

Because subsection (3) is at present restricted to the magazine-keeper, if there were not a magazine-keeper but a person in charge of the magazine, the latter person would be excluded. The remaining clauses are administrative in nature and tidy up the legislation. Under section 40 of the principal Act the Minister has authority to delegate certain powers, and this Bill widens his authority a little. I do not see anything wrong with this provision because, in certain circumstances, the Minister should have this right. I support the second reading.

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

LICENSING ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from November 27. Page 2766.)

The Hon. A. J. SHARD (Leader of the Opposition): I support the Bill, clauses 3 to 6 of which have the object of reducing the age at which a person may enter a hotel and consume liquor. I believe the alteration of the minimum age from 21 years to 20 years in another place was only a sop to ease someone's conscience, because I cannot see what difference it will make. The Bill originally introduced in another place permitted people of 18 years and above to enter hotels and consume liquor. I intimate now that in Committee I will move an amendment to delete the word "twenty" wherever it appears in clauses 3 to 6 and insert in lieu thereof the word "eighteen".

I will move that amendment because when I spoke, as Minister, on the Licensing Act Amendment Bill about 12 months ago I said the trend today was for young people to go into hotels and that, if they were doing it, they should be allowed to do it legally. I say that not because I frequent hotels very much: indeed, I keep away from them for a specific reason, because sometimes I get into an argument or sometimes I get a lot more work thrust on me. However, when I do go to a hotel after a football function or go to an evening out I often see people under 21 years in these establishments. Therefore, the minimum age should be reduced to 18, because it is a growing tendency in this industry (if one can call it that) for persons of that age to partake of liquor. Indeed, I am reliably informed that it is done in both Victoria and New South Wales, where the minimum age is 18 years, and it will gradually eventuate here. It is now the opportune time to take this action rather than wait until later.

We have all heard the Army appealing for lads to join its ranks at 18 years, when they receive full adult wages. When these lads go into camp they are entitled to drink alcoholic liquor. Also, they can legally drink at that age when they go to New South Wales and Victoria, but when they return to their own State they break the law if they persist

in this practice, and I do not think that is right. I was pleased to read the following article in the "Good Morning" column of yesterday's *Advertiser*:

On Friday and Saturday nights there has been a mass migration of Mount Gambier's 20-year-olds across the border to the Nelson Hotel. Mrs. Ian McPherson, the licensee, does not expect a drop in bar trade from the projected South Australian legislation to allow 20-year-old drinkers in South Australian hotels.

The following makes one smile:

"They have been coming for three years now, and the 21-mile drive is an excuse for an outing," she says.

Apparently these young people travel 21 miles across the border to obtain enjoyment, and they do it legally. I would prefer them to be able to do this in their own State, rather than having to travel that distance to obtain liquor.

The Hon. R. C. DeGaris: Victorians come the other way.

The Hon. A. J. SHARD: And break the law?

The Hon. R. C. DeGaris: Yes.

The Hon. A. J. SHARD: Then let us make it legal.

The Hon. S. C. Bevan: I cannot see them coming here when they can do it legally in their own State.

The Hon. R. C. DeGaris: But they do.

The Hon. A. J. SHARD: Perhaps the honourable member does not go to hotels as much as I do. I guarantee that if one went into a hotel one could see persons under 21 years drinking there.

The Hon. S. C. Bevan: I do not think they would come into South Australia and break the law.

The Hon. R. A. Geddes: Perhaps they like the beer.

The Hon. A. J. SHARD: Or they like a change of scenery. I fail to understand one clause in the Bill, and I would like to receive an explanation about it. I do not know the reason for clause 7 and I cannot understand it. It intrigues me. I have not yet studied it sufficiently to be able to say whether or not I support it. It provides:

Subsection (1) of section 154 of the principal Act is amended by striking out the passage "person under the age of twenty-one years" and inserting in lieu thereof the passage "male person under the age of twenty years, or any female person under the age of twenty-one years".

No explanation has been given for that clause, and I think one is needed because it refers to barmen and barmaids. It appears to me to discriminate between the sexes, although there may be a good reason for it. We were not told in the second reading explanation why this provision was included; we were told what it does but not why it is there. Perhaps in the meantime I shall be able to make some inquiries of my own.

The Hon. C. M. Hill: My colleague in another place is a legal man, so I will discuss it with him.

The Hon. D. H. L. Banfield: No wonder it's no good.

The Hon. A. J. SHARD: This is not our Bill but is a Government Bill, and when something like this is included we should be told if there is a sound reason for it. In the meantime, I will do some fossicking around myself and find out why this clause should apply. I cannot understand why a female, who is now permitted to drink and go into a bar and serve at 21 years, must, pursuant to this provision, wait until she is 21 years while a man may be only 20 years. I support the second reading and intimate that I will move the amendments I have foreshadowed.

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

ADJOURNMENT

At 4.40 p.m. the Council adjourned until Tuesday, December 3, at 2.15 p.m.