LEGISLATIVE COUNCIL

Tuesday, December 1, 1970

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

QUESTIONS

BUILDERS LICENSING ACT

The Hon. R. C. DeGARIS: I seek leave to make a short statement before asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. R. C. DeGARIS: A person has informed me that, in seeking a licence under the Builders Licensing Act, he is required, before a licence can be issued, to provide complete information on his assets, liabilities, and profit and loss accounts for some years previously. I believe that this information is sought by the Premier's Department to be passed on to the Builders Licensing Board. Can the Chief Secretary say, first, what is the need for this information and, secondly, does he not consider this a gross intrusion into the private affairs of an individual by people who are not in any way under any oath of secrecy?

The Hon. A. J. SHARD: As I do not know anything about this matter, I do not wish to comment on it now, but I will pass the question to the Premier and obtain a reply as soon as practicable.

TAXATION

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. C. M. HILL: In this morning's *Advertiser* appears a report that the South Australian Government is examining the possibility of legislation to raise additional revenue for planning and development. The report states:

The Minister for Conservation (Mr. Broomhill) announced this last night in an address to the annual general meeting of the Town and Country Planning Association. He said the Government was keeping an eye on legislation passed in New South Wales in July. The legislation provided for 30 per cent of any increase in land value following rezoning to be paid into a fund administered by the State Planning Authority.

As I cannot find any reference to such a revenue-producing measure in the Australian Labor Party policy speech of last May, can the Chief Secretary say whether the Government intends to pursue this form of capital-gains taxation before the next election?

The Hon. A. J. SHARD: I do not know what the Government proposes to do before the next election. However, I will refer the question to the Premier and bring back a reply.

GRASSHOPPERS

The Hon. R. A. GEDDES: I seek leave to make a statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. A. GEDDES: There have been alarming reports of grasshopper infestations in the Hawker, Quorn and Carrieton area in the northern part of the State. Although the hoppers possibly will not do harm except in the areas where they are at the moment, they could breed and hatch in large numbers in 1971. I ask the Minister whether his department is aware of these grasshopper hatchings, and whether a survey team is to be sent to map the area, so that every effort can be made in 1971 to spray the hoppers should they hatch in plague proportions.

The Hon. T. M. CASEY: The department is fully aware of the grasshopper plague, if I can use that term, in the areas mentioned, namely, Hawker, Quorn and Carrieton, also in areas between Ucolta and Dawson, which is another very big breeding ground about which I know quite a lot.

This has been a bone of contention for many years. I remember taking up this matter some seven or eight years ago, pointing out the damage the hoppers do in that area when they hatch. It has been only on rare occasions that they have migrated to the southern areas of the State. Departmental officers have been to the area. They are asking for the full co-operation of landowners in notifying district councils in the areas of the location of the hopper infestations, and also the areas where they are hatching at present. This is a very difficult operation to undertake, because it covers such a wide area. It must be co-ordinated in such a way that as much information as possible is available to the department, so that if seasonal conditions should be right next year for the hatching of the hoppers the Government can take the necessary steps to ensure that spraying—aerial spraying particularly—can be carried out.

I intend to see that money is available so that, in the event of an outbreak, aerial spraying can proceed with all possible speed. I know the present outbreak in the north is a very serious one—so serious that some properties have been virtually wiped out of feed.

I can speak from experience in this matter. I view it with a great deal of concern, and I assure the honourable member that everything will be done to see that, if the grasshoppers hatch next year, prompt action will be taken.

WILLIAMSTOWN ROAD

The Hon. M. B. DAWKINS: On November 18, I asked the Minister of Lands, representing the Minister of Roads and Transport, a question about the reconstruction of the Williamstown to Birdwood and Gumeracha road. Has the Minister a reply?

The Hon. A. F. KNEEBONE: My colleague has given me the following reply:

The reconstruction and sealing of the Williamstown-Birdwood Main Road No. 98 is being carried out progressively by the District Council of Barossa on behalf of the Highways Department. Subject to funds being available, it is anticipated that the road will be completed during 1971-72.

BOOKMAKERS

The Hon. A. M. WHYTE: I understand the Chief Secretary has a reply to a question I asked him on November 18 about the zoning of bookmakers.

The Hon. A. J. SHARD: The zoning of bookmakers was not introduced until August 1, 1969, by an amendment to Rule 22, which was approved by the then Minister and examined by the Joint Committee on Subordinate Legislation. The Betting Control Board is unaware of any general dissatisfaction of bookmakers or the betting public resulting from the zoning rule. The only known complaints were from one wellknown punter, from three or four bookmakers who were unable to field at a few meetings at which they wanted to bet, and from two clubs that desired to have one or other of these bookmakers at their meetings.

Before the zoning rule, a metropolitan racing bookmaker could bet at any country race meeting if no metropolitan race meeting was then being held. The same applied to metropolitan trotting bookmakers in relation to country trotting meetings. Country course bookmakers could bet at any country racing and trotting meetings, subject to certain restrictions. The board has had, and has, no jurisdiction regarding the dates of race meetings. It not infrequently happened that country racing and trotting clubs in close proximity to each other held meetings on the same days, and some country race meetings were held on the same days as metropolitan race meetings. Overall, on some occasions there were many more bookmakers seeking to bet on country courses than were necessary. On other occasions, less than the necessary number of bookmakers applied to bet. The situation progressively deteriorated, and in 1969 the board felt that it was necessary to make an attempt to solve the difficult problem.

Section 34 (2) of the Lottery and Gaming Act places on the board the "duty of controlling betting in such a manner as is reasonably consistent with the welfare of the public generally and the interests of the persons and bodies liable to be affected thereby"—not a duty easily discharged when interests and self-interests clash. The zoning rule was the result. It should be mentioned that the rule reserved to the board the right to take appropriate action to meet any emergency that might arise. On only five occasions have country clubs requested that this right be exercised—and on each occasion it was exercised.

TOYS

The Hon. JESSIE COOPER: I seek leave of the Council to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. JESSIE COOPER: Yesterday morning I bought a small baby's toy, a rubber kitten called "Toddler's Squeeze Me Toy—safe, soft, sanitary". On the other side of the label were the words, "Guarantee. This toy is made of the purest materials and unconditionally guaranteed to be completely safe." Actually, it is a death trap. On closer examination last night, I found that the head, about 1½in. in height (the whole thing is only about 3½in. high) came off with the slightest pressure, and it could be swallowed easily, although the fact that it was made in two parts could not be seen at first glance. I have seen the article on sale in three shops since. Will the Chief Secretary ban the sale of such a potentially dangerous toy, which I shall be pleased to show him?

The Hon. A. J. SHARD: I do not know whether I have any power to ban anything, but I will take up this matter with my officers or with the appropriate department and have it examined to see what we can do about it.

VALE PARK

The Hon. C. M. HILL: On November 17 I asked a question about Vale Park, which was to pass from the control of the Enfield City Council to that of the Walkerville corporation. Agreement on this matter had been reached, but some financial arrangements between the councils still had to be settled. Can the Minister of Lands give the latest report on this matter?

The Hon. A. F. KNEEBONE: The matter of the financial arrangements between the two councils has not yet been resolved. Following granting of the petition, His Honour Judge Johnston invited the two councils to confer together. His Honour indicated at the time that he believed that agreement could be reached by discussion. However, following several meetings no agreement has been reached and it is now expected that it will be necessary to re-open the inquiry unless agreement is reached in the next few weeks.

TRANSPORTATION OFFICER

The Hon. C. M. HILL (on notice):

1. Has the Transportation Planning Engineer attached to the office of the Minister of Roads and Transport resigned from the Public Service?

2. If so, is the resignation due to frustration caused by the "capsule" and "Breuning" approaches to Adelaide's transportation problems?

The Hon. A. F. KNEEBONE: The replies are as follows:

1. Yes.

2. The officer concerned has authorized me to say that the honourable member's suggestions are completely fallacious. The sole reason for his leaving is that he has been offered other employment at a higher salary.

COMMONWEALTH POWERS (TRADE PRACTICES) BILL

Bill recommitted.

Title reconsidered.

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

In the long title after "Commonwealth" to insert "for a limited time"; and to strike out "subject to a power of the Governor to terminate the reference at any time".

These amendments are necessary because of amendments to some of the clauses.

Amendments carried; title as amended passed.

Bill read a third time and passed.

Later:

The House of Assembly intimated that it had disagreed to the Legislative Council's amendments.

Consideration in Committee.

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

That the Council do not insist on its amendments.

The amendments would render the proposed legislation ineffective if honourable members insisted on their rights and defeated the motion. Therefore, I plead with honourable members to accept the motion that the Council do not insist on its amendments.

The Hon. Sir ARTHUR RYMILL: I believe it is vital to South Australia, for the reasons I gave in my second reading speech, that the Council insist on its amendments. We shall be doing a great disservice to the whole State if we do not insist on them.

The Committee divided on the motion:

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

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

Majority of 9 for the Noes.

Motion thus negatived.

Later, the House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

FESTIVAL HALL (CITY OF ADELAIDE) ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It gives effect to an agreement arrived at between the Government and the Corporation of the City of Adelaide relating to the construction by the corporation of a festival theatre. It proposes certain amendments to the principal Act, the Festival Hall (City of Adelaide) Act, 1964. It deals with the financial aspects of the agreement, with the divesting and vesting of certain lands, and with certain consequential matters.

Clause 1 provides for a somewhat more convenient short title to the principal Act as amended. The proposed short title, the Adelaide Festival Theatre Act, 1964-1970, reflects more accurately the nature of the building proposed to be erected, it being a theatre rather than a hall. This entails a number of consequential amendments to the principal Act, the nature of which will be self-evident. Clause 2 amends the long title to the principal Act to reflect the change in the nature of the building proposed. Clause 3 is formal. Clause

4 provides for the division of the Act into Parts. Clause 5 effects certain consequential drafting amendments to the definition section of the principal Act. Clause 6 is formal.

Clause 7 amends section 3 of the principal Act (*a*) by altering the description of the building from hall to theatre; (*b*) by substituting "Minister" for "Treasurer" in the provisions of section 3 dealing with the approval of the designs involved, since it is thought that this function is not an appropriate function for the Treasurer *qua* Treasurer to discharge; and (*c*) by increasing the total amount the council may borrow for the purposes of the Act by $600,000 and by providing appropriate security for that borrowing.

Clause 8 amends section 4 of the principal Act (*a*) by altering the description of the building; and (*b*) by formally granting to the council such additional powers as it may need to discharge fully its functions under section 4. Clause 9 is formal. Clause 10 inserts a number of new sections in the principal Act and they will be dealt with *seriatim*. Section 6 winds up financial aspects of the Carclew development by providing for the sale or other disposition of Carclew and for the net proceeds to be distributed between the Government and the council in the proportion they contributed to the expenditure on Carclew. For convenience, the amount of $7,640 paid to the New York consultants has been recognized as part of the Carclew expenditure, although strictly it does not directly relate to the Carclew development.

Section 7 sets out the proposed new financial arrangements which may be summarized as follows. The cost of the undertaking is assumed to be $5,750,000 and if the final cost equals this amount the Government will contribute $3,950,000, that is, almost 70 per cent of the assumed cost. If the final cost is less than the assumed cost, the Government's contribution will be abated by two-thirds of the difference between the final cost and the assumed cost. However, if the final cost is greater than the assumed cost by reason of increased costs due to increases in wages and prices above the levels prevailing on September 1, 1970, the Government will bear two-thirds of any increase arising from those causes.

Section 8 provides for the Government to reimburse to the council the loss to the council arising from the operation of the festival theatre by the council during the first 10 years of the life of the festival theatre provided that the amount of reimbursement, when averaged out, does not exceed $40,000 a financial year. Subsections (3) and (4) reflect certain arrangements as to a notional annual value of the festival theatre for rating purposes.

Section 9 is a formal financial provision. Section 10 provides for recourse to arbitration in the event of a dispute between the Treasurer and the council. Proposed Part IV deals with the vesting of the site of the festival theatre and ancillary matters. The area concerned is delineated on the plan in the schedule proposed to be inserted in the Act and lies to the north of the present Government Printing Office running in a generally east-west direction. It comprises the following three sections—section 654, on which it is proposed that the theatre and portion of its surrounding plaza will be built; at the moment this area comprises the bulk of the old City Public Baths site, a portion of park lands, and certain land vested in the South Australian Railways Commissioner by virtue of a land grant from the Crown: section 655, which is contained wholly within the land grant to the Railways Commissioner: and section 656, which is generally within the land grant but which also comprises some railway land as defined in the Bill.

In broad terms these pre-existing interests have been shorn away and the site of the festival theatre, that is, section 654, has been vested in the council for an estate in fee simple. Sections 655 and 656, which are at present in one form or another vested in the Railways Commissioner, are revested in the Crown. The objects of this revesting are (*a*) to ensure that the land to the west of the festival theatre is developed in such a manner as to do justice to the site and generally to enhance its setting; and (*b*) to facilitate the provision of a performing arts centre in the vicinity of section 655 should such a project be undertaken in the future.

Since both these sections are at present in the use of the Commissioner, appropriate arrangements will be made for this use to continue consistent with the objects of the revesting. When the design studies of the southern portion of the festival theatre plaza (that is, the portion of the plaza which will be a southerly extension of the plaza constructed by the council and which will extend towards Parliament House) is completed, it will be necessary to present to this Council some further enabling legislation relating to this construction.

Section 11 sets out certain necessary definitions for the purposes of this Part. Sections 12 and 13 clear away the pre-existing interests.

The land revested in the Crown pursuant to section 13 is a narrow strip between the road to the south of section 654 and the boundary of that section. Section 14 vests section 654 in the council. Section 15 revests sections 655 and 656 in the Crown, and subsection (3) of this section provides that the area so revested will not, by virtue of this Act, become part of the park lands. Section 16 is a formal provision to enable the Registrar-General to ensure that the vestings are reflected in his records.

Section 17 in proposed new Part V is self-explanatory and reflects the arrangements reached between the Government and the council in relation to the Adelaide Festival Theatre Fund. It provides that $100,000 from the fund shall be applied for the construction and provision of the festival theatre, and the balance shall be used for the purchase of works of art for the embellishment of the theatre. This Bill has been considered and approved by a Select Committee in another place. Clause 11 provides for the insertion of the plan, referred to in proposed section 11, as a schedule to the principal Act.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It gives effect to an arrangement entered into between the Government and the Corporation of the City of Adelaide ancillary to the arrangements for the provision of the festival theatre. As honourable members may be aware, pursuant to section 36a of the Highways Act the Municipal Tramways Trust pays to the Highways Fund an amount of .83c for each road mile run by each omnibus belonging to it. It has been agreed that to assist the City Council in meeting the additional obligations it has assumed in the construction of the festival theatre the mileage payments made by the tramways trust in respect of travel over roads within the municipality of the city of Adelaide will be paid out of the Highways Fund by way of a special grant to the city under section 300a of the Local Government Act.

Accordingly, clause 2 provides for the application of a formula to enable the grant to be made. It provides for the establishment of a percentage, which will reflect the comparison between the miles travelled within the city of Adelaide and the total miles travelled by trust omnibuses. The council will then in each year be entitled to a payment equal to that prescribed percentage of the total received into the Highways Fund. This Bill has been considered and approved by a Select Committee in another place.

The Hon. Sir NORMAN JUDE secured the adjournment of the debate.

APPRENTICES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

Major amendments were made to the Apprentices Act early in 1966, following which the Apprenticeship Commission was established in May of that year. Last year the Chairman of the Apprenticeship Commission and the Director of Technical Education suggested that amendments be made to the Act in the light of experience gained since the commission was established. These matters were considered by the then Minister who sought the views of the United Trades and Labor Council of S.A., S.A. Chamber of Manufactures, and the S.A. Employers Federation. This Bill has been prepared having regard to the comments received both at that time and subsequently.

The main alteration in the Bill is to reduce the maximum term of indentures of apprenticeship from five to four years. This is similar to legislative provisions in New South Wales and Queensland, and is similar in effect to the position which now exists in Victoria and Western Australia, although the reduction in those States has been effected by other means. It is now generally accepted that, because children stay at school for a longer period than was the position some years ago, and reach a higher educational standard, it is possible for a person to acquire the skills of a tradesman in a shorter time.

Of the apprentices who attended technical college or technical correspondence school in this State for the first time this year, 80 per cent had completed the Intermediate year at secondary school and 38 per cent had completed the Leaving or Matriculation year. This latter percentage is double what it was in 1966. The period of apprenticeship should be no longer than that which is necessary to enable a person to be trained to be a skilled tradesman. Because of the higher educational standard of apprentices generally

when they commence their training and the improved technical training techniques, the Government is satisfied that the period of apprenticeship can be reduced without affecting the quality of training. This will mean an acceleration in the rate at which skilled tradesmen can be added to our work force.

The other amendments contained in this Bill are made as a result of experience gained since the Apprenticeship Commission was first appointed in 1966. Clause 1 is formal. Clause 2 authorizes the making of a temporary appointment in the absence of a member of the commission. Clause 3 will authorize the commission to suspend the indentures of an apprentice for a period determined by the commission. This power is given to the Apprenticeship Commissions in the other States, and it is found that the suspension of indentures for a short period (during which time the apprentice is not paid) is much more effective than prosecuting an apprentice for failure to attend technical college. It will also permit the commission to suspend indentures of an apprentice who has committed a misdemeanour.

Provision is also included in this clause to permit the commission to delegate certain of its powers to the Chairman. The commission normally does not meet more frequently than once a fortnight. It is continually necessary for the Chairman to consider applications for cancellation, suspension and transfer of indentures of apprenticeship (in fact, so far this year 300 of these applications have been made). At the moment, all that the Chairman can do is to make recommendations to the commission as to what action can be taken and invariably the commission adopts the Chairman's recommendation. This is a cumbersome procedure which is not very effective because these applications need to be dealt with promptly. The new provision will enable the commission to delegate power to decide these matters and, if the commission considers it necessary, to give an aggrieved party right to appeal against the Chairman's decision. Clause 4 is consequential upon the change of title made some time ago of the Superintendent of Technical Schools to the Director of Technical Education.

Clause 5 makes a similar consequential amendment and will permit full day-time training arrangements to be introduced in different areas at different times. Under the Act as it stands at present it is only possible to introduce full day-time training arrangements in respect of a trade for which training facilities exist throughout the whole of the State. Accommodation exists in the four country technical colleges (at Mount Gambier, Port Augusta, Port Pirie and Whyalla) for full day-time training to be introduced in all trades, and if this Bill is passed it is proposed to introduce these arrangements as from the beginning of next year. The amendment also relates an apprentice's obligation to attend technical school to the date of commencement of the requisite course of instruction rather than to the date of his indentures. This removes the possibility of anomalies where indentures are signed an appreciable period in advance of the commencement of the required course of instruction. Clause 6 makes a further consequential amendment. Clause 7 provides that an apprentice who fails in any subject at technical college need only repeat the subject or subjects which he has failed and not all of the subjects for that year.

Clause 8 makes further consequential amendments. Clause 9 makes it clear that the four hours study time given during normal working hours to an apprentice undertaking his technical education by correspondence will apply for up to three years after the apprentice has commenced his correspondence course. At present the Act provides that this study period applies during the first three years of the apprenticeship but it often happens that the apprentice has served for some months before he undertakes a correspondence course. Clause 10 makes machinery amendments to give effect to the present arrangements whereby the Education Department and not the Apprenticeship Commission notifies apprentices that they are required to attend a technical school. The commission decides what instruction should be given and the physical arrangements for advising the apprentice are undertaken by the Education Department. This section of the Act applies to a small number of apprentices in country districts for whom instruction is not available either at a technical college or by correspondence. The amendments in this clause will enable similar arrangements to be made for those apprentices to attend a course of instruction (mainly in Adelaide) in the same way as now applies to country apprentices undertaking correspondence course training. Under this arrangement all such apprentices now come to Adelaide to attend a technical college for two consecutive weeks in each of their first three years of apprenticeship to supplement their correspondence course training.

Clause 11 makes three amendments to section 25. The first is consequential. The second

will require apprentices to be given only one certificate of competency at the end of their trade school course rather than a certificate at the end of each year as is now provided in the Act. The notification of an apprentice that he is required to repeat attendance at any class or correspondence course will be given by the Education Department and not by the Apprenticeship Commission. Clause 12 effects the reduction in the maximum term of apprenticeship to four years, to which I have already referred. It will apply to any indenture entered into after January 1 next. In order that apprentices who have been indentured for a five-year period during 1970 will not complete their indentures after apprentices who commence their indentures next year, provision is made for those who have started their indentures this year to serve for a period of only 4½ years or for their indentures to terminate on December 31, 1974.

Clause 13 deals with notification of the commencement of apprenticeship. Often a long period of time elapses between an apprentice commencing employment as such and the notification to the commission of his employment, because the Act at present does not require the Apprenticeship Commission to be advised of the commencement of the indenture until 28 days after the indenture is signed. In many cases the indenture is not signed until the expiration of a three months' probationary period, and the Bill therefore requires employers to notify the commission of the fact that they have commenced to employ an apprentice within 14 days after the commencement of employment. This will considerably simplify the arrangements for enrolling apprentices at technical colleges in the early part of the year and will assist in dealing with applications from employers to employ an apprentice for the first time and will enable statistics of new indentures of apprenticeship to be prepared much more speedily.

Clause 14 will enable regulations to be made detailing who should sign indentures. Difficulties have been experienced in some cases in respect of the parent or guardian when an apprentice has no relatives in Australia or if an apprentice is a ward of the State. Rather than have details of this nature in the Act, provision is made for the execution of indentures in a manner to be prescribed by regulation, and it will also be possible for the commission to approve of indentures being varied with the consent of all parties to enable a change in the trade to which a person is indentured or the period of the indenture rather than cancelling the original indenture and making a new one, which is necessary at present. Provision has been made for several years in some Federal awards for apprentices who serve an initial period of 20 weeks' full-time training in a technical college to complete their indentures in three or 3½ years. The amendment made by clause 15 will enable the probationary period of these apprentices to be extended until they have actually worked in the employers' premises for three months. Clause 16 is consequential. I commend the Bill to honourable members.

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

SUCCESSION DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 26. Page 3106.)

The Hon. R. A. GEDDES (Northern): This is one of the most difficult Bills to come before the Council this session, both as to interpretation of the Bill itself and interpretation of the second reading explanation. I speak in the middle of the debate, in the ruck, as it were, for many able speakers have preceded me. However, there are many facets of this measure, and to make one's own interpretation has taken much time.

I asked a question last week following an Australian Broadcasting Commission broadcast which reported that the Treasurer had indicated that the succession duties Bill could not be amended by this Council because it was essential that it should go forward in its present form to please the Grants Commission. The Chief Secretary gave the following reply to my question:

The Treasurer did not make such a statement as that referred to by the honourable member. The reference to the Commonwealth Grants Commission in any statements released regarding succession duties has indicated that it is the procedure of the commission to recommend for a claimant State a grant sufficient to place its Budget in a position comparable with those in New South Wales and Victoria, provided the claimant State taxes, charges, and maintains its services upon standards comparable with those of other States. The commission will not make good, however, any deficiency in revenue resulting from taxation or charges of a lower standard, or consequent upon expenditure of a greater standard than in those States.

To take that statement a step further, let us see what the Grants Commission says about this broad programme of assistance to the States. In 1936 the commission chose to adopt the

principle of financial need, which it expressed in the following terms:

Special grants are justified when a State through financial stress from any cause is unable efficiently to discharge its functions as a member of the federation and should be determined by the amount of help found necessary to make it possible for that State by reasonable effort to function at a standard not appreciably below that of other States.

This principle has remained unaltered as a basis on which the commission's recommendations have been made from that time, although it is admitted that from time to time the methods of applying the principle have been adapted to changing circumstances. Let us look at the standard in South Australia as it is regarded by the Grants Commission in relation to that of other States. How does this State of ours stand up to a comparison with other States in the many facets of its activities that the commission looks at?

The first thing I want to report to the Council is that in the years 1957-60 and the years 1966-69 the State developed on a comparable percentage basis with other States. If we take the years 1957-60 and examine the increase or decrease in the efficiency of the State and compare it with the period 1966-69, we find, for instance, that there was a population increase in the intervening years in South Australia of 123 per cent. There was only one other State in the Commonwealth with a greater percentage population increase—Western Australia, with a population increase of 127 per cent. We find in this exercise that Western Australia is the only State that comes out in front of South Australia in comparison with all other States of the Commonwealth.

As regards wage and salary earners, there was an increase of 142 per cent between the years 1957 and 1969; in Western Australia it was 151 per cent. Factory employment increased in that period in South Australia by 128 per cent, while Western Australia had the highest increase (138 per cent) in the Commonwealth. Power generated (one facet of this exercise that is looked at by economists all over the world to gauge the intensity of efficiency of a State and its ability to employ) rose by 228 per cent in South Australia, and in only one other State, Western Australia, did it rise more steeply—by 257 per cent. In the registration of new motor vehicles throughout the whole of Australia, South Australia showed an increase of 163 per cent, which equalled the increase shown by New South Wales during the same period. The increase in the number of schoolchildren enrolled in South Australia in this period was 132 per cent, compared with 134 per cent in Victoria. So, in spite of the change of Governments during that period, in spite of a drought and in spite of economic instability at certain times, the figures for South Australia show how viable the State has been during that time. It makes me wonder whether it is necessary for the State to go to the Grants Commission.

In the year 1968-69 South Australia paid $48.60 a head of population on education—that is, on administration, the training of teachers and the teaching of primary and secondary schoolchildren. In this case, South Australia was second only to Tasmania, which paid $53.50 a head on education. In the same year South Australia had the highest proportion of children of school age (between 5 years and 18 years) to total population in the whole of the Commonwealth, when 72.26 per cent of the children between the ages of 5 years and 18 years in South Australia were at school. Again, the next highest was Tasmania with 69.57 per cent. This is a service that surely must be measured by the Grants Commission as being of great importance. Surely the ability of our population, of our factory employment, of our registration of new motor vehicles and of our power generated to increase must be taken into consideration in measuring the viability of the State. The amount of money we spend on health matters must qualify for favourable comment, too. In the year 1968-69 South Australia spent $20.82 a head of population on health services of all kinds, compared with $23.98 for New South Wales, $20.99 for Victoria and $21.88 for Queensland.

The Hon. R. C. DeGaris: That must mean that our health services were better organized.

The Hon. R. A. GEDDES: That is the point. I appreciate that interjection, because surely it must show that in all these matters—education, health, and the other things I have mentioned—this State in its administration over the years has not been going backwards. Surely the Grants Commission, when it looks at this State's problem, would not have to look at succession duties in the context of their being the only tax that the State has to increase in order to qualify for sufficient grants to meet its financial obligations. It is ironical that we should be debating in this Council on this day a Bill that, according to the second reading explanation, it is expected will increase succession duties in South Australia by between 15 per cent and 20 per cent, while Western Australia only last week introduced

in its Parliament a succession duties Bill designed to reduce the amount of succession or death duties payable by its citizens by between 20 per cent and 25 per cent. The case of the widow is taken into account far more realistically in Western Australia than in in South Australia: there, a deceased person can leave his widow an estate of up to $25,000 without succession duties being payable.

Another point is that in Western Australia there is to be a deduction of $5,000 for every child in the family regardless of age; so one can work out quite easily what benefit this will bring to the citizens of Western Australia, particularly in relation to the home unit. The cost of a home unit is greater in modern-day living because of our inflationary spiral which goes up and up and over which we, as State legislators, have little control. In 1968-69 this State actually paid $7.77 a head of population on succession duties. Western Australia in the same year paid $6.85 a head, yet it is talking of reducing its incidence of succession duties.

The Hon. R. C. DeGaris: And we have a larger population in the home ownership group, too.

The Hon. R. A. GEDDES: That is quite correct. The difficulty is to find comparable figures that give us an opportunity, in the time available, to collate what Western Australia, South Australia or Tasmania has. The exercise has been very interesting, but it has been difficult to cross-check all the figures. The Chief Secretary's second reading explanation predicted that this Bill would raise an additional $2,000,000 and that, as a result, the people of this State would be paying between $11,000,000 and $12,000,000 in the next full financial year. Of course, it is not possible to predict exactly the amount of succession duties received, because that depends on the nature of the estates that come up for assessment in any particular year. It is obvious that under this Bill death will cause financial embarrassment to the families of South Australian primary producers.

Earlier in the year the farmers of this State held a protest march to Elder Park, where the Treasurer told them that he would give effective relief to primary producers who owned properties worth up to $200,000. Press statements were also made by the Australian Labor Party that this help would be forthcoming. The Chief Secretary's second reading explanation states:

Both the Government and the Opposition in our election undertakings proposed higher rebates upon the existing pattern than presently apply so as to give relief to primary-producing properties.

I emphasize the words "existing pattern" because, in effect, that is not so. Those words are dishonest because it is not the Government's intention to follow the existing pattern, the existing pattern being the principal Act. The higher rates are not on the existing pattern: they are on an altogether new pattern outlined in the Bill. The second reading explanation states:

For the properties of greater value the increased benefit will tend to be less, and at $200,000 and over the concession will be as in the present Act.

That is an attempt to pull the wool over the eyes not only of Parliament but of the public at large. The rebate at $40,000 is 40 per cent, as the Chief Secretary has said. The principal Act provides for a rebate of 30 per cent. However, the proposed rebate at $80,000 is 25 per cent, which is exactly the same as in the principal Act. For properties worth between $80,000 and $200,000 there is no greater rebate under this Bill than there is under the principal Act. So, it is only for properties worth between $40,000 and $80,000 that the primary producer receives a greater rebate, and there are very few areas in this State where an economic unit would come within those figures.

The Hon. R. C. DeGaris: Owners of such properties would still pay more in succession duties, because of the higher rate.

The Hon. R. A. GEDDES: Yes. I hope later to seek leave to have some figures incorporated in *Hansard* that will highlight that point. So, twice in one paragraph in the Chief Secretary's second reading explanation we have misinformation, which does not lead to good order and good Government. The claim about increased rebates is a farce, because it is not based on the existing pattern of succession duties, as the second reading explanation claims: it is based on a higher pattern and it does not carry through to properties worth $200,000, as the Treasurer promised. So, we must look again at this problem. Incomes in the wool, wheat and meat industries are decreasing. Inquiries from stock agents show that thousands and thousands of acres are on the market in South Australia but there is no-one able to buy them because he cannot predict what the future is for primary production.

The Hon. C. R. Story: I would not say that the citrus industry is booming, either.

The Hon. R. A. GEDDES: Citrus properties would not come within the $80,000 bracket and therefore would not receive the promised help. We have a peculiar set-up where the State Government says in one breath that it is giving concessions to primary industry but, in fact, it is not doing so. The Commonwealth Government is bending over backwards trying to give long-term financial assistance to all branches of primary industry. It is trying to help inefficient farmers to leave their properties with dignity and with cash in their pockets so that efficient farmers can go ahead. If these plans come to fruition the old bogeys of increased acreages and losing the small family unit will go. Under this Bill, farmers with increased acreages and increased profitability will then have to pay an even greater sum to fit in with the economic set-up of the 1970's.

Some of the suggestions are not new, of course. Many honourable members can remember how the Debt Adjustment Act worked on Eyre Peninsula in the 1930's, when some farms were taken over in order to make an economic unit. South Australia has about the lowest proportion of arable land in areas of reliable rainfall; it is the driest State in the world. So, land values must always be higher here than elsewhere in Australia because there is not sufficient land to go around. Consequently, farmers who originated in South Australia can be found from Toowoomba to the Kimberleys. The sons of South Australian farmers have to leave home and go elsewhere—and they prove to be some of the best farmers in the Commonwealth. I have here a table showing the effect of this Bill on primary producers' estates passing to a widow, widower, ancestors and descendants. I seek leave to have it incorporated in *Hansard* without my reading it.

Leave granted.

EFFECT ON PRIMARY PRODUCERS' ESTATES PASSING TO A WIDOW, WIDOWER, ANCESTORS AND DESCENDANTS

	Property $	Value Stock and Plant $	Total $	Duty under Act $	Duty under Bill $	Per cent Difference	Commonwealth Duty $	Total $
1.	30,000	10,000	40,000	3,875	3,821	—1.4	229	4,050
	With assigned assurance policy of $5,000:			4,000	4,308	+7.5		
2.	45,000	15,000	60,000	6,715	6,743	+0.4	1,022	7,765
	With assigned assurance policy of $8,000:			7,215	7,813	+8.3		
3.	60,000	20,000	80,000	9,600	10,580	+12.1	2,180	12,760
	With assigned assurance policy of $8,000:							
4.	80,000	25,000	105,000	13,550	16,090	+18.7	4,102	20,192
5.	100,000	30,000	130,000	17,862	22,182	+23.2	6,538	28,720
6.	150,000	40,000	190,000	29,928	39,894	+33	13,890	53,749
7.	200,000	50,000	250,000	40,741	58,592	+44	29,703	88,295

The Hon. R. A. GEDDES: Every property has a land value, to which must be added the cost of plant and equipment. Under this amending Bill, rebate is to be given on rural lands only. No rebate will be given in respect of items that are essential for the efficient working of the land—the cost of tractors, combines, fencing, water, sheds and other equipment. These items are very expensive and are most important in the rural industries. I suggest that the socialistic dogma that one must take from the rich and give to the poor, as Mr. Hudson said in 1966, must be very carefully considered, otherwise there will not be any rich to give anything to the poor, who will be paying for primary industry. Instead of aggregating all of the equipment in a primary producer's estate, I suggest that we follow what the Commonwealth Government has done regarding plant and equipment—include it in this Bill as being essential for primary industry. If rebates are to be given, they should be given on the total value of the estate, including equipment. I cannot see any inconsistency in this type of argument when one bears in mind that the Commonwealth has encouraged the farmer, in very liberal terms, to write off the cost of his equipment over five years for taxation purposes. That provision should be included in this Bill.

The Leader pointed out the problem of life insurance policies as compared with superannuation. Under the present Act a private person's estate is not taxed to the extent of any joint tenancy or life insurance; even with life insurance a realistic deduction is made so that his widow may enjoy the benefits of his life savings. If we take the simple case of $20,000 of life insurance, under the existing Act the tax against the estate is $1,650 and the widow can collect, within weeks of her husband's death, the sum of $18,350 which, in turn, she can invest to provide a small income for her life or she can do whatever else she wants to do with it. But under the Bill all these privileges are denied: any insurance policy will be aggregated into her husband's estate so that she will have less ready money on which to draw. Her husband has possibly been paying premiums for a great number of years, perhaps since marriage or when he turned 21 and was able to pay insurance premiums from his wage packet, in order to put a little money away for a rainy day. The widow who enjoys superannuation benefits as a result of her husband's occupation, whether as a public servant or as a member of Parliament, gets off without any problem in this respect. There is no equity in the argument put forward by the Government about a self-employed person (and this particularly applies in many instances to primary industry) who has taken out a life insurance policy on the strict understanding that his widow could benefit almost immediately after his death.

The widow of a person on superannuation will get her benefit without any embarrassment to her husband's estate. This anomaly must not continue if we are to be fair to everyone. The Government must look at this situation, otherwise amendments will have to be moved so that the same type of taxation will apply to superannuation as applies to insurance.

The Hon. A. M. Whyte: Either include superannuation or exclude life insurance, whichever the Government is prepared to consider.

The Hon. R. C. DeGaris: Should it be treated as a separate succession?

The Hon. R. A. GEDDES: A separate succession in both instances would suit me fine. This is how it has operated hitherto. Many insurance agents have approached primary producers and sold them a form of life insurance, and many a farmer has accepted the agent at the door who has said, "This is probate insurance, and it will cover you on your death so that your widow will be able to benefit." Because the insurance company is a reputable one, and because the primary producer has seen a magnificent building in King William Street or elsewhere, he assumes that what the man at the door has told him is right, not realizing that the Government today is looking into this matter and amending the Act to the detriment of those privately-employed people who have no deep knowledge of the legislation. If a man and his wife are getting on in years, it is not easy for them to assist one another or to find alternative ways of covering life insurance, particularly as today anything done to alter values of money costs more money which, in many instances, is not easily found.

Finally, because of the economic problems in rural industry, I should like to see written into the Act a clause that will give relief in the payment of succession duties in cases of hardship. At present, when the duty is declared it must be paid within so many days. Failure to do so incurs 6 per cent interest. However, I understand that, in exceptional circumstances, the department or the Government will waive the interest, but there is no guarantee that this will be done unless it is written into the Act. It is no secret that thousands of acres of land on the market cannot be sold. It is becoming an embarrassment to the primary producer today that neither he nor his estate can sell such land if it is necessary that it be sold to realize the estate. What can be done? It may be necessary to go to the banker, who sometimes has difficulty in lending money to the estate.

Not only in 1970 is there a need for a hardship clause to be written into this legislation, but in many other instances in earlier years there has been this need because of the financial or economic problems of the farmer. I suggest that a hardship clause would be of great value for the future. I view this Bill with distaste because it takes away the privilege of a joint tenancy house-owner in the city, the humble couple who marry, who both work and save as much as they possibly can and put away as much money as possible to buy themselves a house of their own. One of Adelaide's and, indeed, Australia's greatest attributes is that many couples own their own home. I deplore high-rise development, because what is better than a house and garden of one's own? Even these people will be taxed at a higher rate of succession duties, and in addition they will have to meet other taxation measures, thus providing more money for Government spending. I support the second reading on the condition

that I can help with constructive amendments to make this Bill more realistic for the primary-producing industry, the private house owner, and the self-employed person who has life assurance policies and who needs further help.

The Hon. L. R. HART (Midland): We have heard a number of exceptionally good speeches on this Bill, speeches that have contained a great deal of well-documented material. Members who have spoken in this debate have been extremely fair in their comments. They have given credit where concessions have been made in some of the lower brackets. They have also pointed out that many provisions of the Bill have increased, in some cases to a large extent, the amount of succession duty to be imposed on certain estates.

A Bill such as this has many facets. To date many examples have been cited in relation to each of these. I do not intend to go into great detail on the various provisions of the Bill; this has been done very ably by other members. However, the proponents of this Bill have made a great deal of capital out of the fact that a widow stands to gain some concessions under this measure. This is partly true in the lower brackets, but not entirely true in some of the higher brackets. Widows constitute only 15 per cent of all inheritors, and the benefits available to them do not necessarily apply to the same extent to the other 85 per cent of people inheriting estates of various sizes.

I believe the widow is the all-important person; when a man makes provision for the distribution of his estate, he endeavours to take care of her, particularly in case he should die at an early age. This is an aspect the Labor Party has not fully recognized. There are three aspects of this Bill through which the widow loses some of the advantages she now has. The matrimonial home, which was previously taken as a separate succession, is now aggregated with other successions. The provision of life insurance which, under the existing Act, is taken as a separate succession, is now also aggregated with other successions. The third aspect is in relation to joint tenancy, where the joint tenancy in a primary-producing property no longer carries the primary producers' statutory exemption. I believe these three aspects of the Bill have been the main bones of contention with which other speakers have dealt to date.

In his second reading explanation, the Minister said that this Bill provides for the elimination of a number of devices by which dispositions of properties may presently be arranged to avoid or reduce duties on successions. I shall confine my remarks mainly to the effects of the legislation on primary-producing properties, because I am closely associated with that aspect of life, and also because these properties are the subject of over half of the succession duties collected. I also bear in mind the socialistic philosophy that the will of the majority must prevail.

The Minister has gone into great detail to emphasize and to leave the impression that under this Bill considerable benefits will be obtained by the farmer operating in a modest way. I think they were the words he used. When we examine the Bill in detail, however, we find that this is not the case; in fact, many of the benefits or concessions previously available to the primary producer are now denied him. That being so, this Bill must be described as a phony piece of legislation.

Governments with a socialistic outlook are never able to understand the capital content necessary before a property can operate in a modest way. They believe that once it develops beyond a peasant farm it becomes a capitalistic venture which must be hammered at every turn and, if possible, eliminated. If the Socialist were honest he would say that the philosophy of his party was opposed to the principle of inheritance. The Labor Party is obsessed with the idea that once a person accumulates a capital asset running into five figures he must be regarded as being wealthy and fair game for any form of taxation it may introduce.

Let us once again examine the operative words in the Minister's second reading explanation of the evil intent of the Bill. He said that the Bill provides for the elimination of a number of devices by which dispositions of property may be presently arranged to avoid and reduce duties upon succession. If we examine the devices this Bill sets out to eliminate, we find that they are not being used to avoid payment of succession duty; rather they are being taken advantage of so that duty can be paid without eliminating the property itself as a viable concern. Here again I emphasize the question of the provision of an insurance policy. By its provision, the widow or other dependants are in a position to pay succession duties. This would not have been the case without an insurance policy. These devices have been quite legal, and in fact they have not only been encouraged by taxation experts but condoned by Governments because it has been realized that without them many properties, to meet the payment of succession duties, would have to be

reduced to uneconomic units. I think any Government would recognize that this is not a wise policy.

The Commonwealth Government has recognized the value of insurance policies as a means of ensuring the payment of taxation by making the payment of premiums a tax deduction. Under this legislation, however, the insurance policy, rather than providing a means of relieving succession duty, only increases the capital asset on which duty must be paid. In effect, it is self-defeating. The so-called device of joint ownership is not a means of duty avoidance but is a perfectly normal business arrangement that under this legislation incurs the penalty of not qualifying for the 40 per cent exemption on primary-producing land up to a value of $40,000, passing to the immediate family of the deceased. The joint ownership of a property by a member of a family may have been acquired by a monetary investment in that property. It may have been a convenience to do it that way at a certain point of time. Anyway, this was a convenient way to do it, so why put portion of the property under a separate title if the unit is to be run as one unit? However, if separate titles are involved, land passing from a deceased person does qualify for the primary producer exemption under the conditions laid down in the Bill.

I cannot accept that a person who legally owns one half of a property through a joint ownership arrangement should not be entitled to the exemption when the other half of the property passess to that person and will continue to be used as a primary-producing property. Joint ownership contracts are sometimes entered into as a compensation or a reimbursement for services rendered. Let us take the case of a struggling farmer living away from public transport and education facilities, whose only chance of educating his son is to send him away to boarding school. He cannot afford to do that, so his son stays at home and works on the property. The father, to compensate him for not getting the education he deserves, gives him a share in the property by way of a joint tenancy, on which he probably pays gift duty. The farmer down the road, who is more affluent, sends his son to boarding school, for which he gets taxation deductions. The son gets an inheritance through his education and, in addition, if he should also inherit the primary-producing property, it will qualify for the 40 per cent primary producer exemption, whereas the son of the first farmer inheriting his father's share in the property does not have the benefit of this exemption. At the time of assessing the value of a property inflated prices may prevail. That is often the case. The succession duties on those inflated prices would be high.

However, the endeavour is to maintain that property as an economic and viable unit. The only way in which this can be done is through an insurance policy. To do that, the father possibly denies himself and even his family some of the ordinary things accepted by the community as the necessities of life. At his demise, the inflated value of the property is such that the insurance policy barely covers the duty payable but when the policy itself is lumped into the estate, possibly bringing it into a higher rating bracket, the estate finds itself in difficulties. The payment of succession duties can have the effect of forcing a person operating an economic unit to break it up into an uneconomic one, relying for its continuance on some form of Government assistance. This help may not even be forthcoming from the State Government, which was the cause of the situation that has developed. The Commonwealth Government then comes under fire for not coming to the rescue. The actions of a State Government in imposing heavy succession duty payments may well have the effect of forcing a person on to the age pension because of the eating up of all spare cash available in an estate. It seems to matter little to the Labor Party that its very actions can mean that this State can become a land of peasant farmers depending on Government handouts for their existence.

Recently, we have heard much about the right to dissent if we do not believe in certain things. We have also heard of certain legislation being referred to as immoral. I believe that this succession duties Bill is immoral legislation because it is discriminating in its effect, and its application can deprive a citizen of his means of earning a living. No prudent farmer today would endeavour to keep his son at home on the land, nor would I advise him to do so, if he was in a position to give him an advanced education, equipping him for an assured salary for life—something the land cannot assure him of. In addition, it can assure him of a hefty superannuation on retirement or for his spouse on his death, absolutely free from succession duties—again something that a life on the land cannot provide for him.

These views are held by people other than myself, people holding responsible positions in this State who have studied the impact of this Bill on our economy. It may interest

honourable members to hear what some of these people have to say. In fact, honourable members may already have received this correspondence from those people, and I think that these views expressed by them should be incorporated in *Hansard* so that posterity can look back and see what their views were at this point of time. I intend to read some extracts from these letters that I assume honourable members have received. One letter is from Mr. D. H. Kelly, Executive Officer of the Stockowners' Association of South Australia. He writes:

I am directetd by my Executive to write to all members of the Legislative Council to make clear the association's attitude in regard to the Succession Duties Act Amendment Bill at present before the Council. It is desired to record the very strong opposition of the association to this proposed legislation in its present form and to impress upon all members the urgent need to reduce the incidence of succession duties on primary producers' estates considerably below that which would apply if the amending Bill is passed. Far from providing the relief promised by the Government, the Bill sets out to place an impossible burden of succession duty on holdings which are the backbone of the State's rural export production.

Let us not forget that the rural industries are still providing the greater amount of oversea capital that this country utilizes. The letter continues:

The Bill ignores the very large amounts of capital required for primary production on an economic scale and the seriously depressed condition of rural industry as a whole. It is of the greatest urgency and importance that the Bill should not be passed in its present form. I am directed to seek your active support for redrafting of the proposed legislation to enable members of a family unit on the land to carry on in primary production, following the death of the landholder. Under the Bill a great many widows and sons would be unable to do so. Figures showing the comparative estate duties on various sizes of rural holdings are attached, together with a press release issued by the association's President. More detailed information is being obtained from pastoral houses, banks and insurance companies, and this will be passed on to you when available. In the meantime, it is hoped that you will use every endeavour to see that the present Bill does not become law.

That letter shows the concern of a spokesman for primary industries of this State. Primary producers are not asking that this Bill be defeated outright: they are asking that it be amended to relieve them of some of the crippling imposts in it. As other honourable members have said, to meet succession duties it is often necessary to sell portions of properties. Because the indications are that in order to survive it is necessary for properties to become larger, it would be disastrous to fragment properties. I wish to quote from a statement issued by the President of the Stockowners Association of South Australia, Mr. D. F. Cowell. The very pertinent comments in the statement have been echoed by many honourable members who have spoken in this debate. The statement is as follows:

It is hard to believe that any Government would deliberately set out to destroy the State's rural export industries, on which the economic welfare of the whole community depends so much; but this must be the ultimate result of the Succession Duties Bill, now before Parliament, if it is passed in its present form. Having noted the remarks of the Premier at the farmers meeting on July 22 and later at a joint deputation with representatives of the United Farmers and Graziers of S.A., having been assured by him that remissions of duty from the present standard would be given on primary production land up to $200,000 in value, my association is dismayed by the implications of this Bill. The range of property values on which the very small relief from duty applies is set so low that it is not even a token gesture of assistance as far as the wool, meat and cereal growing industries are concerned. Far worse than this is the impossible burden of succession duty it is proposed to levy on large properties which are now barely economic and which form the backbone of rural production in this State. There has obviously been no appreciation of the very large capital requirements of a farming or grazing enterprise sufficiently big to be an economic unit. This increase in taxes will set in motion a crazy cycle. Properties to remain viable today must become larger. Now, once the owner dies they will revert to their former state by having some portions sold off to meet the duties.

Most honourable members have been trying to make that point, and the Government will have to recognize it; if it does not, we will have peasant farmers who are entirely dependent on Government handouts for their existence. Maybe such people are attractive to the Government because it considers that when a person gets into that situation he is more likely to follow a socialistic line. The document continues:

It is high time that sanity prevailed in the minds of politicians on their attitudes to succession and estate duties. It is perfectly evident that the present increase in succession duties could cripple financially many families, as they would be forced to sacrifice their properties to meet the payments.

That is another aspect. When a property is put on the market in this situation, its full value cannot be obtained. In such circumstances, a myriad of properties will be on the market and no people will be interested in buying them. As a result, the properties will

have to be sold at give-away prices in order that succession duties can be paid. The statement continues:

It will eventually mean the phasing out of existence of many properties and relegate many future landowners back to serfdom. A positive lead was taken in England a few years ago to save properties from being cut up and sold, by exempting grazing lands from estate duty.

We see there another country's experience of the effect of heavy succession duties upon the grazing industry.

The Hon. M. B. Dawkins: Did Mr. Wilson do that?

The Hon. L. R. HART: I would not think so. The statement continues:

No sensible society should tolerate a situation where a widow can be impoverished for life by a forced sale of land on falling prices.

The prudent landholder takes out an insurance policy so that his widow can meet succession duties after he dies. He recognizes that succession duties are part of the pattern under which we live.

The Hon. T. M. Casey: What if he cannot afford an insurance policy of sufficient size?

The Hon. L. R. HART: If he could not afford such an insurance policy he would be in a pretty bad state and would not have to pay succession duties anyway. I am thinking of a person who has worked hard all his life and has created a capital asset. The Minister has probably worked hard all his life and has probably created a capital asset which he has set out to protect. I would expect that he, being a prudent man, would do that.

The Hon. C. M. Hill: He could not get an insurance policy on his political life.

The Hon. L. R. HART: Of course, the Minister did not have to fight for his seat in this Council; I would not mind being in that position. It is not everyone who receives an inheritance like that which the Minister has received—an inheritance which he did not have to provide for. Most people try to provide for succession duties, yet the present Government says to them, "Any provision you have made must be accepted as part of your estate." In that way a larger estate is created, and that incurs higher succession duties. The satement continues:

This is exactly the situation today. The land is valued with all improvements included for probate. Later, when the widow tries to sell some of the land to meet the duties payable, she will find that the price of her land is down, in some cases to half of its original valuation with improvements. Having been forced to sell so much, she is left with an uneconomic unit for life. This is an appeal not to safeguard the few large estates that are able to look after themselves in any circumstances but to safeguard the interests of the majority of landowners who have spent a long time building up their properties and whose widows now, as a result of depressed conditions in the rural industry, could be made and will be made impecunious because of the increased duties levied under the Bill.

I am not trying to blame the Government for the depressed conditions in the industry, but I am blaming it for making them more intolerable.

It is incredible that any Government with the interests of humanity at heart should attack financially a defenceless widow and leave her struggling. I think that Mr. Cowell has expressed the sentiments of honourable members and would recognize the situation whereby the Government is endeavouring to impoverish not only the widow but also other members of her family. I implore the Government to consider some of the points that have been made in the debate. The Opposition is not trying to defeat the legislation. I concede that the Government has a mandate to introduce this measure, but not in the form in which it has been introduced. If the Government is prepared to consider certain amendments that I hope will be moved, it is the duty of this Council as a House of Review to endeavour to make the legislation workable. I am prepared to support the Bill in the hope that we will be able to improve it in Committee.

The Hon. M. B. DAWKINS moved:

That this debate be now adjourned.

The Council divided on the motion:

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

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

Majority of 9 for the Ayes.

Motion thus carried.

Later:

The Hon. M. B. DAWKINS moved:

That this debate be further adjourned.

The Council divided on the motion:

Ayes (14)—The Hons. M. B. Dawkins (teller), R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, E. K.

Russack, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

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

Majority of 10 for the Ayes.

Motion thus carried.

CITRUS INDUSTRY ORGANIZATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 26. Page 3110.)

The Hon. C. R. STORY (Midland): I thank the Minister of Agriculture and the Council for allowing me the opportunity to conclude my remarks and to consider this far-reaching legislation which was introduced last Tuesday and which needs a close study, so that we may be able to understand the rudiments of what is happening in this matter of the citrus industry. I intend to support the Government's proposals, on certain conditions that I will unfold. I know that there must be some immediate action to overcome the difficulties in which the Minister and the industry find themselves at present, but it is essential that the Government obtains an expression of opinion of members of the industry as to which of the recommendations in the Dunsford report should be accepted.

If we consider the recommendations of that report and if we reflect on what happened to the original report of the Select Committee (which was instrumental in appointing the Citrus Organization Committee set up under the then Minister of Lands, Mr. Quirke), we will find that few of the recommendations of that original committee operate today or have operated at all. I am fearful when I see a Bill introduced that was not more than a thought in the mind of the Minister a week ago without any guarantee that any of the recommendations of the Director of Lands have been accepted, and I shall expect to receive some assurances from the Minister on these aspects. At page 35 of the report, under the heading "Future Action", three alternatives are given for the industry to follow.

I point out that when Mr. Dunsford was appointed to this committee of inquiry he was asked to consider all aspects of the operations of the Citrus Organization Committee and his report was to be given to the Minister of Agriculture and not tabled in this Chamber. Consequently, he framed his report on the understanding that it would go to the Minister to enable him to discuss with the industry generally and with the C.O.C. the various ramifications of each of the alternatives. I do not think that some of the contents of the report would have been included without qualification had it been known that the report would become public property.

The first alternative offered by the Dunsford report is the view that the Citrus Industry Organization Act and the Citrus Organization Committee, as a statutory authority, should control the industry within the State, with South Australian Citrus Sales Proprietary Limited as a marketing subsidiary. The second recommendation is one that I imagine we should view with caution in its form in the Bill. The recommendation is to modify the role of the C.O.C. and suitably amend the Citrus Industry Organization Act to achieve this purpose. There seems to be a bit of the two rolled together in this Bill. The third alternative is to repeal the Citrus Industry Organization Act and allow the industry to find its own level. Some detail is given of the method by which the operation should take place. At page 36 of the report Mr. Dunsford states:

(*a*) The Citrus Organization Committee should be reformed and cease to be dominated by grower members. Persons with the necessary business and marketing experience should be included on the committee which should be the sole policy-making body.

(*b*) South Australian Citrus Sales Proprietary Limited should be reconstituted and become a wholly owned subsidiary of the Citrus Organization Committee without the intrusion of other interests. Members of the Citrus Organization Committee only should comprise the directorate of South Australian Citrus Sales Proprietary Limited.

(*c*) The two indentures, between the Citrus Organization Committee and Murray Citrus Growers Co-operative Association (Aust.) Limited and between South Australian Citrus Sales Proprietary Limited and Murray Citrus Growers Co-operative Association (Aust.) Limited should be voluntarily determined and alternative arrangements be made for the use of the "Riverland" brand by South Australian Citrus Sales Proprietary Limited.

He sees no good reason to continue South Australian Citrus Sales Proprietary Limited as a separate board. On page 37 of the report Mr. Dunsford states:

Although there is good reason for the appointment of experienced marketing executives to the Citrus Organization Committee, there will be a continuing need for grower participation. However, it is considered that grower members "elected" to the committee should not have interests in other marketing organizations which may conflict with the policies of the Citrus Organization Committee and South Australian Citrus Sales Proprietary Limited. Therefore, "upon election", any grower who has interests in these directions should be required to surrender them so that

he can be free to devote his full energies to the interest of the committee's marketing policies.

One should analyse this statement, because it has vast ramifications when it is introduced in the Bill. I shall refer to it more specifically when I reach that part of the Bill dealing with it, but it is obvious that the number of persons eligible to sit as a grower representative will be limited if the legal interpretation is placed on this that I expect would be given by a Crown Law opinion. Any member of a co-operative who is a shareholder in that co-operative is a shareholder in a major co-operative operating as a selling and buying organization for it. If that principal is acting as an agent for a break-away group from C.O.C. and the profits made from the operation of selling revert to the co-operative, the shareholder therefore becomes a person with a vested interest, in exactly the same way as a shareholder in the Murray Citrus Growers Organization, which is running stalls in the Sydney and Melbourne markets; therefore as a member of that organization he must be involved in a selling organization.

Likewise any board member of the co-operative, or any person where a group is formed and a selling organization established, will be excluded under this measure as a grower representative. The field will be very much narrowed, and I think this is the interpretation which would be put on this measure, although there are discretionary powers for the Governor (which will be the Minister of Agriculture reporting to his Cabinet upon the persons to be selected). I think that under challenge it very easily could be construed that the field from whom the Minister can choose his first appointees or accept nominations from the Returning Officer is very narrow.

At the bottom of page 37 of the Dunsford report it is stated that an approach would need to be made to Murray Citrus Growers Co-operative Limited to voluntarily surrender its rights to South Australian Citrus Sales Proprietary Limited and to transfer its interests in the company to the Citrus Organization Committee. The report goes on to state a method by which this may be done. I think it is of some real importance that the Riverland brand should continue in operation. It is a brand which has built up, particularly in New Zealand and South-East Asia, a very fine record for service to the public and for quality, and the amount of money spent on the Riverland promotion schemes over the years indicates that it is essential that C.O.C. retain that brand in some form, as suggested by the report.

The report points out that there are some other shippers at present, and in the opinion of Mr. Dunsford the C.O.C. and South Australian Citrus Sales should not attempt to monopolize marketing in the industry. Many growers in South Australia still believe there should be only one marketing body in this State, and that should be the C.O.C. Another group of people have the opposite opinion and believe that the C.O.C. should be no more than a regulatory body licensing, supervising, and co-ordinating export markets, setting prices, quality standards, and so on.

I have quoted these things to try to bring home that this report cannot be implemented in little pieces. We cannot take little bits out of it and leave other bits untouched; it is a sort of package deal. We have had previous experience when the Grape Industry Select Committee, headed at the time by the Auditor-General (Mr. Jeffery), brought down its report. How many of those recommendations have been implemented? It was a complete waste of time, because the Government did not implement the findings of the committee, and consequently the unpalatable little bits were taken out and used, but the main benefits were never implemented. This is why I say that this matter must be thought through very deeply, not only by the Minister and his advisers, but also by the industry.

The second alternative has much support in some quarters, the matter of whether the C.O.C. should become completely dominated by the growers. It would not deal with the actual selling of the commodity at all, but would be there as a regulatory body to license packers, license exporters, and set standards.

The report also deals with the desirability of a federal citrus export marketing board. This is what was wanted in the first place. If we had such a board many of the worries would be over. Many problems have been caused in the industry because the C.O.C. has not been going very well in more recent times. It has done nothing to bring together the parties in the other States, and they have rather shied off it. A tremendous amount of talk has gone on between the various States at federal level, but nothing has come from it up to date.

In this State we have provided over many years more than 60 per cent of the fruit exported from Australia from less than 30 per cent of the total production. That is a very good record. We have a very heavy vested interest in the matter of export, so it is of

vital importance to us in South Australia to get a stable industry. We cannot afford to go off in different directions with different qualities, different prices, all competing in markets where we are absolute amateurs when it comes to the ability to haggle. These people have been at it for thousands of years. It must be their dream to get three or four Australians and peg them back on prices. We know this has happened, and in my opinion it is not a desirable way to do business.

The money section of any Bill is always an acute problem. I believe this is no less the case in this measure. I have no firm figures, but I would venture to suggest that the C.O.C. is handling something well below 70 per cent of the South Australian pack at the present time. This difficulty has been accentuated because we have the contract system for export in this current season. It could very well drop below 50 per cent of the South Australian pack unless some quick remedial action is taken. If this happens and the people outside the organization will not contribute their levy to the C.O.C., how will it be financed? This year there is a budgetary figure of some $240,000, which has to be serviced by levies from members.

If we are not to get those levies in as a portion of the State's tax, somebody will have to chip in and people will have to pay more for orderly marketing; they will have to pay more and more for the machinery for setting the prices in South Australia and the export prices for other people, who are members, to enjoy the benefits of it. The report suggests, in the second alternative, striking an acreage levy. We can strike an acreage levy under the second alternative because in that scheme everybody would benefit as a result of the operations of the C.O.C. because it will be doing research and providing other forms of service. Therefore, it would be on a straight-out levy. But, if we try to do it in the first alternative, we shall be battling against the same trouble of imposing an excise under the Commonwealth Constitution, which it could be illegal to do. So there is not much alternative at this stage to trying to get as many people operating through the C.O.C. as is humanly possible.

We now come to an important and interesting section of the report, which I am sure the Minister has read with real enthusiasm—the matter of voting. The report states:

If either of the foregoing two alternatives is adopted, it is suggested that consideration be given to proportional voting in grower elections and an extension of the term of the Act beyond the present two-year period. Most growers interviewed consider that voting rights could be commensurate with a grower's stake in the industry, but with an upper limit to voting power. Many also consider that the terms of the Act could be increased to not more than five years.

Provision is made in the Bill, when we get around to voting after two years, for a period of three years in lieu of the present two. I thought it was interesting that Mr. Dunsford's suggestion of proportional voting is also favoured by the egg producers; in other words, a group of growers with a very small production can completely control the industry. I know this will be raised with the Minister, if it has not already been raised with him, by other sectors of primary industry. I believe we now come to the crux of the whole situation, which appears on page 43 of the report, which reads:

The situation now is that the industry has been given an opportunity to achieve orderly marketing through a statutory body but, for the reasons set out herein, has been unsuccessful in achieving this aim. It now appears that the most appropriate action to take is to conduct a poll of growers to ascertain their views as to whether or not the Citrus Industry Organization Act, 1965-1969, and the Citrus Organization Committee should continue to operate, and in what form. The alternatives which should be considered have been set out and these could form the basis of a poll, should it be decided that this should be conducted. Growers should be made fully aware of all the implications of the matters described. It is incumbent upon industry leaders and growers' organizations to advise growers and to see that they fully understand the implications of any decision which they may make. This question—

and I ask this, too—

is one which growers alone must decide and for which they must accept full responsibility.

Whilst I am prepared to put this in the hands of the Government to overcome this short impasse, I do not want to see this organization put into the hands of a Government marketing board. It is a commodity board owned by the growers. All that Parliament has done is to give it teeth to operate its own affairs and, the less Government interference there is in this matter, the better. The position is such, I believe, at the moment that some quick action must be taken; the sooner the organization is handed back to the industry after it is sorted out, the better the industry will be and the more happily the Minister will rest at night.

The new C.O.C. must be given some guidance in the alternative it is to pursue, because nowhere can I find at the moment in this Bill any direction for the new committee. The

only way in which this can be determined is by following the suggestion of the Dunsford report, from which I have just quoted. I plead with the Minister that he should at the earliest practicable opportunity put the alternatives to the industry to give it the opportunity to either re-form the C.O.C. or disband it completely; because, if it is not to function, it is an expensive hobby to continue to levy the growers, who can ill afford to pay for additional administration costs. If it is to work, the industry must be given a clear indication of which alternative, or whether another alternative, is to be taken. The growers have the right under the Act to ask for a poll within one month of this date—in January. I see nothing in the amending legislation that would preclude them from having a vote if 100 of them signed a petition asking the Minister to conduct a poll of growers at any time after January.

If this Bill passes, it will mean that the two grower representatives nominated by the Minister will be in operation for two years; they will stay there for two years. That is a fairly radical sort of step to take, to put in two people not knowing whether they will be able to work with the other people whom the Minister will appoint or whether they will get on better than some of their predecessors did. Therefore, the growers have no chance of voting them out if they want to: they go out only at the termination of two years. But, if nothing is done to the present legislation, they have remedial rights to present a petition to take a vote to find out whether or not they want to continue in this way. But the staff will want to know definitely what its employment position is and more especially what policies the overall body thinks should be adopted.

The staff has laboured for a long time without knowing what the body corporate thinks about the alternative plans. The staff has been extremely loyal to the organization in sticking it out for so long. It is most unsettling for a person to think that after two years he may be voted out of a job. The action I advocated ought to be taken early so that staff members know about their future. If this project goes well, I know that the growers will not let a good organization slip through their fingers, but they will protest strongly if something is not done to reconstruct the whole arrangement.

What will happen when this reconstituted Citrus Organization Committee meets for the first time? The answer is that five persons will be sitting around a table and they will have to decide what their role is. The indenture relating to Murray Citrus Growers Co-operative Association (Australia) Limited will be voided by the proclamation of this legislation. There has been sufficient amendment of the principal Act to warrant the voiding of the indenture. So, five people will be sitting around a table trying to work out their role. They will have $15,000 owing to the State Government and they will have a bit of furniture, but they will not have very clear directions at that stage unless they know their role, and the only people who can tell them their role are members of the industry—the growers, the packers and the shippers. I know that statement will be criticized. However, 75 per cent to 80 per cent of our fruit has passed through the growers' co-operatives. So, those groups will have to come up with a workable plan.

The key to the whole problem, as it has always been, is the personnel of the committee. They will guide the destiny of the whole organization, and, if they are the right people, I will not have many worries. The growers, packers and exporters have all stressed the same point over and over again: whom will the Minister appoint? The whole success of the scheme hinges on this question. Can the Minister tell us today whom he plans to appoint to the committee? Some people are hostile about the way this matter has been dealt with, but they are prepared to be forgiving, provided they know the personnel of the committee.

I am sure the Minister has given much thought to this matter, because if this Bill is passed by both Houses I expect that it will be proclaimed in less than a week in order to straighten out certain matters. The Council and the industry would rest much more happily if they knew who the chairman and the members of the committee were. Once we set the ball rolling, this scheme will be inflicted on the industry for two years, unless it is rejected. The five people involved will be sitting around a bare table picking the last of the pips if the right personnel are not appointed to this committee. Unless they have fruit they cannot function, and the Government will find that it has a fairly big dog tied up, under the guarantee that will be exercised.

There is a typographical error in clause 7, to which the Minister has foreshadowed an amendment. Section 9 of the principal Act should be amended by striking out subsection (3a), because that provision relates to zoning

sections, which have been struck out. To summarize, it would greatly assist this Council and the industry (and it is almost demanded) for the Minister to tell us the personnel of the committee, in consideration of taking away growers' voting rights. I need the Minister's assurance that he will act expeditiously to enable growers to give a clear expression of opinion about their requirements through a poll, if that is requested by 100 growers. I hope the Minister will assure me, too, that he will use his best endeavours to see that the case is clearly put without political rancour. I sincerely hope that, by the passage of this Bill, the industry will get back on its feet and that some of the bitterness that has been engendered over the past 4½ years among people who were at one time close friends will be cleared up. I hope that we will then get on with the job of distributing what is without doubt the best citrus in the world in a proper and businesslike way. I support the Bill.

The Hon. H. K. KEMP (Southern): I listened attentively to what the preceding speaker said on this Bill. I do not think any point that needed bringing out has been omitted, but it is necessary to reiterate one or two points. Nearly every grower I have spoken to (quite a number since this Bill has been before us) seems to think that this change in legislation may lead to an easy solution of the difficulties that have faced the Citrus Organization Committee since its inception. That is not the case.

The citrus industry must appreciate that this Bill presents only a change in formula. It sets out to correct the board compulsorily, because it has proved so susceptible to disruption by the personal loyalties that all its members are subject to, but by this Bill the citrus industry is being placed under the control of five people who are Government-appointed. These five people, who are comp'etely unknown at present, have an enormous responsibility that I would face fearfully, if I had to face it.

They are being appointed to control the citrus industry without any actual guidance as to the policy they must follow, although there has been an inquiry and three alternative suggestions have been made. That places even more responsibility on the people who will be appointed. In effect, this Bill sets up an overall co-operative to handle citrus in South Australia as a whole.

The Hon. R. A. Geddes: Is it a co-operative or a marketing authority?

The Hon. H. K. KEMP: It is a marketing authority, but its fundamental aim is to handle matters in the interests of the industry itself. However, it is not answerable to anyone; it has no need to go back to the industry and check from it whether it is doing the job it is supposed to be doing. That means that a much more fearful responsibility is being laid on these people.

I have enormous sympathy for citrus producers, who are facing great difficulties at present. We are not far from similar difficulties in the industry with which I am chiefly concerned. I do not see how these people can work in the circumstances immediately in front of them unless they take the job very responsibly and realize that they must check again and again with the people to whom they are finally answerable.

We face this difficulty whenever we market any kind of fruit in Australia because, unfortunately, in nearly every case we grow too much of it. The fundamental difficulty in such an industry is in sharing the available markets among the suppliers and disposing fairly of the surpluses. I do not think anyone has yet worked out a formula whereby that can be done satisfactorily. When citrus growers have approached me about this Bill, I have said to them that there is no clear-cut formula in the Bill to work out the industry's difficulties. All that is being done is to set up a committee of five people who will be appointed by the Government and will not be answerable to anyone for at least two years.

They have been given the responsibility of sorting out the difficulties that have made the C.O.C. so difficult to put up with over the last few years. Some growers at Mypolonga have said that they must have this Bill through quickly. I do not doubt that they must have the Bill through quickly in order that there can be some change in the almost impossible position that faces the industry at present.

However, these growers must realize that this Bill provides only for a change of formula: it will not give them the solution to all the industry's difficulties. That solution must be worked out in the future by people whose identities we do not know at present. The Hon. Mr. Story made this point very clearly.

Before this Bill comes into operation, every grower and every honourable member should know the names of the people who will be given this responsibility. It is very important that the committee members should be given a policy to follow. However, there is no sign in the Bill of any such policy. Mr. Dunsford's devastating report lays down three alteratives, one of which is to leave things completely

alone and let the industry sort itself out. However, I believe it would be tragic to throw away all the loyalties and all the hopes that have been brought forth in the last few years. Policy guidelines should be clearly set before the committee members.

The Hon. Mr. Story dealt with this matter deeply and cleverly. He enumerated the difficulties of dealing with surpluses. The Bill does not make it clear to whom the committee will be answerable; it is not even clearly stated that the committee will have to answer to the Minister. It is being proposed as a body with all this responsibility, yet it does not have to answer to anyone.

This is possibly where the C.O.C. ran into trouble: it had much responsibility, but it was answerable only to itself. It supposedly had guidelines, but none of them was ever followed. Who will ask this committee how it is doing its job all the time it is working (not at the end of two years or 10 years)? I think the committee can work, if its members are wisely chosen and if they give away their other loyalties and devote the whole of their attention to the tremendous job ahead of them. They will not have anyone to go back to and ask, "Are we doing the right thing?"

This is the worst weakness of them all. There are many really effective co-operative organizations in South Australia and, if in the early stage of development they go back and check their policy with the people to whom they are answerable, most of them work effectively indeed. However, as soon as they become large organizations, as many of the co-operatives have become, they feel that they do not have to go back to the individual grower or to the person who earns his living in the industry and say, "Are we doing our job well enough?" It is at this stage that they begin to become inefficient.

I have no intention of moving amendments to the Bill or of criticizing it deeply. I have pointed out the weaknesses that would make it almost impossible for the Bill to work effectively. We will be placing great responsibility on these people who will not be chosen by any authority other than that of the Minister and who, once appointed, will not be answerable to the Minister or to the industry itself. This point must be watched carefully by the Minister because, unless there is this check-back and feed-back all the time, this legislation will not work. I support the Bill, which I hope will help to get the orange growers of the State out of the difficulties that deeply surround them.

The Hon. R. A. GEDDES (Northern): The Hon. Mr. Kemp has mentioned some interesting points. The five faceless men, as one might call them, on the committee will not be answerable and the committee will not be answerable to the growers. What should we do about it? I see the Bill in a slightly different light from that of the Hon. Mr. Kemp. If these men (who, I presume, will be selected for some degree of efficiency) are unable to sell the next two seasons' citrus crops, then either the growers will be saying to the Minister, "There must be another look at the marketing problem" or, by their results, we will be aware that the industry is still in the depressed state it is in now.

So many directions could be given to the citrus grower by an active marketing authority and so many directions could be given by the grower or the packer to the marketing authority that we must have a happy blend of opinion if we are to get the citrus organization off the ground and into some viable and constructive selling authority that will give to the grower his cost of production. I understand that the minimum price for the cost of production, calculated from the costs of 20 selected growers, is $1.35 a bushel and, to get this price in these days of heavy crops, a great change is needed in the method of packing and marketing the fruit.

In 1969, as a result of a light crop, prices to the industry were reasonable. In 1968 and in 1970, the heavy crops proved disappointing. One of the reasons this situation has been brought about is that an attempt has been made to concentrate on the export market and to export only first-class fruit. This means that there has been an over-dumping of fruit that is not acceptable to the buyers in Adelaide and in other Australian cities. The *Australian Citrus News* of October, 1970, states:

> In a recent report on the Melbourne Wholesale Fruit and Vegetable Market the following comments were made:
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> "Market reporters noted, as they do almost every week, that variation in quality of produce was one of the most important factors in the variation of prices. While this allowed buyers a choice of quality the reporters frequently noted that 'only the recommended lines were selling', or 'a good demand was maintained for the better quality fruit', or 'daily carryover consisted mainly of inferior lines'."

The question of supply and demand is one of the industry's problems. The exporter investigates the prices received for fruit in Sydney, Melbourne, and, possibly Adelaide, and bases his export prices on these depressed prices. This committee will have a big job to do. The packers, the carriers and the marketing organization will get the first call on the fruit, and the grower will get the last call on the price realized for it. There will be little future in the method whereby the committee, the packer and the carrier get their cuts before the grower obtains his cut. There will be no future in supporting an export market if Australian housewives get only inferior fruit. It has been demonstrated in New South Wales that the price of lemons sold on the Sydney market could be increased by as much as $1 a bushel as a result of selective picking and by leaving unwanted fruit on the trees.

This idea of selective picking of citrus fruits is nothing new to the grower. If every piece of fruit is sent to the packer, what does he do with it? His role is to pack fruit, so he grades it with his efficient machinery and puts various grades of fruit on to the market. Naturally enough, some low-grade fruit goes on to the market, thereby causing a glut, and the housewife who buys that inferior fruit gets a poor impression of citrus. This was most noticeable in my family this year, because it has been almost impossible to obtain satisfactory oranges in Adelaide. Although we pride ourselves regarding the industry in the Upper Murray, the growers there are struggling to the best of their ability to grow and to market citrus. Somewhere between Waikerie or Renmark or Berri or Barmera and Adelaide there is a breakdown in the line. This is what the committee must eradicate, and it will have to prune heavily in order to achieve results. It is a brave experiment, and experiments can only reach their conclusion at the conclusion.

One can only hope that, from the experience of the C.O.C. as it has operated and the new committee that will take over, we will have learnt from our mistakes. I understand that Queensland and Western Australia have had to control by regulation the quality of citrus fruit coming on to their markets. Most people who have had experience of fruit growing know that one has to thin or discard second-grade apricots, peaches, pears, and mandarins in order to produce top quality for the market, the canner, or the housewife, and I suggest that the citrus industry, with its problem of over and under production, has not considered this point. The question of marketing primary products needs the strength of Job and the courage of many people. Marketing affects not only the citrus industry but also the wheat and wool industries. They have a similar problem, and the problem in an affluent society is one of over-production in a world in which there is much starvation. I support the second reading.

The Hon. V. G. SPRINGETT (Southern): Living in a district surrounded by various primary production areas, I spent part of last weekend talking to people who grow citrus fruit. During the conversations it was made obvious that this industry has had its fair share of troubles. Various segments are concerned with the citrus industry: growers, packers, and those who market and sell the goods. They may be different people or they may be the same people doing different jobs, but between the packing and the sale of the fruit there may be much travelling to other States, intrastate and overseas.

Earlier this year when I was in West Africa I bought some Australian canned fruits, and it was good to see it there. Some growers have held aloof from the official channels in selling their goods and have sold direct to travelling itinerant vendors. In respect of this, it was emphasized to me on Sunday that at least 70 per cent to 80 per cent of growers want C.O.C. continued, as it had represented their needs. In one river area I was told that at least 90 per cent want it. They have their problems, and this Bill is, in their eyes, little more than a temporary measure to get out of a crisis, and surely it must be in a crisis when the Dunsford report states:

> 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 those organizations were set up . . . The Citrus Organization Committee should be reformed and cease to be dominated by grower members. Persons with the necessary business and marketing experience should be included on the committee which should be the sole policy-making body.

Strong words: and strong remedies are needed for a difficult situation. Like all other members who have spoken, I have received the same queries about the same problems. The key to

it all is the personnel who will be appointed to this five-man committee. Concerning the two-year appointment, the people I was talking to asked whether that would be long enough to get them over their problems. They recognize that the Chairman has to be appointed by the Minister, that other grower-representatives will be appointed, and that two others with extensive knowledge and experience in marketing will also be appointed to the committee. Everyone wants to know who will make up this committee. Only the Minister can reply to that question, and when we hear that reply it will help us to make up our minds.

The Hon. A. M. WHYTE (Northern): I, too, support the Bill. There has been some splendid contributions by various speakers, particularly the Hon. Mr. Story and the Hon. Mr. Kemp, about the origin and working of the industry and its organization. Since the Bill was introduced I have spoken to citrus growers who are concerned with the workings of this Bill, and I am pleased to say that they all agreed that, because of the shortcomings and disunity of the various organizations, the Bill could possibly do something for them. Not many people believe that the Bill is the complete answer but they consider that it is better than they have had previously. They consider that much depends on the personnel of the committee which will enforce the provisions of this Bill. I point out to the Hon. Mr. Geddes that it was Samson who drank orange juice and not Job, who was a wine drinker.

The Hon. T. M. CASEY (Minister of Agriculture): I thank honourable members who have gone to the trouble of finding out from growers of citrus in this State exactly how the growers have considered the legislation. I am sure that members found out during the weekend that citrus growers wanted a change, because they were making no headway under the present system set up in 1965 and they could see the whole marketing authority slipping away from them, to the extent that in a short time the whole industry could be in utter chaos with its marketing. It was not easy to arrive at this decision. The report of Mr. Dunsford, who carried out this extremely mammoth task of examining the industry in South Australia was the guiding light. What the proposition put forward by Mr. Dunsford would have meant has been covered here during the second reading debate. It was then up to me to decide where the citrus industry was going, and I suggested a Bill along the lines of the one now before us. I do not deny that it was a rushed piece of legislation. However, circumstances were such that there was no other alternative.

These circumstances sometimes happen. A glaring example recently was the Wool Commission legislation in the Commonwealth Parliament, where measures were introduced and referred to by the Minister for Primary Industry (Mr. Anthony) as crash legislation. At a special meeting of the Agricultural Council the Ministers of all the States supported this crash legislation, which was so essential to the Australian wool industry. I think it has borne fruit. I think those circumstances were similar to the situation existing in the citrus industry—and I mean the time factor. This legislation was brought in so quickly because it was vital. I think events will prove me correct.

Honourable members have asked certain questions about the provisions of the Bill itself. They have asked why there was not a poll of growers to elect the grower representatives of the committee. I think they will appreciate that the time just was not available. This has already been explained to many people on the river, and they have accepted it.

Questions have been asked as to who will be the representatives on this committee. I cannot remember a committee ever having been appointed before the Bill authorizing its appointment passed through Parliament. It is no good appointing a member to a committee and then, if the Bill is not passed, it is necessary to tell him that unfortunately he was supposed to be appointed but the Bill did not go through.

Last year the Wheat Industry Advisory Committee was set up. Its members were not known previously. We had the Wheat Review Committee, with three members. We did not know who they would be. In these circumstances I think honourable members will accept that it was wellnigh impossible to appoint the members, although I assure them that quite a number of people have been kept in mind. We want to get the best people possible on the committee, because they will have a very responsible job to do to stem the tide and try to get the Citrus Organization Committee moving in the right direction. I think this will be possible if the right people are appointed. However, the matter does not rest solely with the C.O.C. It must have the full co-operation of everybody in the industry; this is most essential. Without it, difficulties will be encountered. Co-operation is essential to the orderly marketing of any primary produce.

There are now about 59,000 acres of citrus in production in Australia with another 16,000 acres not yet in bearing. That means that within a few years we will have about 75,000 acres of citrus in Australia. South Australia has about 13,000 acres at present in bearing and 6,000 acres coming into production, which will give a total of 19,000 acres.

The Hon. R. A. Geddes: Is that mostly irrigated?

The Hon. T. M. CASEY: I would say so. Another problem, of course, concerns the backyard citrus trees, which do not help the industry generally. We do not consume in South Australia, and we cannot possibly hope to consume, all the citrus produced in this State, and therefore we must look elsewhere to quit our fruit. We look to other States and to overseas. The first essential for marketing is a quality product; then we must have a marketing system to meet the requirements. Those are two essentials—a quality product and good packaging.

We see an example of this in our cheese industry. Large tonnages of cheese are exported to Japan. In South Australia today we make one of the best cheeses in the world, Cheddar cheese, and we supply 70 per cent of the Australian cheese sold on the Japanese market. The Japanese people have emphasized the importance of the correct type of packaging, without which the goods will not arrive in good order.

Another important point is continuity of supply. Most contracts are for a long term—in many cases three years. I think we can meet these requirements. We have the best type of fruit. On the river we have the best navel oranges in Australia. All we have to do is to ensure that our packaging is first-class and that our marketing organization is geared to cope with the oversea and interstate contracts.

I thank honourable members for the way in which they have approached the problems confronting the citrus industry. Bringing down this Bill was not an easy decision to make. I sincerely hope the industry will get behind this new committee and try very hard to resolve the problems. Although the Bill provides that the grower representatives will be elected for two years, if the industry should decide before that time to do something about the committee, if it is not satisfied or if it wants a slight alteration to it, then with a poll of growers there is no reason why that cannot take place. An amendment would come into this Parliament, because any Bill passed by Parliament can be repealed and another can be substituted. This is exactly what we are doing in this type of legislation. However, it will take some time for all the people who are interested in and have a stake in the industry to study Mr. Dunsford's report and view the whole situation as they see it, to enable them to watch the new committee to see how it fares and whether or not it can solve the problems. We can judge a committee only by giving it a reasonable time in which to settle down and implement certain policies. That is why I stipulated a period of two years, but it does not have to be two years: it can be less. Nevertheless, all that the growers have to do is to have a certain number of signatures on a petition and take it to the Minister, and then a poll of growers will be taken. There are two small amendments on file: they make no essential difference to the Bill. I thank the Hon. Mr. Story for pointing out an omission, which will be taken care of during the Committee stage.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Constitution of committee."

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

At the end of paragraph (*a*) to strike out "and".

Amendment carried.

The Hon. T. M. CASEY: I move to insert the following new paragraphs:

(*c*) by striking out from subsection (3) the passage "subsections (3a) and (3b)" and inserting in lieu thereof the passage "subsection (3b)";
and

(*d*) by striking out subsection (3a).

This point was brought to my notice by the Hon. Mr. Story. These provisions were removed from another part of the Bill, and this amendment removes them from this part of the Bill.

The Hon. C. R. STORY: This clause is, of course, the crux of this legislation. I regret that the Minister cannot at this stage name the committee, because he is not quite right when he says that we did not name the wheat committee: we did name it straightaway. No legislation was passed in this Chamber until the wheat committee had been operating for some time, so its composition was known to the public immediately. There was a clear announcement before the grain section agreed to come in under that scheme. I had the job of going to Canberra to deal with that side

of the matter. I regret that the Minister cannot give us a lead about this committee, because he must soon make up his mind about its members.

Many people would feel easier if they knew the personnel of the committee. It is not my job to advise the Minister how he should go about his business (that is his business entirely) but this committee will start off with five people sitting around a table, without a policy, with a debt of $15,000 to the Government and being $20,000 in deficit. I should have thought it would help in this situation by naming the members of the committee. That would generate much more confidence. The whole of this work that the Minister is trying to put into operation now is tied up entirely with the first step to be taken, so he would be wise to make a clean sweep of the whole thing and start all over again. No matter who is retained on the committee or whether some former members are to be brought back, large sections of the industry will be against them, because the former committee was so beset with problems and bedevilled by the way they felt about each other that that feeling permeated through to the 10-acre grower. I only wish that the Minister could tell us whom he intends putting on the committee. If he cannot do that, let him keep in mind that he is bearing a tremendous responsibility—and I am glad it is his and not mine.

I ask him to look carefully at the history of the organization when he is making his choice. Great pains have been taken in this Bill to ensure that the growers do not have any vested interest in citrus marketing—but not so as regards the nominees the Minister will appoint under new subsection (1) (*c*) of section 9 of the principal Act, which provides:

> Two shall be persons who, in the opinion of the Governor, have extensive knowledge of and experience in marketing.

It is conceivable that those people may have vested interests. I cannot for the life of me see why the Minister should not have extended his proviso about nominees with experience because we can get far more rapacious people who are more directly interested in this matter than the growers, who are only remotely interested. As I said earlier today, someone perhaps 15 steps away from the actual selling organization may well be precluded by the wording of this section from being eligible to be appointed or nominated. Consequently, I ask the Minister to look closely at the question of appointments. If it is not good enough for a skilled grower with good marketing experience to be appointed to the committee, I do not see why it is good enough for a couple of exporters or merchants who have a vested interest to be appointed to the committee.

The matter of the chairman is the crux of the whole issue. The chairman will have the tremendous responsibility of selling the new deal to the growers—public relations. He will have to get the growers back into the fold and keep them there, and he will have to keep the Minister informed as to what is happening.

The Minister now assumes complete responsibility for this legislation; it is no longer the growers' responsibility, because the grower representation is now whittled away to two growers nominated by the Minister. In addition, there will be two members who will not be growers and a chairman. So, the growers will be in the minority, and the Minister will take full responsibility for looking after growers' interests, and the chairman will be the liaison officer. Consequently, the chairman must be a man of outstanding character who will be respected by the growers. A person very like this was crucified about 2,000 years ago.

The Hon. T. M. CASEY: I thought the honourable member was trying to sell himself. He knows full well that the Government does not intend to appoint two marketing personnel who have vested interests in the industry. That has been clearly spelt out in every statement I have made. None of these people will have any vested interests in the industry. The question of vested interests was the crux of the problem in the first place, and it is why such drastic measures have to be taken to ensure that vested interests and differences of opinion between personalities are avoided in the future.

The Hon. C. R. STORY: I thank the Minister for his reply. I did not know that he had made statements along the lines he has referred to. However, I am glad that he has made them here so that they are in the good book, *Hansard*. I do not dispute that he may have made such statements somewhere, but I had not heard that he would particularly exclude these people.

The Hon. T. M. Casey: Are you satisfied now?

The Hon. C. R. STORY: The Minister has given me the assurance and I am quite happy.

Amendments carried; clause as amended passed.

Clause 5 passed.

Clause 6—"Election of representative members."

The Hon. C. R. STORY: During the second reading debate I raised the question of the term of two years for committee members. The Minister did not deal with the matter, on which I was very keen to have an assurance; before the committee gets too bogged down, the Minister should give the opportunity for the producers to have a poll. Responsible people in the industry have told me that they believe the period of two years is too long. However, I do not agree with that: if the growers are given the opportunity to have a poll, the scheme should have a chance to get off the ground. If a poll is requested, I hope the Minister will, as far as possible, ensure that the growers clearly understand and vote upon the points raised during the second reading debate.

The Hon. T. M. CASEY: I do not know where the honourable member was earlier, but I covered this matter fully when I replied to the second reading debate. I then gave all the undertakings that he has asked for. If the honourable member reads *Hansard* tomorrow he will find all those assurances there. So, he has my 100 per cent co-operation in this respect.

Clause passed.

Clause 7—"Register of growers."

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

In paragraph (*a*) to strike out "inserting in lieu thereof".

The words proposed to be struck out were erroneously inserted when the Bill was transcribed from handwritten form, as it was mistakenly thought that the handwritten draft had been abbreviated by the omission of those words. However, the intention was in fact to remove from section 13 the passage "in a separate and distinct part of the register in relation to each zone" and also the passage "in that zone" wherever it occurs. The amendment is thus merely of a drafting nature.

The Hon. C. R. STORY: The wheel has now turned the full circle. When the original legislation was quickly forced through this place the four committee members who were then provided for were to be elected from a common roll of the whole industry. Under tremendous pressure the then Minister of Agriculture surrendered and provided for one extra member and for zoning. That did not meet with my approval. We should get the best people within the industry. It went back into zoning, whereas now zoning is being abandoned and we are going back to the common roll for the two members. Zoning was only another means of one faction trying to defeat another faction within the organization. Had the position remained as it was in the first place, we would not have got into nearly as much trouble as we did by running zones.

Amendment carried; clause as amended passed.

Clause 8 passed.

Clause 9—"Casual vacancies."

The Hon. C. R. STORY: I need the Minister's guidance regarding new paragraph (da), which I consider to be too widely drawn. The Minister should define more explicitly a grower's interest in a selling organization. Let us assume that a grower is a shareholder in a corporate body and that the corporate body has shares in another buying and selling co-operative? That buying and selling co-operative is now acting for a group of break-away growers and the profits derived from the organization are shared back to the first-mentioned co-operative. That grower will derive some financial benefit.

The Bill is drawn so widely that he could be trapped just as much as could a shareholder in the Murray Citrus Growers Co-operative, whose organization is running two stalls at present, one in Sydney and one in Melbourne. It would be almost certain that no co-operative director would be eligible, whereas it could be desirable from the Minister's and from the industry's point of view for that person to be a nominee or to offer at election time to become a director. However, a grower will not offer his name if there is a possibility that when the returning officer informs the Government of this action people could say, "Why did the Minister refuse him; what was wrong with him?"

The Minister should investigate this matter to see whether this provision could be drawn more tightly so that the actual representation would be closer to the marketing. There would be very few people from whom to draw who were not involved in a selling organization now. There are at least eight break-away groups in existence. The Minister should consider making the people eligible to serve on the committee only if they have supporters of the pool system or the organization throughout.

The Hon. T. M. CASEY: There was no intention on my part to eliminate certain people: all I was concerned about were the commercial interests outside of the C.O.C., and this point would be taken into consideration

if it conflicted with the running of the C.O.C. This would not be a difficult problem to solve. The whole matter will be looked at in its true perspective, and I foresee no difficulties. Regarding marketing, people cannot be stopped from marketing in other States, because section 92 of the Commonwealth Constitution permits this to be done. If we had a Commonwealth body, there could be some control on exports and we might get some semblance of sanity into the export trade. However, until this is done, there will always be these pitfalls within the industry. I thank the Hon. Mr. Story for his contribution to the debate and assure him that I will see that all the matters he has mentioned are into account when considering people for appointment to the committee.

The Hon. H. K. KEMP: The Minister has possibly misunderstood some of the implications of this clause. He will automatically exclude anyone who is a member of a co-operative concerned with citrus-growing and marketing, and that is a wide exclusion. It is not only export markets that are involved, for this covers the marketing of citrus as a whole throughout Australia and outside of Australia. I think the legislation has been drawn with the idea of exports markets chiefly in mind. I do not know of any grower who is not involved in some way in this matter, and materially it means that we are restricted to someone who is just not growing citrus.

Clause passed.

Clause 10 passed.

The CHAIRMAN: I point out that clause 11 is a suggested amendment in erased type and cannot be put to the Committee.

Title passed.

Bill read a third time and passed.

MINES AND WORKS INSPECTION ACT AMENDMENT BILL

In Committee.

(Continued from November 26. Page 3113.)

Clause 2 passed.

Clause 3—"Powers of Inspector."

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

At the end of paragraph (*b*) to strike out "and".

This is a test amendment. In his second reading explanation, the Chief Secretary said that some misunderstanding had occurred regarding the period of grace on the opal fields before implementing the back-filling of bulldozer cuts. It is obvious from his reply to the second reading debate that it is not the Government's intention that this legislation will apply to the opal-mining areas. No doubt, the application of this legislation could result in serious difficulties occurring in these areas. I believe there are two mining inspectors stationed on the two opal-mining fields and the effect of these two inspectors interpreting the word "amenity" in these areas could seriously affect the opal-mining industry.

I believe that no harm could result from the amendment to exclude the opal-mining industry from the provisions of the legislation and no harm could result if we waited for the introduction of the new Mining Bill, which has been redrafted to include a completely separate provision dealing with the opal-mining industry. The whole of the opal-mining industry could be contained in the one code and this would be of advantage to everyone concerned, including the Government. The amendment might be acceptable to the Government, because I cannot see this legislation applying to the opal-mining areas. Is it the Government's intention not to apply this legislation to the opal-mining areas?

The Hon. A. J. SHARD (Chief Secretary): The Bill will not apply to the opal-mining fields: it will apply only to the metropolitan area and to the quarrying industry. The proposed subsection is both redundant and selective. Section 4 (*a*) deals with the amenity of an area, and the area surrounding Coober Pedy could not compare with that of Burnside. Any inspector's order on an opal field would relate only to the normal amenities at such a remote place. However, opal could be found in some other locality that might require an inspector to exercise full control. In addition, the situation on the opal-mining fields will be dealt with in amendments to the Mining Act.

The Hon. R. C. DeGARIS: That reply hardly satisfies me. The Chief Secretary has said that it is not the Government's intention to apply this legislation to the opal-mining industry. However, he has said that it will apply to an amenity, and it is up to the inspector to interpret "amenity". This is the difficulty: if an inspector on an opal field suddenly decides that a man putting a cut down for opal is affecting the amenity of the area, the complete operation must cease. The miner would have to apply to the Minister, who would refer it to an advisory committee that has no knowledge of the area. This action could take considerable time, during which the whole operation would be held up. The amendment only carries out the Government's

intention. Regarding opal being found elsewhere, that is highly unlikely because it is restricted to certain areas in the prehistoric seashore areas in remote parts of the State. If the Mining Act is amended, and if a new code covers the opal-mining industry, this matter will become redundant.

The Committee divided on the amendment:

Ayes (15)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude, H. K. Kemp, F. J. Potter, E. K. Russack, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

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

Majority of 11 for the Ayes.

Amendment thus carried.

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

After paragraph (*c*) to insert:

"and

(*d*) by inserting after subsection (3) the following subsection:

(4) An order or direction shall not be made or given under paragraph IVa of subsection (1) of this section in respect of mining for opal or operations incidental or ancillary thereto."

I have explained the intention of this amendment.

Amendment carried; clause as amended passed.

Clause 4—"Enactment of new sections 10a, 10b and 10c of principal Act."

The Hon. R. C. DeGARIS: I move to insert the following new sections:

10d. (1) In this section—

"established extractive industry" means an industry of quarrying for stone or other material or extracting or removing sand or clay, carried on at the commencement of the Mines and Works Inspection Act Amendment Act, 1970:

"the Court" means the Land and Valuation Court established under the Supreme Court Act, 1935-1970.

(2) If a person by whom an established extractive industry is carried on is required to comply with an order or direction under paragraph IVa of subsection (1) of section 10 of this Act or with any regulation under paragraph 25 of the second schedule to this Act, he may apply to the Court for an order directing the Minister to pay him such compensation as may be fair and reasonable in the circumstances.

(3) Any compensation awarded under this section shall be proportioned to loss sustained or reasonably likely to be sustained in consequence of the order, direction or regulation.

10e. (1) The Minister may subject to and in accordance with the Land Acquisition Act, 1969, acquire any land to which an order or direction under paragraph IVa of subsection (1) of section 10 of this Act or a regulation under paragraph 25 of the second schedule to this Act applies.

(2) If the Minister proceeds to acquire any such land, no order for compensation shall be made under section 10d of this Act.

This amendment deals with the question of compensation. Much has been spoken about the procedure to be followed under the provisions of this Bill, but no provision has been made by which a person can appeal against any of the decisions of an inspector or a Minister regarding the definition of "amenity". It is possible that personal feelings between the inspector and the operator or on the part of the Minister may come into this, but there is no redress for any person engaged in the quarrying industry against a completely unjust attitude being adopted by a Minister. My amendment allows the operator in the industry to appeal to the court for such compensation as may be considered fair and reasonable in the circumstances. An operator may have a contract to supply material at $x a yard, but the decision of the Minister may increase the costs considerably. If the owner is out of pocket he should have the right to some compensation. This amendment places a strong responsibility on the Minister making the decision, and if he makes a wrong one a person has the right to apply to the Supreme Court for compensation.

The Hon. A. J. SHARD: If the operator has to do work in a quarry to preserve or restore amenities, the cost is rightly an operating cost. As such, it should be added to the price charged for the stone, sand or clay. These materials are subject to price control. Hence, it is a matter for an operator, once his plans are approved, to apply to the Prices Commissioner for an increase in selling price to compensate for the extra working cost. All preliminary exploration and development costs, all extraction costs and all rehabilitation costs are regarded as parts of the overall production cost. Compensation to meet what a modern mining operator properly regards as a production cost cannot be seriously supported.

The proposal to empower the Minister to acquire land, which has been subject to an order, is neither necessary nor practicable. In every case it is expected that agreement will be reached with operating companies on

suitable development plans. I oppose the amendment.

The Hon. R. C. DeGARIS: I appreciate the situation concerning a new quarry. In that case, the Minister could approve the plans and the operator could work out his costs. Is there anything in this to prevent the Minister changing his mind? Nothing whatsoever. Is there anything to prevent the inspector changing his mind? Nothing whatsoever. Is there any reason why a quarry now operating should not come under the inspector's eye immediately and some order be made to close down that quarry? I would think that, while the quarry owners were applying to the Minister for his decision, work must stop and this could cost the operator a great deal of money. This is the position the amendment seeks to prevent. Does the Chief Secretary realize that the effect is not only on a new mine starting operations? The opinion of the Minister or an inspector could change after the original approval had been given, and the person operating the quarry could also be affected.

The Hon. A. J. SHARD: As I pointed out earlier, the quarry owner, in my view (and I think this would be the view of the administration of the Mines Department and the Minister) has his redress by applying to the Prices Commissioner for an increase in the price of the commodity to cover the extra costs incurred.

The Hon. Sir NORMAN JUDE: I draw attention again to the word "aesthetic" mentioned by the Hon. Mr. DeGaris. Has it occurred to the Minister that if we are to permit this word in this clause, a word capable of many interpretations in these days when we discuss air pollution not only by way of dust but also sound pollution, we could have some of our extensive quarrying operations objected to because of one truck every five minutes going down the hill and then back again past a few residences erected long after the quarry was first opened? I would like to hear the opinions of other honourable members on this word "aesthetic". I feel we could have the objections of a handful of people referred to the committee. I think we should know where the matter of compensation comes in if a quarry is closed down when its practical activities are perfectly in order.

The Hon. G. J. GILFILLAN: I support the amendment. Of course, this matter is decided by the courts. The measure merely gives a person the right to apply for compensation, and the matter is then in the hands of the court. However, I question whether the amendment moved by the Hon. Mr. DeGaris gives sufficient protection to people who start quarrying operations after the Act comes into force. It is possible, and almost certain, that new quarries will be started within South Australia and, as I read this amendment, an inspector could issue an order against a quarry starting after the implementation of the Act, and if that person were prevented from carrying on quarrying operations he would have no redress whatever. As the amendment stands it protects only the established quarries. I feel it is not helping new quarrying operations. If existing quarries are forced to move to some new locality surely they should have some protection.

The Hon. R. C. DeGARIS: I believe the position is as outlined by the Hon. Mr. Gilfillan.

The Committee divided on the amendment:

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

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

Majority of 9 for the Ayes.

Amendment thus carried; clause as amended passed.

Remaining clauses (5 and 6) and title passed.

Bill read a third time and passed.

Later, the House of Assembly intimated that it had disagreed to the Legislative Council's amendments.

NURSES REGISTRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 26. Page 3119.)

The Hon. G. J. GILFILLAN (Northern): This Bill, brief in its content, corrects some wording in the principal Act. I fully support the change from "nurse aide" to "enrolled nurse", because the matter of status is involved. The title "nurse aide" tends to discourage girls from taking up that type of nursing as a career. The proposal of a new training scheme for nurses, which has received some publicity, is causing concern in many country areas where subsidized hospitals are based. One consideration is the staffing of those hospitals, which has always been difficult. It is believed by many people connected with the administration of those hospitals that the girl who is

to become a fully trained nurse will tend to move away to the base hospital in the larger centres of population for the whole of her training and her services will be lost to the hospital in the small country town.

There is always also the fear that the enrolled nurse (formerly known as the "nurse aide") will tend to put in a short period of training in the local hospital and, once she has qualified, she will move on to other areas, to the large centres, to the bright lights. Generally, there is real concern about the full impact that this proposed scheme will have on the staffing of country hospitals, and particularly those subsidized hospitals that are now recognized as training centres for a part of a nurse's career.

It is also felt by some people that, if those hospitals are restricted to the training of the enrolled nurse, they will lose the services of the young woman who is qualified to go on to the full nursing course. I raise these points because I have a letter in front of me from such a hospital. I will not read it out but I think the points in it are valid. I hope the Hospitals Department will do everything possible to help in the staffing of those hospitals and will adjust the courses accordingly. I realize that the Bill itself does not deal with nurses' training; it makes some amendments to the Nurses Registration Act. I have no objection to the amendments, but I question clause 6, which provides:

(1) Where it appears necessary to the board so to do in order to prevent the spread of disease, it may order any person to refrain from practising or acting as a nurse, midwife, psychiatric nurse, mental deficiency nurse, mothercraft nurse or dental nurse, for such period (specified in the order) as the board thinks fit.

A little further on the penalty is fixed at "not exceeding two hundred dollars". That seems to be a heavy penalty for an offence of this description. I realize that some diseases can be communicated and can be serious but the Nurses Registration Board must attach great importance to this clause by fixing such a heavy penalty.

The Hon. A. J. Shard: It does, but it is only in isolated cases that that happens.

The Hon. G. J. GILFILLAN: I appreciate that. I will not go through the Bill in detail, because it has been covered adequately by the Hon. Mr. Springett. I have no objection to it but I should like the Chief Secretary in his reply, to explain how the new nursing course will come into operation—whether by administrative action or in some other way.

The Hon. R. C. DeGARIS (Leader of the Opposition): I think the Chief Secretary will agree that, when I was Chief Secretary, I had something to do with this Bill.

The Hon. A. J. Shard: You started it and we carried it on.

The Hon. R. C. DeGARIS: During the last two years a tremendous amount of work has been done to revise completely the whole spectrum of nurse training in South Australia. The changes that have been made will have a great impact on the supply of highly skilled nurses in the near future. I realize that the Bill alters a few things slightly, to give a new status to nurses, and particularly to nurse aides, which I think they deserve. A year or two ago a Nursing Adviser to the Director-General of Medical Services was appointed. I congratulate Mrs. Routledge, who got the appointment, on the work she has done in completely reorganizing the profession and advising the Director-General on matters concerning nurses' training and other things. I am pleased that this Bill amends the principal Act to allow the Nursing Adviser to become part of the Nurses Registration Board. I pay my tribute to the work done by the Nursing Adviser to the Director-General of Medical Services. I see no reason to delay this Bill. I support the second reading.

The Hon. A. J. SHARD (Chief Secretary): The move for this Bill began when the Hon. Mr. DeGaris was Chief Secretary. It has been pursued by me, with no personal feelings involved. I agree with the Hon. Mr. DeGaris that this Bill (and the Hon. Mr. Gilfillan should listen to this) was designed to make the training of nurses easier. We realize it will be costly and the hospitals, as the Hon. Mr. Gilfillan points out, may have staffing problems. We think that hospital staffs will need to be increased by one-sixth of their strength to maintain the required numbers. While it is true that some girls will leave their home towns and go to the base hospitals, the reverse also will apply: some girls who train at the base hospitals will do a certain period in the country towns. What is lost through girls coming from country towns to the base hospital will be made up through girls going from the base hospital to country hospitals. One or two hospitals are not quite happy with the scheme, but I assure the Hon. Mr. Gilfillan that people throughout the State have given this Bill their blessing. Much has been done by administrative action and regulation; this Bill is the only Bill necessary

to enable the new curricula to start from January 1, 1971.

The Hon. Mr. Springett raised a question about clause 11. The various clauses of the Bill, including clause 11, which refers to the lowering of the age of enrolment of nurses from 18 years to 17 years, are in accordance with the recommendations of the Nurses Board. The Hon. Mr. Springett, in referring to this clause, is overlooking the fact that the course of training for the enrolled nurse is of only 12 months duration. By lowering the age for enrolment, it will be possible for a person to commence training as an enrolled nurse at the age of 16 years. This certainly does not involve commencing training at the beginning of secondary schooling. What has happened is that the honourable member has confused the duration of two training programmes—for the general nurse and the enrolled nurse—and has not realized that the enrolled nurse course is only a 12-month programme.

In the past many 16-year-old girls have shown an interest in nursing but have been forced to go to another job and, as a result, they have been lost to the nursing profession. The Nurses Board has done much good work in formulating this scheme. The Hon. Mr. DeGaris had the pleasure of appointing Mrs. Routledge. I wish to mention, too, the Chairman of the board, Dr. Nicholson, who has spent many hours outside official time in working on this scheme, which has been one of his pet projects for a long time. I never play politics in connection with the health of the community, and I sincerely hope that this scheme will prove to be a turning point for the nursing profession. If increased wages and improved accommodation do not attract more girls to the profession, I do not know the answer to the problem. I thank honourable members for their attention to the Bill and I hope the scheme meets with the success that we all hope for it.

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

LAND TAX ACT AMENDMENT BILL

Schedule of the Legislative Council's suggested amendment, to which the House of Assembly had disagreed:

To insert the following new subclause:

(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.

Consideration in Committee.

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

That the suggested amendment be not insisted on.

The other place did not agree to the suggested amendment of this place because it would interefere with the maximum use of money for acquisition and development of open spaces. In the first place, it is not ordinarily good financial practice to specify sums of revenue to be set aside permanently or exclusively for specified or restricted purposes without the right of periodical review by both the Government and Parliament. In the second place, as the Hon. Mr. Hill has earlier pointed out, the expenditure by the Crown upon open areas and parks is customarily conducted in several ways and not necessarily restricted to the Planning and Development Fund. He mentioned the public parks provisions, and there are the provisions for national parks.

All honourable members will know that the annual expenditures on these three general lines already considerably exceed $600,000 a year, that latterly there has been considerable expansion in requirements for these purposes, and that in the future further expansion is both desirable and unavoidable. I assure honourable members that it is the Government's intention that these expenditures will in the foreseeable future exceed $600,000 a year. The Government thinks that the proper procedure is that these funds should be paid to revenue in the ordinary course and that the votes for the relevant expenditures should be submitted annually to Parliament for approval. Parliament then would exercise proper financial control and review and be able to see whether the Government is actually proposing expenditure on parks and open areas of the proper and reasonable extent.

The Hon. C. M. HILL: I would like to agree with the Chief Secretary, because I think that we all want to see the maximum expenditure of money on parks and on open spaces generally, but the problem still remains that time and time again the Labor Party has stated that it will impose a special surcharge on land tax for moneys for the Planning and Development Fund. Having done that, the Government will not now agree to allocate that money into the fund. It simply wants to put it into general revenue and assures us that it will still be used for open space purposes, irrespective of the size of the open spaces and whether the parks are involved

with a local council or with a local community or as a larger area as a whole.

I quote to substantiate what was said in the Australian Labor Party's policy speech in March, 1968. The Premier said:

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 for the average suburban block owner of between 30c and 50c per annum.

Three years later in the policy speech of May, 1970, in the paragraph dealing with this same subject, the Premier said:

The Labor Government when in office initiated a two-fold plan for the provision of adequate recreation facilities for the whole of the State. One part concerned the provision of open spaces, which at the moment in the metropolitan area are hopelessly inadequate. Moneys will be provided to the development fund to ensure that recommended open space areas in the Metropolitan Adelaide Development Plan are purchased without an undue burden upon the local governments in the areas concerned. To finance these purchases, it is necessary for us to raise sufficient money to service the loans. This will be done by an additional metropolitan land tax which will cost approximately $2 a year on average to each suburban blockholder. Special remissions will be given to pensioners and people in real poverty. The tax will only be applicable to the area covered by the Metropolitan Adelaide Development Plan and not to the rest of the State.

Those involved in planning in this State, those on the State Planning Authority and in the various associations such as the Town and Country Planning Association, must have been under the clear impression from those words in the two policy speeches that, when this surcharge was made, the money would go into that fund. However, the Government is not keeping that promise. It is going back on the word it gave in the two policy speeches and proposes to allocate to general revenue the money it said would go into the Planning and Development Fund.

Regarding the other moneys available for open space purchase, I have already mentioned that, at June 30, 1970, the Public Parks Fund, which is the fund from which allocations are made to assist councils to secure their reserve areas and which is subsidized by about 50 per cent of council money, showed a credit balance of $475,462 which, in effect, would allow for the purchase of about $1,000,000 worth of council areas for parks and gardens because of the 50/50 subsidy.

The Planning and Development Fund, the fund about which I am concerned, had a credit balance of $324,162, but there were commitments of $1,300,000, as disclosed by the Treasurer in the Loan Estimates this year. The Treasurer said that land for reserve purposes then on offer to the authority and currently under negotiation was valued at about $1,300,000. It was expected that settlement for much of the land would be made in 1970-71.

As a result of the surcharge, it is expected that $600,000 will be received annually. There is no doubt in my mind that this money should go into the fund, as promised by the Government on two occasions. I have had discussions over the past years with the Director of Planning on the need for open space areas in the metropolitan area. He stressed that the real need was to secure the vast regional areas in the Hills that are set aside in the metropolitan plan approved by Parliament as regional or mass recreation areas, areas such as National Park, Belair—areas to serve a region and not necessarily one local government body.

These are the large parcels of land for which the authority has been negotiating and for which $1,300,000 will be needed this year. Surely these are the regions on which the land tax surcharge should be used. Is the situation not a silly one when it is used not for the purposes of development and purchase but in the circumstances where someone in the Virginia area within the metropolitan plan has paid a surcharge on his land tax and that money is used for the erection of, say, a toilet block on the foreshore at Aldinga? What common sense is there in that? None.

If the improvement is needed on a recreation area in Aldinga, the local council obtains money from the fund, which is in credit, provides its own portion of money, and the facility is provided. But with everyone in the metropolitan area (not only block-holders but people who own rural land in the vast metropolitan plan that goes into the Hills and from Gawler to A'dinga, and including many primary-producing properties) contributing towards the land tax, they and all other metropolitan block-owners should see the money pooled and used to provide these vast mass recreational areas in the Hills so that those people as a whole can gain a benefit from

the facilities provided by that money. The whole thing seems ridiculous. I do not think the Government knows where it is going in this matter. The Chief Secretary mentioned youth centres and aged persons' homes being financed with these funds.

Another rather significant point arises when we touch on development. If the Government is not prepared to put this money into the fund (it has already made some decisions regarding development centres), one can see where much of the money will go. The Government has introduced a system of helping local councils with development as well as with reserve areas. The first two councils being assisted are Henley and Grange and Payneham. Where will this stop? Are we to find these people in metropolitan Adelaide contributing by this surcharge, seeing their money pooled but not seeing the purchase of any land at all? There are many questions to be answered on this subject.

Overshadowing the whole matter, however, is the hard fact that in the two policy speeches it was mentioned that this surcharge was to be made as a new taxation measure and that it was going into the Planning and Development Fund. That is not what the Government is doing now. It is refusing to do that. It is taking this money under its own control and not permitting the expert committee, the State Planning Authority, to have the expenditure of the money within that authority's control.

The Hon. R. C. DeGaris: When is a mandate not a mandate?

The Hon. C. M. HILL: Exactly. I cannot support the motion of the Chief Secretary, and I urge other honourable members also to oppose it.

Motion carried.

DANGEROUS DRUGS ACT AMENDMENT BILL (GENERAL)

Consideration in Committee of the House of Assembly's message.

(Continued from November 26. Page 3117).

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

That the Council do not insist on its amendment.

The reason given by the other place for disagreeing with the amendment is that it provides for the fettering of proper discretion regarding the imposition of penalties. The amendment seeks to provide a mandatory minimum sentence of one year's imprisonment for offences of the type described in the amendment. I strongly oppose any provision in an Act of Parliament of this kind which fetters the discretion of the court in sentencing. The circumstances vary enormously from case to case, and individual offenders vary enormously from person to person. It is of great importance in the administration of justice that the judge, upon whom rests the responsibility of fixing the appropriate sentence, should have a discretion to mitigate what might otherwise be regarded as the normal penalty. It may well be considered that a sentence of this kind would not be out of the way in many or perhaps most cases of this kind: so much depends on the circumstances of the individual, the circumstances of the case, and the prospect of rehabilitating the offender.

This is true generally in any criminal matter. In the case of any offender, all other considerations may be outweighed in a particular case by the importance of rehabilitating the person who has committed the criminal act. It might be an isolated criminal act committed in circumstances of great stress or circumstances of great mitigation, and it would be extremely wrong, in my view, to fetter the discretion of the judge in any such case. The sort of offence that is contemplated by this Bill intensifies the necessity of retaining a discretion in the judge, because it is the sad truth that many people who are involved in what might generally be called trafficking offences are themselves drug addicts: they are those unfortunate people who are unable to control an appetite for drugs. They are addicted to the use of drugs and are forced, if one may use that expression in this context, into committing trafficking offences by the desperate urge of their own appetite for further drugs.

In other words, these people are obliged to sell drugs to others in order to get the money to procure drugs for themselves. Many of them are extremely sad cases, and in such cases the court's attention must be given to what is required to rehabilitate an offender who is himself a drug addict. To require the court to impose a sentence of one year's imprisonment, irrespective of the circumstances and irrespective of what seems to be the appropriate way of dealing with the offender concerned, would in my view be a retrograde and even quite barbaric approach to punishment. Therefore, I ask the Committee not to insist on its amendment.

The Hon. H. K. KEMP: After listening to the Chief Secretary, one would not think we were dealing with what is probably the most despicable of crimes. The whole

argument put forward is completely invalid. Section 14a provides for the widest possible discretion to be given to the magistrate in considering sentence and awarding a suspended sentence if there is any possibility of rehabilitating the offender. In view of that provision, the whole of the argument put forward, apparently by the Attorney-General, is meaningless. Somebody must take a stand at some time and say that drug trafficking must be stopped. I do not think there are any other means Parliament can adopt to show its attitude except by providing for a severe penalty which cannot be evaded. This is a penalty which attaches only to trafficking in drugs to minors below 18 years of age. These are very vulnerable people, and I do not think there is any harm whatsoever in putting real teeth into the penalty to which they will be subjected automatically.

The Hon. V. G. SPRINGETT: I support the remarks of the Hon. Mr. Kemp. I am a little at sea regarding section 14a, which provides:

> Where a person is convicted of an offence under this Act and the court is satisfied that it is expedient in the interests of the rehabilitation of the convicted person so to do, it shall, pursuant to the provisions of the Offenders Probation Act, 1913, as amended, impose a sentence of imprisonment upon the convicted person and suspend the sentence on condition that the convicted person undergoes such treatment as the court thinks appropriate to alleviate or control the convicted person's addiction to, or propensity towards the use of, drugs of dependence.

Does that automatically cancel out any compulsory term of imprisonment to which the Hon. Mr. Kemp has referred? If it does, then the amendment is relevant; if it does not, then I do not think it is relevant.

The Hon. F. J. POTTER: The point raised by the Hon. Mr. Springett is important and relevant to the Committee's consideration of the Chief Secretary's motion, because it seems to me that new section 14a, which is included in clause 12, would cover any conviction. This leaves the general question for consideration by this Committee whether or not it should insist on the amendment as it left this place. I think it goes a little too far, because the Hon. Mr. Kemp is endeavouring, I think (I may be wrong about this), to see that a minimum penalty is prescribed for persons who supply drugs to people under the age of 18 years; but, in that attempt, I am not so sure that the amendment that went from this place did not go too far, because honourable members will see that this "term of imprisonment of not less than one year" is to be "in addition to the penalty awarded under any other provision of this Act".

The general penalty appears in section 14(1) (clause 11) which prescribes $2,000 or imprisonment for two years, or both, as the general penalty. That seems to me to be a fairly high penalty, which any court would regard as a positive indication from the legislature that it intended to view any offence under this Act as very serious. This further penalty of a year must be in addition to the original penalty. I agree with the Chief Secretary that we should not unduly fetter the discretion of the court generally but, if this amendment was carried, it would mean that, if the court decided it wanted to impose imprisonment for two years (which is the maximum prescribed in a very serious case) if the case involved the supply or offer of supply of a drug to a person under the age of 18, the penalty would have to be three years' imprisonment, because the year is in addition to the ordinary penalty. We did not intend when we dealt with this matter that that should happen. In the limited circumstances of the supply of a drug to a person under the age of 18 years, which is a very serious offence, it would perhaps be more appropriate to prescribe a minimum penalty of one year, and then new section 14a, to which I referred earlier, would still operate. To test the feeling of the Committee, I now move the following amendment to the Chief Secretary's motion:

That the Council do not insist on its amendment but, in lieu thereof, it make a further amendment—to strike out of its amendment "in addition to the penalty awarded under any other provision of this Act."

The Hon. Sir ARTHUR RYMILL: I do not support this amendment to the motion because I do not think this gets us much further. If I remember rightly, I was one of the six members who, in the first instance, voted against this amendment, for the reason that I felt it took away the court's discretion. Even if we applied the amendment suggested by the Hon. Mr. Potter, the court would still have no discretion in reducing the penalty below one year, because under the Acts Interpretation Act the words "not less than" mean what they say, and that penalty then becomes the minimum penalty. In most cases before the courts there are all sorts of reasons for the mitigation of penalties or reasons why no penalty at all should be imposed. This is normally left in the hands of the judge conducting the hearing. Although I have every sympathy with the expressed intention of the

Hon. Mr. Potter (to see that for a very serious offence there is an appropriate punishment), I cannot but remain in accord with the House of Assembly's reason for disagreeing to the Legislative Council's amendment, namely, that it does unduly take away the discretion of the court.

The Hon. C. M. HILL: I support the Hon. Mr. Potter's amendment. In answer to the Hon. Sir Arthur Rymill, I agree that, in principle, there are worthy sentiments in the Chief Secretary's submissions; but we live in a practical world and there are other forms of legislation in which Parliament has seen fit, because it views an offence as serious, to lay down statutory minimum penalties. For instance, that applies to the second offence for drunken driving, where, irrespective of what evidence is produced and the view of the judge, the Statute demands that a gaol sentence be imposed.

The Hon. A. J. Shard: It is "not exceeding"; it is not the minimum penalty.

The Hon. C. M. HILL: But the court still sends the offender to gaol. That is laid down on the basis that Parliament believes it is an offence of such a serious nature that that should be the penalty.

The Hon. G. J. Gilfillan: Also, a minimum penalty of suspension of licence.

The Hon. C. M. HILL: Yes. Because of the serious nature of this crime (and I am sure we are all in agreement that anyone who peddles drugs to youths under the age of 18 years is committing a shocking crime), laying down a minimum penalty of 12 months' gaol is, I think, not unreasonable, from the point of view of the Legislature. By deleting the words "in addition to the penalty awarded under any other provision of this Act", we are going a long way to meeting the thinking of the Government that, instead of the 12 months being an additional penalty, it is simply being laid down as a penalty. However, I should like to hear a further explanation from the Chief Secretary on the point raised by the Hon. Mr. Springett.

The Hon. Sir Arthur Rymill, too, has thrown doubts on the matter, on what may be called the let-out section, section 14a, which states, as has already been mentioned, that the judge may impose a sentence of imprisonment and may then suspend that sentence on condition that the convicted person undergoes such treatment as the court prescribes. I should like to know for certain whether the judge will or will not be given the right to suspend a sentence so that treatment can be effected.

The Hon. A. J. SHARD: The Government cannot accept the Hon. Mr. Potter's amendment. The penalty provided in the Bill was decided upon after careful consideration, and the Government thinks it is sufficiently severe.

The Hon. A. F. Kneebone: There is plenty of room for discretion in the penalty provided in the Bill.

The Hon. C. M. Hill: There is a lot in what the Minister of Lands says!

The Hon. A. J. SHARD: The Government believes that the penalty in new section 14a is severe. I would be the last to protect drug peddlers and, if we find in the next 12 months that the penalty is not severe enough, we can make it more severe. I therefore ask the Committee to reject the Hon. Mr. Potter's amendment.

The Hon. H. K. KEMP: In New South Wales it has been repeatedly stated that the ridiculously light penalties imposed by courts there have encouraged trafficking in drugs.

The Hon. A. F. Kneebone: Can you refer to specific cases?

The Hon. H. K. KEMP: They are on record, but I do not have the details at present. When there is no lower limit to the range of penalties, a court can impose a light penalty, and an increase in drug trafficking may result from that. We have not interfered with most of the penalties in the Bill but we want a most condign punishment for this offence. All persons guilty of offences dealt with in this Bill deserve punishing, but it is getting close to murder when a person encourages children to take drugs. Death is the only outlet for many unhappy people who have been encouraged to take drugs during their childhood. The cry in New South Wales has been that there has been no lower limit there to the range of penalties and that the penalties should be more severe.

The Hon. V. G. SPRINGETT: When I voted for the earlier amendment I did not realize that it would interfere with the court's discretion. If we are to give a court a discretion to send a person to a treatment centre for six months, I cannot see the value to that person or the community of keeping him locked up for a minimum period of 12 months in addition to the six-month treatment period.

The Hon. R. C. DeGARIS: I intend to support the Chief Secretary's motion. I am sure we all detest a person who deliberately and for his own benefit sells drugs to people under the age of 18 years. As the Hon. Mr. Kemp has pointed out, that is tantamount to murder. Having been involved in discussions

between the States and the Commonwealth on this matter, I realize what work went into preparing the uniform legislation. I have already congratulated the Government on introducing the legislation previously drafted and agreed to by all States and the Commonwealth. One point arose constantly during conferences of the States and the Commonwealth: some States said that the penalties recommended should be much more severe and should provide for a minimum penalty.

The Minister of Lands interjected earlier that there was plenty of room for discretion, but I assure him that experience in some States has shown that the penalties there have been far too light. So, I have sympathy with the idea behind the Hon. Mr. Kemp's amendment, because selling drugs to children is a despicable crime that deserves a very severe penalty. However, since agreement has been reached throughout the Commonwealth on uniform legislation, I intend to support the Chief Secretary's motion on the understanding that, if this Bill does not cope adequately with the situation, the Government will review the matter with the idea of increasing the penalties.

The Hon. A. J. Shard: I'll personally bring it forward.

The Hon. R. C. DeGARIS: I thank the Chief Secretary for his assurance. I intend to support his motion.

The Hon. A. M. WHYTE: I believe that the Committeee has suddenly become very soppy because it is assuming that all pushers are drug addicts; therefore, they must be given protection and medical treatment instead of being imprisoned or fined. The Hon. Mr. Kemp's amendment would interfere with the court's discretion. The Hon. Mr. Potter's amendment, on the other hand, merely provides a minimum penalty. Although I realize that a drug addict must be given time in which to rehabilitate himself, there is no reason why the one-year sentence in the Hon. Mr. Potter's amendment should not stand. Surely a drying-out period after treatment would not be harmful. Who is the pusher? Why do we imagine that he is a destitute man struggling in the gutter with a hypodermic syringe sticking out of his pocket. Many drug addicts are millionaires. In Turkey, the guaranteed price for opium seed is about £7 sterling but, when sold illegally it is worth about £25,000 sterling in France. So not everyone is missing out on the drug peddling merry-go-round. I support the Hon. Mr. Potter's amendment.

The Hon. G. J. GILFILLAN: The court has absolute discretion regarding the conditions it imposes on the suspended sentence. It is clearly intended that the sentence will be used to force the convicted person to undertake the prescribed period of treatment.

The Committee divided on the Hon. Mr. Potter's amendment:

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

Noes (9)—The Hons. D. H. L. Banfield, T. M. Casey, R. C. DeGaris, R. A. Geddes, Sir Norman Jude, A. F. Kneebone, Sir Arthur Rymill, A. J. Shard (teller), and V. G. Springett.

Majority of 1 for the Ayes.

Amendment thus carried.

The Committee divided on the motion as amended:

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

Noes (9)—The Hons. D. H. L. Banfield, T. M. Casey, R. C. DeGaris, R. A. Geddes, Sir Norman Jude, A. F. Kneebone, Sir Arthur Rymill, A. J. Shard (teller), and V. G. Springett.

Majority of 1 for the Ayes.

Motion as amended thus carried.

Later, the House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendment to which it had disagreed.

[*Sitting suspended from 5.55 to 7.45 p.m.*]

WEST LAKES DEVELOPMENT ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It makes provision for various matters, the greater proportion of which were set in motion during the previous Government's term of office. It was realized at the time of the passing of the principal Act last year that there were some finer details yet to be agreed upon by the many parties involved in the West Lakes scheme, and that these would necessitate an amendment at a later date. It was at that time considered, and rightly so, that as 15 months of delays had already occurred, the

urgent need to get the scheme under way was far more important than waiting for the protracted negotiations over some of the matters contained in this Bill to be completed. In addition, as the scheme proceeds and various works progress, several unanticipated problems have come to light which this Bill seeks to resolve.

Discussions have been held with the parties affected by the contents of the Bill and mutual agreement has in general been reached. I shall now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 amends the interpretation section of the principal Act by inserting a new subsection (1a) which more clearly spells out the works included in the West Lakes scheme. At present, recital (4) of the indenture refers to the scheme only in general terms. Although this new subsection particularizes what works are included in the scheme, it is not exhaustive and does not restrict the scheme to those specified works. Clause 3 effects a simple amendment to section 4 of the principal Act, by taking cognizance of the fact that the Compulsory Acquisition of Land Act, 1925-1966, has been repealed and that the Land Acquisition Act, 1969, has been enacted in its place. The effect of the amendment is to incorporate the Land Acquisition Act with the principal Act and to make the present subsection (2) unnecessary.

Clause 4 inserts new sections 12a and 12b in the principal Act. New section 12a amends the provisions of clause 5 (*k*) of the indenture by removing the restriction that the corporation is able to vary only the watercourses, the banks and flow of water within the Port Reach section of its bounds. The restriction to the Port Reach area was based on the erroneous assumption that this was co-extensive with the area of the scheme but the area within the West Lakes scheme extends beyond the Port Reach and it is accordingly desirable to remove the restriction. New section 12b provides clarification of clause 11 of the indenture which deals with the acquisition of land within West Lakes.

There are ambiguities in clause 11 of the indenture in that it presently reads that land can be acquired which is "reasonably necessary for the construction or operation of works required for the scheme" and it is not made clear what those works are. The passage added by this new section particularizes, without being exhaustive, purposes for which land can be acquired. This should be of benefit both to owners of land within West Lakes and also to the corporation in determining whether a particular parcel of land is liable to be acquired. In effect the amendment ensures that if land is required for any major work which the corporation sees fit to provide, it can clearly be demonstrated that there is power to acquire.

Clause 5 effects important amendments to section 14 of the principal Act in that it sets out further machinery by which land in the vicinity of West Lakes can, subject to approval by the Minister, be included in West Lakes. Section 14 of the principal Act now provides (*inter alia*) that where the corporation obtains the fee simple of land in the vicinity of West Lakes the publication in the *Gazette* of a notice of the Minister's approval is deemed to include such land in West Lakes. New subsection (2) ensures that information of any such variation in the boundaries of the land within West Lakes is available to the public on search at the General Registry Office, by obliging the Minister to send a copy of the notice to the Registrar-General and ensuring that the corporation lodge a revised map at the Registry Office including the additional land. The public will thus be able to determine more easily and conveniently what alterations have been made to previous boundaries. New subsection (3) provides that any revised map lodged at the General Registry Office will be in substitution of any previous map on file and that the Registrar-General must endorse the indenture accordingly. New subsection (4) provides that the revised map and legend now deposited in the General Registry Office, showing the boundaries of West Lakes with a red outline, shall constitute the lands comprised in West Lakes, and shall be deemed to be substituted for the original map annexed to the indenture. I point out that the boundary depicted on the revised map includes several parcels of land which have been purchased or acquired since the principal Act came into operation. These are as follows:

(1) A piece of land, containing almost 24 acres, purchased by West Lakes Limited from Mauri Bros. & Thomson (Aust.) Pty. Ltd. under a normal sale and purchase agreement. This land abuts section 737 in the hundred of Yatala which is part of the West Lakes scheme.

(2) A piece of Government road adjoining the land described above and linking that land with other parts of the West Lakes scheme on the other side of this road. This piece of road will be of no use to the public being in effect a dead-end surrounded on both sides and at the extremity by land within West Lakes.

(3) A piece of land containing almost two acres, bounded by the West Lakes scheme on the south and east, and with a frontage to Bower Road. The "David Bower" cottages are erected on this land. West Lakes Limited is negotiating with the trustees of these cottages for the purchase of the land, and to overcome any technical legal difficulties in considering whether the trustees of the cottages have power to sell the land, the trustees have agreed to the Minister of Marine acquiring the land if it can be brought within West Lakes.

(4) Two sections of Crown land formerly occupied by the Engineering and Water Supply Department as part of the Port Adelaide Sewage Treatment Works but which are now superfluous to the needs of the department. West Lakes Limited has agreed to purchase this land from the Crown, and to sell to the Minister of Works other adjacent land for use within the Port Adelaide Sewage Treatment Works.

(5) Four adjacent pieces of land that were formerly owned by the Grange Golf Club Incorporated. The club and West Lakes Limited agreed to rationalize their common boundary, which was in fact part of the Old Port Reach, by having a straight line, and these pieces formed part of the land to be transferred to West Lakes Limited. Other land is to be transferred from West Lakes Limited to the golf club.

(6) A small piece of land shown as a road on the Government plans, but which is of no practical use. The Woodville council has agreed with West Lakes Limited to close this road and transfer it to the corporation in exchange for other land that the corporation has agreed to transfer to the council.

New subsection (5) obliges the Registrar-General to endorse the indenture in such a way that attention is drawn to the fact that amendments have been made to the indenture by this Bill and that a revised map and legend have been substituted for the previous map and legend. These provisions, made in consultation with the Registrar-General, ensure that alterations are noted at the General Registry Office in such a form that they are drawn to the attention of persons who search the indenture.

Clause 6 amends section 15 of the principal Act, which deals with the fourth schedule of the indenture. New subsection (3a) corrects an obvious grammatical error in paragraph 4 of the fourth schedule to the indenture. New subsection (3b) deals with the question of the engineering standards of works to be carried out on subdivision of land within West Lakes. The alterations made to paragraph 6 of the fourth schedule provide that, when a dispute arises between a council and the corporation on the matter of council standards or requirements, either party may refer the matter to arbitration. New subsection (3c) varies paragraph 13 of the fourth schedule by providing that the waters in the basin will comply with the standard that has now been determined by the committee set up for the purpose. At the time paragraph 13 was drawn up, such standard had still to be determined. The provision relating to the committee's being unable to agree on the criteria of quality has been deleted as this is now unnecessary.

New subsection (4a) amends paragraph 16 of the fourth schedule of the indenture by striking out all reference to horsepower of marine craft and providing instead that the speed of power-driven craft on any waters within West Lakes be restricted to five knots, except in areas and at times prescribed by the council, in place of eight knots as presently provided. New subsection (7a) is designed to extend the roads and thoroughfares to which the corporation is to have access while the works are in the process of construction. This matter is dealt with in paragraph 18 of the fourth schedule and at the present moment the corporation is restricted to the roads specifically named in that paragraph. As it stands, the paragraph is too restrictive and this amendment provides for all contingencies, including access to roads yet to be constructed. New subsection (11a) effects some alterations to the requirements of the major works of the scheme. These major works are detailed in paragraph 25 of the fourth schedule to the indenture. At present subparagraph (*a*) includes a provision that the average width of the basin shall be 800ft. This provision is deleted as it is now intended that the basin shall have an island with narrow strips of water on each side. Subparagraph (*d*) which deals with reclaimed land is varied by substituting "50ft." for "20ft.". This provision allows a substantially wider margin of land to be available for the construction of beaches on the edge of the basin. A strip of 20ft. would render this impracticable. There is also an alteration to the requirements regarding bridges to be built across the basin. The present requirement is that sufficient bridges, when and where required, will be provided. The amendment will enable the determination of the requirement for bridges to be included in the general arrangement design and drawings

so that specific provision can be made for the construction of bridges.

New subsection (12a) provides clarification of the expression "the requirements" contained in subparagraph (3) of paragraph 26 in relation to stormwater and effluent drainage and provides that the criteria of recognized engineering design practice, efficiency and economy are basic to the requirements. The corporation is added as a party to the agreement regarding these requirements, which agreement at the present time is made only between the relevant municipality and the Commissioner of Highways. Any of the parties involved will be enabled to object if a design obviously is in excess of any reasonable requirements and, if agreement cannot be reached within six weeks, the dispute shall be settled by the decision of the Commissioner of Highways. New subsection (12a) further deletes the reference to the Corporation of the City of Port Adelaide from subparagraph (9) as that council is no longer required to contribute to the cost of external drainage works. Further provision is made that the Corporation of the City of Henley and Grange shall not have to contribute more than $17,000 to the external drainage works. New subsection (14a) deletes from paragraph 29 of the fourth schedule the passage "Reduced Level Datum as at the 21st day of May, 1969, or used" and replaces it with the passage "Port Adelaide Datum defined". This will provide a uniform datum for the corporation and the authorities concerned.

Clause 7 inserts two new sections in the principal Act. New section 15a deals with the standards of roads to be constructed by the corporation within West Lakes. The corporation will not have to build a road exceeding 32ft. in width, nor need it be constructed to any higher standard than is appropriate according to normal engineering practice for the traffic it will bear. Provision is made for any dispute between a council and the corporation on the requisite standard of a road to be referred to arbitration. It is envisaged that a council that requires a wider road will bear the cost of the difference between 32ft. and that width. New section 15b provides for the appointment by the Minister of "authorized persons" as defined, who may inquire into the activities of persons whose entry into or egress from West Lakes has been regulated or prohibited or whose activities within West Lakes have been regulated, by resolution made under section 15 of the principal Act, pending the final completion of the major works. Such "authorized persons" are empowered to ask the name and address of a suspected offender and, if such person fails to do so, to apprehend such person and deliver him into the custody of a police officer. Provision is made that a person convicted of failing to give his name and address, or convicted of escaping from the custody of an authorized person, shall be liable to a penalty not exceeding $100.

Clause 8 refers to the provisions of the fifth schedule to the indenture, which provides a complete planning scheme for West Lakes along the same lines as the Planning and Development Act. The clause inserts new section 16a in the principal Act, which provides that an applicant for consent who is aggrieved by a decision of the State Planning Authority or a council may appeal to the Planning Appeal Board. It also provides that such appeal be conducted in the same manner as an appeal under section 26 of the Planning and Development Act and that sections 26 and 27 of that Act shall apply to such an appeal. This Bill has been considered and approved by a Select Committee in another place.

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

MEDICAL PRACTITIONERS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

EIGHT MILE CREEK SETTLEMENT (DRAINAGE MAINTENANCE) ACT AMENDMENT 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.

It makes a number of amendments to the rating provisions of the Eight Mile Creek Settlement (Drainage Maintenance) Act. The principal Act, as honourable members are no doubt aware, provides for the maintenance and upkeep of the drainage system serving portions of the hundreds of MacDonnell and Caroline and imposes a levy upon landholders in the area by which the cost of such maintenance may be defrayed.

For the purpose of levying rates the Land Board constituted under the Crown Lands Act is charged with the duty of making an assessment of the unimproved value of all land within the area. It is felt that this function can now, following the establishment of a separate Valuation Department, be carried out more

appropriately by the Valuer-General. The Bill therefore amends the principal Act to enable the board to utilize the services of the Valuer-General. The principal Act provides for an appeal against a valuation in the first instance to the Minister followed by a further appeal to the local court. Now that the Land and Valuation Court has been established, it seems appropriate that this further appeal from the decision of the Minister should be heard by that court. The Bill therefore makes an appropriate amendment to accomplish that purpose. The Bill also raises the interest payable on overdue rates from 5 per cent a year to 10 per cent a year. This bring the principal Act into conformity with the Crown Lands Act in this respect.

The provisions of the Bill are as follows: Clause 1 is formal. Clause 2 inserts a definition of the Land and Valuation Court in the principal Act. Clause 3 amends section 5 of the principal Act. The amendment enables the Land Board to delegate its valuing functions to the Valuer-General. New subsections (2) and (2*a*) are substituted. These subsections provide for reports to be made by the valuer and furnished to the landholder. Clause 4 makes a consequential amendment. Clauses 5, 6, 7 and 8 provide for an appeal from a decision of the Minister on a question of valuation to be heard by the Land and Valuation Court. Clause 9 amends section 13 of the principal Act. The section as amended will provide for a penalty at the rate of 10 per cent a year to accrue on overdue rates. I commend the Bill to honourable members.

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

COMMONWEALTH PLACES (ADMINISTRATION OF LAWS) BILL

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

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

That this Bill be now read a second time.

It is part of a legislative scheme that attempts to minimize the effects of the decision of the High Court of Australia in the case of *Worthing v. Rowell and Others*, judgment in which was handed down early in July of this year. The effect of that decision was to throw in doubt the extent of the operation of the laws of the State in and in relation to places acquired by the Commonwealth for public purposes. For the 70 years since federation, it had been accepted that the general laws of the States would, subject to any particular Commonwealth law, apply in these areas.

Under section 52 of the Commonwealth Constitution, it is provided that the Commonwealth Parliament shall, subject to the Consituation, "have exclusive power to make laws for the peace and order and good government of the Commonwealth with respect to" . . . (*inter alia*) "all places acquired by the Commonwealth for public purposes". The majority decision of the High Court dealt with the particular problem of the application of the New South Wales Scaffolding Regulations in relation to building work being carried out at Richmond Air Force base by a private contractor for the Commonwealth. The majority of the court decided that the scaffolding regulations did not apply. Of the majority, the Chief Justice (Sir Garfield Barwick), Mr. Justice Windeyer and Mr. Justice Menzies appeared to take an extremely wide view of the exclusive power conferred upon the Commonwealth and, therefore, a correspondingly wide view of the field of legislative power that is withdrawn from the States. Mr. Justice McTiernan, Mr. Justice Kitto and Mr. Justice Owen, who dissented, took the traditional view that would have allowed general State laws to continue to operate in relation to Commonwealth places. Mr. Justice Walsh, although concurring with the majority in the particular case, seemed to take a much more limited view of the scope of the Commonwealth's power.

It may well take many further cases before the new doctrines are finally settled, and it would be most unfortunate if an area of uncertainty were allowed to develop, especially in relation to the criminal law and to the laws relating to industrial safety in Commonwealth places. Unfortunately, the reasoning of three of the judges would appear to indicate that virtually no State laws would apply in Commonwealth places. This would have the unfortunate effect of turning hundreds, if not thousands, of small and large areas of land in this State into places in which the ordinary State law would not apply. Such a situation is obviously undesirable, and the Commonwealth and State Attorneys-General, through their standing committee, agreed to once that every effort should be made to restore the position to what it was thought to be before the High Court's decision.

However, there are many uncertainties in relation to the scope and effect of the High Court's decision. It is not clear what, if any, laws made by the State before the place was

acquired by the Commonwealth will continue to operate. It is not clear what constitutes a Commonwealth place. Is it only a place that has been acquired for something in the nature of a fee simple interest, or does it extend to property that is leased or held under a licence of the Commonwealth? What is meant by a place? Does it extend to vehicles, boats and other property or is it limited to land? What is meant by the Commonwealth? Is it only land held by the Commonwealth or does it extend to land vested in statutory corporations or holders of offices created by Statute? The position of persons such as the Official Receiver in Bankruptcy and the Director of War Service Homes is quite obscure. One thing is, however, clear; that is as follows: whatever may be the extent of the High Court's decision, the State Parliaments can do nothing on their own to overcome the problems. It must be a matter for the Commonwealth Parliament to determine what laws will apply in Commonwealth places.

I am pleased to say that the Commonwealth Government has agreed that it would be absurd to apply different laws in Commonwealth places from those that apply outside them. However, the Commonwealth is subject to significant constitutional restrictions that do not apply to States. It is therefore beyond Commonwealth power to adopt all State laws. For example, the Commonwealth cannot confer judicial powers on any body except State courts. It is by no means certain that all the judicial functions under the laws of the States are vested in bodies that would be considered courts in the sense that the term is used in the Commonwealth Constitution. It will therefore be necessary for the Commonwealth to vary some State laws by conferring jurisdiction which under the law of the State resides in a specialist tribunal on a court such as the Supreme Court or the Local Court. Certain taxing Statutes, too, impose their own special problems.

For these reasons it is just not possible to overcome completely the effects of the High Court's decision. Apart from these difficulties there would be enormous practical difficulties if in every prosecution or legal action it was necessary to determine whether the matter related to a Commonwealth place and so came under Commonwealth law or whether it came under the ordinary law of the State. The legal advisers of the various Governments have accordingly worked out an intricate scheme designed to apply existing State law to Commonwealth places as far as is legally possible and to obviate as far as possible the need to determine whether the matter relates to a Commonwealth place or not.

This scheme rests on the enactment by the Commonwealth of the Commonwealth Places (Application of Laws) Bill, 1970, which for convenience I shall refer to as "the Commonwealth Bill". Shortly, this measure, so far as is constitutionally possible, picks up and applies in Commonwealth places State law that would otherwise not operate in Commonwealth places. Thus this Bill can be appreciated only when viewed against the Commonwealth Bill and I have arranged for copies of the Commonwealth Bill, which has now passed into law, to be available to honourable members. This Bill is truly complementary to the Commonwealth Act and without the Commonwealth legislation it would have little or no effect.

Despite the care and skill that has been devoted to the preparation of this legislative scheme, it is by no means impossible that the scheme will be found to be seriously wanting in some respect that it is impossible to make good by further legislation. If this be so, the only remedy is an alteration to the Constitution to restore the situation to what it was thought to be before the High Court decision. This would necessarily involve a referendum. The Government believes that it is essential that the Constitution be amended as soon as practicable. All State Attorneys-General share this view and have pressed the Commonwealth Attorney-General to initiate the necessary action for a constitutional change. At this stage, the Commonwealth Government has not been prepared to concede that the situation should be resolved by constitutional amendment. However, the Commonwealth Attorney-General has undertaken to keep the matter under review and it is proposed that the States and Commonwealth will continue to work closely together to watch for legal and practical difficulties in relation to the administration of the law in Commonwealth places.

Of its nature this measure lends itself to consideration in Committee and any such consideration may well involve consideration of the clauses of the Commonwealth Bill that this measure is intended to complement. Accordingly, it may be of assistance to honourable members if, in my explanation of each clause of this Bill, I refer to the clauses of the Commonwealth Bill that the clause is intended to complement. Clauses 1 and 2 of the Bill are formal. Clause 3 provides appropriate definitions for the purposes of the Bill. It will be noted that the definition of "Commonwealth

place" has been drafted in the constitutional terms set out in section 52 of the Constitution; the effect of this amendment is that a place will be a "Commonwealth place" for the purpose of this measure if the courts, in their future decisions, say it is a Commonwealth place. This is an attempt to overcome one of the uncertainties inherent in the High Court decision. The corresponding provision in the Commonwealth Bill is clause 3.

Clause 4 will empower the Governor to enter into arrangements for the carrying out by an authority of this State, as defined, of functions under the applied State laws that are similar to the functions carried out under the ordinary State law. The corresponding clauses of the Commonwealth Bill are clauses 6 and 18. Clause 5 is complementary to clause 4 and will enable the authority to carry out two distinct legal functions even though the factual difference between the functions will be generally imperceptible.

Clause 6 provides for the fairly unusual situation where a person has, on the same facts, a cause of action under both the State and applied law. The effect of this clause is that the extinction of one action will act to extinguish the other. The mirror provision in the Commonwealth Bill is clause 9. Clause 7 is intended to protect authorities of the State when, say, by reason of some doubt as to the legal status of the place in relation to which they acted, they purported to act under the applied law when they should have acted under the ordinary State law. This provision is mirrored in the Commonwealth Bill at clause 10.

Clause 8 (1) is intended to prevent a person being tried twice for what is, on the facts, the same offence, although in strict law the act may have constituted an offence against a Commonwealth law that is in identical terms with the State law. Clause 9 provides that references in instruments to the applied law shall, where that law is not applicable, be read as references to the State law that is, in terms, the same as the applied law. This clause corresponds to clause 11 of the Commonwealth Bill.

Clause 10 prevents objection, on the ground of duplicity, to a charge that alleges two offences, one under the State law and one under the corresponding Commonwealth law. In the nature of things it may be impossible to avoid this duplication when the status of the place, in connection with which the offence occurred, is in doubt. The corresponding Commonwealth provision is clause 13. Clauses 11 and 12 carry the principle expressed in relation to clause 11 through to the trial and appeal stages in criminal proceedings. In short, where it is made to appear that what was thought to be an offence against the applied provisions, which are Commonwealth law, was in fact an offence against the corresponding State law, the proceedings may continue as if the person had been charged under State law. Clauses 14 and 15 of the Commonwealth Bill mirror these provisions.

Clause 13 is a fairly straightforward evidentiary provision and should enable questions of fact, which a court may have to consider in determining whether a place is or is not a Commonwealth place, to be determined expeditiously. The corresponding provision in the Commonwealth Bill is clause 17. Clause 14 is an attempt to provide, within the limits of the constitutional power of the State, for the legal consequence of: (*a*) a place becoming a Commonwealth place; or (*b*) a place ceasing to be a Commonwealth place; and the mirror provision in the Commonwealth Bill is clause 19.

Finally, I must repeat that the Government does not consider that the complex and sophisticated scheme of which this Bill forms a subordinate though useful part is a really satisfactory solution to the problems adverted to here. In common with the Governments of the other States, we believe that the proper solution would be an amendment to the Constitution. However, such a solution is clearly not possible without the co-operation of the Commonwealth and, until that co-operation is forthcoming, the Government considers that the only responsible course it can follow is to participate in the scheme. The responsibility for this situation therefore rests fairly and squarely with the Commonwealth.

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

SUPERANNUATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

In introducing this Bill I would inform members that it is one of a series whose principal design is to increase pensions of public employees, judges and members of Parliament, and of their dependants, where those pensions have latterly been eroded by increased living costs. It is more than three years since a similar

general review was made for this purpose. Generally the longer a pension has been payable the greater is the supplement provided. In the case of pensions payable under the Superannuation Act the supplement ranges from 3¼ per cent to 8¼ per cent.

It is unfortunately not practicable for me to bring down at this stage a Bill increasing pensions of police officers and their dependants, because the appropriate increases will in some measure depend on a review of the whole police pension scheme which is presently being made. I would hope to deal with appropriate supplementation of long-standing police pensions in the February continuation of this session, and if practicable to provide for the appropriate increases from the same day as for the other pensions presently to be considered.

The Government has under serious consideration the eventual implementation of some scheme which will provide for automatic periodical supplementation of pensions as living costs may be shown to have varied. This will involve considerable actuarial investigation and the present Bills may be regarded as a first step in that direction. It is the hope of the Government to bring the increases into effect either on January 1 next or on a convenient date near to January 1. In addition, this Bill proposes certain other amendments to the Superannuation Act, the nature of which will become clear when I indicate the scope of each clause in the Bill.

Clauses 1 to 3 are formal. Clause 4 amends section 8 of the principal Act which deals generally with the powers of the Superannuation Board to invest the moneys standing to the credit of the Superannuation Fund. If the amendment proposed by this clause is agreed to, the entry of the board into the field of "high ratio" housing loans will be facilitated. A "high ratio" loan is a loan where the amount lent is of the order of 90 per cent of the value of the property as ascertained by a valuer employed by the board. The board could not enter this field unless it was given power to insure such loans against default by the borrower. As honourable members may be aware, steps are being taken to have the board become an approved lender under the Housing Loans Insurance Act of the Commonwealth to facilitate such insurances but progress in this matter must await Commonwealth legislative action. This amendment therefore will enable the board to insure such loans with "approved insurers" and hence enable the board to enter this field immediately to the benefit of the fund and to borrowers generally.

Regarding clause 5, under the principal Act unit entitlement is calculated once each year for a contributor on his entitlement day. If the contributor receives an increase of salary between entitlement days and he has in force an election to contribute for all the units to which he may become entitled on his entitlement day he is regarded, for pension purposes, as contributing for the units calculated on his increased salary. He is, in effect, given a form of "free cover" between his entitlement days. The question has now arisen as to how a retrospective salary increase shall be dealt with, that is, a salary increase that is granted after he enters upon his pension but which is expressed to take effect from a day before he so entered. This amendment will enable the board to recalculate the pension if necessary and treat, in appropriate circumstances, a retrospective increase in salary as if it had effect as an actual payment of salary on the day from which it was expressed to take effect.

Regarding clause 6, honourable members may recall that the 1969 Act gave certain benefits to children between 16 and 21 years who were in full-time attendance at educational institutions. In the nature of things these benefits were not extended to those children who had attained 16 years before the commencement of the 1969 Act. The amendment proposed by this clause will treat such children on substantially the same basis as children already receiving the benefit. This provision cannot of course be applied in cases where the board has made lump sum payments on the basis that no further pension was payable in cases where, at the time the payment was made, the total of the pensions paid were less than the total of the contributions paid by the contributor. Necessarily in such cases the board's liability is at an end.

Clause 7 is a drafting amendment. Clause 8 provides supplements for pensions at present being paid. These supplements are calculated on the same basis as supplements provided for other pensioners in other legislation and range from 8¼ per cent to 3¼ per cent depending on the day on which the pension to be supplemented was first payable. In addition, the proportion of all supplementary pensions payable by the Government has been fixed at 70 per cent.

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

HARBORS ACT AMENDMENT BILL

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

KINGSWOOD RECREATION GROUND (VESTING) BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

SUPREME COURT ACT AMENDMENT BILL (PENSIONS)

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

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

That this Bill be now read a second time.

Its object is to provide supplements to the pensions of certain retired Supreme Court judges and widows of members or former members of the judiciary. Clauses 1 and 2 are formal. Clause 3 effects certain clarifying amendments to section 13e of the principal Act to reflect the actual position regarding payments of supplements provided for by that provision. Clause 4 supplements all pensions that had a determination day, as defined (*a*) that occurred before July 1, 1967, by 8¼ per cent; and (*b*) that occurred between that day and October 31, 1969, by 3 per cent. Clause 5 effects a correction to the citation of an Act referred to in section 62b of the principal Act.

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

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This short Bill is intended to provide a supplement to certain pensions payable to retired members of Parliament and their widows. The increase in pension recommended to the Government by the Public Actuary is 8¼ per cent. The pensions affected are (*a*) all pensions payable before the commencement of the Parliamentary Superannuation Act Amendment Act, 1969; and (*b*) pensions of widows or widowers of members who retired before the commencement of the 1969 amending Act and died between that day and the day of commencement of the Act proposed by this Bill; in short all pensions that vested before the 1969 amending Act and widows' or widowers' pensions contingent on those pensions.

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

INDUSTRIAL CODE AMENDMENT BILL (PENSIONS)

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

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

That this Bill be now read a second time.

This short Bill is one of a series of measures designed to supplement certain pensions payable in respect of persons who have held judicial and other offices in this State. In this case the pension involved is that being paid to a former President of the Industrial Court under the Industrial Code, 1920, as amended. This Code was repealed by the Industrial Code, 1967, but provision was made in the 1967 Code for the continuation of that pension and the contingent widow's pension. In this case a supplement of 8¼ per cent is proposed, this being the figure recommended by the Public Actuary as being appropriate to restore, to some extent, the depleted purchasing power of the pension.

The operative clause, clause 3, makes appropriate provision for the supplementation. The reference in proposed new section 17a (2) (*b*) to a pension being first payable after the commencement of this measure is intended to cover the contingent right of a widow of the retired President to her pension. The matter contained in proposed new section 17 (3) is intended to spell out clearly the formal financial arrangements for the payment of these pensions and resolve any doubts as to formal authority for their payment.

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

HOLIDAYS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 26. Page 3102.)

The Hon. R. A. GEDDES (Northern): I oppose the Bill, which increases by one the number of public holidays in South Australia. The Minister's second reading explanation states:

> The Government has decided that it is only fair and reasonable that employed people in this State should not receive fewer public holidays each year than the standard that generally applies in the rest of Australia.

From a breakdown of holidays in the various States, Victoria, Queensland, and Tasmania, have 11 public holidays; Western Australia has 10 (and Easter Saturday is not included); and South Australia and New South Wales have 10, including Easter Saturday. We have a fine country and if we accept our responsibility we will continue to have the best country

in the world. Australia enjoys the luxury of less working hours than does any other nation in the world, but with its geographical isolation it fails to appreciate the intensity of effort and the commercial enterprise of the worker in industry in Europe and the United Kingdom. This *laissez faire* attitude in Australia will possibly be our ruination in future. Our work force enjoys three weeks' annual leave, two weeks' sick leave a year is the normal, and there are 10 public holidays, a total of seven weeks' holiday in each year, to which is added long service leave. The worker in industry is now entitled to three months' long service leave every 15 years, and school teachers now have it for every 10 years' service. It is the policy of the Government to introduce three months' long service leave for employees generally after 10 years' service.

The Hon. R. C. DeGaris: Can you define "worker"?

The Hon. R. A. GEDDES: These are the statutory requirements for an employee.

The Hon. R. C. DeGaris: Do the workers get the concession?

The Hon. R. A. GEDDES: Under the various awards, workers are entitled to these conditions. They are entitled also to one week's sick leave each year, but this is usually extended to two weeks. I cannot say whether all employees receive seven weeks' leave a year, but I understand that that is the requirement of most awards and the employees are entitled to it.

The Hon. R. C. DeGaris: Is "employee" and "worker" synonymous?

The Hon. R. A. GEDDES: No, they are not. We have spoken of the problems of the self-employed man, who does not have the chance to take too many holidays, least of all the statutory holidays. The South Australian Jockey Club has asked the Government to use the extra public holiday so that the Adelaide Cup race meeting can be conducted on a Monday and not on a Wednesday.

The Hon. M. B. Dawkins: Are you sure about that?

The Hon. R. A. GEDDES: That is what is stated in the second reading explanation. The Melbourne Cup has the reputation of being the leading race in Australia, but only a holiday for the metropolitan area of that city is granted for that race meeting. The S.A.J.C. intends to raise the Adelaide Cup to the standard of the Melbourne Cup, and suggests that this would help tourism. However, if a public holiday is not granted in Melbourne on Adelaide Cup day how can the racing population of Melbourne come to South Australia? If no holiday is granted in Sydney how can that affect the tourist position?

The Hon. D. H. L. Banfield: They can always take a "sicky" in those places.

The Hon. R. A. GEDDES: What will this one extra public holiday in South Australia cost? It will be a holiday for the public, which means that it will apply to workmen in Ceduna, Oodnadatta and Mount Gambier. It has not been easy to ascertain what the cost will be to industry in this regard. The Chamber of Manufactures has tried to do some homework on my behalf; it has checked with the Commonwealth Statistician and it has found that the cost of such a public holiday in South Australia will be about $5,500,000, which money could well be channelled into the succession duties office of the State so that we would not need any increase in succession duties. That is merely the wages bill.

What will it cost with the slowing down of the wheels of industry in the case of the manufacturers of motor cars, washing machines or any other products of secondary industry? The $5,500,000 is an approximate figure for wages alone for a public holiday for a race meeting. It is not right or just, and there is no reason for it. It is not unusual for employees, after three weeks' annual leave, to return to work and say that they are glad to be back at work, that they have run out of money and are happy to get back on the job and live a normal economic life with their families. When a husband, wife and family are at home for three weeks (or for seven weeks, in many cases, extending throughout the year), they find that the cost of living is higher, because it is so much easier for a husband and wife on holiday to get into a car and travel from point A to point B, in the process spending more money than they do when they go to work.

I am pointing out that our wage structure is not geared to cope with the privileges of public holidays. While I do not claim to be a member of these establishments, I point out the disapproval (in addition to my own) of the following reputable organizations in the State at the granting of another holiday: the Adelaide Chamber of Commerce, the Retail Traders Association, the South Australian Employers Federation and the South Australian Chamber of Manufactures. Only a short time ago the Government was paying lip service to those organizations in the matter of early closing at Elizabeth and Salisbury.

The Hon. D. H. L. Banfield: We do not always agree with them.

The Hon. R. A. GEDDES: What strange bedfellows they are! When it suits the Government to have a holiday for the public, it does not consider private enterprise. It is an entirely different kettle of fish on this occasion. It shows the flexible principle that this Government works under. The only pleasing point in this Bill is that this holiday is not being granted as a day to remember the moratorium upset. That is the only saving grace about the Bill.

The Hon. R. C. DeGaris: That should not be long in coming.

The Hon. R. A. GEDDES: One wonders whether that will not be the next excuse for a holiday. In his second reading explanation, the Minister said:

I point out that this holiday will normally fall during the first school vacation each year so will not disrupt the school programme.

The dear little teachers and the dear little children—but it will cost the State $5,500,000 in wages! Another point is that, in some awards where hourly rates apply, considerable calculations are involved in increasing the operative hourly rate. That problem occurs particularly in the building trades, where the hourly rate is loaded for public holidays, for annual leave, for sick leave, for stand-down time between building jobs, and so on. It could be argued that the recalculation of wage rates is warranted for the range of classifications within the building industry. It must be remembered that the loading that would need to be placed upon the hourly rate will be spread over 12 months. That is another little tack, small though it may be, in the coffin of extra costs. Finally, I quote from a letter from the South Australian Employers Federation, which states:

The granting of holidays in excess of the present standard will seriously prejudice the State's economy inasmuch as productivity will be depleted and alternatively industry which will of necessity operate on the holiday will be subjected to additional costs.

I do not support the second reading of this Bill.

The Hon. C. M. HILL (Central No. 2): I support the Bill. I listened as closely as I could to the Hon. Mr. Geddes and was rather surprised in the early part of his speech to hear what I assumed to be criticism of our general work force at all levels throughout the State. Irrespective of its level, whether it is working in a factory or in the fields, as tradesmen or as a group that we sometimes call the "white collar workers", or whether we consider the employees as a whole, I have great admiration for the work force of this State. I think the South Australian worker measures up so well that I class him as the best worker in Australia.

The Hon. R. C. DeGaris: Did the Hon. Mr. Geddes criticize the workers?

The Hon. C. M. HILL: I said a few moments ago that I understood that the Hon. Mr. Geddes made some critical remarks of the general work force of this State. If I was wrong in what I assumed, I stand corrected, but that was the general impression I gained as I listened to him. It was somewhat difficult to hear him clearly because certain honourable members were rather noisy at about that stage, but I believe he was critical of the workers. I stress my opinion of them, which is not that of a theorist because in the last two or three years I have had cause to be fairly close to many of those people who comprise the work force of this State. I refer particularly to those who are on the staffs of Government departments and those who work in the day labour force of departments like the Highways Department and the Railways Department.

Many people are involved in those areas of activity, and I cannot speak too highly of them. It is my view that their efficiency is increasing all the time. Also, the efficiency of production in South Australia is increasing all the time. When I see the evidence placed before us (as it has been in the Minister's second reading explanation) that States such as Victoria, Queensland and Tasmania have 11 public holidays, including Easter Saturday, and when I see that South Australia has 10 public holidays, including Easter Saturday, I cannot but help conclude that we ought to be able to afford an extra public holiday. That would mean that we would have the same number of public holidays as those States.

The Hon. R. A. Geddes: Can we afford those holidays any better than New South Wales can?

The Hon. C. M. HILL: Where does the argument about being able to afford them start and finish?

The Hon. R. A. Geddes: You started it.

The Hon. C. M. HILL: No; the honourable member started it. It was he who caused me to rise and deal with what was said. If we are on a parity in this respect, it is an across-the-board argument that our costs are certainly not being increased out of proportion with those of the other States to which I have referred. I am concerned, however, about the use of the day that is proposed as

the public holiday, and I join with the Hon. Mr. Geddes in querying the arrangements that were detailed in the Minister's second reading explanation and that might be put into effect by the racing club that conducts the Adelaide Cup. In his second reading explanation, the Minister said:

Following discussions with representatives of that club, the Government has been informed that, if an additional public holiday was proclaimed on the Monday instead of the day on which the Adelaide Cup is normally held, which is a Wednesday, the club would be willing to reorganize its cup carnival programme and change the day of the Adelaide Cup meeting to the Monday holiday. This would follow an important race meeting on the previous Saturday.

I think we are to assume that the Minister intended that the cup should be run on the Monday holiday, but I have heard reports to the contrary.

The Hon. A. J. Shard: The club will have the Goodwood Handicap on the Saturday and the Adelaide Cup on the Monday.

The Hon. C. M. HILL: I am convinced by that statement. It is essential that, if Parliament grants a holiday as an Adelaide Cup holiday, the actual cup race should be held on the Monday holiday.

The Hon. A. J. Shard: The undertaking was given.

The Hon. C. M. HILL: The other clause formalizes the arrangement for a public holiday when Christmas day falls on a Saturday or Sunday; the Bill states that the following Monday shall be that holiday. Because that practice has been followed for the past 25 years, it is sensible that it now be formalized in this Bill. I support the Bill and hope that South Australia gains a special holiday for this occasion. I hope that all South Australians who will either go to the races or participate in some other sport on that day will thoroughly enjoy the occasion that Parliament is providing for them.

The Hon. A. M. WHYTE (Northern): I support the Bill. I recently said that the racing industry is of great consequence to this State, and a public holiday on Adelaide Cup day is in keeping with the needs of the industry. I cannot agree that there is any great need for rest for the workers, for I would say that about 80 per cent of the work force of Australia would not work in a barrel of yeast. Our racing industry is well worth supporting and it is one of the few industries that is at present holding its head well above water. A public holiday that coincides with our main race meeting will benefit the industry. Provided that the Adelaide Cup is held on the public holiday, the reason for the Bill is valid.

The Hon. A. F. KNEEBONE (Minister of Lands): I am amazed at some of the statements that have been made during this debate. Two honourable members criticized the workers in regard to this matter. The Hon. Mr. Whyte said that 80 per cent of the workers of this country would not work in a barrel of yeast. I must refute that statement. I cannot understand why the honourable member made it. It shows how little he knows about our workers. I agree with what the Hon. Mr. Hill said about the workers of this State. The Hon. Mr. Geddes peddled the line that is peddled here by the organizations he has named every time any increase in amenities for workers is mentioned. Every time an extension of annual leave or long service leave is mentioned, those organizations oppose it. Now, they intend to oppose the granting of an extra public holiday. The honourable member supports the attitude that these organizations have always taken, namely, that it is necessary for workers in this State to have worse conditions than those in any other State so that we can compete with the other States.

The Hon. Sir Arthur Rymill: Does the term "workers" include members of Parliament?

The Hon. A. J. Shard: Yes.

The Hon. A. F. KNEEBONE: We work for a part of the year, and we may be working for long hours this week. I am hostile at some of the statements made about the workers. I do not want to be over-critical about everyone in this Council, but I remember that, when I was Minister of Labour and Industry three years ago, whenever I suggested any improvement in industrial legislation in this State the same attitude was adopted. I was pleased to hear the Hon. Mr. Hill's remarks in support of the workers.

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

STOCK EXCHANGE PLAZA (SPECIAL PROVISIONS) BILL

Adjourned debate on second reading.

(Continued from November 26. Page 3103.)

The Hon. C. M. HILL (Central No. 2): First, I take the opportunity of commending the Adelaide City Council on its planning for renewal and redevelopment of major works within its city area. This form of planning commenced some years ago when the major plan for off-street car parking stations was agreed to, and indeed construction was then commenced. In recent years the planning has

encompassed the question of renewal of older areas with modern office accommodation and other buildings of that kind.

It is in regard to one of these projects that the Bill is before us. The area of land concerned comprises 84,000 sq. ft. running between Pirie and Grenfell Streets and is that parcel of land immediately behind the principal buildings fronting King William Street in that block. Honourable members have a copy of the plan on the last page of the Bill.

The intention of the Bill is to give the City Council the opportunity to purchase this land and to treat with developers so that the site is developed in a fashion approved by the council. The council does not intend to purchase all the site, there being one particular piece of it that I understand the developer has purchased directly. Following this proposal, another object of the Bill is to permit the building height to range from the existing 200ft. up to 300ft. Another purpose is to provide that at least two-thirds of the whole floor area shall be open space with the balance occupied by the buildings that the council has in mind.

The Bill's last major object is to limit the floor area index of the plaza to eight. The figure of the floor area index is obtained by dividing the total ground area into the total floor space of the buildings that are envisaged. Broadly, that means that, if on one-quarter of the whole site was built, say, a 32-storey building, that would come to a floor area index of eight. The matter has been before a Select Committee where considerable attention was given to it by the two principal witnesses, namely, the Director of Planning (Mr. Hart) and the Town Clerk of the City of Adelaide (Mr. Arland).

Mr. Hart stressed two points before the Select Committee, the evidence of which is public, having been tabled in the other House. First, Mr. Hart said that he insisted on an area of at least two-thirds of the plaza being left as open space, and secondly, he was greatly concerned that the provisions of the existing Building Act did not apply where a building exceeded 200ft. in height, which was the previous limit.

After some discussion on the two matters he raised, they were considered in detail, and these two features have been incorporated in the Bill. It appears to me that any fears Mr. Hart expressed have been completely taken care of in the Bill. There are two matters that worry me in regard to the matter. I know that the Government wants to hurry the Bill through because we have not a great deal of time before we go into recess, and members on this side are doing their best to co-operate with the Government. Rather than have the matter delayed by asking for specific undertakings in regard to these matters, I shall deal with them and stress that I expect that, if the Bill passes, those in authority (both the Government and the City Council) will be extremely careful to see that the two points I have raised are honoured in every respect.

First, I deal with the fact that the Bill is to be brought into force on a day to be fixed by proclamation. Of course, at this point of time all the negotiations of the council with the private owners of land in the area are not completed. It would be a most shocking state of affairs if either the Government or the City Council used the fact that it had a Bill passed by Parliament that could be proclaimed at any time against a private owner in an endeavour to influence that owner to conclude his negotiations with the council to sell his property. This point has been covered by the Chief Secretary in his second reading explanation as follows:

> Clause 2 provides that the Act will come into operation on a day to be fixed by proclamation. Such a proclamation will not issue until the corporation has acquired control over the whole of the redevelopment area, lest there be any suggestion that the rights of the owners of property within the area are prejudiced in their negotiations with the corporation by reason of the fact that this Bill imposes limitations on the redevelopment of the area.

I accept the Chief Secretary's statement in good faith, but I stress that it is extremely important that, if the City Council or the Government runs into a position where an owner may be holding out and negotiating in such a way that may cause some impatience on the part of the acquiring authority, it will not in any way use against a particular owner the fact that the Bill is passed and waiting to be proclaimed. If this matter is honoured as stated by the Chief Secretary, I expect that no improper action will be taken. However, this point should be stressed because in some respects we are putting the cart before the horse in Parliament's passing a Bill which is being held in abeyance while negotiations proceed for the acquiring authority to purchase the land involved. It would have been a much more satisfactory position, of course, if all the contractual arrangements by the council with owners had been concluded at this particular point in time, but I realize that in an extremely big project of this kind (and it is, indeed, a major project by any city standards in Australia) these rush arrangements are necessary if expedition is to be given so that the whole

scheme can be brought to successful fruition, and so I leave the matter at that.

The second point that has concerned me seriously is the question of the Building Act, which can be amended by proclamation, in terms of this Bill, and we are dealing with the existing Building Act. Here again, some problems have been encountered because we are at a stage where the new building legislation is before Parliament, and one may suggest that the whole of this planning project be delayed until that building legislation is enacted, but, of course, that is somewhat unrealistic, because the legislation is not encountering what we might call a smooth and rapid passage through Parliament, so the Bill provides that the old Act can be proclaimed, as I have said, to encompass all proper building standards in that last 100ft. between the 200ft. and 300ft. limit.

To my mind, the most important of these standards concerns fire protection. I have discussed the matter with the Town Clerk of the Adelaide City Council, who has assured me that the matter of fire protection will be examined in absolute and great detail. As a matter of fact, I had short discussions with one of the architects involved in the planning of one of these 300ft. buildings. That architect has told me that, by a system of smoke detectors of modern building standard, staircases can now be freed of danger at such heights, that automatic close-off of valves operates, that no return air is permitted into the stairway areas, and that, if the accepted modern building standards in regard to fire protection are practised in a building of this height, there should not be any fear regarding fire.

I understand, too, that the inspecting officers in the Fire Brigades Board are highly skilled in advising on matters such as this. This morning I had a short discussion with the Chief Officer of the Fire Brigades Board about the matter and he suggested that the officers concerned in this development should keep in close contact with inspecting officers of the Fire Brigades Board so that there will be no chance of a calamity occurring because a building has been built to this height, yet adequate fire protection is not given merely because at this time we have not got building regulations covering this point. That is the second matter that I stress. It was the second matter that concerned me about the whole plan.

There are some other interesting facets of the whole subject. The open space being provided on the plaza around the two tower buildings is a most attractive building feature in modern city thinking. One sees this in other modern cities of the world, and I commend the planners for adopting that approach. There is an opportunity here to provide an underground pedestrian way or arcade ultimately to link the Rundle Street shopping area with the Central Market shopping area, this pedestrian mall running underground beneath the plaza area. The City Council hopes that this will be achieved ultimately and that this mall beneath ground level will be used for shopping space and development of this kind.

The concept of the original plan was for a pedestrian walk beneath the plaza area to connect with the underground subway that was provided for in the Metropolitan Adelaide Transportation Study plan approved by this Parliament. However, I regret to say that the King William Street underground railway is one part of the M.A.T.S. plan that does not seem to be making any progress at present. I make a plea to the Government that, in its planning for that public transport facility up King William Street, if it can get on with the job and bring that plan to fruition, many plans for underground schemes and walkways can be connected with great advantage to the underground stations envisaged in the M.A.T.S. plan. In summary, I support the Bill and look forward to the whole project getting off the ground and ultimately coming to fruition. If that occurs Adelaide, as a city, will be extremely proud of the development.

The Hon. A. F. KNEEBONE (Minister of Lands): I thank the honourable member who has just spoken and other honourable members for their co-operation regarding the passage of this Bill. I think I can give the assurance that the Hon. Mr. Hill asks for. I can tell him that, on reading the docket in connection with the Bill, I find that there has been good co-operation, on an extremely amicable basis, between the Corporation of the City of Adelaide and the department that prepared the Bill. There are several letters in the docket from the Adelaide City Council, expressing its appreciation of the fact that this matter was dealt with expeditiously and expressing a desire that this Bill be passed before Christmas so that the proprietor may proceed and the architects may prepare their plans, secure in the knowledge that the Bill will provide for a 300ft. limit. Again I thank honourable members for their

co-operation and hope that the Bill passes its remaining stages.

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

SOUTH-WESTERN SUBURBS DRAINAGE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 26. Page 3105.)

The Hon. G. J. GILFILLAN (Northern): I support the Bill. This matter has a long history, as outlined by the Minister in his second reading explanation. The Bill authorizes money to be spent on a comprehensive drainage scheme with which most members in this House are familiar, that scheme commencing with a control dam on the Sturt River in the Adelaide Hills and finishing at the Patawalonga boat haven at Glenelg, where the water flows into the sea. Strangely enough, the scheme is under the control of the Highways Department as the responsible authority, and I should like here to pay a compliment to Mr. Johinke and his officers for the comprehensive evidence they presented to the Public Works Committee and for the way in which they handled a difficult task of negotiating with the councils concerned. Some of these councils are contributing councils and some are benefiting councils in regard to drainage and floodwaters.

On the matter of assessing the proportionate liability of each council, much research had to be undertaken not only into existing conditions but also into future conditions that may apply in the developing areas. Changes in development have a big effect on the drainage of the areas concerned. For instance, I understand that the building of the shopping centre at Marion caused some changes to be made in the plans, because of the great catchment being provided by the large buildings and paved area there. Therefore, there has to be some flexibility in the planning and I am sure that, in trying to forecast the future, flexibility is also needed regarding newly-developed areas. I believe that the Planning and Development Act, together with a fairly definite system of zoning, is a help in this respect. Although I stand to be corrected here, I understand that the Marion shopping centre was built on an area originally intended to be residential, and this is an example of just one of the variations that have to be made in preparing the plans for this scheme. It is an expensive scheme, the cost to be borne equally between the councils and the Government, with an additional $1,000,000 subsidy coming from the Government towards the whole scheme; the Government, in addition, bearing the full cost of the work to be done in the Glenelg boat haven, including the construction of three extra sluice gates to take the extra volume of water that will flow down the Sturt River.

The scheme involves a large area of concrete, as the drains are lined with concrete, and altogether it is a large project. The Bill follows precisely the recommendations made by the Public Works Committee, which undertook much work in investigating the project. Here, I congratulate Mr. Hourigan, the Secretary of the committee, who is one of our Parliamentary officers probably not well known to most members or to the public generally. I compliment him not only on preparing the comprehensive report on this scheme but also on the manner in which he prepares all reports for Parliament. I support the Bill.

The Hon. C. M. HILL (Central No. 2): I, too, support the Bill. I wish to raise three points, these points having been brought to my notice by local government bodies concerned in this scheme. The Hon. Mr. Gilfillan has dealt with the history of the matter, as has the Minister in his second reading explanation, and I will not repeat that information. However, I also commend Mr. Johinke for the able service he gives in this phase of his work. In fact, the total planning in connection with surface water drainage throughout metropolitan Adelaide involves a major plan and a major work. This matter does not receive much publicity, and I think it is an area of work that goes somewhat unnoticed by the public.

I think that in recent years there has been proof that the floodwater schemes have worked effectively in metropolitan Adelaide. The quantity of water flowing down the Hills and across the Adelaide Plains to the sea is increasing all the time; it increases with the number of houses built and with the increase in the provision of sealed roads, and so forth. The water that falls on the sites in question can do nothing else but run away into the gutters, along the kerbs provided, and into the drains. The whole scheme is quite successful, but there is a need for it to be taken several stages further and, indeed, some expensive work is involved.

The first of the three matters that I wish to raise concerns the Marion City Council. This council has two major worries: the first is that in its view the percentage contribution of the councils should not remain fixed over this whole term of about 50 years, and I agree

with that view. The council's argument, in effect, is that, if a large area in, say, the foothills becomes subdivided and built on as a residential development, much water will be put into the system as a result of that development, and a council in that area should then perhaps pay more than it is currently paying.

The council seeks a continuing review of these percentage contributions. This point is covered, and I commend the Select Committee on recognizing it. The matter, which is covered in paragraph 7 of the committee's report, can only go somewhat unresolved at this stage, as I see it, because I understand that the relevant provision cannot be written into the Bill.

However, the matter is stressed by the Select Committee and I hope that the Government recognizes the council's viewpoint and recognizes also the section of the Select Committee's report dealing with this point. If the present Government remains in office in years to come, I hope that it will, in fact, review this matter if such a review is sought by any of the contributing councils, so that there will be a fair contribution, as years go by, by each respective council. That is the first point.

The second point deals with the fact that the Marion council has sought to be relieved of extra contributions for the current financial year. As I recall, other councils have sought the same benefit. The reason for the request, understandably, is that councils have not provided for these payments in their current budgets. The Bill attempts to cover this point, because new section 8 (3) provides:

Upon the application of a council the Treasurer may defer payment, upon such terms and conditions as he specifies, of such part of any payment required to be made by that council pursuant to this section on the first day of May. . . .

Conditions are then stated dealing with the time and method of working out the amount involved. I believe it should provide that the Treasurer "shall" defer payment, and I do not think that the terms and conditions should be left as wide as they are. I shall be satisfied if I can obtain an assurance from the Minister that the Government intends that the Marion council and other councils that have made similar requests will be relieved for the current financial year of these payments, because their budgets are such that they are now up to the hilt with expenses. They can meet the extra obligation if they can plan ahead, but if this is foisted on them suddenly they will be in financial trouble, and they have sought help.

The Select Committee has recommended that they be given help. I prefer to include "shall" rather than "may", subject to the conditions set out in the Bill, in that the Treasurer can place terms and conditions on the deferment. I think that the Government intends to relieve the councils, but if I can obtain this assurance I shall be happier about the situation than I am now. The third point concerns the city of Glenelg, which is covered in clause 11, in one respect. This clause provides:

The following section is enacted and inserted in Part III of the principal Act immediately after section 13 thereof:

13a. The Municipal Council of Glenelg shall, at its own expense, cleanse, repair and maintain that part of the works being the Patawalonga works in accordance with the directions of the Minister of Works which directions the said Minister is hereby authorized and empowered to give.

That deals with the obligation on the council to repair and maintain, etc. Paragraph 9 of the Select Committee's report refers to the Glenelg council's expressed concern about future capital works. That council cannot contribute to major capital works at the Patawalonga, and it is worried about the future capital replacement costs of the actual lock and regulator gate structure. It believes that this should be the subject of an inquiry by a small Government-appointed committee. It seems that one lock-gate structure is sinking slightly and is tilting and, in the opinion of some experts at Glenelg, the gates may have to be completely relaid in about five or six years.

The capital expenditure is feared by the council. As the Select Committee agreed with the council's submissions and noted them in paragraph 9, and as the matter cannot be related directly to the Bill, because it seems to me it is a separate matter between the council and the Minister of Works, I think the Government should now, before the Council passes this Bill, at least acknowledge that it recognizes the concern of the Glenelg council and, in recognizing it, that it intends to give that city every possible consideration in the future.

I know that the Glenelg council would like a small Government-appointed committee to look into the matter. That proposal may appeal to the Government but, as the whole matter of the Patawalonga is in question because it is involved in this legislation, it is only right and proper that major fears of this kind entertained by the Glenelg council should be examined.

They are the three points I raise. In other respects, I am pleased that the matter is taking shape. It means that all the surface drainage throughout the western and southern parts of metropolitan Adelaide will be taken care of. This will be of great benefit, particularly in times of future flash floods, to people living in these vast areas of metropolitan Adelaide.

The Hon. A. F. KNEEBONE (Minister of Lands): I thank the honourable member for his comments on the Bill; I hope I can give him the assurances he is asking for. I think he himself practically answered the question he asked on clause 9. This clause was amended as a result of a recommendation of the Select Committee. He referred to "may" being used instead of "shall". That is the word used in this type of legislation and I assure the honourable member that, as long as this Government is in power, it will honour its assurance. The honourable member then referred to the major works in the Patawalonga. They are not part of the south-western districts drainage scheme; they were built as a result of an agreement between the council and the Government.

The Hon. C. M. Hill: My other point was a review of the percentages.

The Hon. A. F. KNEEBONE: I think I can give the honourable member an assurance that that is logical and is what is intended.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

The Hon. A. F. KNEEBONE (Minister of Lands): This clause refers to Mr. Johinke, the Commissioner of Highways. In replying to the second reading debate I omitted to thank honourable members for their references to Mr. Johinke. In my association with him when I was Minister of Transport I formed a very high opinion of his ability, and I thank honourable members for referring to him in the way they did.

Clause passed.

Remaining clauses (5 to 14) and title passed.

Bill read a third time and passed.

PUBLIC RELIEF

The Hon. A. J. SHARD (Chief Secretary) moved:

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

Motion carried.

ADJOURNMENT

At 11.49 p.m. the Council adjourned until Wednesday, December 2, at 2.15 p.m.