LEGISLATIVE COUNCIL

Wednesday, December 2, 1970

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

QUESTIONS

AMENDMENTS TO ACTS

The Hon. C. R. STORY: Has the Minister of Agriculture a reply to my question of November 24 concerning amendments to Acts?

The Hon. T. M. CASEY: The 1968 amendment is the only amendment to the Bush Fires Act, 1960, at present although it is hoped to have further amendments to the Act introduced before the next fire season. The matter of consolidation of Acts is handled by the Parliamentary Draftsman who is in a position to decide on the necessity for, and priority of, consolidation of Acts. In his reference to an annotated Act, I take it that the honourable member means an indexed Act. I do not think that it is usual for an index to be provided for Acts. However, indexes to the Bush Fires Act, 1960-1968, are readily available to interested parties from Emergency Fire Services headquarters. The index provided is based on one compiled by Mr. R. H. Angas, who is a member of the Bushfire Advisory Committee and is the President of the Barossa Ranges Fire-Fighting Association.

TALLOW

The Hon. A. M. WHYTE: Has the Minister of Agriculture a reply to my recent question concerning the segregation of tallows?

The Hon. T. M. CASEY: The matter of the production and marketing of edible tallow was discussed at the meeting of the Australian Agricultural Council held in February, 1970. That was before I came into office. It was agreed at that meeting that the States should adopt the standards for dripping and edible tallow proposed by the Food Standards Committee of the National Health and Medical Research Council. In this State the matter was subsequently submitted to the Director-General of Public Health for consideration. However, I believe that the health standards prescribed by regulations already in operation in South Australia meet in almost all respects those laid down by the Food Standards Committee.

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

Leave granted.

The Hon. C. R. STORY: It is rather a moot point whether this question should be directed to the Minister of Health or the Minister of Agriculture. The Minister of Agriculture, in his reply to the Hon. Mr. Whyte, said that the Director-General of Public Health was considering our regulations to see whether they conformed to the recommendations accepted at the February meeting of the Agricultural Council in Sydney. Those recommendations were along the lines suggested by the National Health and Medical Research Council. Practically no spread margarine is made in this State, most of it being imported from other States. The Minister will know that some States have taken the necessary action to denature that type of margarine, which contains more than 90 per cent of animal fat and is not in any way connected with polyunsaturated table margarine. In his press release at the conclusion of the February meeting of the Agricultural Council, the Commonwealth Minister for Primary Industry (Mr. Anthony) pointed out very clearly that much of the tallow being used was not being inspected and that carcinoma and bovis cysts as well as diseased bones and heads and many other things were being ground up, whereas tallow for export had to be under very close supervision and classified as edible. Will the Minister ascertain from the Director-General of Public Health whether his department can investigate the sources of the raw material to ensure that South Australia is getting a pure substance?

The Hon. A. J. SHARD: I will be pleased to refer the honourable member's question to the Director-General of Public Health and bring back a report as soon as possible.

RURAL YOUTH CENTRE

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

Leave granted.

The Hon. L. R. HART: The previous Liberal Government agreed to build a rural youth centre in conjunction with a complex to be built at Northfield for the Agriculture Department. I believe that this building was to be subsidized at least one-third by the rural youth clubs. As it is some considerable time since the project was referred to the Public Works Committee, and as I understand that it does not present any technical problems and that the rural youth community is becoming concerned whether the project will see the light of day, can the Minister of Agriculture say to

what stage this centre has developed and what is the present Government's policy in relation to this building?

The Hon. T. M. CASEY: I will examine this matter and obtain a report as soon as I can for the honourable member.

RATES AND TAXES

The Hon. H. K. KEMP: Has the Minister of Lands a reply to the question I asked on November 26 regarding rates and taxes in the Virginia district?

The Hon. A. F. KNEEBONE: The honourable member asked a question regarding Mr. Ron Baker of Virginia, whose rates and land tax, he said, had increased. There is no record of Mr. Ron Baker of Virginia leasing land from the Department of Lands. Consequently my department has not received any application from Mr. Baker for relief from charges over land which he holds.

It is assumed that the charges to which the honourable member referred are water rates and land tax. These are under the control of the Minister of Works and the Treasurer respectively. I have referred the question to the Ministers concerned and when I have received replies I will inform the honourable member.

MEAT EXPORTS

The Hon. R. A. GEDDES: Can the Minister of Agriculture say whether the Metropolitan and Export Abattoirs Board has reapplied for a licence to export meat to America and, if it has not, is it likely that such an application will be made?

The Hon. T. M. CASEY: I was informed that an inspection of the abattoirs by representatives of the American Veterinary Department was contemplated on November 24. I have not heard whether or not such an inspection was carried out. I will inquire and try to bring down a reply for the honourable member tomorrow.

GAWLER RAILWAY STATION

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

Leave granted.

The Hon. M. B. DAWKINS: My question refers to a previous request regarding the Gawler railway station parcels office, which is in a substandard and dilapidated condition. A suggestion was made some months ago that the former Gawler railway post office, immediately adjacent to the old parcels office, which is vacant railway property, should be altered and used as the parcels office. I understand that such an arrangement was entered into. However, there has been some delay in the alterations necessary to the former post office; although it is in good condition it does need some modifications. Can the Minister say when the Railways Department expects to have the old and dilapidated building replaced by the former post office?

The Hon. A. F. KNEEBONE: I will be pleased to take the honourable member's question to my colleague, and to bring back a reply when it is available.

FLINDERS RANGES

The Hon. A. M. WHYTE: Has the Chief Secretary a reply to the question I directed to the Minister in charge of tourism on November 19 regarding facilities in the Flinders Ranges?

The Hon. A. J. SHARD: The honourable member, in his question regarding finance for improved tourist facilities in the Flinders Ranges, quoted only portion of the letter from the Director of the Tourist Bureau to the Far Northern Development Association. The full text of the Director's letter made it clear that, in an area outside a local government area, if a local organization made an application for a subsidy towards the cost of erecting facilities and there was some guarantee that the facilities would be properly managed and maintained for the benefit of the travelling public, consideration would be given to it. The correspondence to the Director from the Far Northern Development Association referred specifically to visitors to the Aroona dam, and the Minister of Development and Mines is taking up the matter of facilities for the public with the Electricity Trust of South Australia.

BIRDWOOD HIGH SCHOOL EFFLUENT

The Hon. H. K. KEMP: I seek an answer from the Minister of Agriculture, representing the Minister of Works, to a question I recently asked about effluent.

The Hon. T. M. CASEY: My colleague the Minister of Education advises me that, acting on a recommendation from the Engineering and Water Supply Department, consultant engineers of the Public Buildings Department propose to provide a stabilization lagoon to reduce the bacteriological level of the effluent at the Birdwood High School. To

do this, it will be necessary to acquire additional land. In the meantime, as a temporary measure, the effluent discharge will be chlorinated as soon as possible.

FIRE-FIGHTING EQUIPMENT

The Hon. R. A. GEDDES: I seek leave to make a short statement prior to directing a question to the Minister of Agriculture.

Leave granted.

The Hon. R. A. GEDDES: I understand that on November 1 of this year the Victorian Government approved a $2 to $1 subsidy, up to an amount of $250, for the purchase of small fire-fighting equipment by property owners and farmers in that State. Can the Minister say whether the fire-fighting authorities of this State or his department have considered providing similar assistance to primary producers and those people able to assist in fire-fighting or whether consideration can be given to a similar type of subsidy for the provision of suitable equipment for country areas?

The Hon. T. M. CASEY: I have not seen the report, of which the honourable member speaks, of a $2 for $1 subsidy being provided by the Victorian Government for the purchase of fire-fighting equipment, but I intend to look into that the next time I visit Victoria, because I am convinced that we do not subsidize our fire-fighting equipment in this State as we should. Of course, it would mean finding more money. I have heard many questions lately about the provision of more money. Let us hope we can do a deal on this occasion. These are certain aspects of the matter that I intend taking up soon to see whether something cannot be done to increase the subsidies, because the fire-fighting units of this State, which do such a magnificent job, are hampered in many respects by the amount of money available to them.

WATER CONTAMINATION

The Hon. H. K. KEMP: My question is directed to the Minister of Health. Can the honourable members representing Southern District be supplied with copies of the report on water contamination in the Hills areas that has recently been completed?

The Hon. A. J. SHARD: I am at a loss to know to which report the honourable member is referring, but I will take up the matter. Is it the report on the river?

The Hon. H. K. Kemp: No—on the Hills area, the watershed area.

The Hon. A. J. SHARD: I will take this question up with either the Engineering and Water Supply Department or the Health Department.

The Hon. H. K. Kemp: The Health Department.

The Hon. A. J. SHARD: I will look into it and bring back an answer, if possible.

ANDAMOOKA ROADS

The Hon. A. M. WHYTE: I seek leave of the Council to make a short statement before asking a question of the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. A. M. WHYTE: A gentleman named Mr. French, of Andamooka, has offered to grade the roads in the Andamooka township area, free of cost, with his own plant. Apparently, he is in a position to do this and he thinks he can considerably improve those roads. However, so far he has not been able to obtain permission. Will the Minister take up this matter with the Highways Department?

The Hon. A. F. KNEEBONE: I will take it up with the department and bring down a reply to the honourable member's question.

GLADSTONE HOSPITAL

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

Leave granted.

The Hon. R. A. GEDDES: The Chief Secretary will recall that a deputation from responsible people at Gladstone saw him several months ago and asked him for additional finance for constructing a new hospital at Gladstone. At that time the Chief Secretary said how difficult it was to give an answer but he promised to look into the matter. As this part of the session is now drawing to a close, I ask the Chief Secretary whether he has investigated the matter with a view to providing additional subsidies to finance such a project.

The Hon. A. J. SHARD: There has been a general discussion and a decision made in connection with subsidies for some types of hospital. I think that possibly the proposed Gladstone hospital may come within that group, but that is not the point at issue with regard to that project at present. The Gladstone and Laura areas and Jamestown and Crystal Brook, which are not far away, enter into the question of the overall need for hopsitals in the area. When the deputation came to see me there was the question of whether the people in the

area could co-operate and build a new hospital at Gladstone and use the older hospital building at Laura for an aged persons' home. I have not heard of any developments, but I know that some of my departmental officers are not prepared to recommend that a hospital be built at Gladstone at this point of time. That is the present position, as I understand it.

FOOD AND DRUGS ACT: CYCLAMATE

Order of the Day, Private Business, No. 2:

The Hon. F. J. Potter to move:

That regulations 2, 4 and 6 of the regulations made on February 12, 1970, under the Food and Drugs Act, 1908-1962, in respect of the labelling of any food containing cyclamate, and laid on the table of this Council on April 28, 1970, be disallowed.

The Hon. F. J. POTTER (Central No. 2) moved:

That this Order of the Day be discharged.

Order of the Day discharged.

SUCCESSION DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 1. Page 3159.)

The Hon. M. B. DAWKINS (Midland): I oppose the Bill at this stage of the debate. No doubt, every honourable member would agree that the Bill is a very complex one that is not easy to understand. However, I have examined the Bill and have tried to relate it to the principal Act and to the more recent amendments, but I find it very hard to follow. I am also at a loss to understand the reason for the Government's haste to have this legislation passed. I quote the remarks of the Minister of Lands, who at the time was very briefly the Acting Chief Secretary, in the debate on the Appropriation Bill on September 24. Regarding the Succession Duties Act, the Minister said:

Apart from any increase arising from an amendment to the Act, we can reasonably anticipate succession duty well in excess of what was received last year and, on this basis, a figure of $8,700,000, which represents an increase of $388,000, has been set down. In addition, it is expected that the proposed amendment to the Act will produce revenues of perhaps $150,000 over the last month or two of the financial year, making $8,850,000 in all.

Now it appears that the Government will get an increase in revenue of a little over $500,000 in succession duties this year, of which $388,000 is expected from the operation of the present provisions and another $150,000 over the last month or two from the operation of the proposals in the Bill now before us. That suggests to me (and I should think to all honourable members) that the Government does not expect to have the Bill operating as an Act until within a month or two of the end of the financial year. Therefore, I find it hard to understand why the Government is apparently so anxious to press on with the measure now. I know that the Chief Secretary could say that we have had this Bill in the Council for about three weeks, and I would agree. Also, I would agree that in normal circumstances that would be an adequate time to consider a Bill. However, I believe that this is one of the most complex measures we have had before us, certainly in my time, and we need more time to consider it.

I have friends who are much better qualified, in some sense at least, to judge the facts of this measure than I am, and they are still working on the Bill and are suggesting that amendments are necessary but that they need time to consider them. Also, amendments need time to be drafted. I suggest to the Chief Secretary that it would be advantageous if the final consideration of this measure could be postponed until early in the new year. I know that the Hon. Mr. DeGaris, to whom I referred previously in another debate, made a most comprehensive speech on this Bill. Other honourable members have followed the Leader and have made valuable contributions to the debate. However, the Hon. Mr. DeGaris said to me after he had completed his speech of about two hours that he only touched on portions of the Bill.

All honourable members would agree that if one person were to try to go through the Bill clause by clause and analyse it in detail it would be a matter not of hours for a speech but of so many sitting days. I believe the Bill is most complex, and despite the fact that we have had about three weeks in which to consider it we need further time to do so. It is significant at present, particularly with reference to conditions in rural industries, that this Bill is designed to provide a considerable increase in revenue in this State. The Government stated that it expected to receive $150,000 in one or two months at the end of the financial year. If we spread this out over the year we can see that the Government expects a considerable increase in revenue from succession duties as a result of this Bill.

It is significant at this time of some difficulty that the increase is being sought

when, in Western Australia, which also has its problems and has increasing costs to contend with, the Government in that State is legislating for a considerable decrease in revenue from succession duties or estate duties. Also, it is significant that we have on the Notice Paper four Bills—the Superannuation Act Amendment Bill, the Parliamentary Superannuation Act Amendment Bill, the Industrial Code Amendment Bill and the Supreme Court Act Amendment Bill—all of which will provide an increase of 8¼ per cent in superannuation benefits for certain persons or their descendants. It is significant that we have in these Bills a wide field of people who will receive more money as a result of provisions in these Bills. However, under the succession duties legislation, in many instances (although certainly not in all) widows in particular will pay more, when at the same time other widows of people employed in the Public Service and in Parliament and in other vocations will receive more superannuation.

This is not quite fair, particularly for the primary producer who is facing considerable difficulties at present. I shall dwell for a short time on those difficulties. After all, primary producers' estates provide a considerable portion of the revenue from succession duties. This does not come from liquid money: it comes from assets that have to be cashed in order to provide the large amounts that Governments require in succession duties. At present the primary producer is facing considerable difficulties indeed, without having extra succession duties thrust upon him. The Rt. Hon. John McEwen, some two or three months ago in the city of Adelaide, underlined some of the difficulties which will occur and which will be accentuated if Britain completes its negotiations to enter the Common Market. A newspaper report of his visit stated:

Mr. McEwen warned that unless the market's common agricultural policy was modified the position for many of Australia's agricultural products could become desperate. One objectionable feature of the Common Market was that guaranteed floor prices had so stimulated protection and so depressed consumer demand that surpluses had been built up, for example in butter, wheat and sugar.

I have no doubt that honourable members are well aware of this situation and that there is an obvious example in Great Britain, where the agricultural economy was so stimulated as a result of shortages during the war, and we had the sort of fictitious situation where there was considerable subsidy and these considerable surpluses were built up. The article continued:

To get rid of these surpluses the common agricultural policy had a system of subsidies to enable these commodities to be dumped in other markets at any price. "I have seen quite recently in Hong Kong butter from the community that had been paid for at 70c (Australian) to the farmer in Europe being exported from Europe to Hong Kong at 15c lb.," he said.

"Hence traditional supplies, apart from having to face increased competition among themselves in the residual markets outside Europe, also have to face aggressive dumping subsidized by the financial strength of the Common Market."

Mr. McEwen said Britain had always been and remained a vital market for many Australian farm products.

The Hon. T. M. Casey: Do you think it will?

The Hon. M. B. DAWKINS: I hope so: I have no doubt that the Minister, having agricultural interests himself, would hope so, too.

The Hon. T. M. Casey: I do hope so.

The Hon. M. B. DAWKINS: Farmers are in a difficult situation, and this position underlines it.

The Hon. L. R. Hart: Didn't Great Britain aim to abolish succession duty on grazing land?

The Hon. M. B. DAWKINS: I think it did, but I doubt whether Mr. Wilson was responsible for that. The difficulties I have mentioned are underlined further by the frequently unrealistic valuations which occur, and consequently council rates and land taxes have increased in many cases. Added to this we now find the possibility of very much increased succession duties.

When I travel between this place and my home I frequently drive along Main Road 410. I have seen that area transformed from an area of fertile broad acres, producing agricultural commodities, to an area which could become eventually a series of little more than peasant farms. When one sees broad acres of a certain viable economic size growing farm produce and agricultural produce for sale overseas, one sees something going on which will benefit the whole community. However, if these properties are fragmented and we get down to what I believe may be a sincere but (I am equally convinced) a misguided socialistic ideal of small farms which are uneconomic, which do not grow good crops, or which are overstocked and which eventually become (in some cases at least) eroded because they are not properly used, we see agricultural peasantry.

If this were multiplied we could reach a situation such as has existed for a number of years in France. We know how ineffective is

the agricultural industry in some parts of that country. We should not have an increase in succession duties at this time when farming properties are subject to so much other strain in the way of increased costs which cannot be met by being passed on in increased prices. We know perfectly well that farm prices are governed by the markets available, and we have to sell our produce for what we can get for it.

I believe an increase in succession duties, which could occur in many cases through the application of this legislation, will continue the process (already started) of fragmentation of properties. This will mean a reduction in effectiveness and a reduction in output. Many properties which are now economic and viable may have to be split up to pay succession duties, and this will mean the putting out of business of experienced primary producers, some of whom have been on the land for many years and have expertise and practical knowledge of how to handle it. The land could then come into the possession of people less qualified to use it. In the long term we would see a considerable reduction in agricultural production and a considerable reduction in revenue coming to Governments from the success of agricultural production.

The Hon. L. R. Hart: Do you think it might fall into the hands of foreign companies?

The Hon. M. B. DAWKINS: It could fall into the hands of some people, certainly, who would not be qualified to use it to the best advantage.

The Hon. T. M. Casey: I presume you mean North Terrace farmers?

The Hon. M. B. DAWKINS: Even some of those. It may even fall into the hands of wealthy graziers from the north who masquerade as Socialists. However, I will not go into that any further.

The Hon. T. M. Casey: I think the honourable member is on dangerous ground.

The Hon. M. B. DAWKINS: I think the Minister is on more dangerous ground. However, as it is fairly close to Christmas, I have no intention of upsetting him at this stage.

I want to look particularly at one of the portions of the Bill which give me some concern. Clause 8 is an amendment of new sections 10b and 10c. This relates to the valuation of unlisted shares, and also to agreements as to the value of a share in partnership. Those new sections are as follows:

10b. (1) For the purposes of this Act, the value of shares in or debentures of any corporation, whether incorporated under the law of South Australia or not, that constitute or form part of property derived, or deemed to be derived, from a deceased person shall be determined upon the assumption that, on the day when the property was so derived or deemed to have been so derived, those shares or debentures were duly listed on a Stock Exchange in Australia.

(2) For the purposes of this Act, in determining the value of shares in any corporation, no regard shall be had to any provision in the memorandum or articles of association or in the constitution of the corporation whereby or whereunder the value of the shares is to be determined.

(3) Notwithstanding anything contained in subsection (1) or subsection (2) of this section, the commissioner may, if he thinks fit, adopt as the value of any shares of any class in or debentures of any class of a corporation (the shares or debentures of that class not being quoted in the official list of any Stock Exchange) such net benefit as in the opinion of the commissioner the administrator concerned would receive after payment of all income tax in respect thereof in the event of the corporation becoming voluntarily wound up on the day when the property which comprises such shares or debentures was so derived or deemed to have been so derived, notwithstanding that such winding up is not intended or in contemplation.

10c. In determining the net present value of an interest in a partnership of a deceased partner, no regard shall be had to any agreement between the partners as to the purchase price or the determination of the value of the interest or as to the passing of the interest on the death of the deceased partner to another partner for no consideration or for a consideration that is less than the actual value of that interest.

If the Chief Secretary, the Minister of Agriculture, or the Minister of Lands would care to explain that, I would be very interested to hear the explanation. As I see it, that clause does bring pretty clearly into the net all private proprietary companies and partnerships in relation to farm properties as well as other areas of activity. Many hundreds of farm properties have been converted into either a small private proprietary company or a partnership. Honourable members merely have to go into the office of a solicitor in any country town to see a board with a long list of names of small companies which have as their registered office the address of the solicitor concerned. Hundreds of people on the land have converted properties into such an arrangement. The reason is obvious. It is to avoid (and this, as I understand it, means to escape from) fragmentation. It does not mean that, if a person goes into a partnership or into a private proprietary company, he will escape succession duties.

The main operator (if I may use that term) of a small company, who frequently is also the governing director, does not escape succession duties—or he escapes them only to the extent of avoiding the fragmentation which, I say, will be the ruin of the agricultural industry in this country if it is allowed to go too far.

The main operator, the governing director or the main partner still has considerable assets as a result of selling his interest to the company or amalgamating it in a partnership, and he has those assets either in cash or in a loan account with the company, or both. He does not avoid succession duty but he does avoid (and this he is entitled to do) the escalation of same, which occurs very often as the result of unrealistic increases in valuation; he has up to now been, to some extent, successful in avoiding the fragmentation of property.

As I said earlier, clause 8 appears to draw all these companies and partnerships into the net. I believe it will cause some considerable division into non-viable and non-economic units. There are today so many farm properties in South Australia that are run on these lines that this clause will have, if I am correct, a devastating effect on the ability of some people to keep going after paying the sort of succession duties that may result from this clause. Not only in many cases will it deprive farmers of the opportunity of being sound economically and providing income to the country and the Governments instead of being a drag on Governments, but also it will result in the division of these properties into non-economic units. I think it is agreed by many people in this country today (and by many accountants and economists who have some reason to know something about these things) that there are far too many valuable but small and economically unsound properties at present.

I do not want to see all the country properties amalgamated into larger bodies, because I do not believe in the maxim "Get big or get out." However, I do say that a property can get too small, far too small to be economic and provide a successful business on the land and therefore to be an asset to the community and a revenue-providing asset to the Government. These properties instead become a drag on both the State and Commonwealth Governments by reason of the fact that no income tax is going to the Commonwealth Government and no reimbursements are going from the Commonwealth Government to the State Governments because these properties are not being run successfully, as they should be.

I believe that consideration must be given to the deletion from the Bill of clause 8, which I have discussed. I reiterate that the Bill needs much amendment and improvement; and more time is required for this to be done. The Chief Secretary the other day said something about a gun being held at his head, or words to that effect. I can only say to him that I am not anxious to vote this Bill out on the second reading but, if he wants it to go through now, I know what to do. I am not prepared at present to support the Bill but, if the honourable gentleman is prepared to give an opportunity for further consideration of the many complex aspects of the Bill, I will certainly have another look at it and consider whether I should support the second reading.

The Hon. A. M. WHYTE (Northern): I oppose this Bill at this stage. Succession duties, whether State or Commonwealth, are an iniquitous tax, and I know that Government members, as individuals, would agree with me on that. However, the need for Governments to raise revenue in increasingly large amounts is always with them and, for that reason, we must assist wherever we can with legislation to enable them to do so. I know very well that the drain on Government resources is increasing. With our growing population, we must meet the need for increasing schooling facilities, hospitals, homes for the aged and various other community amenities but, in my opinion, the imposition of succession duties is not the way to go about it.

Succession duties were introduced in the United Kingdom as a means not only of gaining revenue but also of breaking up large estates. From what I gather, I believe that the United Kingdom has been successful in doing that. Today, however, it is reversing the procedure and giving protection to the rural landholders. The position in Australia is practically the same. We find that, the rural industry being taxed as it is and being in a position of having no remedy available to it, the Commonwealth Government has now instituted a means of assistance by way of a Rural Rehabilitation Board, which will endeavour to take over uneconomic properties and amalgamate them into bigger ones. So we have a succession duties Bill designed to eliminate the larger properties, which would have no chance of paying succession duties at the increased rates now proposed—and, what is worse, I do not

believe that many of them could raise the money for that tax even by the sale of the property itself. The Government should look at this carefully. On the one hand, we are to have assistance in amalgamating uneconomic properties but, on the other hand, we are going to split up those that are now large enough to function economically. Such a reform seems wrong when few properties are near being viable—and I presume viable means that every now and again a person's assets get within reach of his liabilities! That is about as close as it would get in the rural industries at the present time. We take this land away from the family that through generations has developed it. The son may have spent his lifetime keeping a property in production. However, he knows full well that, at every new development he makes, tax will be charged against him when eventually his father dies. That person has been prepared to cope with this problem up to a certain point. These people know that they cannot keep the property viable unless they improve their farming methods and keep abreast of modern ideas.

Every time they improve the property they will pay double for those improvements because, although a portion will be written off for taxation purposes, the value of their labour is not taken into consideration. On the death of the father the son is charged a further sum by way of succession duty. Although they understand that, if they see no possibility of being able to keep the property they become depressed. That must work to the detriment of the State. Some honourable members have referred to the depressed condition of rural industries at present. Even if the industries were buoyant, many people today would still find it almost impossible to pay succession duties.

The Hon. Sir Norman Jude: They are finding it hard to make ends meet, anyhow.

The Hon. A. M. WHYTE: Yes, but even if rural industries were buoyant, many people would still have great difficulty in paying succession duties. As a result, we are seeing an exodus from the country and we are seeing some of our best farming families coming to the city. They realize the futility of trying to keep a property within the family. Their properties, which could be viable, will be fragmented. On the other hand, the Government is being asked to amalgamate properties so that they can become economic units. I am puzzled at this backward method of raising revenue.

I have great sympathy for Mr. Negus, of Western Australia, and I hope he becomes a Senator. This gentleman was almost unknown until he pointed out to the people how iniquitous estate duties and succession duties were. I hope he gains support for his cause and that these taxes will one day be eliminated entirely. I have always thought that, if we must have succession duties, we should at least be able to make some provision for them. Obviously, we will not be able to do that through life assurance policies because, no matter how hard we strive to provide for our families in that way, we find that we are caught each time as a result of those policies being amalgamated with the rest of the estate. As a result, succession duties must be paid on the provision we make through life assurance policies.

Of course, we must suggest alternatives and not simply blame the Government every time. This Government did not impose succession duties in the first place, but it is certainly making a welter of them now. If people were allowed to contribute to some fund a portion of their income throughout their lives until they reached the retiring age, the money could then be used to pay succession duties. If, for instance, a person's succession duties amounted to $6,000 and he had accumulated $4,000 in the fund during his lifetime, his estate would be $2,000 in debt, not $6,000. The Government would have used the $4,000 during his lifetime and, if, at his retiring age, he had accumulated more than was necessary to meet the succession duties on his estate, he would have some sort of bonus. I know that Government members are listening intently and will take up this suggestion with Cabinet.

We are indebted to the Hon. Mr. DeGaris, the Hon. Mr. Hill, and other honourable members who have dealt with this Bill clause by clause with the purpose of pointing out the injustices in it and the insincerity of the Treasurer's statement that the burden of succession duties would be lessened. Actually, in many cases there will be increases in succession duties of up to 44 per cent. I do not think the Treasurer was so dumb that he did not already know that at the time he promised some type of concession. A concession is very necessary now not only in the rural sector but throughout the community. If Parliament makes the age of 18 years the age of majority, we will find that a widow with an 18-year-old son will be in a much worse position than she has been up till now.

The Hon. R. C. DeGaris: The 18-year-old son would become liable for full succession duties.

The Hon. A. M. WHYTE: Yes.

The Hon. C. M. Hill: He would become liable for full succession duties just as an adult would.

The Hon. A. M. WHYTE: Yes.

The Hon. C. M. Hill: That would mean that the estimate of additional revenue as a result of this Bill might be a little low.

The Hon. A. M. WHYTE: Yes. However, I hope that we do not make the age of 18 years the age of majority. It is wrong to increase succession duties to a point where we unfairly burden people who wish to provide for the future of their families. We cannot progress under such iniquitous conditions.

I shall now give examples of how the provisions of the principal Act compare with those in this Bill. A property worth $60,000 would not be very large; it might be considered for inclusion in the rural rehabilitation scheme. If an estate comprised a property worth $60,000, a life assurance policy worth $8,000, and stock and plant worth $20,000, it would total $88,000. Duty under the present Act is $9,600, whereas under the Bill it is $10,580. For a property valued at, say, $100,000, and with stock and plant valued at $30,000, totalling $130,000, under the present Act the duty is $17,862, whereas under the Bill it is $22,182, an increase of 23.2 per cent. If the Commonwealth duty is added, the dependants must pay $28,720 in all. I should like to find someone with a prescription enabling an approach to be made to any lending institution to borrow $28,720 today! The institution would say, "You will have to sell something."

When stock and plant are broken up, the property is rendered useless in many instances. If a person with a $100,000 property were told, "When your father dies, you are finished on the land," he says, "I wonder why there is such an influx from the country areas into the city?" It appears to me that people will have to walk off some of these properties, because there will not be any buyers for the portions of them that are split up. If young people are taken from the country and educated to cope with the present labour market which is the proper thing for a family to do today, the older people will not be interested, even if they have the money, in buying additional property, especially when they find it harder and harder to hand on any assets to their families.

We could well find that there will be much unoccupied rural country. People will walk off their properties and say, "It was the Government that put us in this fix. You can have the land." Will such properties be run as communal farms? I do not know of much farming country in South Australia on which an individual, who is not prepared to live on the property and to work 60 to 70 hours a week, can produce enough to make it a viable operation. These are the people who are being hit very hard by these new provisions.

I agree that the Bill has been so thoroughly covered by previous speakers that repetition would not help the debate. I merely point out that I do not like succession duties of any kind and that I will vote against the second reading of the Bill.

The Hon. V. G. SPRINGETT (Southern): As the Hon. Mr. Whyte has said, much ground on this subject has already been covered. Succession duties plague us all. Sooner or later we or our dependants must face the music. It is not untrue, even though it is a platitude, that nothing is more certain than that once we come into the world we are going to die. We bring nothing into the world, and we take nothing out of it—the Government sees to that, even if to nothing else!

The Hon. Sir Norman Jude: We can't afford to die!

The Hon. V. G. SPRINGETT: No, and we cannot afford to live. During our lives most of us acquire certain assets of two main types: first, human personnel through our families, such as wives, children and dependants; secondly, material assets such as a house, cars, money by investments, and other things usually much later in life. All the time we have been paying taxes and imposts of various forms of Government collections, both direct and indirect. As our income increases over the years, our taxation increases, too. Most of us have a certain increase in wealth as a result of passing years.

The average man who thinks of his dependants surely wants to do at least one thing, namely, ensure that, when he dies, his dependants will at least be able to take care of themselves at a standard not too impossibly far from the one at which they had been living. He may go even further and want to provide something better for his descendants than he knew in his early days. So. the average man prepares for the day when he will leave this world, his widow and his children. Professional men, such as lawyers, architects and doctors, unlike certain other people, have little value in their early days, except that of their personal being. From the time a doctor qualifies, he is able to take his place in society and acquire what some people think is a large

income, what some people think is a fair income, or what some people think is a poor income.

However, when he dies, his value dies with him. His worth is his intrinsic knowledge, experience and ability. So almost every doctor, in common with other professional people, takes out insurance to ensure that his widow and children are not left completely bereft. I have a letter which was posted from a town in the Southern District on November 25 and which I received a couple of days ago. It states:

I have a problem regarding sucession duties. My father died in June, 1969. I have been requested to pay $2,862.50 State duties. At present, I am not in a financial position to pay it. I have paid the Federal duties, the sum being $500. As you probably realize, the farmers have had a gruelling time the last few years, with all goods to be purchased being at a high price and the price of our produce being just enough to make a living. The reason for not having finance to pay is that I have quite a large interest account to be met, also in 1967. I had to purchase a tractor, which is not paid for as yet. I had figured if I could only pay this money by instalments I could manage. I realize I would require some time to pay. In this way, it wouldn't cause so much hardship to myself and family. Hoping you will be able to help me in some way.

This afternoon I received the following telegram from a person in the Southern District:

Regard Succession Bill iniquitous Stop Definite additional burden on effective primary producers Stop We strongly object Stop

We have now learned that insurances that some of us have taken out in the past with this aim in mind will no longer be of much assistance if this Bill becomes law. It seems to me iniquitous that thrift, savings, careful husbandry, and good citizenship are to be rewarded by the property of a primary producer and estates provided by other people being seized upon and acquired to a degree that leaves the family in the position that those of us who took out insurance thought they would not be in. It has been pointed out several times during the debate that, whilst this is happening, other individuals with superannuation rights are in the happy position of being able to escape this taxation. If the age of majority becomes 18 years, this will add to the problems of many families and will add to estate problems generally. I quote a report that was made after an examination of more than 50 estates and their validity over a period of six years. It states:

The only way in which the two aims of equity in tax treatment and efficiency in the use of resources are reconciliable under present legislation is if it is the Government's intention to replace the family farm entity with the non-dutiable incorporated firm.

If it is the intention of any Government to ensure that an individual has to get out and his dependants have to get out of their house and give up their standards completely and accept the fact that they can only live on a decent standard, or on one they have chosen and worked for, so long as the breadwinner stays alive, then it is a sad day for the State. It seems to me that people who have worked hard and have saved carefully are not worth much, whereas people who have squandered their time and wasted their efforts and income, and have nothing to leave in an estate, are looked after by the State because they are too poor and must have a pension. I think it is a sad thought that a thrifty person is penalized for his thrift to the benefit of the unthrifty. I will wait until I see what the Committee stages produce.

The Hon. Sir NORMAN JUDE moved:
That this debate be now adjourned.

The Council divided on the motion:

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

Later:

The Hon. Sir NORMAN JUDE moved:
That this debate be further adjourned.

The Council divided on the motion:

Ayes (15)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude (teller), 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.

Motion thus carried.

Later:

The Hon. Sir NORMAN JUDE moved:
That this debate be further adjourned.

The Council divided on the motion:

Ayes (15)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, Sir Norman Jude (teller), 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.

Motion thus carried.

The PRESIDENT: The question is that this debate be made an Order of the Day for—

The Hon. A. J. SHARD (Chief Secretary): On motion, Mr. President.

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

That this debate be made an Order of the Day for the next day of sitting.

I believe that I am entitled to move this motion and debate this question now.

The PRESIDENT: Under Standing Order 196, I think that is correct.

The Hon. R. C. DeGARIS: The reason why I have moved the motion is that, although the Bill has been on our files for eight sitting days, it has been quite impossible for most honourable members to understand it thoroughly in that time. I have studied this Bill for a fortnight, and still there are parts of it I do not fully understand. I have no intention of passing into the Committee stage until I am satisfied about these things. I believe that every other honourable member has the right to understand this Bill to his satisfaction before it passes into Committee.

Putting forward a further reason why the debate should be adjourned, I challenge any Minister in this Chamber to work out for me a very simple sum of the amount of rural rebate on a property of $75,000, of which $50,000 is land. It is a very simple part of this Bill, but I would say that no Minister could give me this answer by tomorrow without getting advice from somebody else. This is a very complex Bill, and it should be made quite plain that I am not attempting to adjourn the debate to be obstructive. I am doing so purely to allow sufficient time for every member to fully understand the Bill before us and the amendments that will be coming forward.

The Hon. A. J. SHARD: I will be guided by you, Sir, but I take it I have the right to speak.

The PRESIDENT: Yes.

The Hon. A. J. SHARD: I want to make it quite plain that this Bill has been before the Parliament for a least a month or five weeks. It has been quite freely said that it will not be proceeded with before Christmas. I want it clearly understood that, from my point of view, there is nothing in it but politics. If the debate should be adjourned until tomorrow, nobody will understand the Bill any more than it is understood today. The Opposition members still want to govern this State.

The Hon. D. H. L. Banfield: That is right.

The Hon. A. J. SHARD: This was set out in the Labor Party's policy speech. It was a part of our platform, and we got an overwhelming vote in the elections for the other House.

The Hon. R. C. DeGaris: This Bill wasn't part of your platform.

The Hon. A. J. SHARD: We said that this was part and parcel of our policy. In my time in Parliament in this State I have never heard of an Opposition taking the reins of government out of the hands of a Government.

The Hon. A. M. Whyte: You said you would give certain rebates, too, but they are not included in this.

The Hon. A. J. SHARD: I have never known such stonewalling as there has been on this Bill.

The Hon. R. C. DeGaris: Rubbish!

The Hon. A. J. SHARD: It is not rubbish; it is fact. I have been in this Chamber for 15 years, and I have never seen such a deliberate attempt at stonewalling and frustrating as I have since this Bill has been before us. I am not saying the Opposition must vote for the Bill. I think members opposite should vote for it because the Government got a mandate for it. I object to these tactics. If members opposite want to vote against the Bill, that is their responsibility, but they have not the right to hold up the business of the Government just to suit their own ends, and for nothing other than political purposes.

No-one has approached me and I have not received a letter on this Bill before today. However, it is now starting. It has been engineered. What members opposite want is time to generate fear amoung people outside and to start an onslaught similar to what was done in the term of the previous Labor Government in relation to the transport legislation. Members opposite are making this quite plain. I do not say for one moment that they must support the Bill, but I say quite determinedly that they have had plenty of time to make up their minds and to give a decision on the Bill,

and they are doing nothing other than playing possibly the lowest form of politics.

The Hon. G. J. GILFILLAN (Northern): I regret that the Chief Secretary has seen fit to make certain remarks. I believe members have stressed throughout this debate their concern about the complexity of this legislation, and it has also been found that people outside of Parliament, experts in this field, are very perplexed about its full impact. Members are attempting to have amendments drafted, and one has just been placed on my desk. These must be considered in relation to the whole Bill.

While it is true that this legislation has been in the Council for about eight sitting days, in that time an additional 30 Bills have been introduced into this Chamber, and most of them have been passed. Many of them were complex Bills which took up a good deal of members' time. As I said in the second reading stage, I think it completely improper that a Bill of such magnitude and with such an impact on the lives of people should be introduced at this stage of the session. I said at that time that it should be held over until February to enable a full examination to be made. I believe the attitude expressed by the Leader of the Opposition is perfectly justified.

The Council divided on the motion:

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.

Motion thus carried.

HARBORS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

Its purpose is to make provision for certain problems that have arisen in the administration of the Harbors Act. The Bill includes within the definition of "vessel", hovercraft and other air-cushion vehicles that are used in the course of navigation. This amendment corresponds with a similar amendment to be inserted in the Marine Act. The inclusion of these craft within the meaning of the word "vessel" will mean that when they utilize harbor facilities within the State, they will be subject to the general regulatory provisions of the principal Act.

Considerable problems have been experienced in relation to parking of vehicles upon or in the vicinity of wharves under the control of the Minister. Indeed at present there are no effective provisions controlling the parking of vehicles in these areas. The Bill remedies this deficiency by enabling the Governor to make regulations controlling parking. The owner-onus provisions of the Local Government Act which enable a court to presume, in the absence of contrary evidence, that an unlawfully parked vehicle has been parked by the registered owner, are applied to offences under the proposed parking regulations. Provision is also made for the Minister to permit the expiation of an offence upon payment of a fee of $2.

The Bill also inserts amendments of a technical nature relating to the signals to be used when the master of a ship requires the services of a pilot. The master is, under the amendment, also empowered to request the services of a pilot by radio communication. A further amendment is inserted requiring the master, when within 10 miles of a pilot boarding station and intending to enter port, to maintain an efficient system of radio communication or visual watch in order to receive instructions that may be given by the person managing the operations of the port.

An amendment is made to clarify the operation of section 124 of the principal Act. This section has always been interpreted as imposing strict liability upon the owner or agent of a ship to make good damage done by the ship to property of the Minister except where the Minister is himself responsible for the injury. However, a recent decision of the High Court has placed a little doubt on the interpretation of the section. Consequently an amendment is made to make it clear that tortious liability for damage done to property of the Minister is to be absolute except in the instances allowed under the section.

The provisions of the Bill are as follows. Clause 1 is formal. Clause 2 inserts the new definition of "vessel" in the principal Act. The new definition brings hovercraft and other air-cushion vehicles that are used in navigation within the ambit of the principal Act. Clause 3 amends section 89 of the principal Act. This section deals with vessels subject to compulsory pilotage. It provides that a ship of greater than a prescribed tonnage shall be required upon entering port to utilize the services of a pilot. The amendment merely makes it clear

that the references in the section to tonnage are references to gross tonnage and not to net tonnage. Clause 4 amends section 90 of the principal Act. The amendment inserts a new subsection requiring the master of a ship, when within 10 miles of a pilot boarding station, and intending to enter port, to maintain an efficient system of radio communication or vessel watch in order to receive instructions from the port. Clause 5 amends section 91 of the principal Act. This section relates to the manner in which the services of a pilot are to be requested. The section is amended to provide that the appropriate signals prescribed under the international code are to be employed. A further provision is inserted enabling the master to request the services of a pilot by radio communication.

Clause 6 makes a drafting amendment to section 112 of the principal Act. Clause 7 amends section 124 of the principal Act. This section deals with the liability of the owner or agent of a ship for damage done by the ship to property of the Minister. The amendment makes it clear that tortious liability for such damage is to be absolute unless the injury resulted from negligence attributable to the Minister. Clause 8 enacts new section 146a of the principal Act. This new section enables the Governor to make regulations controlling the parking of vehicles upon or in the vicinity of a wharf. Subsection (2) provides that in any proceedings for an offence against a regulation it shall be presumed that a motor vehicle illegally parked was so parked by the registered owner unless the contrary is proved. Subsection (3) provides that the Minister may cause to be given to a person by whom a parking offence has been alleged to have been committed notice to the effect that the offence may be expiated by the payment to the Minister of the sum of $2 within a time specified in the notice. If the offence is so expiated no proceedings are to be instituted in respect of the offence.

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

MINES AND WORKS INSPECTION ACT AMENDMENT BILL

(Continued from December 1. Page 3172.)

In Committee.

Amendment No. 1.

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

That the Council do not insist on its amendment No. 1.

It is not my intention to go into detail. The amendments as carried by the Council were sent to another place, and were rejected, the reason being that they destroyed the possibility of any reasonable conservation of the environment. I outlined yesterday the Government's attitude on the amendments and it is not my intention to go into further detail.

The Hon. R. C. DeGARIS (Leader of the Opposition): The reason given once again seems to be a curious one; the statement in this morning's press on this matter is also rather a curious statement. Perhaps I could quote from the *Advertiser*, which says that the amendments made would make opal miners free to despoil the countryside of South Australia without any control whatever.

As we explained in the second reading stage of the Bill, the right place for this matter to be covered is in the Mining Act. I know, and I think the Chief Secretary knows, that the Mining Act is being amended and a Bill will be before us in which the opal industry will be catered for, and that is where it rightfully belongs. We agree that it is most important to every one of us that the natural heritage of South Australia should be preserved, but at the same time it is quite wrong that one man should have absolute power of life and death over many industries, to decide exactly how this heritage will be conserved.

All these amendments do at present is, first, to remove the opal industry from the operation of the Bill. That industry is restricted to a certain area in this State. No-one would think that the opal industry would run all over the State and completely destroy the area. I do not know how many years the opal fields have been worked, but the total area bulldozed is about four square miles. There is therefore no great need to draw the emotional bow to such a length as to imagine that the whole of South Australia is going to be completely destroyed by opal mining. I believe the Legislative Council should insist upon this amendment.

The Hon. A. M. WHYTE: I support the attitude of the Leader of the Opposition. In the second reading stage I said that some control over the mining industry was necessary, and that it should be effectively controlled.

The Hon. C. M. HILL: We must make some comment on amendment No. 2 when we are discussing amendment No. 1, because the removal of "and" in amendment No. 1 is closely involved with amendment No. 2. I am speaking to amendment No. 1. The Hon. Mr. DeGaris is obviously endeavouring to reach some compromise in the control of opal mining.

It is true that as the amendment read previously it excluded opal mining everywhere, but now this new amendment means that, if any opal mining was done in any local government area of the State or in the whole region of the Flinders Ranges (and that must be mentioned because it is not within a local government area), those operations would come under the control of an inspector and within the purview of this Act.

So this is a compromise that goes a long way towards meeting the wishes of the Government. It simply excludes in particular the operations in the Coober Pedy and Andamooka areas where they are being carried out at present. Further legislation and control can ultimately be introduced to deal with the mining industries in those areas.

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

Majority of 10 for the Noes.

Motion thus negatived.

Amendment No. 2.

The Hon. A. J. SHARD moved:

That the Legislative Council do not insist on its amendment No. 2.

The Hon. R. C. DeGARIS: I move that the motion be amended as follows:

That the Legislative Council do not insist upon its amendment but make a further amendment in the form of the present amendment with the following words added at the end of new subsection (4):

> "carried on outside a municipality or district within the meaning of the Local Government Act, 1934, as amended, or the Flinders Ranges Planning Area declared under the provisions of the Planning and Development Act, 1966-1967, as amended."

This amendment has the effect of restricting the operation of the original amendment to areas outside those already mentioned; indeed, it virtually restricts it to the actual operations on the opal field itself. I do not want to go over the ground again but it is obvious to me that anybody who knows the field well will realize that the application of this measure could have serious implications for the opal mining industry.

The Hon. T. M. Casey: In what way? I have been up there and know the area very well.

The Hon. R. C. DeGARIS: The Minister seems to have got on very well recently at Coober Pedy, but the situation is that one inspector can bring the operation of the mining industry on those fields to a halt. A person with, say, $100,000 worth of equipment will stand idle while the inspector says "Stop!" From that point on, the only way in which that person can seek redress is to apply to the Minister, whose first move is to refer the matter to an advisory committee and whose next move is to either take its advice or ignore it. So we can appreciate the great difficulty in which these people may be with this type of legislation. There is no compensation provision for them either.

The right place for this type of legislation controlling the opal mining industry is the Mining Act, which controls both mining and the mining equipment used. When that measure comes before us and we can see exactly what effect it will have on the opal field, honourable members can make up their minds about it, but to hand over absolute power to one man to make a decision is going beyond the normal bounds of democracy. There is no appeal to a court: it is one man's opinion backed up by the Minister's opinion. The operation of the legislation is restricted to areas inside areas covered by local government and the Flinders Ranges planning area; it does not apply outside those areas. I hope that I have adequately answered the emotional objection raised by the Premier that, with the amendment as it was, opal miners were free to despoil the countryside of South Australia without any control whatever. Under my suggestion there will be control, and there should be control within the Mining Act itself.

The Hon. A. M. WHYTE: The Leader of the Opposition's amendment goes about as far as it is possible to go towards meeting the Government's opposition to the original amendment. I do not oppose control over mining; during the second reading debate I said that such control must be related to the economics of mining.

The Hon. T. M. Casey: Do you think that opal miners should back-fill?

The Hon. A. M. WHYTE: That question is very closely related to the economics of mining.

The Hon. T. M. Casey: There are more things to be considered than the economics of mining.

The Hon. A. M. WHYTE: If we take away the economics of any enterprise there just is

not an enterprise. During my recent visit to Coober Pedy the miners went to great lengths to show me the impracticability of back-filling in many instances. Many aspects of this matter should be studied carefully. Opal miners generally are not opposed to some standard by which they should mine, and they would be quite happy to co-operate with the Government in framing legislation that would make their operations better and safer. However, to say immediately that they must back-fill every time they make a cut is to ask the impossible. Before I went to Coober Pedy I said that miners should back-fill within reason, but the economics of their operations are such that the question needs to be more thoroughly investigated before we say to them, "You must stop operations and do this or that." The miners' operations are no longer simply gouging and prospecting. There should be regulations and standards by which they have to work.

The Hon. A. F. Kneebone: As long as they are not too stringent.

The Hon. A. M. WHYTE: They must be related to the economics of mining. We must be careful that we do not kill the industry. If the Government thinks it knows what it is doing it must put up with the consequences. We want the Government to realize that the position is not what it appears to be. I support the amendment.

The Hon. C. M. HILL: Yesterday the Chief Secretary said that this Bill would not apply to the opal mining areas but that it would apply only to the metropolitan area and the quarrying industry. Would the Chief Secretary like to comment further on that statement?

The Hon. A. J. Shard: No.

Amendment carried; motion as amended carried.

Amendment No. 3.

The Hon. A. J. SHARD moved:

That the Council do not insist on its amendment No. 3.

The Hon. R. C. DeGARIS: I move that the motion be amended as follows:

That the Legislative Council do not insist upon its amendment but make a further amendment in the form of the present amendment with the following words inserted in subsection (2) of new section 10d in lieu of the word "he":

> "and if in consequence the industry cannot be carried on, or cannot be profitably carried on, in the area to which the order, direction or regulation relates, that person".

This is the most important amendment. We are giving absolute power to an inspector, backed by the Minister, to do almost what he sees fit to do. People do make mistakes. It is extremely dangerous when there is no way in which anyone can receive compensation for those mistakes and there is no way in which anyone can appeal against decisions. Whilst all honourable members are concerned about conservation, we cannot have a situation where all powers rest in a few hands and the ordinary citizen has no machinery by which he can appeal against decisions that may be completely arbitrary. The amendment originally made by this place gave a person who could be affected by a decision the right to appeal for compensation—and compensation only: he had no right to appeal against the decision that was made.

I am now suggesting a further amendment that may clarify the issue. The amendment means that, before the Supreme Court can rule that compensation must be paid, the person concerned must prove that the industry cannot carry on because of the regulations or that it cannot be profitably carried on. Then, the court can consider the question of compensation. The first thing that must be proved by that person is that the industry cannot carry on in that area because of the regulations or that it cannot carry on profitably. Then compensation can be claimed. This person must prove his case to the court. This would make it difficult for any person affected by a decision of the Minister or by an inspector. However, at the same time, it places some onus on the Minister that, if he makes the decision, compensation in rather a difficult way is there for that person to claim.

I feel strongly that, as the Bill came to us, the power is all one way so that the individual, whether a quarry owner or a sandpit owner or anyone involved in the extractive industries, has no right of appeal at all: he is completely at the mercy of the Minister's decision. This is a most dangerous situation, and that person in law must have some way to have his grievance heard. This provision would go a long way to meet the House of Assembly's objection to the original amendment.

The Committee divided on the amendment:

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

Amendment thus carried; motion as amended carried.

FESTIVAL HALL (CITY OF ADELAIDE) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 1. Page 3148.)

The Hon. C. M. HILL (Central No. 2): I support the Bill, which gives effect to agreements that have been arrived at between the Government and the Adelaide City Council concerning the festival theatre. Amendments are proposed to the principal Act, which was entered into in 1964 when the Carclew site first came under consideration for what was then called the festival hall.

The Bill also covers the question of ownership of land adjacent to Elder Park, some of which had previously been used for Railways Department purposes. The Bill places beyond all question whether the building is to be known as a hall or a theatre: now it is to be called a theatre and, as the short title shows, it will be the Adelaide Festival Theatre Act. In the true sense of the word, I think the structure is more of a theatre than of a hall, so I have no disagreement with that point.

Concerning some of the financial aspects of the Bill, the sum the Adelaide City Council may borrow is increased by $600,000, and the whole subject of increasing costs is dealt with. The council requires additional power to fulfil its function as the operator of the theatre and also as the party in charge of the actual construction of the building. The Bill also deals with the possible disposal of the Carclew site and also with the manner in which the proceeds of the eventual sale shall be apportioned between the Government and the City Council. Those proportions are, generally, in proportion to the original contribution of the two authorities to secure the Carclew property. Clause 10 (3) states:

Notwithstanding any other Act, the council may, with the consent of the Treasurer, sell or otherwise deal with the whole or any portion of the Carclew property . . .

This means that the council must go back to the Treasurer to obtain his approval to dispose of or deal with the site. I think, from the city's point of view and indeed from the State's point of view, the ultimate disposal of the site is an important matter. When we deal with the festival theatre and with major developments for the benefit of the people in Adelaide we are dealing with matters that affect the whole State. Most of the people who live in South Australia come occasionally to the city for some entertainment and enjoyment. Therefore, the festival theatre could be considered a State theatre, and in regard to the Carclew site I hope that one day it will be developed by an amenity or a building that will be for the benefit of the people as a whole.

There have been reports from time to time that members of the Adelaide City Council would like to see that piece of land sold for future residential development. If this occurred it would be a great shame laid at the door of the City Council, because that site on Montefiore Hill, overlooking the city of Adelaide, is indeed a unique site. It is a site that one finds difficult to compare with other dominant positions overlooking other cities in Australia if not the world, and I believe that it should be developed ultimately by some building either connected with the arts or with some other public purpose. I have always imagined that an academy of science with an industrial display hall attached to it would be the ideal development for that piece of land. Perhaps a State historical museum could be erected in the future when the State could afford such a development.

For members of the City Council to consider disposing of that land for residential development is stating a short-term and narrow policy. I hope that, if in the future the City Council eventually goes to the Treasurer of the day and seeks his approval to dispose of it, the ultimate use of the site will be considered seriously and the consent of the Treasurer (by which I mean consent of the Government of the day) will not be given lightly to dispose of that site for a purpose such as residential or hotel development. The land should remain there to be ultimately used to the best advantage to benefit all the people of South Australia, and with such a unique position a facility similar to what I have suggested or for some other purpose to assist the cultural life of South Australia would be the ideal way for it to be developed. It is a wise precaution that the check is written into this Bill that the Government will have the final say before the site is ultimately sold.

The Bill touches on the costs that will be incurred with regard to the festival theatre construction and the development around it. Understandably, the figure is becoming a high one, because we live in a world of rising costs. The Minister, in his second reading explanation, said that the whole undertaking is assumed to cost ultimately $5,750,000, and of that sum the Government is prepared to contribute $3,950,000, which is approximately 70 per cent of the total cost.

I think the apportionment of the cost between the two authorities, taking into consideration all aspects, is quite fair. If the ultimate cost is more than that, the balance will be apportioned as stated in the Bill; similarly, in the most unlikely event that the ultimate cost is less than the present estimate, that balance also will be apportioned in accordance with the Bill. I believe this arrangement and the acceptance of that figure are questions to which this Council should agree.

Clause 8 of the Bill provides that the Government will reimburse the Adelaide City Council for losses the council might incur during the first 10 years of operation of the festival theatre subject, however, to the fact that reimbursement should not exceed $40,000 in each financial year. This is a backstop for the City Council.

I think it is only fair to recognize that the council's commitments today are very heavy in the maintenance and development work in which it is involved throughout the city. Its rate revenue is such that many ratepayers comment and even complain that the rates are exceedingly high by comparison with those in other cities throughout Australia, and I think some protection to the council in this manner is a very fair arrangement. If any disputes should occur between the council and the Government on the whole question of the festival theatre these can be put to arbitration, as provided in clause 10.

Several parcels of land along the fringe of Elder Park and immediately south of it are dealt with in the legislation. I am very pleased to see the provisions of the Bill in this regard. It is not an easy matter, because of the ownership and the use and control of this land, to sort out this problem, and yet in the long term from the city's point of view it was a problem area that simply had to be sorted out. It is an area that does not come very much into the public view, but it is also an area that ultimately must be used and its aesthetic aspect must be considered because of its position close to the Torrens Lake and to Elder Park.

The Bill provides that sections 656, 655 and 654 are affected. The theatre is being built on section 654, and the two sections immediately west of it are to be held by the Government. I want to touch upon the question of the erection in the future of the new Railways Institute building. I have always envisaged that ultimately along the Elder Park margin and overlooking the Torrens Lake might be a series of buildings which will be part of our performing arts life and our general cultural life here in South Australia. For that reason I have always considered it absolutely essential that a considerable area of land immediately west of the theatre be left for future development in this way.

On the site immediately west of section 656, which is shown in the plan on page 12 of the Bill, it was proposed during the term of the previous Government to erect the new Railways Institute building. The previous Government instructed the Railways Commissioner to choose one of two architects. He was given that choice because the two architects concerned were deeply involved in civic activity within the city, and of the two names submitted to him the Commissioner chose that of Mr. Hassell, who is the architect for the festival theatre.

It seemed to me that if the Railways Institute building was planned by Mr. Hassell and erected on the site proposed, immediately west of the land under consideration, then he would design for that site a building that would conform to the general aesthetic view of the proposed festival theatre and any future performing arts buildings which would be erected between the festival theatre and the proposed Railways Institute building.

At that time a limit was given to the Railways Commissioner of $500,000 for the construction of the Railways Institute building. It has always been my view that that was a very fair and generous figure. I hope the Government proceeds with that general plan and that it will not be very long before we see, under the design and supervision of Mr. Hassell, a most attractive Railways Institute building on the site originally envisaged. If that occurs the long strip of land between the new Railways Institute building and the festival theatre can be kept for the ultimate erection of other buildings for the performing arts and for associations and groups of people in the arts.

I realize that this is a very long-term project. I am not so unrealistic as to suggest that the State should surge ahead with a plan of this kind, but it is essential that we leave our options open in keeping this land for long-term development. I commend the Government for the study which I understand it is making at present for the provision of future performing arts centre facilities. I hope that that feasibility study produces a finding that the need is here for such work and for these amenities to be built along the strip of land to which I have referred and which, under this Bill, is to be placed under the complete control of the Crown.

If that, as a plan, can be achieved in the long term, we would see in Adelaide a unique group of art buildings which would be in some way rather similar to the concept we have along North Terrace, with the public buildings on the northern side—and I refer to the library, the museum, the art gallery, and so on. Those buildings, of course, help to make North Terrace one of the most beautiful boulevards in this country.

So, to assist our cultural life, we could have a row of buildings in the area to which I referred starting with the festival theatre and running westward along the bank of the Torrens Lake, facing and looking over the water. It would be a unique concept, something that in the long term (say, in 50 years' time) those who came after us would be proud of and would commend us for planning. The same concept in some way involves the Carclew site, to which I referred, because it is from that site that one has this vista and it is on that site that a building similar to those I have referred to may eventually be constructed.

I know the Minister has said that, as the theatre project continues, further enabling legislation will be necessary (and that is only reasonable) but what Parliament and the public want at present is expedition in this matter. There are many problems, some of which were highlighted in the evidence taken before the Select Committee. There are many thorny problems still to be solved, one being the plaza area between this building, the nothern facade of Parliament House, and the new festival theatre. There are serious problems there involving the Railways Commissioner, because he needs access to his parcels and passenger sections down on the lower concourse.

There will be problems, too, in the future if the underground railway is eventually constructed, as I hope it will be, but the preliminary planning for this was taken into account in the early stages of the whole concept of the theatre being built on that site. However, these future worries can be sorted out. There was an absolute need for all parties concerned to get together (I know that from my own experience); the Select Committee called evidence from all people involved and, because of the depth of its inquiry, real progress is being made. It is pleasing to see it.

Lastly, I comment upon the generous response by the people of this State to the Lord Mayor's appeal for contributions to assist in providing the money needed to begin the festival theatre as a project. Honourable members will recall that, without much publicity, the Lord Mayor, in effect, opened the Town Hall door to the public and said, "We need another $100,000 before we can get this scheme off the ground", and in practically no time that money was forthcoming. It was typical of the generous and public-spirited way in which South Australians respond when the cause is worthy. Not only was the target reached but also the cup overflowed, as a result of which it is necessary in this Bill to stipulate what will happen to the balance of the money subscribed by the public over the $100,000 needed for the building of the theatre.

It is proposed (and I think all honourable members will agree with this) that works of art shall be purchased, to adorn the foyer and other parts of the theatre building. That, too, will mean that not only will it be a magnificent building from its external appearance and for the facilities it provides as a theatre but also the furnishings inside will be of world standard, something that people will talk about just as they will talk about all the other features of the project. I wholeheartedly support the Bill.

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

LOTTERY AND GAMING ACT AMENDMENT BILL (BETTING)

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

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 1. Page 3148.)

The Hon. Sir NORMAN JUDE (Southern): The purpose of this comparatively short Bill is to make a compensation payment to the Adelaide City Council with respect to road usage and the festival hall. I am at a considerable loss to understand why we should have this very detailed way of killing the dog. The Highways Department already receives a sum from the Municipal Tramways Trust, and an amount is transferred to the Adelaide City Council for the maintenance of the roads adjoining the park lands, for which no rates are payable. The Adelaide City Council should be further compensated and I believe that, because of the Auditor-General's requirements, it has been found desirable to have some sort of formula to deal with the matter.

A Select Committee of another place inquired into this matter and agreed that the Bill was perfectly in order. I have examined it and I cannot see anything wrong with it, except that it seems to be rather a roundabout way of

doing what might have been a short job—by making a direct grant from time to time. After all, it is not the first time the Highways Fund has been raided by the appropriate Minister. The council should be compensated to a greater extent. Governments have been a little mean towards the Adelaide City Council, especially when we consider the vast amount of traffic in its area. At the same time Ministers dealing with highways have endeavoured to protect their funds as far as possible. I have much pleasure in supporting the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Grant to council of the city of Adelaide."

The Hon. C. M. HILL: Both the previous Government and the present Government agreed to make this payment to the Adelaide City Council to augment its finances, in view of the drain on its funds occasioned by the building of the festival hall. The method of arriving at the grant is fair and just, although the approach would have been much simpler had the proposal so ably put by the Hon. Sir Norman Jude been followed.

As the Municipal Tramways Trust pays to the Highways Fund 0.83c for every bus mile in metropolitan Adelaide and as money in the Highways Fund has been used for the maintenance of main roads that carry buses in metropolitan Adelaide but not within the city of Adelaide, the council is undoubtedly entitled to reimbursement of the kind provided for in this Bill. In other words, the council repairs roads in the city at its own expense, but part of the wear and tear is occasioned by buses. Compensation under section 36a of the Highways Act, which requires the Municipal Tramways Trust to pay that amount into the Highways Fund, builds up in that fund.

There is some possibility that in the future the various transport authorities and grants and funds may tend to be linked together under the one umbrella of transport in a general rearrangement of transport finances. If such a change is made it would only be fair for alternative arrangements to be made so that a comparable amount could be paid and the Adelaide City Council could be reimbursed by some other method. If that change is made and the Highways Act is amended, this Bill will not be of any use in that connection.

Clause passed.

Title passed.

Bill read a third time and passed.

E9

DANGEROUS DRUGS ACT AMENDMENT BILL (GENERAL)

(Continued from December 1. Page 3179.)

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

That a message be sent to the House of Assembly granting a conference requested by that House, and that the time and place for the holding of same be the Committee Room No. 1 of the Legislative Council at 7.45 p.m. this day; and that the Hons. T. M. Casey, H. K. Kemp, F. J. Potter, V. G. Springett, and the mover be the managers on behalf of this Council.

The Hon. Sir ARTHUR RYMILL (Central No. 2): Mr. President, as the vote on this matter was very close, I think 10 to nine, I do not think it is necessary to have a conference.

The Hon. A. J. Shard: I understand that there is no way out of it.

The Hon. Sir ARTHUR RYMILL: Would you give a ruling, Mr. President, on whether I may move an amendment that the Council no longer insist on its amendment?

The PRESIDENT: The message requested a conference. I think that what the Chief Secretary has said is correct.

Motion carried.

At 7.45 p.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 9.49 p.m. The recommendation was as follows:

That the Legislative Council do not further insist on its amendment.

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

That the recommendation of the conference be agreed to.

The amendment of this Council was fully discussed by the managers of the two Houses. As the managers from the House of Assembly made it clear that there was no room for compromise, the managers from this House considered that, rather than allow the Bill to be lost, they should not insist on the amendment.

Motion carried.

COMMONWEALTH POWERS (TRADE PRACTICES) BILL

(Continued from December 1. Page 3146.)

The Legislative Council granted a conference, to be held in the Conference Room of the Legislative Council at 7.45 p.m., at which it would be represented by the Hons. D. H. L. Banfield, R. C. DeGaris, G. J. Gilfillan, A. F. Kneebone, and Sir Arthur Rymill.

At 7.45 p.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 9.49 p.m.

The Hon. A. F. KNEEBONE (Minister of Lands): I have to report that the conference was held and no agreement could be reached.

The PRESIDENT: As no recommendation of the conference has been made, I point out that, under Standing Order 338, the Council may either resolve not to further insist on its requirements or lay the Bill aside.

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

That the Legislative Council do not further insist on its amendments.

The managers from this House used every possible endeavour to reach some sort of compromise, but we were unable to do so. Although the conference was carried out in a most amicable manner and conducted very well, we were unable to reach any agreement.

The Hon. R. C. DeGARIS (Leader of the Opposition): I ask the Council to insist on its amendments. I agree with the Minister of Lands that the managers from this Chamber put forward strongly the view expressed in this Chamber during the debate. I make it quite clear that at no stage did the managers oppose the idea of having restrictive trade practices legislation, because we believe that this sort of legislation is justified. However, we believe that the application of the Commonwealth legislation to South Australia and not to the other States, particularly Victoria, could place South Australian Industry in some jeopardy. Indeed, it is certain that it would place in jeopardy some part of South Australian industry. I can only hope that the House of Assembly can accept our view. However, I think that may be a forlorn hope. I consider that in the amendments we have placed in this Bill we have endeavoured to protect the interests of all concerned in industry against certain things that could happen. This is the only reason why I consider we should insist on our amendments.

Motion negatived.

The PRESIDENT: I declare the Bill laid aside.

APPRENTICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 1. Page 3150.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill. I do not intend to speak at length on it because its provisions have been carefully considered by the Director of Technical Education, the United Trades and Labor Council, the South Australian Chamber of Manufactures and the South Australian Employers Federation. The Bill has been agreed to by all those people. Furthermore, I take comfort from the fact that it was propounded, in the first place, by the Minister of Labour and Industry in the last Government. So there have been all these fingers in the pie. In fact, I have never seen such unanimity in all my life.

It is an excellent Bill, dealing largely with some technical matters that have arisen in the course of the experience of the Apprentices Board. Those matters are largely unconnected, but the principal one is, of course, the reduction in the period of apprenticeship from the normal five years to four years. We have been waiting for that for a long time. I have always felt that a five-year apprenticeship, particularly in some trades, is altogether too long, so I welcome the reduction to four years. I am pleased that in certain circumstances the period of apprenticeship is even less than that, for a full-time training course of some six months (I think it is up to 20 weeks) will enable an apprentice, in some cases, to complete his indentures in three or 3½ years. This reduction assists the work force and encourages people to take up apprenticeships, and that is to be greatly commended. I have much pleasure in supporting the Bill.

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

WEST LAKES DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 1. Page 3182.)

The Hon. C. M. HILL (Central No. 2): This Bill follows the principal Act that was passed last year. It was known then and, as I recall, mentioned then that there were outstanding problems still to be sorted out between all the parties and that further amending legislation would be necessary. As a result, we have this Bill.

It is only to be expected in a vast development of this kind, where a consortium that is involved in the indenture and in the whole operation is endeavouring to come to terms with all the councils and public authorities involved and is trying to get this plan off the ground, that many complex problems should arise in the early stages. This has in fact occurred. This Bill endeavours to solve the problem and, in my view, in the main it does that. If it passes in its present form, it will be of great assistance to the developing authority, which will make much more rapid progress in the future than it has been able to in the last 12 or 18 months.

The whole matter has gone before a Select Committee from the other place and, in the main, it seems that general agreement has been reached. Three local government bodies, namely, Port Adelaide, Henley and Grange, and the City of Woodville, are involved. According to the Select Committee's report the Port Adelaide council and the Henley and Grange council are satisfied with the whole matter. Generally speaking, the Woodville council is satisfied, although it has one query. I do not intend to deal with its query by way of amendment, because that would mean that we might face a further delay.

Like all honourable members, I realize that this part of the session will end tomorrow, and we do not want to obstruct Government legislation in any way. So, I hope we can solve the problem through an assurance from the Minister; in that way we will further expedite Government legislation. The problem has been put to me by the Town Clerk of the Woodville council, which is deeply involved in the whole scheme. Woodville is one of the largest cities in the metropolitan area, and it is well served by its staff, councillors and aldermen. The size of this responsible council's operations will be greatly increased by this scheme. As a result of its ample research facilities and in keeping with its planning principles, it is carefully investigating the scheme. Clause 7 provides:

The following sections are enacted and inserted in the principal Act immediately after section 15 thereof:

> 15a. (1) Notwithstanding anything contained in the Planning and Development Act, 1966-1967, as amended, the Local Government Act, 1934-1936, as amended, or in any other law, the corporation within the meaning of the indenture shall not be required to form, construct, pave or seal or to make any binding arrangement for the forming, constructing, paving or sealing of the roadway of any existing or proposed road or street within West Lakes to a width in excess of thirty-two feet and shall not be required to pave any road or street with a pavement of a higher standard than that which, in accordance with recognized engineering design practice, is appropriate to the traffic to be carried by that road or street.

I shall take an example to illustrate the matter on which the Woodville council wants a clear interpretation and an assurance from the Minister. At this point I stress that the word "corporation" in the clause means the developer. If a 40ft. roadway is built the corporation must pay for 32ft. of the width, and the council must pay for the balance of 8ft. When I first read the clause I took it to mean that the corporation would pay for a road whose pavement was, say, 24ft., 28ft., or 32ft. wide but, if a roadway was built with a pavement, say, 45ft. wide, the council would have to pay for the whole 45ft.

The Hon. T. M. Casey: No; it would have to pay only for the extra width.

The Hon. C. M. HILL: That is the important point.

The Hon. T. M. Casey: I made the point in my second reading explanation.

The Hon. C. M. HILL: I read the Minister's second reading explanation, but the point was not as clear as it should have been. Personally, I think that an amendment should be made to the Bill to put the position beyond all doubt. If such a matter went to arbitration as a result of a dispute, it would be necessary for the Government's intentions to be perfectly clear that only the cost of the pavement in excess of a width of 32ft. had to be borne by the Woodville council and that the portion of the cost up to a width of 32ft. had to be borne by the corporation under this provision. Perhaps the Minister will give an assurance on this matter when he replies to the debate.

I turn now to another point that concerns me and many other people interested in conservation; in the area of the scheme there are many natural sand dunes and much beach sand that has never been interfered with, because few people have used that part of the beach. Now that the Government has a Minister for Conservation I ask the Minister in this Council who is in charge of this Bill to stress to the Minister for Conservation the need for this natural sandhill country to be retained as far as possible; of course, this matter will mainly be in the hands of the developer.

I can remember seeing plans of the developer that showed that much of this area was to be bulldozed and measures were to be taken in the hope that the sand would not drift but would be retained in a fairly natural state as time passed. However, once man starts interfering with nature in this connection, the effects are sometimes not what the scientists say they will be. Sometimes, when one part of the foreshore is interfered with, the movements of tide and sand change, with the result that the alignment of the foreshore changes farther along the coast.

Since there is much sandhill country near Estcourt House and in the area affected by this scheme, special consideration should be given to conserving that part of our natural environment. In evidence, the sum of $2,500,000 was mentioned as needed to be spent

by the Highways Department on access roads and on roads leading to this development above the normal expenditure which the department would have had to spend had the development not taken place. This indicates the stresses that are placed on the Highways Fund from time to time.

Sometimes we hear that Highways money should be used for this or for that purpose and that that fund is well endowed with money. This is a typical example of where a huge amount of money will be required to be spent, not on the development but in the surrounding areas, so that adequate and proper access roads can be built into the West Lakes scheme. Subject to the clarification I seek regarding the city of Woodville, I support the second reading.

The Hon. T. M. CASEY (Minister of Agriculture): If the Hon. Mr. Hill will re-examine the second reading explanation, he will see that the matters he has raised are covered, but perhaps not to the extent he would like them to be covered. If a road wider than 32ft. is built, it is the council's responsibility to pay for its extra width. It is envisaged that the council that requires a wider road will bear the difference in costs. Apparently, the councils have been notified of this matter and, although it is not stipulated in so many words or spelt out in the Bill, the second reading explanation states that it is envisaged that, if this state of affairs exists, the council that wants the wider road will bear the cost of it; that is fair enough. No doubt the Hon. Mr. Hill would agree that, when a required standard is exceeded, it should be done at one's own expense.

The Hon. C. M. Hill: Woodville council will not have to pay for the paving to 32ft.

The Hon. T. M. CASEY: The corporation will pay.

The Hon. C. M. Hill: Woodville will not have to pave for 32ft?

The Hon. T. M. CASEY: The Bill states:

> The corporation within the meaning of the indenture shall not be required to form, construct, pave or seal or to make any binding arrangement for the forming, constructing, paving or sealing of the roadway of any existing or proposed road or street within West Lakes to a width in excess of 32ft. and shall not be required to pave any road or street with a pavement of a higher standard . . .

I take it that West Lakes Limited will have to pay for it if it puts it down under the same standards. If it is considered the road should be more than 32ft. wide and the contractors are told, "We must build this road in excess of 32ft.," I think the onus falls directly on the council concerned.

The Hon. C. M. Hill: The developer pays for up to 32ft. and the council pays for in excess of 32ft.?

The Hon. T. M. CASEY: If the council wants a wider road, yes. Regarding conservation in the area, I shall pass that message on to the Minister for Conservation. It is essential that we keep our environment in its natural state as far as is practicable. One need only look at some of our beaches, particularly those close to Adelaide where the local sandhills have become flattened and have been built on, to see the erosion that has taken place.

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

[*Sitting suspended from 5.51 to 7.45 p.m.*]

NURSES REGISTRATION ACT AMENDMENT BILL

Returned from the House of Assembly with an amendment.

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

That the House of Assembly's amendment be agreed to.

Motion carried.

WHEAT DELIVERY QUOTAS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

SUPREME COURT ACT AMENDMENT BILL (PENSIONS)

Adjourned debate on second reading.

(Continued from December 1. Page 3187.)

The Hon. F. J. POTTER (Central No. 2): This Bill is one of a series of Bills that form the next four items on our Notice Paper. The main Bill is the Superannuation Act Amendment Bill, which will be dealt with next. The simple position is that all these four Bills provide for an increase of up to 8¼ per cent in the pensions payable. The Bill we are now considering concerns retired Supreme Court judges, or their widows. It is a simple Bill, which provides that on a "determination day" (of which there are two) pensions that were payable before July 1, 1967, are to be increased by 8¼ per cent, and those that were payable between that date and October 31, 1969, are to be increased by 3 per cent, the difference, of course, being accounted for by the change in the value of money that occurred between those two dates. I support the Bill and its

general principle, that those people who have become entitled to superannuation between those two dates should have this supplementary increase to reflect the change in the value of money. The increase will, of course, be paid by the Government.

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

SUPERANNUATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 1. Page 3186.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill. As I said a few moments ago, this is really the main measure in the Government's proposal to increase pensions by a supplementary amount to cover changes in the value of money. This is the Bill that will affect the greatest number of people. I congratulate the Government on its deciding to do this. It has been notable in the past that supplements to pensions have been long delayed in many instances, and one of the persistent complaints that one hears from people receiving superannuation (and Government superannuation, in particular) is the growing inadequacy of the pension because of the changing value of money. Some people, of course, have been on a pension for many years. The purchasing power of that pension has altered remarkably in that period of time. I am pleased the Government is considering reviewing the police pension scheme (which, of course, is not dealt with in this Bill) and is seriously considering some sort of automatic periodic readjustment of pensions under a formula to be worked out. Its working out will be difficult and it may be some time before we see legislation along those lines.

The Hon. A. J. Shard: I hope you will see the first Bill next year.

The Hon. F. J. POTTER: That is very encouraging. It is not easy to introduce automatic periodic adjustments in pensions, because one of the problems is that there are certain limitations on the investment powers of the Superannuation Board. I am pleased that this Bill enables the board to enter into "high ratio" housing loans. This provision will benefit borrowers and will assist in providing housing accommodation. The Bill makes one or two minor administrative amendments to the principal Act, but its main purpose is to increase pensions by from 3¼ per cent to 8¼ per cent. I support the Bill.

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

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 1. Page 3187.)

The Hon. F. J. POTTER (Central No. 2): This Bill, of course, comes a little closer to home and increases by 8¼ per cent the pensions payable, first, to widows or widowers of members who retired before the commencement of the 1969 amending Act and died between then and the commencement of this legislation, and, secondly, to those receiving pensions that were payable before the commencement of the Parliamentary Superannuation Act Amendment Act, 1969. That Act altered somewhat the method whereby Parliamentary pensions were calculated. People who retired before the commencement of that Act received their pensions under the old system. It is these pensions that will now be increased by 8¼ per cent. I support the Bill.

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

INDUSTRIAL CODE AMENDMENT BILL (PENSIONS)

Adjourned debate on second reading.

(Continued from December 1. Page 3187.)

The Hon. F. J. POTTER (Central No. 2): This is the last Bill in this series of Bills that provide for appropriate increases in pensions. In this case the pension is payable to a member from the special fund that exists to cover judges of the Industrial Commission of this State. As far as I know, only one person is receiving a pension under this scheme. The Bill provides for an increase to be made in the pension and for a contingent increase for that person's widow when the pension becomes payable to her. I support the Bill.

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

COMMONWEALTH PLACES (ADMINISTRATION OF LAWS) BILL

Adjourned debate on second reading.

(Continued from December 1. Page 3185.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the Bill. I have not had time to research it fully or to understand its implications. However, I accept the need for the urgency of getting this Bill on the Statute Book. My comments will necessarily be brief and perhaps not well informed. I consider that this Bill compounds a belief I have had for some time concerning the attitude of some people towards a total centralization of powers.

This is part of a legislative scheme that attempts to minimize the effects of a High Court decision relating to a question that arose at the Richmond Air Force base in relation to the New South Wales scaffolding regulations. The decision, which found that State law did not apply on Commonwealth Government property, raises a very interesting situation. Would it apply in, say, motor vehicles or in boats belonging to the Commonwealth? One point was put to me that a person who robbed the Commonwealth Bank could not be arrested while on the premises because it was Commonwealth property, on which State law did not apply.

The interesting point is that three of the High Court judges took what was termed the wide view, three took what was called the traditional view, and one concurred with the three who took the wide view, but on a more limited scale. With my very limited layman's knowledge of this subject, I am becoming increasingly suspicious of High Court decisions, because recent judgments seem to indicate to me that a certain centralist philosophy pervades throughout them. I could refer to a principle in the Bowser *versus* La Macchia decision, on which the proposed offshore mining legislation was based. It is rather intriguing that seven learned men can come down, three on one side and three on the other side, taking completely opposing views, and one balancing in the middle. The decision, to a layman, is quite ridiculous where, on Commonwealth property, no State law applies.

The Hon. T. M. Casey: They should have had a conference.

The Hon. R. C. DeGARIS: A conference could have done much good, but there have already been conferences between the States and the Commonwealth on this question. To overcome this very simple problem to the layman's mind, it is necessary, to do it correctly, to amend section 52 of the Commonwealth Constitution, which all States agree should be amended. That is rather peculiar with a constitutional amendment, but the Commonwealth says, in effect, that it is not interested in a constitutional change to overcome the problem.

The Hon. A. J. Shard: That's correct.

The Hon. R. C. DeGARIS: The only way to overcome this problem is that we and the Commonwealth are forced, to overcome this rather quaint attitude, to undertake a long, involved and complex path to achieve a perfectly sane result. The whole approach could be described as Gilbertian in the extreme. It is necessary to have laws relating to Commonwealth-owned buildings and land in this State and elsewhere in the Commonwealth, but the means by which this is being achieved is rather ridiculous when there is a very simple way by which it could be done: first, with a change in the Constitution and, secondly, a High Court judgment which, I think, does not take into consideration an extremely practical way out of the difficulty. I support the Bill.

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

ADJOURNMENT

At 10.27 p.m. the Council adjourned until Thursday, December 3, at 2.15 p.m.