

LEGISLATIVE COUNCIL

Tuesday, September 22, 1970

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

NEW MEMBER FOR MIDLAND DISTRICT

The Hon. Edwin Keith Russack, to whom the Oath of Allegiance was administered by the President, took his seat in the Council as member for the Midland District in place of the Hon. C. D. Rowe (deceased).

MINISTERIAL STATEMENT: ROYAL COMMISSION

The Hon. A. F. KNEEBONE (Minister of Lands): I seek leave to make a statement.

Leave granted.

The Hon. A. F. KNEEBONE: This morning Executive Council issued a Commission in the following terms:

To the Honourable Charles Hart Bright, a justice of the Supreme Court of South Australia: Whereas on Friday, September 18, 1970, public disorder occurred at or near the intersection of North Terrace and King William Street, Adelaide, at which time and place persons connected with a demonstration known as a "moratorium demonstration", members of the South Australian Police Force and other persons were present: I, the said Governor, with the advice and consent of the Executive Council of the said State, do hereby appoint you to be a Royal Commission to inquire into and report upon:

1. (a) What persons connected with the said moratorium demonstration were in charge of the arrangements and plans made prior to the commencement of the said moratorium demonstration for the conduct of the said moratorium demonstration?

(b) What were those arrangements and plans?

(c) What information was disclosed to the police prior to the said moratorium demonstration by persons connected therewith?

(d) After the commencement of the march which took place during the said moratorium demonstration, and prior to the conclusion of the public disorder abovementioned, what arrangements or plans were put into effect and what orders or instructions were given by persons in charge of or asserting positions of authority with respect to the said moratorium demonstration?

2. What arrangements and plans were made by the police with respect to the proposed moratorium demonstration?

3. (a) What happened at or near the said intersection on the occasion in question?

(b) Why did it happen?

4. (a) What are the legally permitted limits of public demonstration?

(b) What changes, if any, should be made in the law on this subject?

5. What, if anything, can or should be done to prevent a repetition of public disorder in connection with a public demonstration?

And I give you full power and authority to do all such other acts and things as may be necessary and which may lawfully be done for the due execution of this Commission.

Given under my hand and the public seal of South Australia, at Adelaide, this twenty-second day of September, 1970.

QUESTIONS

ROYAL COMMISSION

The Hon. R. C. DeGARIS: I ask the Minister of Lands, as Acting Leader of the Government in this Council, to clarify whether that Ministerial statement means that all matters concerning the demonstration, whether by question, debate, or motion in this Council, are now *sub judice*?

The Hon. A. F. KNEEBONE: I understand that to be so.

The Hon. C. R. STORY: I ask a question of you, Mr. President. Under what authority can a matter such as that mentioned by the Minister be deemed to be *sub judice* in this Council?

The PRESIDENT: I think that Erskine May has expressed an opinion on this matter, in his *Parliamentary Practice*. Erskine May's reference to the question asked by the honourable member (I think this covers it) is:

Dealing with matters referred to a royal commission, or with matters before a parliamentary committee, or with matters within the jurisdiction of the chairman of a select committee or the authorities of the House. No question can be asked regarding proceedings in a committee which have not been placed before the House by a report from the committee.

That is what May has to say about it. This matter will be *sub judice* as far as this Council is concerned and questions on it will be inadmissible.

The Hon. Sir ARTHUR RYMILL: Does that mean that, although the Royal Commission has not yet sat and thus has had no proceedings, questions on this matter are to be regarded as *sub judice*?

The PRESIDENT: The matters actually referred to in the terms of reference, which I have not before me, I would think come into the realm of making questions about them inadmissible.

The Hon. R. C. DeGARIS: Can the Minister of Lands say why a Queen's Counsel from another State was appointed to assist the Commission—a Queen's Counsel with very close associations with the Australian Labor Party?

The Hon. A. F. KNEEBONE: I do not know whether the Leader thinks that the Queen's Counsel has very close associations with the A.L.P.: I think that is beyond the point. The very learned counsel who has been appointed is the immediate Past President of the Victorian Bar Association, and he is held in very high esteem in law circles throughout Australia. This eminent legal man has been appointed because of his ability.

The Hon. R. C. DeGARIS: In view of the people's knowledge of the close association of the A.L.P. with the moratorium, would it not have appeared better to appoint a Queen's Counsel to assist the Commission who had no Party affiliation?

The Hon. A. F. KNEEBONE: No; in a case like this we look for the best legal brains available, irrespective of Party affiliation. I wonder whether the Leader would have raised the query if the learned counsel had belonged to some other Party. The only matter concerned in the appointment of this learned counsel was his wide legal ability and experience, irrespective of the Party to which he belonged.

The Hon. R. C. DeGARIS: I seek leave to make a short statement prior to asking a further question of the Minister of Lands.

Leave granted.

The Hon. R. C. DeGARIS: This morning's *Advertiser* contains the following statement by the Premier:

The Government insists, pending the Commission's report as to appropriate procedures, that in future the organizers of all processions and demonstrations fully inform the Government, the police and other appropriate authorities of their intentions and satisfy them that public order will be maintained.

I realize that many members of the Australian Labor Party, including the Premier, have freely associated with demonstrations in Adelaide: indeed, the Premier has played a leading role in some of these demonstrations. By-law 34 of the Adelaide City Council requires that permission be obtained from the council to hold a procession in the streets of Adelaide. The procedure is that, when permission is granted (which is invariably the case), the police are informed of the nature and place of the march, and police assistance is sought. As members of the A.L.P. and the Premier have been involved with the Campaign for Peace in Vietnam, has the Minister of Lands any information whether the members of the A.L.P. and the Premier knew that no permission had been sought or given for the moratorium marches?

The Hon. A. F. KNEEBONE: I cannot answer for other people. I was not aware whether or not permission had been given, but the authorities referred to in this morning's statement include the Adelaide City Council.

The Hon. R. C. DeGARIS: If the present law is fulfilled, can the Minister say whether there is any need for further Government action? If the present law is fulfilled by people who wish to march in the streets, there will be no need for any further action in this matter.

The Hon. A. F. KNEEBONE: The Leader's question borders closely on matters that will be discussed by the Commission. These matters are referred to in the Commission's terms of reference regarding demonstrations or future processions and, as such, they are *sub judice*.

The Hon. Sir ARTHUR RYMILL: In view of the Minister's replies to some of the previous questions, is it not the inescapable implication that South Australian lawyers are not sufficiently qualified or capable to assist the Commission?

The Hon. A. F. KNEEBONE: No. I was not trying to imply that. It will be necessary for a South Australian junior counsel to be appointed, anyway. I was not trying to cast aspersions on South Australian lawyers. The reason for the appointment, as I said before, was ability, plus the fact that we, and other people, including Cabinet, considered that it would be better to obtain the services of someone from another State because of the number and wide variety of people associated with Friday's demonstration. For that reason it was thought that it would be better to look in another State for someone with ability of this nature. It was thought that if we could find a learned counsel in another State equal to South Australian counsel it might be a better idea to get such a person. I am not saying that we do not have eminent and skilful counsel in South Australia. However, not only because of this but also because of the emotional aspect that has been engendered, we thought it might be better to get someone from another State to assist the Commission in its work.

The Hon. C. R. STORY: I seek leave to make a short statement prior to asking a question of the Minister of Lands as Acting Leader of the Government in this Council.

Leave granted.

The Hon. C. R. STORY: Today's newspaper contains the following statement:

The Government insists, pending the Commission's report as to appropriate procedures, that in future the organizers of all processions

and demonstrations fully inform the Government, the police and other appropriate authorities of their intentions and satisfy them that public order will be maintained.

Can the Minister say whether the procession which has just passed Parliament House received authority to do so?

The Hon. A. F. KNEEBONE: I do not know anything about any processions that were held today.

The Hon. C. R. STORY: Will the Minister take the matter up with the Government and inquire whether this permission was obtained?

The Hon. A. F. KNEEBONE: Yes.

The Hon. R. C. DeGARIS: Saturday's newspaper contained a report of a comment from the Premier from Sydney. This comment, which was headlined in a number of newspapers both in this State and in other States, was that aggression had taken place on both sides. Can the Minister of Lands indicate how the Premier could make a comment from Sydney on the recent moratorium demonstration without having any knowledge of what happened?

The Hon. A. F. KNEEBONE: I can say that because so much emotion was introduced into this matter there were comments on the events of last Friday from many other people who were nowhere near the situation and who saw nothing of it. Also, I have yet to have confirmed whether the Premier was misreported on this matter.

WOOL SUBSIDY

The Hon. A. M. WHYTE: I understand the Minister of Agriculture has an answer to my recent question about the allocation of the wool subsidy by the Commonwealth Government and how it will be applied to the various States.

The Hon. T. M. CASEY: Following the honourable member's inquiry, I took up this matter with the Commonwealth Minister for Primary Industry (Mr. Anthony), who has informed me that the question of assistance to the wool industry is essentially a long-term project. However, short-term urgent measures are being implemented which are designed to provide emergency financial aid to those woolgrowers who are largely dependent on wool and whose incomes have fallen significantly in 1969-70. This assistance will be afforded by way of a grant up to a total amount of \$30,000,000. The Minister states that eligibility for full assistance is limited to growers who derived at least 50 per cent of their gross income from wool in the year

ended June 30, 1969. Growers who derived less than 50 per cent but more than 33½ per cent of their gross income from wool during that period are eligible for some assistance. I am unable to say what proportion of the total amount provided will be allocated to growers in this State but I shall be happy to make available to the honourable member the full text of Mr. Anthony's reply, if he so wishes.

NURIOOTPA PRIMARY SCHOOL

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

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the Nuriootpa Primary School and the provision of a new facility in that area. Honourable members may know that, unfortunately, the present area of the primary school, as is the case with many other schools, is restricted in the centre of the town; it is bounded by very narrow streets and is overcrowded. Some years ago the Education Department secured a new site with plenty of room on the outskirts of the town, but this was objected to by local residents on the score of the possible flooding of the North Para River. However, since that time the river has been cleaned out, there is a clean flow through and the danger of flooding has largely been removed. The need for a new school is very urgent. I understand there is some possibility of planning for a new school in two or three years' time. Will the Minister ascertain from his colleague what stage the planning has reached in the provision of a new primary school for Nuriootpa?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and inform him when a reply is available.

DYSLEXIA

The Hon. V. G. SPRINGETT: Has the Minister of Agriculture obtained from the Minister of Education a reply to my question of September 15 about the care of dyslectic children?

The Hon. T. M. CASEY: My colleague reports:

The term "dyslexia" has been incorrectly applied in the community to children who have reading difficulties regardless of the cause of such difficulties. The narrower definition limits the term to children who have perceptual difficulties, commonly visual, but also auditory,

which give them particular difficulty in interpreting written symbols. A good number of these dyslectic children become effective readers without special help outside the normal classroom, and the number of children with specific learning difficulties that result in reading handicaps is probably less than 1 per cent of the school population.

In view of the above comments, special training is not supplied as a general rule, as normal classroom procedures cater for a wide range of individual differences. It is probable that current changes in classroom practice will make it possible to cater for even more of these handicapped children within the normal classroom. At present there are 20 remedial classes throughout the State and the Northern Territory to give assistance each day to small groups of children with reading difficulties. More than 800 children each year are assisted in this way. In reply to the third part of the honourable member's question, I point out that the Government provides the following:

- (a) Normal class instruction, which is sufficient assistance for the majority of children with less severe handicaps.
- (b) Special classes of a variety of kinds, including remedial classes.
- (c) A service of guidance officers to assist teachers in the identification of difficulties, including dyslexia.

The need for more remedial classes is recognized. The ability of teachers to handle special problems in the normal classroom situation depends to a very significant extent on the numbers of children each teacher has to deal with. We believe, therefore, that a reduction in the pupil/teacher ratio is a vital part of any programme designed to overcome the problems created by dyslexia or other special difficulties. The shortage of trained teachers and the financial limits imposed on the Education Department by the lack of Commonwealth aid for recurrent education expenditure mean that progress in tackling these problems is likely to continue to be slow.

DENTAL HOSPITAL

The Hon. R. A. GEDDES: I seek leave to make a short statement prior to asking a question of the Minister representing the Chief Secretary.

Leave granted.

The Hon. R. A. GEDDES: I have received complaints from people that there is up to a five years' delay in the State Dental Hospital irrespective of the health of the patient, the means test qualifications of the patient, or the urgency of the treatment needed. Can the Minister ascertain whether it is correct that there is up to a five years' delay in treatment at our State Dental Hospital?

The Hon. A. F. KNEEBONE: I shall be happy to obtain a report for the honourable member on this matter.

MERINO RAMS

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. L. R. HART: At the recent Royal Adelaide Show sales, Russian buyers purchased 78 merino rams for a total of \$32,800. At the Melbourne sheep show sales in August, Russian buyers purchased 60 merino rams for a total of \$35,425. Earlier in the year, at the Sydney sheep show sales, the Russians and other oversea buyers operated to some extent on merino ram sales for export out of this country. Owing to an Australian Council of Trade Unions' black ban placed on the export of merino rams from Australia, it seems that these sales will have to be cancelled. When he opened the Women's Agricultural Bureau, the Minister of Agriculture said that Australia was essentially a trading country. Is he in accord with the black ban placed on the export of merino rams from this country; if not, will he use his good endeavours to have the ban lifted?

The Hon. T. M. CASEY: I did make a statement at the Women's Agricultural Bureau that Australia was basically a trading nation. In fact, I went further and spelt out quite specifically that although Australia had one of the smallest populations in the world we were the 12th or 13th largest trading nation. I am not responsible for the A.C.T.U. decision to place a black ban on the export of merinos. In the past, merino rams have been purchased by Russian buyers and shipped out of this country: this happened last season, and no doubt it will happen this season. I also draw the honourable member's attention to the fact that the Victorian Liberal Party Government has supported the ban on the export of merinos.

The Hon. L. R. HART: The question I directed to the Minister was this: is he in accord with the black ban placed by the Australian Council of Trade Unions on the export of merino rams?

The Hon. T. M. CASEY: We are in agreement with the Victorian Government on this score.

The Hon. L. R. HART: Can the Minister of Agriculture say what legislative action the Victorian Government has taken to ban the export of merino rams from Australia?

The Hon. T. M. CASEY: I do not believe that it has taken any legislative action.

The Hon. L. R. HART: As the Minister believes that the Victorian Government did not take any legislative action to prevent the

export of merino rams from Australia and as he is in accord with its action, will he say whether he is prepared to use his best endeavours to have the ban lifted?

The Hon. T. M. CASEY: When one deals with Governments one deals with Government policy. It is the policy of the Victorian Government not to support the export of merino rams, and we agree with that policy. Therefore, there is no conflict in policy. The South Australian Government's policy is the same as that of the Victorian Government.

The Hon. L. R. HART: Can I take it that the Minister's reply is to the effect that he and the South Australian Government oppose the lifting of the ban?

The Hon. T. M. CASEY: That is quite correct.

SHOPPING HOURS REFERENDUM

The Hon. C. M. HILL: I seek leave to make a short statement prior to asking a question of the Minister of Lands as Acting Leader of the Government in this Chamber.

Leave granted.

The Hon. C. M. HILL: Last Wednesday in this Council I referred to the public confusion that was being brought to my notice in connection with the referendum on shopping hours. The most significant point of disquiet that I referred to then was the matter of the future of Friday night shopping in such areas as Elizabeth, Ingle Farm, Tea Tree Gully, Reynella, Morphett Vale and other parts that enjoy Friday night shopping at present. I asked the Government whether it would confirm that it intended to legislate to close shops on Friday nights if a "No" vote succeeded on Saturday. The Minister referred the matter to his colleague in the other House and on Thursday of last week brought back his reply, the principal sentence of which was as follows:

The honourable member can be advised that, as stated in the second reading speech of the referendum Bill, it is the intention of the Government to introduce a further Bill after the referendum to give effect to the decision expressed by the people.

My questions to the Minister now are these: first, when will a further Bill, as promised, be introduced? Secondly, does the Government intend to act in any way contrary to the "No" vote decision of the people?

The Hon. A. F. KNEEBONE: The Minister of Labour and Industry is preparing a report on the result of the referendum and he will present this to Cabinet shortly. A Bill on this matter will in due course be introduced, and the

details of the legislation will be made public at the appropriate time.

The Hon. Sir ARTHUR RYMILL: Because of the obvious resentment of electors in South Australia at being asked to vote on the shopping hours issue, as evidenced by the many informal votes (many of them, I understand, being deliberate), can the Minister of Lands, as Acting Leader of the Government, say whether the Government intends to fine the many electors who expressed their resentment in a different way, namely, by staying away from the poll?

The Hon. A. F. KNEEBONE: This matter is in the hands of the Electoral Department, and no policy has been expressed on it.

WINE PRICES

The Hon. C. R. STORY: On September 2, I asked whether the Government considered that the present price of wine in dining-rooms and bottle departments was realistic, and I also asked for a report from the Prices Commissioner. Has the Minister of Lands, as Acting Leader of the Government, a reply to those questions?

The Hon. A. F. KNEEBONE: On August 20, the honourable member asked what action the Government intended to take to ensure that the increase of 8c a bottle of wine fixed by the Budget was not exceeded in any compilations that might take place when the price-fixing authority was computing the price for sale to the public of South Australia. As the Liquor Industry Council announced the price increases on the same day, no action could be taken at that stage. The details of how the increases were compiled were set out in the reply given on September 2. The honourable member's previous question was asked on August 20, the date the increase was announced. Regarding the remainder of the honourable member's question, the Prices Commissioner reports:

The matter is currently under investigation to ascertain whether the winemakers' increase exceeds the estimated cost increase resulting from the Budget, and also whether there is scope for a reduction in the retail margin of 40c.

STURT HIGHWAY

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

Leave granted.

The Hon. M. B. DAWKINS: My question refers to what I believe is correctly described

as the Sturt Highway, between Gawler Belt and Nuriootpa via the township of Greenock. I am aware that some people describe as the Sturt Highway the road through Lyndoch and Tanunda, but I believe that the authorities designate the road through Greenock to Nuriootpa as the highway. Some years ago, the Highways Department reconstructed the road from Gawler Belt as far as Greenock, but from there to Nuriootpa many bad angles or corners remain. Also, I believe that it will be necessary for the township of Nuriootpa to be by-passed. Will the Minister ask his colleague what stage plans have reached to reconstruct the road from Greenock into Nuriootpa and to by-pass the latter town?

The Hon. A. F. KNEEBONE: I will obtain a reply from my colleague.

HAIR SPRAY CANS

The Hon. V. G. SPRINGETT: Will the Minister of Lands ask the Minister of Labour and Industry whether his attention has been drawn to the fact that ladies' hair spray cans can be used as rather dangerous blow-torches and, if it has, whether the Government intends to deal with this matter?

The Hon. A. F. KNEEBONE: I will obtain this information from my colleague.

FERTILIZERS

The Hon. R. C. DeGARIS: Has the Minister of Agriculture a reply to the question I asked on September 15 concerning the use of fertilizers?

The Hon. T. M. CASEY: The Director of Agriculture reports that in 1969 a trial at Moorlands to gauge the effects of various elements on wheat yield included a mixture supplied by Primary Fertilizers Proprietary Limited. This mixture contained about 10 per cent urea in dolomite and some trace elements. The plot yields were very variable and the only statistically significant response to any of the fertilizers used was to mixtures containing nitrogen, and the whole response from the primary fertilizer mixture could be accounted for by the nitrogen in the urea it contained. In September, 1969, Primary Fertilizers Proprietary Limited registered a gambier dolomite, and this material has been included in trials in the Lower South-East at four sites comparing the response of pastures to applications of this dolomite and other sources of calcium and magnesium. No results are yet available. The firm has recently applied for registration of a number of materials, some of which have been

accepted whilst others are still under examination. Future research work with these materials or materials from other sources will be undertaken where there is some reason to expect useful results.

RIVER TORRENS ACQUISITION BILL

(Second reading debate adjourned on September 16. Page 1384.)

Bill read a second time.

In Committee.

Clause 1—"Short title."

The Hon. C. M. HILL: I am surprised and distressed that the Government has not seen fit to reply to points made during the second reading. If we are to be treated with this kind of political scorn when we spend our time probing deeply into measures and we make our points properly at the second reading stage but receive no reply at the conclusion of the debate, it is reducing Parliament to a state to which it has not been reduced previously in my time here.

In the second reading stage, I made the point as strongly as I could that there was one particular aspect of this Bill that was worrying me, as a member representing constituents whose council areas bordered the Torrens River in the eastern region of metropolitan Adelaide. It is equally worrying to those people concerned with local government and with preserving the freedom that local government enjoys, in many areas, in managing its own affairs and always endeavouring to withstand the inroads of centralism.

Yet it seems that the Government is not concerned with the worries that local government is expressing about this measure. When a member of the Opposition makes a point and seeks at least some statement of the intentions behind the legislation and the explanations given by the Minister, he should get some reply.

The point I made was simply that the Government department that was being given the power by this Bill to acquire land in a council area (land between the banks of the Torrens River) should, in my view, be compelled ultimately to give back the control of that land for beautification purposes to the council involved; but the Bill provides, and in fact the explanation says, that the Minister may transfer the acquired land back to the care, control and management of the council concerned.

Also, the Minister said, amongst other things, in his second reading explanation that he was charged with the duty of improving and beautifying the river. In my view, it should not be part of the Minister's responsibility. That task of beautifying council property is the duty and obligation of the council involved, not of the Minister who is being set up in this Bill as an acquiring authority.

I said in my speech on the second reading that it caused me great concern but, on the other hand, if local government was happy with the situation and could live with this state of affairs, in which a Government department was intruding in this way, and if it could trust the Government department to make every endeavour to transfer the control of the land back, I was perfectly happy not to object to it further.

I should think that some opinion could have been sought from the local government people involved. In fact, the Government knows the thoughts and feelings of the councils involved in the matter, because the whole Bill originated from a local government committee comprising members of councils bordering the river, but no reference to that was made in the second reading explanation and, apparently, no reference to it will be made in this Chamber by the Government.

Therefore, can I obtain an undertaking that the Minister of Works, who is in charge of the Engineering and Water Supply Department, does not intend to acquire this land and retain control of it and beautify it—or does the Minister intend at the earliest possible opportunity to endeavour to make arrangements with the councils involved to give them the opportunity to take back the control of the land and beautify it as they want to? That is the point that has been worrying me. If I can receive some undertaking that the departments intend to liaise fully with the councils concerned in the way I have indicated—

The Hon. H. K. Kemp: You do not refer to the Minister of Roads and Transport.

The Hon. C. M. HILL: I do not want the Minister of Roads and Transport coming into the matter, although there have been complaints about the freeway that runs close to the river. I am deeply disappointed that the Government is not sufficiently interested in the opposition to this measure. As I have said, the Government should, as soon as possible, give back the control of this land to the councils so that they can control and beautify this park lands area and these reserve spaces within their own areas. I ask the Minister whether he can at

this late stage indicate whether or not the department is prepared to give this undertaking that it will liaise with the councils concerned and does not intend to set itself up as a beautification authority.

The Hon. T. M. CASEY (Minister of Agriculture): I am as concerned and distressed as the honourable member is about this matter, but not perhaps in the same way as he is. If he reads the second reading speeches he will see that it was he who wanted to contact the Secretary of the Municipal Association. If he wants me to quote that, I will. That is what he conveyed to me: that all he wanted to do was to clear up certain matters in his own mind. He did not ask me, as the Minister in charge of the Bill, to clear up these matters for him: I agreed to do so personally. Because the Secretary of the Municipal Association is away in Melbourne, the honourable member could not contact him. That is why I made no effort to contact the honourable member by letter—because he wanted to do it himself. However, I did approach him personally and said that this matter had been resolved between the Government and the councils, but he still wanted to do this personally with the Secretary of the Municipal Association.

I take strong exception to the honourable member's implication that the Government is not interested in this matter: I took it up personally. I have found that the councils were informed and were in complete agreement with this Bill. Regarding the question of the word "may", I point out that the Government does not intend to hold on to this land: the only reason why the word "may" is included is that the councils may not want the land. If the word "shall" were included, the Government might be obliged to dispose of it to a body that did not want it. I hope my explanation satisfies the honourable member.

The Hon. C. M. HILL: There are two avenues of debate here. The first deals with my point that I intended to check up with the council people involved; I have done that. I have been in touch with the Local Government Association, whose attitude is that it prefers to leave it to the group of councils directly involved. I have been in touch with that group. At present Mr. Scales is in another State. I have spoken to the secretary of the committee and to the town clerk of another council involved deeply in this matter. The second point is the one the Minister cannot make excuses for: I accept the Minister's

assurance (and I should not have to draw it out of him as a dentist draws out a tooth) that the Government does not intend to retain the land. I think that is what he said.

The Hon. T. M. CASEY: Yes.

The Hon. C. M. HILL: This is the assurance that I was wanting the Government to give. I believe that one should not have to go to such lengths to draw such an assurance from the Government when an honourable member in good faith seeks that assurance during the second reading debate. I thank the Minister for the assurance he has given.

Clause passed.

Clause 2 passed.

Clause 3—"Plan to be prepared, etc."

The Hon. Sir ARTHUR RYMILL: Subclause (2) provides:

The boundaries of the land to be acquired shall be as close as practicable to the top of the river bank.

This is a delightfully vague statement, and I do not have a clue what it means. It could mean that the boundaries could extend from the top of the river bank goodness knows how many miles away from the river. I looked in the definitions clause to find what "the top of the river bank" meant: it was most illuminating! Clause 2 provides that the top of the river bank means a point that is the top of the bank of the river. So, I did not get much help from that. I imagine that the purpose of the Bill is to preserve the river, and this is very salutary. Could this subclause not be limited so that it could not be interpreted to mean all sorts of things that it is not intended to mean? As drawn, it can mean almost anything.

The Hon. T. M. CASEY: I do not profess to be a Parliamentary Draftsman or as proficient in the law as the honourable member is. I am satisfied with the subclause; the Parliamentary Draftsman probably did have difficulties in drafting it. No doubt he did it in the best possible way. I see no reason why the subclause should not be accepted. It has already been accepted by the councils.

The Hon. Sir ARTHUR RYMILL: I was a member of a council once, and I must confess that I did not understand everything that went before the council, in the same way as I do not understand everything that comes before this place. The fact that councils accept it does not necessarily mean that the provision is all right. I think it is too wide: the Government ought to produce some alternative. I suggest that the Minister report progress so that we can have

another look at it and put some limitation on it. The words "as close as practicable to the top of the river bank" could mean that the land would extend miles away from the river bank. The provision gives power to acquire land for hundreds of yards or thousands of yards away, as long as it starts from the river bank.

The Hon. T. M. CASEY: No; I am not prepared to have another look at this matter. If the honourable member wants to move an amendment, he is at liberty to do so. I see no reason why the provision cannot be accepted in its present form. The honourable member says that there is no immediate hurry, but I point out that this Bill has been on the Notice Paper for several weeks. It could have been dealt with previously if the honourable member had so desired. He could have had an amendment ready. Therefore, I see no reason why we should report progress.

The Hon. Sir ARTHUR RYMILL: In that case I move:

In subclause (2) after "bank" to insert "and shall not extend further than 100 yards from the top of the river bank".

The Hon. C. M. HILL: I agree to the amendment, which is a necessary safeguard, unless the Minister is prepared to have another look at this matter. However, I am concerned about the distance of 100 yards because, for the sake of uniformity, we should consider the distance specified in the Planning and Development Act for the creation of reserves back from high-water level on any waterway or stream. Reserves along the Torrens should be the same distance back from the river as are reserves on the Murray, along which subdivisions are taking place. Land along the Torrens and land along the Murray will be used for similar purposes.

Land along the Torrens will be subdivided, and the Act's purpose is to provide a strip of reserves, gardens or park between the waterway and residential development. I think the distance provided in the Planning and Development Act is 150 links. If I am forced to make a quick decision, I will support the amendment because I agree with its principle. However, if we had a little more time to look into this matter and ascertain the exact measurement in the Planning and Development Act, uniformity could prevail.

The Hon. T. M. CASEY: I was happy to hear the Hon. Mr. Hill's remarks, because he hit the nail on the head when he referred to uniformity. Here we are dealing with only one section of land (along the Torrens River), and the Murray River does not enter into

this discussion. The amendment is already covered by the Bill's provisions, in that this matter will be under the control of the Surveyor-General. The Bill states that "the top of the river bank" means a point that is, in the opinion of the Surveyor-General, the top of the bank of the river. Surely, the Surveyor-General will keep the question of uniformity in mind. I think we are splitting hairs in this matter, and I see no reason for the amendment.

The Hon. R. C. DeGARIS: I realize that the Bill has been before the Council since September 2, but we did not sit during one week since that date. However, I see no reason why progress should not be reported. The Hon. Sir Arthur Rymill has been forced at short notice, because of the Minister's attitude, to move his amendment. I ask the Minister to reconsider his position and report progress so that this matter can be dealt with tomorrow.

The Hon. T. M. CASEY: I do not know whether the Hon. Sir Arthur Rymill has read the whole of the definition.

The Hon. Sir Arthur Rymill: I have, though I did not read it to the Committee.

The Hon. T. M. CASEY: The honourable member said that the "top of the river bank" meant the top of the bank of the river, but the Surveyor-General is mentioned in the definition.

The Hon. Sir Arthur Rymill: It's the same thing.

The Hon. T. M. CASEY: Is the honourable member not satisfied that the Surveyor-General is competent to determine a point on the river bank or capable of determining uniformity throughout the length of the river? If he thinks that that is the case, I should be pleased to hear him.

The Hon. Sir ARTHUR RYMILL: Obviously, the Minister has not understood what I have been talking about. I have complete confidence in the Surveyor-General and complete confidence in his being able to determine the top of the river. The point is that the power of acquisition given in the Bill, as at present drawn, states that land acquired shall be as close as practicable to the top of the river bank, but it does not say how far it shall extend. Surely, some limitation must be put on it. I have moved for 100yds.; perhaps I should have moved for 100ft.

The Minister has not given any reply to this aspect and has refused to report progress. I want him to tell me how far from the top of the river bank the Government considers

it should have power to acquire land? If he cannot tell me that, and if he still refuses to report progress, I shall move that progress be reported.

The Hon. T. M. CASEY: I ask that progress be reported.

Progress reported; Committee to sit again.

PASTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 17. Page 1448.)

The Hon. C. R. STORY (Midland): This fairly short Bill seeks to do three main things. I suppose one could say, first, that it seeks to correct certain anomalies that have been in the Act for a long time. When the Pastoral Board was set up, provision was made for its succession. That provision is about to be repealed. The second thing to be repealed is the provision concerning an additional member of the board. This is provided for at present under the Act, but it is also covered in the Public Service Act and is therefore redundant.

The board is now enabled to fix boundaries on existing fence lines in some cases rather than on the plan which is delineated on the title. The fourth point of the Bill relates to mining, and this is complementary to certain legislation that should be running in double harness with the legislation we are now discussing. I refer to the Mining Act. Before this legislation under the Pastoral Act has any force at law, legislation under the Mining Act has to be enacted. Therefore, both these pieces of legislation should be in the House together. However, they are not. I merely raise this point to indicate to the Government that I am very conscious of the fact that this is important legislation but that I consider that until the Mining Act is amended the matters now being brought forward in this Bill will have no force at law.

The Bill provides certain extensions to section 132 of the Act, the principal among these being, I suppose, that the distance from protected improvements within which mining operations may be conducted is increased to 440yds. Also, aeroplane landing strips, water tanks, and water holes are included in the categories of protected improvements.

The Bill also provides for the fence line, which I think is very important. I agree with this provision. However, there are one or two matters that I wish to raise. At one stage there were some 70 bulldozers working indiscriminately on pastoral leases searching for opal, and these dozers were capable, within

the 28 days provided under the Mining Act, of doing a tremendous amount of damage just outside the area provided for under section 132. They left holes in the ground anything up to 30ft. deep, and no provision whatever was made to close them in. They opened up holes on established pads which horses or motor cycles would normally use, and there was no provision made for displaying signs. The whole object of this Bill is to make sure that the pastoralists are properly protected. This provision, of course, was inserted at their request. I suppose the only problem we have is in ensuring that Parliament sees that the whole position is covered.

A new discretion is given to the Minister in clause 6, which inserts new section 137a. If a successful line of lode is found under legitimate mining operations and the line of lode runs into the prohibited area, the Minister has a discretionary power to enable the operation to continue. I agree with that. However, I think this point would be better covered if we added a few other words. The Bill provides that certain things shall not be done without the approval in writing of the Minister. I believe that we should go further and provide that certain things may be done only under such terms and conditions as are laid down by the Minister. This would mean that mining work could not proceed unless the Minister gave his approval. Perhaps we should provide for the consent of the lessee. However, if the Government considered that that was too cumbersome, we should at least make sure that the Minister imposed terms and conditions on any

mining company involved. For instance, I think such a company should compensate any landholder if, as a result of the company's operations, the landholder had to put down a completely new air strip, new tanks, or anything of that nature. I have no real objection to this Bill. However, I consider that the relevant amendments to the Mining Act should be looked at in conjunction with this matter, for we would then have a better and clearer idea of what was taking place.

The Bill enables the Minister to alter the boundaries of leases when it becomes apparent that the boundary described in the lease does not correspond with the boundary of the land in actual occupation. The Bill also provides that he can adjust the rentals. In the early days, when there was not much opportunity for a detailed survey to be made in difficult terrain, people erected their fences on the easiest ground for fencing and placed them somewhere near the boundary, and some of their land was left as the neighbour's property. When erecting the back fence they picked up what they had lost elsewhere. I suggest that, under clause 5, it would be better to detail the fact that the Minister would deal with this matter under such terms and conditions as would be laid down, but that is my only objection.

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

ADJOURNMENT

At 3.43 p.m. the Council adjourned until Wednesday, September 23, at 2.15 p.m.