LEGISLATIVE COUNCIL

Tuesday, November 11, 1969.

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

QUESTIONS

VEHICLE SAFETY STANDARDS

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

Leave granted.

The Hon. S. C. BEVAN: In the newspaper recently there appeared a statement from the Minister of Roads and Transport about the fitting of safety devices to motor cars in the future. I noticed he concluded his statement by saying, amongst other things, that the provision for seat belt anchorages was already operative in South Australia. This would lead one to believe that this was only a recent innovation, but under our Road Traffic Act seat belt anchorages have been in operation for some considerable time and, further, so has the provision for the compulsory fitting of seat belts to front seats. The Minister has intimated that other measures will be introduced but in his statement he said that on and after January 1, 1970, some of these matters that he has referred to will come into operation. In a few instances, according to the press reports, the Minister has stated that these measures will be operative on and after July 1, 1970. I take it that that means the scheme will be compulsory for new cars coming off the assembly line on and after the dates mentioned, that they must be fitted with these various safety devices. Can the Minister say whether this will apply only to motor cars coming off the assembly line on and after those particular dates or will it be retrospective to apply to cars already on the roads, so that they will be compelled to be refitted to comply with the provisions visualized by the Minister?

The Hon. C. M. HILL: The position is that I hope to introduce an amendment to the Road Traffic Act in a few days' time, and part of that legislation, if passed by Parliament, will permit regulations to be made so that design rules that have been approved by the Australian Transport Advisory Council can be implemented by those regulations.

One of these design rules agreed to by the Ministers of Transport throughout Australia is concerned with seat belt anchorages. So, first, I make the point that any change that may be introduced on January 1, 1970, will be entirely dependent on an amendment to the Act and, later, regulations being introduced. Those are our present plans. These changes will apply to vehicles that are manufactured or are available for sale as new vehicles as from January 1, 1970; they will not apply to older vehicles.

Thirdly, the general approach, as I understand it now, is that where three persons can occupy the front seat of a vehicle three sets of anchorage points will be required. This, of course, is different from the present requirement. I also understand that anchorage points for seat belts in the rear seats will be required.

WHEAT QUOTAS

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

Leave granted.

The Hon. M. B. DAWKINS: In common with other honourable members, I have received a considerable number of complaints over the last few days with regard to wheat quotas. I have received representations from the Mid North, the Murray Lands and also the Murray Mallee within my district. The basis of complaint in one quarter is that the restrictions are very stringent indeed, whereas I have been told that in other cases people who have received special consideration perhaps did not, in the light of local knowledge, need that consideration and that they have in fact received too much in the way of quota.

I have suggested to the people concerned that they will have to appeal to the special appeals committee to be set up, and I have been told that this committee does not yet exist. Can the Minister of Agriculture make a statement on the present situation and say whether we can expect (as I confidently hope) an assurance from him that this committee will be set up as speedily as possible as soon as the enabling legislation is passed?

The Hon. C. R. STORY: This is a problem of trying to strike a balance between avarice and profusion, I take it. The honourable member has raised the point about some people thinking they have too much and others thinking they have too little, and it would be nice to think that those who consider they have too much would put it

back in the pool so that those who have not enough would get some more. However, I do not think that is likely to happen. I am entirely in the hands of Parliament in this matter. When the legislation is passed and proclaimed we will get about the business of setting up the appeals committee, but until I have some authority to do this I cannot move in the matter. I assure the Council that there will be no delay on my part in this regard. However, as all honourable members in this Chamber would realize, we cannot do anything until we get approval of the legislation.

RHODESIA

The Hon. V. G. SPRINGETT: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture, representing the Minister of Labour and Industry.

Leave granted.

The Hon. V. G. SPRINGETT: In the last couple of days, the daughter of a former Prime Minister of Rhodesia has been visiting Adelaide, and this young lady has commented in public on the amount of trade between this country and Rhodesia. Bearing in mind that there is an embargo on certain trade to certain parts of the world, I ask the Minister whether South Australia has trade with Rhodesia and, if it has, in what quantity.

The Hon. C. R. STORY: I will certainly take up the matter and get a reply for the honourable member.

CYCLAMATES

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

Leave granted.

The Hon. G. J. GILFILLAN: There continues to be much speculation in the press and on radio and television regarding the use of cyclamates as a sweetener. The Minister said recently that the use of cyclamates as a sweetener was being investigated by the National Health and Medical Research Council, which was also examining the evidence from the United States of America. I understand that since the Minister last made a statement on this matter the council has met and considered the evidence. Has the Minister anything further to report on the matter?

The Hon. R. C. DeGARIS: I have made certain statements to the press and to the mass media regarding cyclamates, which has been a matter of some concern to the community since certain announcements were made about possible health hazards resulting from their over-use. The National Health and Medical Research Council met last week and considered the recent action of the Food and Drug Administration of the United States of America and comparable authorities in other countries in restricting or prohibiting the use of cyclamates in foods and beverages. The council noted that at least in the United States of America the use of cyclamates as a food additive was previously unrestricted and the United States appeared to be moving to the situation at present obtaining in Australia, that is, restriction to low calorie foods and beverages, and then only in permitted amounts. We in this country control the use of cyclamates.

The council considered that the use of cyclamates in Australia should continue to be permitted in low calorie foods and beverages in the amounts at present prescribed, provided that such foods are labelled "Take on medical advice only". It considered further that general sales of cyclamate sweetening preparations should be restricted by inclusion of cyclamates in Schedule 4 of the Uniform Poisons Schedules. This would mean that those persons whose condition requires that they purchase cyclamates for use as sweetening agents will be able to do so only on presentation of a medical prescription at a pharmacy.

These recommendations of the National Health and Medical Research Council will be considered as soon as possible by each State Health Department. In South Australia the Government makes regulations under the Food and Drugs Act on the recommendation of the Food and Drugs Advisory Committee. That committee will meet later this month, and I expect to receive its comment and recommendations on the view of the National Health and Medical Research Council immediately after that meeting.

EDUCATION PAMPHLET

The Hon. F. J. POTTER: Has the Minister of Local Government, representing the Minister of Education, a reply to the question my colleague, the Hon. Mrs. Cooper, asked recently regarding pamphlets being issued to schoolchildren?

The Hon. C. M. HILL: The Minister of Education has been acquainted with the contents of the introductory leaflet and petition that was circulated in the Kingston District

prior to the recent Commonwealth elections by the State Education Advancement League at Kingston.

The Minister has also been made aware that the heads of some schools in the Kingston District did accede to the request of their parent bodies to allow students to carry home leaflets and to collect any replies. This was done in good faith to oblige the parent bodies.

The pamphlet did not imply that there was doubt whether Commonwealth funds would be going to education as a result of the last Commonwealth Budget but did say that "there had been considerable discussions through press and radio as to whether any additional Commonwealth funds will flow directly to them (that is, State primary and secondary schools) as a result of the last Budget." To clarify the matter of what amounts were included in the last Commonwealth Budget to assist education in this State, details are included in the following table:

	$
Universities	5,758,000
Colleges of advanced education	2,346,000
Teachers colleges	2,021,000
Science laboratories and equipment in secondary schools	693,000
Technical training—buildings and equipment	1,042,000
Secondary school libraries	638,000
Free milk—primary schools	820,000
Total	$13,318,000

When it became known that these pamphlets had been distributed, a notice was sent by Mr. A. W. Jones, who was acting as Director-General in the absence on leave of Mr. J. S. Walker, to all departmental schools, regional officers and inspectors pointing out that schoolchildren should not be used as postmen for conveying controversial information, whether political or not, to their homes. This must apply from whatever source the material comes.

KIMBA MAIN

The Hon. A. M. WHYTE: Has the Minister of Agriculture obtained from the Minister of Works a reply to my question of October 29 about the construction of the Kimba main?

The Hon. C. R. STORY: My colleague reports:

Work is proceeding as scheduled on the Lock-Kimba main. Work commenced on the main during February, 1968, and during last financial year seven miles of pipes were purchased and about 1½ miles were laid in rock excavation.

Main laying during the present financial year has averaged 1½ miles a month and is planned to continue at this rate until January, 1971, when, with additional plant, the rate of laying will be progressively stepped up to about two miles a month. It is planned to complete the main during the first half of 1973, and present indications are that this target will be achieved. A separate gang will be used on branch main work.

TRAFFIC CONGESTION

The Hon. R. A. GEDDES: Because there is growing traffic congestion at the intersection of Peacock Road, King William Road and Greenhill Road, will the Minister of Roads and Transport ascertain when traffic lights will be installed there? Prior to their installation, will it be possible for a policeman to be on point duty there during peak hours?

The Hon. C. M. HILL: I think a question along similar lines was asked last session. I appreciate the honourable member's concern; because I use the intersection frequently, I know that it is getting busier and busier as each day goes by. The target date previously given may have been changed, so I will refer the matter to the department and ascertain when traffic lights will be installed at the intersection.

There have been some problems there, as the honourable member probably knows. Because the Glenelg tramline crosses the intersection, some special arrangements in regard to the traffic lights must be effected. Also, the dual roadway being built in Greenhill Road, extending east of Goodwood Road, will probably reach this intersection before the traffic lights are installed.

In addition, the Adelaide City Council has yet to complete reconstructing the southern end of Peacock Road. I have been informed by the council that that work is scheduled to be completed in this financial year. I will take heed of the honourable member's suggestion that a policeman be asked to perform point duty at the intersection during peak periods. I will bring back the information required as soon as possible.

MINERAL EXPLORATION

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

Leave granted.

The Hon. G. J. GILFILLAN: For some considerable time much emphasis has been placed on mineral exploration, particularly in other States. In view of the forthcoming

opening of the gas pipeline from Gidgealpa on November 28, can the Minister say whether exploration for minerals, particularly petroleum, has continued in this State? If it has, what are the plans for the immediate future?

The Hon. R. C. DeGARIS: As I have indicated before in this Council, the Government is pleased with the amount of money being expended in mineral search in South Australia at present. With regard to petroleum, provided all farm-out proposals are finalized (and a number have been finalized) it is estimated that, in the 12 months ahead, about 18 to 20 exploratory wells will be drilled in South Australia. The maximum number of wells drilled in any previous 12 months' period has been 14.

Most of the wells being drilled in this programme will be in the north-eastern section of the State, but several wells might be drilled in the Murray basin and in the South-East, both off-shore and on-shore. In addition, a number of exploratory wells will be drilled on the producing gas fields and substantial seismic and gravity surveys will be carried out in various parts of the State. The Government is pleased with the amount of exploration work taking place at present, both in petroleum and in mineral search in this State.

EASTERN TEACHERS COLLEGE

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Eastern Teachers College.

CRIMINAL INJURIES COMPENSATION BILL

Second reading.

The Hon. C. M. HILL (Minister of Local Government): I move:

That this Bill be now read a second time.

It is directed at a social injustice for which there has hitherto been no effective legislative solution in this State. It is a distressing fact that crimes of violence are not decreasing in frequency or intensity in this country. Of course, effective sanctions exist under the criminal law of the State against those who are guilty of such crimes. But the criminal law is directed at the protection of society and the reformation of the offender and does not provide the innocent victim of criminal activity with any recompense for personal injury that has been unjustly inflicted upon him.

The principle of compensation for criminal acts is not wholly unknown to our law. In the Criminal Law Consolidation Act and the Police Offences Act there are provisions that provides for the court to order such compensation to be paid by a convicted person, but these existing provisions are limited to damage to property and pecuniary loss. This Bill extends the principle of compensation to physical injury. Because criminals usually have no assets, or their assets are inaccessible, the Bill provides for the payment of compensation up to amounts of one thousand dollars from the general revenue of the State.

The provisions of the Bill are as follows. Clauses 1 and 2 are formal. Clause 3 deals with interpretation. The "injury" that the Bill is designed to compensate is defined as meaning physical or mental injury sustained by any person, including pregnancy and mental and nervous shock. An "offence" in respect of which compensation may be awarded is defined as including all offences whether triable summarily or upon information.

Clause 4 provides that, where a person is convicted of an offence, the court by which he was tried may order that a sum not exceeding $1,000 be paid by the convicted person to any person injured in consequence of the commission of the offence. Subclause (3) provides that this section is to be construed as being in addition to, and not in derogation of, the provisions of any other Act. There are at present certain provisions in other Acts that invest a court with certain limited powers to award compensation in respect of injury arising from criminal acts.

Section 299 of the Criminal Law Consolidation Act enables a court to order a convicted person to pay compensation to any person for any loss of property suffered by him in consequence of the criminal act. This section thus enables a court to compensate pecuniary loss resulting from personal injury but not the actual pain and suffering of the victim. Section 6 of the Police Offences Act empowers a court to award compensation to a police officer in respect of bodily injury suffered by him in the execution of his duty. Clause 4 (3) provides that clause 4 is to be construed not as superseding these provisions but as being in addition thereto.

Clause 5 provides that, where an order has been made for the compensation of injury either under clause 4 of the Bill or under any provision of any Act, the person in whose favour the order has been made may apply

to the Treasurer for payment of the compensation out of the general revenue of the State.

Clause 6 provides that, upon the acquittal of a person accused of an offence or upon the dismissal of a complaint or information against him, a person claiming to have suffered injury by reason of the alleged commission of the alleged offence may apply to the court by which the accused person was or would have been tried for a certificate stating the sum that the accused person would have been ordered to pay under clause 4 of the Bill if he had been convicted of the offence. A person to whom such a certificate has been granted may apply to the Treasurer for payment of the sum stated in the certificate from the general revenue of the State.

Clause 7 provides that, where a person suffers injury by reason of a criminal act but the assailant is not brought to justice, an application may be made for a certificate as to the amount of compensation to which he would have been entitled under clause 4 if the criminal had been found and prosecuted. The injured person may apply to the Treasurer for payment of the certified amount.

Clause 8 provides that the Treasurer is to refer an application for payment of compensation from the general revenue to the Solicitor-General. The Solicitor-General is to assess the prospects that the injured person has under the general law of recovering compensation in respect of his injury. The Treasurer, after receiving the report of the Solicitor-General, may pay to the injured person the difference between the full amount of compensation to which the injured person is entitled and the amount of which he has a reasonable prospect of recovery under the general law.

Clause 9 provides that, where a payment is made under clause 7 of the Bill by the Treasurer, the rights of the injured person against the convicted criminal are subrogated to the Treasurer. Clause 10 provides that the moneys required for the purposes of this Act are to be paid out of moneys provided by Parliament for those purposes. Clause 11 provides that proceedings in respect of offences under this Act are to be disposed of summarily.

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

WHEAT DELIVERY QUOTAS BILL

Second reading.

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

That this Bill be now read a second time.

It is the last of three measures necessary to give effect to the scheme of wheat delivery quotas intended to deal with the somewhat difficult circumstances in which the wheat industry finds itself. It may be helpful if the steps taken by the wheat industry to formulate the scheme are outlined.

On March 11, a conference of the Australian Wheatgrowers Federation in Perth recommended a quota delivery scheme and on April 1 the annual conference of the grain section of the United Farmers and Graziers of South Australia voted unanimously to support such a recommendation. On April 10 the Honourable J. D. Anthony, M.P., in his capacity as Chairman of the Australian Agricultural Council, comprised of State Ministers of Agriculture, indicated that the State Governments would be prepared to introduce legislation to give effect to the Australian Wheatgrowers Federation scheme.

The scheme for which the South Australian Government was asked to legislate provided: (*a*) for the payment of $1.10 for 357,000,000 bushels of Australia's wheat crop; and (*b*) this State's quota to be 45,000,000 bushels.

For the purposes of the allocation of this State's quota the following proposals were put forward by the grain section of the United Farmers and Graziers Association: (1) that two committees be formed—an allocating committee and an appeal committee; (2) that the averaging period be five years concluding with the 1968-69 season; (3) that quotas be allocated to farms; and (4) that over-quota wheat be counted as quota wheat for the succeeding pool. This measure is, as I have mentioned, the last of three intended to give effect to the scheme.

Shortly after the proposals for quotas made by the wheat industry were accepted by the Commonwealth and State Governments, the Government appointed an interim committee composed of eight representatives of the wheatgrowers nominated by the grain section of the United Farmers and Graziers Association and three other persons, and charged the committee with the task of allocating wheat delivery quotas to growers in this State from this State's allocation of 45,000,000 bushels. This committee has substantially discharged its task and the practical effect of this Bill is (*a*) to set out the principles or guide lines on which the committee worked; and (*b*) to establish an appeal tribunal to enable persons to appeal against the allocation made by the committee.

Although, in fact, this Bill purports to give directions relating to the fixing of quotas to the advisory committee formally established herein, these directions were in fact determined by the interim committee as a result of its experience in dealing with over 11,000 applications and, in that committee's view, cover in the best possible manner the numerous problems that arose in the allocation of wheat delivery quotas. The application of these principles has, in the interim committee's view, resulted in the fairest allocation that could be made in the circumstances.

To consider the Bill in some detail, clauses 1, 2 and 3 are quite formal. Clause 4 provides that this Act shall apply in any quota season and also that a quota season may be declared by proclamation. Clause 5 sets out the definitions necessary for the working of the Act. Clause 6 establishes a formal Wheat Delivery Quota Advisory Committee, and clause 7 sets out the composition of the statutory committee, which is exactly the same composition as that of the interim committee formed to get the scheme into operation.

Clause 8 provides for the removal from office of a member of the advisory committee, and clause 9 provides for the filling of casual vacancies in the office of a member. Clause 10 is a normal procedural provision, and clause 11 provides for the advisory committee to delegate its powers to not less than two of its members. Clause 12 provides for the election of a chairman of the advisory committee, and clause 13 is a usual provision covering vacancies in the office of any member. Clause 14 provides for the appointment of a secretary to the advisory committee. Clause 15 will enable the advisory committee to make use of persons employed in the Public Service.

Clause 16 sets out the general powers of the committee and, to assist in the better understanding of its implications, it may be desirable to sketch out the basis on which the interim committee worked. It divided the wheat delivery quota into two parts, namely, a basic quota and a special quota. The basic quota was derived by simple mathematics, by taking a prescribed percentage of the average annual deliveries of wheat from a property over the last five seasons. If the property had not been subject to any factors, beyond the control of the wheatgrower, which diminished the production of wheat, this basic quota would also be the final wheat delivery quota. However, as honourable members will be aware, many factors could have operated so as to diminish the amount of wheat produced during the five seasons, and it was some of these factors that the interim committee took into account in allocating a special quota to adjust the basic quota upwards so as to some extent reflect what the final wheat delivery quota would have been if those factors had not operated to reduce the production of wheat.

The first task of the interim committee was to decide on the amount to be set aside from the State quota of 45,000,000 bushels to be allocated either as special quotas or by the review committee as a consequence of appeals against allocations by the allocating committee. Once this amount was determined, the prescribed percentage to apply to average annual deliveries could be determined, and this was finally fixed at 90 per cent. The task of determining the amount to be set aside was something of a "judgment of Solomon", since if it was too large all basic quotas would be diminished and, if it was too small, no meaningful adjustments of basic quotas could be made in even the most meritorious circumstances.

Clauses 17 and 18 confer certain additional powers on the advisory committee relating to the summoning of persons and entry upon land. Clause 19 sets out the particulars required to be set out in applications and also provides a penalty for a false or misleading application. Clause 20 provides for amendment of applications, and clause 21 provides for the determination of a closing date for applications. Clause 22 provides that the wheat delivery quota will be the aggregate of the basic quota and the special quota, if any, allocated.

Clause 23 sets out the two methods of determining the basic quota. The first and most usual method is by taking 90 per cent of the average of the last five seasons' deliveries. However, the interim committee realized that, in certain circumstances, this would result in a negligible amount of wheat being fixed as the basic quota for certain properties. Accordingly, it provided an alternative method of determining the basic quotas for properties which fell into the three classes (A, B and C) described in subclause (3) of this clause. In this case, reference was made not to the average of deliveries over the last five seasons but to some extent to the area sown to wheat for harvesting during this season, and the formula set out in subclause (2) of this clause was applied in ascertaining the basic quota for those properties.

The reasons advanced by the interim committee for the adoption of this allocating formula were (*a*) it gave due recognition, in the case of B and C class properties, to properties that were being developed for wheat growing with its attendant capital outlay; and (*b*) in the case of class A properties it gave some recognition to the situation of a person who had brought land into wheat production for the first time in this season, and in the case of certain class A properties it gave some additional recognition to a person who was a traditional wheatgrower within the meaning of the definition in subclause (3) but who had just entered into production on the land comprised in certain class A properties. It might be noted that, in the case of basic quotas fixed by reference to this alternative formula, absolute limits of 4,000 bushels, 6,000 bushels and 7,500 bushels are fixed irrespective of the average sown for harvesting during this season.

Clause 24 sets out the matters to which the interim committee had regard in allocating special quotas, and of these the most significant was the total amount of wheat available for such allocation. As has been mentioned, this amount could not be increased without causing a reduction of the prescribed percentage and hence a reduction overall in the basic quotas. As a result, the amount of a special quota that could be allocated in any particular case was necessarily strictly limited. In summary, the committee had regard to the following: (*a*) losses caused by two or more adverse seasons; (*b*) losses caused by fire and other contingencies that could be insured against provided those contingencies were insured against; (*c*) deliveries of wheat, with the permission of the Wheat Board, to persons other than the board since these deliveries were not taken into account in the calculation of basic quotas; (*d*) interstate deliveries of wheat to an interstate licensed receiver, since these again would not be taken into account in fixing the basic quota; and (*e*) in appropriate circumstances, other matters not within the control of the farmer that diminished his production.

The interim committee did not have regard to the matters set out in subclause (2) of this clause, namely (*a*) losses caused by only one adverse season, since one adverse season in five is not abnormal in this State; (*b*) losses that could have been insured against and were not so insured, as there was, in the opinion of the interim committee, no reliable method of ascertaining the losses; and (*c*) losses caused by frost or diseases or pests, because in the opinion of the interim committee there was no reliable method of ascertaining the amount of these losses.

Clause 25 empowers the advisory committee to adjust wheat delivery quotas in cases of transfers of all or portion of properties. Clause 26 recognizes the interim committee under the name of the "former committee" and, at clauses 27, 28 and 29, actions taken before the commencement of this Act are given recognition under this Act as if they were acts of the advisory committee. Clause 30 continues in office the secretary of the interim committee as secretary of the advisory committee. Clause 31 formally abolishes the interim committee. Clause 32 establishes the Wheat Delivery Quota Review Committee and is generally self-explanatory. Clauses 33, 34, 35 and 36 represent normal administrative arrangements for a committee of this type. Clause 37 provides for a secretary to the review committee.

Clause 38 provides for an appeal against any decision of the advisory committee which, under clause 29, includes any decision of the interim committee. This clause sets out the powers of the review committee in dealing with appeals. Clause 39 deals with frivolous appeals. Clause 40 sets out the procedure for instituting an appeal, and in this regard it might be noted that, although an appeal must be instituted within one month after the appellant received notice of the act or decision appealed against, in the case of acts or decisions of the interim committee, the time does not run until the commencement of this Act. Clauses 41 and 42 set out in some detail the procedure of the review committee.

Clause 43 is intended to ensure that payment as a member of the advisory committee or the review committee will not disqualify that member from holding any other office. Clause 44 is intended to cover the situation where a member of either of the committees has a financial interest in any matter before the committee. Clause 45 sets out the entitlement of the holder of a wheat delivery quota to deliver wheat as quota wheat up to the amount represented by the quota less any amount of over-quota regarded as being part of his deliveries of quota wheat for that season. Clause 46 ensures that effect will be given to any directions of South Australian Co-operative Bulk Handling Limited in relation to deliveries of wheat.

Clause 47 regulates the delivery of non-quota wheat. In the normal course of events, "non-quota" wheat is wheat produced from

a property that does not have a wheat delivery quota and as such would, of course, not be received into the system. However, all wheat grown outside the borders of this State would, in the terms of this Act, be non-quota wheat and, in accordance with past practice, it is not unlikely that some wheat grown in the border areas in Victoria will be offered for delivery at storages in this State, that is, wheat that is quota wheat within the meaning of the relevant Victorian Act. This provision will render such deliveries lawful.

Clause 48 is a most important provision, as it sets out the arrangements by which over-quota wheat delivered in the first season will be dealt with. In substance this wheat will be regarded as quota wheat in the succeeding quota season. Thus, if a farmer delivers 2,000 bushels of over-quota wheat in the first quota season he will for the purposes of the next quota season be regarded as having already delivered 2,000 bushels of his quota and the amount that, in that season, he can deliver against his quota will be reduced by 2,000 bushels.

Since wheat quotas are attached to properties while the quota system is in operation it will be necessary for the purchaser of a wheat property in the period that the quota system is in operation to make careful inquiries to determine (*a*) the size of the wheat delivery quota that is likely to be allocated to the property; and (*b*) the amount of over-quota wheat that will in any quota season be regarded as having been delivered against the quota for that season because the amount that the new owner can actually deliver in that season against the quota will be reduced thereby.

Clause 49 deals with the case of farmers who in a season are unable to deliver their full quota. In this case their quota will be reduced and the amounts of wheat re-allocated. Unless the amount of short-falls are re-allocated the $1.10 advance payments payable in respect of those amounts will be lost to wheatgrowers in this State. The question of the re-allocations of the amount represented by the short-falls in the next quota season to the farmers who suffered them is also adverted to in this clause at subclause (3).

It is clear that some recognition must be given to individual short-falls in one season in fixing individual quotas for the succeeding season but, until the total amount of the short-falls in the State are clear and the amount of the State quota for the next season is determined, it cannot be determined whether the actual amount of the short-falls can be added to the quotas or whether some proportion of the short-falls can be so added.

Clause 50 provides a substantial penalty for the holder of a quota in respect of a property who permits wheat not grown on that property to be delivered as part of a wheat delivery quota, and clause 51 makes it an offence for a person to deliver such wheat. Both these provisions are intended to prevent trafficking in quotas and, on the express recommendation of the interim committee, by clause 52 both have been modified to permit a holder of a wheat quota in respect of more than one property to deliver wheat as produced from one property against the quota allocated in respect of another of those properties provided that such deliveries have been approved by the advisory committee.

Clause 53 provides for the production of a wheat quota when wheat is delivered, with the approval of the board, to a person other than a licensed receiver. Clause 54 will enable the advisory committee to ensure that all the wheat comprised in the State quota is distributed and further provides that any increased quotas resulting from such a distribution, if it is necessary, will not be taken into account in the fixing of next year's quotas.

Clause 55 relates to the rights of share-farmers and is expressed to be subject to any share-farming agreement between the owner and the share-farmer; that is, its application can be modified by agreement between the parties. Briefly, it gives the share-farmer the right to recover against the farmer the proceeds from the sale of wheat to which the share-farmer is, pursuant to the agreement, entitled. Since under the quota system quotas are attached to the properties, deliveries of quota wheat and over-quota wheat will necessarily have to be attributed to the holder of the quota who, as to the share-farmer's share of the wheat, must be regarded as holding the proceeds of the sale of that wheat on behalf of the share-farmer.

Clause 56 gives the board power to sue for and recover advance payments made in relation to quota wheat delivered as part of a quota that has been rendered void by the court. Clause 57 is an evidentiary provision. Clause 58 provides for offences against the Act to be disposed of summarily.

Clause 59 gives the usual measure of protection to persons acting in pursuance of the Act. Clause 60 provides for the costs and

expenses of the administration and operation of the Act to be borne by South Australian Co-operative Bulk Handling Limited. The purpose of this provision is to enable those costs to be finally met by the board, which is itself by its enabling legislation authorized to pay them to a licensed receiver.

Clause 61 provides for a general regulation-making power. Finally, since this measure primarily deals with the allocation of quotas for this season, it is likely that, should next season be a quota season, its provisions will require some modification in the light of the views of the industry on the fixing of quotas for that season.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (WHYALLA)

Second reading.

The Hon. C. M. HILL (Minister of Local Government): I move:

That this Bill be now read a second time.

Its main purpose is to establish the city of Whyalla as a municipality within the meaning of the Local Government Act. Honourable members will be aware that for 25 years the city has been administered by the City of Whyalla Commission, a partly elective body, pursuant to the City of Whyalla Commission Act, 1944-1964.

Section 32 of that Act provided that at any time after July 1, 1945, a majority of ratepayers of the commission could petition either House praying that the commission be dissolved and a local government body in accordance with the Local Government Act be established. Such a petition was presented to the House of Assembly and granted on September 4, 1968.

To give effect to the petition, the Government appointed a committee of inquiry consisting of the Director of Planning, the Surveyor-General, the Secretary for Local Government and the Chairman of the commission to determine the steps necessary to ensure a smooth transition to full local government. The report of the committee was recently laid on the table of the Council, and this Bill makes the appropriate legislative changes indicated by the committee as being necessary. In addition, following a request from the Local Government Advisory Committee, opportunity has been taken to empower councils generally to regulate the fencing or enclosure of swimming pools.

I will now deal with the Bill in some detail. Clauses 1 and 2 are formal, and clause 3 inserts a new section 346a in the principal Act, which empowers councils to order the fencing or enclosure of swimming pools. Clause 4 enacts a new Part XLVA, which consists of 21 new sections. For convenience, these sections will be dealt with in order.

New section 871ta sets out the definitions used in the Part, of which the most significant is the definition of "the appointed day", July 4, 1970, being the day on which the local government year, as it were, commences. It is on this day in 1970 that council elections are held. New section 871tb repeals, on the appointed day, the series of Acts relating to the City of Whyalla Commission.

New section 871tc dissolves the commission and vests its property in the council and also provides for the continuation of actions by and against the council, and new section 871td is consequential on this section. New section 871te constitutes the municipality of the City of Whyalla and provides that the Local Government Act shall apply and have effect on and in relation to the municipality as if it were constituted by proclamation under that Act.

New section 871u varies the application of the Local Government Act by recognizing that the first mayor and councillors of the new municipality shall be elected, since under the Local Government Act the first mayor and councillors are usually appointed. New subsection (2) empowers the commission to make the necessary arrangements for the election.

New section 871ua ensures that section 69 of the Local Government Act will not unduly restrict the choice of aspirants for mayoral office by providing that service as a commissioner or Chairman of the commission shall be deemed to be service as a councillor. Section 69 of the principal Act limits the class of person who may serve as a mayor to persons who have served as a mayor, councillor or alderman for a year.

New section 871ub makes appropriate provision for the retirement of the mayor and for the retirement by rotation of councillors. New section 871uc enables the Secretary for Local Government to call for applications for appointment as a town clerk for the new municipality before the municipality is established, but leaves the appointment to be made by the municipality.

New section 871ud continues without interruption the employment of persons employed by the commission immediately before the

appointed day, and on that day they are deemed to be employed by the council. New section 871v continues in force the by-laws of the commission.

New section 871va, in effect, continues the system of rating based on land values at present applicable to the area of the commission and enables the commission to make certain transitional arrangements. New section 871vb continues in operation certain arrangements made by the commission regarding the repayment of moneys borrowed by the commission for the Whyalla Hospital.

New section 871vc continues in operation arrangements made by the commission with the South Australian Housing Trust, whereby certain works done by the trust are off-set against future rate liabilites of the trust. New sections 871w, 871wa, 871wb, 871x and 871xa together continue in existence the Whyalla abattoirs area with its attendant control of quality of meat intended for consumption within the area.

New section 871xb is intended to ensure that no unforeseen circumstance will arise that would affect the smooth transition to full local government status of the area. New section 871xc is intended to make it clear that the Local Government Act will fully and effectively apply to the new municipality.

Clause 5 inserts a Twenty-fourth Schedule in the principal Act; this schedule sets out the area and the new wards of the municipality, in the terms recommended by the report. This Bill is in the nature of a hybrid Bill and will necessarily have to be referred to a Select Committee.

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

PREVENTION OF POLLUTION OF WATERS BY OIL 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 Prevention of Pollution of Waters by Oil Act. This Act was enacted in substantially uniform terms in 1961. Its purpose is to prevent the widespread damage and destruction that can follow upon the discharged of oil into waters adjacent to the coast. Honourable members will be well aware of incidents of this nature that have occurred in recent years near the coasts of England and America. The purpose of the present Bill is to bring the provisions of the principal Act into conformity with the requirements of the International Convention for the Prevention of Pollution of the Sea by Oil and to give effect to certain suggestions of the Solicitor-General designed to overcome difficulties that have been experienced in prosecuting for offences against the principal Act.

The provisions of the Bill are as follows: clause 1 is formal, and clause 2 amends the definition section of the principal Act. The definition of "board" is struck out. This is necessary in consequence of the change in the administration of the Harbors and Marine Acts effected by the amending Acts of 1966. The adminstration is, of course, now vested in the Minister of Marine rather than in the Harbors Board.

A more comprehensive definition of "the jurisdiction" is inserted in the principal Act. In the case of *Bonsar v. La Macchia,* the terminology adopted by the present definition was given a rather restricted meaning. Consequently, a more extensive definition is adopted. A definition of "the owner" is inserted in this provision to make it clear that the person who is designated as owner in the principal Act can include a charterer of the ship.

Clause 3 makes drafting amendments to the principal Act. Clause 4 amends section 8 of the principal Act. This section deals with the equipment that a ship must have to prevent oil pollution. The regulation-making power is made slightly more extensive by paragraph (*a*). A new subsection (2a) is inserted that permits regulations to be made prohibiting or restricting the carriage of water in a tank that has contained oil by any ship or class of ship. Thus, a ship can be prevented from taking on water ballast that will become contaminated with oil and subsequently discharged, causing contamination and destruction of shore areas.

Clause 5 amends section 9 of the principal Act. This section deals with the records that must be kept by the owner, agent or master of the ship. Here again the regulation-making power is made slightly more comprehensive. Clause 6 amends section 10 of the principal Act. This section deals with the reporting and investigation of all discharges. The amendment provides that the owner, agent or master of a ship from which oil has been discharged shall forthwith inform the Minister of the details of the discharge and of the names and addresses of the owner, agent and

master of the ship. The amendment to subsection (2) enables an investigating officer to inspect any relevant documents kept in the ship, such as the log book, for the purpose of obtaining information about an oil discharge. The amendment also empowers such an officer to require any person to answer a question that is pertinent to the investigation.

Clauses 7, 8, 9, 10 and 11 make drafting amendments to the principal Act. Clause 12 amends the evidentiary provisions of the principal Act. Certain new matters are included consequent upon the previous amendments to the principal Act. For example, a statement made by the owner, agent or master of a ship pursuant to section 10 is to be taken as *prima facie* evidence. An allegation in a complaint that a named person is or was on the date alleged the owner, agent or master of a ship is to be taken as *prima facie* evidence.

Clause 13 amends section 17 of the principal Act. This provision deals with proceedings taken for offences against the principal Act. The amendment provides that proceedings may be taken only by the Director of Marine and Harbors or by some other person approved by the Minister. Some doubt has been expressed as to whether offences under the Act are to be dealt with summarily or upon information. A new subsection is therefore inserted making it clear that proceedings are to be disposed of summarily. Clause 14 makes a drafting amendment to the principal Act.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (ABORTION)

Second reading.

The Hon. C. M. HILL (Minister of Local Government): I move:

That this Bill be now read a second time.

In this State the law on abortion is governed by sections 81 and 82 of the Criminal Law Consolidation Act. Section 81 (*b*) provides in effect that "any person who, with intent to procure the miscarriage of any woman . . . unlawfully administers to her . . . any poison or other noxious thing, or unlawfully uses any instrument . . . with the like intent shall be guilty of felony". Section 82 provides in effect that "any person who unlawfully supplies or procures any poison or other noxious thing, or any instrument . . . knowing that the same is intended to be unlawfully used . . . with intent to procure the miscarriage of any woman . . . shall be guilty of a misdemeanour". In both sections the word "unlawfully" is used but the Act makes no reference as to how the poison or noxious thing or instrument can be lawfully administered or supplied.

The law in South Australia, as in England, has accordingly been built up over a series of cases, one of the most noted of which was the English case of *The King v. Bourne* in 1938. In this case a wellknown gynaecologist was tried and acquitted, following the termination by him of a pregnancy of a girl who, at the age of 14, had been raped by a soldier. The case was not judged on the issue whether or not it was right, because of the circumstances of conception, for the termination of pregnancy to be carried out, but the decision was based rather on the effects which the continuation of the pregnancy would have had on the girl, whether or not the continuation of the pregnancy would make her a physical or mental wreck.

Although this aspect of the law has been developed by a number of cases, the exact legal position is still not entirely free from uncertainty and it is left largely to the judgment of individual practitioners whether they are or are not within the law.

After considerable agitation in England, a law was passed in 1967 in the United Kingdom which laid down the circumstances under which a pregnancy of a woman can be terminated. This Bill follows the principles laid down by the United Kingdom legislation. Clause 2 of the Bill makes some purely formal and consequential amendments to the Criminal Law Consolidation Act, which is the principal Act.

Clause 3 enacts a new section 82a which deals with the medical termination of pregnancy. Subsection (1) of the new section excuses a person from conviction under either section 81 or 82 of the Act—

(*a*) if the pregnancy of a woman is terminated by a medical practitioner in a case where two such practitioners are of the opinion, formed in good faith—

(*i*) that the continuance of the pregnancy would involve greater risk to the life of the woman or greater risk to the physical or mental health of the woman than if the pregnancy were terminated;

or

(ii) that there is a substantial risk that if the child were born to the pregnant woman, the child would suffer from such physical or mental abnormalities as to be seriously handicapped,

and where the treatment for the termination of the pregnancy is carried out in a prescribed hospital or hospital of a prescribed class;

or

(*b*) if the pregnancy of a woman is terminated by a medical practitioner in a case where he is of the opinion, formed in good faith, that the termination is immediately necessary to save the life or to prevent grave injury to the physical or mental health of the woman.

In the United Kingdom Act, the case referred to in (*b*) requires the practitioner to be of the opinion that the termination is immediately necessary to save the life, or to prevent grave permanent injury to the physical or mental health of the woman. The word "permanent" is omitted in the corresponding provision of this Bill because a "grave" injury could be fatal without being permanent.

Subsection (1a) provides that paragraph (*a*) of subsection (1) does not refer or apply to any woman who has not resided in South Australia for a period of at least four months immediately before the termination of her pregnancy. Subsection (2) of the new section allows the woman's actual or reasonably foreseeable environment to be taken into account in determining whether continuance of her pregnancy would involve greater risk to her life or to her physical or mental health or to the children of her family than if the pregnancy were terminated.

Subsection (3) of the new section is a power to make complementary regulations prescribing hospitals for the purposes of the section and setting out procedures for the certifying of opinions of medical practitioners, the giving of notice of any termination of pregnancy and the prohibition of disclosure of the contents of notices and other information. Subsection (3a) provides that no person is under a duty, whether by contract or legal requirement, to participate in any treatment authorized by the section to which he has a conscientious objection, but subsection (3b) provides that subsection (3a) does not affect any duty to participate in treatment which is necessary to save the life or to prevent grave injury to the physical or mental health of a pregnant woman.

Subsection (3c) provides that the provisions of subsection (1) of this section do not apply to or in relation to a person who, with intent to destroy the life of a child capable of being born alive, by any wilful act causes such a child to die before it has an existence independent of its mother where it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother.

Subsection (3d) provides that for the purposes of subsection (3c) of this section, evidence that a woman had at any material time been pregnant for a period of twenty-eight weeks or more shall be *prima facie* proof that she was at that time pregnant of a child capable of being born alive.

Subsection (4) of the new section provides that anything done with intent to procure the miscarriage of a woman is unlawful for the purposes of sections 81 and 82 unless authorized by that section. Subsection (5) defines a woman as meaning any female person of any age.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

BULK HANDLING OF GRAIN ACT AMENDMENT BILL (QUOTAS)

Adjourned debate on second reading.

(Continued from November 6. Page 2789.)

The Hon. A. F. KNEEBONE (Central No. 1): The Minister of Agriculture, in moving the second reading of this Bill, said it was the first and most important of three measures designed to give legal effect to a scheme of restriction of wheat deliveries by allocation of quotas. The other two measures are the Wheat Industry Stabilization Act Amendment Bill and the Wheat Delivery Quotas Bill, the second reading of which was given this afternoon.

Because this is the first of the three measures, I propose to address myself mainly to this Bill in regard to the wheat crisis, which has brought about this spate of regulatory legislation. The Commonwealth Minister for Primary Industry (Mr. Anthony) in a Ministerial statement issued on April 30 of this year said that quotas would be introduced during the 1969-70 harvest to regulate the delivery of wheat. He is quoted as saying that he had explained to the wheat industry the problems it had to face as a result of the

unprecedented intake of wheat from the 1968-69 harvest. These problems were serious and were related to the storing and marketing of the harvest. There was also the certainty of another big crop in the 1969-70 harvest. He is also reported as having told the industry that it could not expect the Commonwealth Government to guarantee unlimited finance to the industry. He then went on to say that the industry had proved that it was fully alive to the situation by agreeing that some system of quotas should be introduced for the 1969-70 season.

The industry, in the circumstances, had hardly any other alternative open to it than to accept a quota system. The Commonwealth Government, after indicating to the industry that there was no other alternative, from that point referred to the system as the Australian Wheatgrowers Federation's proposal. The Commonwealth Goverment then indicated that it would support the proposal. The support would be to guarantee finance to the Australian Wheat Board to enable it to pay a first advance of $1.10 a bushel on wheat in the 1969-70 season delivered within the quotas established, not exceeding an aggregate of 357,000,000 bushels. Of that amount South Australia is entitled to deliver 45,000,000 bushels, as has been stated by the Minister of Agriculture in this Chamber.

As the Minister has said, for all practical purposes the Australian Wheat Board is the only authority that can, under the law, engage in wheat marketing. The board does not in this State physically handle the wheat delivered to it but operates through a licensed receiver, South Australian Co-operative Bulk Handling Limited. The Commonwealth Minister has said that to enable the Wheat Board to meet expenses such as those for storage, handling and administration, a further sum would be made available but the board's drawing limit with the Reserve Bank would be $440,000,000. He emphasized that this limit must be observed.

He is reported as saying also that the industry, through the Wheat Board, is now heavily indebted to the Reserve Bank and that it is likely to have an overdraft of as much as $200,000,000 at the time when advances on the crop will be at about their peak. In other words, there may be as much as $640,000,000 advanced to the industry in the early months of 1970. He then said that, if quotas were not implemented and if the quantity delivered to the Wheat Board exceeded 357,000,000 bushels, the first advance would have to be something less than $1.10 a bushel. As I have said, this indicates that the wheat industry was under fairly heavy pressure to accept the quota system. The decision to accept this system must create many individual problems within the industry. With the season now well advanced, some farmers may not yet have received notification of the quotas they will be permitted to deliver. If they have, they must have received them in the last few days, because we heard only last week that they were in the process of being sent out.

The Hon. C. R. Story: There are 500 still to go.

The Hon. A. F. KNEEBONE: I see. Many people who have received their quota cards are very disturbed about the quotas they have been allotted. It was reported yesterday, and it has been referred to today in this Council, that many farmers have sought deputations to various people about their problems and the quota system. Some of these people may have protested before knowing the full contents of this Bill, but probably even the Bill does not clear up many matters in their minds. Probably the State Government is not solely to blame for this situation of the late delivery of quota cards. The matter was not handled as expeditiously as it could have been in Canberra.

The Hon. C. R. Story: Canberra had nothing to do with the quota cards.

The Hon. A. F. KNEEBONE: I mean the delay in making it known that quotas would apply to this season. Perhaps a certain event that took place on October 25 delayed some action in this matter and prevented people from becoming aware of what they might have been entitled to deliver. I criticize the Government here on this and was amazed to hear that part of the excuse for the late delivery of quota cards was that many of them had been lost.

The Hon. C. R. Story: I thought that that was what you were referring to.

The Hon. A. F. KNEEBONE: No; I was referring to the quotas. Surely anybody who knows anything about wheat appreciates the fact that the farmers have a problem this year as a result of what happened last year, and some earlier moves could have been made to let them know that they would be operating on a quota system; they should have been given some idea of what their quotas would be. However, I will come to that point later.

A serious problem has been created by the quota system for new growers (we heard something about this today in a second reading speech) and for growers who have developed land not previously used for wheat production. I understand some of them will be taken care of by another Bill introduced today, but so far the farmer who has done these things has not been aware of the provisions of this Bill, which has caused him undue worry.

The Hon. S. C. Bevan: What about a share-farmer?

The Hon. A. F. KNEEBONE: There is something about a share-farmer, not in this Bill but in another Bill. However, I am being sidetracked and invited to talk on some other Bill that is not before us at this moment.

The Hon. A. J. Shard: Is that with malice aforethought?

The Hon. A. F. KNEEBONE: Possibly, but I could not believe that my own colleague had malice aforethought. I was speaking of people working on land not previously sown to wheat and the fact that some of them had developed land since last year and had planted wheat this year. We should look at places like Eyre Peninsula, where people have gone into low rainfall areas and prepared land for wheat production. Those people have invested large sums of money in plant, machinery and land improvement and are now faced with a quota system that may not return them sufficient money to cover their expenditure, that will not earn them sufficient return on their capital investment. We can understand that those people are very worried about the quota system. I have not the same concern for people such as the Rundle Street farmers who are alleged to be primary producers but who have gone in for wheat production purely for tax evasion.

However, I am greatly concerned for the small farmer who has been operating on a tight belt up to this stage and who, as a result of the quota system, now has to tighten his belt further. The big wheat producer must be in an infinitely better position than the small farmer under a quota system, because with mass production of a great quantity of goods, whatever those goods might be, the costs must be less.

I think, too, that the delay in announcing quotas must have resulted in enormous difficulties for many individual farmers who, because of the confusion and the late knowledge of what the quota might be, may have taken a risk and gone ahead. After all is said and done, wheat farming is a risk, anyway, because a farmer has to rely on the season being a good one. It is easy enough for people to say that about one season in five is a good one. However, the Mallee farmer would completely disagree with anyone who told him that one season in five is about the average. Some people have gone ahead and sown wheat this season because they were prepared to take the chance, in the normal way that a farmer does, of this being a favourable season.

However, we have been told now that this season will be second only to the record season of 1968 and that it is estimated that the crop will be 67,000,000 bushels. Those people who planted a normal amount of wheat on an expectation that it would perhaps be a below-average season now find they have much wheat that they will not be able to deliver. South Australia's quota is 45,000,000 bushels, which I understand was fixed on the basis of the average over five or six seasons for South Australia, less 5 per cent. As a result, we will have 22,000,000 bushels of over-quota wheat, and much of this wheat will have to be stored, at least temporarily, on the individual farms, with all the attendant risks of contamination associated with this temporary storage. This wheat could be attacked by weavils, mice or other vermin. We had the recent plague of mice in the Mid North, and we know what this means.

The Commonwealth Minister for Primary Industry has announced that wheat supplies for the 1969-70 season will exceed the available market outlets, and I suppose that we have to accept that statement at face value. Therefore, it would appear that the quota system, for this season at least, is unavoidable. However, it must be disconcerting to those nations to the north of us, which we are supposed to be trying to impress with our way of life, to see us putting a restriction on the production of food while so many of their own people are starving. Also, they can hardly be impressed with our actions when they become aware that while we have stock starving and being destroyed in Australia as a result of a severe drought, and while we have surplus wheat available, we have not allowed that wheat to be sold for stock feed at less than the inflated home-consumption price. There is to be some slight concession in this regard, however, if a Bill before this Chamber passes all stages; but even this concession limits the lower price to not less than the export price of wheat. Is it any wonder that some people

in those countries look with a certain amount of suspicion upon a capitalistic private enterprise type of political system?

The Bill in itself is a very short one, having only two clauses, clause 2 being the operative one. It simply gives South Australian Co-operative Bulk Handling Limited the power to refuse to accept delivery of wheat from the 1969-70 season or any other season that is declared a quota season under the Wheat Delivery Quotas Act, 1969. For this and the other legislation being introduced on this subject of wheat quotas to be effective, it is necessary for uniform legislation to be introduced by all States and by the Commonwealth Government. As the Minister has told us that this has either been done or is in the process of being done, I support the Bill.

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

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 6. Page 2790.)

The Hon. A. F. KNEEBONE (Central No. 1): This is the second of three Bills that are connected with the system of wheat delivery quotas. I have spoken at some length on the first of these Bills in regard to the introduction of quotas and the apparent inevitability, for this season at least, of the system. On examining this Bill, however, I find that in addition to implementing the decision in regard to quotas it also introduces a departure from previously established principles in regard to the sale of wheat. This matter is contained in clause 6, which inserts a new section 20a in the principal Act.

It is intended by this section to empower the board to sell wheat not intended for human consumption at a lower price than would otherwise obtain. At present under the wheat stabilization scheme two prices obtain, namely, an export price of about $1.41 a bushel and a domestic price of about $1.71 a bushel. In my opinion, the new provision is a step in the right direction. I have already referred to the previous provisions when speaking on the Bulk Handling of Grain Act Amendment Bill.

I noticed a statement by the Commonwealth Minister for Trade and Industry (Mr. McEwen) in August this year which gave me a lead on what the price might be for wheat not used for human consumption. It also throws some light on the attitude taken by the partners to the International Grains Arrangement in regard to world wheat marketing. Mr. McEwen was speaking of the difficulties in relation to the export of wheat and of competition on the world market. He spoke also of the need to be careful not to do anything to cause the International Grains Arrangement to break down. The arrangement had been close to the point of being destroyed completely. He said there were certain terms which related freight to selling prices and which turned out to put South Australia in a favourable position, resulting in Australia selling more wheat to Europe than was customary, and the United States of America and Canada were finding it more difficult to sell. This had almost wrecked the arrangement.

As a result of discussions that took place (all members will recall that Mr. McEwen went to Washington earlier this year), fresh terms were reached that were designed to give to the sellers within the arrangement a fair share of the existing market. Probably open competition would have been detrimental to Australia in relation to its wheat exports. It is not generally known that within the terms of the International Grains Arrangement there is a provision under which wheat can be sold outside the minimum prices if it is denatured. I understand that for denaturing to be acceptable to the parties to the arrangement, it must involve the staining of the wheat in such a manner that it could never be converted to a condition in which it would be acceptable for human consumption.

Recently a Victorian organization sought permission to sell a large quantity of wheat under the denaturing provision. That organization said it intended to denature the wheat by mixing the grain with oats, and it asked that it be permitted to sell overseas what it called denatured wheat for $1.01 a bushel. Obviously, it would have only been necessary to put the grain through a certain mesh of screen to separate the wheat and oats again. However, the organization was refused permission to sell wheat at that price. The Commonwealth Minister for Trade and Industry said that to sell this organization's wheat at $1.01 when growers' organizations were proposing that wheat should be sold for feed purposes for local consumption at $1.45 a bushel would produce a situation that would be difficult to justify. It would appear, therefore, that the price for this wheat covered by the new section proposed to be inserted in the Act by clause 6 is likely to be $1.45 a bushel.

The idea of having a special price for feed wheat or wheat for industrial uses has been the subject of much conjecture in recent weeks. In about the middle of September the Commonwealth Minister for Primary Industry made a statement on this matter, in which he said he had met the executives of the Australian Wheatgrowers Federation, who had made certain recommendations to him. It was recommended that the board be authorized to sell on the domestic market wheat for purposes other than human consumption, that is, as stock feed or for industrial use, such as the making of starch, at a price lower than the present home consumption price of $1.71 a bushel, but not less than the guaranteed export price. The federation evidently sought a Commonwealth contribution towards making up the difference between the present price and any newly-determined price for stock feed or wheat used for industrial purposes. The Commonwealth Minister announced on that occasion that the Commonwealth Government was not prepared to do this.

This provision of a different price structure will assist in disposing of the likely high proportion of over-quota wheat expected this season. It also may have an effect in restraining the temptation of some people to traffic in black market wheat. I understand that a prominent official of a wheat producing organization in Victoria has been quoted as saying that he intended to sell wheat on the black market. Such action as this would merely succeed in wrecking the orderly marketing procedures laid down. I hope that no more will be heard of such irresponsible suggestions.

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

LAND SETTLEMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 6. Page 2791.)

The Hon. D. H. L. BANFIELD (Central No. 1): This Bill is an extension of the legislation which was introduced in 1944 and which constituted a Parliamentary Committee on Land Settlement. At that time the Act was to operate for about five years, but since then various Parliaments, by a succession of amending Acts, have extended the life of the committee by two-yearly intervals, the last extension expiring on December 31 this year. The Bill is similar to other extending Bills except that it extends the life of the committee for four years where previously extensions have been for only two-year periods.

The original Act provided that the committee would comprise two members from the Legislation Council and five members from the House of Assembly. It was the custom for one of the Legislative Council members appointed to be from the Party led by the Leader of the Government and for the other to be from the Party led by the Leader of the Opposition. However, in 1965 it was found that it was not possible for a member of the Party led by the Leader of the Government in this Chamber to be appointed to the committee. It was found that that member was unable to sit on the committee, a situation which he regretted and which arose because of the provisions of another Act.

This position clearly highlighted the fact that this Council is comprised mostly of members elected by and for a minority of the people of this State. The Hon. Mrs. Cooper said last week when speaking on another Bill that the minority must at all times be cared for. Surely the honourable member is not sincere in suggesting that this Council gives a true reflection of the wishes of the people, be they the majority or the minority, when the Party she represents could get only 43 per cent of the votes of the people of this State compared with the 53 per cent obtained by the Party I represent, and yet her Party has 16 members in this Council compared with four members of the Party to which I belong.

The Hon. C. R. Story: What clause are you speaking on?

The Hon. D. H. L. BANFIELD: In that respect, the Government takes care not to publicize its gerrymandering and clinging to office against the wishes of the people. Of course, it is my duty to do this, and I am pleased that the Minister has given me the opportunity to enlarge on that point.

The Hon. R. C. DeGaris: You won 70 per cent of the seats in South Australia at the Commonwealth election but you got only 50 per cent of the votes. What have you got to say about that?

The Hon. D. H. L. BANFIELD: The fact remains that the Labor Party obtained a majority of votes throughout Australia, while the Liberal Party and other splinter groups received only about 41 per cent of the votes of the people of this State. True, the number of votes it received was boosted to 45 per cent as a result of the coalition. This is obviously a touchy subject for honourable members opposite. The public does not know what name the Party known as the Liberal

Party in Canberra will have in six months when this matter is blown sky-high. We are not sure now whether the Prime Minister is McEwin, St. John, Andrew Jones or John Gorton. Anyway, it was necessary in 1965 to pass legislation enabling the Governor in certain circumstances to appoint six members from the House of Assembly and one member from the Legislative Council to the Land Settlement Committee.

The present Bill overcomes the necessity for amending legislation if a similar position arises in future. When the legislation was first introduced in 1944 the then Minister of Agriculture (Hon. G. F. Jenkins) said:

This is one of the most important measures we have had for a long time and it deserves the earnest consideration of all members.

Those words were proved correct and, because of the benefit that accrued to the State as a result of the operations of the Act, it is most desirable that the Act continue to operate. Clauses 5 to 8 effect certain amendments consequent upon the introduction of decimal currency. The question of salaries has received a certain amount of attention since the principal Act came into force in 1944. Then, the Chairman was paid a salary of $800 and other committee members were paid $500 a year.

In 1951, the Chairman's salary was reduced to $500 and other members' salaries to $400. In 1960 the Statutes Amendment (Public Salaries) Act increased the Chairman's salary to $600 and other members' salaries to $500. So, in 1960 the Chairman's salary was less than it was in 1944. In the light of altered money values, consideration should be given not only to making decimal currency changes but also to increasing these salaries. It has been proved, and the Government agrees, that the Land Settlement Committee has done a good job over the years, yet the salaries paid to its members are no greater than they were in 1944. I support the Bill.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

DOG FENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 6. Page 2791.)

The Hon. S. C. BEVAN (Central No. 1): I support the second reading. This Bill makes decimal currency amendments to the principal Act, so that people will not be confused. Clause 4 amends section 24 of the principal Act, which deals with payments to owners of the dog fence. The amount of $60 has been set for a considerable time, but costs of materials have increased over the years. Only one clause does more that make a decimal currency amendment—clause 7, the important clause. It repeals section 31 of the principal Act and re-enacts new section 31, which must be considered in conjunction with section 26.

Under section 26 a rate not exceeding 60c a square mile must be paid by owners for the maintenance of the dog fence. The original section 31 provided for a Government subsidy to the board on a $1 for $1 basis, based on the rate declared by the board for a particular financial year. In 1953, section 31 was amended by limiting the amount of the subsidy to an amount not exceeding 1s. 3d. a square mile. In 1961, this subsidy was again amended to an amount not exceeding 2s. a square mile. This meant that the board had to carry additional finance in respect of the dog fence.

New section 31 restores the original situation —the limitation on the subsidy is removed and it will be paid on a $1 for $1 basis, based on the rate declared by the board in each financial year. In his second reading explanation the Minister has described the difficulties that the board is at present facing. We must protect South Australian pastoralists from dogs that come from New South Wales and Queensland. I have seen evidence of the great damage caused by one wild dog in a flock of sheep, even a herd of cattle, during one night. If a dog is hungry and is looking for food, it will quickly pull down a calf and have a feed off it.

The Hon. R. C. DeGaris: It does not always have to be hungry.

The Hon. S. C. BEVAN: The dog may then kill more calves for the sheer delight of killing. Of course, dogs kill sheep in a similar way. One dog can do an enormous amount of damage in a flock of sheep. Consequently, if the fence is not kept in good repair it is useless. If wild dogs can penetrate the fence and then return to the other side, they cannot be caught—unless they are poisoned. Years ago wild dogs were much more numerous on the Queensland side of the dog fence than on the South Australian side. If this legislation were not in force heavy losses would occur through the activities of wild dogs. Since the board is in a difficult financial position and may not be able to meet the cost of keeping the fence in good repair, the Government is doing

the right thing in introducing this Bill and safeguarding pastoralists. I support the second reading.

The Hon. A. M. WHYTE secured the adjournment of the debate.

GAS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 6. Page 2792.)

The Hon. A. F. KNEEBONE (Central No. 1): I support the second reading, although I have some criticism of some clauses. The main purpose of the Bill is to amend the principal Act to facilitate the reticulation of natural gas to consumers in the metropolitan area. This indicates that the day we have been looking forward to in this State for some time is at hand. I read in this afternoon's newspaper that today natural gas was flowing through the 478 mile pipeline to the Gas Company's establishment.

It seems a long time from the day when the first natural gas was located at Gidgealpa. I believe the chairman of Santos said that it is six years since that company first discovered natural gas in sufficient quantities to market it. From that point a long period of uncertainty was experienced when a further search had to be carried out for sufficient reserves of natural gas to make this a viable proposition, and to ensure that it could be used to produce electricity. Because of this, it was necessary for some time to carry out exploratory drilling.

The Hon. L. R. Hart: Some trouble was also experienced in selling it, too, in the early stages.

The Hon. A. F. KNEEBONE: Yes, that was a problem, as well as arranging for its transportation at a sufficiently low figure for it to be an economic proposition. Eventually the necessary reserves were found at Gidgealpa and Moomba, the necessary finance was made available, and the pipeline authority was constituted.

From both a local and a national viewpoint it has been important that South Australia should discover and develop an indigenous source of energy. Prior to the discovery of natural gas in South Australia the only local source of fuel has been the Leigh Creek coalfield, which has proved a relatively cheap source of fuel despite its acknowledged natural deficiencies. This field is fully committed to serving the existing Port Augusta generating plant; it cannot be used for further expansion of generating capacity. I believe it is estimated that the Leigh Creek coal reserves appear to be limited to not much over 20 years hence. Because of that, the discovery of natural gas reserves and the development of that source of fuel has been an important landmark in the history of South Australia.

Efforts should be maintained not only to find further gas fields but also to find oil within our borders. I was pleased to hear what the Minister of Mines had to say about further exploratory work: 18 exploratory wells will be drilled next year. It is to be hoped that there will be further successes in this field, particularly with oil, as the result of some of those wells. If oil is discovered in South Australia it will give this State an opportunity of, perhaps, overhauling some of the other States that have been more successful in this regard than we have been.

The Bill comes from another place where it was the subject of inquiry by a Select Committee, which took some evidence. Most of the clauses are straightforward, and I have no quarrel with them. However, one or two clauses cause my colleagues and me some concern. The first is clause 7, which seeks to amend section 27 of the principal Act. Subclauses (*a*), (*b*) and (*c*) seek to provide an increase of 1 per cent to the minimum and maximum amounts of the standard dividend rate payable to shareholders of the company. It is one of the provisions that is supposed to have nothing to do with the introduction of natural gas about to be reticulated to consumers. I have been told that no urgent need was expressed for an increase in dividends and that the alteration is proposed because the Act was being opened up and it was thought that it would be a good idea to make the amendment just in case it was needed in the future. This seems to me to be a weak suggestion. If it is not needed, then why make the change? I cannot agree with that sort of thing.

We have been told that natural gas will be cheaper to produce than other forms of gas. In fact, a little folder, which came into my hands from the Broken Hill Proprietary Company Limited and which refers to B.H.P. and Esso activities off the Victorian coast, states that natural gas will be considerably cheaper. The booklet indicates that B.H.P. and Esso will be selling to the distribution companies in Victoria at less than a quarter of the present cost of manufacturing gas. My colleagues and I want the consumer to benefit from the use

of natural gas in this State by having the charges reduced rather than providing for greater dividends to shareholders. It is interesting to see what has happened to section 27 of the principal Act over the years.

In the Gas Act, 1924, section 27 provided for a dividend rate of £8 per cent. In 1950, this was reduced to 5 per cent, or such higher amount not exceeding 6 per cent as approved by the Treasurer. In 1961, the rate of dividend was increased to 6 per cent, or such higher amount not exceeding 7 per cent as approved by the Treasurer. It is now proposed to increase both of these percentages by 1 per cent, which will have the effect of completing the circle and taking the dividend back to its original high level.

The Hon. C. R. Story: That is, if that power is exercised.

The Hon. A. F. KNEEBONE: I have no doubt that it will be exercised, because I am informed that, although this 7 per cent has to be approved by the Treasurer, in fact the figure is 7 per cent at the moment. It gravitates to the higher figure, anyway.

The Hon. A. J. Shard: The maximum becomes the minimum, in effect.

The Hon. A. F. KNEEBONE: Yes. Clause 6 is another clause on which I have had some misgivings. It provides that an employee of the gas supply authority may enter a consumer's home during his absence. When explaining the Bill, the Minister devoted three sentences to this clause, and I thought this was a most casual approach to the invasion of the privacy of a person's home.

When I studied the Bill I found there were further points to be considered. I should like the Minister's assurance that every effort will be made to ensure that there will be no need to force entry by employing a locksmith or by any other similar means. Can the Minister assure me that notice will be given of the intention to enter premises if that is considered necessary by asking that a key be left with a neighbour or arranging for the gas supplier to contact the consumer at his place of work, or by some other method? I believe that what will happen in the conversion of gas appliances, which will be started tomorrow week, is that, although natural gas is as safe and efficient as the present gas, it has different burning characteristics, which will require an adjustment of all gas appliances. In the areas where gas appliances will be converted, the new type of gas will be fed into each area at 7 o'clock on a certain morning, and it will force the old gas out of the system through a series of standpipes in the streets. This gas will then be burnt off under close supervision and immediately afterwards teams of adjusters will begin working in the areas and converting all gas appliances. The reason why it is necessary for some means to be provided for getting into a house where the gas meter is inside it is that the meter will need to be turned off; otherwise, a dangerous situation could eventuate.

In view of these explanations given me, although I am much concerned about people going into other people's houses when they are not there, thus invading their privacy, I support, reluctantly, that clause, for safety reasons. However, I want an assurance from the Minister that every other means possible will be used before this is done.

I turn now to the Bill. Clause 2 amends the definition of "gas supplier" by providing:

"Gas supplier" means (*a*) The South Australian Gas Company; or (*b*) any other company, body or person declared by proclamation under section 5a of this Act to be a gas supplier within the meaning of this Act.

The only difference between this definition and the definition in the principal Act is that instead of "and (*b*)" we find "or (*b*)". Not having a legal mind, I do not appreciate the difference. Whether or not this is an improvement I do not know, but that is what the clause states. I have thought about it but can see no difference between the two definitions, in one of which "or" appears and in the other of which "and" appears. I do not understand the purpose of that change. Clause 2 also deletes the present definitions of "President", "standard price" and "gas supplier". I think that is all right, as the provision relating to the President of the Industrial Court is being deleted from the Act altogether.

Clause 3 amends section 7 of the principal Act by substituting "Public Service Board" for "Public Service Commissioner". I agree with that. That amendment is necessary because of what was done during the Labor Government's term of office, when the Public Service Board came into being in place of the Public Service Commissioner. The new definition of "supply area" in clause 4 is better than the present one. The principal Act provides for meters to be tested every seven years. Clause 5 provides that all meters shall be tested at prescribed intervals instead of every seven years. In the old days, every seven years was adequate, but in these days

meters need not be tested frequently. It is now proposed to deal with this matter by regulation, which is a good idea.

Clause 6 refers to power of entry, with which I have already dealt. The first part of clause 7 refers to the dividend increase, and that I have already dealt with, too. Paragraph (*d*) of this clause provides:

(2) The interest paid by the company on any money borrowed by the company after the commencement of the Gas Act Amendment Act, 1969, by the issue of bonds . . . at such rate as is approved by the Treasurer.

It is interesting to note that in the Gas Act of 1924 the interest was originally £8 per centum and then in 1950 it was amended to 4½ per centum. Paragraph (*d*) mentions no specific figure but states "shall be at such rate as is approved by the Treasurer". Clause 8 amends section 29a of the principal Act, which refers to the President of the Industrial Court. In 1950 gas prices were brought under control under the Prices Act, and this amendment acknowledges that.

Clause 11 repeals section 37 of the principal Act, which gave the South Australian Gas Company power to charge for the hire of meters. It is not likely that this power will be needed in the future. Clause 12 amends section 38 of the principal Act by striking out subsection (2) thereof, which reads:

The moneys standing to the credit of any depreciation account or reserve account may be invested in securities in which trustees are authorized by law to invest trust funds, or may be used for any purposes of the company, or may be partly invested and partly used as aforesaid.

The company will now be able to invest its money in other than trustee securities. I do not know whether this is a wise provision, but that is what this clause does. Clause 13 repeals section 41 of the principal Act, which provides:

(1) The company shall, in the months of February and August in each year, publish in two daily newspapers published in Adelaide a half-yearly statement prepared on the basis of each one thousand cubic feet of gas supplied, setting out, for the period to which the statement relates—

(*a*) the cost of manufacture and distribution of gas and other charges, and specifying particularly—
  I. the cost of coal;
  II. the cost of other materials;
  III. the expenditure on wages; and
  IV. the value of residual products;
(*b*) the amount of dividend last paid;
(*c*) the amount of interest paid in respect of moneys borrowed;
(*d*) the amount set aside for depreciation and reserves; and
(*e*) the price of gas.

(2) Every statement under this section shall be verified by statutory declaration of two of the directors and the secretary of the company.

(3) A copy of every such statement shall forthwith after publication be transmitted to the Minister and also to the Registrar of Companies, and shall be open to public inspection without fee at the office of the said Registrar.

Although I understand that some of the matters referred to therein would not now have to be reported on because of the introduction of natural gas, I think there are some important matters in that section which are of interest to many people, particularly as the Gas Company has a monopoly. Surely the public is entitled to see what is going on in connection with these matters. I am a little concerned that this section should be repealed; indeed, I believe it could have been amended, thereby deleting the things that do not apply because of the advent of natural gas. I am concerned that no twice-yearly report is now to be made at all. However, I will reserve any further comments on this matter for the Committee stage.

I support the provisions of clause 14 which are necessary as a result of the change from manufactured gas to natural gas, and I am pleased to see that testing by approved methods will be carried out in order to ensure purity and quality. In new Part IV of the schedule we find the important provision concerning the distinctive smell of gas. As I understand the smell of natural gas will be made similar to that of manufactured gas, to which people have become accustomed, I am happy that people will be protected from any danger that may otherwise have arisen in this regard. Bearing in mind the amendment that I intend to move in Committee regarding the standard dividend, I support the Bill.

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

WEST LAKES DEVELOPMENT BILL

Adjourned debate on second reading.

(Continued from November 5. Page 2723.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading. The Bill is designed to give legislative ratification to a comprehensive agreement that has been drawn up between the Premier, the Minister of Marine and the Development Finance Corporation Limited, whose registered office is in

Sydney. The indenture was made on June 23, 1969, and members have had an opportunity to examine the copies of it that have been made available by the Clerk. I have had an opportunity to look carefully at the provisions of this indenture, which is the second indenture made in connection with this matter. The first indenture was made in April, 1967 (or 1966; unfortunately, I cannot tell, because the date on my copy has been obliterated). We all know that that indenture was prepared during the life of the last Government and that it is abrogated completely by the terms of the new document.

The first indenture was made in good faith and with high expectations by the previous Government, which perhaps in its enthusiasm neglected to tie up some of the loose ends that often appear on further reflection in regard to an important matter such as this. This particular indenture, I think, provides for more referral back in connection with plans and specifications, etc., than the previous one provided for, and to that extent these are useful provisions. Although this particular project is not without some risk, fortunately there is not much risk to the South Australian Government, because under the terms of the indenture the Government is to receive for its land $1,061,000 in a series of payments over the term provided for in the indenture. I suppose the question could arise whether or not the Government was getting its money's worth for the large area of land it held, some of which certainly will have a high value potential. I think that, because this scheme has not received as much publicity as it might have, many people do not realize that it is an exciting and large development scheme that is probably the biggest thing that has happened in South Australia since the Government started to develop Elizabeth.

In fact, in some ways, I think this scheme is more exciting for housing purposes than was the Elizabeth development, as it involves land that is much more valuable than any of the Elizabeth land and the area is so much nearer the city. Consequently, I imagine that when the scheme gets under way attractive blocks of land, particularly fronting the water, will be selling for high prices, perhaps between $10,000 and $12,000.

The Hon. R. A. Geddes: Will this money go to the Crown?

The Hon. F. J. POTTER: No, it will go to the corporation. All the Crown will receive is $1,061,000, but it must be remembered it is being released from its obligation to develop the site. The big problem regarding the previous scheme that was investigated by the Public Works Committee in 1965 was that the Government was actively involved in it. through the Housing Trust in particular. That scheme did not get off the ground, I believe, because of the difficult financial problems and the risk involved. However, the risks in connection with the present scheme have been taken off the shoulders of the Government and will be borne by the corporation. I presume that the corporation would not have entered into this debenture without—

The Hon. S. C. Bevan: I think it started off in about 1962, didn't it?

The Hon. F. J. POTTER: Yes, this scheme has been investigated for some years.

The Hon. S. C. Bevan: I think it was visualized that even in those days some blocks would cost $8,000.

The Hon. F. J. POTTER: I think the expectation has now risen to $10,000 to $12,000 for the blocks on the best sites. Indeed, I think it will be necessary for the company to realize amounts of this nature in order to recover some of the very considerable outlay involved in the scheme. It may be that because the amounts involved are so high the sales or the development of these high-class blocks will be spread over a much longer period of time than might be expected by the company at the moment. However, I think it is hoped (and some press statements have been made on this matter) that the whole scheme will be well on the way in a matter of five years; in other words, that the scheme will go with a swing and that all the blocks that are developed will very rapidly be sold.

The Hon. R. A. Geddes: What cover has the Crown got if this company goes insolvent?

The Hon. F. J. POTTER: As I understand it, if the company goes insolvent and is not able to carry out the terms of the indenture, the whole scheme will revert back at that stage to the Crown. My impression is that in those circumstances any moneys paid under the indenture and any works done would, in effect, be irrecoverable by the company, and the Crown would probably have to find another developer to complete the work. At any rate, as I say, I think the whole scheme is interesting and exciting, and it has been talked about for a long time. I understand that Mr. Sidney Crawford, a former Chairman of the South Australian Harbors Board, was the person who

many years ago more or less sparked off the idea that something had to be done with this miserable piece of waste marshy land in this area.

The Hon. A. J. Shard: I think that was about 20 years ago.

The Hon. F. J. POTTER: It was a long time ago. I have heard that Mr. Crawford did a considerable amount of, shall I say, pioneering work in this respect and that perhaps he was the person mainly responsible originally for selling the idea to the Housing Trust and also, of course, to the Harbors Board, which was going to be actively involved in the reclamation of this area. I believe that Mr. Crawford has to take some credit for this idea. I believe, too, that the Housing Trust, and particularly Mr. Cartledge, who was also actively interested in this scheme, can take some credit. I understand, too, that the Hon. Sir Thomas Playford also did a tremendous amount to get this thing going.

It is unfortunate that the Housing Trust, for one reason or another, was not able to proceed with its scheme. I do not think the present proposal is quite so grandiose, if I may use that term, as the one that was originally examined by the Public Works Committee, but certainly it is one that will transform this depressing area into a first-class housing estate, with all its consequent public facilities, because areas for recreation and for schools, hospitals and other things are provided for in the indenture. I think that the previous Government is to be congratulated on getting the thing off the ground with this company and that the present Government is to be congratulated on redrawing the indenture and perhaps plugging some of the gaps that were there. I do not think those gaps were left there deliberately. However, with a scheme of this nature that has to be set out in the terms of a fairly formidable document (and honourable members can see that this is a very formidable document), a second look is often very useful and valuable.

In my opinion, the Bill itself is nothing more than a ratification of the indenture. As a Bill, it is a most unexciting one: it is the concept of the plan and the terms of the indenture that give us satisfaction. I hope that after the Bill is passed and assented to the work will proceed with all speed, and I do indeed express the hope, as I am sure all other members do, that the very rapid progress the company expects to make will come about and that in fact in five years' time the area will be fully developed and the scheme completed. I support the Bill.

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

CHILDREN'S PROTECTION ACT AMENDMENT BILL

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

SUPREME COURT ACT AMENDMENT BILL (VALUATION)

Adjourned debate on second reading.

(Continued from November 6. Page 2794.)

The Hon. G. J. GILFILLAN (Northern): This Bill has a large bearing on a number of other Bills, the passing of which will affect many sections of our community. In his second reading explanation the Minister said:

> Significant financial benefits will flow to those seeking compensation through the courts. Thirdly, because compensation and other assessments will be made by one judge (speaking generally), the whole structure of land values throughout the State will be rendered consistent and predictable; that will confer untold benefits on those whose task it is to advise clients on land values and, consequentially, on the clients themselves; valuers and solicitors will find it easier to agree on sensible compensation figures, litigation will be avoided and costs to the man in the street will, in turn, be reduced.

This legislation answers in part many questions that were raised in this Council when the Metropolitan Adelaide Transportation Study was debated. I believe (and I hope to obtain the Minister's assurance in this respect) that this is only part of the intended alterations to be made to our legislation. I hope that further amendments can be made to the Compulsory Acquisition of Land Act which will assist not only in the working of that Act but which will help people affected by the compulsory acquisition of land.

The far-reaching effects of this Bill give me some cause for concern; it affects 14 other Acts, which relate to assessments as well as to compensation. For instance, if a ratepayer wishes to appeal against a local government assessment under the present Act, the Local Government Assessment Review Committee can hear the appeal; such a person then has the right to appeal even further to the local court of full jurisdiction nearest to the local government office concerned.

Although the Bill and the amendments to the other Acts mentioned therein will no doubt streamline the administration of those Acts. I question whether it will really confer great benefits on the person making an appeal. I can understand that in a case of an acquisition required under the M.A.T.S. plan this court would be in a central position and readily available to a person wishing to make an appeal. I appreciate, too, that the Crown can be represented by leading counsel and, of course, this may make any appeal very expensive. I fully appreciate also that, if large businesses or enterprises affected wish to appeal against a valuation, a court such as this could be a convenient way in which they could settle their differences. However, it is a different picture altogether in relation to an appeal involving a smaller appellant, because of the cost involved.

Once one gets past compulsory acquisition and assessments of land within the metropolitan area one realizes that geographically the metropolitan area is a mere dot in relation to the whole of the State, and if a person from, say, Ceduna (which is about 500 miles from Adelaide) or from another town some distance from the city wished to appeal against the decision of the Local Government Assessment Review Committee he would not only have to appeal to a court, which could involve an expensive hearing, but he must appeal to a court situated a long way from where he lived. The legislation, desirable though it may be in relation to acquisition within the metropolitan area, is somewhat limited in respect of areas far removed from where the court will sit.

The Hon. F. J. Potter: The court cannot be compelled to sit in Adelaide.

The Hon. G. J. GILFILLAN: I was going to raise that point. There is nothing in the legislation that provides that the court must sit in Adelaide. It would help, of course, if it moved around.

The Hon. F. J. Potter: I do not think it would be able to help doing so in some circumstances.

The Hon. G. J. GILFILLAN: If the court did move throughout the State this would surely slow up the process of hearing appeals. I can hardly imagine, for instance, the court moving to Ceduna to hear a ratepayer's appeal against an assessment. We are taking a big step in establishing this court because assessments affect a large area outside the metropolitan area. For instance, land tax assessments will be included in this jurisdiction, and these assessments cover land tax in what is known as the inside areas of the State.

The Hon. C. M. Hill: They will be included only if the others Acts are amended by Parliament.

The Hon. G. J. GILFILLAN: Yes, but they are named in this Bill. Also, the Waterworks Act affects a large area of the State. The land tax assessment is adopted where councils use land values in framing their assessments and the waterworks assessment is adopted where councils use annual values. So, the question of assessment could have a wide impact. Although, as the Hon. Mr. Potter has suggested, the court could perhaps visit different areas of the State, I think this is unlikely because there is only a limited time within which appeals must be settled.

The Hon. C. M. Hill: In most cases it is absolutely essential for the court actually to view the subject land.

The Hon. G. J. GILFILLAN: If that is the case, it will not expedite matters at all. We may find that the court becomes overloaded with appeals. So, I view the prospect with some concern and, perhaps I should say, without enthusiasm. I look forward to the Minister's reply to this debate. Although I read his second reading explanation, I believe that many questions are unanswered. An amendment has been foreshadowed that could meet objections that have been raised regarding the right of appeal, which is most essential in legislation of this kind. We must be as careful as possible in framing legislation dealing with compulsory acquisition of property because, as other honourable members have said, it goes to the very roots of our society. A person's home and land are regarded by him as more than just dollars and cents. Subsections (4) and (5) of new section 62h provide:

(4) All rules of court made in pursuance of this section—

(*a*) shall be published in the *Gazette;*

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

and

(*c*) shall, subject to disallowance in accordance with this section, have, as from the date of publication in the *Gazette,* or from any later date specified in the rules, the force of law and be judicially noticed and conclusively deemed to be valid.

(5) If either House of Parliament within one month after the rules are laid before it passes a resolution disallowing all or any of

those rules, the rules disallowed shall cease to have any effect, but that disallowance shall not affect the validity, or cure the invalidity, of anything done in the meantime.

These provisions are somewhat similar to those already in the principal Act, but they are not the same as those in the Acts Interpretation Act. In this Council we have always fought for the principle that regulations should be laid on the table of the Council for 14 sitting days to allow Parliament time to consider them. I have always been concerned about this matter, and I know the Joint Committee on Subordinate Legislation has been concerned, too. Acts such as the South Australian Railways Commissioner's Act allow a regulation to go through and automatically become law after it has been laid on the table, whether or not 14 sitting days have elapsed. Such a regulation automatically becomes law after the expiration of 30 calendar days. As a matter of principle and to conform to the Acts Interpretation Act, such rules of court, despite what the principal Act provides, should be dealt with in the usual way.

The Hon. F. J. Potter: All rules of court go to the Joint Committee on Subordinate Legislation anyway.

The Hon. G. J. GILFILLAN: Regulations under the kinds of Act I have mentioned automatically become law after the expiration of 30 days. If such regulations are laid on the table of the Council a day or two before the Council rises, probably most honourable members will be unaware of their contents. In a matter of such importance as the compulsory acquisition of land and the operation of the court, Parliament should have adequate time to consider any rules of court and any amendments to them. With those reservations, I support the Bill.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 6. Page 2795.)

The Hon. H. K. KEMP (Southern): It is my conviction that the people of South Australia do not want an increase in the number of members of Parliament representing them, nor do they need it. I join with my colleague, the Hon. Jessie Cooper, in suspecting this Bill. I suspect that very few people outside Parliament are aware of its implications and of the very profound changes that it will effect in political representation in this State. I do not think the country people realize what a sudden deprivation there will be in the proportionate number of representatives they send here to further their interests. The consequences of this Bill will be terrific not only for country people but also for those who are in any way dependent on them.

I do not think it is necessary for me to say very much about the remarkably steady growth of this State. In the political field this Parliament is unique not only in Australia but among all Parliaments working on the bicameral system. It is a long story of complete stability, which nevertheless has been wedded to and enmeshed with progressiveness. It has enabled this State to make better use of its resources, meagre though they may be, than has any other community of comparable size in the world.

It is a stability that in the opinion of political authorities (and I speak here after conducting fairly profound research) is completely dependent on the fact that the majority representation in South Australia in the past has come from areas where the most income is earned—that is, from rural districts. As a result of the stability and progressiveness that that representation provided, we are faced with a huge increase in urban population and the necessity to make an adjustment in representation in Parliament.

In the past there has been a majority of country people in both Houses, but suddenly this will be changed, if this Bill is passed, and it will be a tremendous change. It means a sudden increase from 39 to 47 representatives in another place, an increase of 20 per cent. From the reasonable (and the Hon. Mr. Shard calls it gerrymandered) electorate of the past, suddenly there is a swing to 34 metropolitan or near-country members and only 13 country members. The Hon. Mr. Shard has said that that is an unfair distribution. Do country people think it is fair? Do they even know it is going on? I am sure they do not. The people of this State are extremely sensitive to instability in Government, particularly so in country districts, which I believe face very difficult years ahead.

The Hon. C. M. Hill: Where do you get the figure of 34 metropolitan members?

The Hon. H. K. KEMP: I believe that is the correct figure as applied to metropolitan and near-country electorates. As I have said, the people of South Australia are sensitive to instability in Government. I believe that is because of the very nature of our economy,

which until recently has been strongly based on agricultural production amounting to about $500,000,000 annually. As to money that comes into this State from overseas, the bulk of it is derived from rural industries; a figure of 77 per cent as against 23 per cent from manufacturing industries.

Primary produce holds the key to the whole of our economy, even though today more people are engaged in manufacturing industries. The State is completely dependent upon primary production because of the new money it brings to the State. It is the basic primary wealth that starts rolling around the community; it circulates and recirculates until, in turn, it generates four times the figure (a generally accepted estimate) that existed originally. This means that although most of the population is concerned with secondary industry, and although this is now a manufacturing State, the key to setting the whole clockwork turning is still held by agriculture, and agriculture is the mainspring that drives the complete works.

I believe people in the city engaged in manufacturing pursuits must be insensitive to anything inimical to country interests. I also believe that instability will arise because the history of politics shows that stability in Government flows chiefly from a rural population. As urban population begins to predominate, so does instability in Government rise with it. That is written in history, and in the years ahead we can ill-afford any instability, but with 34 members out of 47 to be elected to another place coming from the sensitive city electorates, which are tied to big industry and which have limited interests confined to their own small parochial area, it is inevitable that instability in the State will occur. In view of the hour, may I seek leave to continue my remarks?

Leave granted; debate adjourned.

ADJOURNMENT

At 5.18 p.m. the Council adjourned until Wednesday, November 12, at 2.15 p.m.