LEGISLATIVE COUNCIL

Wednesday, November 18, 1970

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

QUESTIONS

DEPARTMENTAL CO-OPERATION

The Hon. H. K. KEMP: I seek leave to make a short statement prior to directing a question to the Minister representing the Minister of Roads and Transport.

Leave granted.

The Hon. H. K. KEMP: Parliament has been repeatedly assured of the liaison and co-ordination in their work that exists between Government departments, and particularly in respect of roadworks. We have been assured that everything possible is done to avoid the the waste of money involved in digging up and spoiling the surface of newly completed roads for further work.

Recently, the Glen Osmond Road upwards from Fullarton Road has been beautifully resurfaced from kerb to kerb, a tremendous cost being involved in having hot bitumen cement laid upon a heavy duty road. This morning, the Engineering and Water Supply Department was digging across Glen Osmond Road for the purpose of continuing the laying of the large pipeline installed in Wattle Street. Both those works—the resurfacing of Glen Osmond Road and the laying of the pipeline by the E. & W.S. Department—must have been planned months ago, possibly even a year or more ahead. First, who is responsible for the breakdown in co-ordination of the work? I seek the name of the person whose neglect is responsible for the extra cost involved. Secondly, what will be the cost of repairing the road and will it be possible to restore it to its former perfect condition?

The Hon. A. F. KNEEBONE: I will convey the honourable member's question to my colleague to see whether he is prepared to release some of the information the honourable member has requested, although it may not be available. I am sure the Minister will try to co-operate as much as possible.

KIMBA WATER SUPPLY

The Hon. A. M. WHYTE: I seek leave to make a statement before asking a question of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. A. M. WHYTE: An article, attributed to the Minister of Works and appearing in last Saturday's *Advertiser* regarding the requirements for water carting at Kimba, has caused considerable confusion among landholders in that area. The Minister stated that one requirement necessary for the landholder to register to cart water was that he must first dispose of all his dry stock and to retain only breeding stock. Confusion has arisen because some people do not keep breeding stock but run complete wether flocks, and some people have bought young steers for fattening. The question arises whether these people have to quit these flocks, although their neighbours may retain their flocks of ewes. Perhaps one of the points that is causing most agitation is the fact that to be compelled to place stock on the market means that the owner is fair game for any stock buyer. Possibly a misunderstanding has occurred, because in 1967 the Labor Party spent about $250,000 to cart water to Kimba: this was a retrograde step when it was considered that a main would cost at that time about $2,000,000, but we were grateful for the water that was carted then, and no restrictions were placed on the necessary qualifications. Will the Minister of Agriculture ask his colleague for a clearer outline of what he intended when he made that statement?

The Hon T. M. CASEY: I will refer the question to my colleague. However, I should like to say that this is a difficult period for the particular area because of the light rainfall that has fallen this year and, more importantly, because of the lack of run-off when rain has fallen. I point out that other areas in the State have been subjected to similar conditions to those referred to by the honourable member, and people in those areas have had to shift all their stock out. It is only recently that they have been able to bring back some stock to their properties, because of the run-offs received in the past few weeks from the good rains, particularly in the North-East of the State. I know that this is an extremely trying time for people in the Kimba area, and I am sure that the Minister of Works will do his best to find a solution to this problem, if it is at all possible.

The Hon. R. A. GEDDES: Also, will the Minister obtain from his colleague a definition of breeding stock?

The Hon. T. M. CASEY: Yes.

FRAUD SQUAD

The Hon. C. M. HILL: Has the Chief Secretary a reply to my question of November 11 concerning police staff being involved with

the proposed integrated and streamlined fraud squad that was announced recently by the Attorney-General?

The Hon. A. J. SHARD: My colleague informs me that details of the organization of the proposed commercial fraud investigation squad have not yet been settled, but an announcement will be made in due course.

BOOKMAKERS

The Hon. A. M. WHYTE: I seek leave to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. A. M. WHYTE: I believe that early last year the Betting Control Board zoned country bookmakers. Both the bookmakers and the betting public generally thought that this was an imposition that served no good purpose. I believe that in many cases it has gone a good way towards retarding the progress of country racing clubs. The activities of some of the best bookmakers in the State are restricted to certain areas, perhaps to the pleasure of some other bookmakers who therefore do not have to compete with them, but definitely to the detriment of the racing clubs and racegoers. Will the Chief Secretary take up this matter with the Betting Control Board and see whether this rather stupid regulation can be waived?

The Hon. A. J. SHARD: The questions of zoning bookmakers and their betting at various race meetings have been very sore points for many years. I know nothing of the zoning that the honourable member said took place last year, but I will refer the matter to the Betting Control Board and bring back a report as soon as possible.

MOUNT BARKER ROAD

The Hon. V. G. SPRINGETT: Difficulty has been experienced in clearing the Mount Barker Road of tallow that was spilt on it a couple of days ago. This morning's paper said that traffic along that road would be restricted for an indefinite period. Will the Minister of Lands ascertain from the Minister of Roads and Transport what is meant by "indefinite", as we are coming to a very busy period for road transport?

The Hon. A. F. KNEEBONE: I will refer the question to my colleague and see whether he can give a definition of "indefinite".

VICTORIA SQUARE

The Hon. C. M. HILL: On November 12 I asked the Chief Secretary, first, whether the report of the Lord Mayor's Committee on Victoria Square could be tabled and, secondly, what the Government's plans were, if any, for the development of the vacant land on the corner of Grote Street and Victoria Square. Has the Chief Secretary replies to those questions?

The Hon. A. J. SHARD: The report must be considered by the State Planning Authority, the Minister, and Cabinet before any further release is made.

WHEAT QUOTAS

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

Leave granted.

The Hon. L. R. HART: Shortly after taking office the Minister set up a three-man committee to review wheat quotas in South Australia. Wheat farmers in this State have taken much interest in the committee, because they hope for some increase in their quotas in many cases. Can the Minister say whether the committee has presented a report to him, and will he report to the Council on the committee's work?

The Hon. T. M. CASEY: No, Mr. President. As was indicated when the committee was first set up, it is inquiring into all aspects of wheat quotas. I am not expecting a report from it until probably very early in the new year.

CLEARWAYS

The Hon. Sir NORMAN JUDE: 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. Sir NORMAN JUDE: Last July during the Address in Reply debate I made certain remarks about clearways in the metropolitan area. Previous to that I had made certain requests of the then Minister, the Hon. Mr. Hill, regarding the future of clearways and mentioned that I thought the Anzac Highway should not have been the first clearway. Following that, I was informed by the then Minister that certain councils had been given a period of six months virtually to make up their minds about whether they would seek the approval of the Highways Department to make certain roads (three or four of them were involved) into clearways, to the advantage of the public at peak periods.

Nothing was done at the end of that six months' period. I then drew the attention of the present Minister of Roads and Transport to that fact, and he made certain statements about the Unley Road and said that the Unley

council would be given some period in which to make up its mind whether it would co-operate. We have now read in the newspaper that portions of the North-East Road, which, particularly further out, is a very good road (nearer the city it is difficult), will not be widened under the road programme for another two years. My question to the Minister representing the Minister of Roads and Transport is as follows: what has been done about this narrow bottleneck on the North-East Road and the Unley Road with a view to establishing them as clearways forthwith?

The Hon. A. F. KNEEBONE: I shall endeavour to obtain from my colleague as soon as possible the information the honourable member requires.

NURSES

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

Leave granted.

The Hon. L. R. HART: This morning's newspaper contains reports of several statements, some by doctors and some by representatives of country hospital boards, in relation to the new nurse training scheme. Although many of these people are in favour of the new scheme, they suggest that it will in effect cause a nursing shortage at some country hospitals. Suggestions have also been made that perhaps there could be a change-over system between the country hospital and the training hospital of nurses and trainee nurses. Can the Minister say whether the Hospitals Department considered the effect of this scheme on the staff problems of country hospitals? Secondly, if the staff situation is affected, is there any solution that the department can recommend?

The Hon. A. J. SHARD: The situation is quite the opposite to what this morning's newspaper suggested it to be. The new curriculum under which the nurses will be taught has as its objective the securing of more nurses for the country area. The Hospitals Department considers that, because of the curriculum, staff at most hospitals will be increased by one-sixth to make provision for the training of the nurses when they go to various hospitals to be educated, and they are not to be taken away for any given period. As the situation is rather complex, I do not wish to go into any more detail at present. However, I assure the public generally, and doctors in country hospitals particularly, that the Nurses Board, my departmental officers and I are all concerned to see that nothing will be done that will lessen the staff at country subsidized and community hospitals. I will obtain from the Chairman of the Nurses Board (Dr. Nicholson) for the honourable member and for the benefit of members generally the essential facts in regard to this question. I shall endeavour to bring down next week a report that will explain the matter more fully.

WILLIAMSTOWN ROAD

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

Leave granted.

The Hon. M. B. DAWKINS: My question relates to the main road between Williamstown, Birdwood and Gumeracha, particularly that section of it that passes the Warren reservoir. As some honourable members will know, it has been a very narrow and winding section of road that has been dangerous to drivers unfamiliar with the area. The Highways Department, or the Barossa council, or both, have been working on the road and considerable improvements have been made in straightening it. The new bridge has been completed, and the approaches to the bridge over the Warren are nearly completed, and a considerable portion of the road has been built up ready for sealing. Can the Minister say when it is expected that the construction and sealing of this road will be completed?

The Hon. A. F. KNEEBONE: I shall obtain the information requested as soon as it is available.

FIRE-FIGHTING SERVICES

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

Leave granted.

The Hon. R. C. DeGARIS: My question involves more Ministers than just the Chief Secretary. A situation has developed in South Australia in relation to the provision of fire-fighting facilities to cover the whole of the State. In my opinion, the services require urgent reorganization. I have already addressed a question to the Chief Secretary on the matter of local government rating in relation to the financing of certain brigades. However, I consider that the whole question of the provision of fire-fighting services in the State needs deep thought: there is the matter of co-ordination

of the Emergency Fire Services with the Woods and Forests Department's units and brigades, and the questions of finance and responsibility. Can the Chief Secretary say whether the Government is investigating this matter and whether any changes in the situation are likely in the future?

The Hon. A. J. SHARD: A committee has been set up by the Government to inquire into fire stations in the metropolitan area and those that are subsidized by the insurance companies, the Adelaide City Council and corporations. The Minister of Agriculture and I received a deputation from the Emergency Fire Brigades Association executive last week, which put up a case to us. To place control of these fire services in any one body would not be in the best interests of the brigades, nor do I think it would be in the State's best interests. The Minister of Agriculture and I have discussed this matter. As honourable members might realize, since last week we have not had much time to sleep, let alone to do anything else. This is a question that is engaging Cabinet's attention. I hope that we will take a report to Cabinet with a proposal to consolidate the control of fire brigades under one Minister. My view is that if we can reach such a decision that the one Minister should control the whole of the fire brigade services in the State, so much the better for the fire services, the people, and the Government.

BRIDGES

The Hon. C. M. HILL: Recently, I directed a question to the Minister of Lands, representing the Minister of Roads and Transport. I said that the large bridge at Port Augusta was now under construction and that tenders for $1,300,000 had been let for the new Kingston bridge. I also referred to the ill-fated Westgate bridge in Melbourne and I asked whether any of the publicized features of construction of the Westgate bridge were in any way incorporated in the two South Australian projects. Has the Minister now a reply?

The Hon. A. F. KNEEBONE: My colleague has supplied me with the following information:

The bridges at Port Augusta and Kingston, designed by the Highways Department, are each of wholly concrete construction, the design concept being that successfully used on many bridges in South Australia, including the new Jervois bridge at Port Adelaide. There is no similarity whatever to Westgate bridge in the bridges at Port Augusta and Kingston in either design or construction aspects.

UNDERGROUND RAILWAY

The Hon. C. M. HILL: I ask leave to make a short statement prior to directing a question to the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. C. M. HILL: In the Metropolitan Adelaide Transportation Study Report, the King William Street underground railway was one of the public transport features. The underground proposal was approved by the then Government and by Parliament. The festival hall was sited in such a manner as to allow the future construction of the proposed underground railway. Planning to undertake a detailed feasibility study of that project was completed prior to the former Government's leaving office. The proposal was strongly supported by the Adelaide City Council and the Retail Traders Association. In the October issue of *Railways of Australia Network,* under the heading "The Only Room to Move is Underground", a report states:

After his recent return from a brief visit overseas the Victorian Minister for Transport, Mr. Vernon Wilcox, said that everything he saw confirmed the Victorian Government's decision to construct the Melbourne underground rail loop. The undergrounds being built at a rapid pace in Tokyo, the Bay Area Rapid Transit project in San Francisco, the attractive system now operating in Mexico City all support the decision taken.

What is the Government's policy on the proposed King William Street underground railway?

The Hon. A. F. KNEEBONE: I will take the honourable member's question up with my colleague and bring back as soon as possible the information he desires.

ALMONDS

The Hon. H. K. KEMP: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. H. K. KEMP: In this morning's press attention is drawn to the fact that there is a world shortage of almonds, a crop that has been of particular value to South Australia. It appears that, because of the very limited area in which it is possible to grow this crop, there is not likely to be an over-supply in the foreseeable future. First, has the Agriculture Department currently an up-to-date bulletin on the culture of almonds? Secondly, is anybody in the department today aware of the areas, and have they been mapped, where the profitable culture of almonds would be possible in this State?

The Hon. T. M. CASEY: I will obtain the information for the honourable member because I believe, as he stated, that almond-growing is a very profitable venture; also, we do not produce enough almonds for our own consumption in Australia: we have to import a large amount of almonds. Therefore, I shall be only too happy to get the information for the honourable member as soon as possible.

VICTOR HARBOUR

The Hon. C. M. HILL: I ask leave to make a short statement prior to directing a question to the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. C. M. HILL: Owners of property in Victor Harbour receive water and sewerage rate notices that disclose the location of the properties as Port Victor. The area was first named by Captain Crosier in 1837, and he named the town "Victor Harbour". Records show that the township developed as a settlement and 30 years after that time it was still recorded as "Victor Harbour". Cockburn's *Nomenclature of South Australia* calls the town "Victor Harbour". Some use was made of the words "Port Victor" at the beginning of this century but, in the early years of this century, the area ceased to be a port. On June 21, 1921, the port was proclaimed again, and its name was changed to "Victor Harbour". As nearly 50 years has passed, can the records of the department and the computer be altered to read "Victor Harbour"?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague as I think he has made quite a point. As soon as the information is available, I shall be delighted to bring it down.

MEADOWS BY-LAW: NON-RESIDENT AND STREET TRADERS

Order of the Day, Private Business, No. 1:

The Hon. F. J. Potter to move:

That By-law No. 28 of the District Council of Meadows in respect of non-resident and street traders, made on June 11, 1969, and laid on the table of this Council on August 25, 1970, be disallowed.

The Hon. F. J. POTTER (Central No. 2): Following the Subordinate Legislation Committee's report that was read this afternoon to the Council, I move:

That this Order of the Day be discharged.

Order of the Day discharged.

PLANNING AND DEVELOPMENT ACT REGULATIONS

Adjourned debate on the motion of the Hon. H. K. Kemp:

That the regulations under the Planning and Development Act, 1966-1969, made on June 18, 1970, and laid on the table of this Council on July 14, 1970, be disallowed.

(Continued from November 11. Page 2539.)

The Hon. L. R. HART (Midland): The whole purpose of the regulations under discussion is not only to control but also to prevent the subdivision of land in the run-off areas that supply the metropolitan reservoirs. In addition, their purpose is to control development along the banks of the Murray River. I find it a most difficult and complex subject to debate. We must not be too critical of the authorities in their desire to introduce measures to control the impurity of our domestic water supplies. We are all prepared to concede that pollution of our reservoirs is taking place. We are, however, at variance on the major causes of this pollution.

Engineering experts say that nutrient enrichment of the reservoirs is caused by the naturally fertile areas serving as watersheds for our metropolitan reservoirs, largely contributed to by rural activities. This theory is not accepted by agricultural experts, who contend that nitrogen and phosphorous are removed and retained in the soil by the flow of liquid run-off over the natural pastures. They also contend that the build-up of urban communities in the water catchment areas poses the greatest problem, as the conventional treatment of sewage does not remove the nutrients from the effluent.

Engineering experts hint that farmers may be required to reduce the amount of nitrogenous fertilizers if excessive quantities of fertilizer can be demonstrated in the run-off. I am sure that, because of its high cost, farmers do not use excessive amounts of nitrogenous fertilizer. However, if land, in high-rainfall districts is to produce to its full capacity (and this it must do in these days of cost-price squeeze), suitable amounts of fertilizer must be applied. One can see, not only in these regulations but also in existing regulations, moves to legislate for land usage. These are only holding measures whilst studies are being made of the causes and effects of water pollution. One can foresee the day when more far-reaching regulations will be sought. This view was supported by Mr. Beaney, Engineer-in-Chief, when he said:

I am convinced that there will be need for stronger and more comprehensive legislation in the not so distant future.

If more restrictive measures are to be applied to rural properties, the greater will be the desire and need to subdivide. Subdivision in many cases is forced on people by high rates and taxes. If properties become uneconomical and subdivision is prohibited (which it undoubtedly will be), there must be a case for compensation. If our domestic water supplies are to be protected, surely this protection should not be at the expense of the landowner alone, whose only crime is that he owns land in a watershed area. At any rate, his farming methods have differed little over the years, and today with better farming methods there is probably less run-off from many properties, because of improved and denser pastures.

If future restrictions on land usage in watershed areas are necessary to the degree that these areas cannot be economically farmed, I consider that someone will have to assist landowners. Even at this stage restrictions are being imposed under the present regulations that will have the effect of putting people out of production. It will be argued that these things are being done for the benefit of the people of South Australia. This being so, it is up to the Government to take over these properties at valuation, the same as is done when land is acquired for other purposes. There is no justice if a person one side of the range can subdivide to his heart's content, whilst a landowner on the other side of the range, because his land happens to be in a run-off area, is left with a valueless piece of land.

People have been criticized for putting money into land and using it as an investment. These same people will say that this land is an important resource of the State and should be preserved. If this is so, the State should be willing to repurchase this land at present-day values. I say "repurchase", because the State in the first instance was willing to sell and did sell it to the people at the then market value, in order to institute some of the provisions of Government in the early days.

I have confined my remarks to the Adelaide Hills area. The situation along the Murray River, although it concerns water pollution, creates a slightly different problem. If some restrictions are not required below the floodlevel line, I cannot see much virtue in applying them above the floodlevel line. I think a wrong approach is being made to this whole question, and I believe that the regulations should be withdrawn and replaced (if new regulations are required) by new regulations that consider the rights of the people involved. Perhaps the whole question should be discussed with these people, who would have some idea about how the problem of water pollution could be solved.

The Hon. E. K. RUSSACK secured the adjournment of the debate.

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 11. Page 2541.)

The Hon. JESSIE COOPER (Central No. 2): I support the Bill and thank the Hon. Mr. Banfield for introducing it. It has often been said that a nation's standard of civilization can be gauged by its attitude to animals. Certainly, at a period when Britain's conscience was awakened by various evils arising from the Industrial Revolution and when many Acts of Parliament mirrored the concern felt by many people for the poor, the wretched, the prisoners, and the slaves, the same compassion began to be shown to animals, and in the early 19th century the Royal Society for the Prevention of Cruelty to Animals came into being.

This Bill is designed to introduce into the Act the prohibition of the use of a certain type of trap within municipalities. It will not in any way affect the rights of people in country areas. In the populated areas, where there are large numbers of children and domestic animals, there is no need or excuse to support the use of these types of trap. The occasional opossum is taken, or is supposed to be taken, in a caged type of trap. In a municipal area there are no dingoes, no foxes, no fierce rabbits, and no Tantanoola tigers to be captured. Of course, there is actually no need for the continued use of the gin trap in our community. Modern humane traps, which kill instantly, have been invented. Only the most callous among us can contemplate with detachment the suffering of an animal left to tear itself to pieces over a period of hours or days and finally to die of weakness and starvation, as so often happens to animals caught in gin traps.

England, Scotland, Wales, Germany, Austria, Norway, Finland, and some States of the United States of America have recently banned the use of the gin trap altogether. This Bill merely asks for the ban to apply in municipalities. New section 5 (c) (2) provides:

Subsection (1) of this section shall not apply to the capture or snaring or the attempted capturing or attempted snaring of any animal outside the limits of a municipality.

The horrifying fact that has caused the introduction of this Bill is the practice growing

in the suburbs of Adelaide and other populated areas of setting these traps in gardens to protect, it is said, birds in aviaries and valuable plants. Soon, no dog or cat will be safe, and it is only a matter of time until we have similar cases of injury to children. I am sorry that the Hon. Mr. Banfield did not read out the list of diabolical cruelties that he had had incorporated in *Hansard*. It was an occasion when I would have welcomed his voice at its strongest.

Honourable members should read the list in *Hansard* carefully, because they will see that in the first 10 months of the year there were 24 cases, of which 20 involved cats, two involved dogs, one involved a lamb, and one involved a crow. So, we are lucky this year—no children were involved! This ignominious and agonizing death is now being meted out to cats by the so-called civilized population of South Australia. About 4,000 years ago the ancient Egyptians, who were the agriculturists of the then civilized world, were making these animals sacred because of their services to mankind. So much for our progress in civilization! However, in any community there are always a few barbarians, who, by their acts, put us back in the stone age. Honourable members have a responsibility as lawmakers to see that the activities of these people are curbed. In view of the extreme danger to children and the extreme suffering amongst many domesticated animals, the aim of this Bill (to keep these traps out of municipalities) should be supported by all.

The Hon. Sir NORMAN JUDE (Southern): In view of yesterday's remarks by the Hon. Mr. DeGaris regarding our compassionate Chief Secretary, I think that Minister will have no difficulty in supporting a Bill of this type. In his second reading explanation the Hon. Mr. Banfield said:

> The Bill seeks to make the use of what is commonly known as a gin trap illegal in municipal areas throughout the State. Clause 2 amends section 4 of the principal Act by inserting immediately after the definition of "ill-treat" the following definition:
>
> "trap" means any device equipped with spring-loaded jaws for seizing an animal by its leg, tail or snout, but does not include a rat trap or mouse trap:

Having read that definition, I realize that most members will know what we are talking about. I do not mean that in any derogatory sense to those who were not familiar with the word "gin", because it is not necessarily familiar to metropolitan members. I believe that the bandying around of this word should be thought about with some care and deliberation. Therefore, I took the trouble to get the Oxford Dictionary and other dictionaries, and I found, as I rather suspected, that the word had many other meanings, particularly in association with words such as "trap". I found, for instance, that if a person heard a remark from a friend that he would not shut his gin trap, the explanation was that he would not shut his ruddy mouth. The dictionary goes on to explain that a gin can be an instrument of torture—the rack. I think we are possibly getting a little nearer the point of the Bill there. One can go further and find that "gin" means an Aboriginal's wife. Consequently, I think it would be rather risky to bandy the expression "gin trap" around Port Augusta. Further, we find that "gin" is another name for a pile driver. Again, it is also a very solacing and refreshing drink; possibly there is some association between this meaning and the meaning "pile driver". Again, the dictionary draws attention to cotton gins; maybe they are called black mammas. Who knows? Hence my suggestion that some care be taken in the use of this omnifarious word.

The Hon. R. C. DeGaris: Surely there are more meanings than that.

The Hon. Sir NORMAN JUDE: Yes.

The Hon. R. C. DeGaris: Aren't you going to give us some more?

The Hon. Sir NORMAN JUDE: Not at present. I noticed in the table that was incorporated in *Hansard* by the Hon. Mr. Banfield that no gins were trapped. I find myself in a quandary lest I fall into a trap! On the more serious side, cruelty to dumb animals, particularly domestic animals, should not and cannot be tolerated. Many people tend to become somewhat emotional on this subject, but we must remember that some animals are vermin and pests. When we consider what constitutes cruelty, I suppose there is nothing more cruel than myxomatosis, tetrachloride, fumigation, drowning, gin traps, and poisoning.

Because this Bill refers specifically to the metropolitan area, I go along with it. I suggest to honourable members that, when regulations are made on this matter, we should watch for a commonsense definition of the metropolitan area. We know that there can be one or two anomalies in this respect. However, if the determination is there, those difficulties can be overcome. I remind honourable members that, even in the metropolitan area, most of these cases, particularly those enumerated, have occurred accidentally. I am not suggesting that there

are not people who do nasty things, but it is not nearly as bad as having one's own dog poisoned—that is far worse than the gin trap, from which the animal has a chance of being released and continuing to live. However, I have no hesitation in supporting the Bill.

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

PUBLIC SERVICE ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It proposes a number of amendments to the principal Act the need for which has emerged during the period that the Public Service Act, 1967, has been in operation. Clauses 1 and 2 are formal. Clause 3 makes it clear that what is commonly called a "higher duties allowance" will be payable whether or not the officer actually assumes the function of another office in the performance of the duties in respect of which the payment may be made.

Clauses 4 to 7 provide that appointments to the Public Service may be made by the board. Previously in terms of section 68 of the Constitution Act all appointments have been made by the Governor in Council. The powers of the board in this matter will be exercised within the limits of the proviso to section 68 of the Constitution Act, that is, the board will make appointments at the base grade level, and the effect of this amendment will be to enable such appointments to be made with greater expedition. Clause 8 will extend the right of appeal on promotion to an office in the Public Service to all persons who are in the full-time employ of the Government of the State whether or not those persons are "officers" within the meaning of the Act. As a consequence, the provision of section 47, which gave this right of appeal to certain permanent Parliamentary officers, is no longer necessary and has been, by clause 10, repealed.

Clause 9 proposes an amendment to section 46 of the principal Act that will permit a single form of advertisement calling for application for appointment as permanent head. Since in the terms of the Act these appointments are not appealable, the different procedures for calling for applications from inside and outside the service appear unwarranted. Clause 11 provides that a decision of the majority of the Appointments Appeal Committee shall be a decision of the committee. Clause 12 re-enacts section 55 of the principal Act and provides a more effective method of ensuring that so soon as it is clear that an officer will be unable to continue to perform the duties of his office, whether or not that officer has formally vacated his office, an effective appointment can be made to the office.

Clause 13 enlarges the range of penalties that may be recommended by the board to be imposed on persons guilty of a public service offence. The board may recommend that the officer's salary be reduced by a stated amount for a stated period. This punishment, like all other punishments, may be appealed against to the tribunal. Clauses 14 and 16 provide that the recommendation for dismissal or transfer made by the board when an officer has been convicted of a criminal offence is not appealable. However, provision is made for the substance of such a recommendation to be communicated to the officer concerned before it is made to the Governor, thus affording the officer an opportunity to make any representations he may care to make in the matter.

The purpose of these amendments is to make it clear that the recommendation for dismissal is not by way of additional punishment for the offence, since this would usurp the court's function in the matter. It is merely an assertion of the right of the Government not to continue with the employment, either generally or in a particular capacity, of a person when by reason of a conviction that employment would not be in the public interest. Clause 15 provides that a decision of the majority of the members of an appeal tribunal shall be the decision of the tribunal.

Clause 17 provides for an increase of annual leave from three weeks to four weeks, and Clause 19 provides, in effect, that the so called "grace days" granted between Christmas and New Year will be absorbed by that leave unless the board directs otherwise. Since the increased grant of leave has been expressed to apply in respect of leave granted after July 1, 1971, it may be expected that the board will exercise its discretion to ensure that, should the grace days be granted this year, they will not be deducted from the three weeks' annual leave entitlement that will still be applicable at the time.

Clause 18 repeals section 85 of the principal Act in anticipation of the enactment of a single comprehensive provision relating to leave without pay. Clause 20 deals with sick leave. It was found that the application of section 87 in its original form in relation to accumulation of sick leave would have:

(*a*) deprived all officers of the accumulation of sick leave in respect of one years' service;
and
(*b*) deprived certain officers (who were, at the time the principal Act came into force, between their seventh and tenth year of service) of an entitlement they could have expected upon the expiration of their tenth year of service had the principal Act not been enacted.

In fact, this situation had only practical effect in the comparatively few cases of officers who had exhausted or not acquired any accumulation of sick leave, and by administrative action the board has ensured that these officers have not been disadvantaged. Accordingly, this provision ensures that officers will not in fact suffer the deprivations adverted to above and that the original intention of section 87 will be given effect to. Clause 21 repeals section 89 of the principal Act in anticipation of a single comprehensive leave without pay provision. This provision is enacted by Clause 24.

Clause 22 amends section 90, which deals with the grant of long service leave. It proposes the removal of certain restrictions on the grant of the leave that are thought to be no longer necessary. The only conditions that may now be imposed are conditions as to the time that the leave may be granted and the minimum amount of leave that may be granted at any one time. The clause also provides that, where a grant of leave on half-pay is made, the first half of the grant shall be deemed to be leave with pay and the second half leave without pay. The clause also makes it clear that payment for leave not taken before retirement is by way of a lump sum payment on retirement. The amendment proposed by new subsection (6) is perhaps the most significant of this series. It will enable a lump sum payment to be made in respect of accumulated long service leave when an officer is dismissed when the circumstances of his dismissal are not related to his conduct during his employment.

Clause 23 repeals section 96 of the principal Act which dealt with long service leave rights of certain part-time officers. The provision proposed to be inserted is intended to deal with rights to every kind of leave of all part-time officers and has necessarily been drafted so as to give the board power to deal with the many and varied types of part-time employment. Clause 24 is generally self-explanatory and merely consolidates the provisions of the Act relating to special leave and leave without pay. It also preserves previous determinations of the board in relation to grants of leave without pay. Clause 25 deals with the rights of officers transferred from other Public Services and gives the board specific power to impose conditions on the transfer of those rights. Clause 26 converts an inappropriate reference in section 123 to "this Act" to read "this section".

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

EDUCATION ACT AMENDMENT BILL

Second reading.

The Hon. T. M. CASEY (Minister of Agriculture): I move:

That this Bill be now read a second time.

It amends the Education Act in several important respects. It gives power to the Minister to delegate his power of appointing, transferring and promoting (but not dismissing) teachers, so that officers in charge of groups of schools who have the necessary experience may thus lighten the loads of purely administrative work with which the Minister, the Director-General and Deputy Director-General are burdened.

The provisions in the principal Act relating to long service leave for teachers have had a long awaited and much needed overhaul. The Bill provides the same long service leave entitlements as those to which other public servants are entitled, namely, 90 days' leave after 10 years' continuous service, nine days for each extra year thereafter and, in certain circumstances, pro rata leave after five years. The Act in its present form provides that these periods of leave may, in the discretion of the Governor, be granted to a teacher only after 15 years of service and provides no pro rata leave at all; thus teachers suffer a distinct and unjustified disadvantage compared with public servants. The Bill remedies these and other long service leave inequities and anomalies which have caused much dissatisfaction and, as the South Australian Institute of Teachers pointed out earlier this year, have rendered a teacher's position in this State less attractive than in any other State.

The Bill also amends the provisions relating to a teacher's retirement. The Bill provides that a male teacher may retire on the last day of a school year in any year after he turns 60 years or, in the case of a female teacher, after she turns 55 years. This option continues until a male teacher reaches 65 years and a female teacher reaches 60 years, and then that teacher may either retire on his or her birthday or continue on to the end of the school

year. Where the teacher retires at the end of the school year he will be credited with service until the January 31 following. The aim of these amendments is to bring retirement provisions into line with the new regulations governing resignations. The whole scheme provides a financial inducement to encourage teachers to think of service on a full-year basis. It is designed to minimize the number of mid-year resignations of teachers and the consequential disruptions that follow such resignations.

The Bill enacts some new provisions to enable a school committee or council to borrow money, subject to Ministerial approval, for the purpose of supplying facilities or amenities to the school. Provision is made for the Government to guarantee such of these loans as a school advisory committee to be set up for that purpose recommends, and such a guarantee will be given subject to certain conditions, one of which requires the school committee or council to deposit with the Minister not less than half the proportion of the cost of the facility or amenity to be borne by the committee or council. So that a school committee or council may effectively borrow money to provide school amenities, sections have been inserted in this Bill that provide for the incorporation of these committees and councils, with all the normal powers of a corporate body, the only restriction being that the holding of real property must be subject to Ministerial consent. The reason for this restriction is that in most cases any amenity provided by a committee or council will be provided on land belonging to the Crown. The Government believes that it is desirable to enable and encourage school committees and councils to improve school facilities with the necessary degree of control provided by the Bill.

One of the difficulties that confronts a parent organization when it raises money to finance a large capital project such as a hall is that those who raise the money rarely gain any benefit for their own children. In addition, rising building costs lower the real value of moneys raised in previous years. By borrowing under the provisions of this Bill, a school commitee or council can bring forward the commencement of the project and spread the burden of payment more fairly among those who benefit from the facility constructed.

The Bill also provides for the setting up of two advisory curriculum boards, one for primary education and one for secondary education. The principal Act at present provides for separate boards for each different type of school specified. At present, there are four boards covering high, technical high, area and primary schools. The amendments will also enable the expansion of the composition of the boards to include representation from independent schools, parent bodies and industry, as well as teachers from Government schools.

The Bill seeks to clarify the position regarding teachers appointed to tertiary-level institutions. After a great deal of thought and discussion with the various bodies concerned, it has been decided to exclude teachers from the right of appeal to the Teachers Appeal Board in respect of appointments to tertiary-level institutions. As these positions require special and diverse abilities and qualifications that may be found in younger or less senior applicants and are advertised openly around the world, it is thought desirable that this amendment to the Act be made.

Provision is made for further appointments to a teachers college of persons holding positions at a university in this State. At the moment, the principal Act purports to allow for only one appointment in respect of the Principal of Bedford Park Teachers College. In actual fact, the Act that contained this latter provision never came into force, and so the Bill also effects the repeal of that Act. Provision is therefore made in the Bill to validate any such appointment made before this Bill passes into law. The Bill also makes an amendment in respect of marking roll-books. As this duty is relatively time consuming for teachers and is subject to review and change from time to time, it has been requested by the Director-General that the present method of marking each child's attendance be replaced by a method to be prescribed. It is envisaged that regulations will be made allowing only for the absence of a child to be noted. The Bill also contains many Statute law revision amendments. I shall now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 amends the arrangement section of the principal Act by correcting certain errors and inaccuracies. Clause 3 strikes out from section 4 of the principal Act the definition of "the Council", which is no longer necessary as the Advisory Council of Educaion has been replaced by the Educational Policy Board. Clause 4 inserts in section 10 of the principal Act a provision that the Minister's power to acquire lands is subject to the Land Acquisition Act, 1969, and, consequential to that, strikes out the now redundant subsection (2).

Clause 6 alters to "Director-General" a reference to "Director" in section 15 of the principal Act. This clause also adds a new subsection (2a), which provides that the Minister may delegate the power to appoint, transfer and promote teachers to such officers-in-charge of groups of schools as he thinks proper, but not with respect to the dismissal of teachers. Clauses 7 and 8 make certain Statute law revision amendments to sections 17 and 18 of the principal Act.

Clause 9 amends section 18a of the principal Act that provides for long service leave. Existing subsections (1) and (2) are struck out. New subsection (1) is inserted, which provides that a teacher who has had not less than 10 years continuous service (whether that service occurred before or after this Bill becomes law) is entitled to 90 days of full pay or 180 days of half pay and nine days of full pay or 18 days on half pay for each continuous year thereafter. New subsection (1*a*) provides that long service leave must be taken at a time designated by the Minister as convenient to the department. New subsection (2) provides for pro rata leave for a teacher who dies, retires or resigns on account of pregnancy, and who has had not less than five continuous years of service, at the rate of nine days for each of those years. The clause then effects certain Statute law revision and consequential amendments to subsections (3), (5), (6) and (7).

New subsection (7*a*) is inserted, which provides that a teacher may, if he so desires, be paid his long service leave salary in a lump sum immediately prior to taking the leave. Subsection (8) is struck out and the new subsection inserted in its place provides that the long service leave section in the Public Service Act does not apply to teachers. A definition of "salary" is added to subsection (9); the expression includes all allowances paid to a teacher under an award, but does not include cleaning allowances or allowances for service in areas specified in the award.

Clause 10 amends section 18b of the principal Act which deals with the long service leave of a teacher who transfers to other Government employment, by striking out subsection (1) and inserting in its place a new subsection which privides that, in those circumstances, his service as a teacher shall be taken into account when computing his leave under the Public Service Act. This clause also updates the reference to the Public Service Act.

Clause 11 amends section 18c of the principal Act, which deals with Government officers who transfer to the teaching service, by striking out subsection (2) and inserting in its place a new subsection which provides that, in these circumstances, service as an officer shall be taken as service as a teacher in computing long service leave. Because of this provision, subsections (3) and (4) are redundant and are struck out. Several Statute law revision amendments are also effected.

Clause 12 reapeals section 18d of the principal Act, which deals with the retirement of teachers, and enacts a new section in its place. New subsection (1) provides that a male teacher on attaining the age of 65 years and a female teacher on attaining the age of 60 years may retire on their birthdays. New subsection (2) provides that such a teacher may continue in employment until the last day of the school year. New subsection (3) provides that a male teacher after turning 60, and a female teacher after turning 55, may retire on the last day of a school year, but may continue in employment until retiring under new subsection (1) or (2). New subsection (4) provides that any service under the section after a male teacher turns 65 or a female teacher turns 60 shall be taken into account in computing long service leave. New subsection (5) provides that the last day in a school year is the 31st day of January of the next calendar year. New subsection (6) provides that the provisions of the Public Service Act relating to retirement shall not apply to teachers.

Clause 13 enacts new sections 27a to 27d. Subsection (1) of new section 27a provides that, on a day to be proclaimed, all existing school committees and councils shall be incorporated and all future committees and councils shall become incorporated, under this section, as bodies corporate with perpetual succession, a common seal and the capability of suing, being sued and holding and dealing with real and personal property in their corporate names. A committee or council may not hold or deal with real property without the written consent of the Minister. Subsection (2) provides for the corporate names of the committees and councils. Subsection (3) provides for the cancellation of registration of any committee or council incorporated under the Associations Incorporation Act. Subsection (4) provides that all property of, claims and actions by and against, and rights and obligations of, any existing committee or council shall vest in the incorporated body. Subsection (5) provides that, when a school changes its name, the corporate name of the committee or council shall accordingly be changed. Subsection (6)

provides that, when a school is closed or for any other reason, the Minister may abolish a committee or council and transfer its assets to another school committee or council or apply the assets in payment of its debts or otherwise dispose of them as he thinks proper. Subsection (7) provides that the procedure to be followed at meetings shall be as prescribed or, if not prescribed, as the committee or council determines.

New section 27b deals with the borrowing power of committees and councils. Subsection (1) of this new section provides that a committee or council may, with the approval of the Minister, borrow money from a banking corporation for the purpose of supplying facilities or amenities for the school. Subsection (2) provides that the Treasurer may guarantee the repayment of any such loan. Subsection (3) provides that a guarantee shall not be given unless the School Loans Advisory Committee so recommends, and the loan does not exceed half the proportion of the cost of the facility to be borne by the committee or council, and the other half of that amount is deposited in cash with the Minister, and the banking corporation has made or offered to make the loan, and the committee or council enters into such agreements as the Treasurer requires. Subsection (4) provides that the guarantee may extend to interest and any incidental expenses. Subsection (5) provides that the committee or council must supply all information sought by the Minister, the Treasurer or the School Loans Advisory Committee. Subsection (6) provides for the normal Government guarantee conditions to be attached to any guarantee for the protection of the Treasurer. Subsection (7) provides for an automatic appropriation out of general revenue for any money that the Treasurer may become liable to pay under any guarantee.

New section 27c deals with the School Loans Advisory Committee. Subsection (1) of this new section provides that there shall be such a committee, the members of which shall be appointed by the Minister, the number of members to be as prescribed. Subsection (2) provides that the functions of the committee shall be the consideration and investigation of applications for guarantees and such other functions as shall be prescribed. New section 27d provides that the Governor may make regulations with respect to all matters specified in or arising out of new sections 27a to 27d.

Clause 14 amends section 28 of the principal Act by striking out subsections (2) and (3) and inserting two new subsections, the first of which provides for an Advisory Curriculum Board for Primary Education and an Advisory Curriculum Board for Secondary Education, and the second of which provides that such boards shall consist of such officers, Education Department teachers and representatives of private schools and other bodies as the Minister shall determine. A consequential amendment is also made to this section. Clauses 15, 16 and 17 make self-explanatory statute law revision amendments to section 28ca, 28s and 28zb, respectively, of the principal Act.

Clause 18 enacts new sections 28ze and 28zf. New section 28ze provides that an appointment of a teacher to a tertiary level institution shall not be subject to the provisions of sections 28zc and 28zd of the principal Act, which relate to the Teachers Appeal Board. New Section 28zf provides in subsection (1) that the Minister may arrange with any university in this State for a person holding office at the university to hold office at a teachers college. Subsection (2) provides that such an appointment shall not be subject to Part IIA or Part IIB of the principal Act, which relate to the Teachers Salaries Board and the Teachers Appeal Board. Subsection (3) provides that any such appointment made before this Bill becomes law shall be valid as if made under this new section. Clause 19 makes statute law revision amendments to section 34 of the principal Act.

Clause 20 amends section 42 of the principal Act, which deals with the compulsory attendance of children at school. The reference to marking a child's attendance in the roll-book is altered to marking the roll-book in the prescribed manner. The penalties for a parent who fails to comply with the requirements of the section are raised, to bring this section into line with other sections of the principal Act that were similarly amended in 1966. Clause 21 makes a statute law revision amendment to section 46 of the principal Act.

Clause 22 raises the penalties provided by section 47 of the principal Act for parents of blind, deaf, mute and mentally defective children who fail to send such children to a specified institution, to bring this section into line with other similar sections in the Act. A statute law revision amendment is also made. Clauses 23, 24, 25, and 26 make self-explanatory statute law revision amendments to sections 59a, 59m, 71 and 76, respectively, of the principal Act. Clause 27 repeals the Act previously referred to in this report. The repealed Act purported to enact section

28ze of the principal Act but, in fact, never came into operation. Clause 18 of this Bill deals with the provisions that have been substituted for that section.

The Hon. JESSIE COOPER secured the adjournment of the debate.

SUCCESSION DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 17. Page 2684.)

The Hon. F. J. POTTER (Central No. 2): This legislation was last before this Council in the closing days of the session in 1966. Of course, we had had a vastly different Bill on the same subject in the previous year. In 1966 the measure was debated at great length in this Chamber and many amendments were included in the Committee stage, most of which were not accepted by another place at that time. As honourable members will recall, the measure was returned to this Chamber from the House of Assembly with no indication of any compromise, and the Council agreed to persist in its amendments and not proceed to a conference. This Bill is not markedly different from the measure that was before us in 1966, except that I am pleased to note that my amendments have now been incorporated. They have all been accepted except one, with which I will deal later.

I am willing to support the second reading, because I think this measure should be examined closely in Committee. No doubt several amendments will be moved and I intend to submit one or two, although I have not drawn them yet. In supporting the second reading to enable the Bill to be considered in Committee, I am not saying that I support it in all respects, particularly the new principle that has been imported into the concept of succession duty legislation, namely, the aggregation of a succession. This Bill is still a strange kind of creature that aggregates all property left by a deceased person, under the various definitions in the Bill, yet it levies a rate on succession by the individual. By this new concept the Bill presents considerable difficulties.

It is claimed that the measure grants concessions and at the same time it closes loopholes. When we try to close loopholes we must create hardships, because people will lose certain real concessions that they now enjoy by the separate assessment of certain property items (mainly those held in joint ownership) and, therefore, it is inevitable that when this is done different anomalies are created. This is one of the most difficult aspects of the Bill, because people have ordered their affairs in this State for a long time and have relied on the continuance of the existing law. They have considered their financial situation: they may have received professional advice as to what they should do in order to minimize the impact of taxation after their death. No honourable member can say that this is a bad or wicked thing to do: it is legitimate and normal to take such steps as a prudent man would take so that taxation is minimized.

Because we are now to present to these people an entirely different set-up for the future, obviously, they will suffer some hardship. The Bill aims to increase revenue by about $2,000,000 a year, but with the inflation that is upon us at present I foreshadow that it will soon be a much higher amount. Governments in these days are hungry for revenue and try to get it from whatever source is available, and this particular source has been attractive to a Labor Government. However, it completely ignores the fact that we are in a period of continuing depreciation in the value of our currency. We all know that a creeping annual inflation is with us: it is with other countries in the world, too.

The Hon. T. M. Casey: Do you think price control is the answer?

The Hon. F. J. POTTER: No, I do not, and I will debate that matter at another time. Price control may provide a short and immediate brake to creeping inflation, but it does not solve the problem. The Government considers that an estate of $40,000 is a somewhat large inheritance and that it should attract a greatly increased rate of duty. When we speak of a $100,000 inheritance Labor members think that this is a fortune. That is the kind of political philosophy that the Labor Government has, and no argument will penetrate the minds of or be listened to by Labor members. In addition to this problem of inflation, which puts people into higher brackets for duty as the value of money depreciates, we also have the double effect in this Bill, because the aggregation provisions will also move people from one category to another.

I have considered some calculations on various estates that set out the present duty payable compared with the proposed duty. True, if one takes a bare amount of $12,000, $18,000 or even $30,000 left to a widow as one single beneficiary and compares the present duty with the proposed duty, the proposed legislation does allow a small but significant reduction in duty on an estate up to

$30,000: no-one denies that. However, from a simple comparison of those amounts between the present and proposed duties it becomes evident that it is completely out of line when the aggregation principle is applied to a widow for an inheritance of half an interest in a jointly-owned property or some benefit under a life insurance policy. Then it will be found that by aggregating those with the other amounts the widow has been moved up from one category to another.

I forecast that, because of the aggregation principle, particularly in relation to the matrimonial home and insurance benefits, the average-size estate will certainly be much higher. I suggest that, with this kind of aggregation formula, there will be a large percentage of estates that will be above the $30,000 mark. I congratulate the Hon. Mr. DeGaris on the way he comprehensively covered the main difficulties in this Bill. The three most important difficulties concern matrimonial homes, benefits from insurance policies that go to a beneficiary previously named, and the rebate proposed for rural land. The Governtment should carefully consider all these matters.

In 1966 I moved an amendment to the succession duties Bill that has still not been incorporated. Clause 7 sets out the property that is to be comprised in the aggregation. Honourable members will see that the various categories deal with property in which the deceased had an interest of some kind. But what is also to be included in the aggregation is "property given or accruing to any person under any settlement"—not necessarily any settlement under which the deceased had some interest—"such property being deemed to be derived from, and upon the death of, the settlor or other person upon or after whose death the trusts or dispositions take effect". I spoke at length on this matter in 1966, when I moved an amendment.

The Hon. R. C. DeGaris: Can you give an actual example of what you mean?

The Hon. F. J. POTTER: In 1966, I quoted from my speech of the previous year, as follows (page 2704 of *Hansard*, 1966):

If I make a settlement on my children but reserve a life interest during my lifetime, then I suppose it could be fairly said that on my death, when my life interest in that property ceases, the interest that my children take under the settlement should be aggregated with what else they get from me under my will.

That is, of course, if we follow an estate duty principle. I went on to say:

I suppose that that would be in accordance with the proper principles behind estate duty and it probably could be said to be reasonable enough, even under succession duty, provided it was separately taxed.

However, if my father or father-in-law settles property on my children and leaves a life interest to me, so that my children succeed to the capital after my death, under this particular Bill the property that these children derive from my father or father-in-law is added to what they get under my will. There is no justification for this and it never could exist, even under the Commonwealth Estate Duty Act, but it exists under this Bill.

The Hon. R. C. DeGaris: Would there be any need for an actual life interest?

The Hon. F. J. POTTER: Not necessarily, because, under the definition of "deemed settlement" that was inserted when the principal Act was last amended, there could be an aggregation of property on the death of a deceased person who never had any interest whatever in the property. He may have been purely and simply given the job as an executor of the estate to appoint the ultimate persons who are entitled to receive the disposition of the property. In the Committee stage I shall again draw honourable members' attention to this anomaly. I see no reason why the provision cannot be brought into line with the Commonwealth estate duty position; I cannot see why the property cannot be made property in which the deceased must have had some interest of some kind. That certainly seems to be the only basis upon which this form of inheritance can be aggregated and taxed for succession duty purposes. That is the only matter that I want to refer to which I consider to be an anomaly.

I turn now to the new system in the Bill of granting rebates in connection with house properties and insurance benefits instead of taxing them as a separate succession. The Bill provides that the house property, which is no longer to be separately taxed, on which a rebate is to be allowed is confined to the matrimonial home. The land on which it is erected must not exceed half an acre. It is limited as a concession to the widow or widower—a person in that category who is a joint owner. This rebate cuts out completely after the total estate, including a half share in the home, exceeds $42,000 and it is very rapidly and substantially reduced after the total estate exceeds $30,000.

In addition, if the matrimonial home qualifies under all these conditions, the survivor must intend to continue to use it as his or her principal place of residence: if he or she does not, no rebate will be allowed. Of course,

the other condition is that it is not allowed as a rebate if the rural land rebate is also claimed. This seems to me to be a very limited benefit by way of rebate in circumstances where this kind of property is now taxed separately.

I do not know why the Government could not have allowed as a separate Form U assessment the matrimonial home of a spouse or even, for that matter, of a parent, because there are a number of houses which are owned jointly by not only a husband and wife but sometimes by a father and daughter or a mother and daughter and, of course, they do not qualify for anything under this Bill.

The Hon. C. M. Hill: You get the case of a spinster daughter who is a career girl.

The Hon. F. J. POTTER: Yes. In these circumstances, there is no rebate of any kind under this Bill. I do not see why the Government could not have allowed as a separate Form U assessment the matrimonial home, whether it was jointly owned or not. Even if it is owned by one spouse alone, there is no reason, it seems to me, why that particular property should not be allowed as a separate assessment. After all, a matrimonial home or a home in which a person is living is completely exempt for the purposes of social service pensions: no notice is taken whatsoever of a home in which a pensioner is living with his or her spouse, and I do not see any reason why the principle, which has been long established in South Australia, should not be followed. If it were followed, it would mean that the matrimonial home would be separately assessed.

I am not in any way trying to suggest that a whole number of dwellings in joint names should be allowed as a separate assessment. I know this can be done now and that on a Form U one might have as many as five items in joint tenancy, and I think that is unreasonable. However, the matrimonial home or the home in which the deceased and the beneficiary lived, if that beneficiary was either a spouse or a daughter or someone who had always lived in that home with the parent, should be separately assessed. I think that would be a fair and compassionate thing for this Government to do. It would not really affect the State's revenue to any great extent, because I think there are other ways in which any loss of revenue by allowing this as a separate assessment could be well and truly made up.

The Hon. R. C. DeGaris: How long could a widow live in the matrimonial home before it would be dutiable if she sold it?

The Hon. F. J. POTTER: The Leader mentioned this matter yesterday, and I think he put his finger on a very real problem. As the Leader has said, where there is a jointly owned home all one has to do at present is declare the half value of that home on a separate Form U assessment and pay the duty involved. Then when the death of the joint tenant is noted on the title, the title is entirely in the name of the survivor, who is then free to do what he or she likes with it. It very frequently happens in my experience that widows and widowers want to dispose, at a fairly early date after the death of their spouse, of the old home property and move into something smaller. Under this Bill, they will not be able to adopt that method. The house has to be valued, it has to be declared as part of the aggregate estate of the deceased, and then the survivor has to wait until the final duty is assessed on the estate. This means that the survivor has to wait until probate of the will is obtained and all the necessary formalities gone through.

I do not know about other honourable members, but from my experience it has taken about four months even to get a grant of probate through the Supreme Court, and it is only in the last few weeks that any speeding up of that process has taken place. Four months is a long time just to get the probate, which is usually not applied for until a month after the person is deceased, anyway. Therefore, we can allow five months. The settlement of succession duty and the filing of the returns could take anything up to another two or three months, so it would be about eight months, in my estimation, before a widow could dispose of a matrimonial home, something that she can do on her own initiative within probably eight weeks under the present system. She does not get any rebate at all if she is not going to continue to live in that home, because she has to make a statutory declaration that she intends to continue to use the dwellinghouse as her principal place of residence. I think this is the point the Leader was getting at.

The Hon. R. C. DeGaris: How long does she have to live there before she can sell it?

The Hon. F. J. POTTER: No time is stipulated, but I would think it would have to be for a sufficient period to satisfy the Commissioner that she had not made a false declaration.

The Hon. R. C. DeGaris: How long would that be?

The Hon. F. J. POTTER: I would not like to hazard a guess.

The Hon. R. C. DeGaris: I suppose it would depend on what the Commissioner thought.

The Hon. F. J. POTTER: Yes; I think it would depend entirely on how he viewed the circumstances and on whether or not he thought she was justified in changing her mind.

The Hon. C. M. Hill: She could sign one day and fall ill the next day and then have to leave because of ill health.

The Hon. F. J. POTTER: Exactly. That is the kind of difficulty we are led into when we attempt to hedge around rebates of this nature, with all these restrictive conditions. I am not at all happy about the restrictive condition I mentioned earlier that the property must not exceed half-an-acre in area. Perhaps the Hon. Mr. Hill has a better knowledge of this matter than I have, but it seems to me that many house properties in the metropolitan area would be over half-an-acre.

The Hon. C. M. Hill: They would be in the older suburbs, which is where most of the elderly people still reside.

The Hon. F. J. POTTER: Exactly, and these are the people whose particular interests we have to look after. I am not at all happy about this rebate concept, particularly with the very restrictive conditions that this Bill imposes.

I am not happy either about the very paltry amount of $2,500 which is also to be allowed in respect of an insurance policy that has been kept up by the deceased for the benefit of some other person. I think the amount of $2,500 is completely unrealistic in the light of today's values. If there is to be a rebate at all for insurance I think it should be at least about $7,000 to $10,000. I should prefer to see an insurance policy that is taken out for the possibility of covering increased death duties or succession duties that will be payable under the Bill exempted completely, irrespective of whether or not the deceased had paid the premiums or whether the premiums had been paid by another person or jointly.

This is a provision by which substantial benefits are allowed in Victoria, and I believe the Government should seriously consider adopting a similar provision in this Bill, particularly as the Government will apparently embark on the new aggregation system. I suggested a moment ago that, if the Government were prepared to reconsider and possibly redraft this section of the Bill to allow an assessment of a matrimonial home property and to allow a more substantial rebate for insurance benefits, this would be doing the right thing by the people.

It would not have such a marked effect on the revenue as might be imagined, because the increased revenue the Government is seeking to gain of about $2,000,000 a year could, as a result of this allowance, be recovered by, first of all, increasing the rates on the various successions slightly; secondly by the fact that only one property, the matrimonial home, will be allowed as a separate succession. In other words, if any other property, whether bank accounts, personal chattels or other real estate, could be brought into an aggregation, I would have no objection to it; this would give increased revenue.

The Government could consider doing something that the other States have obviously done and increase rates of duty on the assets in this State of people who are not domiciled here. Yesterday, the Leader referred to a letter that a Mr. Lewis Short had written, and he quoted it. I think that Mr. Short made a good point in his letter, namely, that it was not possible to compare the duty payable in South Australia with that payable in the Eastern States, because those States enjoy a high return as a result of share assets, in particular, being deemed to be situated in those States because they are on share registers in those States.

My experience has been that those States, New South Wales in particular, also Victoria, are imposing about a 10 per cent duty on the share scrip held in the State, whereas in South Australia, because it charges only a succession duty on that type of asset held by people who are domiciled in another State, in very many cases no duty is being paid on shares in South Australian companies or on share registers here that are held by people dying in other States.

As the Leader said yesterday, Victoria adopts the method of assessing on the value of the whole of the estate, wherever situated. I do not suggest that we adopt that system, but an increased rate of duty on assets held by people in other States could quickly make up any concession the Government might make on a property, which has been the matrimonial home in particular, and also on insurance policies. I do not wish to say much about rural land, because I do not understand much about its economics. However, in these days one must have a particularly large capital asset in order to obtain a comparatively meagre return from

the land. No doubt many honourable members will give great attention to the proposed new rebate on primary-producing land.

I agree that the alleged benefits the Government will grant to primary producers are completely illusory. No doubt this matter is of grave concern to all primary producers in the State. There are one or two matters with which I will not deal now but which I will raise in Committee. There is a further amendment which I successfully moved in 1966 but which has been dropped from the Bill. I do not think this has been done intentionally, but I hope to introduce an amendment along those lines in Committee.

The amendment concerned successions from illegitimate children and was accepted by the Government last time, but it does not appear in the Bill now before us. This is an important matter that should be cleared up. I propose to examine the Bill carefully in Committee and to tender my ultimate attitude at the third reading.

The Hon. H. K. KEMP secured the adjournment of the debate.

LAND TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 17. Page 2688.)

The Hon. M. B. DAWKINS (Midland): I rise with mixed feelings to discuss this measure, which is a Bill for an Act to amend the existing Land Tax Act. As the Hon. Mr. Story said yesterday, land tax is a very old tax indeed, the origins of which have apparently been lost in antiquity. No doubt, at some stage of its operation land tax was justified, particularly in the days when very large estates existed in the old country and, perhaps, to some extent in this country. However, I question the wisdom of continuing to impose land tax, particularly rural land tax.

The Bill purports to give some concessions to rural land in particular, but what it appears to give with one hand will apparently be taken away in some cases or even made worse by the other hand. Two States have dispensed with rural land tax over recent years, and I believe a third State, New South Wales, is in the process of so doing. That is a step in the right direction.

The previous Government, which came into office in April, 1968, intended to phase out rural land tax, at least to about 80 per cent of the money at present being collected from that source. As soon as it came to power in 1968, my colleagues and I put pressure on it to do this as soon as practicable, having taken due note of the stresses and strains suffered by the man on the land in those days, but I do not think that anyone really expected the then Government to be able to do this immediately. We must be realists and appreciate that, when a Government comes to office and inherits a large deficit, that deficit must be cleaned up. It certainly must be attended to at some length before the Government can make any concessions or give away revenue needed for remedying the State's financial position. This was being done, and to good effect, over the two years and considerable progress was being made in improving the financial structure of South Australia. In my opinion, the time had arrived when it would have been possible for the Government to reduce rural land tax. As all honourable members know, it was part of the policy speech of the then Government to reduce the recoupment from rural land tax by 50 per cent in the present financial year.

The total money received is about $1,100,000 a year, and that amount would have been reduced in this financial year to about $550,000; then, following the reassessment that will take place next year, the Government intended to ensure that the overall amount collected from rural land tax would be reduced further, to about $300,000. As I have said, this would have been about 80 per cent all told over a period of about 18 months. What is important is that this would have been throughout the whole breadth of the operation of rural land tax and it would have meant that the people now being highly taxed with land tax would have got this sort of reduction over 18 months. People who were being taxed at a low level of land tax would also have got the same proportionate reduction.

What is the present Government doing about this? This Bill falls far short of satisfying the policy of the present Opposition on this matter. At the recent farmers' march and rally, the Treasurer promised the farmers some relief in succession duties, and that matter was ably dealt with yesterday by the Hon. Mr. DeGaris. (I add my congratulations to him on the speech he made yesterday.) The Treasurer also referred to land tax. Those of us who were present at the march would have heard the Treasurer say to the farmers that land tax assessments had been revised and that land tax rates on primary-producing properties were to be altered. Anyone who listened carefully to that statement would have assumed that land tax payments by the rural sector of the community would be reduced. That was the

impression the Treasurer gave when he said that, and I believe that was the impression he intended to give.

Unfortunately, the effect of what he said then has not been included in this Bill—certainly not in all cases. The Treasurer implied that, by and large, land tax would be reduced. However, I believe that in many cases, as a result of this Bill and of the forthcoming reassessment under which its provisions will operate, this will not happen. Unfortunately, we cannot rely on the statements that were made, for they mean very little. As I have said, the impact of succession duties was well explained yesterday by the Hon. Mr. DeGaris; the Hon. Mr. Story, too, explained the land tax situation very well indeed. The provisions of this Bill may benefit some people but, under the new reassessment next year, they may well penalize others. It is important to realize that people on the land today are not in a position to suffer further penalties. The Government must appreciate that there is scarcely a farmer in South Australia today who can afford to be burdened further with crippling capital taxation. Many people on the land today are in dire straits. I am sure I do not need to persuade the Government of this, for even members of the Government must realize that farmers are in difficulties. I am not sure whether they realize that fully, but I think they have at least come to appreciate that the farmers are in trouble; otherwise, the Government might not have made even the provisions that this Bill contains.

Some farmers are still battling along and just making the grade. I venture to suggest that, by reason of the forthcoming reassessment under which it will operate, those who are battling along now will be the hardest hit by this legislation. This will put more farmers in a non-viable position. If a man gets into a situation where it is becoming well-nigh impossible for him to carry on, he must be assisted by the community; and this costs the Government money. In the long run, this will not benefit the Government because, if many farmers get into financial straits and need assistance, it will not benefit the State; it will have the opposite effect. The Hon. Mr. Story yesterday gave instances in areas that are mostly now part of Southern District (some of which were part of Midland until a year or so ago) and in some parts of Northern District, particularly on Eyre Peninsula, in which after the new reassessment next year has been made land tax will apparently be reduced. Clause 6 (4) of the Bill provides:

> There shall be a rebate upon the amount of land tax payable in respect of land used for primary production of—
>
> (*a*) two-fifths of the amount of the land tax (excluding the amount of an additional levy under subsection (5) of this section) otherwise payable in respect of that land; or
>
> (*b*) two cents for every ten dollars, or part thereof, of the taxable value of the land,
>
> whichever rebate is the lesser.

That is all very well as far as it goes and in some cases, as I have said and as the Hon. Mr. Story said yesterday, this may be of some benefit to some farmers who will be in need of it. However, in other cases the assessment, from what we are told, will be so greatly increased that this benefit will be much more than cancelled out. It has been said that the average assessment will be increased by 30 per cent and the rate of rebate for primary producers will be 40 per cent and that would be reasonable, but we know that in some cases the assessment will be down and in other cases it will be greatly increased. Some areas in the districts to which the Hon. Mr. Story referred yesterday will have considerable increases in the assessment and many areas in the Midland District will be affected in that way, as will parts of the closer settled farming areas on Eyre Peninsula and in the South-East. Some new assessments will be unrealistically high because of the lack of sales which would show a sharp decrease in values. The Hon. Mr. Story said that the unimproved value of rural land had rapidly increased and that the assessed value was fictitious. This is a problem facing the man on the land today.

I believe that a lack of sales points to the fact that values have really been reduced. Possibly the Valuation Department does not accept that theory: in fact, I do not know whether it can accept it under the terms of the present Act, but I suggest that when one finds in a district that two sales have occurred in the last 18 months at a reasonable value whereas four or five years ago there were 50 sales at good values, it is obvious that the demand is not there. I heard this morning about a property that was valued recently at $50,000, but which was sold the other day for $20,000. This indicates how land values have receded in the last few years.

The Hon. T. M. Casey: Where was that?

The Hon. M. B. DAWKINS: In the middle North: I cannot give the actual location but it was a good property.

The Hon. R. C. DeGaris: It was $23,000.

The Hon. M. B. DAWKINS: I thought it was $20,000. I should like to give some examples that have been provided by the department of the present tax and the tax that will be payable under the provisions of the Bill. One farm on Eyre Peninsula paid about $12 four years ago but will now pay more than $46, almost a 300 per cent increase. The tax payable on another property will increase by more than 300 per cent from $29 to $90. A large property on which more than $2,000 is paid now will attract a tax of more than $8,000 if the suggested assessment is effective. This is a tremendous increase. However, increases do not occur in all instances because in some cases there will be decreases, and this makes it difficult to assess the overall effect of this Bill.

The people who will have to pay the extra tax will be those who are more able to cope with present conditions than is the average farmer, but the extra tax will mean the difference between coping with problems and becoming a charge on the Government. A shortage of water has caused much difficulty in the Adelaide Plains area north of Adelaide. Mr. Ron Baker, Chairman of the Munno Para District Council, who has a property in this area that is assessed as though it was irrigated land has said:

I would like to see section 12 (*c*) widened in its scope to include a provision for land used for dry farming in large areas to be given the right to be assessed on the valuations that takes into account the earning potential of the land.

In some areas assessments are made on land that is used for a concentrated effort and that land brings a high figure, and this causes much trouble for the person owning a different type of property almost alongside. I draw the attention of the Council to the real problems of people living in the Adelaide Plains area, particularly Virginia, where land tax assessments are so high as to be ruinous. I drew the attention of a previous Commissioner to this problem about three years ago and he suggested that provision should be made to enable the Commissioner to take notice of the earning potential of the land. I believe that he suggested an amendment to section 29 of the principal Act, as this gives power to reduce or alter assessments without appeals.

I believe that this kind of thing should be considered, particularly where dry farming is carried on adjacent to irrigated land, and where there is no possibility of an increase in the irrigation or of the dry land being sold for future irrigation because of the restrictions placed on irrigation activities. The Government should pay more attention to the earning capacity of the land and what it is able to produce. Land that is used for dry farming in Virginia at present can no longer be considered as potential irrigation land: certainly not until more use is made of reclaimed water.

The Chief Valuer has said that it could not be automatically presumed that the underground water control has resulted in reduced values generally, nor could it be assumed that the failure of two auctions to attract a bidder meant a general reduction in value. I am not criticizing him, because he may be acting under the provisions of the present Act, but I believe we have to note that even if there is an odd sale at what would be considered a satisfactory figure, it may only occur when a person buys his neighbour's property, and it usually occurs only in isolated instances at present. There is no doubt in my mind that land values have decreased considerably and, from the information I have been able to gather, I believe there is no real recognition of those decreases in the suggested new assessment.

I am unhappy about the effect that the new assessment will have. The relief given to people on the land should cover the whole operation of the legislation, and the percentage relief should be fairly constant for people who are paying large sums in land tax as well as for those paying smaller amounts. I am not saying that the Bill does not provide any benefits at all; some farmers may benefit, but too many will be taken for a ride, in that their new high assessments will much more than offset any benefit that would otherwise accrue. Therefore, some people will be put into even greater difficulties than they are in at present. Because I have not yet decided what my attitude to this Bill will be, I shall listen to other honourable members with great interest. The previous Government's attitude to this matter could well be adopted by the present Government. In his election policy speech on May 4, the then Premier, now the Leader of the Opposition, said:

The Government is aware of the problems of the man on the land. My Government has studied these problems and believes the most substantial moves it can make to assist primary producers are in the fields of land tax and succession duties. At present, collections of rural land tax bring in approximately $1,100,000 annually. We will therefore: firstly, reduce rural land tax by 50 per cent in the next financial year—

we are now in that financial year—

secondly, after the operation of the new five-yearly assessment in June, 1971, further reduce rural land tax to yield approximately $300,000 to the Treasury. This will be a total reduction of something over 80 per cent on existing payments.

The Government should redraft the Bill to provide for this type of relief for rural industry. The sum involved, in relation to the size of the Budget, would not be large, but it would mean that many farmers would be helped to be active and efficient, whereas they have been experiencing great difficulty. Under the suggested new assessment some farmers may go out of business altogether.

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

INDUSTRIAL CODE AMENDMENT BILL

In Committee.

(Continued from November 17. Page 2694.)

Clause 2—"Commencement."

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

In subclause (2) to strike out "January" and insert "July".

In his reply to the second reading debate the Minister of Lands said:

I point out that these shopkeepers have known for some months that they will have to alter their present trading hours.

I doubt whether that is the case. The Minister continued:

When the Bill for the referendum on shopping hours was introduced in another place on August 13 last, the Minister of Labour and Industry clearly stated that legislation would be introduced requiring these shops to close on Saturday evenings and Sundays.

Although the Government made that announcement, there was no clear intention that this kind of Bill would be introduced or that it would be passed. There is no question that the hours of butcher shops were mentioned in the policy speech. Nevertheless, it is perfectly reasonable and just that there should be an extension of time from January to July. In my second reading speech I made that point (I think I referred to a reasonable extension before the axe fell). I believe, too, that we should not attempt to go to ridiculous extremes, because one could then claim quite clearly that this place was playing politics. I have no intention of playing politics on this issue. I believe that, in all justice, an extension to July is reasonable.

We are dealing with completely new procedures connected with the registration of shops, what is an exempt shop, and what is not an exempt shop. These procedures will take time, because some shopkeepers will need to make considerable structural alterations to their shops. It will be the end of November and the start of the Christmas rush by the time this Bill is passed and assented to, and then the axe will fall on January 1. This does not give a reasonable time for shopkeepers to make the structural alterations necessary to fit in with the Bill.

The Hon. T. M. Casey: What structural alterations would have to be made?

The Hon. R. C. DeGARIS: That is a strange question coming from the Minister, who has been in Cabinet, which has approved this Bill. He should know exactly what exempt shops are and what they are not, yet he asks me what structural alterations would have to be made.

The Hon. T. M. Casey: What is your opinion about those alterations?

The Hon. A. F. Kneebone: For years there has been a provision for exempt shops.

The Hon. R. C. DeGARIS: But not in the areas that are now affected. Let us consider the shops that are now to be caught by this legislation. At present the shopkeepers involved do not know whether their shops will be exempt or non-exempt. A shop may have been trading for 24 hours a day, but it may not be able to do that under this Bill. The shopkeeper may have to make alterations so that there will be an exempt shop on one side of a wall and a non-exempt shop on the other side. The Minister is expecting people to effect these alterations in a few days over the Christmas period. It is physically impossible for that to be done.

The Hon. C. M. Hill: Carpenters go on holidays during that period.

The Hon. R. C. DeGARIS: True. A person could be in quite a serious situation. I do not see why the Government should object to granting this further period to allow people to understand what is in the legislation, to make any necessary structural alterations, and to decide whether they go to an exempt shopping area or a non-exempt shopping area.

One could put up many other arguments. Many people who have invested money in shops in these outlying areas will have to make a complete readjustment of their investments. Also, many people working in these areas have committed themselves to hire-purchase commitments on motor cars, houses and other things. I submit that the amendment is perfectly logical and reasonable. It is put

forward not with any idea of playing politics but as a matter of justice to the people concerned.

The Hon. C. M. HILL: I support the amendment. I think I detected in the Leader's speech the suggestion that those who wanted a period longer than the one he suggested were playing politics in the issue.

The Hon. R. C. DeGaris: The point I was making is that we could be accused of doing so.

The Hon. C. M. HILL: Yes. I assure this Chamber that I am not playing politics in this matter. I would have much preferred a longer period. In fact, I said during my speech in the second reading debate that I favoured a period of two years.

The Hon. A. F. Kneebone: That ought to work out at about the next election!

The Hon. C. M. HILL: Members opposite are really letting their political minds run wild now.

The CHAIRMAN: Order!

The Hon. C. M. HILL: I sensed from speeches subsequent to mine that there was little support among honourable members for the two-year period and that an amendment to that effect would not succeed. Therefore, the next best thing, in my opinion, is the proposed period of six months.

The Hon. T. M. Casey: You are compromising.

The Hon. C. M. HILL: I repeat that there are two categories of people that must not be forgotten in this question. First, there are the people who work for overtime rates on Friday nights and who have budgeted that extra income for some specific commitment such as a motor car or a television set. If this legislation comes into effect on January 1 next year, those people will be in a serious financial plight, because we all know that they are fully committed for all the income they earn.

The Hon. T. M. Casey: Do you know of actual cases?

The Hon. C. M. HILL: Yes, I do. Those people could be put in a most embarrassing position. The only argument put up to rebut this contention came from the Hon. Mr. Banfield, who said that those people would be able to find work as casual employees on Friday until 5.30 p.m. I commend the honourable member for at least coming to grips with this problem. The fact that he rebutted the point was some acknowledgement that he realized it was an important and genuine point.

I do not believe that those people will be able to obtain employment on the Friday, because under the new arrangement, with the spread of shopping facilities, there will not be any need for the shops in those outlying areas to employ more temporary staff. Therefore, as I have said, the income of those people will be reduced accordingly, and those who have committed that money on hire-purchase and other agreements of that kind will be embarrassed financially. I think they are a group of people that this Council should have kept more in mind than it has done. However, a period of six months will at least give them some assistance.

The second group of people are those who in recent times established shops in these fringe areas in the knowledge that the Friday night trading would be helpful to their business. I have a friend who has several shops in the inner metropolitan area and who has recently ventured into these outer areas. That person spent a good deal of money setting up his shop. Indeed, one has to spend much money to fit out a shop to meet today's competition and today's trends.

The Hon. T. M. Casey: What kind of shop has he got?

The Hon. C. M. HILL: I will put it under the general heading of "Drapery". If the Minister thinks I am just making up something, I can assure him I am not. That person now finds his estimates and his plans thwarted. A period of time for people like him to regain some of their outlay and their commitments would be fair and just and, indeed, proper. A period of six months will be of some assistance.

Therefore, for the two groups I have been endeavouring to help, I see some assistance in the amendment. Although the assistance is not to the extent I should like, I am convinced, after listening to the earlier debate, that an amendment to provide for a longer period would not have succeeded, anyway. As a last resort, I support the amendment.

The Hon. L. R. HART: I also support the amendment. As I said earlier, I spend a good deal of time in the Elizabeth-Salisbury area and I have a pretty close knowledge of the feeling of the people in that area. I was at a function at Elizabeth on Saturday night at which the Premier was also an official guest. When one goes into that area, one does not escape a discussion on the shopping hours problem. This is probably the reason why some of the other members representing the area were not present.

The Hon. A. F. Kneebone: You weren't present at one meeting.

The Hon. L. R. HART: That is beside the point. Many of the people there with whom I discussed the question and who I am sure do not normally vote for me were of the opinion that the legislation should not have been introduced anyway. However, it is something that is with us, and those people are happy to make the best deal they can on it. They are adamant that they still want 9 o'clock closing. I put the question contained in the Leader's amendment to them and, without exception, they all agreed that they would accept it. Any honourable member must take notice of the views of the people in his area, and the Council is entitled to know the feelings of such people.

The economic situation of many of the electors in this area cannot be dismissed lightly. The people in this area are young and have young families. They have financial commitments, and can get by only if the wife works on a casual basis. The only work available to her on a casual basis is Friday night work. Such wives are able to accept this employment because, at that time, the husbands are home from work and able to act as baby-sitters. The wives are able to engage in such work at penalty rates, thereby allowing them to obtain the necessities of life and to indulge in an occasional luxury.

The Hon. M. B. DAWKINS: I, too, support the amendment. About 75 per cent of the people in my district who voted were in favour of continuing 9 o'clock closing of shops on Friday nights. I opposed the second reading because I believe that the Bill should be withdrawn and redrafted and that the Industrial Code and shopping hours should be separated into two different measures. I consider that the postponement of the operation of this legislation for six months would be of some advantage to these people, as it would enable them to adjust their situations accordingly. The Minister of Lands said that people would have known for some time in October that this would happen. They might have known in a general way that it would be likely to happen. However, they will not know exactly what will happen until the Bill has been passed by both Houses, assented to and proclaimed. So, they will not know the exact terms of the legislation until about December 1 and they will not have very much time in which to know the exact situation they will be in if the legislation is carried and comes into effect within a month.

These people should be given some reasonable time in which to adjust their affairs, and I suggest that six months is reasonable. The Minister of Agriculture asked the Hon. Mr. Hill whether there were cases of people earning a little extra by working on Friday nights; I can assure the Minister that there are many such cases. The extra money they earn helps in their budgeting, and the loss of this extra money could create an embarrassment to them if it was stopped too soon. The amendment is reasonable, and I have pleasure in supporting it.

The Hon. A. F. KNEEBONE (Minister of Lands): The Government cannot accept the amendment. Nothing fresh has been introduced by members who have spoken to the amendment from what was said in the second reading debate. The Leader has said that some structural alterations to shops would have to be made and the Hon. Mr. Hill by interjection said that the carpenters would be on holidays at that time. When I asked Mr. Hill what business he was worried about, he said that it was a drapery business. I do not know how any type of structural alteration or carpentry work would be needed to that type of business to make it an exempted shop. I do not think the big emporiums will be making great alterations to turn their establishments into exempted shops. The provisions regarding exempted shops have existed in the Early Closing Act for years. The only alteration is that they will be allowed to sell a large number of exempted articles.

When the referendum was held, people knew that the Government intended to introduce a Bill to carry out the wishes of the people as expressed at the referendum. This Bill was introduced in another place more than a month ago, at which time people knew that, in all likelihood, it would be passed; a wise shopkeeper would have arranged to make the necessary alterations. People in other areas have had to contend with this situation for years, and the fact that other people will now have to do this will bring about the uniformity that the Government promised. It is in everyone's interests that trading hours should be uniform. When I was Minister of Labour and Industry I was familiar with the problems (as was the Minister of Labour and Industry in the Hall Government) whereby, as a result of unfair shopping hours, people on one side of a road could open their shops whereas people on the other side could not. The Hon. Mr. Hill's suggestion of delaying the introduction of this legislation for two years is unreasonable.

The Leader's amendment to extend the period by six months is more reasonable, but the longer the period is extended, the longer it will take people to become used to the change, and the longer the unfair advantage some have will continue.

The Committee divided on the amendment:

Ayes (12)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, H. K. Kemp, F. J. Potter, E. K. Russack, V. G. Springett, and A. M. Whyte.

Noes (5)—The Hons. D. H. L. Banfield, T. M. Casey, Sir Norman Jude, A. F. Kneebone (teller), and A. J. Shard.

Majority of 7 for the Ayes.

Amendment thus carried.

The Hon. A. F. KNEEBONE: I did not realize when the vote was being taken that the Hon. Sir Arthur Rymill was pairing with the Hon. Mr. Story, who is away ill. The Hon. Sir Arthur Rymill was voting with the Noes and the Hon. Mr. Story was voting with the Ayes. I think this was not recorded on the division list.

Clause as amended passed.

Clauses 3 and 4 passed.

Clause 5—"Interpretation."

The Hon. A. F. KNEEBONE: I move:

In paragraph (*h*) (*a*) after "Salisbury" to insert "Tea Tree Gully"; and in paragraph (*h*) (*b*) to strike out "Tea Tree Gully".

The definition of the metropolitan area was taken from the Planning and Development Act, 1967. It has been found that, since that Act was passed, Tea Tree Gully has become a municipality. This amendment, therefore, does nothing more than correctly state the metropolitan area by transferring Tea Tree Gully from among the district council districts to the municipalities.

Amendment carried; clause as amended passed.

Clauses 6 to 38 passed.

Clause 39—"Registration of associations."

The Hon. F. J. POTTER: At the second reading stage I made some comments about this clause, which has worried the Association of Professional Engineers of Australia. Has the Minister any reply to those comments?

The Hon. A. F. KNEEBONE: Yes. I regret that I did not refer to this matter in closing the debate. Although the imformation I have may not satisfy the honourable member, at least it is an explanation. In introducing the Bill, I clearly indicated that this amendment was designed to overcome a decision of the Industrial Registrar (subsequently upheld on appeal by the President), refusing registration to a union because it had amongst its members persons employed by the Commonwealth Government who, the High Court has held, cannot be subject to an award of the State Industrial Commission. The Public Service Association was the objector in the case, which concerned an application by the Association of Professional Engineers of Australia for registration. This was a technical point which had not been taken previously: in fact, there are at least 10 unions of the 46 registered with the State Industrial Court that have amongst their members persons employed by the Commonwealth Government. They include the Association of Architects, Engineers, Surveyors and Draughtsmen of Australia, to which association the Hon. Mr. Potter referred. That association has in fact been registered since 1957.

Representations were made to the Minister of Labour and Industry in the previous Government (Hon. J. W. H. Coumbe, M.P.) on behalf of the Association of Professional Engineers of Australia. Last year Mr. Coumbe invited the United Trades and Labour Council, the South Australian Chamber of Manufactures and the South Australian Employers' Federation to comment on the amendments to the Industrial Code that he was considering introducing. This was one of those amendments and none of those organizations had any objection to it. I point out that, in deciding applications for registration of associations of employees, the Industrial Registrar will still have the discretion to decide whether there is in existence an association registered with the State Industrial Court to which employees concerned might conveniently belong. All this amendment does is to say that, in deciding these applications, employees of the Commonwealth Government (who are debarred from being subject to a State award) should be disregarded.

Clause passed.

Clauses 40 to 45 passed.

Clause 46—"Enactment of Part XV of principal Act."

The Hon. JESSIE COOPER: I move:

In new section 220 (3) after "Minister" to insert "or a shop, approved by the Minister, situated within the premises of a golf club".

This amendment is necessary because no provision has been made in the Bill for golf clubs to operate shops that are staffed by a professional.

Amendment carried.

The Hon. L. R. HART: Regarding premises licensed under the Licensing Act, can the Minister say what is the position in connection with goods that can be sold in licensed premises after the normal trading hours?

The Hon. A. F. KNEEBONE: The goods involved (cigarettes, nuts, etc.) are exempt, anyway.

The Hon. L. R. Hart: They can sell any exempt goods?

The Hon. A. F. KNEEBONE: Yes.

The Hon. M. B. DAWKINS: I had intended to move an amendment providing for extended trading hours in the Midland District only. However, the Hon. Mr. Hart has since foreshadowed an amendment that will affect all fringe areas. I thought I owed it to my constituents in the Midland District to move my amendment, but, in view of the amendment foreshadowed by the Hon. Mr. Hart, I will not proceed with it.

The Hon. L. R. HART: I move:

In new section 221 to insert the following new subsections:

(2*a*) The closing time for a shop (including a hairdresser's shop) within the areas defined by subsection (2*b*) of this section shall be as prescribed by subsections (1) and (2) of this section except that on a Friday the closing time for any such shop shall be 9 p.m.

(2*b*) The areas referred to in subsection (2*a*) of this section shall be the areas comprised by—

(*a*) the municipalities of Elizabeth, Gawler, Salisbury and Tea Tree Gully;

(*b*) the district council districts of Munno Para, East Torrens, Stirling and Noarlunga;

(*c*) the wards known as the Happy Valley, Coromandel, Clarendon and Kangarilla wards of the district council of Meadows;

and

(*d*) the portion of the hundred of Willunga that lies within the district council of Willunga.

I have moved this amendment as a result of requests made by people in the fringe areas who clearly voted in favour of retaining 9 p.m. closing on Fridays. One of the many requests I have received about this matter came from the Corporation of the City of Elizabeth. Portion of the letter, signed by the Town Clerk of Elizabeth, Mr. J. S. Lewis, is as follows:

A special meeting of the council was held last Friday evening to receive and consider a further petition on the question of shop trading hours in Elizabeth. The prayer of the petition was that council should take further action to promote legislation which would lead to a retention of the present right of shops in this area to open until 9 p.m. on Friday nights as well as on Saturday mornings.

After receiving the petition, council resolved that all Parliamentary representatives for this area be again written to and urged to give effect to the very clearly expressed wishes of people in this area by supporting the passage or introduction of legislative proposals which would retain Friday night shopping in Elizabeth. The meeting was unanimous in supporting the view already stated elsewhere on this issue that the first and foremost duty of an elected member should be to give effect to the wishes of the electorate, particularly when the desires of the electors are so apparent and where the question involved is a social one.

People in Elizabeth, Salisbury, Tea Tree Gully, and the districts south of Adelaide have enjoyed Friday night shopping for as long as those districts have been developed. Indeed, the cities of Elizabeth and Salisbury have grown up around late trading facilities. The whole social and economic life of the people in those areas is geared to this late trading. To take it away from them would create a great void in their lives. Many people in these areas have migrated from other countries, where they have been accustomed and privileged to shop at all hours and for seven days a week. I refer particularly to the housewives, who must stay home to look after their families and who are not particularly well versed in the English language. As a result, they experience shopping difficulties. When those people go shopping as a family group they are possibly helped with their language problem by their own children who attend schools here, so shopping to them is much easier.

Friday night shopping is also a social outlet for these people, and if that facility is taken from them I do not know what many of them would do with themselves, because they do not have the economic resources to own motor cars to enable them to travel to other areas to get their social outlet. On Friday nights they are able to go shopping, perhaps not to spend very much money but only to look through the shops; and there are some very interesting shops to look through in these areas. Those people are able to meet their friends in these areas, and that helps them to become assimilated into the Australian way of life.

When we examine the arguments against Friday night shopping we see that they are rather weak. The Minister said that at present one could have 9 o'clock closing on one side of the road and 5.30 p.m. closing on the other side. However, this must be the position at some point. The Minister also said that, if the referendum had resulted in a "Yes" vote, late closing would have operated over the whole of the shopping area. This is something of a

contradiction, because in the Labor Party's policy speech it was merely said that there would be no extension of late closing beyond the areas where it now existed.

Not only do the people who live in these areas enjoy this facility but also advantage is taken of it by many country people who live in adjacent areas and who were even denied a vote in the referendum. In fact, many country people use the facility as a social outlet. In some cases, two families travel to the area in the one car to obtain their necessary supplies from the retail trading outlets there.

I believe there is a very strong case for late closing to be retained in these areas. The area to which I refer is not just on the doorstep of the metropolitan area: it is 17 miles from the city, and it is a community on its own, with its own requirements, its own shopping needs, and its own facilities where those needs are satisfied. I consider that we are imposing a very great hardship on these people if we deprive them of this facility which they have grown up around and which they have enjoyed for so many years.

The Hon. E. K. RUSSACK: I support the amendment. I, too, received the letter referred to by the Hon. Mr. Hart. Several people from Elizabeth with whom I had a discussion yesterday supported more strongly than ever the retention of Friday night trading. In my speech in the second reading debate I gave many reasons why I believed Friday night shopping should continue in the fringe areas represented by me and my Midland District colleagues. In conclusion, I said:

However, in Committee, I will oppose any provision that does not conform to existing Friday night trading hours in the shopping areas that I have mentioned.

Because of this, I fully support the Hon. Mr. Hart's amendment. Earlier this afternoon the Minister of Agriculture said that the people who could remain open on Friday night would have an advantage. I suggest that, if the shops in the fringe areas were to close at 5.30 p.m., others would have the advantage.

The Hon. M. B. DAWKINS: I reiterate what I said when I withdrew my amendment. I support the Hon. Mr. Hart's amendment. I, too, received the letter referred to by my colleagues. I do not wish to say anything further. I merely indicate that I fully support what has been said by the Hon. Mr. Hart, and I know that if he were here the Hon. Mr. Story would likewise support what the honourable member said.

The Hon. A. F. KNEEBONE: This is the most important provision in the Bill. I have spoken at length on why trading hours should be as provided in this Bill. What amazes me is that the Hon. Mr. Hart has moved this amendment when a short time ago he supported the Leader's amendment to provide that Friday night shopping not extend beyond July next year. The Hon. Mr. Russack has done exactly the same thing. Both these honourable gentlemen want to preserve the *status quo*. How can they have it both ways?

The Hon. Mr. Hart referred to people from country areas travelling to the fringe areas to shop. Over the last couple of months people from country areas have been telling me how bad things are in the country towns and how the shopkeepers there are going broke because the farmers cannot get a decent return for their products, yet the honourable member, who represents a country area, advocates that shops be kept open in the fringe areas of Adelaide to the disadvantage of shopkeepers in the country towns. This is being most inconsistent. I strongly oppose the amendment.

The Committee divided on the amendment:

Ayes (4)—The Hons. M. B. Dawkins, L. R. Hart (teller), H. K. Kemp, and E. K. Russack.

Noes (13)—The Hons. D. H. L. Banfield, T. M. Casey, Jessie Cooper, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill, Sir Norman Jude, A. F. Kneebone (teller), F. J. Potter, Sir Arthur Rymill, A. J. Shard, and A. M. Whyte.

Pair—Aye—The Hon. C. R. Story. No—The Hon. V. G. Springett.

Majority of 9 for the Noes.

Amendment thus negatived.

[*Sitting suspended from 5.45 to 7.45 p.m.*]

The Hon. A. F. KNEEBONE: I move:

In new section 224 (1) after "area" to insert "at any time".

This amendment is merely for purposes of clarification.

Amendment carried.

The Hon. L. R. HART: I move to insert in new section 224 the following new subsection:

(3) It shall be lawful for a shopkeeper at any time to sell or deliver spare parts for agricultural machinery and to keep his shop open for so long as it is necessary to effect the sale and delivery.

It has been normal practice for vendors of agricultural machinery spare parts to have what is known as an "after hours man", who is available to provide spare parts for people who

need them for machinery replacement or machinery repairs. The shops from which these spare parts are made available are not exempted; nor are the spare parts exempted goods. Therefore, in effect, over the years (this is a practice that operates in the metropolitan area as well as in country centres) people in the metropolitan area may have been breaking the law. This legislation applies to all shopping districts, and there would be cases in the larger country areas where machinery shops would often be required to supply spare parts for machinery outside the normal shopping hours. Without this amendment, that would be unlawful. Those honourable members who are associated with rural industry will appreciate the need for this amendment. In fact, I think all honourable members will realize its necessity.

The Hon. A. F. KNEEBONE: When the honourable member raised this matter in the second reading debate, I considered it. If he had not moved this amendment, I should have moved a similar one. I accept the amendment.

The Hon. A. M. WHYTE: This amendment is necessary. Farm produce of any sort is perishable, and the harvesting of primary produce must take place when it is ready to be harvested. Many agricultural machine sellers have made a reputation for themselves by their after hours service. It is not uncommon for farmers to spend a day in the paddock with improvised replacements, knowing that they can contact their agents, sometimes during the night, and acquire new parts. I support the amendment.

The Hon. M. B. DAWKINS: I endorse the remarks of both the previous speakers. All honourable members engaged in pursuits on the land know how vital it is to get spare parts, sometimes at a very awkward hour, and to harvest crops when they are ready. Any restriction in that direction would be a great handicap to primary producers. I, too, support the amendment.

Amendment carried.

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

In new section 227 to strike out subsections (4) to (7) and insert the following new subsections:

(4) An application under this section may only be made in pursuance of a resolution of the council supported by not fewer than two thirds of the total number of members of the council.

(5) The council must advise the Minister of the views it has ascertained of persons (including shopkeepers and shop assistants) resident in the area and affected by the application, upon the subject of the application.

(6) The Minister may require the Returning Officer for the State to conduct a poll of all electors on the roll of electors for the House of Assembly at the date of the application, and resident within the area of the council, in order to ascertain their views on the subject of the application.

(7) Voting at any such poll shall not be compulsory.

(8) If a majority of votes cast at a poll favours the application of the council, a shopping district or a part of a shopping district shall be created or abolished by proclamation in accordance with the application of the council.

(9) If the Minister is satisfied without a poll being conducted that the application is supported by a majority of the persons (including shopkeepers and shop assistants) resident in the area and affected by the application, a shopping district or part of a shopping district may be created or abolished by proclamation in accordance with the application of the council.

(10) If an unsuccessful application is made to the Minister under this section a period of three years must elapse before the same, or a substantially similar, application is made to the Minister.

(11) The Governor may by regulation make such provisions as he deems necessary or expedient in connection with a poll to be conducted under this section.

(12) Subject to the regulations a poll shall be conducted in such manner as the Returning Officer for the State determines.

I dealt with this matter in the second reading debate, when I said that I was not at all impressed by the method by which a shopping district could be created or abolished under the provisions of the Bill. I do not want to go through the procedure that is already provided for in the Bill, but the procedure provided for in the amendment is that an application will be made for the creation or abolition of a shopping district when that application is supported by not fewer than two-thirds of the total number of members of the local council. The council must inform the Minister of its views and of the views it ascertained of the people, including shopkeepers and shop assistants, resident in the area and affected by the application.

The Minister may then, if he so desires, require the Returning Officer for the State to conduct a poll of all electors in the newly created or abolished shopping district to ascertain the views of the population. The voting at such a poll shall not be compulsory. If a majority of votes is cast in favour of the resolution of the council, a shopping district or part of a shopping district can be created or abolished. Further, if the application that is

made is unsuccessful, under this provision no further application can be made for three years. New subsections (11) and (12) allow the Governor to make regulations for the provisions deemed necessary in connection with the poll. This is a much more satisfactory way of handling the creation or abolition of a shopping district.

The Hon. M. B. DAWKINS: Included in the new subsections proposed by the Leader is a new subsection (8). Because there is already a new subsection (8) in the Bill, does the Leader desire that one of the provisions be numbered (8a)?

The CHAIRMAN: I think that we had better avoid confusion.

The Hon. A. F. Kneebone: That is only a drafting matter.

The CHAIRMAN: It is simply a matter of renumbering the new subsections.

The Hon. A. F. KNEEBONE: Only one thing about the amendment disturbs me. If it was not for new subsection (7) I think I could say that the Government would accept the amendment. During the second reading debate I said that the Government would consider any amendment, provided the general principles of the provision were not altered. The general principles have not been altered, except in regard to the provision that the voting at any such poll shall not be compulsory.

The Hon. C. M. Hill: What about the general principle of local government?

The Hon. A. F. KNEEBONE: This poll will be conducted by the Returning Officer for the State.

The Hon C. M. Hill: But it will be conducted in a local government area.

The Hon. A. F. KNEEBONE: Neverthless, it is still a type of referendum and, consequently, voting should be compulsory in order to get a true expression of opinion of the people in the area. If we did not have compulsory voting we might see a return to the situation where canvassers rushed from door to door twisting people's arms and enticing them to vote in a certain way.

The Hon. D. H. L. Banfield: It is open to bribery, too.

The Hon. A. F. KNEEBONE moved:

To amend the Hon. R. C. DeGaris's amendment by striking out "not" in new subsection (7).

The Committee divided on the Hon. A. F. Kneebone's amendment:

Ayes (5)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone (teller), A. J. Shard, and A. M. Whyte.

Noes (13)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, E. K. Russack, Sir Arthur Rymill, and V. G. Springett.

Majority of 8 for the Noes.

The Hon. A. F. Kneebone's amendment thus negatived.

The Hon. R. C. DeGaris's amendment carried.

Clause as amended passed.

Clause 47—"Enactment of third and fourth schedules of principal Act."

The Hon. A. F. KNEEBONE: As a result of references made by honourable members in the second reading debate to cooked food shops and nurseries, which do not appear in the third schedule, I propose to move for the inclusion of both of these categories in that schedule, which deals with exempted shops. Mr. Chairman, shall I move both of them together, or shall I move each one separately?

The CHAIRMAN: The Minister can move both of them together unless there is any objection to that being done.

The Hon. A. F. KNEEBONE moved:

In the third schedule to insert "cooked food shops" and "plant nurseries".

The Hon. H. K. KEMP: I ask the Minister to think carefully about this matter. I suggest that the reference should be to prepared or cooked food.

The Hon. A. F. KNEEBONE: I am talking about shops. Foods come into another category.

The Hon. H. K. KEMP: Most of the shops the Minister has in mind offer not only cooked foods but also prepared salads, which are ready-to-consume foods. There are fish shops that sell fish and chips. Cooked food shops usually sell salads and other items as well.

The Hon. A. F. Kneebone: They are exempted goods.

The Hon. H. K. KEMP: No they are not.

The Hon. A. F. KNEEBONE: The ingredients of the salads are exempted articles in themselves.

The Hon. H. K. KEMP: I see no mention in the list of exempted goods of olive oil, for instance.

The Hon. A. F. KNEEBONE: I draw the honourable member's attention to the fact that cooking oils are mentioned; surely olive oil would be used for cooking.

Amendment carried.

The Hon. JESSIE COOPER: I move:

In the fourth schedule after "Fish food" to insert "Fishing bait, Fishing gear".

This amendment should bring joy to many of the State's amateur fishermen.

The Hon. A. F. KNEEBONE: I am happy to accept the amendment. I am an amateur fisherman, although I do not get much time to go fishing. Nevertheless, I should be very interested in being able to buy bait when I needed it.

Amendment carried.

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

After "frozen" to insert "(i.e. solidified by refrigeration)".

The amendment is designed to correct what I believe is an anomaly in the schedule. I mentioned in the second reading debate the sale of uncooked meat. Only a week ago in a public announcement the Minister said that this would be available, if frozen. However, another Government amendment on file prohibits the sale of frozen uncooked meat. In defining his attitude, the Minister said that an approach had been made by some housewives, who did not require this provision. I cannot accept this as a valid reason, because there has been no intention to make it compulsory that people must stock this meat or that people must buy it.

The Hon. A. F. Kneebone: The industry made an approach, too.

The Hon. G. J. GILFILLAN: In a competitive industry such as the meat industry, each type of meat should have equal opportunity to be sold. If one looks at the list of exempted foods, one sees that it includes meat extracts and similar foods, poultry, rabbits, sausages and fish. These goods are freely available and do not have to be frozen; they can be bought either cooked or uncooked. It is legal to buy oysters after hours, and I believe that meat should also be available. The Government intends to introduce a Bill dealing with restrictive trade practices, and if anything is restrictive under this present legislation it is the banning of the sale of frozen uncooked meat, while allowing other meats to be sold. I do not think there is any threat to the retail meat trade, because many shops will be forced by circumstances to purchase or act as an agent for the local butcher, because the volume of trade is not expected to be high. The cost of the article may be somewhat higher because of the smaller quantity handled, but this should not present difficulties to the retail meat trade. This amendment is fair to the meat industry and the consumer, and in all justice it should be included.

The Hon. A. F. KNEEBONE: I do not think this first amendment is necessary, because surely "frozen food" means that food is frozen. I do not object to these words, but I cannot support the amendment.

The Hon. Sir ARTHUR RYMILL: I do not understand the amendment. I thought the food referred to was already a solid. I have always differentiated between solids and liquids.

The Committee divided on the amendment:

Ayes (7)—The Hons. M. B. Dawkins, R. A. Geddes, G. J. Gilfillan (teller), C. M. Hill, H. K. Kemp, E. K. Russack, and A. M. Whyte.

Noes (11)—The Hons. D. H. L. Banfield, T. M. Casey, Jessie Cooper, R. C. DeGaris, L. R. Hart, Sir Norman Jude, A. F. Kneebone (teller), F. J. Potter, Sir Arthur Rymill, A. J. Shard, and V. G. Springett.

Majority of 4 for the Noes.

Amendment thus negatived.

The Hon. A. F. KNEEBONE: I move:

In the fourth schedule after the word "food" in "Frozen food" to insert "(except uncooked meat)".

As a result of approaches by the meat industry and the complaints of housewives that frozen meat was not an emergency meal, and to avoid any confusion, the Government decided to delete frozen uncooked meat from the list of exempted goods.

The Hon. G. J. GILFILLAN: Mr. Chairman, would you give a ruling on the amendment that I have on file?

The CHAIRMAN: I think the simplest way to dispose of it would be for the honourable member to move an amendment to the Minister's amendment, if he would like to do that.

The Hon. G. J. GILFILLAN: Yes, Mr. Chairman. In that case, I move:

In the amendment to strike out "except" and insert "including".

The Hon. L. R. HART: I support the honourable member's amendment to the Minister's amendment: In this Bill we are discriminating against certain rural industries. On the one hand, the Bill provides for the sale of poultry and fish but, on the other hand, the Minister's amendment seeks to bar the sale of frozen

mutton, lamb or beef. I have great sympathy for the butchering trade. Its interests must be protected, but people will buy this type of frozen meat only in case of emergency. At present we are proposing to spend perhaps hundreds of thousands of dollars in promoting the sale of frozen red meat in the United States of America.

The Hon. R. A. Geddes: It is $200,000.

The Hon. L. R. HART: Yes, or possibly more. In the United States this meat will probably be available in its frozen state for 24 hours a day, seven days a week; yet, in our own country where we produce it, we are putting a restriction on its sale after certain hours. We are not being consistent or fair to our primary industries. The butchering trade will not be affected by giving this facility to the delicatessens and other places to sell this commodity during prohibited hours.

The Hon. M. B. DAWKINS: I, too, support the amendment to the Minister's amendment, for reasons similar to those given by the Hon. Mr. Hart. We provide in the schedule for the sale of fish, poultry and rabbits: that type of meat is freely available without having to be frozen; yet lamb, mutton, pork and beef will be strictly unavailable. This is imposing an unnecessary handicap on our primary industries. The very fact that the meat has to be frozen will, of itself, be a sufficient handicap in the selling of it, because people will not buy frozen lamb or frozen pork as readily as they will buy other commodities that are not frozen. We are making an unfair discrimination if we accept the Minister's amendment.

The Hon. Sir ARTHUR RYMILL: I have been trying to support the Government on this Bill, I think with some success, but I am in a quandary on this matter because the Government's Bill says "frozen food". Now the Government says "excluding uncooked meat" and somebody else says "including uncooked meat". What did the Government intend by merely saying "frozen food"? It is not clear to me.

The Hon. A. F. KNEEBONE: When the Bill was drafted, "frozen food" meant all frozen food including meat. On second thoughts, the Government decided it would not include frozen meat.

The Hon. H. K. KEMP: At this time, the last thing that should be done in the interests of the State is to place any restriction on the sale of meat, whether raw, uncooked or in any other form.

The Hon. A. F. Kneebone: It should be available 24 hours a day, seven days a week?

The Hon. H. K. KEMP: Yes, to try to keep some of the industries going on which we depend. They are in trouble, and this is merely playing politics.

The Hon. A. F. Kneebone: We depend on wine, too.

The Hon. H. K. KEMP: That is the attitude of honourable members opposite: they bring in wine as an example, but we all know that must be restricted.

The Hon. A. F. Kneebone: Why?

The Hon. H. K. KEMP: Why are you trying to restrain the sale of meat that can be produced in South Australia?

The CHAIRMAN: Order!

The Hon. H. K. KEMP: Less than a fortnight ago many farmers sent meat into Adelaide, and it was sold for 1c or 2c lb. That is a fact.

The Hon. D. H. L. Banfield: My butcher's bill did not show it!

The CHAIRMAN: Order!

The Hon. H. K. KEMP: Butchers' bills do not accurately reflect this problem. The person who makes money out of growing this commodity is in trouble, but honourable members opposite are playing politics with him. There should be no restriction on the sale of meat.

The Hon. A. F. KNEEBONE: The honourable member has been talking politically. How do we sell more meat? Do we sell any more meat by keeping the shops open two hours longer? People instead of going to buy their meat at one time put it off and buy it at some other time. They do not eat any more meat because the shops are open; they eat the same amount of meat whether or not the shops are open. Exempted goods have been traditionally available in exempted shops for many years. In the time of the last Government, these things were available. I do not accept the honourable member's political argument. I do not see how keeping shops open 24 hours a day, seven days a week, will result in the sale of any more meat: it will merely spread the time in which the same amount of meat will be sold.

The Hon. A. M. WHYTE: It is anomalous that some of these commodities should be readily available but some should not.

The Hon. A. F. Kneebone: You can buy cooked meat anywhere you like.

The Hon. A. M. WHYTE: Fish and poultry are not treated in the schedule in the same way as meat. If the Government wants to

exempt any of these foods it should exempt them all: it should at least make the competition fair. As a result of their promotional efforts, people in the poultry industry have done very well lately, and I do not think the Government should give them a further boost by saying, "Here are a couple of days on which you can have an absolutely free go."

The Hon. V. G. SPRINGETT: In reply to the Hon. Sir Arthur Rymill's question, the Minister said that originally all frozen foods were included but that he then had second thoughts and decided not to include frozen meat. Can the Minister say why he had second thoughts and why he did not want to include frozen meat?

The Hon. A. F. KNEEBONE: I do not know where honourable members have been for the last day or two, because I have answered that question several times. If the honourable member wants to know the answer again, he can consult *Hansard*.

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

Ayes (8)—The Hons. M. B. Dawkins, R. A. Geddes, G. J. Gilfillan (teller), L. R. Hart, C. M. Hill, H. K. Kemp, E. K. Russack, and A. M. Whyte.

Noes (10)—The Hons. D. H. L. Banfield, T. M. Casey, Jessie Cooper, R. C. DeGaris, Sir Norman Jude, A. F. Kneebone (teller), F. J. Potter, Sir Arthur Rymill, A. J. Shard, and V. G. Springett.

Majority of 2 for the Noes.

Amendment thus negatived.

The Committee divided on the Hon. A. F. Kneebone's amendment:

Ayes (4)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone (teller), and A. J. Shard.

Noes (14)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, E. K. Russack, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Majority of 10 for the Noes.

Amendment thus negatived.

The Hon. H. K. KEMP moved:

After "Packaged foods kept under refrigeration" to strike out "(except uncooked meat)".

The Hon. A. F. KNEEBONE: I do not know where the Committee is going with this Bill. We just had a remarkable demonstration of how an amendment could be carried by devious means. If I am criticizing the Committee, I apologize for doing so.

The Hon. Sir Arthur Rymill: No amendment was carried. How can an amendment be carried by devious means if it is defeated?

The Hon. A. F. KNEEBONE: In effect, the Committee said that the Minister's amendment should stand; eventually the Minister's amendment, in its unamended form, was defeated, and this had the effect of including frozen meat.

The Hon. Sir Arthur Rymill: That is a perfectly orthodox way of voting to get the best you can.

The Hon. A. F. KNEEBONE: Now we have another instance of second thoughts, whereby an amendment to delete "(except uncooked meat)" has been moved. In the Government's policy speech before the last election it was stated that uncooked meat would not be sold on Saturdays and Sundays. Efforts have now been made to provide that what was clearly stated by the Government as its intentions should be removed from the Bill.

If the amendment is passed, it will mean that meat shops can open seven days a week all hours of the day, and this should not be the case. The Government does not think an organization such as Lazy Lamb should take away trade from butchers in other areas who are restricted to operating at certain times. In addition to having this kind of competition, a legitimate butcher will have to contend with packaged meat being sold from all kinds of exempted shops. Big shops will be set up; all they will do will be to wrap up a piece of lamb in plastic and sell it as packaged meat. As that would not be a good move, I hope the Committee will not accept the amendment. There could be all kinds of unhygienic conditions as a result of wrapping meat in all types of plastic covering.

The Hon. R. C. DeGARIS: I take the Minister to task for accusing the Committee of suddenly having second thoughts on a particular clause in the schedule. The Hon. H. K. Kemp has moved his amendment, which is not on file, but it is his right to move an amendment any time he wishes to do so. Regarding second thoughts in the moving of an amendment, the Government is the last group of people who should be critical about having second thoughts. When one considers the history of this matter one finds that even in the last issue of the *Sunday Mail* the Minister of Labour and Industry stated that frozen meat would be available 24 hours a day, seven days a week, in the exempt shops. However, suddenly the Government has had second thoughts

itself and has moved an amendment to alter the position completely.

It is unfair of the Minister to accuse the Committee, when an honourable member has moved an amendment and the vote has not yet been taken. Secondly, I was surprised at the words which the Minister used and which were taken up by the Hon. Sir Arthur Rymill, namely, that devious means had been used to defeat the Government's purpose. I assure the Committee that no devious means have been used. The votes that have been taken were the result of individual summing up of the situation. The Bill is now exactly in the form in which the Government introduced it in the Council. Packaged meat such as rabbits, chicken and sausages can be sold now outside certain hours. I do not intend to vote for the amendment. However, the Government is making a grave error of judgment, because it has selected one of the major industries of the State and is placing it at a competitive disadvantage with other industries producing meat.

The Hon. R. A. GEDDES: I support the Leader's original remarks in emphasizing the individual's right to move an amendment. However, I do not support this amendment. Not only do we as members who represent rural industry have to consider it; we must also consider those agents who also support rural industry, namely, the small butcher. I should hate to see in South Australia the large cartel butcher that dictates the price not only to other butchers but also to the primary producer: that is happening in America and Canada today. With the sale of packaged food kept under refrigeration what guarantee has the consumer that the article is lamb, mutton, or anything else? One could complain to a butcher if one did not get what one asked for, but that privilege is not available when buying packaged food. I sympathize with the sentiments of the Hon. Mr. Kemp, because I will not be able to buy mutton or beef in the same way as I can buy rabbit, and even chicken, the slaughtering of which is not under supervision.

The Hon. A. J. Shard: Be careful in saying that.

The Hon R. A. GEDDES: I am. Regrettably, I cannot support the amendment.

The Hon. H. K. KEMP: The Government is being completely partisan in this matter, because there is no possibility in the list of exempted shops of having a shop selling fresh meat as a speciality.

The Hon. A. F. Kneebone: They could sell it in addition to other things: what about delicatessens?

The Hon. H. K. KEMP: Why should a delicatessen be able to sell rabbit, poultry, sausages, and other things except fresh meat? It can sell pet foods and kangaroo meat, but it cannot sell beef, mutton, or pork. Can that situation be justified? Obviously, this is a specific exclusion. We have had a magnificent example of the sort of thinking by the Labor Party on this matter. A short time ago one organizer of the Labor Party made an extremely impassioned speech at the Gepps Cross abattoirs against any meat being sold outside trading hours. Less than two hours after, the same man walked into the Lazy Lamb and bought meat outside trading hours. This man used this privilege.

The Hon. T. M. Casey: That's no criterion.

The Hon. H. K. KEMP: It is the Government's responsibility for intentionally putting unnecessary restrictions on the sale of meat.

The Hon A M. WHYTE: I see nothing devious or underhanded in this attempt by the Hon. Mr. Kemp to get what we tried to get by the Hon. Mr. Gilfillan's amendment. This is a further attempt to permit the sale of red meat. As this amendment will do something on the same lines as was attempted by the amendment of the Hon. Mr. Gilfillan, honourable members should seriously consider voting for it.

The Hon. A. F. KNEEBONE: I do not accept what the Hon. Mr. Kemp said about some unnamed organizer of the Labor Party. That Party does not have organizers, because it does not have the money to support them. Trade unions have organizers but, as the honourable member does not know anything about industrial matters, I do not accept what he said. Did he hear the speech and did he track the man to Lazy Lamb? This story has obviously been passed on by someone else, because I doubt that the honourable member would go to those lengths to follow a man. However, he is trying to rubbish the Labor Party again as he has done many times. If he had been fair dinkum on this point and was worrying about the meat industry, he would have entered this argument much earlier. The Lazy Lamb could have a small section selling delicatessen goods and call the shop a delicatessen, but would still be able to sell meat. If the honourable member had the interests of the meat industry at heart he

would have done something about butcher shops and not worried about delicatessens.

The honourable member did not impress me with what he said, with his snide political remarks about the Labor Party. He has done this before about the trade unions. I do not accept what he says. I say to the Hon. Mr. Whyte that, although the Hon. Mr. Gilfillan's amendment was not carried (putting into precise words that frozen food included meat) he did, in effect, win his amendment, because "frozen food" does include meat. We admit that frozen food includes frozen meat, and we were deleting from the item "frozen food" the fact that there was meat in it.

The Hon. Sir Arthur Rymill: In other words, your Bill is no good!

The Hon. A. F. KNEEBONE: When the Bill was prepared, "frozen food" was inserted and it included frozen meat, on our interpretation of "frozen food". Subsequently (and I am making this explanation for about the fifth time) as a result of approaches made to us by various people about meat (and, for the benefit of the Hon. Mr. Kemp, they were not only the unions but also the employers) we decided to take out of "frozen food" the content that we interpreted as "frozen uncooked meat". So there was no need for the Hon. Mr. Gilfillan to move his amendment in regard to frozen meat. When my amendment was defeated, although the Committee voted that no-one should alter my amendment to include "uncooked meat", it gave all present in this Chamber the impression that they were supporting the Minister's amendment. Every honourable member thought that the Minister's amendment would be carried as a result of the support he got for the retention of the word "except". But that was not so, and the amendment was defeated. The Hon. Mr. Gilfillan's amendment was defeated also, but that did not make a scrap of difference to his cause because the result is the same. I give this explanation for the benefit of the Hon. Mr. Whyte, who said he was sorry that the Hon. Mr. Gilfillan's amendment was defeated, and now he was making another attempt, because the Hon. Mr. Gilfillan's amendment had been defeated.

I have seen packaged meat and all honourable members have seen it in places like Woolworths lying around on the counters. Ladies with elongated fingernails come in and feel the meat through the packages, sometimes breaking the containers, which is not very hygienic. If this amendment is carried, that sort of thing will go on.

The Hon. H. K. Kemp: What is the Minister of Health doing about it?

The Hon. A. F. KNEEBONE: I know what I think about it. This will continue if we support the amendment that packaged meat shall be for sale in exempted shops. We shall have the experience of big firms like the Lazy Lamb putting the screws on, so that the people that the meat producers supply will not get out of it as much as they should.

The Hon. Sir ARTHUR RYMILL: This Bill came to us after, I imagine, very careful consideration by another place. The fourth schedule included the item "frozen food" without any qualification and "packaged foods kept under refrigeration (except uncooked meat)". Some honourable members thought it might be contradictory, but I did not think so.

The Hon. A. J. Shard: To my mind, it has never been contradictory.

The Hon. Sir ARTHUR RYMILL: What the Minister has just said confirms that this was the Government's intention, that we could sell frozen food which would include any frozen food, whereas we could sell packaged foods kept under refrigeration except uncooked meat. In other words, on reading the Bill carefully, I understood that the primary producer of meat was in some trouble at the moment. Therefore, as I interpret the Bill, we could sell frozen food which included unpackaged frozen meat but we could not sell packaged frozen meat. I think that was the intention of the Government when it sent this Bill to this place. It seems a complete reversal of form that the Government in another place (I was at a conference last night where the Government in another place was pretty dogmatic about its rights) is now, apparently, expecting this Council to correct what it seems to think was a mistake on its part.

The Hon. A. J. Shard: No; that is not the position.

The Hon. Sir ARTHUR RYMILL: Then I will sit down and hear the Minister's explanation.

The Hon. A. J. SHARD: There has never been any doubt in my mind about frozen meat and refrigerated meat: they are two different things. Frozen meat is a block of solid ice with something inside. If that is the correct interpretation, there will be no trouble. However, there are people trying to squeeze something out of the situation who will do anything they can to get their own way. I was astounded to see the number of people at a certain place north of Adelaide the other day, where there

is already a delicatessen adjoining the main premises.

The Hon. R. A. Geddes: That is not correct: it is a fruit shop.

The Hon. A. J. SHARD: Yes—a fruit shop, a separate shop with a wall between the two places.

The Hon. R. A. Geddes: It is not a delicatessen.

The Hon. A. J. SHARD: They sell cooked meats.

The Hon. Sir Arthur Rymill: That is not what you said. You said a delicatessen.

The Hon. A. J. SHARD: I was under the impression that it was a delicatessen, because I know somebody who sold Jacobs goods to that shop and, if that is not near enough to being a delicatessen, you tell me. They sell fruit and also meat. If we strike out this word, we shall not stop that firm doing what everyone wants to see stopped.

The Hon. R. C. DeGaris: Everyone wants to see it stopped?

The Hon. A. J. SHARD: That everyone in the industry wants to see stopped. The Government knew where it was going.

The Hon. Sir Arthur Rymill: That is what I thought.

The Hon. A. J. SHARD: We have had second thoughts about it, at the request of people within the industry.

The Hon. Sir Arthur Rymill: You had representations on this matter?

The Hon. A. J. SHARD: They asked us to provide protection against people who had done the wrong thing. The House of Assembly knew where it was going. I have the greatest respect for people on the land. I am glad that I was not born a farmer's son. Those who have done well on the land are entitled to their rewards. However, besides those people, there is a large industry in the metropolitan area, comprising many small businesses and many employees, whose jobs will be jeopardized by people who will sell at any time of every day in the year. They do not care about the worker, the producer, the man on the land or anyone else. This dangerous trend developed only four or five years ago, when a certain firm commenced businesses.

The Hon. Sir Arthur Rymill: I think that you must choose the right time to die if you are on the land!

The Hon. A. J. SHARD: I have no problem of this kind. If this amendment is carried, the position that retail butchers shops will be in will be as bad as ever. There is a vast difference between frozen meat and refrigerated meat. I agree that the Government changed its mind, but it did so at the request of people in the industry. Those people know what others will do to achieve their own ends.

The Hon. Sir ARTHUR RYMILL: I intend to support the Government on this matter; I do not intend to vote in favour of the Hon. Mr. Kemp's amendment. I mention this because I do not know what the Chief Secretary meant when he used the term "devious".

The Hon. A. J. Shard: I was not referring to the honourable member: I was referring to certain firms.

The Hon. Sir ARTHUR RYMILL: I hope that what I have said has been a useful contribution to the debate and has helped to clarify the position.

The Hon. H. K. KEMP: Undoubtedly both Ministers have completely neglected the point that they have complete control over the list of exempt shops. It has been implied that one of our big stores in Adelaide offers packaged meat that is dirty because it has been contaminated by fingers. I think the Minister may wish to correct the record in that respect. It is quite all right for rabbits, poultry and sausages to be contaminated by dirty fingers, but apparently it is impossible to give the same selling opportunities in respect of other kinds of meat. Apparently the tail wags the dog. The Minister has said that the whole trade will be upset if sales of packaged meat are allowed outside the normal trading hours of butcher shops. However, the truth is that most of the trade will remain in the hands of the people who have carried it so well for so many years.

The Hon. D. H. L. Banfield: Now you don't want to encourage them any more.

The Hon. H. K. KEMP: There will not be any possibility of allowing anyone else to come into the trade to supply a demand that is clearly there for extra meat outside normal trading hours. In the usual manner of the Government, this is to be prohibited. Such an attitude is completely wrong. To say that striking out the three words will run retail butchers into bankruptcy is wrong. There is no justification for restricting meat sales at present.

Amendment negatived.

The Hon. A. F. KNEEBONE: I move:

In the fourth schedule after "Pasta" to insert "(including lasagna, macaroni, noodles, ravioli, spaghetti and vermicilli)"

This amendment will clarify the meaning of the term "pasta".

The Hon. R. A. GEDDES: I support the amendment.

Amendment carried:

The Hon. A. F. KNEEBONE: I move:

In the fourth schedule after "pastes" to strike out ", meat and fish" and insert "(meat and fish)".

This amendment corrects a typographical error.

Amendment carried:

The Hon. A. F. KNEEBONE: I move:

In the fourth schedule to strike out "Spaghetti".

This amendment is consequential upon the amendment that clarifies the term "pasta".

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendments; Committee's reported adopted.

LOTTERY AND GAMING ACT AMENDMENT BILL (BETTING)

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

BILLS OF SALE ACT AMENDMENT BILL

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

STAMP DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 17. Page 2690.)

The Hon. C. M. HILL (Central No. 2): At the outset, I declare that I am a director of a mutually-owned insurance company that writes general and life insurance business. However, that does not affect by views on the measure. I support the second reading. The Bill was adequately explained by the Minister in his second reading explanation and I commend the Hon. Mr. Potter on the way in which he reviewed it and went through each clause, giving his comments and, from what I can remember, agreeing with each aspect of the Bill.

The most striking feature that has occurred to me in my review of the Bill is that the Government deserves a prize for the Bill. However, I do not know what kind of prize Governments should seek or receive when they vie with each other to increase the rate of taxation higher than any other Government does. I submit that no other Australian Government has ever increased taxation to a greater extent than has the Government in this measure. The rate of tax on employers' indemnity insurance and on personal accident insurance is increased 1,000 per cent by this measure: from 50c for every $100 of net premiums written to $5 for every $100.

If this increase affected only a small amount of the State's revenue, I think the point might have gone without emphasis; but of the total of about $900,000 (and that is the Government's estimate) to be received in this financial year by the Government under this Bill, on my calculation about $618,000 comes under this heading. I should have thought that the Government would take this increased rate by stages over a period, but instead it has taken this tremendous jump.

I said I thought $618,000 was effected by this very great increase in taxation. I have based that estimate on the figures I will now give. I find that the gross premium income as shown in the *Pocket Book of South Australia* for employers' indemnity, which includes workmen's compensation insurance, at the end of 1969 was $10,699,000. From that, I have deducted an amount for commission and brokerage (estimated on usual statistical experience in the industry at 7.5 per cent) totalling $802,425, which leaves a net premium of $9,896,575.

The extra duty that makes up this extra revenue is 4.5 per cent, giving an estimated extra revenue on the figures I am using of $445,345. To that should be added a percentage to allow for the rate of growth of premium income, because I was working on the available 1969 figures. Estimating that growth rate at .7 per cent and adding 10 per cent as a rate increase, making a total of about 11 per cent, the increased revenue from workmen's compensation under the Bill comes to $494,332. Similarly, by taking personal accident insurance as at the end of 1969 and using the year book figure of $2,871,000 as a base, reducing that by $476,586 gives a net estimated income to the industry of $2,394,414.

The extra rate of duty under the Bill is 4.5 per cent, making a total estimated extra revenue of $107,749 and, adding a percentage of, say, about 15 to that, gives a figure of $123,910. Adding those two figures together one gets, to the nearest thousand dollars, $618,000. So that amount of revenue under this Bill results, as I have said, from the Government's increasing an established form of taxation by 1,000 per cent.

The general headings that have been dealt with in the Bill are matters with which I am in general agreement. The Minister said in his second reading explanation that the Bill sought to achieve two main objects; first, to give

effect to the previously made announcement that the receipts duty was not to be continued beyond September 30 this year and, secondly, to increase the stamp duty payable by insurance companies in the form of their annual licences and, in the main, in the manner that I have just mentioned. The other form of increase in annual licences covers the life policies and, on my calculations, about $284,000 ought to be received by the Government during this current year for that particular type of taxation.

Another clause in the Bill deals with the increase that the Government proposes to allow in the rate of interest that can be charged on credit and rental business before the particular transaction becomes liable for duty. The present rate is 9 per cent. The Minister has said that the practice in other States has been to fix a figure of 10 per cent, and in the Bill the Government intends to do away with the 9 per cent figure and to establish its future figure by regulation; and it proposes to set by regulation a figure of 10 per cent. I think that in some business circles that change will be welcomed.

The Bill deals with quite a wide range of activity. From the financial matters that I have mentioned, it embraces the whole ambit and finishes up with dog-racing. Mention is made that stamp duty will not be charged on loans made by credit unions throughout South Australia provided that the rate of interest charged by the union does not exceed 1 per cent a month. I would hope that there would not be many credit unions in this State charging a figure as high as that, because it is equivalent to 12 per cent simple interest.

I understand that the real purpose of credit unions is to allow loans at very reasonable rates to members of the co-operative, if I can call it that (in effect, it is a credit union), and I would think it would be rather unfair for credit unions, if they wish to fulfil their real purpose, to charge rates as high as 1 per cent a month. However, that is what the Government intends to do, and the fact that it is allowing an exemption from stamp duty, at least on the lower interest rates charged, is something that might help to encourage the growth and the expansion of existing credit unions.

This will help many people who find the interest rates of some finance companies burdensome and yet who also find that to acquire assets and other items for their home and so forth that they feel they have the need for they are forced to borrow at fairly high rates. Therefore, this provision should help a number of people who deserve that kind of assistance.

Clause 4 deals with the question of a maximum rate of discount which may be charged by banks in relation to promissory notes and bills of exchange. This is also dealt with in another clause as well. Clause 5 deals with the question of returns of mortgages which previously had to be lodged within three months for duty to be paid. Apparently, in practice, business circles have found that the period of three months is not sufficient. Therefore, the Government is extending this to six months.

Clause 7 deals with some duties which the Government has not been able to charge on insurances because the insurances have been arranged either in another State, where usually the head office of the particular insurance company is situated, or overseas. The practice in other States is that this situation is covered and revenue flows to the State in which the person actually resides. That same arrangement is now going to be applied here, and this appears to me to be quite fair and reasonable.

There is the rather minor matter that in future it will be possible to use adhesive stamps on bills of lading, on share certificates and on letters of allotment, whereas previously the duty stamps had to be by impressed stamps. I am sure that that change will be a welcome one.

The machinery that removes the need for the payment of the receipts tax is explained by the Minister in his second reading explanation. I agree with the opinion expressed by the Hon. Mr. Potter, who said that many people who paid this tax complained not against the actual amount of tax payable under the receipts duty legislation but in the main against the quantity of paperwork and the red tape involved in that legislation. The present provision ensures that after agreement has been reached between the Commonwealth Government and the States there will be a complete removal of that form of taxation.

Provision is made for an exemption of totalizator duty in respect of four dog-racing meetings a year. The purpose is to bring this exemption into line with the exemption that is granted as a privilege to racing clubs. This applies where the four meetings are held for charitable purposes.

The Hon. R. C. DeGaris: Do you think there will be any great increase in revenue as

a result of changes regarding workmen's compensation?

The Hon. C. M. HILL: I have no doubt at all that there will be a considerable increase in revenue as a result of the new measure. Also, flowing from that will be a considerable increase in revenue from this particular Bill. I am sure that the $900,000 will be a very welcome nest egg to the Government. Whether it is a reasonable estimate in view of the fact that further changes to the Workmen's Compensation Act have been planned for some considerable time is a point that is open to question. It might well mean that in a year or two when we look back on this Bill and check out the actual revenue received we will find that it is far in excess of the estimated figure of $900,000.

I do not want to repeat the detail that has been explained by the Hon. Mr. Potter about the various percentages that apply in regard to the new insurance premiums. That would simply be repetition, and I do not want to delay the Council. As I said earlier, the Bill is a general Bill. It tidies up several matters which I think the business community generally has sought from the Government. I do criticize the Government for imposing such a huge increase in the rate. I think the increase could have been made by stages, and then the effect of it would not have been felt to the extent that it will be felt.

Undoubtedly, when the insurance companies examine the new tax that they are to be charged they, like all other business people, will consider ways and means of passing the increase on to the public. It is the same old story, that unfortunately it is the person in the street who ultimately pays, and he is the one who should be given first consideration by any Government when new tax measures are introduced.

The increases, some of which I admit are necessary because the Government's expenditure requirements are rising all the time, should be gradual. Some increases in revenue are necessary but they should be softened and made in stages, which would be more beneficial to the man in the street. It seems that here one mighty jump has been taken.

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

HIGHWAYS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 12. Page 2630.)

The Hon. R. A. GEDDES (Northern): This Bill, to amend the Highways Act, 1926-1969, is an interesting Bill. For me, it is full of worries, and I hope the Minister will be able to tell me that my worries are ill-founded. Clause 2 enacts a new paragraph (*d*) in section 20a of the principal Act, to this effect:

> for any purpose which in the opinion of the Commissioner is necessary or desirable to facilitate any scheme of road construction or development that may be undertaken by the Commissioner in the future.

By section 20a of the principal Act, many powers are given to the Commissioner, including the following:

> for use in connection with any other operations which the Commissioner is authorized by this Act to carry out.

One wonders why it is necessary to give the Commissioner (admittedly, subject to the approval of the Minister) further powers. The Minister's second reading explanation states:

> In substance, it permits the Commissioner, subject to the approval of the Minister, to acquire land for any purpose which is necessary or desirable to facilitate any scheme of road construction that may be undertaken by the Commissioner in the future.

Those are very sweeping powers. This opens up a field of bureaucracy in its most wonderful form, where the Commissioner may:

> subject to the approval of the Minister, acquire land for any purpose which is necessary or desirable to facilitate any scheme of road construction.

Why is this necessary when this power is already in the principal Act, where section 20a provides:

> Without limiting the general powers of the Commissioner under the last preceding section, the Commissioner may, subject to the approval of the Minister, acquire any land . . . for any of the following purposes—

for quarrying, for storing plant or material, for obtaining any road metal, gravel, sand or other material used in the construction of roads or works, and for use in connection with any other operations "that the Commissioner is authorized by this Act to carry out"?

This clause is far too wide, and I do not accept the Minister's second reading explanation as being sufficient, for the reasons I have given. Clause 3 deals with acquisition in cases of hardship. It may be better if I read excerpts from the second reading explanation, which will clarify the situation more quickly than reading from the Bill:

> Clause 3 deals with the acquisition of land by the Commissioner in what are known as "hardship cases"—that is, cases where property values are adversely affected by proposed road development plans. Experience has shown that

this adverse effect continues notwithstanding the fact that the proposals may have been deferred or modified.

I take it from this and from the explanation that the Hon. Mr. Hill gave in his speech in this debate that this deals with the problem of the M.A.T.S. plan or any other type of road-widening plan within the metropolitan area, where a plan has been announced that a road will traverse a certain suburb or district and, in the light of further evidence, information or complaint to the department, the proposed plan may be "deferred or modified". In fact, I imagine it may even be abandoned altogether. In those circumstances, there may be a woman who has been content to live in a house with her husband where a proposed road was to go but who, on the death of her husband, may elect to move away from that area and live near a married daughter or son. There is no reason on earth why she should not move, but she has to sell her house before she can do so. Because it has been announced that there will be a freeway or road-widening scheme close to her house, her chances of making a profitable sale will be reduced, because the agents and the prospective purchasers will look into this matter and will not be prepared to pay the full purchase price.

The Hon. A. F. Kneebone: The purpose of the amendment is to take care of that situation.

The Hon. R. A. GEDDES: I thank the Minister for that interjection: it is the purpose of the amending Bill to make this possible. New section 20ba provides:

The owner of any land may apply to the Minister for the grant, by the Minister—

The Hon. A. F. Kneebone: No—not for a grant.

The Hon. R. A. GEDDES: I am reading from the Bill—

of a certificate—

The Hon. A. F. Kneebone: Yes; that is right—a certificate.

The Hon. R. A. GEDDES: The Bill continues:

in respect of that land and, subject to this section, the Minister may grant such a certificate but no proceedings shall be instituted or heard in any court or tribunal in respect of the grant of such a certificate or the failure or refusal of the Minister to grant such a certificate.

That brings to my mind many problems. I have instanced the case of the widow who wants to move, not because a road is coming through next year or in 10 years' time but because she is in her house on her own—

The Hon. A. F. Kneebone: It has been announced that a road is coming through.

The Hon. R. A. GEDDES: Yes, but the proposal may have been deferred or modified. The reasons for the move are compassionate reasons. She may ask the Minister for the full value of her house, but she has no right of appeal. New section 20ba provides:

. . . the Minister may grant such a certificate but no proceedings shall be instituted or heard in any court or tribunal in respect of the grant of such a certificate or the failure or refusal of the Minister to grant such a certificate.

To whom can she appeal? Does she appeal direct to the Minister, to a social worker within the department, perhaps to a departmental psychologist, or to the community values committee? This a social problem. The Auditor-General's Report says that last year the department spent $178,000 from Consolidated Revenue in the acquisition of properties for proposed roadworks under the Metropolitan Adelaide Transportation Study plan. These purchases were based on hardship considerations within the area of the Hills Freeway and the Foothills Expressway. I do not doubt that, as time goes on, that sum will increase. What help will be given to the person who, on compassionate grounds, wishes to appeal? The term "community values committee" sounds good, but I have a sneaking fear about the words "the Minister may grant such a certificate but no proceedings shall be instituted". The possibility of bribery would be very strong.

The Hon. A. F. Kneebone: Oh!

The Hon. R. A. GEDDES: The word "bribery" was used today by a Government member in relation to another Bill.

The Hon. A. F. Kneebone: Have you read new section 20ba (2)?

The Hon. R. A. GEDDES: That provision is as follows:

The Minister shall not grant a certificate in respect of any land unless, upon such evidence as he considers adequate, he is satisfied that—

Then follow paragraphs (*a*), (*b*) and (*c*). It is in paragraph (*c*) that we see the term "substantial hardship", which was referred to by the Hon. Mr. Hill. How does the Minister define that term? I believe that an amendment has been foreshadowed to strike out the word "substantial". My dictionary says that "substantial" means "solid, strongly made, ample, satisfying, considerable, important" and so on. The kind of hardship referred to implies that a pretty deep problem must be encountered. So, the simple case of a widow

wishing to move would not even get past first base, because the reasons for her claim may not be regarded as "substantial".

Clause 4 enables this State to take full advantage of any Commonwealth assistance that may be provided for road planning and road research. I am absolutely amazed that in the year 1970 we should see in the Minister's second reading explanation the words "Commonwealth assistance . . . for road planning and road research". Although we have sealed roads from Adelaide to Ceduna, Renmark, Broken Hill, Mount Gambier, and Port Lincoln, there is a glaring anomaly in connection with planning and research. It is appropriate that at present the press is waging a vendetta in connection with road accidents, and the driver gets his share of blame, as do the vehicle manufacturers. Many roads that I travel on have the wrong camber on curves, and some country roads branch off on blind hills. Speed restriction signs have been erected soon after bends have been constructed because those bends were poorly designed. These features of poor designing can cause a driver to lose control of his vehicle.

The Hon. C. M. Hill: Are you talking about Highways Department roads?

The Hon. R. A. GEDDES: Yes.

The Hon. C. M. Hill: You had better start naming them, because we build some of the best roads in the world.

The Hon. R. A. GEDDES: But the Minister's second reading explanation says that we have to take full advantage of Commonwealth assistance for road planning and research. I say that roads have not been properly planned up to the present. Let us consider Georges Corner, near Port Pirie. Accidents have been happening there for the last eight years. Questions have been asked in the Council by the Hon. Mr. Whyte and by me; questions on Georges Corner have also been asked in another place, and editorials on this corner have appeared in the press, but all have been of no moment. Let us hope that, in spite of the bristled backs, there will be research and planning on the way in which roads are constructed in South Australia. The remainder of the Bill deals with supplementary or technical amendments to clarify points regarding the Highways Department. Clause 7 again deals with Commonwealth funds for roads in this State. The Minister's second reading explanation states:

Under this Act the Commonwealth grant can now be expended only on the operations and categories of roads specified therein. In order to ensure that a balanced programme of operations and road construction in this State is continued, it is necessary to provide for expenditure from the Highways Fund in areas in which Commonwealth funds may not be expended.

This is a machinery measure, and one that is possibly necessary. Would I be out of place to mention that within the Northern District there is a road from Ceduna to Penong and on to the Western Australian border on which neither the previous Government, this Government nor the Commonwealth Government has ever been able to see eye to eye regarding the allocation of moneys for the sealing of it?

The Hon. C. M. Hill: Are you blaming the Highways Department for that?

The Hon. R. A. GEDDES: It is not a matter of blaming anyone. I am pointing out that the Western Australian Government has been able to master all its problems, and the road in that State goes right to the border.

The Hon. A. J. Shard: That's a different proposition. Let's be fair.

The Hon. R. A. GEDDES: Different, but not the same! These are the principal parts of the Bill. I support the Bill, except part of clause 3, which states that the Minister's word shall be final. Other words should be written into the clause to make it read that the person concerned should have a right of appeal and the right to a second opinion. I ask the Minister to consider this matter when replying and, if possible, to give a satisfactory answer regarding this problem, as I take it he tried to do by means of interjection. If he does this, I shall not move any amendments. Regarding the point of substantial hardship, the Hon. Mr. Hill's amendment is already on members' files, and I subscribe to it wholeheartedly.

The Hon. A. M. WHYTE (Northern): Clause 7 (*c*) (*j*), which affects section 32 of the principal Act, states:

In making advances on such terms and conditions as the Minister may approve for the purpose of assisting in the rehousing of persons dispossessed of housing as a consequence of works carried out or proposed to be carried out by the Commissioner.

There are not many people who wish to stand in the way of progress, even to the extent of having to sacrifice their house. Can the Minister say whether there is any set formula by which such people are compensated? I know of at least one elderly couple who knew that they could not stand in the way of progress and who were prepared to move from their house. The valuation, which they said was perhaps a fair one on an old house, was paid to them. However, they had no possible

means of re-establishing themselves under conditions similar to those they had enjoyed previously.

Their house was quite close to a shopping centre, and neither of them could drive a car. The only comparable residence would have been one on the outskirts of the city, and there was no real way by which they could be compensated. The Minister must pay full regard to a case such as this and pay such people considerably more than the face value of an old house. This couple was prepared to admit that the house in which they were living could not be valued very highly, but they could not re-establish themselves in a decent house with the money they had obtained for the old one. This left them in dire straits when re-establishing themselves. Can the Minister say whether there is some set formula by which such assessments are calculated?

The Hon. A. F. KNEEBONE (Minister of Lands): I thank honourable members for the manner in which they have dealt with the Bill. The Hon. Mr. Geddes, when referring to clause 2, commented on the fact that it included "for any purpose which in the opinion of the Commissioner it is necessary or desirable to facilitate any scheme of road construction or development that may be undertaken by the Commissioner in the future". He referred to this clause as creating a bureaucratic empire, or some such term. I remind him that this provision is subject to the Minister's approval. The Minister is answerable to Parliament and I point out, also, that the Auditor-General must be satisfied regarding these matters. I am sure there is sufficient control to defeat any attempt on the department's part to become a bureaucratic empire. Clause 3 (2) (*a*) states:

> The Minister shall not grant a certificate in respect of any land unless, upon such evidence as he considers adequate, he is satisfied that—
>
> there is a possibility that the whole or part of the land may be required by the Commissioner . . .

This is something on which the Minister must make up his mind. Whether or not the land is within the area that could be affected is a matter of simple fact, as is the question whether or not the value of the land could be adversely affected. The Hon. Mr. Hill, when he was the Minister, would have had many of these cases to deal with.

I recall some people saying that the new railway to Tonsley Park had affected the value of their properties. Again, it is a simple matter to assess whether or not there has been a variation in the value of property. The Hon. Mr. Hill has suggested the deletion in new section 20ba (2) (*c*) of the word "substantial". However, I think it is essential to retain the term "substantial hardship", for in determining hardship regard must be had to the degree of hardship. I doubt whether the owner of a property would go through all the necessary processes and claim that his hardship amounted to only $10, because it could cost him money to get advice on such a matter. I presume that most peop'e who think they are suffering some hardship would go to a solicitor for advice.

The Hon. C. M. Hill: A solicitor's fees would be recoverable from the department.

The Hon. A. F. KNEEBONE: Possibly. I consider that the word "substantial" should remain. It will be for the Minister to say whether or not a certain area is affected by any project. Following the certificate, negotiations with regard to possible compensation would take place. The Hon. Mr. Hill, when he was the Minister, reported in this Chamber on the effect of releasing details of the Metropolitan Adelaide Transportation Study proposals. Some people had their properties acquired on the grounds of hardship suffered because they were not able to sell their properties at their previous value. This Bill was introduced partly because no legal provision for certain types of payment existed.

It was quite refreshing to hear the Hon. Mr. Geddes talking about the fresh new look that had come into the handling of research into highways since the Labor Government had taken office and criticising the previous Government for not having done anything about this.

The Hon. C. M. Hill: I think you misheard the Hon. Mr. Geddes.

The Hon. A. F. KNEEBONE: No.

The Hon. A. J. Shard: I think he criticized everybody.

The Hon. A. F. KNEEBONE: I think he was quite sincere in what he said.

The Hon. A. J. Shard: Nevertheless, he was completely wrong in my book.

The PRESIDENT: Order!

The Hon. A. F. KNEEBONE: In reply to the query raised during the debate by the Hon. Mr. Whyte, I can say that I am sure the present Minister would be just as generous as was the previous Minister.

The Hon. A. M. Whyte: My question was whether there was some type of formula by which the Minister could be guided.

The Hon. A. F. KNEEBONE: I do not think one can lay down any appropriate

formula in this regard, for I think all the cases would have to be considered on their merits and compensation would have to be paid on that basis. I do not think one can lay down any formula regarding the degree of hardship people might incur. The standard of the property to be acquired and the amount of payment has to be the subject of negotiation.

The Hon. A. M. Whyte: I was not trying to bring Party politics into it: I was merely asking whether there was some method by which these things could be determined.

The Hon. A. F. KNEEBONE: I realize that. A certain basis has been adopted all along, and I am sure that the present Minister would be quite generous in his decisions in regard to these matters. In the first instance, it is all on the basis of negotiation. Somebody referred to psychologists being employed. I think that psychology is something that is learned by people who are trained to take top positions in the Public Service. This applies to managerial positions in industry.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Acquisition in case of hardship."

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

In new section 20ba (2) (*c*) to strike out "substantial".

The background to this problem is that disclosures have been made of certain routes for future freeways, some of which have been approved and some have not but, for the purposes of my explanation, it does not really matter whether or not they have been approved. After the disclosure has been made, a person with a house property within such a proposed route who wishes to sell it finds that it cannot be sold at a fair market price, the reason, understandably, being that prospective purchasers of that property do not wish to negotiate as it is situated on a previously announced route.

Therefore, this person must be entitled to negotiate with the department so that the department can purchase the property and pay the usual fair and just market price on the principle that no such previous announcement of the route had been made. The machinery in this Bill is that, before those negotiations can take place with the department, that property owner must be armed with a certificate issued by the Minister. When that person goes to the Minister and the Minister questions and weighs up the circumstances of the property involved, the Minister is then bound by this Bill. New section 20ba (2) sets out the points on which the Minister must be satisfied. The first is that:

There is a possibility that the whole or part of the land may be required by the Commissioner for the purposes of this Act.

That is not a difficult matter to assess because, of course, the plans have been made. The second matter is:

By reason of that possibility the value of the land is adversely affected.

There is no great difficulty in making a decision on that because, if the demand does not exist on the open market, the value is adversely affected. Then the Minister, before issuing a certificate, looks at the third condition:

By reason of the fact that the value of the land is adversely affected, the owner of the land has suffered or may suffer substantial hardship.

My contention is that it does not matter what degree of hardship that individual suffers—he must receive sympathetic and proper consideration from the State. However, as the Bill reads, the Minister can say, "I am very sorry; I agree that you are suffering some hardship but I do not think it is substantial hardship. Therefore, I shall not issue a certificate."

How a Government can come to the public of South Australia and initiate its own Bill that the individual can be prevented from negotiating with the Highways Department unless he is suffering substantial hardship is beyond my comprehension. I am proud of the fact that the previous Government from the very moment that the M.A.T.S. plan was announced bent over backwards to assure individual property holders in this State that because of those announcements no-one would suffer. That is the principle we expounded and lived by—that not one cent of financial hardship would be suffered by any South Australian because of the announcement of our plans.

But here the Government has written into its Bill that the person concerned must suffer "substantial hardship". Let me give an example, which can occur in everyday life, of a widow whose house is within the route of a freeway and whose land may not be required by the department for, say, 10 years. She approaches the Minister or his office and explains the position, that her property is situated in such a locality that she cannot sell it on the open market for a reasonable price. The widow says, "I want to go and live near my daughter who lives in another suburb." This Bill, as it reads, would permit

the Minister to say, "Well, madam, I am very sorry; I know it must be bad luck that you have to live where you are for a few more years but at the moment I do not think you are suffering substantial hardship." Surely the Minister and the present Government do not expect to treat with individuals of this State in such a way as that.

If that is what the present Minister wants to say to people, it may be a good thing for him to say it in such areas as Ascot Park and Edwardstown and beyond, in the south-western suburbs, where one of these routes has been made known, and let the people from those localities tell him what they think of him when he refuses a certificate on the ground that the Government's Bill stipulates substantial hardship. I do not think the present Minister or Government intends to place individuals in that position. Surely Party politics should not be involved here, but the two Governments (the previous and the present) should be joining together and supporting the making of every effort to see that no individual is adversely affected by the plans that have been announced.

My amendment is to remove the word "substantial". That means that, no matter to what degree of hardship a person is put, the Minister must issue a certificate so that that person can make the next move—to negotiate with the Highways Department. That is what my amendment proposes—to remove any qualification of the hardship involved.

The Hon. A. F. KNEEBONE: As I indicated in the second reading debate my reasons for opposing the amendment, I do not propose to reiterate them.

Amendment carried; clause as amended passed.

Clauses 4 to 6 passed.

Clause 7—"Application of Highways Fund."

The Hon. G. J. GILFILLAN: I merely wish to ask a question of the Minister about the purpose of this clause. It is stated in the second reading explanation:

Under this Act the Commonwealth grant can now be expended only on the operations and categories of roads specified therein. In order to ensure that a balanced programme of operations and road construction in this State is continued, it is necessary to provide for expenditure from the Highways Fund in areas in which Commonwealth funds may not be expended.

As far as I can see, the Commissioner, under the authority of the Minister, has wide powers to deal with the construction of roads in this State. I have been perturbed by the increasing encroachment of Highways Department operations into district council areas. It tends to place district councils at a financial disadvantage, in comparison with the older custom of councils doing the work under a debit order from the Highways Fund. I doubt whether the amendment is necessary. Can the Minister say whether the Highways Department intends to move further into the actual construction of roads in district council areas?

The Hon. A. F. KNEEBONE: I ask that progress be reported so that I can obtain the information for the honourable member.

Progress reported; Committee to sit again.

Later:

The Hon. A. F. KNEEBONE: Since the Committee reported progress, I have discussed this clause with the Hon. Mr. Gilfillan and the Parliamentary Draftsman. The amendments proposed by this clause are intended to make sure that there is proper authority for expenditure from the Highways Fund for any operations that the Commissioner is authorized to carry out. For instance, this amendment is clearly consequential on the amendment made by clause 5 to which we have already agreed.

The Hon. G. J. GILFILLAN: I thank the Minister for his explanation. As the clause is merely making something doubly sure, I do not object to it.

Clause passed.

Clause 8 and title passed.

Bill reported with an amendment. Committee's report adopted.

COMMONWEALTH POWERS (TRADE PRACTICES) BILL

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

UNDERGROUND WATERS PRESERVATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 12. Page 2626.)

The Hon. M. B. DAWKINS (Midland): This Bill provides that the institution of an appeal shall not affect a direction on quotas that is subject to appeal. Section 51 in the principal Act means that the lodging of an appeal results in a stay of proceedings until the appeal is resolved; this is normal enough, but it is not satisfactory in the difficult circumstances applying around Virginia. Although I do not normally favour a provision like clause 2 of this Bill, which reverses the position, I go along with it in this case.

In his second reading explanation the Minister said that appeals are being determined at the rate of about two a week. Two or three months ago 149 landholders were awaiting decisions on appeals seeking better quotas. In the meantime, under the principal Act, they are going ahead and pumping away at the present rate. It is therefore essential that the rate be reduced and that the quota specified should operate, and that is the main purpose of this Bill. I completely support the Bill's provisions, but with some reluctance. Earlier this year a sociological committee dealing with these problems met 17 times—14 times in this building and three times in the northern Adelaide Plains area, particularly around Virginia. Although its final meeting was held nearly three months ago, we are still awaiting its final report. I believe that it has made two interim reports, but honourable members would be very interested in the final report.

There is no argument about the urgency of this Bill, but that urgency is linked to the relative unavailability of reclaimed water. Of course, much reclaimed water that is going out to sea at present is available if a person can sign a contract and has enough money to use the water and transport it to where it is needed. However, these requirements rule out, for all practical purposes, the average small landholder who is making his living on a vegetable block. Over a period, several honourable members have been to the pilot block of the District Council of Munno Para which is located on the property of the Copanapra Pastoral Company near Virginia and have seen the results of using reclaimed water to grow vegetables that are safe to use. Recently, the Hon. Mr. Hart, the Hon. Mr. Kemp and I consulted with the Chairman of the Munno Para District Council (Mr. Ron Baker) and subsequently submitted a scheme for making reclaimed water available for irrigation in the vital part of Virginia where the basin is in its most dangerous state.

Other than knowing that the scheme, which was well-documented and which was to be run by a committee or board, backed by the district council, is not acceptable to the Government, unfortunately we have yet to hear of any results. Although there was a deputation to the Minister of Works on the matter, we have had no real result! I believe that the urgency of this Bill is directly related to what I have already described as the relative unavailability of the reclaimed water. It is anomalous that at present a big developer (a person who is developing land and selling it in small parcels highly improved) is obtaining water, because he has been able to sign this contract which states how this water is to be used and he has the money to be able to transport the water.

I understand that another big company or group is likely to obtain a similar supply of water, yet the small man cannot, and it is the small man who needs it not merely for his own benefit but for the preservation of this basin, because all Government reclaimed water that can be safely used in the danger area in Virginia will tend to lessen the drain on this basin and save it for the future. I repeat (and I am not saying it at this hour of the evening to be political) that it is anomalous that this Government, which has always purported to represent the small man and to look after his interests, should be making this water available to big developers but not making it available at present to the man who is actually making his living on those relatively small vegetable blocks in the area concerned. I do not blame this Government entirely, because this delay has been going on for some time.

The Hon. R. A. Geddes: Do these small landowners live in properties adjoining this area?

The Hon. M. B. DAWKINS: It is possible to run a pipeline along Taylor Road (I think it is) and serve a considerable number of vegetable-growers in the area, thus reducing the drain on the basin. I believe it was the late Rt. Hon. Sir Winston Churchill who was supposed to have said that democracy is the worst form of Government until one looks at the rest, and they are a jolly sight worse! The matter to which I am referring is a good example of that. The problem that exists pending the use of this reclaimed water, continues to threaten the preservation of the basin and increases the urgency of this measure. This matter appears to have become a departmental football: it has gone from one department to another and, if it has not been acceptable to one department for a certain reason, it has not been acceptable to another department for some other reason. The issue has been kicked about from one department to another department for far too long, and we have been getting nowhere in the process.

I appeal to the Government to see what can be done about making a decision to make use of this water for the purposes for which it is safe to be used and to minimize the real danger

regarding this basin. Indeed, that danger is the cause of the great urgency for this measure. I repeat that this urgency is directly related to the relative non-availability of reclaimed water in this area. By "non-availability" I mean that this water is not readily available to the individual grower. Although there is any amount of reclaimed water within a reasonable distance, it must be channelled out to properties as has been done in the irrigation areas of the Murray River for many years. It might then be possible to maintain the basin, to use the surplus water as a shandy and to reduce any salinity problems that might arise. No-one would be so naive as to suggest that there is no urgency regarding this measure, but most of it is caused by non-availability of reclaimed water.

I believe that the need for this legislation is underlined by the facts that I have stated and by the size and importance of the vegetable-growing industry in the Virginia area and neighbouring districts. This industry is important to Adelaide, because, as the area concerned is only 15 to 20 miles from the city, it is an important factor in reducing the costs of vegetables to people living in the metropolitan area. I believe that it is vital to maintain this Adelaide Plains basin, which is under real threat at present, and that we should urgently pass this measure and thus introduce quotas immediately, not waiting until appeals are heard. It is just as urgent, in my view, to set up a scheme of reticulation for irrigating areas in which approved vegetables are growing, thus reducing the drain on this basin. I support the second reading.

The Hon. L. R. HART (Midland): This short Bill seeks to bring water quotas into effect, although appeals are still pending. As has been stated, many appeals are still to be dealt with, and they are being dealt with at a slow rate. Perhaps it is fortunate that there are not more appeals to be dealt with than there are. Many people who are extremely dissatisfied with their quotas have not appealed, because it is a costly process and they are not too sure whether they have a chance of winning their case. One of the reasons why this legislation is necessary is that there has been a great delay in installing water meters, much of this delay, I consider, being the result of a misunderstanding on the part of producers in the area, particularly concerning the need for having meters installed.

Many of these people are migrant settlers who do not have a particularly good understanding of the English language and who have not appreciated the fact that installing meters on their bores is to reduce the quantity of water being taken from the underground basin in an endeavour to preserve it for their own well-being, rather than for what they believe to be their destruction. The quotas have been based on production in a given year. In May, 1968, the District Councils of Salisbury, Munno Para, Mudla Wirra and Mallala, at the request of the Mines Department, undertook a survey of the garden and irrigation areas in their respective districts. This was done to get an idea of the land under production and the likely quantity of water being used. Prior to this period, no-one had any accurate idea what amount of land was being irrigated, nor had anyone any accurate idea of the amount of water being used.

At the time the survey was taken there was no thought of using this survey as a basis for establishing quotas. Many of the figures obtained in the survey were not particularly accurate. The people from whom the figures were obtained had no appreciation of what those doing the survey were looking for. In some cases the owners of the property were not at home and the person doing the survey put down his own estimate of the area that was being irrigated, and perhaps the wife signed the document.

When it came to establishing quotas, we found that a great inequality of quotas arose. Some gardeners were issued with quotas in excess of their requirements, while others had quotas that were nowhere near their requirements. In taking a survey in a particular year, a number of factors can come into it. It may be a year when a person, for a particular reason, was gardening on a lesser scale; it may be a year when there was a wet season and less water was being used than would be used in a dry year; or he may have been sick in that year.

I believe that most of the problems we are facing now with the installation of these water meters arose because we made the wrong approach. The people who were responsible for issuing the quotas had a very poor appreciation of the value of public relations. If an effort had been made to promote the need for the quotas, much of the opposition being experienced now would not have eventuated.

I believe that the people in the area should have been taken into the confidence of the Mines Department and should have been conditioned more than they were to the acceptance of the installation of meters to establish these

quotas. As that was not done, there has been a non-acceptance of quotas by many of the growers, and this has caused the present delay. These people opposed the installation of meters because they did not know at that time how much water they were going to get.

There was also a good deal of dissatisfaction over the cost of servicing the meters. I agree with many of the landowners in the area on this matter, because the cost involved is out of all reason in relation to the value of the meters and the work involved in installing and servicing them. There are many factors that influence the activities of a grower in a particular year.

The introduction of quotas has not up to this point of time solved the problem of the overdrawing of the underground basin. In the first instance, the only basin that was concerned with quotas was the deep basin, a basin that is some 300ft. below the surface. At that point of time the people who were irrigating from the shallow basin were informed, when inquiries were made, that they were not involved in this question of water quotas and that they had nothing to fear.

However, in due course it was realized that the draw-off from the shallow basin was perhaps more extensive than the department realized, and it was then found necessary to apply quotas on those bores that were drawing only from the shallow basin. I understand that the draw-off from the shallow basin has been so heavy that the introduction of saline waters from the perimeter of this basin or from the shallower depths still is penetrating into this shallow basin and causing a build-up of salinity. This constitutes quite a problem, because there is a theory that the deep basin in partly fed from the shallow basin, and if this shallow basin is going to become saline it will in due course affect the deep basin.

I know that the Minister wants to dispose of some items on the Notice Paper tonight. Therefore, although this is an important Bill, I do not wish to delay the Government. I have some criticism of the need for the introduction of this measure. However, I believe that in the circumstances it is necessary, and I am prepared to support the second reading.

The Hon. H. K. KEMP secured the adjournment of the debate.

BUILDING BILL

Adjourned debate on second reading.

(Continued from November 11. Page 2548.)

The Hon. C. M. HILL (Central No. 2): This is a Bill that in some form or other has been coming for years. It goes back to the days when the Hon. Sir Norman Jude was Minister of Local Government and a decision was made Australia-wide that the building legislation of each State should be fully investigated and updated so that each State could operate under a modern and proper building Act. So since that time much research has been carried out. I recall that from 1968 to 1970 the committee that was sitting in this State was working at its task of investigating the legislation and rewriting a new Bill. I was sorry it did not complete its task before it did, although, whilst I appreciate the time and effort it applied to it, the present Bill would not have met with my initial approval had it been put to me as a Minister of the day. It is a major measure. I need not emphasize the fact that the Building Act affects many people in this State.

We all know the wide range of the work force of the State involved in the building industry. This force ranges from highly-qualified architects and engineers right down to our labour force, the building labourers and those who are involved not only in the actual planning and construction work but also in the production, supply and marketing of all building materials.

Not only must one consider this group of people but one must think of all those people who occupy buildings that have been erected and whose lives are affected by the building legislation of the State. Of course, it applies to a wide area of the State, to many of the far-distant district councils that have taken steps to see that at least parts of their areas are included within the Building Act. One can go on and on stressing the wide effect of building legislation upon South Australia. When we consider the building erections that come within the term "buildings", we see at one end of the scale vast commercial buildings that are being and have been erected in the metropolis of Adelaide and, at the other end of the scale, the very small dwellings and buildings in the State. So, when the question arises of repealing existing legislation and introducing an entirely new measure, as this Bill is considered to be, I am not over-emphasizing the point if I dwell on it and stress that it is a major measure.

Obviously, some change is necessary. I mention that the initiative towards change was taken some six years ago. Many of those people involved directly in the Building Act (members of the Master Builders' Association and people involved with local government,

like architects) have been agitating for many years for improvement in this legislation. Now, at long last, we have this proposal before us.

I notice, too, in the Minister's second reading speech that he emphasized that South Australia was the only State left with a separate Building Act and that the other States generally had enabling legislation, usually confined within their Local Government Acts or Acts affecting local government generally. The Bill may be considered to be a Committee Bill because it has many clauses, which will no doubt be scrutinized in the Committee stage. Nevertheless, some important principles are involved that must be considered, in my view, at this second reading stage. One is that the aim has been to produce some enabling legislation that sets out broadly the conditions under which building will take place in South Australia. The real teeth and detail involved will follow by regulation.

As a general principle in regard to this Bill, I favour such a course. As I have reviewed the Bill, however, I think the principle has gone too far, if I may put it that way, but generally, if we could achieve here a bare enabling Bill incorporating existing practices accepted under the old measure and if to that kind of enabling legislation further changes could be introduced in the future by regulation, I think that approach would be acceptable to me.

That a considerable number of regulations is required is, in my view, supported by the fact that building construction changes in its mode and form as times change and as new ideas are put forward by architects, planners, manufacturers, and scientists who are involved in the building industry.

The Hon. R. A. Geddes: And, ultimately, these people produce new products.

The Hon. C. M. HILL: Yes. Then, after adequate testing and investigation, these new products should be permitted to be used in building. When they ultimately come on to the market and the relevant authorities have carried out their tests and accepted them as materials that can be used in new construction, changes in legislation can be effected by regulations covering a new material or new materials. That is the kind of flexibility that regulations can supply.

The Hon. A. F. Kneebone: Do the provisions for regulations in this Bill cover all that?

The Hon. C. M. HILL: Yes; as I read the Bill, they do. Also, this does not apply only to new materials: it can be applied to forms of construction. I well remember some years ago when the first curtain walling was used on the exterior of a city building. From memory, I believe it was the City Mutual Life building on the corner of Pirie Street and King William Street. On its southern side there is an aluminium frame, with panels and glass inserted in the frame. I can well remember master builders telling me at that time that it did not comply with the then Building Act, because the Act had not been changed. However, the same form of curtain exterior walling was used in many cities in other parts of the world.

So, to keep our legislation up to date a method of introducing regulations to cover such contingencies is very wise. Therefore, I agree with the principle that the committee has been adopting (of bringing forward enabling legislation), but the rub comes when we look at the enabling legislation that is before us. A pamphlet has been printed that contains a foreword from the Minister of Local Government explaining some of the things I have referred to and giving some information as to when these initial regulations may be expected and what may be included in the regulations. That pamphlet would be an ideal document for Parliamentarians reviewing the legislation to peruse but, for some unknown reason, it has not been circulated among us.

I heard in the corridors that the question was raised in another place, and I heard that it had been sent to councils with an indication of the type of changes proposed. In one respect the circumstances surrounding the issue of this pamphlet are like those surrounding the succession duties tables that appeared in the press recently. I criticize the Government for not providing members of the Legislature with information that has been prepared by the committee.

Two groups that are vitally interested in building legislation are local government generally and the Master Builders Association. These groups have to do the actual work, and legislation of this kind ought to meet with their approval. Other people, such as the architects institute, should have their voice heard in regard to this measure.

First, an important principle is that it is intended that a relatively small enabling Bill will be passed and that regulations will

follow. Another principle that I had in mind is that new legislation should take up and include areas that are covered now by the Building Act and that further extensions of areas should occur in future. That principle has been put aside in this Bill. A third principle that concerns me deals with the kinds of structure that are included in the new legislation.

It would have been far more sensible to include all buildings that now come under the Building Act and to add to that list by regulation, if desired, new structures that the Government wanted to include. However, that principle has not been written into that Bill. The Bill covers every building and every structure within every local government area of the State and it will include certain buildings by regulation.

I commend the members of the Building Act Advisory Committee, who have been sitting for some years in this connection. They have given valuable service to the State. The committee comprises Mr. S. B. Hart, the Chairman, who is Director of Planning and Chairman of the State Planning Authority. Mr. Hart does much work for South Australia as chairman of various committees from time to time. I commend him particularly for the extra work he does in addition to his normal duties. From my experience, I believe that, whenever he has chaired a committee, that committee's report has been most complete.

Another member of the committee is Mr. Farrant, who was a former Dean of the Faculty of Engineering at the Adelaide University. He has been appointed chairman of the interstate committee to prepare an Australian model uniform building code. He is one of the two South Australian representatives on that body and he is therefore deeply involved in this whole issue. Another committee member, Mr. Melbourne, is a former Town Clerk of the city of Burnside. Another committee member, Mr. Nurse, is not only a mayor of a metropolitan council but also well and favourably known as a master builder in South Australia.

Another committee member, Mr. Ralph, a prominent architect in the Public Buildings Department, takes a wide interest in general affairs. He is a wellknown speaker and is involved with conservation bodies and other bodies associated with environmental affairs. Another committee member, Mr. Short, was a former building inspector in the Corporation of the City of Adelaide. Another committee member, Mr. Phillips, is still a senior officer in the South Australian Housing Trust.

So the Committee comprises men of high standing, both in their professions and in the community; it comprises men of high academic knowledge, deeply concerned with local government and with the building trade. These men have carried out a mammoth task over the years in which they have been on the committee. I referred to some principles that had concerned me greatly in regard to this Bill, the first principle being that the whole of the area of the State at present covered by local government would automatically come within the new Building Act. Clause 5 provides:

(1) Subject to subsection (2) of this section, the provisions of this Act shall apply throughout each area within the State.

(2) The Governor may, by proclamation, declare—

(*a*) that this Act shall not apply within an area or portion of an area, specified in the proclamation;

(*b*) that any specified portion of this Act shall not apply within an area or portion of an area specified in the proclamation;

or

(*c*) that this Act, or any specified portion of this Act, shall not apply in respect of any specified buildings, or class of buildings, within an area or portion of an area specified in the proclamation,

and the operation of this Act shall be modified accordingly.

(3) The Governor may by subsequent proclamation, vary or revoke a proclamation under this section.

The Hon. G. J. Gilfillan: The councils have no say.

The Hon. C. M. HILL: That is the point I am coming to. First, it means that the whole of the areas I have referred to automatically come under the new Act and, secondly, the Government then says which of the areas shall be excluded, and it is not bound by any curbs at all from local government in regard to this proclamation to exclude certain areas. Therefore, it means that if this Bill is passed in its present form the Government is not bound to exclude any areas, and local government sits by and sees all its areas within South Australia automatically covered by this Act.

The Hon. G. J. Gilfillan: Bound by it!

The Hon. C. M. HILL: Yes. This is hardly a fair thing. When we refer to the existing legislation, we find how the wishes of local government are respected by the old Act. Section 3 of the old Act, which came into

force in 1923, provides that the areas covered under an old Building Act of 1881 and by an old District Councils Act of 1914 automatically become included in the then new legislation. Surely that is the fairest approach to adopt in this case. Just as in 1923 the Building Act, under which the State operates at present, took in the areas then covered, and provided machinery to expand those areas so that new areas could be covered by that new legislation, so surely should this legislation adopt that same course.

Under the present legislation, the initiative is left with local government to widen the coverage of the Act within local government areas. The old Act specifically provides that after the receipt of a petition from the council of a municipality or a district council the Governor, by proclamation, declares that the Act shall apply in a new area. That is an important aspect to be considered in regard to this Bill.

If we look at the practicality of the Bill, we may consider district councils with some small settlements within their areas (small settlements such as a local store and perhaps one house). Such a settlement may have a name but the district council concerned considers that it is not necessary that that settlement should come within the provisions of the Building Act. However, all small towns and small settlements of that kind automatically come within the scope of this Bill. Then (and I am sure those representing rural areas of the State will take a great interest in this point), it means that every rural building or structure, way out on a farm, no matter how small or large, provided it is within a local government area within South Australia, automatically comes within the provisions of the Bill.

The Hon. G. J. Gilfillan: What happens if local government has extended into pastoral areas?

The Hon. C. M. HILL: As soon as local government extended into pastoral areas, automatically this change would take effect and this, of course, reaches the bounds of stupidity, to put it frankly. Practical people on both sides of this Chamber must certainly query legislation that has this effect. The other principle that seriously concerns me deals with the matter referred to in clause 6, that is, the meaning of "building work". In this Bill, the definition is as follows:

"building work" means work in the nature of—

(*a*) the erection, construction, underpinning, alteration of, addition to, or demolition of, any building or structure;

(*b*) the making of any excavation, or filling for, or incidental to, the erection, construction, underpinning, alteration of, addition to, or demolition of, any building or structure;

or

(*c*) any other work that may be prescribed, but does not include work of a kind declared by regulation not to be building work for the purposes of this Act:

This means that any building or structure, or any other building or structure that might be prescribed by regulation, comes within the provisions of the Act, but there is a let-out, in that a regulation can be made to exclude building work of some kind or other. First, this is vague and, secondly, it is legislation that surely must be defined more clearly than it is defined.

When we ask ourselves what is meant by a building or structure, the real query comes when we try to define "structure". What is a structure?

The Hon. G. J. Gilfillan: Perhaps a windmill.

The Hon. C. M. HILL: Undoubtedly a windmill is a structure. However, it could be a fence or a dog kennel on a farm, or it could be some small excavation for the channelling of water away from a shed, as I read the clause.

It might well be that a small retaining wall in the front garden of a suburban home would come within the provisions of this clause. I have endeavoured to check the definition of "structure", because it is not defined. Murray's *English dictionary* gives some definitions of the word "structure". I do not intend to go into detail: I will just quote the headings, because I think this proves my point about the difficulties that we as legislators face when a measure such as this is put before us. That dictionary gives the following definitions of "structure":

1. The action, practice or process of building or construction.
2. Manner of building or construction; the way in which an edifice, machine, implement, etc., is made or put together.
3. The mutual relation of the constituent parts or elements of a whole as determining its peculiar nature or character; make, frame.
4. The co-existence in a whole of distinct parts having a definite manner of arrangement.
5. That which is built or constructed.

It goes on further. However, I do not want to take up any more time on this, except to say that when I looked under *Words and Phrases* to endeavour to find some legal definition of this word "structure" I was impressed by what Lord Justice Denning had to say in the case of Cardiff Rating Authority *v.* Guest,

Keen Baldwin's Iron and Steel Co. Ltd. in 1949. In my opinion, the first comment of the learned judge is a legal contradiction which I am sure the Hon. Mr. Potter and other people learned in the law will find rather amusing. The learned judge said:

A structure is something which is constructed but not everything which is constructed is a structure. A ship, for instance, is constructed but it is not a structure. A structure is something of substantial size which is built up from component parts and intended to remain permanently on a permanent foundation; but it is still a structure, even though some of its parts may be moveable, as, for instance, about a pivot.

The Hon. Mr. Gilfillan will be interested in the next part of the learned judge's comments. He went on to say:

Thus, a windmill or a turntable is a structure. A thing which is not permanently in one place is not a structure, but it may be in the nature of a structure if it has a permanent site and has all the qualities of a structure, save that it is on occasion moved on or from its site. Thus, a floating pontoon, which is permanently in position as a landing stage beside a pier, is in the nature of a structure, even though it moves up and down with the tide and is occasionally removed for repairs or cleaning. It has in substance all the qualities of a landing stage built on piles. So, also, a transporter gantry is in the nature of a structure, even though it is moved along its site.

So, we see the problems that this Council faces when we are asked to review and, indeed, pass legislation such as this.

The Hon. A. M. Whyte: Do you think we will have to pass this legislation before we can start work on Parliament House?

The Hon. C. M. HILL: I believe that certainly we cannot rush into legislation of this kind because of the problems and the difficulties on which I am elaborating. To be able finally to pass ideal legislation which is realistic and practical as well as covering all the modern aspects of building that I am sure we all want to cover is not going to be an easy or a short task.

I referred earlier to flexibility being desirable in this principle of introducing enabling legislation with regulations following. When we look closely at the question of regulations we see that extreme inflexibility is involved. It may well be that if this clause passes in its present form and the Government brings down regulations to exclude certain buildings and structures, those regulations may be objectionable in just one respect. In that event, this Council cannot amend those regulations, and because they are objectionable in just one respect the whole regulation must go out. That certainly is not flexibility.

Also, private members here might see fit to endeavour to exclude a certain kind of building or structure. However, private members cannot initiate regulations. Therefore, the more one looks into this question of flexibility being the goal, the more one sees that it can have an adverse effect if we tackle the problem exactly along the lines that this clause and this Bill proposes.

Therefore, with regard to clauses 5 and 6, I consider that some change ought to be seriously considered by this Council. With regard to clause 5, I believe that the Council should consider a change so as to take in all areas of the State that are at present covered by the old Building Act. This Council should have sufficient faith in and regard for local government to allow local government to initiate petitions to include further areas from time to time.

In regard to clause 6, I consider that the word "structure" ought to come out of the Bill altogether and that, to start with, the Building Act should deal with buildings. This certainly would mean that much of the doubt and the concern I have expressed in regard to clause 6 would be eliminated.

The Hon. F. J. Potter: Is the word "structure" used in the existing Act?

The Hon. C. M. HILL: No, I do not believe it is, although I may be wrong about that. However, there are a great many more definitions. For instance, it includes a definition of "building". However, "building" is not used as a definition in this Bill, except that it says that "building" includes "a portion of a building".

The change in this legislation revolves around the definition of "building work". I want to be quite fair on this. Obviously, the committee is aiming at simplification, and I feel sure that that is why it has grasped the phrase "building work". The committee has endeavoured to exclude much of the detail in the old Act that deals with buildings, and so forth, by endeavouring to include all these things under the general term of "building work".

However, the dangers that result to individuals who will be affected by this legislation will be very great indeed, because I cannot see, unless some particular assurance or undertaking is given by the Government, that a clause such as clause 6 could be passed by this Parliament and be regarded as sound and

practical legislation under which building can progress reasonably unfettered in this State. I do not know whether or not some of these regulations referred to and emphasized by the Minister in his second reading explanation may be available in draft form for perusal in the relatively near future. This point may have been covered in the brochure to which I have referred: I have not seen it so I do not know. One way out of this problem may well be that we should see a draft of the proposals contained in some of these regulations, but so far I have not seen such a draft.

I move on to the other clauses in the Bill. Clause 7 provides for transitional provisions. These must be considered and I think the general approach to the transitional provisions is quite good. Part II deals with the approval of proposed building work and classification of buildings. Clause 9 is an environment clause, which I support. It reads as follows:

(3) If the council is of the opinion that the proposed building work would adversely affect the local environment within which the building work is proposed, it may, notwithstanding that the building work complies with this Act, refer the plans, drawings and specifications to referees appointed under Part IV of this Act.

Other matters concerning architectural standards and the maximum height of buildings, which were in the old Act, have been excluded from the new legislation and passed over to the Planning and Development Act. Although that change may raise a query in the minds of some people, my thinking at present is that I do not object to that. On clause 10 (4) I seek further information from the Minister. It reads:

A person shall not without the approval of the council sell, lease, or otherwise dispose of any land comprised within the site (not being the whole of the site) of a building if, in consequence, the remainder of the site would not constitute an appropriate site for that building in conformity with the requirements of the regulations.

It is strange that a Building Act should deal with leases, as it does in this instance. It seems to me that the principle behind this subclause is, for example, that, if approval was given to build a shopping centre on a large site that provided for car parking space, the owner of that development would not be able, unless he obtained council consent, to sell part of that car parking area. I agree with this principle, for it would be grossly unfair for a shopping developer to lodge plans with a council in which he proposed to erect shops in a shopping centre and to leave a large part of his site for car parking and then, after completing the development, to sell off part of the car parking space for some other purpose. A check should be applied in case that happened.

Dealing with the lease, it seems that a person shall not, without the approval of the council, lease land comprised within the site of a building if, in consequence, the remainder of the site would not constitute an appropriate site for that building in conformity with the requirements of the regulations. Must the area leased be within the actual building (because that is land within the site) or does the area leased come outside the building and yet within the outer boundaries of the land? I seek further explanation and I think the intent may need to be clarified. I have grave doubts whether the council approval of leases should come within building legislation but I agree that, as the council further considers that subclause, other ideas may develop. I ask that the Minister try to give some further explanation of that.

Clause 13 deals with the classification of buildings. The proposal of the committee is that ultimately buildings shall be classified into 10 groups. This is part of its machinery to simplify the proposed building legislation as it will affect South Australia. This principle is sound although there is not much detail about it available at present. Clause 13 reads:

(1) A building shall have a classification determined in accordance with the regulations.

(2) The owner of a building shall not use the building, or permit it to be used, otherwise than for purposes appropriate to its classification.

There is a subclause (3), with which I am not concerned at the moment, but this Council should be certain about the purposes for which a building can be used under permit in the future. I agree in principle that some form of control is wise, but I do not want to see too much restriction or too many curbs placed on owners where they may not be able to let their buildings for a specific purpose and some relatively minor change in the use of the property may not be disadvantageous to the environment or affect neighbouring shopkeepers or other property owners. A council must exercise some discretion and an owner should have an opportunity to assist himself if emergency situations like that arise.

Clause 14 is the first clause of Part III, which deals with building surveyors. It states, in effect, that every council must employ a building surveyor. It provides:

(1) For the purposes of this Act the council of each area shall appoint a building surveyor and may appoint such building inspectors and other inspectors and servants as it thinks fit.

I immediately think of small councils in this State that have no hope of employing building surveyors on a salary basis. Perhaps a let-out is provided in subclause (2), which states that a council shall pay "such salaries and fees as may be determined by the council". This would rather indicate that possibly a small council might retain the services of a building surveyor and pay him a fee.

This might lead to some form of regional employment or the retention of building surveyors—and this is a principle of the regional employment of professional men in local government with which I wholeheartedly agree. I think that qualified planners, too, should be retained on a regional basis by councils. I think that the word "and" in subclause (2) should be changed to "or" because that would put beyond doubt the fact that a building surveyor might be simply retained by a small council rather than be paid a salary. Clause 19 (2) provides:

An officer of the council in respect of whom such a resolution is made must be qualified, in accordance with the regulations, for appointment as a building surveyor or building inspector.

Many small councils have only an unqualified clerk. I do not say this in any derogatory way: the reason is that there are no qualified clerks available for some councils at present. An unqualified clerk certainly could not do the work of a building surveyor in connection with this clause. I therefore ask the Minister whether he agrees with my suggestion about changing the word "and" to "or" and whether he intends that ultimately the regional retention or employment of building surveyors should take place so that the Act can be administered by country councils.

Clause 25 deals with the appointment of an umpire if the referees cannot agree. This is a sensible form of further appeal. Clause 50 deals with encroachment upon public places and covers the question whether a licence should be granted by a council to erect a building or structure that may encroach upon, over or under any public place. Can the Minister say whether this is intended to cover the question of balconies and verandahs projecting from public buildings that encroach over public roadways? If it is intended to cover that question, I cannot help thinking—

The Hon. A. F. Kneebone: This provision is already in the by-laws of some councils.

The Hon. C. M. HILL: Yes, but some councils have a by-law that prohibits a balcony being built because, of course, the owner of the land obtains some special advantage if he endeavours to build a balcony. It seems from this clause that, if a council refuses such a licence, an owner can go to a court for a further appeal. This matter should be investigated to see whether it conflicts with the by-laws of some councils.

[*Midnight*]

Clause 51 provides:

All buildings and structures, the property of the Crown, shall be exempt from the operation of this Act.

I do not think that the Crown should be exempt from the operations of this Act. I know that all honourable members will not agree with me on this point. However, a deep principle is involved in this question: it is that, if a State is good enough to make laws under which people should live, surely the State ought to be prepared itself, through its departments, to live within those laws. There is something inherently objectionable when the Government of the day—

The Hon. A. F. Kneebone: Did you ever cancel the Crown's exemption?

The Hon. C. M. HILL: No.

The Hon. A. F. Kneebone: Then, why are you telling us to do it?

The Hon. C. M. HILL: This is an opportunity, because it is a time when changes are taking place.

The Hon. D. H. L. Banfield: You had the same opportunity.

The Hon. C. M. HILL: Now is the opportunity, when a question of this kind can be fully canvassed. I can name some structures that would have been better if the Government of the day had been subject to the Building Act. On the other hand, I commend many State Government departments for endeavouring to co-operate with local government so that they do not conflict with it, even though they are not forced to comply with the Building Act. I compliment them, too, on planning their buildings to conform to the Act. If the Education Department had had to comply with the Building Act the new School of Arts building in the residential area of Lower North Adelaide would not have been built in that delightful area. If the department had had to comply with the Building Act it would not have been permitted to erect the Adelaide Boys High School in the park lands.

I am not against children playing in the park lands but I am against the erection of buildings there.

The Hon. A. F. Kneebone: You have spent about an hour dealing with structures. What section are you talking about?

The Hon. C. M. HILL: Part VII. I have not wasted my time talking about structures: there will be much more discussion about structures when—

The Hon. A. F. Kneebone: You told us they did not appear in the present Act.

The Hon. C. M. HILL: I said I could not find them in the definitions in the Act.

The Hon. A. F. Kneebone: Apparently they did not think it was necessary for an interpretation in those days.

The Hon. C. M. HILL: There is no definition, among all these definitions listed in the Act, of "structure".

The Hon. A. F. Kneebone: It just shows that it wasn't necessary.

The Hon. C. M. HILL: I am discussing clause 51, and I am stressing that, in my view, the Crown should come within the provisions of the Act. I do not wish to imply criticism of those responsible for deciding to erect the Highways Department building in Walkerville. However, if in future a similar situation arises and a Government department says to a corporation in surburban Adelaide, "We would like to build a multi-storey building for our department within your residential area," I believe that the council concerned should have power at law to say to that department, "I am sorry; you don't conform to the zoning, and we will refuse you permission to build it there." Under the Bill that refusal could not be given, and a similar situation could arise wherein a building such as the Highways Department building could be erected in a residential area of a suburban council.

I believe that buildings such as that should be within the city of Adelaide, in an area zoned for commercial construction, and that the only way that the Legislature can be assured that that will occur is by writing it into the Act. I see temporary timber-frame buildings in Wakefield Street, Adelaide, and that could not occur if the department involved had to comply with the Act. I recall builders telling me some years ago that the Housing Trust was lowering the ceiling heights of its buildings by 6in., and these same builders told me that the then Building Act did not permit such a reduction. Is that the kind of example we want semi-government bodies to set for the people of South Australia? Of course it is not. The Housing Trust co-operates splendidly in many ways with local government, but there is no reason why the trust should not come within the provisions of this Bill for, if it did, local government and everyone else could be assured that the buildings erected by the trust conformed to the Act.

The Hon. R. A. Geddes: Are Housing Trust buildings the property of the Crown?

The Hon. C. M. HILL: They apparently come within this clause. If one looks closely at the State Administration Centre building in Victoria Square and views it as a whole together with the adjacent modern Reserve Bank building, one sees that a gross error in siting was made. If one looks at the two structures together from an aesthetic point of view, one cannot help but appreciate that one is a bulky, stolid building, which is rather crammed against quite an exquisite and attractive building on the corner, namely, the Reserve Bank building. If the Government department involved had to comply with the Building Act, better siting of the State Administration centre and even perhaps some variation in its exterior architectural design and standards might have been achieved, so that those two buildings, in unison, would have an architecturally attractive appearance that they do not have at present.

These are serious matters, because once the damage is done regarding aesthetics nothing can be done to correct it until the buildings are ultimately demolished and, for the purposes of our consideration, the damage is there for all time. I suggest that these matters would all be resolved if the departments involved were bound by the Building Act, but they are excluded by this clause. Even though it seems rather radical to the Minister, and even though it seems to be a great change from what we have known in the past, I submit that this is no justification for not making the change.

The Hon. A. F. Kneebone: I thought you were opposing the change.

The Hon. C. M. HILL: This Bill does not oppose the change; it carries on the old practice, and I am suggesting that it should not do that and that at this point we have the opportunity to consider change.

The Hon. D. H. L. Banfield: What applies in other States regarding Government buildings?

The Hon. C. M. HILL: I do not know what the position is there. It is not that I have not tried to seek the information, but I have not had time to make those inquiries since the Bill was introduced. The position does not apply only to large commercial buildings: there

are examples in the suburbs where the front verandahs of police stations are being enclosed. I agree that the purpose of the enclosure is worth while: it is to provide seating space in a sheltered area for people waiting to go into the police station. However, the alterations are not being made in conformity with the Building Act, and this is not a good thing by any standards.

The Hon. A. F. Kneebone: Can you tell me in which way they do not conform to the Building Act?

The Hon. C. M. HILL: I do not have the details of that but, if the Minister is querying the fact that they do not conform, I will get that information.

The Hon. A. F. Kneebone: I thought you would have known if you made a statement such as that.

The Hon. C. M. HILL: I will deal now with some of the most important clauses, which are at the end of the Bill; as I have sometimes said, the sting is in the tail. One of the most important clauses is clause 60, which deals with a council's right to make by-laws, as the council thinks necessary or expedient, with respect to the matters listed. One principle I stress here is that this Bill, as it reads, rather turns the clock back on a great deal of progress that has been made under the Planning and Development Act in recent years in connection with by-laws concerning zoning.

Council throughout the whole State are now within the provisions of development plans or are in some stage of accepting development plans. Under the Planning and Development Act, when these development plans have been finally approved by the Minister the zoning within the council areas is laid down and is quite certain; but the machinery leading up to the final approval by the Minister and the Governor to the development plans includes the procedure that proposed zoning by-laws must be displayed publicly in council areas and must be subject to public scrutiny before the council makes its recommendation to the Minister.

That is a very democratic procedure and, as I have said, it is a procedure laid down in the Planning and Development Act. It is a modern and proper method by which zoning should be implemented. In other words, there is a check by the ratepayers concerned as to whether or not they want the zoning that the council proposes. After the ratepayers have had time to consider this, and after these by-laws have been on public display, the council utimately adopts zoning by-laws and forwards them on to the Minister. The final development plan is then approved by the Governor.

However, under this Bill councils may make zoning by-laws without going through the procedure to which I have referred, and that is a retrograde step. As I have said, it is turning the clock back. Under this proposal before us, councils can make by-laws prohibiting the use of any land within any locality and dealing with the use of buildings or structures. I ask whether the Minister would have a look at this matter. I am always a great supporter of local government in the principles applying to the Building Act, and I want to see local government treated extremely fairly and not to have any of the powers and privileges that it now enjoys interfered with or taken away. However, I have to be quite fair about this. Under clause 60 the opportunity is given for a council to go back to the old method of providing by-laws without reference to the ratepayers, and that is not democratic and not proper. In my opinion, this should be altered.

Clause 61 gives the Governor, on the recommendation of the Building Advisory Committee, the power to make regulations. Pages 26 to 28 set out a whole list of headings under which regulations can be brought down. It has already been said that the real teeth in this proposal will be in the regulations, and if anyone wants to see what is going to give rise to the teeth growing and showing themselves they need only look at the headings that are listed under this clause.

The last clause deals with the composition of the Building Advisory Committee. Although it is proposed that that committee shall comprise six members, it is not laid down in any way just how representative those members shall be, who they will be or what will be the basis of the Minister's appointing them. In my view it is extremely important that that committee include representatives of local government and of the building industry and other organizations such as the Institute of Architects. The Local Government Association has put forward a recommendation to me that it would like one of the members of this committee to be a practising building surveyor nominated by the association, and I ask the Minister whether in his reply he would give some undertaking on whether or not the Minister of Local Government would consider such an appointment.

The Hon. D. H. L. Banfield: Do you think six is a big enough committee?

The Hon. C. M. HILL: Yes; I am not querying that provision. I ask the Minister whether he would consider also appointing a practising builder who could be nominated by the Master Builders Association. I ask the Minister to give an assurance also about whether a member of the Institute of Architects would be appointed as one of the six members. I think some assurance like that, rather than having to worry about amendments that might endeavour to enforce such representation, would be all that was needed, because, after all, it is only an advisory committee. Of course, it is also an extremely important committee, and it will have a very important job to do.

I stress that I am deeply concerned about some of the main principles that have been adopted in the drafting and in the general framework of the Bill. I look forward to hearing comments from other members. I believe there will be a considerable number of amendments to be considered in Committee. I agree that a new Act is needed. Although I want to see change, I also want to see improvement, and I do not want to see local government curbed or restricted. I want the legislation to be practical in every way. I think that if goals like that can be ultimately achieved, this new building legislation will go a long way to assisting the economic as well as the social progress of the State.

The Hon. L. R. HART secured the adjournment of the debate.

SEWERAGE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 17. Page 2669.)

The Hon. R. A. GEDDES (Northern): This short Bill deals with some problems that have occurred in the legal application of the Sewerage Act. I believe that in South Australia we have one of the most efficient sewage disposal systems in Australia, if not in the world. As man has moved through the years, he has learnt the value of and the need for hygiene, both personal and community. One of the most important things he learned at the very beginning was the control and disposal of sewage. We have in South Australia, whether they be common effluent systems or the Bolivar and Glenelg treatment works, systems that are working efficiently and are regarded by other parts of the Commonwealth with some envy. The word "pollution" is commonly used these days, and those of us who have been lucky enough to watch television programmes, and especially *Four Corners*, have been able to appreciate the problem of pollution in Sydney and along the fine coastline of New South Wales, where thousands of millions of gallons of partly treated sewage is pumped out to sea and then comes back to the shore.

We can look only with pride at the steady progress made in this State in the control of the effluent flowing from our sewage treatment works. Yesterday's debate on the Underground Waters Preservation Act, dealing with treated water from the Bolivar works, revealed that the waters flowing out to the coast are at least correctly treated if not treated as fully as those people engaged in agriculture would like them to be.

This Bill deals with the problems of some technical anomalies and deficiencies that have appeared, with the effluxion of time, in the levying of sewerage rates under the Act. These deficiencies were revealed by an examination of the rating powers under the Waterworks Act, about which we shall hear later. I understand that at present actions are pending in which a rating power not dissimilar to the rating powers under this Act is in question, and it would be understandable if we did not advance an opinion on the apparent extent or effect of the deficiencies but merely said that sewerage rates were being considered by a committee of inquiry headed by Mr. Sangster, Q.C., and any further amendment to the Act should, as a matter of prudence, await the result of that committee's deliberations.

Clause 3 is the first important clause of the Bill. It validates certain actions and gives substantial retrospective effect to two aspects of this measure. First, it provides that sewerage rates will be payable as if the amendment to this Act had come into force on July 1 of this year—that is, at the beginning of this rating year. Secondly, it gives retrospective effect to a regulation-making power to the day on which the principal Act came into force. The reason for this is set out in the explanation to clause 4 which deals with a technical problem. I understand that a by-law was made many years ago which stated that, if sewage works were contracted for on private property, the Crown, the Commissioner or the Minister would have the right to charge the people concerned with the rightful costs incurred. As I understand it, this by-law is about 99.9 per cent watertight but, just in case and because the Act has been opened up, clause 4 has been incorporated in the amendments to make the by-law 100 per cent watertight in relation to the services that the Minister has

provided for many years and is prepared to provide in the future.

Clause 5 specifically provides that no gazettal of a main shall be defective on account of any minor inaccuracy so long as the meaning is clear. Here, again, I understand that people have been raising queries when a plan has been gazetted showing where a pipeline is to go because, in the physical digging of the trench to put the pipeline in the ground, if the workmen come across problems like rocks or other unforeseen things that the architect or the planner has, on paper, not been able to foresee, people argue that the sewerage pipeline has not followed the right course. Clause 5 is designed to cover that problem.

Clause 6 is interesting. The Minister may give a certificate under his hand—

to the effect that on and from a day specified in the certificate the land or premises specified in the certificate could, in the opinion of the Minister, by means of drains, be drained by a sewer specified in the certificate, shall be conclusive evidence of the matter set out in the certificate.

But, should it be that the Minister feels he is unable to give this certificate, it means that, although the drains may pass near or alongside a property, because the mechanical method, with which I am not *au fait*, of connecting that property to the drains is not possible, that property does not have to pay any sewerage rates.

So this is what may be called an emergency Bill, arising from certain problems that have arisen because of the Waterworks Act and because waterworks and sewage are close cousins as they operate through pipes under the ground. Whereas in the olden days it was understood that they could go only certain ways, nowadays for the sake of economy and other reasons it is not necessary that they follow roadways, footpaths or private property: they can go wherever it is expedient for them to go. This Bill needs very little comment and I have no hesitation in supporting the second reading.

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

WATERWORKS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 17. Page 2669.)

The Hon. V. G. SPRINGETT (Southern): To live healthily and happily there are three essentials—air, water and food. In addition, in some parts of the world man needs covering for shelter and clothing. The vast proportion of the world's surface is covered by water that is not suitable for ingestion, because it is too saline. In many parts of the world increasing population and increasing industrial processes make increasing demands upon the supply of clear, clean, fresh water free from pollutants. It is amazing that man is still going on blithely wasting volumes of water, polluting the sources that he has, and emptying underground resources. We take it as a right that we can draw on and let volumes of water run to waste at the same time.

The only reason that this country has what is called a dead heart is that there is no water there for drinking purposes for man or beast or for supporting crops, agriculture and other purposes. When water is provided to such areas the desert does blossom as a rose. Air, the element we breathe, is free, even though we pollute it with noxious substances, the by-products of man's progressive industrialization. So, we take what we want, regardless of the effect on the rest of society and ignoring the legacy that we are building up for generations yet to come. It has been long recognized that water, to be of real use to man, must be clean, clear, and free from harmful contaminants. Every honourable member will be aware of the fact that most of the dramatic diseases of the bowel are carried in impure water supplies—cholera, typhoid fever, dysenteries, infectious hepatitis, and so on.

However, the Bill to which I am addressing myself is not concerned essentially with the quality of the water, although we cannot ignore that important point. Its fundamental concern is with the mechanics of the transport of water. In his second reading explanation the Minister referred to "some apparent deficiencies in the power to levy water rates under the Act". He said that these deficiencies should be dealt with as soon as possible. One thing that society can always rest assured on is that Governments are quick to close loopholes in legislation that affect their incomes. This measure is interim only, because "some of the questions involved are the subject of actions before the Supreme Court". The Minister said:

It would be clearly improper for me to comment further on this matter except to make it quite clear that nothing in this Bill will have any effect on matters involved in those actions.

In addition to the committee of inquiry to which the Hon. Mr. Geddes referred in the debate on the Sewerage Act Amendment Bill, it would be clearly impracticable for any comment to be made on points before the Supreme Court. The Bill

makes it clear that nothing in it will have any effect on matters involved in Supreme Court actions or matters before the committee of inquiry. Much of the substance of the principal Act goes back to 1882 and is obviously out of date. In connection with this Bill I think of the main from Tailem Bend to Keith and the main from Murray Bridge to Hahndorf.

The need for main pipes in the last century was minute compared with today's need. Then, it was envisaged that pipes would essentially lie underground along streets and supply adjacent premises or land by a direct service. The passing decades have seen an increasing spread of reticulation of supply throughout the State. This has resulted in a need to lay pipes across properties and generally in a way to ensure an efficient and economical water supply. This has brought about a need to bring water rating into line with the present-day water service and situation. Clause 2 inserts a definition of "adjacent land or premises"; it provides that they are land or premises having a defined geographical relationship to a gazetted main pipe. The Bill sets out the definition of "ratable supplied land or premises". This term means land or premises, not being adjacent land or premises, or land or premises supplied by agreement. In other words, it covers everything that is not entirely adjacent premises. Clause 3 introduces a wellknown principle, but one that is never received willingly, that of retrospectivity—back to July 1, the beginning of this financial year. Clause 4 deals with the charges that can be made and with their upgrading. New section 35 (1) provides:

Save in the cases provided for by section 34 of this Act, where the Minister receives from the owner or occupier of land or premises a written request for the supply of water in respect of the land or premises the Minister—

(*a*) where the land or premises are adjacent land or premises, shall upon payment of the prescribed fee provide and lay down a direct service for the supply of water in respect of the land or premises;

Can the Minister say what is meant by that provision? What is meant by the word "shall"? Is it obligatory, or does it mean "should"? Clause 6 deals with properties that are exempt from rates. The principal Act provides that State schools and land or premises that are used exclusivly for charitable purposes or for public worship shall not be subject to any rates or assessment. Can the Minister say what the position is of religious premises that have halls used not only for public worship but also for social and recreational purposes? Are they to be exempted, or not? Clause 7 reinforces the liability to pay rates in respect of all land and premises within the areas covered by the new definitions.

Clause 8 provides cover for the Minister where errors may have occurred in *Gazette* publications. Clause 9 enables him to recover rates, provided he can issue a certificate showing that he was prepared to supply water as from a specified date. Clause 10 re-enacts the present provisions of section 121 of the principal Act. It is stated that a complete overhaul of the Waterworks Act is foreshadowed, but the preparation will take time. This Bill, as I have said earlier, has to plug some loopholes. I have no doubt that the Government will need all the revenue that it can obtain. I support the Bill.

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

ADJOURNMENT

At 12.47 a.m. the Council adjourned until Thursday, November 19, at 2.15 p.m.