LEGISLATIVE COUNCIL

Wednesday, November 25, 1970

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

QUESTIONS

CANNED MEATS

The Hon. C. R. STORY: I seek leave to make a short statement with a view to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: My question concerns the importation of canned meats from South America. I am given to understand (and I know the Minister will have to get a technical report on this) that it is possible to transmit foot and mouth disease in canned meats, because I understand that in the processing of the meat it is not possible to get sufficient heat to ensure that the virus is killed without destroying the meat in edible form. Will the Minister ascertain whether this is so? If it is, will he take up with the appropriate authority in Canberra the banning of the importation of meats from areas where foot and mouth disease is rampant? The last time foot and mouth disease appeared in Great Britain it was a direct result of the importation of meat from the Argentine.

The Hon. T. M. CASEY: I shall be pleased to do that for the honourable member. I should like to draw his attention, too, to the fact that a question of a similar nature was asked by the Hon. Mr. Kemp—

The Hon. H. K. Kemp: Not foot and mouth disease.

The Hon. T. M. CASEY: Anyway, along the same lines, and also previously a question had been asked about imported meat by the Hon. Mr. Whyte.

RURAL RECONSTRUCTION BOARDS

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

Leave granted.

The Hon. L. R. HART: There is an article in this morning's *Advertiser* attributed to the Minister for Primary Industry (Hon. Mr. Anthony) to the effect that the Commonwealth Government will establish rural reconstruction boards in each State to aid farmers. He went on to say that he would not disclose the cost to the Government of the plan but said it would be "a lot more than several million dollars". He added that the Government was also planning to finance State rural reconstruction authorities. The article continued that Victoria already had such a board, dating back to 1945—the Rural Finance Commission; and there was also a rural reconstruction board in New South Wales, which I understand, was started some time in the 1930's and has a revolving fund which is contributed to by State finance, with a heavy infusion of Commonwealth funds.

Last year the New South Wales Rural Reconstruction Board dealt with the financial reconstruction of 92 farms, involving well over $1,500,000. I believe that Queensland is setting up a board along similar lines to that in New South Wales. Mr. Anthony said that these boards would need shots in the arm and that he did not expect any opposition from the States to the new plan. He added that rural indebtedness had doubled in the past five years to $2,000,000,000. Can the Minister of Lands say whether consideration has been given to setting up a rural reconstruction board in South Australia and, if it has not, can he assure the Council that his department will look into the question and, if necessary, closely co-operate with the Commonwealth Minister for Primary Industry?

The Hon. A. F. KNEEBONE: I saw the newspaper report to which the honourable member referred but we do not yet have any details of the matter. When the Commonwealth Minister does me the courtesy of supplying the details of the proposed scheme I am sure that the South Australian Government will consider the possibility of some action in regard to this matter.

WAROOKA WATER SUPPLY

The Hon. M. B. DAWKINS: Has the Minister of Agriculture obtained from the Minister of Works a reply to my question of November 10 about supplementing the Warooka water suply?

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

The Regional Engineer, Northern, of the Engineering and Water Supply Department, visited Warooka on October 14, and met the District Clerk and councillors. As complaints were made about insufficient pressure, arrangements were made to install a pressure recording gauge adjacent to the council chambers. These charts show that the pressure is generally between 40 lb. a square inch minimum and

70 lb. a square inch maximum, except when the council is carting water. When water is drawn from the system at an abnormal rate to fill the council's water truck, the pressure in the system is adversely affected. A small self-contained system like that serving Warooka cannot be expected to supply water at the fast rate being taken by the council to fill its water truck, without there being some adverse effect on the pressure in the system.

To ensure that pressures are maintained at a satisfactory level for all other consumers, it is suggested that, if at all possible, the council should draw water from the system at a slower rate during the warmer weather or even discontinue carting in daylight hours during the summer period. The council has been informed that there is no need for any additional storage at Warooka, as there is at present ample storage capacity in the underground basin. The Regional Engineer, Northern, and a geologist from the Mines Department have inspected various possible sites for additional bores in the vicinity of Warooka which will be further investigated.

EMERGENCY EXITS

The Hon. V. G. SPRINGETT: I seek leave to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. V. G. SPRINGETT: Yesterday, in reply to a question I asked on November 11, the Chief Secretary dealt with emergency exits in places of public entertainment. However, my original question was as follows: is the Chief Secretary satisfied that arrangements in South Australia concerning emergency exits in buildings in the metropolitan district of Adelaide are satisfactory? The Chief Secretary's reply related to places of public entertainment. Can he inform me of the general state of emergency exits in buildings in the metropolitan district of Adelaide?

The Hon. A. J. SHARD: I shall be glad to get a reply to the honourable member's question, which is linked with the question about fire brigades that was asked yesterday. I thought the honourable member's original question referred to places of public entertainment.

INTERSECTIONS

The Hon. C. M. HILL: Has the Chief Secretary a reply to my question of November 17 regarding the provision of traffic constables to control traffic at the intersections of Greenhill and King William Roads and Fullarton and Cross Roads?

The Hon. A. J. SHARD: Manual traffic control is being provided at the King William and Greenhill Roads intersection at present. A Traffic Division inspector or sergeant always visits locations such as the Fullarton and Cross Roads intersection when reports of traffic-light malfunction are received. Assessments are made of the traffic situation and a decision is made on whether police control is warranted. Manual control was not considered necessary, and the particular traffic lights are now functioning normally.

VIRGINIA SCHOOL

The Hon. L. R. HART: Has the Minister of Agriculture, representing the Minister of Education, a reply to my question of November 10 regarding the Virginia school?

The Hon. T. M. CASEY: The Minister of Education reports:

The application to the Mines Department for permission to sink a new bore for oval reticulation at the site of the proposed school was refused, but an application to the Engineering and Water Supply Department for a mains water connection to the new site has been approved. Because of restrictions imposed by the Mines Department, the existing bore at the old school cannot be used for irrigating the oval at the new site, and it is considered uneconomical to use this bore for domestic requirements for the new school. However, sufficient water will be available from the E. and W.S. Department's service when used in conjunction with storage tanks to cater for all water requirements at the new site.

DERAILMENTS

The Hon. C. M. HILL: Has the Minister of Lands, representing the Minister of Roads and Transport, a reply to my question of November 19 concerning the report of Maunsell & Partners into derailments on the new standard gauge railway between Broken Hill and Port Pirie?

The Hon. A. F. KNEEBONE: The Minister of Roads and Transport has supplied the following reply:

The report on derailments on the Port Pirie to Cockburn standard gauge railway line has been received by the Government and is currently being studied by South Australian railway engineers and the Commonwealth Minister for Shipping and Transport. When Maunsell & Partners were commissioned to carry out an investigation by the honourable member in his then capacity as Minister of Roads and Transport in the former Government, the terms enunciated by him clearly stated that the report was to be submitted to the Government. Accordingly, it would be a breach of confidence if the report were now tabled in this Parliament. However, honourable members may be interested to know that the report stated that "nothing has emerged from our investigations which would point to a basic shortcoming in either vehicle design or train handling".

SUCCESSION DUTIES OFFICE

The Hon. F. J. POTTER: Has the Chief Secretary a reply to my question of November 4 concerning the Stamps and Succession Duties Divisions of the State Taxes Department?

The Hon. A. J. SHARD: Plans have been completed for the relocation of the Stamps and Succession Duties Divisions of the State Taxes Department in the old offices of the Engineering and Water Supply Department, Victoria Square East. Estimates of the cost are at present being obtained. When these have been presented, funds will be sought so that the necessary renovations and alterations can proceed. The Public Service Board is anxious that this transfer should be made at an early date. Not only is there a need to provide the State Taxes Department with roomier accommodation of a better standard, but the space which it will vacate is urgently required for expansion of the Education Department. Considerable efforts are being made toward the relocation of the State Taxes Department as early as possible in 1971.

WHEAT QUOTAS

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

Leave granted.

The Hon. G. J. GILFILLAN: My question relates to over-quota wheat and the policy of South Australian Co-operative Bulk Handling Limited with regard to receivals in the current year. The co-operative is an authorized body set up by Act of Parliament. Although it has often been said that it is owned by the growers, the only influence the growers can have is through the election of their own directors. The other influence, of course, is the Act, which is under the control of Parliament and certainly under the influence of the Minister of the day. This question of over-quota wheat and its receival, should space be available in the silos for the current season, is a very pressing one, as harvesting has commenced in some areas and wheatgrowers have to consider the provision of storage where over-quota wheat could be a problem on their properties. Although we have a Bill before us dealing with the quota itself, I believe that this is another problem. In view of the urgency of the problem, I ask the Minister whether he has an answer to some of the points which I raised yesterday when speaking on the Bill but which were not directly connected with it.

The Hon. T. M. CASEY: Realizing the urgency of this matter, I contacted the General Manager of South Australian Co-operative Bulk Handling Limited last night to ascertain the co-operative's policy. The report is as follows:

In answer to the query raised by the Hon. Mr. Gilfillan regarding the policy of the South Australian Co-operative Bulk Handling Ltd. in relation to "over quota" wheat, the company receives for the 1970-71 season only, and subject to availability of storage space, "over quota" wheat tendered for delivery provided:

(1) no grower delivers more "over quota" wheat than 100 per cent of his actual 1970-71 wheat quota;

(2) State receivals of "over quota" wheat do not exceed 50 per cent of the State base quota.

The company points out, however, that this procedure is not to be taken as a precedent and no guarantee can be given that it will be followed in the 1971-72 season. It applies only to the 1970-71 season as a means of meeting the State's short-falls.

MUNNO PARA BY-LAW: POULTRY

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

The Hon. L. R. Hart to move:

That By-law No. 17 of the District Council of Munno Para in respect of poultry, made on February 2, 1970, and laid on the table of this Council on July 14, 1970, be disallowed.

The Hon. F. J. POTTER (Central No. 2): At the request of the Hon. Mr. Hart, I move:

That this Order of the Day be discharged.

The PRESIDENT: I point out that, under Standing Orders, the honourable member cannot move that it be discharged: he can move only that it be postponed.

The Hon. F. J. POTTER moved:

That this Order of the Day be postponed.

Motion carried.

Later:

The Hon. L. R. HART (Midland) moved:

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 18. Page 2739.)

The Hon. E. K. RUSSACK (Midland): I do not intend to speak at length on this matter. I am certain that we all accept that there should be some control of pollution in the areas concerned. I do not wish to go over the

ground covered by other speakers on this matter, but I point out that the implementation of these regulations seems to involve many inconsistencies concerning inspectors. I draw the attention of honourable members to a report of the Engineering and Water Supply Department, and I refer particularly to the following paragraphs:

It is believed that undesirable rural activities can be contained by legislation and amendments to the Waterworks Act that have been submitted to the Government. In effect, these amendments propose the division of the watersheds into zones. It is proposed that no new intensive animal husbandry projects, e.g. piggeries, feedlots, etc. will be permitted on the watersheds and it is hoped that existing piggeries in zone I will eventually be phased out. Existing piggeries in Zone II—

I might suggest that zone I applies to those areas in the immediate vicinity of the established reservoirs or water conservation areas—

will be permitted to remain provided they are not enlarged and provided that approved waste disposal facilities are installed and properly maintained. Piggeries are entirely prohibited from the watersheds serving other Australian capital cities.

The amendments also propose that new cowyards, poultry sheds, stables, etc. will not be permitted in zone I and that such projects in zone II shall be subject to approval with regard to location (in respect of watercourses) and to waste disposal facilities. Existing cowyards, poulty sheds, stables, etc. will be permitted to remain in zone I, provided they are not enlarged and provided that approved waste disposal facilities are installed and properly maintained. No other special restrictions on rural activities on the watersheds are proposed.

Because of the confusion and the inconsistencies, I support the motion that these regulations should be withdrawn. I cannot understand why notice has not been taken of the amendment as suggested by the Engineering and Water Supply Department to the Waterworks Act to do this. A better form of control on a determined basis could be achieved by amending the Waterworks Act. I support the motion on these grounds, that the regulations be withdrawn.

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

SELECT COMMITTEE ON CAPITAL TAXATION

The Hon. R. C. DeGARIS (Leader of the Opposition) moved:

That the date for bringing up the report of the Select Committee be extended until March 23, 1971.

Motion carried.

NURSES REGISTRATION ACT AMENDMENT BILL

The Hon. A. J. SHARD (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Nurses Registration Act, 1920-1968. Read a first time.

The Hon. A. J. SHARD: I move:

That this Bill be now read a second time.

It introduces a number of amendments designed to improve the operation of the principal Act and to meet the requirements of the nursing profession. A new curriculum of instruction and training for the general nurse and the nurse aide has recently been approved by Cabinet. The training programme for the nurse aide has been completely revised and its structure is similar in nature to the programme of instruction and training that a general nurse is required to undertake. A nurse aid is an essential member of a community nursing service but, unfortunately, she is too frequently regarded as a second-grade nurse. It is felt that this is possibly attributable to her title, which suggests an inferior status. Consequently, with the introduction of the new course of training, it is felt that some improvement should also be made in the title applicable to this category of nurse. The Bill, therefore, provides that those nurses who have previously been described as "nurse aides" shall hereafter be entitled "enrolled nurses".

Last year a nursing adviser was appointed to the Hospitals Department. At that time it was agreed that her services would be available to the Nurses Board and that she would attend board meetings. Since her appointment, the nursing adviser has been of valuable assistance to the board. However, at present, she is able to attend board meetings only in an advisory capacity, and in consequence her effectiveness is limited. Moreover, the nursing adviser is required to visit metropolitan and country hospitals in which training courses for nurses are undertaken and she is required to advise and give guidance on various aspects of such training. The Bill accordingly makes it possible for the nursing adviser to be appointed to the board. A further amendment proposed by the Bill makes it possible for appropriate fees to be paid to any member of the Nurses Board.

The provisions of the Bill are as follows: Clause 1 is formal. Clauses 2 and 3 are consequential upon the change in title from "nurse aide" to "enrolled nurse". Clause 4 provides for the appointment of an additional member to the board. This will enable the Government

to appoint the nursing adviser as a member of the board. Clause 5 enacts new section 10a of the principal Act. This new section enables the Governor to fix appropriate fees for any member of the board. Clause 6 amends section 17 of the principal Act. This section empowers the board to order a person to refrain from practising as a nurse where that person is a possible carrier of disease.

Clauses 7 and 8 are consequential upon the change of title from "nurse aide" to "enrolled nurse". Clause 9 repeals and re-enacts section 33i of the principal Act. The new section provides that existing nurse aides will automatically be enrolled as nurses upon the commencement of the amending Act. It provides for the enrolment of new nurses upon the board's being satisfied that an applicant for enrolment has attained a proper standard in theoretical and practical courses. Where a nurse has permitted her enrolment to lapse over a period of more than five years, she may be required by the board to undertake a refresher course prior to enrolment. Clause 10 amends section 33j of the principal Act. The amendment permits the enrolment of a nurse who has undertaken her training outside this State if, in the State or country in which her training was undertaken, reciprocal arrangements exist and the applicant is of a satisfactory standard.

Clause 11 amends section 33k of the principal Act. This section provides that no person shall be enrolled as a nurse unless she has attained the age of 18 years. In view of the improved educational qualifications of applicants, it is felt that this age limit can now be reduced to 17 years. Clause 12 repeals and re-enacts section 331 of the principal Act. This section provides for the application to enrolled nurses of various relevant provisions relating to registered nurses. Clauses 13 to 20 are consequential upon the change in title from "nurse aide" to "enrolled nurse".

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

CITRUS INDUSTRY ORGANIZATION ACT AMENDMENT BILL

The Hon. T. M. CASEY (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Citrus Industry Organization Act, 1965-1969. Read a first time.

The Hon. T. M. CASEY: I move:

That this Bill be now read a second time.

The Citrus Organization Committee of South Australia was formed to administer the Citrus Industry Organization Act, 1965, with the object of improving the economic stability of the citrus industry within South Australia. Pursuant to the Act, the Minister of Agriculture appointed the first committee in March, 1966. After its appointment, the committee proceeded with the development of the Citrus Organization Committee as an industry organization using the recommendations of the 1965 committee of inquiry report as a guide.

Subcommittees were established to consider such matters as quality control, packing, processing, crop estimation and production statistics, public relations, and finance. The committee considered a policy in relation to the marketing of fresh citrus fruit and concluded that this could be most effectively controlled by the establishment of a central marketing authority. There were two alternatives available to the committee (namely, marketing to be carried out by a division of the committee itself, or by delegation of certain of its powers under section 21 of the Act to a subsidiary marketing company). The latter course was adopted, South Australian Citrus Sales Proprietary Limited was formed, and the following powers and functions were delegated, enabling it to:

(*a*) undertake or arrange for the marketing of citrus fruit;

(*b*) regulate and control the delivery and sale of citrus fruit by growers to any licensee or other person nominated by the Citrus Organization Committee;

(*c*) arrange for the export of citrus fruits from the State;

(*d*) by means of advertising or other appropriate means, take steps the company thought fit to encourage the consumption of citrus fruit and to create a greater demand; and

(*e*) make arrangements with any marketing authorities of citrus fruit (either within or without South Australia) for the transport, storing and handling of citrus fruit and for the sale or other disposal thereof.

The company assumed its delegated powers and functions on July 4, 1966. South Australian Citrus Sales Proprietary Limited has eight shares, seven of which are held by the Citrus Organization Committee and one of which is held by Murray Citrus Growers Co-operative Association (Australia) Limited. The original board of South Australian Citrus Sales Proprietary Limited comprised three

members representing Murray Citrus Growers Co-operative Association (Australia) Limited, and two members representing the Citrus Organization Committee.

In June, 1967, South Australian Citrus Sales Proprietary Limited was re-organized, and it proceeded to undertake the marketing function in its own right. Membership of the board was changed, and it has since comprised all members of the Citrus Organization Committee together with one member representing Murray Citrus Growers Co-operative Association (Australia) Limited. The executive officer of the Citrus Organization Committee was, by virtue of his office, appointed General Manager of the company; the company's office was transferred from Adelaide to Kent Town and the marketing staff formerly employed by Murray Citrus Growers Co-operative Association (Australia) Limited was taken over.

Prior to the introduction of the Citrus Organization Committee, marketing of South Australian fresh citrus fruit within Australia was chaotic. The 1965 committee of inquiry pointed out that increased direct selling by growers and packers, by-passing the terminal market in South Australia, caused prices to collapse. The more lucrative interstate markets in Melbourne and Sydney became unprofitable because they were over-supplied with lower quality fruit, particularly export over-run. However, export markets were serviced successfully under the voluntary supervision of Murray Citrus Growers Co-operative Association (Australia) Limited, which sold fruit under its "Riverland" trade mark.

Under the provisions of the Act, regulations and marketing orders, the Citrus Organization Committee adopted a policy that favoured the recognized principles of orderly marketing of citrus fruit. All growers are required to deliver fruit to licensed packers, and no grower is permitted to sell fruit to any person other than the Citrus Organization Committee. South Australian Citrus Sales Proprietary Limited, as agent of the Citrus Organization Committee, endeavours to place fruit to the best advantage through terminal markets in capital cities, whilst export is carried on by itself or by accredited agents. The "Riverland" trade mark is used in its marketing operations.

The effectiveness of South Australian Citrus Sales Proprietary Limited in the marketing field is hampered by section 92 of the Commonwealth Constitution, which provides that trade between the various States shall be free. The bulk of South Australian fresh citrus fruit production is sold on interstate and oversea markets; 10 per cent or less of total production is consumed within the State. The Act and regulations are effective only to control the disposal of fruit produced and sold within South Australia. There is no power to control the importation of either fruit from other States into South Australia or fruit from South Australia marketed in other States or overseas. To be effective, South Australian Citrus Sales Proprietary Limited must rely heavily upon voluntary support and co-operation from growers and packers to maintain orderly marketing on Australian and export markets.

South Australian Citrus Sales Proprietary Limited maintains a market manager to co-ordinate supplies from producing areas to merchants in the Adelaide wholesale market. Supplies for country areas are arranged outside the wholesale market by Associated Citrus Distributors Proprietary Limited, a company formed for the purpose of distributing citrus in bulk form. All fruit is supplied to merchants and Associated Citrus Distributors Proprietary Limited against their orders. Merchants operate in the normal manner, making sales to retailers on a commission basis. Minimum wholesale selling prices are fixed by South Australian Citrus Sales Proprietary Limited, and the wholesale sellers are required to obtain these prices. The quantity of fruit handled by each wholesale seller is governed by his ability to sell at minimum prices or better.

The introduction of legislation to control marketing in South Australia was effective in the early stages. Hawking of inferior fruit was severely curtailed and supplies were directed through controlled terminal market outlets. Average prices and volume distributed increased in this period. However, the situation has deteriorated again due to the following factors:

(*a*) a heavy increase in the volume of the crop;

(*b*) the influx of interstate fruit, particularly from Mildura, in an endeavour to take advantage of the Adelaide market situation;

(*c*) increases in the volume of fruit being sold through illegal channels outside the terminal markets; and

(*d*) a claimed increase in "backyard" production in the metropolitan area.

The export of citrus fruit to markets in other States has increased somewhat over the last few years but is subject to fluctuation in

demand and consequently in prices. The export of citrus fruit overseas has been expanded but is likely to be confronted with increasing difficulties due to increasing production in the recipient countries.

The foregoing gives a little idea of some of the problems with which a marketing organization is confronted. Unfortunately, the Citrus Organization Committee has not proved to be an effective marketing organization. Acute differences of opinion have arisen within the committee. It is clear that sectional and personal interests have been pursued at the expense of the best interests of the industry and of those people engaged in it. The stage has now been reached where uncertainty prevails in practically every area; growers and packers and other interests are confused and there is a serious lack of direction and confidence in the industry. It is an unfortunate fact that internecine strife in both the Citrus Organization Committee and the board of South Australian Citrus Sales Proprietary Limited has diverted effort from the functions for which both of these organizations were set up.

It is significant that, during the short lifetime of the Citrus Organization Committee and South Australian Citrus Sales Proprietary Limited, no fewer than 15 persons have served on the committee and the board, and only one of those persons has served continuously. As a consequence, action has not been taken to develop and institute marketing policies designed to cope with the substantially increased production which has occurred and which was forecast in 1965. Neither the Citrus Organization Committee nor the board of South Australian Citrus Sales Proprietary Limited seems to have realized that concepts of marketing have been changing and that policies have needed to be changed to meet this situation. If either the committee or the board has realized these facts, it is quite clear that it did not act in the manner, or with the vigour and initiative, that might have been expected.

From discussions with growers it is quite clear that there is great confusion among them regarding the organization of the Citrus Organization Committee and its association with South Australian Citrus Sales Proprietary Limited. It seems to be generally understood that South Australian Citrus Sales Proprietary Limited is a body quite separate from the Citrus Organization Committee, rather than a subsidiary marketing company controlled by the Citrus Organization Committee. South Australian Citrus Sales Proprietary Limited has become the dominant force in the organization, rather than acting in its intended role as a marketing subsidiary subject to policies determined by the Citrus Organization Committee.

Growers generally (at least those who have read the report) appear to believe that the recommendations of the 1965 committee of inquiry are still valid, and it is, perhaps, surprising to find that these are in the minority. In the circumstances, it is not unreasonable to suppose that the industry accepted the 1965 report and considered that this would be the answer to all its problems, not realizing that the mere passing of an Act and the setting up of a committee were only the beginning and that the utmost goodwill and effort by all sections was required for the successful operation of the scheme.

Although the Citrus Organization Committee has been established for only about 4½ years, the divisions of opinion at committee level have brought about divisions within the industry. As a consequence, there are now several independent groups within the South Australian citrus industry which are indicating, or have indicated, that they intend independently to market citrus fruit, both within Australia and overseas. In the existing circumstances and policies, there appears to be little possibility of these groups being prepared once again to form part of an overall industry organization, and this fact must be accepted. It surely would have been reasonable for the Citrus Organization Committee and the board of South Australian Citrus Sales Proprietary Limited to appreciate that section 92 of the Commonwealth Constitution limited their legal control over the industry. It has always been clear that growers and packers could avoid statutory control by marketing in other States. Instead of accepting this position the Citrus Organization Committee and, more particularly, South Australian Citrus Sales Proprietary Limited has pursued, or endeavoured to pursue, legal means of control, knowing full well that these could not be sustained, rather than adopting flexible marketing policies, providing a high level of performance in marketing and seeking the co-operation of all sections of the industry.

There has been a tendency in some quarters to blame the staff of the Citrus Organization Committee and South Australian Citrus Sales Proprietary Limited for the situation that

has developed. However, it must be accepted that the responsibility lies with the Citrus Organization Committee and the board of South Australian Citrus Sales Proprietary Limited, as they have not provided the leadership that the industry required, nor have they developed consistent and imaginative marketing policies for the staff to pursue.

The purpose of the present Bill is, therefore, to reconstitute the Citrus Organization Committee. The Government considers that the Citrus Organization Committee in its reconstituted form will be able to co-ordinate and control effectively interstate and oversea marketing of citrus and sales of fruit to processors for the benefit of the industry in general, and of growers in particular. However, I emphasize that the successful functioning of the committee and the fulfilment of its proper role in the marketing of citrus fruits depend entirely on the support it receives from the industry. The Government urges all growers to market their product through the statutory organization, the continuation of which the large majority of growers appear to favour. Expressed in simple terms, if the industry wants orderly marketing it must be prepared to support it and accept the obligations as well as the advantages of the system.

The provisions of the Bill are as follows: Clause 1 is formal. Clause 2 provides that the Act shall come into operation on a day to be fixed by proclamation. Clause 3 amends the definition of "representative member" and strikes out various definitions relating to zoning. Under the provisions of the Bill any election for representative members will be made by the whole body of registered growers. Clause 4 is the major provision of the principal Act. It strikes out the present provisions of section 9 relating to the constitution of the committee and provides that on the commencement of the amending Act the members of the committee then in office shall vacate their positions and the committee shall thereafter consist of five members appointed by the Governor, of whom one shall be a chairman appointed by the Governor; two shall be persons initially appointed by the Governor to represent the interests of growers, and after the expiry of the term of the initial members these shall be appointed by the Governor after election by registered growers; and two shall be persons who in the opinion of the Governor have extensive knowledge of and experience in marketing.

Clause 5 repeals section 10 of the principal Act. This section related to the initial constitution of the Citrus Organization Committee. It has fulfilled its purpose and is now no longer necessary. Clause 6 amends section 11 of the principal Act. This section deals with the election of representative members. The amendment provides that the representative members apointed first after the commencement of the amending Act shall hold office for a term of two years. Thereafter, the representative members shall be elected by the whole body of registered growers. A provision is inserted allowing the Governor to cancel the nomination of any candidate for election as a representative member if, in the opinion of the Governor, that nominee has commercial interests that may prevent him from impartially representing the whole body of registered growers.

Clause 7 makes consequential amendments to section 13 of the principal Act. Clause 8 provides for elected representative members to hold office for terms of three years. Clause 9 amends section 15 of the principal Act. The amendment provides that the office of a representative member shall become vacant if he acquires commercial interests that may, in the opinion of the Governor, prevent him from impartially representing the whole body of registered growers. Clause 10 amends section 17 of the principal Act. In view of the reduction in the number of members of the committee, the number necessary to constitute a quorum is reduced from four to three. Clause 11 inserts new section 23a in the principal Act. This new section enables the committee to borrow moneys for the purposes of the Act on such security as the committee thinks fit. The Treasurer is empowered to guarantee the repayment of any moneys borrowed by the committee under the new section.

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

AGE OF MAJORITY (REDUCTION) BILL

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

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

That this Bill be now read a second time.

Its purpose, as its long title suggests, is to reduce the age of majority, and to confer upon persons who have attained the age of 18 years the juristic competence and capacity of full age and to confer and impose the attendant

rights, privileges, responsibilities and obligations. The proposition that the age of majority should be reduced to 18 years is now supported by an overwhelming body of sociological evidence and informed opinion. Honourable members will recall that in 1968 a similar Bill was introduced into the House of Assembly. The Bill was supported by a detailed report of the Committee on the Age of Majority appointed by the British Labour Government. The committee made many observations and recommendations that are pertinent to the present Bill, and I would recommend to honourable members that attention be given to this document in their consideration of the measure.

There are some salient points to which I should draw particular attention. The first point to which I should like to refer is that the present age of majority is fixed in an entirely arbitrary manner and is unrelated to sociological realities and the rights and obligations appropriate to free and democratic societal organization. The age of majority in fact operates as an arbitrary restriction upon the freedom of young people. The law of majority as Holdsworth points out in his *History of English Law* "has been constructed from the piecing together of a mass of exceptions to an archaic principle". The age of majority has not even proved a consistent restriction upon juristic freedom. As the Committee on the Age of Majority says:

> There is more than one "full age". The young burgess is of full age when he can count money and measure cloth; the young sokeman when he is 15, the tenant by knight's service when he is 21 years old. In past times boys and girls had soon attained full age; life was rude and there was not much to learn. That prolongation of the disabilities and privileges of infancy, which must have taken place sooner or later, has been hastened by the introduction of heavy armour. But here again we have a good instance of the manner in which the law for the gentry becomes English common law. The military tenant is kept in ward until he is 21 years old; the tenant in socage is out of ward six or seven years earlier. Gradually, however, the knightly majority is becoming the majority of the common law . . . In later days our law drew various lines at various stages in a child's life; Coke (in 1628) tells us of the seven ages of a woman; but the only line of general importance is drawn at the age of one and twenty; and infant—the one technical word that we have as a contrast for the person of full age—stands equally well for the new-born babe and the youth who is in his 21st year.

In an article in the *Law Journal* of April 26, 1872, concerning the introduction of the Loans to Infants Bill and shortly before the Infants Relief Act, 1874, it was stated:

> But a time comes when the infants of the rich need legal protection. When golden-spooned infants are well advanced in their teens they are prone to horseflesh, dog-flesh, cigars, sparkling drinks, swell attire, betting and making presents to ladies who are sometimes fair and often fragile. These habits are expensive and the paternal allowance is inadequate. Then comes the money lender. He lends to the infant of the rich on the promise of payment when they come of age. The money lender's rate of interest is high.

None of this, however, was any real excuse for the Infants Relief Act, 1874, which was short, sententious and badly drafted; the legal wrangles about what it did and did not mean have been going on ever since. Although the Bill was later amended, its original intention was plainly to stop the rich undergraduate being dunned for his debts simply because "a jury of tradesmen" might conveniently decide that whatever he had consumed, whether duck or silverware, was a "necessary" under the old common law. We received views of every shade of opinion on this and every other subject, but all our witnesses were united in their dislike of this Act, and in their demand for reform.

Grotesque as it may seem that the weight of armour in the eleventh century should govern the age at which a couple can get a mortgage or marry today, the historical background of a subject does not, of course, necessarily tell us anything one way or the other about its present usefulness. The gradual collapse of the primeval forests into coal may be interesting, but has no relevance to the question of the suitability of coal for today's fireplaces. What the history does show is that there is nothing particularly God-given about the age of 21 as such, and that things do change in the light of changing circumstances. Some written evidence from the Church of England Board for Social Responsibility puts the matter forcefully:

> . . . Historically the concept is one of property rights in and power over children, as much as of a duty to protect them.

We agree with the board's conclusion that:

> The time has now come when it is in the interest of society generally as well as the individual young people cencerned to eradicate from our legal system any residual traces there may be of a legal age of majority imposed for the sole purpose of furthering the interest or serving the convenience of any persons or bodies of persons other than the child himself. The law should now be examined and where necessary amended to ensure that:
>
> (1) no child or young person is in any way restricted in his or her capacity or independence as a citizen solely for the benefit of any other person or persons; and
>
> (2) young persons should be protected, by legal incapacity to act independently, from having

> attributed to them legal responsibility likely to be unduly burdensome to a person of that age . . .

This is strongly supported by the weight of the evidence and does, in our opinion, accurately state what should be the law's objectives. The importance of looking closely at the historical picture seems to us to be this. Even this very brief survey does suggest that there may be doubt as to how accurately the ages of 21, 15 or 25 ever really reflected the needs and maturity of young people. And if this is the case, it puts into a new perspective all the arguments about whether the young have radically changed since the existing law was formed. We shall be examining at some length the question whether the young mature earlier than they used to do, and coming up with the not very startling conclusion that some do and some do not. But our case for reconsidering the age of majority does not rest only on this. If the law has never matched the needs of the young very exactly, we do not feel that we need necessarily prove that the young have changed before we recommend a change in the law.

The point is not whether the law fits young people better or worse than it once did, but whether it fits them as well as it should. Much more important than comparing today with yesterday is the straightforward task of observing the young as they actually are now.

There is at the moment an unfortunate tendency in some quarters to denigrate young people. This results in social divisiveness and frustrates, or even perverts into anti-social hostility, the idealism by which many of our youth are motivated. In this connection I should like to repeat the remarks made by the United Kingdom committee:

> It is easy for those not closely in touch with young people to get an entirely wrong idea of what they are like. The very word "teenager" conjures up horror images of pop fans screaming at airports, gangs roaming the streets and long-haired rebels being rude to their headmasters; and some of the older generation react to them with an automatic shudder.
>
> We think this is the result of two things, first, the press. "Dog bites man" is not news, "Man bites dog" is. Five hundred thugs vandalize a seaside town and the public gets front page headlines on it; scores of thousands lead normal, decent lives and little is written about it, if only for the simple reason that, when it is, nobody takes any notice.

We found this impression cropping up again and again in the evidence. One quotation will perhaps suffice to stand for the rest:

> I look to the contemporary scene for signs of increased responsibility among the young and I see the hooliganism of "mods" and "rockers", the hysterical behaviour of pop fans, the growing number of unmarried mothers and the high proportion of pregnant brides under 21, the increase of drug taking, purple hearts and pep-pills, and the increase of venereal disease among the young, and I do not feel that this suggests any grounds for assuming that "they mature so much earlier nowadays".

It is a point of view, and those who hold it are, like this witness, inclined consistently to be against any lowering in the age of majority. They say, as she does, that hire-purchase and mortgage agreements are "a rock on which many adults come to grief. Youthful optimism at the mercy of high pressure salesmanship can only end in disaster". She regards very young marriages as peculiarly likely to turn into a brake on a young man's career and an end to a young girl's dream. She points out that the school-leaving age is being raised and that, with every year it goes up, the number of years in which the young can gain outside experience of the world before assuming full adult status goes down. In short, she takes a pessimistic view of the young, and therefore feels they need all the adult protection they can get. We quote her as a representative of a widely-held set of views. We have some sympathy for those who hold them, but we think they fundamentally ignore two things of vital importance to our inquiry.

The first is the very great weight of evidence on the other side. Adults indeed come to grief on mortgages and hire-purchase agreements. Yet we have had a most impressive amount of evidence, not only from the finance and hire-purchase companies with an axe to grind—and the Government, I believe, only today had some evidence from just that source—but from such solid, objective and unemotional bodies as the Association of Municipal Corporations and the National Federation of Housing Societies, that the young are often a great deal more sensible and level-headed in their dealings than many of the older generation. The raising of the school leaving age may well leave the young with less direct experience of the world; but, on the other hand, they get more instruction in the schools in the practical business of living, and we hope (and express the view more fully later) that even more such education will be built into the curriculum as time goes on. Physical maturity may or may not be a vital factor in assessing emotional maturity; but the British Medical Association, a body not exactly known for the wild and revolutionary nature of of its views generally, is of the opinion that, although there is little scientific evidence of casual connection, the two are in fact going together with the young today.

And the other vital question, on which we have perhaps been forced to ponder more deeply than many of our witnesses, is whether this connection between a poor opinion of the young and a high opinion of the law's effectiveness as it stands is in fact valid. In other words, the question is not only whether the young should or should not be restrained—from marrying, mortgaging and buying electric guitars on the H.P.—but whether the law does in fact restrain them. And if it does not, could it perhaps actually be doing harm in its ineffectual attempts to do so?

Again, in the field of contract we have had impressive evidence that the young are usually

quite capable of conducting their own affairs with sense and honesty. And we also have evidence to suggest that the handicap of being unable to buy, say, a washing machine on the H.P. does no good to the young and inexperienced bride; that being unable to get a mortgage hardly helps the responsible young to keep house securely and independently from the start of their marriages; and that life is in many cases made harder for the young by the very measures designed to protect them. With the law about contract in its present state of confusion, many traders find it simpler not to have credit dealings with the young at all and others only do so by dragging in some unsuspecting parent. We live, however, in a credit-angled society and by imposing these restrictions on the young we are stopping them from taking their proper place in it—stopping them, as we feel, to their detriment. For we feel extremely strongly that to keep responsibility from those who are ready and able to take it on is much more likely to make them irresponsible than to help them.

The committee assembled evidence of high judicial authority in favour of a reduction in the age of majority. It found the reasons for a reduction in the age of majority for the purposes of making contracts and holding property very cogent. The committee said:

On property and contracts we find it particularly difficult to assemble the evidence for leaving the operative age at 21, since it has been swept so completely out to sea by the contrary arguments for bringing it down. However, the main case rested on two points: the dangers of credit dealing generally, and the dangers to an estate of the immature handling of its assets. We would be the last to assert that the young have any particular immunity to the snake-like charms of door-to-door salesmen or to the temptations of three-piece suites on the H.P., and we think they might even feel a special attraction for courses, offering to teach them to play the ocherina in 100 easy lessons at a guinea a time. We have had many witnesses who are worried about this point, the National Union of Teachers in particular. But we think the evidence suggests that the young are at least as sophisticated as many of their elders (even some of those who say the young are not mature say scornfully that they are sophisticated); and we feel we cannot advise a form of consumer protection exclusively for the young if our only grounds for wanting to do so are that we would like to see it there for everybody else as well.

The committee considered that the arguments against extending full contractual capacity to those who had attained the age of 18 years were arguments that were not really properly referable to age at all. Instead, they were arguments that proceeded from inadequacies and inequities in the law of consumer protection. In this connection the committee said:

These remarks highlight a problem that has concerned us greatly. If we regard the majority of young people as responsible citizens, some of whom are unduly hampered by their inability to obtain credit or to enter into hire-purchase transactions, so that we recommend a reduction in the age of majority to 18, how do we ensure that advantage is not taken of their inexperience? But on reflection we came to the conclusion that we were just as worried about the effect of the high-pressure salesman on people of 22 years or older as we were about their effect on the 18 year-olds. We should like to see increasing emphasis on the protection of the consumer. One of the disadvantages of freedom to contract is obviously freedom to contract unwisely. Setting this in the balance against the arguments in favour of lowering the age of majority to 18, our conclusion is that the reduction is justified. We take some comfort from the fact that if 18 year-olds make mistakes they are less likely to make the same mistakes later, and we hope their mistakes will be smaller at that age.

The committee based its arguments for lowering the age of majority to 18 years upon grounds which it summarized as follows:

(1) There is undeniably a great increase in maturity towards that age.

(2) The vast majority of young people are in fact running their own lives, making their own decisions and behaving as responsible adults by the time they are 18.

(3) Those of our witnesses who seemed most closely in touch with the young favoured 18 as the age at which it was not only safe to give responsibility, but undesirable, if not indeed dangerous, to withhold it.

(4) This was the age at which on the whole the young themselves seemed to reckon themselves of age. Some of their arguments may not be sound; and we have already said that popular preconception was not influencing us more than we could help. Nevertheless, this was a point which weighed with us. We felt that an important factor in coming of age is the conviction that you are now on your own, ready to stand on your own feet and take your weight off the aching corns of your parents, fully responsible for the consequences of your own actions. If, as we are convinced, the young on the whole react badly to the feeling that they are being "protected" past the age at which they think they can look after themselves, then lowering the age to a point which still seemed to them too high would not have the desired effect of putting them on their mettle as adults. The resentments and irritations of feeling that responsibility was denied to them would remain. We think that, given responsibility at 18, they would rise to the occasion; but, as with a souffle, the results of waiting too long might be as disastrous as acting too soon.

(5) Eighteen is already an important watershed in life.

I should like also to commend to the attention of honourable members the Report of the New South Wales Law Reform Commission on Infancy in Relation to Contracts and

Property. The Law Reform Commission independently reaches the same conclusions as the United Kingdom committee.

The Bill will confer full juristic capacity upon persons of or above the age of 18 years, in so far as the South Australian Parliament is competent to legislate. There are some spheres of Commonwealth competence (most importantly, that of marriage) with which we cannot deal. However, under the provisions of the Bill, persons of or above the age of 18 years will be able to make binding contracts, to act as executors or administrators of estates, to serve on juries, to drink on licensed premises and to engage in lawful wagering and gambling. The age of 21 will no longer be a statutory bar to admission to various professions and specialized callings. The guardianship of infants will end at 18. Persons over 18 will not normally be eligible for adoption (although there are some exceptions to this) and will themselves be able to adopt children. A consequential effect of the Bill will be that the parents of a son or daughter between 18 and 21 years who has been killed in circumstances that would formerly have entitled them to recover solatium under the Wrongs Act will no longer be able to recover solatium in respect of the death of an infant child. Industrial conditions are unaffected by the Bill. The perpetuity rules by which the validity of dispositions and accumulations of property are tested are also to remain unaffected by the Bill.

The provisions of the Bill are as follows: Clause 1 sets out the title to the Bill. Clause 2 provides that the new Act shall come into operation on a day to be fixed by proclamation. Clause 3 is the major operative provision of the Bill. It provides that a person of or above the age of 18 years shall be *sui juris* and that no deficiency of juristic competence or capacity shall attach to such a person. Subclause (2), however, provides that this provision shall not affect any deficiency of juristic capacity that arises from insanity or mental infirmity or any other factor distinct from age. Subclause (3) provides that the new provisions shall not affect the assessment or imposition of succession duty or any other rate, tax or impost. This is principally designed to prevent any alteration in the present operation of the succession duty tables.

Subclause (4) provides that the new provisions are not to affect industrial conditions. Subclause (5) provides that the provisions are not to invalidate or render defective any settlement or disposition of property. The intention of this subclause is to preserve the present operation of the rules against perpetuities. These rules do not impose any disabilities on beneficiaries under wills or property settlements and there does not, therefore, seem to be any justification, at this juncture, for interfering with the operation of the present rules. Subclause (6) deals with the operation of the rule in *Saunders v. Vautier*. This rule provides that, where a beneficiary or the beneficiaries under a trust is or are *sui juris* and entitled or collectively entitled to the total equity in the trust property, he or they may require that the trust be discharged and the property distributed, even though the trust instrument itself may provide for the distribution of the property only at a later date.

It is felt that this principle of law may conceivably cause some embarrassment to a trustee who has already invested trust moneys for a fixed term on the assumption that the beneficiary will not be entitled to call for disposition of the trust property until he attains the age of 21 years. The subclause covers this situation by providing that, where a beneficiary who is *sui juris* is by law entitled to call for the disposition of trust property before the time fixed under the provisions of the trust, that right shall be exercisable by a person who has not attained the age of 21 years only in respect of a will or instrument of trust that becomes operative after the commencement of the new Act. Subclause (7) provides that the majority of a person who is between the age of 18 and 21 years at the commencement of the Act shall date from the commencement of the Act.

Clause 4 provides for various amendments consequential upon the reduction in the age of majority. Subclause (1) provides that the Acts referred to in the schedule to the new Act are to be amended as shown in the schedule. Subclause (2) provides that the provisions of any United Kingdom Act applying in this State are to be construed as if they have been so far modified as is necessary to give effect to the provisions of the new Act. Subclause (3) provides that the provisions of any proclamation, regulation, by-law, rule or statutory instrument shall be contrued as if they have been so far modified as is necessary to give effect to the provisions of the new Act. Subclause (4) provides that expressions relating to majority and minority are to be construed in accordance with the provisions of the new

Act. Subclause (5) provides that the construction of any industrial award, order, determination or agreement or any statutory instrument that prescribes wages and other conditions affecting apprenticeship is not interfered with. This accords with the intention that industrial relations and conditions should not be affected by the Bill. The schedule makes specific amendments to various Acts containing references to the age of 21 years as the age of majority.

Part I amends the Administration and Probate Act. The first amendment is to section 79, which empowers the Supreme Court to order that administration be granted to the Public Trustee where there is an intestacy, or no executor resident in the State, and no next-of-kin, or person entitled to obtain administration of the will, resident in the State and of or above the age of 21 years. This age for potential executors or administrators is lowered by the Bill to 18 years. The amendment to section 80 is broadly consequential upon the amendment of section 79. Section 80 provides for application to be made for an order that administration be granted to the Public Trustee under section 79 by the guardian or relative of a person interested in the estate who is under 21 years of age. This age is reduced to 18 years. The final amendment to the Administration and Probate Act is to section 105. This empowers a judge to order trust property held by the Public Trustee to be appropriated to a marriage settlement upon the marriage of a female infant. The reference to 21 years in this section is altered to 18 years.

Part II of the schedule amends the Adoption of Children Act. The definition of a child is amended to refer to a person who has not attained the age of 18 years. It should be mentioned, however, that it will still be possible in certain circumstances for orders to be made in respect of persons of or above that age. Section 10 of the Act, which deals with eligibility for adoption under the Act, is amended to provide that persons who had not attained the age of 18 years (instead of 21 years) on the date on which the adoption application was filed are to constitute one of the categories of persons eligible for adoption. Section 12 of the principal Act is amended. This section provides that an adoption order shall not be made (except in exceptional circumstances) where the adopting parent is under the age of 21 years. This age is amended to 18 years. A consequential amendment is made to section 13 (2), which deals with the adoption of a person who is over the normal age limit which is now fixed at 18 years. A further consequential amendment is made to section 20 which empowers the Supreme Court to discharge an adoption order that has been obtained by fraud, duress or other improper means. Section 21, which sets out the consents that are required for the purposes of an adoption, is also amended consequentially.

Part III amends the Agricultural Graduates Land Settlement Act. The age at which a graduate in agriculture may be given a grant under the Act is reduced from 21 to 18. Part IV amends the Alcohol and Drug Addicts (Treatment) Act. The definition of "relative" is amended by striking out a reference to 21 years and inserting in lieu thereof a reference to 18 years. The definition is of relevance because under section 13 a person may be detained in a treatment centre upon application by a relative.

Part V amends the Architects Act. An obsolete provision is removed and the age qualification for registration is reduced to 18 years. Part VI amends the Ballot Act. This Act appears to have been marcescent for some time and to have fallen perhaps into complete desuetude. It is amended provisionally in conformity with the Government's present legislative policy. It may be, however, that upon introduction of the Government's revision of local government electoral provisions this Act can be dispensed with altogether.

Part VII amends the Builders Licensing Act. The age qualification for holding a licence is reduced from 21 to 18 years. Part VIII amends the Criminal Law Consolidation Act. Section 64 provides that "Any person who . . . induces a female under the age of 21 years, not being a common prostitute or of known immoral character, with intent that she shall have unlawful carnal connection with any male to enter a brothel, she not knowing the same to be a brothel, nor being party to the intent . . . shall be guilty of a misdemeanour, and liable to be imprisoned for any term not exceeding seven years". The phrase "under the age of 21 years" does not appear to be a necessary or very relevant limitation upon the operation of the provision and the phrase is accordingly removed.

Part IX amends the Crown Lands Act. Section 252 of this Act provides that leases shall be binding on minors over 18 years of age. This provision is no longer necessary and is repealed. Part X amends the Education Act.

This section *inter alia* provides for the commitment of mentally defective children to institutions. The section provides that, if no period of commitment is stated by the court, there shall be a presumption that the child has been committed until he reaches 21 years of age. In view of the fact that mental defectiveness in the section relates only to educative aptitude and response, it is considered proper to relate this particular provision to the age of 18 years. Of course, powers exist under the Mental Health Act for the proper care of those whose mental deficiency is such as to prevent them from undertaking normal social obligations.

Part XI amends the Emergency Treatment of Children Act. The Act permits emergency treatment of children without parental consent. The question of parental consent will now arise only in the case of patients under the age of 18 years and the definition of "child" is amended accordingly. Part XII amends the Fisheries Act. The Act provides that a licence granted to a fisherman shall be sufficient for the fisherman and one member of his family under 21 years of age. This age limit is reduced to 18 years. Part XIII amends the Friendly Societies Act. The Act provides that persons under the age of 21 years may become members of friendly societies. For the sake of consistency this age reference is altered to 18 years.

Part XIV amends the Health Act. Section 145 deals with the recovery of expenses for maintaining in hospital persons suffering from infectious diseases. Parents are liable to contribute for the maintenance of children under 21 years of age, and persons over 21 years of age are liable to contribute towards the maintenance of their parents. The amendment lowers these ages to 18 years in both cases. Part XV amends the Homestead Act. This Act provides for the registration of homesteads the effect of which is to provide a secure method of settling the homestead for the benefit of the settlor and his family. The Act provides that the children, following the death of the settlor, shall be entitled to the homestead when they all attain the age of 21 years. This is reduced to 18 years by the Bill.

Part XVI amends the Hospitals Act. The provision affected provides for the recovery of contributions for hospitalization from or in respect of persons under the age of 21 years. The amendment, as in the case of the Health Act, reduces this age level to 18 years. Part XVII amends the Housing Improvement Act. Section 74 provides for the service of notices by leaving them with a person over the age of 21 years. This is reduced to 18 years. Part XVIII amends the Industrial and Provident Societies Act. Section 29 provides for the membership of minors in these societies and accordingly a reference to "21 years" is changed to "18 years".

Part XIX amends the Juries Act. Section 11 at present grants the right to serve on a jury to electors who are of or above the age of 25 years. The reference to age is deleted so that any person on the Assembly roll will be entitled to serve on a jury. Part XX amends Part VI of the Law of Property Act. This Part deals with the validity of perpetuities and accumulations. As it is not intended to affect the rules by which the legal validity of a property disposition is tested, the amendment makes it clear that references in this Part to minority and full age are unaffected by the new provisions.

Part XXI amends the Licensing Act. The age at which persons may be served in pursuance of a licence or permit is lowered to 18 years. A licensee or permit holder is given a defence to a charge of supplying an underage customer if he has reasonable cause to believe that he is of or above the age of 18 years and he is actually of the age of 17 years. Part XXII amends the Lottery and Gaming Act. The present prohibitions relating to betting by persons under the age of 21 years are altered to prohibitions relating to betting by persons under the age of 18 years.

Part XXIII amends the Masters and Servants Act. This is an ancient piece of legislation with little present-day application. However, it is amended in accordance with Government policy pending a more complete amendment of the industrial law. Part XXIV amends the Money-lenders Act. The right to hold a money-lender's licence is conferred upon a person of or above the age of 18 years. Power to carry on a money-lending business on the death of the licensee is similarly extended to persons of or above the age of 18 years. Part XXV amends the Motor Vehicles Act. The right to hold a tow-truck licence or a driving instructor's licence is extended to persons of or above the age of 18 years.

Part XXVI amends the Nurses Registration Act. Section 22 prescribes a minimum age of 20 years for registration of nurses, psychiatric nurses, and mental deficiency nurses, and 21 years for registration of midwives. The amendment prescribes a uniform

minimum age of 18 years. Part XXVII amends the Opticians Act. The age for registration is reduced to 18 years. Part XXVIII amends the Pharmacy Act. The age for registration is again reduced to 18 years.

Part XXIX amends the Pistol Licence Act. The qualifying age for holding a pistol licence is reduced to 18 years. A corresponding amendment is made to section 16 of the Act which makes the parent of a person under 21 years who unlawfully possesses a pistol, liable to a fine. Part XXX amends the Renmark Irrigation Trust Act. The age at which a person may become a member of the trust is lowered to 18 years. Part XXXI amends the Social Welfare Act. Section 134 provides for moneys earned by a State child in the course of apprenticeship or other employment to be held in trust until he reaches 21 years. The amendment reduces this age to 18 years.

Part XXXII amends the Surveyors Act. The qualifying age for holding a licence is reduced to 18 years. Part XXXIII amends the Veterinary Surgeons Act. Obviously a person could not in the normal course of events qualify as a veterinary surgeon before attaining the age of 21 years and accordingly the reference to age is removed. Part XXXIV amends the Workmen's Compensation Act. Section 57 provides that a person under 21 years of age may give a valid receipt for money paid under the Act. The section is amended to read "18 years", since a person of 18 years or over will be able to give a valid receipt under the general provisions of the new Act.

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

JOINT COMMITTEE ON SUBORDINATE LEGISLATION

The House of Assembly intimated that it had appointed Mr. C. J. Wells to fill the vacancy on the committee caused by the resignation of the Hon. D. H. McKee.

PRICES ACT AMENDMENT BILL

Read a third time and passed.

DANGEROUS DRUGS ACT AMENDMENT BILL (GENERAL)

Read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL (VOTING AGE)

Second reading.

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

That this Bill be now read a second time.

It makes three amendments to the Constitution Act. First, it lowers the voting age of House of Assembly electors from 21 to 18 years. Secondly, it removes the present restriction imposed on ministers of religion whereby they are not eligible to be elected to either House of Parliament, and thirdly, by way of Statute law revision it alters an obsolete reference to "the Affirmations Act of 1896" by substituting for it a reference to the Oaths Act, 1936. The proposed granting of franchise to the 18 to 21 years-old-age group is consistent with the policy of this Government whereby persons within that age group are recognized as a force in the community as potentially responsible citizens. This policy was endorsed by this Parliament in 1966 by those amendments to the Wills Act and the Law of Property Act which enable persons of 18 years and over to make valid wills and enter into certain classes of binding contracts relating to property and loans.

The present restriction on ministers of religion whereby they are not eligible to be elected to either House of Parliament is impractical and outmoded in these modern times. The following is a short explanation of the clauses of the Bill. Clause 1 is formal. Clause 2 provides for the commencement of the Act on a day to be fixed by proclamation. Clause 3 amends section 33 of the principal Act that sets out the qualifications for House of Assembly electors. The amendment lowers the voting age for the House of Assembly from 21 years to 18 years.

Clause 4 amends section 42 of the principal Act. This is a Statute law revision amendment altering the citation of "the Affirmations Act, 1896" to "the Oaths Act, 1936, as amended". Clause 5 amends section 44 of the principal Act which provides *inter alia* that no clergyman or officiating minister shall be eligible for election as a member of Parliament. The amendment deletes the reference to a clergyman and officiating minister.

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

SUCCESSION DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 24. Page 2907.)

The Hon. C. M. HILL (Central No. 2): In 1966, I made my first speech in the Council and the subject of the debate was the succession duty legislation. I strongly objected to the measure on that occasion, and I still do. The

slight variations that have been made since that date were mentioned in the second reading explanation. Some endeavour has been made to meet some of the wishes that were expressed in this Chamber on that occasion but, in the main, there has not been a great deal of difference between the Government's approach on this occasion and its original approach in October, 1966, when that measure was laid aside.

In the Bill before us relief is given to those in circumstances that will mean that their estates will be relatively small; I do not object to a change of that kind. But when we are considering legislation of this kind we must be fair to everyone and consider all sections of the community, irrespective of the size of the estate. When we approach the Bill with the principle that the point of paramount importance is that we must be fair to all, I cannot but help object to some of the facets in the Bill. One of the most objectionable aspects of the Bill is the way in which the old method of calculation of the actual duty payable has been set aside and a new formula, especially in the case of the widow succeeding to her deceased husband's estate, has been incorporated in the measure.

The very important aspect of the matrimonial home has again, to all intents and purposes, gone by the board. Previous speakers have mentioned the great benefits that existed where the matrimonal home was in a joint tenancy and the widow succeeding to her deceased husband's interest in a joint tenancy saw that section of her husband's estate treated as a separate succession, it being not taxed or taxed only in a very moderate way. Now that is all lumped into the formula and its effect on the actual rebate or on the reduced amount of succession chargeable is very slight indeed.

Regarding the question of insurance policies that a husband took out in the knowledge of the existing law that if he made his wife the proponent of that policy she would have that amount of life insurance treated separately from his main estate, I point out that the widow would be put in funds so that she could pay probate and meet all the demands with which she would be faced to clear up the estate in the early years of widowhood. The proceeds from that policy will now be lumped together, and I shall explain that in more detail as I proceed.

Regarding the question of the actual amount that some people will have to pay as succession duty under the Bill, I do not think that that is necessarily the end of the problem. It is not only the amount of succession duty which one has to pay and which one quite naturally fears if one will be a beneficiary but, in today's world and in the very practical affairs of life, problems arise as to how to find the hard cash or how the actual estate can be liquidated so as not to affect it seriously, because cash must be paid to meet succession duties.

I commend those honourable members who have stressed this point in this debate, especially as it affects rural people. The financial problems of a man on the land in today's economic world are well known. But when his widow is faced with the need to find hard cash to meet a large sum to pay probate and succession duty, extremely serious problems arise. Therefore, it is not only the question of the amount that has to be paid: in many instances it is the great difficulties with which a widow or family are faced when they have to find the actual money.

It has been stressed time and time again already that, if that money has to be found by some property being sold off, the whole economic unit can be adversely affected and the family and its business affairs can gradually run right down to ruin as a result of being faced with an uneconomic unit to run as a business. This problem faces not only the person in rural areas but also in many instances the metropolitan people. Business men in all walks of life who are not necessarily established in any large way find their total capital committed to the hilt. Their business is such that it might be returning them a reasonably good income, but there is nothing in reserve by way of liquid capital to meet unforeseen outgoings such as death duties.

Families of those people are placed in a very serious plight when the unexpected occurs and cash has to be found, one way or another, to meet those death duties. I think this is a point that cannot be over-stressed when we debate this question of succession duties.

In trying to review the position, one cannot but help become confused when examples are taken and set off against other examples and comparisons are made between people in all different circumstances, because every estate is different, and the valuation of property within each estate may be different. This valuation is of both real property and other forms of chattels. All exemptions seem to vary, and

it is extremely difficult indeed, in my view, for anyone to look at this question in an across-the-board way.

In the main, I leave the question of rural problems to those who represent (and represent well) rural constituents in this place. I have turned my attention to the metropolitan area, which I represent. Even there, in taking many examples one finds great variations when all the formulae and the rebates and the adjustments that this Bill provides are calculated. However, placing particular emphasis on the problems that face a widow who succeeds to the total of her husband's estate, I have taken only two examples in some detail.

When one looks at the electorate that I represent one sees the whole of the eastern suburbs where property values generally are appreciating and where people's estates are, generally speaking (I emphasize those words), much higher than they were a few years ago. The same applies to many regions in the south of the city proper.

Then in the south-western area there is a large region where the same appreciation in assets and in property is not quite so marked. Then again as one gets down to the beaches one finds that estates in that area, as I think one can imagine, have been appreciating in value in recent years.

I think that in the main the people in the south-western suburbs will benefit considerably by this measure and, as I said earlier, I have no objection to that; good luck to them. However, in trying to assess what might be a typical example of a matrimonial home involvement and a husband and wife living together in later years in the east or in the south, I have settled on an example in which a home is valued at $18,000. I do not think that is unreasonable or that it is other than an average property.

I assume that that home is in joint tenancy of the husband and wife. I would think that $18,000 is not high at all for the value of an average eastern or southern suburbs home today. I have added to that figure an insurance policy worth $15,000. I would think that a man either working in the city or with some business interests in the city who is now reaching his later years would have had insurance on his life of about that amount. I have added further sundry assets of $15,000. Those assets would include the family motor car, furniture, personal effects of all kinds, and perhaps one or two small share investments. It adds up to the fact that when the husband dies the total succession is $39,000. That is made up of the deceased's interest in the home ($9,000), the insurance of $15,000, and the sundry assets of $15,000.

As I read this Bill, the method of calculation (as I said earlier, this has changed entirely from the approach under the existing legislation) is this: under the Bill one must immediately place a tax on that total amount of $39,000, and that tax is $6,325. Then we come to the point of general statutory amounts that are used as a means of reducing that total tax, chargeable on the whole estate, to the net tax payable. To obtain this deduction, one has to go to Part IVB of the Bill.

In this instance, the widow first finds that there is a sum of $12,000 to be used in this calculation. To that a sum of $1,500 is added. That is the matrimonial home provision. She does not even get a benefit of $1,500, because that amount is taken because of the matrimonial home provision. I point out that it can be very confusing. That amount of $1,500 is simply added to the $12,000, and a total sum of $13,500 results.

Now a most complicated formula is put in train. That figure of $13,500 is used as a numerator to a fraction, and the denominator is the total estate ($39,000), so we have $13,500 over $39,000 and we multiply that by the gross tax calculated on the gross estate ($6,325). The result of that sum is $2,190, which is deducted from the total tax chargeable on the full estate ($6,325). A figure $4,135 results, and that is the amount of tax payable.

That is not by any means a simple procedure. It is a procedure which I suggest can be worked out or advised on only by some expert on taxation, if this Bill should be passed. The ordinary person, who at the moment has a relatively simple system of calculating succession duties, will not have a chance in the world of following the complications involved in the Bill.

The Hon. R. C. DeGaris: In other words, it is not a rebate, but is a proportion of tax that comes off.

The Hon. C. M. HILL: Exactly. It is a proportion which operates on the whole estate.

The Hon. R. C. DeGaris: At the highest figure.

The Hon. C. M. HILL: Yes. The first tax that is calculated under the new method is a tax on the whole aggregated estate, and there is a deduction, as a result of a formula,

from that figure. In my example the widow would have to pay $4,135. Under the existing Act, continuing this same example, there is a total estate of $39,000. The widow simply takes her matrimonial home and its provision out of that, which is a $9,000 interest—and incidentally she would not have to pay any death duty on that; that is the maximum sum. That leaves an estate of $30,000.

She simply takes from that a further $9,000, which is the exemption under the existing Act, and she gets a figure of $21,000. She calculates 15 per cent of $21,000 in accordance with the simple table. That is $3,150, and that is the tax she has to pay. When we consider these two approaches and these two methods we see that one is simple and easily followed whereas the other has many complications.

The Hon. F. J. Potter: And a much higher duty.

The Hon. C. M. HILL: Yes; there is an increase, in the example I have quoted, of 31 per cent. Such an increase in taxation of any kind when one is talking about a tax payment of $3,000 or $4,000 is a very big increase indeed. That is what a widow in circumstances similar to those I have outlined has to find. She is faced with this difficult formula and with 31 per cent more tax to pay.

The Hon. T. M. Casey: The other States amalgamate life insurance with property, don't they?

The Hon. C. M. HILL: Victoria does not.

The Hon. T. M. Casey: New South Wales does.

The Hon. C. M. HILL: Victoria has an excellent method of allowing probate insurance policies, which I will deal with later. The argument the Minister puts forward that, because other States have it, we should also have it, and therefore should not complain, is not very strong.

The Hon. T. M. Casey: It is when you come up before the Grants Commission.

The Hon. C. M. HILL: The argument of blaming on the Grants Commission all the tax increases we are having foisted upon us has been rebutted already with great effect. It does not really hold water. The Grants Commission does not tell the State to increase its taxes. The decision to increase taxes is solely the Government's decision.

The Hon. T. M. Casey: I agree with you.

The Hon. C. M. HILL: That is a point we have to bear in mind; otherwise, we will have this Grants Commission excuse building up ultimately into such a frenzy that people in the street will gain the impression that we are being ordered to do this by the Grants Commission, and following from that is the argument that the Government does not want to or would not like to do it anyway. I do not accept that argument.

The Hon. F. J. Potter: The Grants Commission does not say a Government should adopt a specific system.

The Hon. C. M. HILL: No. This State did very well under the Playford Government when it was under the Grants Commission: its rate of taxation was the lowest in Australia.

The Hon. T. M. Casey: How long ago was that?

The Hon. C. M. HILL: Before 1959. I do not accept that the Grants Commission should be used as an argument.

The Hon. T. M. Casey: I think it has to be considered, though. I think it is there all the same, and you must realize that.

The Hon. C. M. HILL: The other point, if the Minister wants to take the matter further, is that in many of these cases we have no details of where all this money will be spent. I think it is the duty of the Government to set out clearly its proposals on expenditure before asking the people to pay money for them.

The Hon. A. J. Shard: Hasn't that been done?

The Hon. C. M. HILL: In many cases it has not. All we are told is that this is to increase social services. What does this mean? It is an ambiguous statement.

The Hon. A. J. Shard: The amount of money for social services is in the Budget.

The Hon. C. M. HILL: We had a Bill the other day increasing stamp duties by over $900,000, and no firm details were given of where that money was to be spent. The second example I took, and I touched on only two—

The Hon. R. C. DeGaris: In the first example you included an insurance policy, but I think your actual working there should not have included the insurance policy.

The Hon. C. M. HILL: The insurance policy I had in mind was one upon which the husband would pay the premiums, his wife would be the proponent, and his wife ultimately—

The Hon. R. C. DeGaris: I submit you are wrong if that is the case. The last example you gave is succession without insurance.

The Hon. C. M. HILL: I can see what the Leader is getting at. In my quotation of the position under the existing Act the succession involved in the insurance policy would be taken out of the main succession, but I think I pointed out that under Form "U" it would be linked with the succession of the matrimonial home.

The Hon. R. C. DeGaris: There would be a slightly bigger numerator under the Bill.

The Hon. C. M. HILL: Under the present Act.

The Hon. R. C. DeGaris: In the Bill the numerator would be more than 13.5. That is all right so long as you accept that the case you gave is quite accurate except that it does not include the life insurance policy.

The Hon. F. J. Potter: It would be quite accurate if he were not talking about an insurance policy.

The Hon. C. M. HILL: Yes, but that point is not very important.

The Hon. F. J. Potter: It does not make a big difference.

The ACTING PRESIDENT (Hon. Sir Arthur Rymill): Order! There are too many conversations.

The Hon. C. M. HILL: I reiterate the two points I endeavoured to make in regard to that example. One is that under the Bill there is an extremely complicated and difficult formula to be followed to calculate the amount of duty payable by the widow, when compared with the provisions of the present Act. Secondly, the rate of taxation under the Bill is about 30 per cent.

The second example I have taken is a total estate of $42,000. Whilst some honourable members might think this is fairly high for an estate of a person living in the suburbs of Adelaide, from the way values are escalating at present and considering the affluent society in which we live I do not think that it is an unreasonable figure to accept as a total estate of a person dying either now or in the relatively near future.

In this case of a $42,000 estate, I have taken a house of the same value as before with sundry assets $3,000 more in value ($18,000) and I have kept the insurance policy at the same amount ($15,000). That house again has a joint tenancy and, as $9,000 is the deceased's interest in the house, the total value of the estate is $42,000. I again assume that the widow is the only beneficiary. We then find that, first, the matrimonial home benefit extinguishes altogether. In other words, the value of the house has not altered from the value in the other example, but the widow gets absolutely no benefit under the matrimonial home provision.

The tax is taken again, for purposes of calculation, on that total estate value of $42,000, and that total tax calculation is $6,900. The deduction that must be made from that is arrived at by taking $12,000 (the statutory amount provided for in 55h) and that becomes part of the fraction, the numerator over the $42,000, which is the total amount of the estate; that fraction is multiplied by the total tax I have just mentioned, calculated at $6,900, and the deduction becomes $1,970. So the total tax that that widow must pay is $4,930.

Here again we can highlight and stress the simple method under the present Act, under which a widow faced with an estate of $42,000 takes out her $9,000, which is a separate estate, from the matrimonial home, and she does not pay any duty on that. That reduces the figure to $33,000. She takes off her $9,000, which is the normal exemption under the existing Act, and she arrives at a sum of $24,000; 15 per cent of $24,000 is $3,600, and that is the duty payable.

Comparing the two figures of $4,930 (payable under the Bill) and $3,600 (the amount she would have to pay under the present Act) we get a 37 per cent increase in tax. I mention those examples in detail because they illustrate some of the dangers that must be faced if we accept this Bill in its present form. Having mentioned the complications of the formula, I refer now to the Minister's second reading explanation, from which I shall quote one paragraph as follows:

> The design of the Bill is to raise the primary exemption from duty for widows and children under 21 years from $9,000 to $12,000 and for widowers, ancestors and decendants from $4,000 to $6,000, and it provides further exemptions where the matrimonial home passes to a widow or widower so that for moderate successions the total exemptions may be up to $18,000 and $8,000 respectively. It provides a new exemption—

and this is the point I want to stress—

> of up to $2,500 for insurance kept up by the deceased for a widow, widower, ancestor or descendant and it provides increased rebates upon primary producing land, as I have already stated.

In Part IV of the Bill, where these general statutory amounts are set out a figure of $2,500 appears as a general statutory amount, which

is one of the additions in the formula to which I have referred. I have mentioned the $12,000 statutory exemption and in my first example I referred to $1,500, which was a provision due to the matrimonial home.

If an assurance policy was kept up by the deceased for the widow, that $2,500 would come into the calculation, but it is not an exemption. Therefore, in my view, this statement by the Minister is extremely misleading. It gives the impression that there are exemptions (indeed, a number of exemptions), that they tend to be aggregated together and deducted from the estate and that is the procedure under the present Act. So I stress that the Minister's speech on this point is misleading: indeed, in that regard it is untrue.

The Hon. F. J. Potter: What you are putting is that it is only part of a formula.

The Hon. C. M. HILL: Yes; it is not an exemption at all. It is part of a complicated and complex formula that must be applied under the Bill to calculate the tax payable where a widow succeeds to her husband's estate. The point is made stronger, I think, when we see what 55h provides:

Where the property is derived by the widow or a child under the age of 21 years of the deceased person the general statutory amount shall be the sum of the following amounts or of such of the following amounts as are applicable.

In other words, the Bill clearly states that this $2,500 is simply part of this general statutory amount, and it is not, in the normal usage of words as applied to succession duties, an exemption.

The Hon. F. J. Potter: It has no application at all.

The Hon. C. M. HILL: No, that is true; and the catch (if I may use that expression, and I do not think I am being unfair in using it) is that the fraction to which I have referred varies, as I have pointed out, with the size of the estate: as the estate gets bigger the numerator gets smaller, and the denominator, which is the total of the estate, gets bigger, and this fraction becomes a proportion of the gross tax calculated. Therefore, of course, there is an ever-widening gap in the amount that finally becomes rebate. So, the more we look into it, the more we cannot help but query the whole change in the approach to calculating death duty in these circumstances. It is a very dangerous change.

Once the new system is implemented, it will be too late for people to find from their own bitter experiences what the great increases will amount to: the time to check it out in great detail is now, because a Bill that is not fully understood should not be foisted on the electorate; the electorate should have a clear knowledge and understanding of it so that it knows the law that will apply in the event of a person's decease. If the Government thinks it has a just case for some increase in succession duties, why not simply increase the existing rates?

I know that some honourable members are opposed to the whole principle of succession duties, and I respect their opinions. A very strong argument can be advanced along those lines. My personal view is that one has to be practical and realistic. I find succession duties objectionable, but I am prepared, unlike some honourable members, to support a moderate increase in them.

If a percentage increase was applied to the existing method of calculation of the duties, everyone would immediately have a clear picture of what the future held for them. That would be a far more satisfactory change than the one proposed in this Bill. Because other honourable members have dealt with the rural sector, I shall not deal with it in detail, but I cannot help adding my voice to the opinions expressed that the term "succession duties" is at present almost a fatal term to the man on the land.

In connection with increasing succession duties, I point out that, once an estate gets reasonably large, despite rebates, a very great sum is needed to meet succession duties. This Bill is a complete mockery of the philosophy that one hears in the country "Get big or get out". What actually happens is that, if a primary producer gets big, he is pushed out—as a result of succession duties.

There is undoubtedly despair and a loss of hope amongst many rural people who know that this Bill is before this Council; they fear for their future because they are in no position whatsoever to find in hard cash the amount of succession duties that will be needed in many instances.

Some of the statements and figures quoted by the Government can be seriously challenged. Many people were under the impression that at the Elder Park rally on the day of the farmers' march the Premier had publicly stated that rebates would apply for estates up to $200,000 in value. However, in his second reading explanation the Minister said that for properties worth more than $40,000 the

increased benefit would tend to be less and at $200,000 and over the concession would be as in the principal Act. I want to quote some figures that indicate to me that at $80,000 the rebates will be as they are in the principal Act. I ask the Minister to state in his reply to this debate whether my figures are correct and, if he says they are not correct, where I went wrong in my calculations.

The principal Act provides that the rebate is 30 per cent to rural people for land valued at less than $40,000, but under this Bill the rebate is 40 per cent. Under the principal Act the rebate is 28 per cent (or fourteen-fiftieths) at $50,000, but under this Bill the rebate is 34 per cent (or seventeen-fiftieths). Under the principal Act the rebate is 26.6 per cent (or sixteen-sixtieths) at $60,000, but under this Bill the rebate is 30 per cent (or eighteen-sixtieths). Under the principal Act the rebate is 25.7 per cent (or eighteen-seventieths) at $70,000, but under this Bill the rebate is 27.1 per cent (or nineteen-seventieths). Under the principal Act the rebate is 25 per cent (or twenty-eightieths) at $80,000, and under this Bill the rebate is 25 per cent, too.

The Hon. G. J. Gilfillan: They will all be subject to the increased rates, of course.

The Hon. C. M. HILL: Yes. It appears to me that the benefits of the rebate run down and that they run out at $80,000. If that is so, I ask the Minister for a further explanation of the claim that increased rebates will be given for properties worth up to $200,000. In connection with the point that the rural rebate applies to only a limited number of people, I submit that the Government had the opportunity to make an extremely worthwhile contribution toward helping people on the land. It is a great pity that the Government did not take that opportunity and aid those who are wholly in rural business or whose principal business is rural production.

Even as a city dweller, I believe that most country families, which are now getting to the third and fourth generation, understandably have joined in partnerships between brothers and between father and sons. In such cases the land is held by such people as tenants in common. Unfortunately, a deceased person who was a tenant in common does not come within the scope of the rebate and, therefore, the benefits given under this Bill do not apply in an estate of that kind. There are many joint tenancies in the country. A father and son sometimes join together as joint tenants on the understanding that, when the father dies, the successor will survive to the title. If the father dies in those circumstances the same rural rebate does not apply.

Many country people, on advice from accountants and solicitors, have changed to company ownerships, and the individuals hold shares in those companies. When those individuals die a rebate does not apply. If it is a rural rebate, surely a person who, irrespective of how he holds the land, is in the business of primary production ought to be considered for a rural rebate in the event of his death. Yet the Bill does not widen this provision to cover these other people. When the opportunity was there for real assistance to be given right throughout the State to people on the land and to rural people generally, it was a wonderful opportunity for the Government to investigate this matter in great depth and to give this aid, which has not been given.

Regarding life insurance, I included this matter in the two policies I have mentioned. There were some interjections when I was dealing with the two examples of life insurance policies. It seems to me that it is extremely unfortunate and unfair that a person cannot make provision by way of a special kind of life insurance policy so that when he dies the policy can be used to pay his death duties. If that were possible, then his other assets and affairs could remain intact.

I understand that in Victoria it is possible to have a life insurance policy of this kind. That position does not apply here, and I believe that it does not apply in any of the other States. This point should be considered in great depth. The benefit that I have already mentioned in the examples I have quoted is very small indeed. If a man takes out a policy, pays the premiums himself and names his wife as the proponent or assigns his interest to his wife, at some stage the benefit under the Bill to the widow when she succeeds to his estate is very small indeed.

There are many instances in the estates of the size I have quoted where it is practically negligible: it becomes only $2,500 as part of a very complex and complicated formula. A realistic person can see the great benefits of being able to take out an insurance policy for this purpose. It would be a great boon to people on the land and to people with estates no matter what their size. I do not want honourable members to think that, when I am talking of sizeable estates, I am thinking only of people who have inherited money for generations or who have by some means or other become very wealthy.

Many people in very modest walks of life acquire a considerable estate on death. Subcontractors in the building industry are one example. Their plant, equipment, vehicles and house and, in some cases, their shack on the river or their little country property in the Hills and all their assets, when added together, amount to a considerable sum of money. Many people who have been thrifty throughout their lives, who have been careful in the way they have lived and in their spending, and who have lived their lives in an orderly and disciplined way have been happy and contented with their existence. One way or another, over the years they have amassed estates of the kind about which I am talking.

Here in Australia at present, as a result of the boom years on the Stock Exchange, one hears of many people such as young office workers and people in all the trades who in a small way and as an interest and a hobby are speculating on the exchange. As time passes, if they take advice and if they are reasonably prudent in their dealings, their estates amount to a considerable amount of money.

A point was made of the superannuation funds and the rather happy position that those people who contribute to such funds are in. These people run right through business and commerce, not only through a select few groups in one or two of the professions. When these people die, their widows succeed to superannuation after death usually by way of regular payments, either monthly or annually as the case may be. These superannuation payments are not part of the estate, in that they are not affected by the Bill before us or by succession duties. If that is the position, surely, coming back to my point of life insurance policies, a person who is not in a position to contribute to superannuation ought to be able to take out a special life insurance policy and pay regular premiums in the same way as the person who makes regular contributions to a superannuation fund.

The Hon. F. J. Potter: It's the only alternative for them.

The Hon. C. M. HILL: Yes. Surely on his death his widow is entitled to succeed to that separate sum from the life insurance company and look upon that in the same way as the widow of the superannuated deceased person looks on her superannuation succession. I see very little difference between those two groups of people. So I stress that, at a time such as this when the Government (which has the right to review succession duties) is reviewing this legislation, this matter should be looked into very closely because it could benefit a great number of South Australians.

The only argument I can see against it (if I am rebutted on this point) is that I am trying to maintain in some respects the principles of the old Act, which means that that benefit from the life insurance company is a separate succession. In any case, if it remains as it is, even with a moderate succession duty being paid on it as a separate estate, depending on the size, surely the only other argument is that, if we do that, from where will we get the extra money that is needed? If there is a justified need for further revenue to come from this heading, the existing rate as applying under the old Act should be increased by a small amount, and thereby further aggregated revenue could be obtained from succession duties.

Regarding the matrimonial home, here again (as is the case with life insurance and with the person involved in rural industry being entitled to rural rebates irrespective of the form of ownership), an extremely important principle applies. I see no reason why a widow, irrespective of the value or the size of the house in which she has been living with her husband, ought not to have every possible opportunity to go on living in that same house after her husband's death.

In the proposal before us in this Bill, we see in the examples I have quoted that where the estate is $39,000 in value an extremely small adjustment is made, as I have already explained, and no adjustment at all is made where the total estate comes to $42,000. It means that once estates get to around that figure any benefit to a widow for her matrimonial home cuts out.

That is only one facet of the whole story. To my knowledge, when widows' pensions and age pensions are granted, the value of the house of the widow is not taken into account at all: there is no means test on that. That is the Commonwealth Government's attitude, and an extremely commendable and humane attitude it is. However, under this legislation many widows in my electorate will be forced out of their homes on the decease of their husbands because of the financial problems they will face.

I believe that that is extremely unfair. I am not saying that the widow should not have to pay some moderate succession duty when she succeeds to a house that might be of greater

value than average. Indeed, under the present Act, $18,000 for a house which is owned as a joint tenancy is the maximum that escapes this kind of payment.

Therefore, let me take as an example a house which is valued at $26,000 for probate and which is owned as a joint tenancy between husband and wife. If the widow succeeds to it, duty is payable on the difference between her half to which she succeeds ($13,000) and the $9,000 exemption. This comes to $4,000, and the duty on that at 15 per cent comes to $600. I am not suggesting that that should be made even better for a widow. However, every effort should be made to see that the widow can inherit the matrimonial home and pay only a moderate duty on the succession of the matrimonial home and that she can go on living there if she so wishes and remain quite unfettered by the problems of succession duties.

I think that is social justice. There has been some debate stressing that 95 per cent of people own homes as joint tenants. It is true that one reason people enter into joint tenancies is to minimize death duty. We tend to confuse the words "avoidance" and "evasion". In fact, the two must be kept miles and miles apart. It is not only the question of succession duties that causes people to own properties in joint names: it is an extremely important social connection to them, because it all helps towards matrimonial bliss if a house is owned in joint names.

The Hon. A. F. Kneebone: Do you think it adds much to matrimonial bliss?

The Hon. C. M. HILL: I think it tends to keep people tied together a little more closely, matrimonially speaking, if the property is jointly owned. I think a husband who tended to be a little wayward would not be quite so wayward if his home was in joint names.

The Hon. T. M. Casey: You are not speaking from experience, are you?

The Hon. F. J. Potter: I think the young woman makes it a mandatory thing these days.

The Hon. C. M. HILL: Yes. I think sometimes second thoughts are given to matrimonial problems when the ownership in the property is jointly held.

The Hon. R. C. DeGaris: It is a desirable way for a couple to own a home.

The Hon. C. M. HILL: Yes. Under this Bill the benefits that previously have flowed from that on the question of succession duty simply become extinguished altogether when the estates reach the figures I have been discussing, and I submit that this is a great pity. I think a case generally of "hands off the matrimonial home as far as succession duties are concerned" ought to be fought for.

The Hon. T. M. Casey: And probate as well?

The Hon. C. M. HILL: No, I am not saying that at all. Apparently the Minister has not been following me. I have said that I would accept a moderate increase in succession duties if that were desired. What I have been complaining of is the rather sinister change to an extremely complex formula.

I stress that some of the points I have been discussing are all involved in the general question of aggregation within the one succession. The part of the second reading explanation dealing with the Government's aims is as follows:

> What it does propose to eliminate is the present fragmentation of the property passing to an individual beneficiary. I remark that the extensive fragmentation and consequent avoidance of duty which presently occurs is largely concentrated in the large estates, and particularly those which include fairly liquid assets. The man of smaller means and the farmer operating in a modest way is not able to benefit much by the various devices of avoidance, even if he were in a position to learn of them. If we do not revise these aspects of our succession duty laws, not only do we confirm in a privileged position those persons with considerable property and access to specialist advice but also we will be bound to multiply the inequity to other taxpayers, because we must raise the deficiency in revenues by higher imposts upon them. The other alternative to this would be to starve our essential social services.

They are very strong words, and they are open to very serious question. The Minister spoke of people in a privileged position having access to specialist advice. I say quite clearly (and I defy the Minister to deny it) that no-one can follow this Bill and that no-one, unless he has some expert knowledge of the subject, will be able to follow the new Act without turning to specialist advice. Therefore, I think it rather rebuts this accusation to talk of people in privileged positions having access to specialist advice. This specialist advice will be much more necessary under this proposed legislation than it is under the present Act.

To talk of people being in privileged positions smacks both of some class distinction and of some class bitterness, and it is an approach and an implication that I deplore. There is talk here of "avoidance" as though it were almost a dirty word, when in fact it is not. The dirty word is "evasion". No-one in

this Council can criticize people for endeavouring to avoid by legal means the payment of some succession duty, for such action is quite legitimate.

The Hon. R. C. DeGaris: You would still have people seeking to avoid or reduce the impact under the new Bill, anyway.

The Hon. C. M. HILL: It is the same with any taxation. Naturally one wants to use all lawful means to pay the lowest amount of taxation possible.

The Hon. D. H. L. Banfield: And there are a few who want to avoid passing the Bill.

The Hon. C. M. HILL: That is so, according to what I have heard of various speakers, and I have some thoughts on that myself which I shall mention later. The quotation to which I have just referred mentioned that there will be deficiencies in revenues and higher imposts. At the rate this Government is introducing taxation measures, that does not worry it one bit. Bill after Bill is coming through this Council to increase revenue. We had the case of motor vehicles the other day, and if we start talking percentage-wise we go from 50 per cent, as it was shown there, to 1,000 per cent, as was the example the other day of the stamp duty on workers' compensation insurance.

This Government is not bashful when it talks about increasing revenue. It has been bringing to this Chamber Bill after Bill to do so. However, that is no excuse for introducing a measure of this kind affecting people, as undoubtedly it does, in a very mysterious way. It all adds up to the fact that in my view the estimate of revenue the Minister has stated is far below what it will be in practice if this Bill is passed.

My view on the measure is that I do not approve of the Bill at all. I am prepared to vote for it in the second reading stage, and I do that solely to listen to and take part in the debate at Committee level, because there may be means of making it a much fairer proposition than it is now.

The Hon. R. C. DeGaris: Even to make sure that it carried out the purpose specified in the second reading explanation.

The Hon. C. M. HILL: Yes. I mentioned the point earlier of an estate of $200,000, and I asked for some explanation of it because I think the maximum figure is $80,000. I think the benefit to the rural person runs out at $80,000, as in the old measure, and not at $200,000, as mentioned in the explanation given to us and as mentioned, according to many people, by the Premier when he addressed the farmers some time ago.

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

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 18. Page 2741.)

The Hon. M. B. DAWKINS (Midland): I rise to support this short Bill which seeks to amend the Prevention of Cruelty to Animals Act and in so doing intends to prohibit the use of what are generally known as gin traps in municipal areas. The second clause of this Bill amends the definition of "trap", and the third clause seeks to insert in the principal Act a new section 5c, subsection (1) of which reads:

Notwithstanding section 27 of this Act, any person who captures or snares or attempts to capture or snare any animal with the aid of a trap shall be guilty of an offence against this Act and be liable to a penalty not exceeding one hundred dollars or to imprisonment for any term not exceeding six months.

I have stated that in general terms I support the Bill. However, I heard yesterday some very loud complaints about certain amendments and high penalties in other legislation. If it is not a high penalty to pay $100 or to be imprisoned for a term of up to six months for trapping one rabbit (the maximum provided in this Bill) then I have never heard of a high penalty. I think the less said about high penalties the better if this is to stand in this measure.

Clause 3 (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.

There are many anomalies which could occur under this subsection. The Hon. Mr. Banfield, with whom I do not always agree, but with whom I agree by and large on this occasion, has attempted to add something to this clause. He has added the following words:

After "municipality" insert "or within the limits of any municipality that is by proclamation declared to be a prescribed municipality for the purposes of this Act".

Whilst I am prepared to some extent at least to support that amendment I see two disadvantages in it. The first is that the average member of the general public will not know that he is able to seek the proclamation of a rural area within a municipality. The second is that somebody has to give consent for this to be taken to Executive Council and eventually proclaimed.

I would have preferred to move an amendment along the lines that subsection (1) shall not apply outside the limits of a municipality or within those areas of a municipality which are assessed as urban farm lands. That would have made it automatic that rural areas within municipalities—and there are quite a number of them—would be exempted from the provisions of this Bill.

Unfortunately district councils in their assessments adopt varying methods. Some assess on annual values and some on land tax unimproved values. There is no consistent method by which urban farm lands can be described. Even the Land Tax Department is not consistent in its method of assessing urban farm lands, and it does not appear possible to move an amendment along those lines. In that case I go along with the amendment suggested by the Hon. Mr. Banfield, which does attempt at least to make exemption for urban farm lands or rural areas within municipalities.

The PRESIDENT: The amendment of the Hon. Mr. Banfield has not yet been moved and is not subject to discussion in this debate. Only a passing reference to it can be made.

The Hon. M. B. DAWKINS: I am sorry. I stand corrected. There are in this State several municipalities within which there are farm lands. The city of Salisbury would be probably one of the most widely known of these areas; it still has 64 square miles of total area, much of which is rural land. The same applies to the Renmark corporation where, if not farm lands, certainly there are many orchards within the irrigation area which is now part of the corporation. It applies also to the city of Tea Tree Gully, and even to the corporation of Gawler, where there are some rural areas within the municipality. If the amendment that I was hoping to move was accepted, these rural areas would automatically be exempted from the provisions of this Bill.

I draw the attention of honourable members to the fact that there are some other anomalies that apparently at this stage cannot be corrected in this Bill, although it may be possible to do so later. In the District Council of Munno Para area there is a considerable portion of the city of Elizabeth in which it would be, apparently, legal to set a trap in the main street. Then there is the former corporation of Clare in which some 18 months ago under these provisions, if they had become law, it would have been illegal to trap a rabbit, but at present because Clare has become part of the district council it would be legal to continue this practice. This applies also to Kapuda and Maitland (and there are others) which were until fairly recently corporations but are now portions of district councils. Therefore, I emphasize that there are some anomalies within this legislation that need correction. However, without any further discussion on the matter at this stage, I support the Bill as it has been presented.

The Hon. D. H. L. BANFIELD (Central No. 1): I thank honourable members for the attention they have given to this Bill. I think they appreciate the humane action being taken here and they are not always as hard-hearted as they sometimes appear to be. I thank the Hon. Sir Norman Jude for his research into the meaning of the word "gin". I used the expression "gin trap" during my second reading explanation but, fortunately, it does not appear in the Bill, so I cannot be trapped into that one. I apologize to the Hon. Mrs. Cooper; I appreciate her full support, though I did not think there would ever come a time when she was anxious to hear more of my voice. I hope to be able to oblige her in the future! The Hon. Mr. Dawkins referred to penalties and said they appeared to be fairly excessive—a fine of $100 or imprisonment for any term not exceeding six months.

He referred to excessive penalties in another Bill yesterday, but in that case it was a minimum penalty. In this case it is a maximum penalty. In fact, a person could be fined 1 cent or imprisoned for one day. But even the maximum penalty would not be such a severe penalty compared with the suffering of a child seeing its pet trapped and injured in one of these traps. So I suggest that the penalty is not quite so bad as at first sight it may appear to be, from the way the Hon. Mr. Dawkins has spoken of it.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Capturing animals with a trap."

The Hon. D. H. L. BANFIELD: I move:

In new subsection (2) after "municipality" to insert "or within the limits of any municipality that is by proclamation declared to be a prescribed municipality for the purposes of this Act".

The Hon. Mr. Dawkins referred to some anomalies that arise in this Bill. I anticipated some objections that could be taken to the Bill as it was originally drawn. On inquiry, I found that some municipalities could be at a disadvantage compared with others. The Hon.

Mr. Dawkins fairly outlined those disadvantages. I believe that this amendment will overcome the difficulties facing those municipalities that have rural areas within them. While I know it is just as painful for an animal to be caught in one of these traps outside a municipality as it is within one, nevertheless there would be a fair amount of opposition if country people were prevented from catching rabbits. At least, this is an attempt to restrict this type of trapping. We hope it will mean less suffering for the animal trapped in this way.

The Hon. M. B. DAWKINS: I support the amendment. I have been in touch with the Parliamentary Draftsman and understand that it will be possible for any ratepayer within an area to ask for a proclamation of this type. I did mention earlier that I saw two disadvantages in this amendment; nevertheless, it is an attempt to make it possible for an exemption to be had in the considerable areas where some municipalities have rural portions in them. For instance, within the city of Salisbury and the Renmark Irrigation Trust areas it is necessary to allow certain operations to continue under the Vermin Act, in particular for the control of rabbits. Therefore, I support this amendment.

The Hon. C. M. HILL: I should like a further explanation from the Hon. Mr. Banfield. It seems to me, as I read it, that the effect of the amendment is that it completely cuts out the whole area of the municipality that is prescribed by declaration; and, therefore, it is excluded from the Act. That is a great pity because I do not think that that is the real intention of the honourable member. I think that what he is seeking to do is to exclude the rural parts of a municipality so proclaimed or at least perhaps give the council involved the opportunity itself to declare the rural areas that should be excluded.

The city of Salisbury has been mentioned as an example. I think the built-up areas of that municipality should still be involved in this measure. On the other hand, I wholeheartedly agree that the rural parts of that municipality should be excluded, for obvious reasons. It is a pity, therefore, if the amendment simply achieves taking out the whole municipality. The intention behind the amendment has not been fully met. I do not know whether the honourable member can suggest a way of clarifying his intentions. I think most honourable members would agree that the municipalities concerned are those that have some rural land.

The Hon. T. M. Casey: How would you define rural land in a municipality?

The Hon. C. M. HILL: The line of demarcation need not be absolute. In the Salisbury district a farmer may be living in the hills east of the built-up areas; he ought to be able to set rabbit traps on his farm. There must be some line of demarcation between the farming areas within the Salisbury district and the built-up areas. I think we ought to leave it to the council to define. I think most people would agree with the principle involved in this matter if it applies to built-up areas throughout the State, but they would also agree that it would be going to silly lengths if we tried to stop country people from setting rabbit traps.

The Hon. M. B. DAWKINS: Unlike the Hon. Mr. Hill, I am not at all sure that councils always do the right thing by ratepayers. There is only a small amount of rural land under the control of the Gawler council. I do not know whether that council would sympathetically seek exemption for a portion of its area. Other municipalities may be in the same position. Only a minority of councillors may sympathize with holders of rural land. Consequently, I would be unhappy if it were left to the council to ask for a proclamation. Regarding the suggestion that only a portion of a council's area be exempted, I expect that only the rural areas under the control of the Renmark council and the Salisbury council would need to be exempted and that the built-up areas should not be affected. The rural areas, where it is necessary to control vermin, need to be exempted.

The Hon. F. J. POTTER: Difficulty arises because new subsection (2) deals with exemptions that apply outside the limits of a municipality whereas the amendment deals with exemptions that apply within the limits of a municipality. Obviously, what is required is that there should be prescribed areas within a municipality. I agree that, as the amendment stands at present, it appears as though the whole of a municipality is exempted.

The Hon. D. H. L. BANFIELD: I seek leave to amend my amendment by inserting after "any" the words "portion of a"; and to strike out "municipality" second occurring and insert "area".

Leave granted; amendment amended.

Amendment as amended carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

LAND TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 24. Page 2911.)

The Hon. L. R. HART (Midland): At least once every five years, because of the quinquennial assessment required by Statute, Parliament considers a Land Tax Act Amendment Bill. Considering the situation that has arisen in recent years as a result of previous quinquennial assessments on properties that I know in my own area, I find that the increases have been very substantial. I should like to quote one or two examples. In one area the increase from 1960 to 1965 in the quinquennial assessment was 61 per cent; in an adjacent area it was also 61 per cent; and in another adjacent area it was 63 per cent.

The increase in assessments in the Virginia area in the 1960 assessment compared with the 1955 assessment was 320 per cent, whereas the increase in the 1965 assessment over the 1960 assessment was 64 per cent. So in the past some very hefty increases in assessments have been applied to rural properties. However, these assessments do not appear to have had any relationship to the profitability of the land in question. If the increases in assessments from 1965 to 1970 are to be along the lines of what they were in previous quinquennial assessments, they will place a serious impost on rural industry.

It was only today when I asked a question that I mentioned that the rural indebtedness in Australia over the last five years had increased by $2,000,000,000. Bearing that in mind, one might expect that the new assessments should be decreased instead of increased. It was suggested in the second reading explanation that the overall increase might be about 30 per cent, which means that in some areas the assessment will be considerably increased, whereas in other areas it might be reduced. In some areas, I should hope that there will be a decrease in the previous assessment. The Bill gives no relief with regard to the rate that will be charged for the new assessment period. It is virtually only holding legislation as far as the rate is concerned.

The percentage increases in land tax that we have had over the years appear to be governed by the needs of the State's budgetary position. This is evident from the second reading explanations given for the various Bills. On this occasion the Minister said:

> Some recovery by way of land tax to prevent an excessive imbalance in the economy is accordingly reasonable and desirable.

In other words, we must have an increase in the land tax, irrespective of whether or not the industry is in a position to pay it, in order to prevent an imbalance in the State's budgetary position. Then we go back to the 1965-66 period. Incidentally, this was during the time of the previous Labor Government. The relevant part of the then Minister's second reading explanation of a Bill to increase land tax was as follows:

> The Bill is an essential part of the 1965-66 Budget and makes one of several revenue adjustments designed to reduce the gap between revenue and proposed expenditures to manageable proportions.

We remember that on that occasion the rate applied for only 12 months, and that the following year another Bill had to be brought down to provide for a new rate. On that occasion the Minister (again of a Labor Government) had this to say:

> Having regard to the revenue requirements of the Government, it is considered necessary to secure an appreciably increased revenue for land tax above that secured last year. The rates now proposed are expected to secure an increased yield of $2,100,000.

Therefore, I think it is fair to say that land tax today is definitely a revenue tax and that it is applied according to the needs of the Government at the time rather than on the ability of the industry to pay.

I now wish to refer to the levy on allotments. This levy is to apply to all allotments within the new metropolitan area boundaries. Within that area there are, besides township allotments, considerable areas of what are still rural lands, and it seems to me that this levy will apply also to those rural lands. If that is so, will the Minister explain to me whether this levy will apply separately on each assessment for land that may be held by a landowner?

In many instances, a landowner will have an area of land that is made up of several lots of assessments. Will the rate apply on each individual assessment, or will his assessments be aggregated and the rate then applied on the total of the assessments? I think that is rather important, because it could affect the levy on a landowner. It is extremely difficult to debate this Bill because we do not have the new assessments available to us. The impact of the provisions in this Bill cannot be ascertained until one knows what the new assessments are.

The Hon. M. B. Dawkins: We are debating it in the dark to some extent.

The Hon. L. R. HART: Exactly. The relief that is to be given to certain sections of the community under various provisions of the Bill may not be factual when one finds what the new assessments are. I wonder whether this delay is engineered for a particular reason. I understood that the new assessments were prepared and available several months ago. I hope that there is some very good reason why these new assessments have not been released, and that that good reason is that further adjustments are still being made to the assessments in the light of more recent land sales. I would assume that these land sales would indicate that the market value of land has decreased. If that is so, we must commend the department for holding the assessments back so that these downward adjustments can be made to the assessments.

As I have said, there appear to be some benefits in the Bill. The two-fifths rebate on the amount of land tax payable by a rural landowner appears to be a distinct benefit. However, this may not be a benefit if there is a substantial increase in the new assessments. If the assessed value of a landowner's land is substantially increased, this rebate may not have the effect that we hope for, and he may be paying as much land tax in the coming year as he has paid in the past. However, we will not know these things until the assessments are available to us. We know that in many instances the assessments in the metropolitan area have been released and that they are considerably higher than previously. I only hope that that same situation will not apply in relation to rural lands.

Assessments for land tax purposes are made on an unimproved valuation. I believe that this "unimproved valuation" is a misnomer. A number of factors are considered in valuing land on an unimproved basis, and I consider that many of those factors make it impossible to arrive at a true value on that basis. It is interesting to see what the Committee of Inquiry on Assessments for Land Tax, Council Rates, Water Rates and Probate had to say in its report that was presented to Parliament in 1964. Although that was more than six years ago, those conditions still apply today. The committee said:

The procedure that is adopted by valuers is to make the valuation of a particular property conform to what is regarded as the general level of value in the neighbourhood so as to do equity as far as possible between taxpayers.

In other words, the land is valued on its market value, and there would be a number of factors influencing the market value. It goes on to make this important qualification:

This procedure makes the valuer wary of particular transactions and especially a single transaction where the purchaser, for personal reasons, may have paid a high price. The committee feels that the department's procedure is eminently practicable and favours the taxpayer.

If the valuers followed this direction, that would be to the landowner's benefit. But I wonder whether they always do follow this. It also says further on that they take into account the state of development of neighbouring properties. If we are going to value land on an unimproved value, the state of the neighbouring property should also be looked at from the point of view of unimproved value and not considered from the point of view of its value including improvements. So we can well throw away this definition of "unimproved value". However, if the Minister will in due course give me some clarification of the levy that is applied to rural blocks within the metropolitan area, I have no further comment to make on the Bill now, and I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Rates of tax."

The Hon. C. M. HILL: I move to insert the following new subsection:

(6) The amount of any additional levy imposed under subsection (5) of this section and recovered pursuant to this Act shall be paid into the Planning and Development Fund established under the Planning and Development Act, 1966-1969.

The Planning and Development Fund is a big fund under the control of the State Planning Authority. At June 30, 1970, it had a credit balance of $324,162. (I took that figure and others from the Auditor-General's report recently released). In the State Planning Authority's financial statement is the information that at the moment the authority has land to the value of $505,555 and a balance at the Treasury of $324,162, making a total of $829,717. The purpose of that fund is to purchase land that is declared open space land in the metropolitan development plan. It is a large tract of land, stretching through the Adelaide Hills from the back of Gawler southward to behind Aldinga. A large amount of money will be required for that purpose.

In the Loan Estimates earlier this year, under the heading "State Planning Authority—Loan to—$250,000", the following statement appeared:

Land for reserve purposes now on offer to the authority and currently under negotiation is valued at about $1,300,000. It is expected that settlement for much of this land will be made in 1970-71.

I also refer to the statement I read out in the second reading debate, which was made by the Premier during his election campaign in March, 1968, when part of his Party's policy speech was as follows:

We cannot allow the opportunity to go by and then curse ourselves at a later stage that we no longer are in a position to provide the open space and recreation areas vitally necessary for the future metropolitan development. Therefore, as has been done in Perth, it is proposed to impose a special extra land tax in the metropolitan area of Adelaide to provide moneys towards the purchase of open space and recreation areas within that area and for the use of its citizens. This will mean an increase in land tax—

and the statement goes on and estimates a figure, which I do not think there is any need to pursue.

The intent, therefore, should be (and I believe it to be the intent of the Government) that this money that will be received by the Government as a surcharge on land tax in the metropolitan area only, but including the township of Gawler, as is stated in the Bill, must be used for that sole purpose of eventually purchasing the land in the metropolitan development plan area designated open space land, which purchase will involve a great deal of money, as stated in the Loan Estimates. The amount of revenue for this measure was estimated by the Minister to be about $600,000. All I am wanting to do is to ensure that this intent is carried out and that this reserve builds up for this specific purpose. Further, the money need not be used only for the purchase of land: the State Planning Authority, having acquired land and if it retains it in its own ownership, as I think ultimately it will in regard to these open space areas, will want to develop it so that the citizens of Adelaide, who contribute to the purchase of it, can benefit by improvements to it. This money should be used for this purpose.

The Hon. A. J. SHARD (Chief Secretary): The honourable member was quite correct as far as he went, but the difference is that this $600,000 is only for the strict purpose of purchasing land, whereas the Government intends the money derived from this source to be used for the development of the land after it has been bought. If this money is paid into the fund, as suggested by the honourable member, we can only purchase land with it; but this money is intended to develop the land.

The Hon. C. M. HILL: This is an important matter. We are talking about $600,000 which each year will be paid for a specific purpose by people living in the metropolitan area. Indeed, if land values gradually rise, as I think we can expect them to do, the figure will rise beyond $600,000. I know from my own experience over the last two years that the whole question of the ownership of land in the name of the State Planning Authority and land to be purchased by the authority is at some stage of investigation. That the authority has not yet developed any of its land may well be because it has not reached that stage in its own planning and organization.

Its Chairman has various ideas in mind as to what ultimately will be the best method of ownership. Much of this land will remain in the name of the State Planning Authority. It is in this connection that I want to clarify the point at issue, as defined by the Chief Secretary. He states that the fund money cannot at law be used for any kind of development.

The Hon. A. J. Shard: That is right; I am quite willing to let you consider an amendment.

The Hon. C. M. HILL: The matter should be investigated. All honourable members would agree that it would be wrong for metropolitan people to be unfairly taxed. It is possible for the money to be used in an area far distant from metropolitan Adelaide—for example, in connection with a retaining wall in a reserve in Port Augusta. That would not be fair. I want to solve this problem so that those who pay know where the money will be spent and why it will be spent. I do not agree with the principle of the charge, but I accept that I am overruled on that. However, I want to be assured in my own mind that the money will be used for a particular purpose, and that purpose must be of direct benefit to the metropolitan people, who pay the money.

Progress reported; Committee to sit again.

Later:

The Hon. C. M. HILL: I thank the Chief Secretary for giving me an opportunity to look at the Planning and Development Act, as I requested. Honourable members will recall

what I said about the desired application of the moneys received by way of surcharge, that I referred to the Loan Estimates and quoted the relevant figures, and explained that the people living in the metropolitan area should be the ones to benefit from the money they paid by way of surcharge, so I need not reiterate the details. The Planning and Development Act covers the point in section 74 under the financial provisions of Part VIII. That section provides:

The moneys standing to the credit of the Fund may, with the approval of the Minister and without any further appropriation than this Act, be used by the Authority for all or any of the following purposes:

(*a*) the acquisition and development of any land which may be acquired or developed by the Authority under this Act.

The Hon. A. J. SHARD: Our policy speech stated that we wanted to improve playing areas in council districts that erected youth centres and aged citizens homes. However, if this amendment is carried the expenditure will be confined to developing open spaces within the metropolitan area and will not be used for that purpose. The Government does not accept the amendment, but gives the undertaking that the money collected will be used only within the metropolitan area, including the municipality of Gawler. We want the right to use the money in council areas for youth centres and aged citizens homes.

The Hon. R. C. DeGaris: Only in the metropolitan area?

The Hon. A. J. SHARD: That is what the Act provides. It is collected in the metropolitan area and will be spent there, including the township of Gawler.

The Hon. C. M. HILL: To purchase and develop reserves there are two sources of funds: the Public Parks Fund and the Planning and Development Fund. The former is used to assist councils, on a 50/50 subsidy basis, to purchase reserve areas and, by a recent decision of the present Government, the money is also being used for the development by councils (on a subsidy basis) of reserve areas. At June 30 this year the credit balance of that fund was $475,462 and at the end of the previous year it was $414,549. A sum of $300 was added to the fund from Loan Account during the year and the amount taken from it to assist several councils was about $240,000. The fund is increasing, and it satisfied the need for reserves to serve local areas.

As against that, the purpose of the Planning and Development Fund is to purchase large open spaces as declared in the Metropolitan Development Plan, and there is a real need to purchase what the Director of Planning calls "mass recreation areas", which will serve not only a local council area but also several areas that form a region, such as the National Park at Belair. Large parcels of land through the Adelaide Hills are already zoned as open space, for which there is an urgent need for funds. The Public Parks Fund is operating well in accordance with previous arrangements. However, a problem is looming in regard to mass recreation areas. Surely it is proper that Parliament ensures that the money that goes into this fund shall be used not only to purchase land but also to develop it.

The money collected from metropolitan Adelaide will be under the control of the State Planning Authority, and that is where the control should lie. I said previously that money in the Planning and Development Fund could only be used in the metropolitan area, but that is not so, as I read the Act. It can be used for reserves throughout the State, but we should be able to leave it to the authority to use the money as it thinks fit. I have no doubt that it will ear-mark this money for the purposes I have explained. For these reasons I think it is imperative that the Committee lays down, as is done in the amendment, the control of the expenditure of the money that is being collected, with the ultimate objective, which was approved, of the final requisition and development of these areas.

The Hon. H. K. KEMP: Can the Chief Secretary say whether it is intended that this surcharge is to be made on land within the metropolitan area as directed within the meaning of the Planning and Development Act, and will this area be equally levied?

The Hon. A. J. SHARD: I can best reply to that question by quoting the second reading explanation, which states:

Clause 6 provides, first, for the rebate upon present rates upon primary-producing land which I have already described and, secondly, for the surcharge applicable to metropolitan land. The purpose of the surcharge is, as indicated in the policy statement issued prior to the recent election, to raise an amount equal to an average of about $2 an allotment. There are about 300,000 allotments in the metropolitan area, which has been defined to include the metropolitan planning area within the meaning of the Planning and Development Act plus the municipality of Gawler.

That applies to these allotments alone.

The Hon. L. R. HART: Can we assume that all this land will be subject to the levy?

The Hon. A. J. Shard: Only the metropolitan area.

The Hon. L. R. HART: Much rural land within the metropolitan planning area is assessed on fairly inflated prices at present, with huge amounts involved. Some properties will be assessed at over $100,000 and will pay a steep charge. If this surcharge is to apply to rural land that is being used for primary-producing purposes, will new section 11 (4) apply to such land? That provision is as follows:

The statutory exemption under this section shall be attributed to the land used for primary production in respect of which the taxpayer is liable to pay tax, and where the taxpayer is so liable in respect of land used for primary production included in more than one land tax assessment, the statutory exemption shall be appointed to the land included in each assessment in the proportion that the unimproved value of that land bears to the total unimproved value of all the land used for primary production in respect of which the taxpayer is liable to pay tax.

Can the Chief Secretary give a further explanation?

The Hon. A. J. SHARD: I cannot give any further explanation other than to say that an allotment is usually regarded as a building block. If rural land is regarded as an allotment it will be taxable but, if it is not so regarded, it will not be taxable.

The Hon. H. K. KEMP: I think we must have clarification of this matter, which is very important for some people. I do not want to be insistent on this matter—

The Hon. A. J. Shard: You never are anything else.

The Hon. H. K. KEMP: I have in front of me details of a farmer who lives not far from Adelaide and who is being charged land tax and council rates that total considerably more than the total earning capacity of the land he is trying to farm. This is not an isolated case. Farmers in the fringe areas of Adelaide are in a very difficult position, because land values there have risen out of all proportion to the earning capacity of that land, as a result of the activities of land speculators. While these areas are still being used for agricultural purposes they should be exempted from a levy of this kind.

The Hon. L. R. HART: If it is not possible to exempt these people from this levy, I believe that new section 11 (4) should apply to them. Can the Chief Secretary further clarify this matter?

The Hon. A. J. SHARD: I am informed that the surcharge will apply to rural land in the metropolitan area.

The CHAIRMAN: The question is that the suggested amendment be agreed to. I think the Noes have it.

The Hon. C. M. Hill: Divide!

The CHAIRMAN: Ring the bells.

The Hon. A. J. Shard: There was no call for the Ayes; so, there cannot be a division.

The CHAIRMAN: If there was no call for the Ayes, there cannot be a division.

The Hon. C. M. Hill: I called, Mr. Chairman, but apparently you did not hear me.

The CHAIRMAN: I did not hear the honourable member: I wish honourable members would speak up.

The Hon. H. K. Kemp: This is being bulldozed through.

The Hon. A. J. Shard: It is not being bulldozed through.

The CHAIRMAN: Order!

The Hon. A. J. Shard: Don't you make accusations tonight, because I won't take them again. I am telling you now—don't make accusations tonight. You will go right out.

The Committee divided on the suggested amendment:

Ayes (10)—The Hons. M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, L. R. Hart, C. M. Hill (teller), H. K. Kemp, F. J. Potter, E. K. Russack, C. R. Story, and A. M. Whyte.

Noes (8)—The Hons. D. H. L. Banfield, T. M. Casey, R. A. Geddes, Sir Norman Jude, A. F. Kneebone, Sir Arthur Rymill, A. J. Shard (teller), and V. G. Springett.

Majority of 2 for the Ayes.

Suggested amendment thus carried.

The Hon. L. R. HART: I am disappointed that the Chief Secretary is not prepared to compromise on the question of a levy to be paid on rural land. If rural land is not exempted from the provisions of clause 6, I again ask him to consider whether new section 11 (4) should apply to such land. That would mean that each parcel of primary-producing land would be subject to the rebate that applies in connection with land tax.

The CHAIRMAN: I point out that the Committee has just carried a suggested amendment to clause 6. It would be necessary to recommit the Bill before clause 5 could be further considered.

The Hon. A. J. SHARD: I think that what honourable members want is covered. Section 58a (1), enacted by clause 6, is as follows:

Where the Commissioner is satisfied upon application by a taxpayer that the payment of land tax in respect of any financial year would cause hardship to that taxpayer he may postpone the payment of that land tax or any portion thereof for such period as he thinks fit, and, in addition, he may entirely remit any proportion of the total land tax payable by the taxpayer that is referable to the operation of subsection (5) of section 12 of this Act but the amount of any such remission shall not exceed two dollars in respect of any one financial year.

The Hon. C. M. Hill: I think that is actually the section to help the pensioners.

The Hon. A. J. SHARD: But it still applies.

The CHAIRMAN: Order! We are discussing clause 6; we will discuss clause 10 when we come to it.

Clause as amended passed.

Clauses 7 to 9 passed.

Clause 10—"Postponement and remission of tax in cases of hardship."

The Hon. R. C. DeGARIS: This clause allows the postponement or the remission of tax in cases of hardship. The point raised earlier by the Hon. Mr. Hart seems to be covered in the Minister's second reading explanation, in that whilst the average appears to be $2 an allotment throughout the metropolitan area the rural land will bear a surcharge of up to $50 or more for this purpose. A table published in the explanation indicates that where the values of land is $50,000 the proposed surcharge is $25, and where the value is $100,000 the proposed surcharge is $50. This is for the purpose of providing and developing open spaces in the metropolitan area. I understand that the Hon. Mr. Hart is seeking some alleviation of this. I point this out for the Committee's attention.

The Hon. L. R. HART: I am sure that this clause does not cover my objection. Therefore, at the appropriate time I will move for the recommittal of the Bill for the reconsideration of clauses 5 and 6.

Clause passed.

Remaining clauses (11 to 13) and title passed.

Bill reported with a suggested amendment.

Bill recommitted.

Clause 5—"Taxable value"—reconsidered.

The Hon. L. R. HART: The effect of section 11 (5) is that a certain statutory exemption is to apply on rural land that is used for primary production. Under the Bill, this statutory exemption applies to each individual assessment. What I am seeking to attain is the application of this statutory exemption where land is liable for the payment of the levy that is effected in clause 6.

I am sure the Committee will agree that this is a very reasonable request. I am sure we all appreciate that some holdings in the metropolitan planning area are considerable: their total assessed value could be well over $100,000. A flat rate is to apply in the payment of the levy. All I ask is that the statutory exemption should apply to each assessment on rural land used for primary-producing purposes within the metropolitan planning area.

The Hon. M. B. DAWKINS: I believe the request of the Hon. Mr. Hart is a very reasonable one, particularly in view of the fact that some people with rural land within the metropolitan planning area are not in a position to meet the tax payable at present. As I said earlier, there are considerable areas of rural land within the metropolitan area, and I believe it is only fair and reasonable that the exemption detailed in clause 6 should apply to those rural holdings.

The Chief Secretary a little earlier gave what he suggested was a reasonable definition of "allotment". However, it is not defined in the interpretation clause; if it had been, rural lands may not have come under this provision in any case. I support the Hon. Mr. Hart's contention that this statutory exemption should apply to rural land whether it is within the metropolitan area or outside of it.

The Hon. C. M. HILL: I think it boils down to whether the taxable value of the rural land in metropolitan Adelaide is the value after the exemption or before. "Taxable value" is referred to in clause 6, and I think it should be mentioned to tie in with the subject matter. New subsection (5) provides:

> There shall be an additional levy payable in respect of land within the metropolitan area of one cent for every twenty dollars, or part thereof, of the taxable value of the land.

What is the taxable value of rural land within metropolitan Adelaide? Is it the assessed value or is it the assessed value less the exemption?

The Hon. A. J. SHARD: The unimproved value is assessed and the statutory exemption is then subtracted. The resulting figure is the taxable value. The additional levy is calculated on this figure. Therefore, the statutory exemption is already taken into account under the Bill.

The Hon. L. R. HART: I thank the Chief Secretary for his explanation. I think that covers what I have been trying to obtain.

Clause passed.

Clause 6—"Rates of tax"—reconsidered.

The Hon. L. R. HART: Following the Chief Secretary's explanation, I do not wish to proceed under clause 6.

Clause, as previously amended, passed.

Bill read a third time and passed.

[*Sitting suspended from 6 to 7.30 p.m.*]

INDUSTRIAL CODE AMENDMENT BILL (SHOPPING HOURS)

(Continued from November 24. Page 2930.)

At 7.30 p.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 10.24 p.m. The recommendations were as follows:

As to amendment No. 1:

That the Legislative Council do not further insist on its amendment but make alternative amendments as follows:

Clause 46.

Page 16, line 27—Leave out "This" and insert "Subject to this section, this".

Page 17, After line 22—Insert new subsection as follows:

(5) Sections 221, 222, and 223 of this Act shall come into operation on the thirteenth day of April, 1971, in respect of the following areas:

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

(*b*) the district council districts of Munno Para, East Torrens, 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.

and that the House of Assembly agree thereto.

As to amendment No. 7:

That the Legislative Council do further insist on its amendment and the House of Assembly do not further insist on its amendment thereto.

Consideration in Committee.

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

That the recommendations of the conference be agreed to.

The conference was conducted in a very good atmosphere, and the managers from both Houses did everything possible to reach an acceptable compromise. After considerable time, agreement was reached in terms of the recommendations indicated. Clause 2 of the Bill as received in this Council from the House of Assembly stipulated that the Act, with the exception of Sections 3, 45, 46 and 47, was to come into operation on the day on which it was assented to, and that those excepted sections were to come into operation on January 1, 1971. This Council, by its amendments, provided that those sections would operate as from July 1, 1971.

The effect of the recommendation of the conference is that clause 46 provides for the insertion into section 220 of a new subsection (5) stipulating that sections 221, 222 and 223 of the Act (the sections that govern the early closing of shops) are to come into operation in the areas referred to on April 13, 1971. What is now recommended for acceptance is that the times for the early closing of shops in the fringe areas will not come into operation until April 13, 1971, which is the Tuesday after the Easter weekend. This will give the people concerned in those areas, both employees and shopkeepers, about four months in which to make their shopping rearrangements. I commend the recommendations of the conference to the Committee, which are, in effect, a compromise of the views of the two Houses.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the motion. The Minister of Lands has explained clearly the implications of the recommendations and I congraulate him on the way in which he represented this Council at the conference. Two amendments were under discussion, one of which concerned the date when the axe should fall on the late closing of shops in the fringe areas. After some discussion, a compromise was reached—that the date should be April 13, 1971, which is the Tuesday following the Easter break. The position was a little complicated because the Legislative Council's amendment in that respect was to clause 2 but a compromise has been reached on an amendment to clause 46. While the situation may have been complicated, it was fully studied and this is the effect of the compromise reached between the two Houses.

The managers of the House of Assembly agreed to the Legislative Council's other amendment—that a new procedure in regard to either the creation or the abolition of a shopping district be incorporated and, if the Minister calls for a poll, the voting shall not be compulsory: it shall be a voluntary vote. So the House of Assembly has agreed to the original amendment made by the Legislative

Council. The compromise of April 13 may sound an odd date but, following the Easter break, it seemed reasonable.

The Hon. A. J. Shard: It is a better date than April 1!

The Hon. R. C. DeGARIS: That is so, although my opinion is that July 1 would be an even better date, but we cannot always have our own way. The managers from this Chamber, led by the Minister of Lands, represented us very well, and I believe that this is a reasonable compromise of the views of both Houses.

Motion carried.

HOLIDAYS ACT AMENDMENT BILL

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

STAMP DUTIES ACT AMENDMENT BILL

(Second reading debate adjourned on November 24. Page 2914.)

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. A. J. SHARD (Chief Secretary): I think it was yesterday that the Leader asked some questions about clause 3. The honourable member is right in suggesting that a Government could, as the amendment is worded, reduce the limiting interest rate below 9 per cent. The announced intention of the Government is presently to increase it to 10 per cent. It would contemplate subsequent reductions if subsequently the whole range of interest rates should fall. An alteration can be made only by regulation and would be open to disallowance by either House. The Leader also asked about the removal of duty on life assurance policies. It is not proposed to forgo the revenue involved.

The Hon. R. C. DeGARIS (Leader of the Opposition): I thank the Chief Secretary for his reply on clause 3. I am sorry for the confusion that arose. Life assurance premiums are dealt with in clause 16, and perhaps I shall have something to say on that when we come to that clause. As the annual rate is to be prescribed from time to time by regulation, I am happy with that explanation on clause 3.

Clause passed.

Clauses 4 to 15 passed.

Clause 16—"Amendment of second schedule of principal Act."

The Hon. R. C. DeGARIS: I am sorry about the Chief Secretary's reply on this matter, because I feel it deeply. Already, we have had discussions on duties concerning life assurance, and the rate being charged is already by far the highest in Australia. At present it is $2 a year on $400, compared with the average in other States of 30c, with a complete exemption in Western Australia. We have heard the cry that we must increase taxation otherwise the Commonwealth Grants Commission will not assist us, but I do not believe that. A specific exemption applies in clause 16, which means that a superannuation scheme is exempt from this tax, which is about 1 per cent a year on premiums. I consider that life insurance is a method of saving.

The Hon. Sir Arthur Rymill: It is a personal superannuation.

The Hon. R. C. DeGARIS: Of course. If it were decided to tax a person's savings at the rate of 1 per cent a year there would be an immediate outcry, yet this is what is being suggested. At present superannuation funds are also exempted from succession duties, although a person on a rural property or one who is self-employed and who prudently takes out an insurance policy is taxed on the premium and has to pay succession duties. This tax is iniquitous, unfair, and unjust and places a heavy tax burden on one section of the community. I move the following suggested amendment:

To strike out paragraph (*b*) of the new item entitled "Annual Licence" in the second schedule.

The Hon. A. J. SHARD: The Government is not prepared to remove duty on life insurance policies.

The Hon. Sir ARTHUR RYMILL: Will the Chief Secretary explain why a person who is in a superannuation fund is exempted from this duty but if he has an insurance policy for which he bears the cost he is not exempt? I cannot see the logic of this.

The Hon. A. J. SHARD: I cannot give an immediate reply, but this has been the general trend throughout. Perhaps the Leader may be able to reply to the honourable member.

The Hon. G. J. GILFILLAN: Most people who have taken out life insurance have done so over a period of years with a succession of policies, which carry premiums that include part of $100, so that the percentage could be much higher than 1 per cent.

Suggested amendment negatived.

The Hon. Sir ARTHUR RYMILL: Will the Chief Secretary reply to my question why a private individual can be charged this tax? If I do not receive a satisfactory reply I may move that the exemption be struck out and that everyone be charged.

The Hon. A. J. SHARD: I cannot give a reply, and I cannot get any help on this question. This is a money Bill covering a statement in our policy that it would be introduced. For as long as we can remember life insurance policies have not been exempted. I cannot say what is the real reason for this, and I will have to leave it at that.

The Hon. Sir ARTHUR RYMILL: I think it is rather unreasonable that the Chief Secretary is unable to answer a very simple question yet he insists that we vote on the clause. I will vote against the clause unless we get a simple answer to the simplest of all questions. I suggest that progress be reported.

The Hon. A. J. SHARD: It is all right to ask simple questions. It is so simple that apparently no-one in the Committee can answer it!

The Hon. Sir Arthur Rymill: You are in charge of the Bill.

The Hon. A. J. SHARD: I know. Then, I am told, as I was told yesterday, that, if we attempt to put this Bill through before Christmas, some honourable members will oppose it. Now, I am told that, if progress is not reported, some honourable members will oppose the clause.

The Hon. Sir Arthur Rymill: Why can't you put the matter off until tomorrow and get an answer?

The Hon. A. J. SHARD: I tried to get an answer, but I was unsuccessful. What will happen tomorrow if someone asks another question? Will progress be reported again? If honourable members had asked questions earlier I could perhaps have obtained the answers. I have never seen this place conduct itself as it has done in the last two weeks.

The CHAIRMAN: Order! The Chief Secretary cannot reflect on decisions of this place.

The Hon. A. J. SHARD: That is my feeling.

The Hon. Sir ARTHUR RYMILL: I raise a point of order, Mr. Chairman. You ruled that the Chief Secretary could not make that point, but he proceeded to make it again. I suggest he should withdraw it.

The CHAIRMAN: I thought the Minister said it was still his feeling.

The Hon. A. J. SHARD: I said that I would like to meet the request of the Hon. Sir Arthur Rymill, but I have been put on the spot with this threat twice in 24 hours. To show that I am not pigheaded, I am willing to report progress, but let it be clearly understood that I am not going to be put on the spot all the time. I think that is fair and reasonable.

Progress reported; Committee to sit again.

STOCK EXCHANGE PLAZA (SPECIAL PROVISIONS) BILL

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

SOUTH-WESTERN SUBURBS DRAINAGE ACT AMENDMENT BILL

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

WHEAT DELIVERY QUOTAS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 24. Page 2920.)

The Hon. M. B. DAWKINS (Midland): I support the Bill. Because it was not available when the Council rose last Thursday, honourable members have had only a few days in which to consider it. However, the matter is urgent, because in some areas harvesting has already commenced. This Bill should be discussed at some length in Committee because it needs to be carefully considered. The problem of wheat quotas has arisen largely because of the rather satisfactory first advance that has been made for a considerable time. The history of this matter goes back to the time when the Commonwealth Government (then of a different political complexion) sold a considerable amount of wheat for 5s. a bushel when it should have brought a higher price. Since that time we have had wheat delivery control and wheat stabilization which, by and large, have been very satisfactory indeed. Some anomalies have been ironed out, and it has only been in the last year or two, when surpluses have built up, that we have had considerable trouble.

The Hon. L. R. Hart: Do you think that our method of selling wheat is outmoded?

The Hon. M. B. DAWKINS: I would not like to say that, because I think the Wheat Board has been successful over the years. Even during the present crisis the board has done very well. Although we must accept reduced quotas for the time being, the position has been alleviated to some extent. Over the last 12 months the

change in the position relating to coarse grains has been remarkable. Coarse grains have been in short supply in some areas. The need for this Bill arises because we have to reduce our quota from 45,000,000 bushels, which applied last year, to 36,000,000 bushels. In a normal year 45,000,000 bushels is not so very far from the mark, because there have not been very many years when this State's harvest has exceeded 50,000,000 bushels. Of course, we had a record harvest last year. We have to control our production until we can get rid of the large surpluses. The Wheat Board has had some success in doing this over the last 12 or 18 months.

As I said earlier, the surplus with which we find ourselves is to some extent due to what I described as a fairly satisfactory first advance of $1.10 a bushel which has now been in vogue for some considerable time. I do not wish to be misunderstood about this, for I am in favour of the wheatgrower getting a fair return for his product. However, the first advance of $1.10 and the lack of any control (I am not anxious to see controls unless they are absolutely necessary) as to acreage enabled some people, particularly those in what we may call the marginal station country (marginal in the sense that it is marginal between wheatgrowing country and pastoral country) to get on the band waggon. I believe this applied more in some other States, particularly in New South Wales where a very great acreage of country that was normally used for pastoral pursuits was put under wheat, and we got into this situation where we had these very large surpluses.

Therefore, last year we had to accept a quota of 45,000,000 bushels which, as I have said, was not so very much smaller than the average harvest but was very much smaller than the phenomenal harvest we had last year. This year we have to accept a quota which is four-fifths of that one, namely, 36,000,000 bushels. Therefore, we have this Bill before us which deals with some of the anomalies that occurred as a result of the introduction last year of the Wheat Delivery Quotas Act.

I will not deal with the Bill in detail because, as I said, the hour is late and I know that my honourable colleague, the former Minister of Agriculture, wishes to deal with the matter at some length at a later stage. However, I express my disappointment that among the amendments that have been brought forward by the Minister there has been no deletion, but only a rearrangement, of subsection (3) of section 38, a rather lengthy section which said very little and meant even less, if that were possible. I think it only added to the confusion.

I would hesitate to ascribe blame to anyone in particular regarding the $1.10 advance and the extension of wheat acreage. However, I believe that if there was any particular person who could accept some blame for the surplus wheat that same person would have had something to do with this section 38 (3) which another gentleman for whom I have not the greatest admiration would have aptly described as gobbledegook. It is a lot of nonsense, in my view; it achieves nothing and causes considerable confusion. I believe that the same gentleman (not the gentleman who would have said "gobbledegook" but this other gentleman to whom I referred and who I would feel had some responsibility for the large surpluses of wheat we have had in Australia) also has some responsibility for this section 38 (3), which I believe the Minister of Agriculture could well have removed from this legislation.

However, I do not intend to delay the Council any further. As I said earlier, I believe the Bill is a Committee Bill, and I may have some comments to make in Committee. With the reservations I have mentioned, I support the second reading.

The Hon. A. M. WHYTE (Northern): I support the Bill, and I indicate to the Minister of Agriculture that I will assist him to get it through as quickly as possible. I would not like him to jump up and start shouting when we say that we must have a fairly close look at this legislation. Had I the ability and eloquence of my colleague the Hon. Mr. Hill, I could speak on the wheat industry for a couple of days without stopping.

I stress the seriousness of the problems of the wheat industry. The need to legislate as carefully as possible to assist this industry is evident to everyone here. I do not believe that the possible inducement of the first payment of $1.10 a bushel was the sole cause of the wheat industry getting into distress.

The Hon. M. B. Dawkins: I did not say it was the sole reason.

The Hon. A. M. WHYTE: I think international banking and the monetary system throughout the world have largely contributed to the fact that while we have millions of people starving in some places we have overproduction of foodstuffs in some other places. The fact remains that many people who produce grain are not in a position to sell, and many who want to consume it are not in a

position to pay. I believe the Commonwealth Government gave some warning to the industry that unlimited finance was not available to the wheat industry. After having given that warning, it made an allocation to the wheat industry of $440,000,000. Through the offices of the Australian Wheat Board, South Australia was given a quota of 45,000,000 bushels. And this has been reduced this year to 36,000,000 bushels. We do not know at this stage whether it will have to be further reduced, and we can only hope that such will not be the case.

The Bill merely validates the position of the committee formed last year (I may say in a hurry) to try to cope with the onerous task of allocating quotas as justly as possible to each production unit. Considering the haste with which that committee was formed, one can only congratulate those men on the outstanding work that they did. Mistakes were inevitable in the circumstances, and it is remarkable that these men were able to handle the position as well as they did. I believe they have done their best to rectify those mistakes.

No-one is going to be pleased with the quota system so long as it remains. Unfortunately, there does not appear to be any ray of hope in the industry that wheat quotas can be lifted very soon. The position of the wheat industry is important to us all. Some people say that they couldn't care less what happens to the farmers, but they should remember that the wheat industry is one of the nation's major industries; it concerns the whole nation, so it is the duty of every honourable member here to scrutinize this legislation to see that it gives the best possible help to the industry.

I turn now to the Bill but shall not deal with it at length because the Hon. Mr. Story will be doing that later. New section 24a (1) provides:

For the purposes of this Act the advisory committee shall establish for each production unit, in respect of which there was allocated a 1969-70 quota, a nominal quota.

Class A was the production unit that caused the greatest concern and the biggest headache to the advisory committee during the last season. This will be provided, although a class A licence will not suit everyone. I have only one other query about the Bill, and that is on clause 17, which deals with short falls. Short falls do not affect the whole of the farming industry very often, but they could. However, 10 per cent of the farmers are vitally concerned with short falls. Their whole livelihood depends on the honouring of short falls, so I have examined this clause carefully. Although I do not say that what is written in it is wrong, I have drafted an amendment that I hope will perhaps spell out the position of short falls.

Years ago, many production units were able to develop to a point where they were producing a lot of wheat and, had it not been for the misfortune that people throughout the world were using less wheat, the marginal areas in South Australia would have produced a large quantity of that grain. However, having reached that point of production, they have found themselves in the position of being more drastically affected than any other section of the wheat industry. They sow large acreages and in good years grow good crops of wheat, but it is not uncommon for those lands to produce little or no wheat. Their overall average is quite good but, if it should happen that short falls are to be repudiated, on top of the drastic cuts in acreages, that will undoubtedly spell "Finish" for most farmers.

People who live in areas that do not know of failure will say, "It is a jolly good job; the sooner it happens, the better." I am a marginal farmer and intend to see that short falls are honoured as far as they can be honoured by those responsible for the administration of this legislation. My amendment reads:

Where the total of the amount of the short falls that occurred in relation to a quota season is less than an amount equal to two per cent of the State quota for the next succeeding quota season, the advisory committee shall be deemed to have determined the percentage for the purpose of this section, in respect of that next succeeding quota season, to be one hundred per cent.

What the amendment provides, I hope, is that, unless the State's short fall exceeds 2 per cent of the State's quota, the short fall shall be honoured 100 per cent. I am not questioning the power of the advisory committee in cutting the short falls, but this is some sort of safeguard for those people who are necessarily relying on the honouring of short falls. The amendment does no more than that. Having said that and knowing that the Hon. Mr. Story is to follow me, with a lot to say, I will leave anything further I may have to say until the Committee stage.

The Hon. C. R. STORY (Midland): I shall speak to this Bill briefly because, in my opinion, it is entirely a Committee Bill. We could waffle for hours on the history of this matter; we could talk about all the things that

could have been done and could say that, if we had only taken certain action 10 years ago and had not paid as much for first payments on wheat, things would be different now. All sorts of arguments could be advanced on why we find ourselves in our present position. After reading a second reading explanation of this nature, it is hard to know exactly where we stand. We shall give the Minister an opportunity to clarify any points that may be raised. However, there are many points that must be answered in the Committee stage.

I was responsible in the first instance for having set this legislation in motion. I did not have 12 months or two years in which to do it—I had less than two months from the time the Wheatgrowers Federation met in Perth and decided that the industry would impose upon itself a quota system. To many people this was a tremendous change of face on the part of the primary producers, to impose upon themselves a compulsory restriction upon production. Whilst it was not a restriction on acreage, it was certainly a restriction upon production. To my knowledge, this was the first time that any primary industry had ever decided to impose upon itself a quota system.

[*Midnight.*]

Crayfishing regulations were introduced to restrict the quantity of crayfish that could be taken from South Australian waters, and we had various other restrictions, but until now we have never imposed any restrictions on the quantity of wheat. The only other time that I can remember it was tried was a dismal failure, when the wheat industry tried to restrict acreage, and many rackets were worked. Also, I can remember the wartime regulations of apple and pear acquisition boards, but most of these systems have not been successful.

I was faced with a situation, at the request of the wheat industry, of having to find the means of devising some type of quota within the framework of the whole of Australia of 357,000,000 bushels of wheat. That figure was decided because it equated with the money that the Commonwealth Government considered it could afford to pay. Quotas were imposed because the Commonwealth Government agreed to the recommendation of the wheatgrowers Federation that it would pay $1.10 a bushel, because the federation insisted that that should be the first payment. Many people believe that, if we had paid 75c and bought more wheat, it would have been more beneficial to the wheat industry. The facts of life are that we have never sold more than 350,000,000 bushels of wheat in our history, and we were faced with a supply of about 600,000,000 bushels, with a carryover, and the Commonwealth Government considered it could not justifiably find more money to continue to finance the operation. The world agreement was weakened by the attitude of Canada at that time, and so we had to impose a quota system.

One aspect on which Cabinet was adamant was that we agreed to enter into this scheme only for the time it remained necessary. I was sure (and I told this to the Agricultural Council and the Minister for Primary Industry) that this was the sort of thing that would delight the Treasury in Canberra, because for the Treasury to know how much money it had to provide for the first payment of wheat was a tremendous break through. Had there not been any restrictions imposed the Commonwealth Government would have been responsible for a guarantee of over $600,000,000. I notice that in this Bill we have assumed that the restrictions will continue for a long time, whereas when I first introduced the legislation it was to operate for one year, and to be given refreshers of one year at a time.

This measure is drafted so that it can continue *ad infinitum* without Parliament having any further say in the matter. That was not the original spirit of the Act nor was it the intention of the Commonwealth Government, because I insisted at the first conference with Mr. Anthony that the Commonwealth Government should not make a proclamation but that members representing wheatgrowers should have the chance to say when restrictions should be lifted. I believe it suited the Commonwealth Treasury, and anyone who liked complete control, to maintain it for a long time. I am apprehensive about the fact that we are talking about the seasons continuing with these restrictions, and the Minister's second reading explanation indicated that the quota system would operate for some time.

Let us consider the situation that we faced, compared with the present situation. From memory, I think storage in South Australia at that time was about 46,000,000 bushels: at present it is about 100,000,000 bushels, which has resulted from a crash programme that farmers will support on their 12-year rotating reserve. They will have to service

that debt, whether we get 9,000,000 bushels in this State in a drought year or whether we get a bonanza harvest. Although the Wheat Board gave us a present of 10,000,000 bushels of storage (and I understand that that will be *gratis,* although I do not know whether this has been confirmed), it means a large debt will still have to be serviced At one time we had over 70,000,000 bushels of wheat stored in this State; I believe that we have less than 50,000,000 bushels stored at present, although wheat is still being sent out of the State.

This year we have a gross quota of 36,000,000 bushels. There will be a State short-fall of about 4,000,000 or 5,000,000 bushels. If the crop is 32,000,000 bushels that will be surprising, but we have this tremendous quantity of storage space in which wheat is still stored. When quotas were imposed there were about 600,000,000 bushels of wheat available and a surplus was obvious. I pay a great compliment to the Wheat Board and particularly to the South Australian manager, who did a wonderful job in going around the silos of South Australia. He played a tremendous part in alleviating the position.

I had a conference with representatives of the wheat industry last January, when I laid down about six points that needed to be carefully considered. The committee that I set up, with the full agreement of the wheat industry, gave representation to as many parts of South Australia as possible. The committee members have been very much maligned from time to time; there is perhaps some justification for some criticisms, but I would not criticize so much the eight committee members as I would criticize the administration. It seemed almost impossible to me that an organization could lose about one-quarter of the wheat quota applications that came in. Because that loss caused a three-month delay, I cannot say that I was over-enthusiastic about the administration.

I am surprised that we are continuing at this stage with an eight-member committee. When the committee was set up it had to collect and collate information from every part of the State. Had I been in the position of the present Minister I would perhaps have been a little bolder and reduced the size of the committee to perhaps four members, with a chairman. The original committee has served its purpose. Having worked with Mr. Leo Travers, a former judge of the Supreme Court, who was chairman of the Review Committee, I know the ability of such a gentleman to interpret and assess these matters. I am sure that the present Minister of Agriculture has also benefited by the experience of the same gentleman.

If I had the opportunity again, I would appoint a chairman with a good basic knowledge of the law. The more I look at this Bill and relate it to the principal Act, the more I realize that there is much work involved for a lawyer. Certainly, farmers should be involved in the Advisory Committee. I have tremendous confidence in the officer who drafted this Bill, because he accompanied me on all my trips to get these arrangements under way in the early stages. I stress that I do not wish to deride the original eight committee members. We have been well served by the Review Committee. Mr. Travers, Mr. Quirke, Mr. Pearson and Mr. Barrow (who replaced Mr. Pearson while he was away) have all done good work.

The Hon. Mr. Whyte raised the question of short falls. I realize that situations can arise that can be exploited and that people in fringe areas can be very harshly treated. In the second year the short fall might be wiped out completely; the quota to other people could gradually be increased as a result of cancellation of short falls. This does not quite fit the Bill at present.

I know that the Minister has a great sentimental attachment to another part of the legislation! It was at the instigation of the then member for Ridley that a most ill-conceived provision got into the Act. It was not drafted by the Parliamentary Draftsman; it was one of those things that we get at about midnight, when someone gets all enthusiastic and sentimental about someone who has been left out. It is almost like Christmas Eve with everyone going around filling everyone else's stocking and, when one or two miss out, everyone chips in. This is what happened in the House of Assembly at the time; section 38 of the Act was inserted as a result of this sort of sentimentality. The whole thing is mumbo jumbo and does not mean anything.

The review committee has never been able to get sufficient wheat, and I doubt that even with the new system the advisory committee or quota committee, or the committee to be appointed by the Minister will get sufficient wheat; if they do, they will have to take it from a legitimate owner of wheat in order to build up the pool. The mysterious word "viable" appears in section 38; I do not know

whether the Minister can tell me what "viable" really means. If we look it up in any dictionary, we always get back to a foetus—"capable of living; able to maintain a separate existence". If the Draftsman can draft a definition of "viable" that has some relation to farming, it may be of some use to the situation that the word is put in to look after. The word has been inserted to look after a group of people who are virtually bankrupt.

Where will one obtain the wheat in order to provide sufficient quotas out of the contingency reserve? Where will this wheat be obtained if it is not taken away from farmers who have already proved their quality of performance? The word "viable" today is used loosely: it is like the term "gross national product" and all that other mumbo jumbo that is used by economists, a definition never being given. Unless "viable" in relation to farming can be clearly defined in the Act, section 38 is absolutely no use. It has never been any use until now; indeed, it is a source of real embarrassment. The Minister would receive half the letters in this matter if he deleted this section from the Bill.

At present, everyone concerned employs a solicitor in the hope that he will increase his quota, and he relies on this section, which rings beautifully as though, if a farmer cannot make it pay, he can go to the review committee, which will give him some extra quota. What is 200 or 300 bushels to a person who is right down on his luck? He is the person we are providing for in this mass of words. What is required is probably 10,000 or 15,000 bushels to pull this man out of his difficulty and to make his business a so-called "viable" one. This is a useless provision, which will continue to be a thorn in the side of the review committee because the committee will continue to receive appeals in this matter that it will continue to dismiss.

For one reason, there is not sufficient wheat to make a unit viable and, secondly, to deal with 2,000 or 3,000 cases of virtually bankrupt farmers would be completely beyond the capacity of that committee. A battery of farm economists would be required to consider each case in order to determine whether the farmer concerned qualified under this section. I ask the Minister why he has not deleted the provision. I think there is only a sentimental attachment to it. An attempt was made to insert the provision in the original Bill but it was not supported. However, the Hon. Mr. Stott, who is the alpha and omega of all things wheat, managed to get the support of the Labor Party to insert it. Why the provision has not been deleted, I do not know. I will not delay the House any further on the matter of shortfalls, to which the Hon. Mr. Whyte has referred. I believe in what he is trying to do, and I think that what he has suggested would improve the situation no end. I am not in great disagreement with what the Minister is trying to do because, as he pointed out in his second reading explanation, this is a matter for the wheat industry. If he lets the wheat industry run its own affairs and amends the Act as required, allowing the wheat industry to decide through its own parliament, which is the grain section of the United Farmers and Graziers and also the Wheat Federation, I believe that that is the proper course.

I do not believe that any Government should take over the responsibility of marketing the produce of any section of the community. The sooner wheat quotas can be released and we get back to a viable position in the wheat industry, where we can develop our markets and continue to keep wheatgrowers solvent, and the sooner we can get away from the wheat quota system, the better it will be for everyone. People who wish to plant in marginal areas will then be able to do so and take the risk, as they always have, and people who wish to plant in traditional areas will be able to continue to do so, producing good wheat as members of an industry that has been one of the back-bone industries of the economy of this State. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 16 passed.

Clause 17—"Short falls."

The Hon. A. M. WHYTE: I have explained that I intend to move an amendment that I believe is essential. However, because we have been working so late on the Bill, we have not been able to obtain all the figures we need, and I have found out that the percentage I have quoted is incorrect. For that reason, I ask the Minister to give us a chance to ascertain this percentage correctly. Therefore, will the Minister move that progress be reported to enable me to consult the Wheat Board and get the figures straight? I do not want to alter the intention of my amendment, but I want to have the percentage correct, otherwise the whole thing will be a fiasco.

Progress reported; Committee to sit again.

EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 24. Page 2934.)

The Hon. V. G. SPRINGETT (Southern): In civilized countries two matters get a guaranteed hearing, and people do the best they can to understand what is at stake in these matters and to take necessary action. The matters I refer to are health and education, which involve people who cannot help themselves when they are ill and those who are too young to manage their own affairs. The Bill contains several important amendments. First, there is a change in the system of appointing, transferring and promoting people. In future, this can be done by authority delegated by the Minister instead of by the Minister himself. Secondly, the Bill brings long service leave entitlements for teachers into line with those that apply to other public servants. Thirdly, there is an amendment of the provisions relating to a teacher's retirement. Fourthly, under the Bill, school committees or councils will be able to borrow money to supply needed facilities at schools. The Bill provides for the incorporation of these committees and councils so that they will have all the normal powers of a corporate body. Fifthly, there is the question of the compulsory retiring age of 65 years for men and 60 years for women. As the Hon. Mrs. Cooper said yesterday, it seems strange in these days, when women live longer than men, that these ages should apply. This is especially so in a community where women have equal rights with men and perhaps take equal risks.

The official body representing teachers in South Australia has been very active, increasingly so of late. Teachers have pressed for their own conditions of need and service, and it must be admitted that they have not neglected to raise associated problems of standards in the schools in which they work. Today, the term "profession" gets tagged on to more or less anything, although it is a title that should be reserved only for learned vocations or callings. Obviously, members of the teaching profession merit this title in their own right. The Bill essentially deals with better terms of service for teachers, and is directed towards making a more contented staff and therefore a more stable one. The provision for long service leave and the inducement to reduce mid-year resignations of teachers will obviously reduce the disruptions which mid-year resignations must inevitably be attended with. A country such as Australia has much to offer its citizens and, over the years, it has attracted many thousands of migrants. Their arrival and welcome has added to the need for houses, hospitals, schools, universities, shopping facilities, employment opportunities, and so on. In the earliest days of the State's history, people came here and settled, finding nothing to start with but gradually developing the range of services that we now take for granted and even demand as our right.

As an aside, I point out that every year we hear of industrial combines exceeding the previous year's output, as if this is a miraculous thing. Surely, with the growth of the State's population, if we are not constantly breaking previous records of development we must be going backwards. Our population is growing all the time and so must our productive capacity. Not only must we produce plenty, but there is a tendency to reproduce plenty as well. Migration plus home-grown children means more education. More children require more school places, and this applies from the top to the bottom of the education system. There is a need for more staff, more organization and more buildings. An interesting point is that in 1946 there were 70,843 pupils in schools and in 1971 that number had increased to 242,000. In not one single year in between have the numbers for one year not exceeded the numbers for the previous year. Increases have taken place year by year. Because of this sort of thing, we must admit readily the existence of shortages in school places, so that classes have been larger than ideal in some schools. I recognize that teaching staff does not always measure up numerically, and even sometimes to the standards required. Diversity of emphasis in schools is not yet adequate. There is not enough technical or academic training up to Matriculation standard.

At the other end of the scale we have kindergartens and special schooling for handicapped children. All these must be considered. In order to staff these institutions, our own Education Department sends agents overseas hunting for talent, while other countries come here looking for our teachers. It is a case of robbing Peter to pay Paul. The irony of it is that, as we improve the standard of employment for the teachers, we automatically aggravate the present problem of shortages. As a result, restlessness appears and the soil of restlessness is the fertile breeding ground of discontent and underground activities of a kind never before known. The minds of children are fertile soil for the nurturing of ideas and standards that seek to disrupt the community.

It is not unfair to say that, if teachers have the right to receive their just recognition (as they have) they also have the right to security of service and reasonable prospects of promotion. If they have all this, then society has an equal right to receive from the teaching profession full standards of loyalty and the complete co-operation of teachers in opposing activities and attempts to turn schools into political breeding grounds instead of centres of learning.

It is sensible that in this legislation provision is made for the delegation of power to appoint, promote and transfer teachers, but the power to dismiss remains with the Minister. I am glad that the right of appeal will also exist for teachers who feel that they have been unfairly overlooked and passed by in the scheme for the filling of certain posts.

I should like to refer for a moment to the vigorous activity of school committees and councils. I never cease to be amazed at their activity. The state in which many of our schools (perhaps all of them) would be without the hard work and devoted service of these loyal people causes the mind to boggle—that is all I can say. I recognize with gratitude the way in which parents organizations take upon themselves the burden of capital works and how they throw their weight behind the local school and provide amenities which are not "pleasant additions" but in modern education are basic necessities.

The provision of halls of assembly and basic teaching aids of various sorts is something that I feel strongly should be, ideally, provided by the Education Department. As a corollary to this, our present system of relying on parents must bear harder on schools that are situated in less affluent areas of the State and upon those groups that are trying to establish themselves in a new country. The burden of providing extras for the school must be hard to bear when it is a State school.

I am glad that it is permissible under this amending Bill for a person to hold a university teaching post as well as one in a teachers training college. These interchanges are invaluable. In clause 22, the penalty for parents of blind, deaf, mute and mentally defective children who do not send them to a specified institution is very considerable. One sees the reason for it and appreciates it, but it is a tragic situation that the parents have to face in these cases. There is a doctrine that says, "Give me the first seven years of a child's life and you can have him for the rest of the time." We must surely make increasing use of kindergartens and special facilities for educating subnormal children. Our society has gained the right to be proud of what, over the centuries, has been achieved with limited finance. An ever-enlarging programme to embrace the whole range of education needs is vital. We have a system that is better than many found overseas.

With children staying at school for longer periods and in increasing numbers, our education facilities must continue to expand. It is a solemn and staggering thought that without planning to continue to higher studies leading to tertiary education some of our children, many more than in the past, are receiving an education up to the age of 18 years, which represents more than a quarter of man's allotted span. We should bear in mind another Bill received in this Council today. Soon, we shall have married men and women at school. We talk about this age group being young and needing guidance, and here we are about to have married men at school.

The Hon. C. M. Hill: And they need special facilities at school for their education, too.

The Hon. V. G. SPRINGETT: Money is surely needed to provide for all these necessities. We need mutual respect and trust between those who form the teaching staffs of our schools and those who provide the scholars (the parents). Also, equal recognition is needed of the part played and the interest shown through the years by this Parliament which, as we all know, has only a certain amount of money to pay for all the things it has to do. I support the Bill.

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

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

That this Bill be now read a third time.

The Hon. C. M. HILL (Central No. 2): In the second reading debate the Hon. Mrs. Cooper asked some questions and sought some comment from the Minister in regard to these questions. One was about leave periods and, regarding long service leave, she said:

. . . I ask the Minister whether this will be retrospective to any degree. What is the position of teachers retiring, for example, next month at the end of the school year after 10 years or more service?

The Minister did not reply to those questions in this debate and, whilst not wanting to delay

the matter further, I ask him whether he would be so good as to forward replies to the Hon. Mrs. Cooper in due course.

The Hon. T. M. CASEY: I realized that the Hon. Mrs. Cooper was not in her seat during the Committee stage and, for that reason, I did not think it necessary to reply to her queries. However, I have with me a full report that I obtained from the Minister of Education, and I intend to convey this information to the Hon. Mrs. Cooper.

Bill read a third time and passed.

LOTTERY AND GAMING ACT AMENDMENT BILL (BETTING)

Adjourned debate on second reading.

(Continued from November 24. Page 2932.)

The Hon. A. M. WHYTE (Northern): I support this Bill, which I consider to be necessary to give some stimulus to the racing industry. In South Australia the racing industry is big business and, although people generally associate racing with only gambling, gamblers, nobblers, and dead-beats, it is an industry of great substance in South Australia and one of our biggest money earners. South Australia produces some of the best horses in the world and I consider that our racing facilities, in the metropolitan area at least, compare favourably with any other facilities in Australia. Certainly, training methods and the standard of breeding in this State must rate as highly as those anywhere else in Australia, because of the results that we so often achieve. South Australian horses acquit themselves extremely well wherever they go.

This Bill includes, amongst other things, provisions regarding dog-racing and the necessary betting facilities for dog-racing, and I support this. People like to choose the sport they will follow. To make dog-racing more acceptable to most people who are interested in it and to give that type of racing some fillip, it is intended that a totalizator licence may be issued for these meetings. I am concerned about the six extra mid-week racing days for the metropolitan area. I think the suggestion is good and I cannot accept that it will affect country racing detrimentally. What will help country racing is to get a greater totalizator turnover and a better percentage allotted to country clubs, and for that reason the extra mid-week race meetings in the metropolitan area should help. I thought the Hon. Sir Norman Jude was, perhaps, a little off beat in some of his suggestions, including his suggestion that it was necessary to have these mid-week race meetings in Adelaide. He said that good race horses were not bred at Port Augusta, but I point out that no horses are bred in Rundle Street. If more support is not given to country race meetings by these racing clubs in the metropolitan area, there will be a falling off in racing that will detrimentally affect the whole industry, because some extremely good horses are bred in the country, and if the value of stake money continues to decrease (and this is obviously happening in country areas) we will have a falling off in the racing industry in South Australia. Possibly, the best horses are not bred at Port Augusta, but this is because the stake money is not sufficient to warrant the big money that is being spent in the racing industry nearer to the more lucrative courses.

Sir Norman Jude has foreshadowed an amendment regarding the Adelaide Racing Club facilities at Victoria Park. I agree with what he has said about this matter. It seems reasonable to me that the A.R.C. should make available, at a nominal charge of 25c, admission to the Derby to those people who previously entered the Flat free of charge. The facilities in the Derby are much superior to those on the Flat, and although some people may like to enjoy the facilities free of charge it would not be fair to expect the club to operate the meeting at a loss. The club's figures show that, unless it can do what Sir Norman Jude's amendment suggests, it will operate at a loss of about $300 for each meeting. That does not seem fair to me when the club is asking no more for the Derby facilities than is being asked at the Port Adelaide or Morphettville courses.

I have always made a point of having enough money to pay my entry to a racecourse, and I am pleased that no charge is made to leave the course, because several times I may have been in trouble. I think 25c is not an unreasonable charge for the facilities available at Victoria Park Derby stand. The patrons would be wise to accept these facilities for such a low admission price, when the Flat facilities are available to them with the exception of the totalizator. The A.R.C. states that it cannot operate the totalizator on the Flat, the Grandstand, and the Derby, but that is what is asked of the club by the provisions of this Bill. I will support this reasonable amendment, and I hope other honourable members will do the same.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Progress reported; Committee to sit again.

MEDICAL PRACTITIONERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 24. Page 2904.)

The Hon. V. G. SPRINGETT (Southern): First I should like to tell the Chief Secretary that I had some difficulty in obtaining an up-to-date copy of the Medical Practitioners Act, I understand that copies will not be available until it has been reprinted and consolidated. This Bill is based on the fact that for several years South Australia has had a Specialist Register, and people with the appropriate qualifications and experience could apply to have their names placed on the register. This was a voluntary act. However, there now has been a change of emphasis, because the recent Commonwealth National Health legislation has provided for its own Specialist Recognition Committee in this State and in every State.

Also, some medical practitioners in this State, who are not on the State register and who may not have the higher qualifications in a branch of medicine, have become accepted as knowledgeable specialists and are being included on the Commonwealth Specialists Register for recognition for fees laid down for specialists in medical reimbursement schemes. Obviously, there will be chaos in the State if there is a State registration board with one standard and a Commonwealth board with another standard. This Bill makes it compulsory for any practitioner, who practises or attempts to practise or in any way holds himself out as a specialist, to register on the State register as a specialist in a particular branch of medicine. That seems reasonable, because similar provisions apply in Queensland, and New South Wales and Victoria are considering draft legislation for compulsory registration.

Clause 1 is formal. Clause 2 enacts and inserts new section 29c in the principal Act. Subsection (1) of this new section provides that it shall be an offence, on or after a day to be fixed by proclamation, for a medical practitioner to practice, hold himself out, or do anything that may imply that he is qualified as a specialist in any specialist branch of medicine unless his name appears on the Specialist Register with respect to that branch of medicine. A penalty of $200 is provided. Any registered specialist in the State at present or one who has not the necessary qualifications to enable him to be registered has the right to apply for exemption to the Medical Board within six months after the Bill becomes law. At present, with voluntary registration one has to apply each year to have one's registration renewed. Can the Chief Secretary say whether this provision will apply after the Bill becomes law? I presume that there will not be an indefinite registration that would cover many years.

The Hon. A. J. Shard: As I cannot say exactly, I will find out for the honourable member.

The Hon. V. G. SPRINGETT: I will now indicate the main points of this Bill. First, there will be a State Specialist Register. Secondly, the Commonwealth Government has its own register. Thirdly, we are going to make our registration compulsory. Fourthly, facilities will be provided for people who are not specialists by qualification but are specialists by experience. I support the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): As most honourable members know, South Australia was the first State to set up a specialist register. That was done for a specific purpose. The Commonwealth Government has decided that it wants to run its own specialist register. Can the Chief Secretary say why it is necessary for the Commonwealth Government to run its own specialist register in South Australia when we have our State register already operating? Perhaps the answer is that the Commonwealth Government has been forced into this action because of the reluctance of the other States to establish specialist registers. Since we have established one here, surely there is no need for the Commonwealth Government to have its register here in South Australia. When I was Chief Secretary I gave an undertaking to the Medical Board that, when the principal Act was next amended, an amendment would be made in relation to the payment of board members. Can the Chief Secretary say whether the Government intends to make that amendment next time this legislation is amended, or has it been overlooked?

The Hon. A. J. SHARD (Chief Secretary): A decision has been made to pay the members of the Medical Board. I think that the matter was dealt with recently, although I stress I am not certain about this matter. The Commonwealth Government has established a register because of the recent Commonwealth national health legislation. I cannot tell the Hon. Mr. Springett whether the registration will have to be renewed yearly or less frequently, but I will obtain the information as soon as possible.

Bill read a second time and taken through its remaining stages.

WATERWORKS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 24. Page 2944.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): It seems to me that the whole Bill is wrapped around new section 5a (2), which provides:

Nothing in this section shall affect any proceedings in Supreme Court actions No. 992 of 1969 and No. 1095 of 1970 . . .

It seems to me that, although the Bill says that those actions shall proceed and that the Bill shall not affect the validity of the actions, nevertheless it really, as I read it, decides in advance that, whatever the decision of the court may be in those cases, it shall not apply in the future or to any other case in the past. The only question I wish to raise is this: exactly what is the position in regard to those cases? Exactly what do those cases claim and what is the cause of action in them? We should know that before we pass this Bill.

The Hon. T. M. Casey: Are you speaking about the cases now before the court?

The Hon. Sir ARTHUR RYMILL: Yes. I am not asking the Minister to reply now. I am speaking in this debate now so that the Minister can obtain an answer before we get to the Committee stage.

The Hon. T. M. Casey: Would that information be available if the cases are before the court?

The Hon. Sir ARTHUR RYMILL: I only want to know what the subject of the court cases is. Apparently the cases are still before the court, and what the decision of the court may be or may not be does not come into the question in relation to this Bill. What does come into the question is that whatever may be decided in relation to those cases will not happen again, because this Bill is designed to see that it does not. I am not criticizing the Bill at this stage but I do feel it a duty, before I find myself able to support this Bill, to know exactly what it is all about. I have examined the Bill fairly carefully and I really believe that this is the total substance of it. I am asking for a reply from the Minister at this stage because, by the time we reach this clause in Committee, we will have passed other clauses that may have some relation to this matter.

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

ADJOURNMENT

At 1.21 a.m. the Council adjourned until Thursday, November 26, at 2.15 p.m.