LEGISLATIVE COUNCIL

Wednesday, October 13, 1971

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

QUESTIONS

GRASSHOPPERS

The Hon. R. C. DeGARIS: I believe the Minister of Agriculture has a reply to my recent question about grasshoppers.

The Hon. T. M. CASEY: Following the honourable member's question, I obtained a copy of the complete statement made to the press by the New South Wales Minister for Agriculture. I also took up with the South Australian Director of Agriculture the extent of and need for co-operation with Victoria and New South Wales in the matter of grasshopper and locust plague controls. The South Australian Agriculture Department receives regular reports of the Locust Patrol Service in New South Wales and the department is represented on the Plague Locust Subcommittee of the Commonwealth and State Entomology Committee. Mr. P. R. Birks, Senior Research Officer (Entomology), is also in direct contact with the Chief Entomologists of New South Wales and Victoria.

The likelihood of locusts from the Riverina invading South Australia has been considered so remote that the suggestion that South Australia contribute to control measures has not arisen. Limited surveying of the pastoral areas within South Australia will be undertaken by the Agriculture Department during the summer of 1971-72. The location and intensiveness of surveys will be determined from time to time as the summer season progresses and as pastoralists', stock inspectors', Bureau of Meteorology, Commonwealth Scientific and Industrial Research Organization and New South Wales Department of Agriculture reports come to hand. Survey activity will be increased in the event of a serious risk arising. I have a copy of the New South Wales press release with me and I point out that Mr. Crawford stated quite clearly that it is the landholder's responsibility to take steps to control any infestation on his property, as spraying on the ground is not only the cheapest but, of course, the most effective method. In South Australia the Government has made funds available this financial year to subsidize the purchase by councils for supply to landholders of insecticides for this purpose.

MOUNT GAMBIER RATES

The Hon. M. B. CAMERON: I understand the Minister of Lands has a reply from the Minister of Local Government to a question I asked on October 5 about differential rating in Mount Gambier.

The Hon. A. F. KNEEBONE: I have been informed by my colleague, the Minister of Local Government, that the Mount Gambier council decided that it would not continue differential rating within parts of its area because it was doubtful whether differential rating of the nature it had previously declared was within its powers. The decision of the council to declare a rate that does not reflect a differential for a particular part of its area is certainly within its powers under the Local Government Act and, accordingly, the Minister has no power to intervene. Councils generally have power to rescind or alter resolutions, but they cannot do so in respect of resolutions that have been fulfilled. Legal opinions and court decisions indicate that the rate resolution of the City of Mount Gambier cannot now be revoked. My colleague does not consider it desirable to introduce special legislation to enable the council to rescind a resolution which it is within its powers to make so as to provide for something that is legally doubtful. Even if such an amendment was introduced there is no guarantee that the council would take advantage of it.

SCALLOPS

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

Leave granted.

The Hon. C. R. STORY: Some time ago there were reports of some scallop beds in this State, and I think the Minister at one stage said that the Director of Fisheries and Fauna Conservation was investigating whether those beds would be commercially profitable. Has the Minister any further information about scallop beds in South Australian waters?

The Hon. T. M. CASEY: I cannot give the honourable member any further information. There are a few scallop beds in this State, but they are not commercially valuable. We are hoping that next year some research will be done to find scallop beds that are commercially profitable.

SHIPPING

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

Leave granted.

The Hon. R. C. DeGARIS: I have been informed that South Australian merchants are having difficulty in obtaining shipping to transport feed grain sold to Asian markets. Can the Minister say whether any such difficulties do, in fact, exist and, if they do, what the reasons are for them?

The Hon. T. M. CASEY: I cannot throw any light on the matter for the Leader, but I will make inquiries, see what information is available, and bring it back as soon as possible.

LUCERNE CUBES

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

Leave granted.

The Hon. C. R. STORY: Some weeks ago I took up with the Director of Agriculture the matter of exporting lucerne cubes from this State. The production of lucerne cubes is a very important activity in the Upper Murray, particularly on a property called Simaloo, which is a very progressive lucerne-growing property. Markets for the cubes have been established in most Asian countries, but some difficulty has been experienced in getting certificates in order that the cubes can be exported. The main problem seems to be that various types of weevil have got into the lucerne cubes while they were stored adjacent to the Barley Board's installation at Port Adelaide. At present there seems to be some conflict between the State and the Commonwealth authorities in regard to the question of certifying that the lucerne cubes are clean. Has the Minister been successful in negotiating an arrangement with the Commonwealth Minister for Primary Industry?

The Hon. T. M. CASEY: Yes; we did experience problems several weeks ago in connection with that matter, but it has now been cleared up and I have sent a telegram direct to the Agriculture Department in Washington. I was pleased with the reports sent, and I assure the honourable member that a similar communication will be sent in connection with shipping lucerne cubes to Asian markets.

SECONDHAND DEALERS ACT AMENDMENT BILL

Read a third time and passed.

RECLAIMED WATER

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

That, in the opinion of this Council, the Government should give urgent attention to the immediate release of reclaimed water from the Bolivar treatment works for the replacement of underground water supplies in Virginia and adjacent districts.

(Continued from October 6. Page 1943.)

The Hon. V. G. SPRINGETT (Southern): No-one in this Council needs reminding of the importance of and the universal need for water. If life is to be sustained in any area, an adequate supply of fresh, clear, clean water is essential. Throughout history, wherever man has settled, he has needed within easy reach an adequate water supply. This has happened, is still happening and will continue to happen for as long as man survives. Without water, man is a lost creature.

Some water is obtained by open collection, with water coming from the hills, running off into streams and then into the reservoirs where nowadays man collects it. In some parts of the world a more man-made system is required, two classic examples being Hong Kong and Gibraltar, which have surface collections. On the other hand, there are underground sources of water, and water tables can be near the surface or extremely deep.

As honourable members realize, there are in the South-East of this State many caves, in many of which there is water. For some strange reason man is showing his worst self in the South-East by polluting many of these caves, depositing refuse in them, carcasses and rubbish of all sorts. Some honourable members may have seen on television recently a programme which referred to these caves. It was stated in reply to a question that it was not known where the water was going. It was also stated that it was not known where that water would come to the surface again. Yet this is part of man's vital water supply.

True, society generally and industries must establish themselves near the water that they require. Primary industry, involving the growing of crops and husbandry, cannot survive for a moment without an adequate supply of water of a pure and suitable standard. Secondary industries also use vast quantities of water. Among our primary industries we have market gardening, one of the industries with which we are concerned in this motion. Market gardening develops as near as possible to the centres of population, and it must have soil of good qua'ity and water of reasonable purity.

In such centres (and Virginia is one of them) there is a growth and a processing of food which needs water.

In Virginia there has developed an extensive and concentrated market gardening system in which many small gardens as well as larger ones are concerned. As is well known, there is in this area a large underground source of water. This resource was once thought to be adequate, but time has shown that it has become depleted to such an extent that the level of the pure water is now well below the level of the salt water nearby.

The Hon. Mr. Kemp, in his most informative speech last week, said that in some places the water is about 200ft. lower in the underground sources than the surrounding sea-water. That may have been a slight exaggeration, but the point at issue is that it is lower than the salt water, which can do so much harm and make that underground source of no use whatsoever to the market gardeners.

The Bolivar works were established, and it was decided to use recycled water for irrigating crops. The Hon. Mr. Kemp outlined the type of crops that could use this water. If we are to re-use this water from the Bolivar system, it must be made pure enough for the purpose. I understand that over the years tests taken by the Engineering and Water Supply Department have occasionally shown paratyphoid and salmonella organisms; in other words, organisms which cause much of the typhoid type of illness and the intestinal inflammations and infections.

One thing the health authorities cannot be certain about is whether or not there is any hepatitis, because hepatitis is a virus which has never been seen and never been cultivated. Therefore, if we are to reticulate the water and use it, it must be purified.

Last year in this area of Virginia the axe really fell, and the water supply for the district had to be cut by 30 per cent. As has been pointed out, this district supplies much food and fruit not only to the Adelaide market but also to the Eastern States. Experimental processes have proved that excellent crops can be grown in this area on this reticulated water, and from a health point of view there is no reason why this water should not be used as a flooding system of irrigation to good effect and produce these good crops commercially.

If we are to make the water completely and utterly pure for all purposes, one of three methods must be used. The first of such methods would be to ensure that the water was chlorinated adequately, and that involves getting the correct dosage and also extensive costs. Chlorination is a valuable method which is used all over the world. Another method is by heat, and a third method is by atomic radiation. It means that we have to decide that Virginia is a vital area producing crops and goods of great value to this State, or that it has to go to the wall.

If we decide it is valuable then we must ensure that the water is made chemically and bacterially safe for extensive irrigation. It is good enough now for flooding systems, but if we are going to have it piped into and around houses it must be made better. It must become chemically and bacterially safe, otherwise we will have to accept that the water treatment at Bolivar is inadequate. This district, as is the case with any other area, cannot survive without an adequate water supply.

It is worth noting that the amount of effluent water from Bolivar at present practically equals the amount being withdrawn from underground sources, the sources which are so depleted. That being so, if we can use the Bolivar water (and we can if we use it adequately and correctly), then we will have stopped the rapid depletion of the underground sources with the consequent dangers.

Water is the most precious commodity man has to deal with today. We cannot go on (and the Government cannot go on) indefinitely leaving this area and this sort of problem out on a limb. We must realize that if we use this water we must replace it, as is done in many other parts of the world, and if we are to replace it we must treat it adequately so that it is available for full use by everyone in the district. I strongly support all that the Hon. Mr. Kemp said last week.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

BUILDING REGULATIONS

Adjourned debate on the motion of the Hon. R. C. DeGaris:

(For wording of motion, see page 860.)

(Continued from October 6. Page 1944.)

The Hon. R. A. GEDDES (Northern): The policy of the Government of the day was clearly defined when the Builders Licensing Bill was introduced in 1967, and sections of the building industry at that time were quite certain that the measure gave them what they wanted; in fact, when the Australian Labor Party was in Opposition I understand Labor Party members were approached by sections of the building trade asking that these things be included in their thinking. So in 1967 the Builders Licensing Bill became law.

As members well know, the purpose of the regulations is to give teeth to the Act. It was believed at the time the Bill was before Parliament that what I might call, not unfairly, the ancillary services of the building trade (the carpenters and plasterers, painters and tilers, and possibly the small subcontract type of builder) could foresee the possibility of a closed shop, and that the trade would not be constantly undercut in a price war for their work or the completion of their jobs. Once the Act and the regulations become operative in a total form I think a very clear-cut issue will emerge. However, I believe that in the years to come the very restrictive nature of the Act and the regulations, as they have been drawn, will cause a shortage of skilled men in the building trade in South Australia, particularly in the country areas and to a certain extent in the metropolitan area.

The initiative of young men wanting to come into the trade to serve their apprenticeship and do the years of training and learning necessary for them to become qualified and licensed in various ways will be sapped. The whole tenor of the Act and the regulations will steer youths away in future, and those people who are wanting a closed shop today will be crying for assistance in the future by way of some form of amendment to make the Act and regulations far more realistic and to create a more sensible approach to the problems of the building trade.

I have already met men who, in 1967 when the legislation was first before Parliament, were very much in favour of it but who today realize the folly of it; they now appreciate the lack of foresight involved in the Act and how it will affect their way of life from the point of view of employment. We are concerned now with the disallowance or allowance of the regulations. There are two points I want to put to the Government in the hope of getting some answer. My first point concerns regulation 17 (1), which states:

> The holder of a builder's licence shall furnish the board on demand with details of the names and addresses of all persons working on his or its behalf.

To me, slightly suspicious because of our political differences of opinion, this smacks of compulsory unionism, but there may be some other reason that I cannot see for these words being written into the regulations. How will these words assist the building trade, bearing in mind that the responsibility for any building job lies with the man with the licence, that man being the builder or his subcontractor? It certainly does not lie with the men employed by him. If anyone objects to any aspect of building, he goes to the principal concerned, not to his employees. Then, is there any other trade where similar conditions apply, where the employer on demand shall furnish the names and addresses of all persons working for him? Lastly, did the building trade itself ask for this regulation to be written in?

The other point I want to raise for discussion and, hopefully, for answer, is that some weeks ago in the *Advertiser* there was a statement alleged to have been made by the Premier that it was not true that members of the building trade or industry would need to serve eight years in that trade before being permitted to become licensed subcontractors; yet the guide to applicants that has been prepared by the Builders Licensing Board lays it down that a plasterer, for example, or a painter must serve eight years in the trade before being permitted to become a subcontractor. As the Council is only too well aware, these regulations cannot be amended by the Council: they must be either allowed or disallowed. However, the two points I have raised are, in my opinion, fundamental. The first is: is it correct that it will take eight years for a man to become a licensed subcontractor plasterer? That is a long time, and that is why I prefaced my earlier remarks by saying that I feared that the industry would be lacking in skilled men in years to come. I fail to appreciate the reason for such a prolonged period of training, although I know it is necessary that a man acquire sufficient knowledge and receive adequate teaching in order to become a plasterer.

The Hon. H. K. Kemp: And it is after he has served his apprenticeship.

The Hon. R. A. GEDDES: Yes. It is when he is an adult. I do not know how his pay will work out, because I imagine there will be some form of definition of whether a man is capable of being a licensed subcontractor; then possibly his pay will be commensurate with that licence.

The Hon. A. F. Kneebone: If he is a subcontractor, he is a principal; if he is not a subcontractor, he is working for wages, under an award.

The Hon. R. A. GEDDES: I thank the Minister for saying that, but will the award pay be at a different rate for the fifth year of his serving as a plasterer, if it takes eight years for him to become a fully trained plasterer?

The Hon. A. F. Kneebone: These provisions affect only subcontractors; they do not

affect the tradesmen at all. They will still get their wages.

The Hon. R. A. GEDDES: I am glad of that clarification, that it is not a wage problem that will be at issue; the problem, as I see it, will then be that the initiative of a person who wants to become a subcontractor, and therefore a principal, will be stifled, as will his desire to go that far.

The Hon. C. R. Story: It must have caused a lot of trouble with the building of the Taj Mahal.

The Hon. A. F. Kneebone: We may as well go back to the days when they built the pyramids, and so on.

The Hon. R. A. GEDDES: I do not want to do that, because it is not my point that we should go back to the days of the pyramids. I think we can leave the Taj Mahal, to the moonlight, in all its glory. One of the barometers of our economic viability in South Australia and in the metropolitan area in particular has been that, if the building trade is not building houses, there are worries for those in economic circles and there is a downturn in employment, for many reasons. I know that this situation can be brought about by other industries not providing much employment at the time with the result that not many people have the finance necessary to purchase houses, and the demand for houses drops.

The Hon. A. F. Kneebone: Not in the building trade at the moment. Have you seen the figures published recently?

The Hon. R. A. GEDDES: But falling demand has occurred under previous Australian Labor Party Governments. Let us not quibble about this point. I am concerned that we need skilled men to build houses for those who want them, and to build other buildings, too. I say there are restrictions brought about by the Act, the regulations and the guide to the trade that will stifle initiative and will make young lads think twice before they seek to become tradesmen. I warn the Government to look very carefully at this matter. If the trade itself has made a request in this connection, I should like to know. If this is a design of the board in collaboration with other people, I should like to know, too. We must consider the efficiency of the trade and the men employed in it. Although the problem of shoddy workmanship must be controlled as far as possible, I ask that unnecessary restrictions be not put in the way of men who want to better themselves, take a gamble, and run their own businesses. If the reason for an eight-year term of service can be verified—

The Hon. A. F. Kneebone: It is not an eight-year term of service. The man does not serve eight years with anyone.

The Hon. R. A. GEDDES: To substantiate my point, I shall quote the following extract from a bulletin dated September 27, 1971, from the State Secretary of the Housing Industry Association (South Australian Division):

> It is the regulations and the guide to applicants that contain the teeth of the Act and disclose the real meaning and intention of those who have originated it. For instance, it is the guide to applicants which lays down that a plasterer or painter must serve eight years in the trade before being permitted to become a subcontractor.

The Hon. A. F. Kneebone: What is meant is eight years' experience.

The Hon. R. A. GEDDES: The bulletin says that a plasterer or painter must serve eight years in the trade. Naturally, I agree that eight years' experience would be involved. So, I should like to know, first, why it is necessary that a builder, on demand from the board, should have to supply the names and addresses of everyone working for him; an important principle is involved here. Secondly, I should like to know why it is necessary for a man who wishes to better himself to serve for eight years. Unless I receive reasonable replies, on those two grounds I will support the disallowance of the regulations.

The Hon. A. F. KNEEBONE (Minister of Lands): I have listened with interest to honourable members' contributions to this debate. Almost without exception, honourable members who have spoken on the matter have done so from the viewpoint of the builder and the subcontractor. Anything they have quoted has come from builders and subcontractors, but very little has been said from the viewpoint of the general public and the home builder, who are affected and will be affected if the regulations are disallowed. If that happens, such people will be exposed to the same dangers as they have had to face in the past, when no regulations like these were enforced.

Despite all the heartbreak and costs involved, in the past we have seen the inexperienced builder set himself up as a contractor and "con" people into signing a contract with him. Subsequently, such a builder has often been declared bankrupt halfway through the work of building the house, and the owner has been left lamenting and faced with the enormous cost of getting the house completed by someone else. The suppliers to the contractor have been unable to get their money (or, at any rate, most

of it) and, as a result, they have had to charge solvent builders greater sums for the services rendered to them. Does that not add greater costs to the building industry? The small cost involved in administering the regulations and the Act is a small price to pay for the protection that will be afforded to the public.

We have heard Opposition speakers talking about the enormous costs already incurred as a result of these regulations. As far as I know, only a few inspectors have been appointed. The Builders Licensing Board has three main functions. It provides a place where the public can complain about bad workmanship. The board will investigate the complaints and, where they are justified, ask builders to rectify faults, under the sanction of losing their licences in bad cases. I cannot see anything wrong with that.

I believe that the first inspector was appointed as recently as last August. Several disputes have been satisfactorily settled. In one case a woman complained about painting carried out. In another case a man complained about additions to his house, and it was eventually agreed that the only solution was for the builder to demolish the room that had been added and vacate the site. After another person had complained about deficiencies in his house, the board arranged for the work to be corrected to the satisfaction of the owner.

The Hon. R. A. Geddes: Was that at no extra cost to the owner?

The Hon. A. F. KNEEBONE: Yes. Because the builder feared that his licence would be taken away from him, the matter was rectified.

The Hon. R. A. Geddes: The owner could have done that through the court.

The Hon. A. F. KNEEBONE: Yes, but it would probably have cost him twice as much, as a result of engaging lawyers.

The Hon. D. H. L. Banfield: The Minister is generous in saying only twice as much.

The Hon. A. F. KNEEBONE: In another case it was decided that the builder was not at fault in any way and that the complaint was unreasonable. Further, there was an instance where work performed by an unlicensed builder was inspected and the standard was so low that the board refused a subsequent application for a licence. It was clear that the builder had no real knowledge or experience of building work and had not previously earned his living as a general builder. The fact that these complaints have been made and dealt with satisfactorily illustrates the need for licensing not only of general builders but also of subcontractors and tradesmen. The second aspect of the report concerns the long-term effort to raise the standard of building by issuing licences to persons who are qualified by study and experience to have such a licence. For the benefit of the honourable member, I point out that the advisory committee recently made recommendations regarding the regulations. That committee comprised representatives not only of the unions (as the honourable member seems to think) but also of employers and others in the building trade.

The Hon. R. A. Geddes: You only think that I think that. I did not use the word "unions".

The Hon. A. F. KNEEBONE: I said, "as the honourable member seems to think".

The Hon. M. B. Cameron: What qualifications are necessary for one to become an inspector?

The Hon. A. F. KNEEBONE: That is not covered by the regulations that the Council is now discussing. Recently, the advisory committee was asked to advise on courses that might be instituted with a view to training persons seeking to become tradesmen with a restricted licence. That should answer the honourable member's question regarding the future training of people. The board expects to establish such courses, and in due course a certificate that an applicant has successfully completed a course will be a qualification that will be considered by the board when determining an application for licence. In trades in which apprenticeships are available, it is now uncommon in some instances for entrants to the trade to have completed an apprenticeship. I have repeatedly pointed out in the past that it is one of the by-products of the subcontracting or labour-only contracting system that the number of apprentices has fallen.

Some years ago, the Hon. Mr. Potter and I had a debate on what was happening in the training of tradesmen and skilled craftsmen in the building industry, because the subcontracting system seemed to have come to stay. Under the subcontracting system and with the labour-only contracts as we have seen them over the years (and I can speak from experience in this respect, having been a member of the Apprenticeship Board, and this system of subcontracting has continued for a long time), an apprentice applied to the board to have his apprenticeship cancelled because he was apprenticed to a subcontractor who, not having any more jobs to do, had returned to work for an employer.

In that case, although the man was then an employee he had a person apprenticed to him. The board had to examine the situation and try to transfer the apprentice to another employer, if it could find one. That is what can happen in this sort of situation, because a craftsman may be a subcontractor one day and an employee the next. That is the basic reason why there is a lack of apprenticeships in the industry. I do not want honourable members to think that I am criticizing the subcontracting system: I think it cannot be changed. The regulations are not there for the purpose of trying to return to another system other than the subcontracting system, as I will explain to honourable members as I proceed. To overcome the lack of apprenticeships, it is expected that part-time courses will be available in successive years so that an adult may be trained. It is also the board's objective to protect the public as far as possible from the fly-by-night or under-capitalized operator. For many years the general public has been fair game for this type of operator, and that is why the Government has recognized the necessity to administer the Act and regulations that were promulgated in 1967.

The Hon. F. J. Potter: Do you think the Act will stop that in all circumstances?

The Hon. A. F. KNEEBONE: No, I do not think it will, although it will reduce the number of people involved by applicants being examined. This type of operator is a danger not only to his client but also to the suppliers of the building industry. In the past, the industry has been notorious for bankruptcies. However, because of the board's activities, there has been some improvement in this regard. Also, the board has refused to grant general builders licences to bankrupt individuals.

The Hon. Mr. Whyte wanted to know why the regulations and the application forms asked this question. I know that the honourable member is a very sound and efficient man in his own business, and I should be very surprised if he would engage a man or enter into a contract with a person to do a certain job for him if he knew that the person with whom he was entering into the contract had been bankrupt twice or, indeed, even once before.

Only in recent weeks there has been an instance of a certain tower being built in an Adelaide suburb, the contractor involved being alleged to have gone bankrupt at least twice before and having gone bankrupt again. Heaven help the poor building suppliers and those who lent him money! Had that builder applied for a licence under these regulations, his application would have been refused and we would have been saved the spectacle of what we have seen happen in that matter in the last few weeks.

The Hon. R. A. Geddes: If that builder paid off his creditors completely, he would still not be allowed to be a builder, because he would bear that stigma forever.

The Hon. A. F. KNEEBONE: That is not so. He must provide this information to the board. If such a person has served out his sentence or has taken action to correct his past indiscretions, thereby being recognized as being a "clean skin", the board, the same as any other reasonable body, could take that into consideration. The information that is supplied would be considered and, if the person involved was a "clean skin" I am sure the board would provide him with what he was seeking.

The Hon. R. A. Geddes: You say it is all right for the Hon. Mr. Whyte to employ the bankrupt so long as he has paid his debts?

The Hon. A. F. KNEEBONE: That is correct. If a discharged bankrupt who had been convicted of certain things can show that he has mended his ways, I think he would receive reasonable consideration.

The Hon. M. B. Cameron: How does the board establish whether or not he has reformed?

The Hon. A. F. KNEEBONE: I suppose it would do so if this had been achieved in a reasonable length of time and, as has been said, his financial position could be examined. During his speech, the Leader said, "I want to take the easy step first without taking the risk of unionizing the industry."

The Hon. R. C. DeGaris: I think that was the late Hon. Frank Walsh's statement.

The Hon. A. F. KNEEBONE: I thought those were the Leader's own words. We know full well the attitude of members opposite towards unions and unionists, because we have had it demonstrated to us so frequently. I know what I went through when I had the burden of carrying the portfolio of Labour and Industry in this Chamber. It was certainly made very clear to me then what was the attitude of honourable members opposite towards unions and unionism.

The Hon. D. H. L. Banfield: Do you think it has changed at all?

The Hon. M. B. Cameron: Yes, it has.

The Hon. A. F. KNEEBONE: By one means or another, we have been able to get some improvement in industrial legislation. Sometimes it has been necessary for this Council to sit all night to achieve it. However, now

when we are discussing this matter (which, in effect, is an industrial matter because it refers to the building industry) we find that honourable members are getting back to their old form and expressing opposition to anything that they think may be of some advantage to the trade unionists in the building industry.

The Hon. M. B. Cameron: Like secret ballots!

The Hon. D. H. L. Banfield: Like arguments over leadership and things like that!

The Hon. A. F. KNEEBONE: I approve of secret ballots where the unions want them, but I do not approve of secret ballots being forced on them.

The Hon. R. C. DeGaris: Do you believe in a secret ballot to decide whether or not they should have secret ballots?

The Hon. A. F. KNEEBONE: The Leader is trying to side-track me because he knows I am making a good point regarding the attitude of members opposite to trade unions.

The Hon. Sir Arthur Rymill: How do you find out whether they really want it or not?

The Hon. A. F. KNEEBONE: Apparently what the Leader and his advisers are worried about is that subcontracting, as it is known in South Australia, is in danger as a result of these regulations. Nothing is further from the truth. I have used the word "advisers" because I believe, as I said earlier, that it is the builders and the subcontractors who have been advising honourable members what they should say about this matter and advising them to have the regulations disallowed if they can. The fact that the restricted licence provision was introduced was evidence of the advisory committee's desire to preserve the *status quo*. It has been provided that a licence can be issued to cover a certain type of work rather than to cover a tradesman's classification.

Some honourable members have raised a query about the lines of demarcation. How do we get a line of demarcation between two people who are principals in their own right? These people are not employees: they are employers in their own right if they wish to be so. They are principals in their own right because they are subcontractors. This shows how little honourable members know about the regulations and what they do.

For instance, it has been recommended that licences be issued for such things as form work and board fixing. For the information of honourable members, the latter relates to the fixing of wall boards. Although the work comes within the ambit of a carpenter and joiner's licence and is also part of the work of a carpenter and joiner's tradesman's classification, the board and the advisory committee is splitting the work of the tradesmen into various sections. Therefore, members cannot say that this is playing into the hands of the trade unionists. When I was a trade unionist working at my trade (I am still a trade unionist), I was very jealous of my work and I would not agree that any part of it should be taken away and given to someone else unless he was a tradesman in his own right. This is how far we have come from that point, and this is how far we have gone towards preserving the *status quo* and preserving the system of subcontracting and labour-only work.

The Hon. M. B. Cameron: Will the inspectors be specialists in each field?

The Hon. A. F. KNEEBONE: The honourable member is trying to side-track me. I have already said that the regulations do not lay down the qualifications of inspectors. The advisory committee saw the need for licences to be available for segments of work carried out by the main building trades. The opportunity has not been taken, as some honourable members seem to think, to eliminate all who are not fully qualified tradesmen. Surely honourable members can see that this demonstrates the desire of the board not to interfere with the subcontracting system; its desire was only to ensure that some standards were set for work in the industry.

The regulations will not result in the elimination of subcontracting in the industry. This is indicated by the fact that the board has approved of the issue of 3,839 licences for general builders and large subcontractors in particular trades. In the restricted field, 5,823 applications have been approved. In fact, as an initial step the board has granted licences to all who are genuinely engaged in the industry, and as a result those people have continued as they have done in the past.

The Leader also referred to an extract from the magazine *Housing Australia*. I think I have effectively answered the Leader's allegation that the regulations were designed to force the industry back to the day-labour system. The other extract quoted by the Leader related to the experience that the board thinks is a necessary prerequisite before a licence is issued. These prerequisites are in each case in regard to the main building trades.

For the information of the Hon. Mr. Geddes, apprenticeships take five years and, following this, the board will eventually expect the

applicant to have completed an additional two years as an adult tradesman before a subcontracting licence is available. The eight years mentioned by him includes an extra year in the case of people who have not completed an apprenticeship. If this extra year was not required, there would be less inducement for youths to enter indentures of apprenticeship. I cannot get the point the honourable member was making that as a result of what is proposed under the regulations there will be no incentive for boys to enter apprenticeships. I think this works in reverse and will encourage boys to enter into apprenticeships, because they qualify for licences under the Act before the man who does not serve an apprenticeship.

The magazine is quoted as saying that a bulldozer owner who wants to be an earthmoving contractor must have four years experience before he can get a licence to level a block on his own account. That is completely contrary to the facts. I am informed that the period stipulated by the board is three years and the category is earthmoving operator. The period of four years relates to licences for earthworks construction, which covers not only machinery operation, but excavations for large buildings and compaction of fills, together with the ability to set out all types of work and to take levels. If that is not a reasonable request, I do not know what honourable members would regard as reasonable.

The Hon. Mr. Whyte said the general public had been misled when the Act was redrafted, as home builders thought they would have some protection and could obtain some reimbursement or compensation for shoddy workmanship. He said that that had not eventuated, but all that happened was that a builder could be deregistered if it could be proved that his workmanship was not up to standard. As I said by way of interjection, the knowledge that the board has power to deregister will have a salutary effect on any builder who previously could get away with shoddy workmanship and thumb his nose at the unfortunate home builder who, having invested his life's savings in a home, is then left with a shoddy job of building and with no hope of getting his money back if he sells it. His home is in a state of disrepair after a short time and then it becomes beyond his resources to repair it. Cases are known where some houses are in such a condition that it would be unsafe to live in them. I am of the opinion that a builder, faced with the threat of deregistration, would correct any shoddy work; for this reason I cannot agree with the Hon. Mr. Whyte when he says that the public was misled into thinking the Act gave protection.

Some honourable members have criticized the application form, mostly in relation to the questions asked on it. The Hon. Mr. Whyte drew attention to the question about bankruptcy:

> Are you an undischarged bankrupt or a person whose affairs are being administered under the laws relating to bankruptcy?

Is it unreasonable to require such information from an applicant? I do not think it is, and I believe most reasonable people would agree. The questions on the application form regarding convictions for dishonesty, fraud, or breaches of bankruptcy or company law are tied in with the previous reference. I think it is necessary for them to be asked. The same would apply to any other sort of registration or application for a licence, and if the position of the board members themselves reaches the point where they are in the hands of the Bankruptcy Court they are discharged from the board immediately. This happens with all boards.

The Hon. T. M. Casey: I wonder whether honourable members opposite would engage a bankrupt builder to build for them?

The Hon. A. F. KNEEBONE: I do not know what the honourable members would do, but their judgment on this Bill is not very good. I do not know whether it would be the same regarding their personal matters.

The Hon. T. M. Casey: If things are not the same they are different!

The Hon. A. F. KNEEBONE: Without doubt it is a reasonable precaution. The number of bankruptcies in the building industry in recent years must be one of the major causes of costs being forced up. If the number of bankruptcies could be cut by half we would go a long way towards reducing the cost to the home builder.

The question regarding age is necessary. Some people have objected to this, but I remind honourable members that the Act lays down that, to become eligible for a licence, whether restricted or general, a person must be over the age of 21 years. The request for two references as to character and suitability is no great hardship. The request for information regarding educational qualifications is not undue prying into the affairs of an applicant. In these days of fierce competition in the industry there is a need for at least some small educational prerequisite if a man is to succeed in business as a principal. The granting of a licence under the regulations will

enable the applicant to operate as a principal. It is natural that the board should require information regarding the financial status of an applicant and also his experience in the industry in which he desires a licence to operate. When I referred to bankruptcy, one honourable member asked what would be the position if a man had cleared up his debts, paid them in full, and had become a "clean skin". If we do not get information regarding his financial status, how can he be considered? I ask honourable members to think of that.

It would appear from their remarks that members opposite have been approached by people who are concerned that, if they give all the information asked of them, they might not get a licence. Section 19 of the Act gives a right of appeal in the event of the board refusing to grant a licence, cancelling or suspending a licence, or disqualifying a person from holding or obtaining a licence, as well as in cases where the board refuses to annul the cancellation or suspension of a licence or refuses to annul the disqualification of a person from holding or obtaining a licence. There are those provisions for appeal. If a person submits an application and does not get a licence for some reason he can appeal to the local court. It is not an appeal from Caesar to Caesar, but to the court.

The Hon. R. A. Geddes: Will it cost anything to go to the court?

The Hon. A. F. KNEEBONE: Not if he were successful, I should think. An experienced operator in the building industry, in any of the various sections mentioned in the Act and the regulations, has nothing to fear from these regulations, which have been designed to protect home builders from the heartbreak many have experienced at the hands of unscrupulous operators who have "conned" them into contracts which have resulted in their being left lamenting with a jerry-built house. Only unscrupulous operators have anything to fear from these regulations. In view of the protests that honourable members have made about these regulations, it may be interesting, and may have some results in causing honourable members to reconsider their attitude towards these regulations, if I refer briefly to another Act and its regulations—the Land Agents Act and regulations. Under that Act, an applicant for registration as a licensed land agent is required to make application in the prescribed form, which "shall contain all the information indicated therein". The Land Agents Act provides in section 24 (2):

The statements made in the application shall be verified by a statutory declaration made by the applicant or, where the applicant is a corporation, by an officer of the corporation.

Then section 25 provides that the application shall be accompanied by a fidelity bond of $2,000. Section 26 provides:

The applicant shall furnish the board with all such information as it requires to enable it to decide the application.

That goes much further than do the regulations under the Builders Licensing Act. Section 27 of the Land Agents Act provides:

(1) Subject to subsection (2) of this section, on the making of an application in accordance with this Act, the applicant (not being a corporation) shall be entitled to be granted a licence by the board if he proves to the satisfaction of the board that—

(*a*) he is over the age of 21 years;

(*b*) he is a fit and proper person to be licensed—

that provision can cover anything—

(*c*) he is not an undischarged bankrupt and has not entered into any composition or scheme of arrangement, which is still subsisting with his creditors, and has not executed any deed of arrangement, which is still subsisting, for the benefit of his creditors; and

(*d*) he has been employed in the business of one or more land agents for two years in the aggregate whether before or after the commencement of this Act or partly before and partly after the commencement of this Act: Provided that this paragraph shall not apply where the applicant—

(i) has held a licence at any time under this Act or the Land Agents Act,

and so on.

The Hon. R. C. DeGaris: In view of what you have just read out, these building regulations may not be stringent enough!

The Hon. A. F. KNEEBONE: No; I am telling you how mild they are compared with other regulations. Then section 32(5) of the Land Agents Act provides:

If an objection is made to the application and, on hearing and determining the objection, the board is satisfied that a ground exists on which the licence is subject to cancellation under this Act, the board may dismiss the application, cancel the licence and make any other order authorized by section 36, or the board may grant the application and make an order pursuant to section 81.

That is in regard to the licensing of land agents. Then section 36 of the same Act provides:

The board may, after an inquiry under section 78a or on application for the cancellation of a licence, cancel the licence and may in addition disqualify the licensed land agent from holding a licence either temporarily or permanently or until the fulfilment of a

condition imposed by the board or until the further order of the board, on any of the following grounds, namely, that—

(a) the licence was improperly obtained;

(b) the licensed land agent or a partner of the licensed land agent, or a registered manager in the service of the licensed land agent nominated under this Act by the licensed land agent or, if the licensed land agent is a corporation, the general manager or other principal officer or a director of the corporation or any person who in the opinion of the board substantially controls the affairs of the corporation—

(i) has been convicted of any offence against the Land Agents Act, 1925-1950, or this Act, or any offence involving dishonesty, whether such conviction took place before or after the passing of this Act; or

(ii) has been guilty whether before or after the commencement of this Act of any dishonest or fraudulent conduct;

(c) the licensed land agent or a partner of the licensed land agent has been guilty whether before or after the commencement of this Act of any breach of his duty as a land agent;

(d) the licensed land agent is an undischarged bankrupt or has entered into any composition or scheme of arrangement, which is still subsisting, with his creditors or has executed any deed of arrangement, which is still subsisting, for the benefit of his creditors,

or on any other ground whether of a like ground to any of those mentioned in this subsection or otherwise which the board deems sufficient.

So there you are: they can refuse him a licence or take it away under these conditions—and honourable members say that these building regulations are too stringent! Those provisions apply not only to the land agent himself but also to the land salesman. It is apparent that these requirements are even more severe than those in the regulations we are considering. I do not know whether honourable members opposite consider that the general public needs more protection from those people engaged in the occupations covered by the Land Agents Act and its regulations than those people covered by the Builders Licensing Act and its regulations, but it would appear that they do. So honourable members here do not have a very high opinion of land agents but they think that builders and subcontractors are shining examples of all they should be.

I cannot conclude more fittingly than by quoting from the Hon. Mr. Kemp's speech in this debate, which appears at page 1262 of *Hansard*:

In considering this motion, honourable members should cast their minds back four years to the time when this matter first came before this Council and many of us were prepared to oppose the measure because we could see what was coming forward. At that time the people who are now asking for the regulations to be disallowed were most insistent that nothing should be done to oppose the legislation.

My feeling is that these regulations should not be opposed. These people asked us sincerely and insistently not to do anything to upset this legislation, but now that regulations have been introduced to enable the Act to operate they are asking us to pull the chestnuts out of the fire for them because there are some things that do not fit in very well. I do not think this is fair on their part. I say this sincerely.

These people have had the regulations before them, and they have gone back to the Government, renegotiated, and the Government has finally come forward with what it thinks is a fair compromise. However, the people who do not like these regulations are now saying to us, "They are not just what we want. We want something else, so please disallow them." I do not think this is ethical, or right, and as I first approached this subject I considered that at least the people who wanted registration of builders should give it a try.

He goes on to say:

What is the practical thing to do? There is no doubt that today most people involved in the building trade want these regulations, and want them without any alteration.

The Hon. R. C. DeGaris: "Most people"?

The Hon. A. F. KNEEBONE: Yes. I hope that what I have said to honourable members today will convince them that the regulations should not be disallowed.

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

ROAD TRAFFIC ACT AMENDMENT BILL (SEAT BELTS)

Adjourned debate on second reading.

(Continued from October 6. Page 1951.)

The Hon. R. A. GEDDES (Northern): I support the second reading of this Bill. I do so only to see what we can do in the Committee stage. Much has been said by learned members of the Council and by very learned people in the press (everyone has firm opinions on what should happen) about whether seat belts should be worn compulsorily, with a $20 fine if a person does not have them securely fastened. I am told that smoking and drinking cause diseases. Is any ambitious person willing to introduce legislation to prohibit those practices, because they lead to cancer and heart trouble?

The Hon. V. G. Springett: Accidents, too.

The Hon. R. A. GEDDES: Yes. It seems that some people believe that a piece of webbing fitted to a motor car is a cure-all. We are told that some people who failed to wear seat belts and, as a result, suffered spinal injuries are occupying hospital beds at considerable cost. But many people with incurable diseases are occupying hospital beds at considerable cost, too. I wear a seat belt and have done so for some time. New section 162ab provides:

> A person shall not be seated in a motor vehicle . . . unless he is wearing the seat belt and it is properly adjusted and securely fastened.

I have a Falcon motor car that is 11 months old, in which the seat belts are of a design approved by the Standards Association. They were fitted by the Ford Motor Company. Last week, before leaving Adelaide to go to my home 150 miles north of Adelaide, I adjusted the seat belt so that it fitted snugly across my waist and shoulders. However, by the time I had driven the 150 miles, the belt was not tight.

Who is to be the adjudicator as to whether the belt is properly adjusted? An efficient seat belt of standard design has not yet been fitted to popular Australian cars. Other honourable members have spoken of the difficulty of doing up, adjusting, and undoing seat belts. However, when one gets into an aeroplane one finds a seat belt of a standard design that is extremely easy to do up, adjust, and undo, whether one has a large corporation or a small one. However, the seat belts provided in Australian cars have various systems of adjustment. We must get the industry to devise a belt that is of a standard type and suitable for all cars sold. Then, those supporting this type of legislation would find it more feasible to make the wearing of seat belts compulsory, because no matter how strange a vehicle might be the passenger could quickly do up and adjust the seat belt.

As the Hon. Sir Arthur Rymill and other honourable members have said, even though the Standards Association has approved some types of seat belt, the types have important differences. How can the ordinary motorist tell whether his seat belt is securely fastened and properly adjusted? One can only slip one part of the belt into the locking mechanism and hope that it holds. It is not unknown for the locking mechanism to break apart in accidents. Honourable members may recall that, in Melbourne, General Motors-Holden's tried to prove the strength of its seat belts; a seat belt was put around a car and the car was lifted by a crane. However, when the crane gave a jerk, the seat belt came undone and the car fell to the ground, a complete wreck. That was a great embarrassment to the company, which was trying to show the soundness of the belt but ended up by showing the inefficiency of the fastener.

How can a motorist tell that a seat belt is securely fastened? It will be impossible to police this Bill efficiently. Until the industry can design a belt that is standard, it is foolish to advocate the provisions in this Bill. It does not spell out just how the regulations will be drawn up. As honourable members know, we cannot amend regulations: we can only allow or disallow them. If this Bill became law, there would be great difficulties for people in some walks of life who needed exemption or assistance. As was suggested earlier, surely a bride on her way to her wedding and her bridesmaids should be granted exemption; also, let us hope that the groom will be allowed to sit next to his bride when they leave the church.

It was only in 1967 that it became compulsory to fit seat belts in motor cars. At present it is not compulsory for about 60 per cent of the cars on the road in South Australia to have the belts. Many old-model cars are being "souped up" by youngsters by having larger tyres and double carburettors fitted to them. With a few other modifications being made to their chassis, these old cars are being made into extremely lethal hot-rods. Despite this, it is not necessary for seat belts to be fitted to these vehicles. Their drivers must merely obey the speed limits, and so on. I consider that this legislation has been introduced too soon, unless everyone is required compulsorily to wear seat belts. I support the second reading, although I will examine any amendments that are moved in Committee.

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

DOOR TO DOOR SALES BILL

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

FILM CLASSIFICATION BILL

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

MINING BILL

Second reading.

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

That this Bill be now read a second time.
The Mining Act, 1930-1962, has grown to its present form by additions and amendments from time to time. It includes many obsolete requirements and provisions, and on the other hand does not provide adequately for some modern aspects of exploration and mining. In order to explain the proposed reconstruction of the Act, it is necessary to review some of the fundamental concepts relating to ownership of minerals and the community interest therein. It is important to appreciate that the winning of rocks and minerals from the ground is the fundamental basis of all economic growth and urban development. It is as necessary to a modern community that minerals be mined as it is that other primary industries (agriculture, and so on) be developed. When minerals are not available within a community they must be imported from elswhere.

It is equally important to emphasize that unlike some other forms of primary production, the location from which minerals can be economically recovered is not a matter of choice. Minerals are where you find them, and they are not easy to find. For these reasons (community need and the expensive and risky exploration necessary), it is the policy in all industrialized countries to encourage exploration and mining by providing access to potentially mineralized areas notwithstanding the surface rights thereto. Access is usually qualified in relation to the value of the material and the use to which the surface of the ground is being applied. The principle of encouraging access to minerals was recognized in very early legislation in this State. Before 1889, land grants carried with them ownership of minerals on or under the land. Since that date, land grants have reserved ownership of minerals to the Crown.

The present Mining Act accordingly recognizes the two forms of mineral ownership. Land, the title to which includes mineral rights, is referred to as private land. Land over which the Crown owns the minerals is known as mineral land. It is emphasized that freehold land in the present use of the term may be either private land or mineral land, depending on the date of the original grant. Access to minerals on mineral land is available through the simple possession of a miner's right. Access to minerals on private land is provided by a complex procedure involving authorities to enter, and other machinery. The latter procedures have been proved by current experience to be not only cumbersome but also ineffective in protecting rights to discoveries.

We thus have an anomalous situation in which by historical accident some freehold land (probably as much as half) is mineral land and the opportunity for mineral discovery is available on it, whereas other freehold land is subject to procedures that are inhibiting and unsatisfactory. It is interesting to point out now that the problem of division of ownership was recognized in the case of petroleum in 1940, when all petroleum in the ground was proclaimed to be the property of the Crown, and in the case of uranium the same principle was applied in 1945.

The proposed amendments now presented recognize the right of those people who have inherited or acquired freehold land containing mineral ownership to receive the equivalent of royalty from minerals obtained from such land, but intend that in all other respects such land should revert to the status of freehold mineral land. There is, however, another important qualification. Under the existing Act, stone, sand, gravel, or shell are exempt from the operation of the Act on private land, whereas on mineral land, including freehold mineral land, these materials can be acquired by pegging. Because the mining of these relatively low value materials can cause hardship to land owners out of proportion to the value of the materials, it is proposed under the present Bill that on freehold land only the owner of the land can peg these materials. On all lands other than freehold, they will be available to all parties under the Act as indeed they always have been.

The procedure provided under this Bill involves the immediate resumption of all mineral rights by the Crown, provided however that any current mining operations on private land, or any such operations commencing within two years of the proclamation of this Act, may be registered as private mines and continue to operate outside the Act. It is further provided that the royalty payable on any minerals brought into production after the proclamation of this Act will be paid to the former owners of the mineral rights. The proposal has the effect of placing all freehold land throughout the State on an equal footing regardless of historical mineral ownership.

The proposal will enable the Crown to grant mineral exploration rights over areas of land that are presently excluded from effective investigation. It is believed that this will stimulate exploration in areas where it is now inhibited, and it is also considered that the transition and compensation arrangements are equitable to all concerned. While dealing with

exploration on freehold land, it is also pointed out that the Bill provides that notice of entry must be given in writing to owners at least 21 days before entry, and owners may lodge an objection to the operator and to the Warden's Court, which shall then determine the matter of entry and the appropriate conditions if entry is approved. It is important to point out to honourable members that the arrangements proposed under this Bill do not effectively derogate from the rights of mineral owners. It should be appreciated that the existing Act permits any person to apply to a warden for entry to land in which the minerals are privately owned and the warden may after 14 days' notice to the owner grant such entry. The applicant then has the right to peg or mine the minerals on the land. Under the provisions of this Bill, 21 days' notice of entry is required and all royalty is payable to the owner as in the existing Act.

This Bill goes to great lengths to ensure that the current climate in the community concerning the conservation of the environment is fully accommodated in respect of mining. The Bill spells out in some detail the considerations that the Minister must have in mind when setting out the terms and conditions for inclusion in any mineral tenement. There has been some criticism that the Bill does not adequately provide for participation by the public in the setting of terms and conditions of mineral tenements, but I assure honourable members that any matters that the public considers important in relation to a particular area will be fully considered by the Minister when setting the terms and conditions. In order to make this practicable it will be administratively arranged that future applications for mineral tenements will be advertised for 30 days before they are granted.

The Bill introduces an important new principle in dealing with the restoration of land damaged by quarrying of extractive minerals. These minerals are defined in the Bill as those used for construction purposes such as stone, sand, clay, etc., and the Bill provides for a special royalty on this material of 5 per cent payable whether the materials are quarried from private land or Crown land. This royalty is to be paid into a fund to be known as the Extractive Areas Rehabilitation Fund. Out of the fund the Minister is empowered to expend moneys to meet the cost of rehabilitation of land disturbed by the extractive industries. Quarry operators will be required, both under the Bill and under the Mines and Works Inspection Act, to carry out works designed to restore the land. Such of this work as may be approved, and which is outside the normal requirements of good quarry practice in respect of noise, dust, nuisance, and good housekeeping, will qualify for reimbursement from the fund.

The scheme will apply to all sand and quarry operators, other than those working directly on behalf of local government departments or the Highways Department, who for this purpose operate under the Local Government Act. In so far as these councils or the Highways Department purchase extractive materials from normal suppliers, they will of course be subject to the increased cost. The 5 per cent royalty will yield an annual sum of between $200,000 and $300,000. I particularly recommend this scheme to honourable members. I believe it to be unique in Australia, and to represent the opportunity for effective restoration of damaged areas. The scheme has been discussed with the quarry operators who have expressed themselves as satisfied with the arrangements. As the cost will be met ultimately by the consumer and spread over the entire range of construction materials, the effect on building costs will be very small indeed. It should not escape the notice of honourable members that the opportunity to set up this fund is a bonus, as it were, arising from the resumption of minerals by the Crown. Such a payment or levy based other than on mineral ownership by the Crown would be beyond the legislative power of this Parliament.

Regarding miners' rights, prospecting claims and mineral leases, the Bill provides as follows: the possession of a miner's right (proposed cost $2) authorizes entry on land for prospecting purposes, subject to the previously mentioned restraints in respect of freehold land. The owner of a miner's right can peg a mineral claim the size of which will be set out in regulations, and, after registration of the claim, he can proceed to determine its value by sampling, drilling, etc. He can, at any time up to 12 months, apply for a mining lease to cover the same area. Until such time as a mining lease is applied for and granted, he cannot dispose of minerals obtained from the area other than for testing purposes. If he fails to apply for a lease within 12 months the claim lapses. A mineral claim is not transferable—that is it cannot be sold or traded. A mining lease will be available to the holder of a mineral claim, provided that no serious environmental problem will be created by the grant of the lease.

A mining lease requires the payment of rent to the owner of the land, requires the payment

of royalty ($2\frac{1}{2}$ per cent of the value at the mine), and is subject to such conditions as may be appropriate and specified in the lease in respect of damage to the land, restoration, compensation, etc. A mining lease is for a specified period not exceeding 21 years, has rights of renewal, and is transferable with the approval of the Minister. These provisions do not differ greatly from those of the existing Act. However, the latter permits actual mining operations on a mineral claim as well as on a mining lease, and does not require an application for a lease until payable results are obtained from the claim. Furthermore, a mineral claim remains current as long as the miner's right is kept current. The effect of this has been to perpetuate many mineral claims upon which no effective work is taking place. Furthermore, the existing Act makes no provision for imposing operating conditions on a mineral claim, and no rent or royalty is payable.

The present Bill, by ensuring that actual production can only take place on a lease, enables conditions and controls to be effective. Returning to the matter of the rights of an owner, the Bill provides that an owner may at any time object to the unconditional use of declared equipment upon his land (declared equipment being bulldozers and other earthmoving equipment). It also provides for compensation to the owner for any financial loss arising from mining operations, for the assessment of such loss—failing agreement between the parties—by the Land and Valuation Court, and for the prior lodging of a bond or security by the operator against compensation obligations.

Regarding redundant titles, much of the existing Act is a carry-over from earlier times, in which the basic assumption is that gold is the principal commodity to be mined. This is no longer valid, and all special provisions for gold mining are deleted, and gold mining is provided for in the same way as any other mineral. The existing Act provides special leases for the mining of salt and gypsum (miscellaneous leases). These are now deleted, but provision is made in the granting of ordinary mining leases for special terms and conditions to meet the particular requirements of certain materials. This discretion applies to the size of the lease and to the operating conditions. Similarly, the existing Act provides for coal leases: these are deleted and any coal (or shale) mining can be accommodated by making special provision in an ordinary mining lease.

The existing Act provides special conditions to cover the mining of uranium and thorium. These are now regarded as industrial minerals and no special provision is made for them. The existing Act provides for occupation licences, but none have been issued for many years. Authority for occupation for mining purposes, other than that covered by the right to reside on a mineral lease, is now obtained by licence from the Lands Department. Occupation licences are accordingly deleted. The existing Act provides that search licences may be granted for an area up to five square miles and for a restricted list of minerals. This form of tenement is not suitable for present-day operations. Search licences are also deleted.

The existing Act provides for the issue of special mining leases to meet special or unusual conditions of mining. The terms and conditions of a special mining lease are completely discretionary. Hitherto, this form of tenement has been used to permit large-scale exploration, and many hundreds are current at present. The present Bill deletes this tenement, and covers the special or unusual conditions which may be met in, say, salt or gypsum mining or any other, by providing wide discretionary powers over the conditions of an ordinary mining lease. Exploration requirements are to be met by a new tenement to be known as an exploration licence. Similarly, the present Act provides for a dredging lease, but this has been deleted for the same reasons. The net effect of the above deletions is a tremendous simplification of the Act, achieved principally by providing for the issue of mining leases tailored as necessary to meet special conditions.

To provide a suitable tenement for exploration purposes, an exploration licence is introduced. As mentioned above, these licences will supersede the existing use of special mining leases that have hitherto been adapted for exploration purposes.

An exploration licence will enable exploration for all minerals except precious stones, will be issued for periods not exceeding two years, and will normally be granted over areas not exceeding 2,500 square kilometres. The holder of an exploration licence will have the right to obtain a mining title for any minerals found. Provision is made for the method of application and issue, the terms, the right to acquire other titles, the lodgement of the technical information with the department, the right of access and objection to access by the landholder, and for bonds to ensure satisfaction of any incurred civil or statutory liability. Provision is made for exploration licences to be

held by the Director of Mines, thus avoiding the complicated machinery of reserving an area from the operation of the Act when departmental investigations are envisaged.

The proposals regarding precious stones (opal) are designed to reserve known areas for small prospectors and to make provisions for reasonable restoration of the ground after use. The proposals have been submitted to the opal fields for comment and are generally acceptable. The boundaries of a precious stones field will be defined and the opal fields will be declared as such. A special type of miner's right (precious stones prospecting permit) will be required before a claim can be pegged out for precious stones. To prevent further destruction of land in the manner which has occurred at Coober Pedy and Andamooka, the use of bulldozers will be prohibited except on a registered claim, and operators will be required to tidy up their cuts before making a new one on another claim.

To meet some of the objections raised by bulldozer operators, provision is made to enable the joint operation of up to four adjoining claims by mutual agreement of the individual claimholders. Another provision will expedite registration of a claim by permitting the lodgement of an application for registration to be deemed to be registration for the purpose of operating thereon. As an office of the Mines Departments is located at each of the major opal fields, and these offices will be open for the lodging of applications on certain hours each day of the working week, there need be no delays in dealing with applications for registration. The Bill also provides for the following: (1) provision is made subject to regulations for delegation of some of the administrative functions of the Minister to the Director of Mines; (2) provision is made to prevent the improper use of confidential information; and (3) provision is made to enable the Minister to examine and approve or otherwise all dealings with leases, including take-over operations.

Turning now to the Bill in detail, I am sure that honourable members will be interested to note immediately that all measurements specified in this Bill are in metric form. Part I sets out the form of the Act, provides definitions and transition arrangements. Because of the many changes in procedures, titles, etc., it is important that the rights and obligations of all parties are protected during the transition period. Clause 5 ensures that this is so by providing that all tenements and titles continue for the remainder of the period for which they were granted and that rights of renewal, if any, are continued. In regard to clause 6, attention is directed to the definition of minerals, which is a very wide one, thus bringing within the scope of the Act most materials won from the ground or recovered by evaporation of mineralized water. Where appropriate, some of these materials (such as precious stones, extractive minerals, etc.) are exempted from subsequent provisions of the Act.

Clause 8 permits the proclamation of any part of the State as mineral lands for the purpose of the Act, including three miles to seaward from low water. This latter provision already applies by virtue of regulations under the present Act, but is now taken into the Act itself. Honourable members will be aware that the Commonwealth Government has expressed an intention to legislate for control over all offshore minerals other than those in the so-called inland waters. However, no action has been taken and none seems imminent, and it seems desirable to stake the State's claim to the three-mile limit quite firmly. Access to the inland waters by the State is also specifically covered by clause 8. Clause 9 exempts built-up and otherwise occupied areas from the operation of the Act. Clause 12 enables the Minister to delegate some of the formal administrative aspects of the Act to the Director of Mines. This does not, of course, relieve the Minister of full responsibility, but it will enable more efficient administration of matters not directly involved with policy. Such matters, all of which will be provided by the regulations, could include minor variations of operating conditions imposed on mineral leases and reimbursement of statutory royalty to private landowners where necessary.

Clause 14 makes it an offence for any person employed in the administration of the Act to use confidential information for personal gain. It should be pointed out that this clause is included for formal reasons only; there has never been a case in this State where such confidence has been abused. Clause 15 provides for a continuation of the powers of the present Act which enables the Government to carry out geological and geophysical surveys and to publish or otherwise make known the results of the work. Operating within this power the department has built up a bank of published and unpublished information, which has provided a basis not only for systematic exploration but also for important scientific understanding of the distribution and structure of the rocks and minerals of the State. Clause 16 vests all minerals throughout the State in the Crown, and provides the basis in law by which such

minerals can be recovered and sold. As mentioned in the introduction, the operation of the clause is cushioned by transition arrangements which provide that a former owner of mineral rights may exercise such rights for a specified period under clause 19.

Clause 17 sets out the royalty provisions which, in fact, are those operating under the present Act with the addition of a right of appeal to the Land and Valuation Court against an assessment. It should be noted that royalty is payable by owners recovering extractive materials but that all this royalty is to be paid into an "extractive areas rehabilitation" fund. I might add that the principle of such a fund and the method of raising the funds have the full support of the extractive industries. Clause 18 ensures that, in cases where royalty is payable, ownership of minerals recovered from the ground does not pass to the person recovering the minerals until the royalty has been paid. Clause 19 provides for the declaration of a private mine in the case of a mining operation currently operating (that is, established within two years), on land where the mineral rights are at present privately owned. Subsection (7) further provides that royalty will be payable in perpetuity to the present owners of the mineral rights on minerals recovered from any mine established under the Act.

Clauses 20 to 27 provide for the issue of a miner's right by virtue of which mineral claims may be pegged out on mineral land. It should be noted that a miner's right is not operative upon a precious stones field. Registration of a mineral claim must be completed within 30 days of pegging. These provisions vary the present Act in the following respects:

1. At present a mineral claim is renewable annually by the simple act of renewing the miner's right. The Bill provides that the claim is current for one year only.
2. At present a mineral claim permits mining and ownership of minerals. The Bill requires that the claims must be converted to a mining lease before there is any right to sell or dispose of minerals. In effect, a mineral claim enables the holder to determine the nature and value of the minerals by exploration as a preliminary to obtaining a mining lease.
3. At present a mineral claim can be sold or transferred. This privilege is confined to a mining lease and a precious stones claim under the Bill.

Clauses 28 to 33 provide for the issue of an exploration licence. This is a new tenement not previously provided under that name. In the existing Act use has been made of the special mining lease provisions to enable the grant of large areas for exploration purposes. The introduction of the exploration licence provides a more formal and appropriate form of tenement for exploration purposes. The procedures and the terms and conditions which are set out in the Bill are largely those which currently apply under the existing Act. It is important to point out that, while an exploration licence grants an exclusive right to the holder to peg a mineral claim, it does not in effect grant an exclusive right for entry and exploration. It is also important to point out that an exploration licence does not give any rights in respect of precious stones or extractive minerals.

Clause 28 specifies the maximum area for which an exploration licence may be granted, namely 2,500 square kilometres (approximately 1,000 square miles) but also provides that, if circumstances warrant it, a larger area may be granted. Subclause (5) enables an exploration licence to be granted to the Director of Mines. This is an interesting provision which is inserted to overcome the present complicated procedure necessary to protect an area while the Mines Department is carrying out investigations. At present it is necessary for such an area to be reserved from the operation of the Mining Act by proclamation of His Excellency the Governor. The new provision enables the department to undertake its work, to prepare reports and for the area to be made available again to other parties once the work is completed.

Clause 29 sets out the procedures by which an application for an exploration licence shall be lodged. Clause 30 enables the Minister to consider any possible environmental problem and to include such conditions in the licence as the circumstances justify. This clause is the basis upon which the Minister will require a licensee to ensure that he carries out his work with minimum disturbance to the landholder or to the land itself and that any damage he does is satisfactorily restored. This clause also specifies that the maximum period for which an exploration licence shall be granted is two years. This provision is the same as that which applies in the existing Act under the special mining lease provisions and has proved to be an important control over the technical performance of exploration companies. The Minister has issued notes on policy guidelines

from time to time for the information of exploration companies. In these he has stated that, while an exploration tenement is limited in time, he will always grant a further tenement to the holder thereof if he has satisfactorily met the obligations of the tenement. In other words, although there is no statutory right of renewal, the Minister makes it known that he will in fact grant an effective renewal so long as the licensee performs adequately.

Clause 32 requires the holder of an exploration licence to keep complete records of his work and to submit these to the Mines Department. This is an important provision that has enabled the department to accumulate a very large bank of technical information throughout the State. The data received is regarded as confidential during the currency of a licence but, as soon as the area is surrendered or the licence has expired, the reports are placed on open file and are available to any new explorers. This system has been operating for many years under the existing Act and has proved of tremendous value not only to the State but also to the exploration industry.

One of the problems that has been experienced in the past with exploration tenements concerns the right of tenement holders to deal with their tenement in respect of company floatations, mortgages, farm-ins, etc. Because an exploration licence is granted in the Minister's discretion to a person who has financial and technical competence, for the purpose of an approved exploration programme and for a limited time, it has been regarded as inappropriate that the tenement holder should gain any financial advantage by trading with his tenement. For this reason, rigid guidelines have been laid down and these are known to the exploration companies in advance of the granting of the tenement. These provisions are retained in the present Bill through the application of clause 82 to exploration licences. This clause is discussed in more detail later.

Clauses 34 to 41 deal with mining leases. By making provision for the prescribing by regulations of various classes of mining lease, the Act itself has been greatly simplified. Whereas the present Act provides for different types of lease including different terms and conditions for such materials as gold, salt, gypsum, uranium, etc., simplified provision for these will now be included in regulations. It is not proposed that the size or operating requirements be significantly changed from present practice. However, it is important to stress that the grant of a mining lease of any type is subject to consideration of any possible environment problem and, if granted, may be subject to such terms and conditions as the Minister may specify in the lease. It is here that the Minister has the opportunity of ensuring that the lessee carries out his operations in a satisfactory manner with proper provision for progressive restoration and rehabilitation where the circumstances warrant this. This is a new provision giving a power not previously available in the granting of a mining lease. Furthermore, as explained earlier, since mining can no longer be undertaken on mineral claims, every mining operator is obliged to apply for a mining lease and to be subject to such conditions as are appropriate.

Under Part VII, clauses 42 to 51 provide for the prospecting and mining of precious stones, with particular reference to opal mining. These provisions have been discussed over quite a period of time with the responsible delegations from both opal fields. In effect, the provisions in this Bill will not change the day-to-day operations of the opal miner but they do require a different administrative procedure, and they provide power to impose some restraints on the use of heavy earthmoving equipment. Clause 42 introduces a precious stones prospecting permit, which replaces the miner's right so far as opal mining is concerned. Clause 44 sets out the rights of the holder of a permit and provides in subclauses (4) and (5) that a group of not more than four persons may consolidate their claims for operating purposes.

Clause 45 permits the prescribing of the size of a precious stones claim. It is proposed that the regulations will specify an area similar to the present dimensions, namely, 50 metres x 50 metres. Present regulations provide for an arear 150ft. x 150ft. Clause 8 permits the Governor to declare any mineral land to be a precious stones field. It is proposed to declare each of the main opal fields in this category whereupon these areas are protected exclusively in favour of holders of precious stones prospecting permits. Clause 46 provides for registration procedures and it is this section that provides the machinery for the speedy registration of a claim by deeming a claim to be registered when a valid application has been lodged. Clause 48 provides that prospecting or mining can be undertaken within a precious stones field only upon a precious stones claim. The use of bulldozers and other earthmoving equipment on opal fields, which has been a topic of some previous discussion in this Chamber, is covered by general provisions regarding the use of such equipment in any

mining operation. The Bill deals with the problem amongst the general provisions in clause 59 but, because of the particular problems of the opal fields, I propose to discuss them at this stage.

Clause 59 provides that a mining operator shall not use declared equipment ("declared equipment" will be set out in regulations and will include bulldozers and other heavy earthmoving equipment) except upon a registered claim or upon a registered precious stones claim. Subclause (2) goes on to ensure that a mining operator shall give notice to the owner of the land at least 14 days before using such equipment and the owner may object to the Warden's Court, which shall hear the objection and determine the conditions under which the equipment may be used or alternatively may determine that it should not be used at all. However, these latter provisions, including the giving of notice, do not apply on a precious stones field but it should be noted that if bulldozers are used outside the boundaries of a precious stones field subclause (2) will apply.

Returning now to the precious stones section of the Act, clause 49 provides that the waste or spoil from a claim shall not be deposited outside the boundary of the claim without the permission of a warden or inspector. This clause has been the subject of considerable discussion and objection from some of the bulldozer operators on the opal field, it being claimed that it will be impossible to use a bulldozer on a claim that is only 150 metres square, without the waste material at some stage being pushed over the boundary of the claim. Although regulations will permit the amalgamation of a maximum of four claims for purposes of labour requirements, such amalgamation does not include automatic approval to push overburden or spoil from one claim to another. However, in practice an inspector or warden will give consent for spoil to be moved across the boundary of a claim to an adjoining claim with the consent of the adjoining claim holder, providing he is satisfied that in due course the ground will be reasonably restored to a satisfactory condition. Although there has been objection that this provision puts too much power in the hands of an inspector or warden, it appears to provide a reasonable compromise between the requirements of the earthmoving operators and the necessity to minimize the disturbance of the ground. Furthermore, as provided in clause 44 previously discussed, where up to four miners intend a joint operation they will have the right to use a bulldozer immediately they have lodged their application to register their claim.

This matter is further dealt with in clause 60 and discussion thereon will be deferred until that section is reached. Clause 50 ensures that precious stones claims shall not be pegged out on freehold land. This is a remote possibility only on present knowledge but it is thought wise to include this provision. Clause 51 ensures that a precious stones field is exempted from any mining tenement other than a precious stones claim.

Under Part VIII, clauses 52 to 56 provide for the granting of a miscellaneous purposes licence, again after consideration of any possible environmental problems. Such a licence enables the licensee to undertake ancillary operations connected with mining such as treatment plant, drainage, establishment of waste heaps and such other purposes as may be required related to the mining operation. Clause 52 sets out the purposes for which such a licence may be granted. Clause 53 provides for the mode of application, for notice to the owner of the land and for objections to be lodged. Clause 54 provides for compensation where applicable. Clause 55 specifies the maximum period for which such a licence may be granted, namely, 21 years. Clause 56 provides for the cancellation of such a licence for any contravention of the terms and conditions thereof.

Regarding Part IX, clauses 57 to 62 deal with the entry upon land, compensation and restoration. Clause 58 provides that a mining operator must give at least 14 days' notice before entering upon freehold land and also provides for objection to entry by the owner. Subclause (4) provides for the hearing of the objection by a warden's court, sets out the basis upon which such an objection may be sustained, and provides for the determination of conditions of entry, if any.

Clause 59, which has been mentioned previously in respect of precious stones fields, is included in this Part because it, in fact, has a general application. Subclause (1) prevents the use of declared equipment in the course of any mining operation, except on a registered claim or a mining lease. Subclause (2) ensures that a mining operator shall give at least 14 days' notice to the owner of his intention to use declared equipment. This requirement does not, however, apply upon a precious stones field. Subclauses (3), (4), (5), (6) and (7) set out the procedure for which objections may be lodged by the owner, heard and determined by the Warden's Court.

Clause 60 provides that a mining operator who uses declared equipment may be required to restore the ground disturbed by his operations to a satisfactory condition, and it also provides that the Warden's Court may order that no further claim shall be pegged out by a person who has failed to meet the requirements of satisfactory restoration. It should be pointed out to honourable members that this clause is deliberately phrased to permit an inspector to use his judgment as to what is satisfactory under the circumstances by way of restoration. It may at first glance appear that this is giving substantial power to an inspector; however, in practice this power will be used with great discretion and in such a way as to ensure that the restoration required is in keeping with the local circumstances. It should be pointed out that a similar power is already provided under the Mines and Works Inspection Act by which an inspector may require an operator to carry out such work as may be necessary to prevent damage to or permit restoration of an amenity. Very clearly, the requirements of the restoration at, say, Coober Pedy would be very different from those in the Adelaide Hills, and it is thought unwise to attempt to specify in the Bill the details of those requirements.

Clause 61 provides for compensation to the owner of any land upon which mining operations are carried out. I would also draw the attention of honourable members to the definition of "owner" in clause 6, an "owner" being any person with an estate or interest in the land and including the occupier. Subclause (2) provides for an agreement between the operator and the owner in respect of compensation, or in default of agreement, reference to the Land and Valuation Court. Clause 62 permits the Minister to require a mining operator to lodge a bond for the satisfaction of any subsequent claims for compensation. Clause 63 provides for the establishment of an Extractive Areas Rehabilitation Fund and for the expenditure of moneys in the fund on approved rehabilitation work or on work to prevent environmental damage.

Regarding Part X, clauses 64 to 70 cover the procedures and powers of a warden's court. These provisions are substantially those which presently operate under the existing Act but they are set out in a more precise manner and introduce one or two new features. In particular, clause 65 (2) provides a new power enabling the Warden's Court to grant an injunction. Under the present Act, if an objection is lodged with the court against some operation or practice, there is no power to prevent this practice continuing while the matter is before the court. Provision is now also made for an appeal against an order of the Warden's Court to the Land and Valuation Court.

Clause 66 provides for the making of rules for the operation of the court. Clause 67 sets out the jurisdiction of the Warden's Court. Clause 68 enables the court to hear an application by the Director of Mines for the cancellation of a miner's right or precious stones prospecting permit; such an application by the Director of Mines could be made in the case of a person who has contravened or failed to comply with the provisions of the Act or in some other way has committed an offence of sufficient gravity to justify the application. Clause 69 enables the court to hear disputes concerning mineral claims or precious stones claims. Subclause (2) permits some discretion by the court in making its decisions by permitting the court to satisfy itself that the matter is of sufficient gravity to justify forfeiture. Clause 70 permits the court to hear disputes on mining leases; it also permits discretion in respect of forfeiture.

By way of general comment on these last two clauses, honourable members should perhaps be reminded that, under the Act as it presently stands, it is possible for plaints to be lodged against mineral tenements on minor technicalities, such as the shape or size of pegs, and the court has little discretion in dealing with such applications. The provisions now included in this Bill will enable the court to deal justly with matters before it.

Regarding Part XI, clauses 71 to 73 permit the Minister to assist exploration and mining operations where necessary by the loan of moneys that are recoverable as a debt, and they also permit the Minister through the Mines Department to undertake research and investigation programmes either on the Government's account or on behalf of other persons, in which case costs can be charged and recovered. As honourable members will know, the Mines Department in fact has a substantial fleet of drilling plants and other equipment which it uses in the carrying out of quite thorough investigations throughout the State, and these are also available to private persons and companies to hire on a cost recovery basis. This has been a feature of the department's work for very many years and is a greatly appreciated stimulus to the mining and exploration industry.

Regarding Part XII, clause 74 provides substantial penalties for illegal mining. This has not been a serious problem in South Australia hitherto, but there have been cases recently,

especially upon the opal fields. This clause re-enacts provisions in the existing Act, but with increased penalties. Clause 75 is a very important provision. As pointed out in the introduction, it is the intention to ensure that owners of freehold land are protected in respect of extractive materials. This clause sets out the proposed arrangement. It states quite simply that no mineral claim or lease may be pegged out on freehold land in respect of these materials except by the effective owner of the land, or (as a transition arrangement) the person presently holding a claim in such land may be granted a lease. Subclause (2) enables an owner to obtain materials from his land for his own personal use.

Clause 76 provides for the submission of returns twice yearly, and clause 77 ensures that proper records and samples are obtained and kept by the holder of a mining tenement excepting on a precious stones claim. Clause 78 sets a limit on the age of a person who shall be permitted to hold a miner's right or a precious stones prospecting permit or a mining tenement. Clause 79 permits some discretion by the Minister in varying the conditions of a mineral mining lease or licence. As explained earlier, such leases or licences will be issued subject to a variety of conditions and requirements, and it is the object of the Bill in general to ensure that these are carried out satisfactorily. However, it is known from long experience that circumstances change from time to time and that it is necessary to have the power to vary these terms when justified.

Clause 80 provides that any land shall not be subject to more than one tenement at any one time. However, subclause (2) enables this requirement to be varied by mutual consent of the respective tenement applicants. This provision is rarely used, but circumstances may conceivably arise when, for example, one party may wish to mine salt from the surface of the ground while another is extracting valuable minerals at depth. Clause 81 points out that this present Bill does not derogate from the provision of the Pastoral Act or the Local Government Act relating to the conduct of mining operations. Clause 82 is a procedural matter permitting the Minister to consent to the surrender of a lease or licence.

Clause 83 is an important provision as it ensures that any dealing with the lease or licence must have the consent of the Minister after a full disclosure of all considerations involved. Such a provision has always been written into exploration tenements granted under the existing Act, and a similar provision exists in the Petroleum Act, but hitherto it has not been included in the Mining Act itself. These provisions are regarded as essential to ensure that the public interest is protected in all dealings with tenements. Clause 84 is procedural. Clause 85 provides for forfeiture on non-payment of dues. Clause 86 enables the removal of plant from a forfeited or surrendered tenement, or the disposal of abandoned machinery. Clause 87 is a completely new provision that enables the Minister to intervene if it is in the public interest to do so in respect of take-over proposals involving mineral tenements. Clauses 88 to 91 are procedural. Clause 92 is the regulation-making power, and the matters for which regulations are required are set out therein.

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

STAMP DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 12. Page 2083.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): At the outset, I protest against the difficulties that confront back-bench members when attempting to deal with this amending Bill. The principal Act has been reprinted pursuant to the Amendments Incorporation Act, incorporating all amendments made prior to July 1, 1965. For a start, the Act is not reprinted in the annual volume, so one must try to obtain a copy of it elsewhere. Secondly, since the reprint there have been no fewer than 97 pages of complicated amendments contained in eight different Bills. Private members are expected to examine and analyse all these amending Acts thoroughly and bring them together, which I simply have not had the time to do. Indeed, it would take literally hours, or even days, to do so. I think, therefore, that I am justified in protesting about the task with which I have been confronted. I have done it to the best of my ability within the time available to me.

I oppose the Bill, for reasons that must be obvious to the Treasurer and other Government members. I consider that this is a wrong method of raising money in this State; that it is regressive taxation; and that it goes much further in imposing stamp duties than was ever suggested by my Government when it was in office. The Bill will have a dampening effect on the State's business: it will impose additional costs on business and, what is more, it will hit every household budget in the State. No-one will be missed by this tax. The foregoing words in this paragraph are not my

words, although I sincerely agree with every one of them. I have been quoting from the speech of the then Leader of the Opposition (Hon. D. A. Dunstan) in *Hansard* of October 15, 1968, when he spoke against the Stamp Duties Act Amendment Bill introduced by the Hall Government. Apparently, things that are different are not the same.

The Hon. T. M. Casey: You agreed with that Bill at that stage.

The Hon. Sir ARTHUR RYMILL: I agree with Mr. Dunstan's sentiments.

The Hon. T. M. Casey: You agreed with the Bill in those days.

The Hon. Sir ARTHUR RYMILL: I certainly did not. This Council amended that Bill. I have never supported freely any stamp duties legislation that has come before this Council, because I do not believe in capital taxation, which this is, in the main. The present Premier, who was then Leader of the Opposition, said:

I appreciate that the Premier—

that is, the previous Premier, Mr. Hall—

has said he is trying to spread taxes as widely as possible, but what is happening is that he is taxing the poor people exactly as much as he is taxing the wealthy.

That also applies in mixed measures to this Bill, and I will explain what I mean by that later. The stamp duty on motor vehicles remains the same, at $1 for each $100 or part thereof up to $1,000; it is doubled to $2 for each $100 or part thereof for values between $1,000 and $2,000; and then it is increased by 150 per cent to $2.50 for each $100 of the value in excess of $2,000. Nearly every householder in this State owns a motor car; at least, someone in a household usually does. Therefore, this increase will hit most households in this State, and it will certainly hit anyone who buys a new motor car or a decent secondhand one, because the duty remains the same only up to a value of $1,000.

The duty on conveyances of marketable securities is increased by 50 per cent from the existing .4 per cent to .6 per cent. Therefore, anyone buying shares or stocks will be taxed more heavily. The duty on cheques is to be increased by 20 per cent from 5c to 6c, and the duty on bills of exchange is doubled from .5 per cent to 1 per cent. The duty on bills of exchange must certainly creep into every household budget because, although few householders are directly concerned with bills of exchange, this duty is an important addition to the cost of running practically every business in this State.

The duty on credit or rental business is being increased from 1.5 per cent to 1.8 per cent, and that increase will affect many people. The duty on mortgages is also being increased. The increase to which I take the greatest exception and which I cannot support is the increase in duty on voluntary conveyances relating to land sales and other conveyances. The existing rate remains the same, at 1¼ per cent, on conveyances with a value not exceeding $12,000. It is now graduated on conveyances with values between $12,000 and $15,000, increasing under the existing legislation to a rate of 1½ per cent.

Under the new legislation, perhaps in an attempt by the Government to justify what the Premier said a few years ago about poor people, the rate remains the same on conveyances with a value not exceeding $12,000. However, a large percentage of the houses in this State are worth more than that amount today, because the amount of $12,000 includes the value of the land as well as that of the house. The graduation clause has been removed, and for conveyances with a value exceeding $12,000 the rate is raised to the savage amount of 3 per cent, or a rate of $3 for every $100 in value. This is straight-out capital taxation.

Even that arch supporter of increased State taxes, the great exponent, Sir Henry Bolte of Victoria, would pale at this. This is not just a capital tax: it will be another complete incubus on the man on the land and, indeed, it is a direct shot at him. The Government has given lip service to trying to ease the lot of the man on the land in his present difficulties. I fully realize that in the normal course of events the purchaser must pay a 3 per cent tax. However, this taxation must find its way into the amount a purchaser is willing to pay for land. He does not isolate the charges on his purchase from the total amount he is prepared to pay on the purchase price. He merely says it is going to cost him so much for land, stamp duties, solicitor's fees, and so on. This tax must, therefore, affect the man on the land.

I have referred to Sir Henry Bolte. There is at present such a Bill before the Victorian Parliament, and we have Sir Henry's taxation measures thrown in our faces so much by this Government that one gets sick and tired of it. However, because Sir Henry Bolte has introduced this type of tax in Victoria, we are told that we in this State cannot oppose it. If he is an example for raising taxes, surely the example should be followed all the more

religiously, because Sir Henry Bolte's Bill provides that where the amount of value of the consideration for the sale exceeds $7,000, for every $1,000 the rate is 1.5 per cent. That rate is higher than it is here at present, because it is kept up to $12,000 at 1¼ per cent here. In Victoria where the amount exceeds $15,000 but does not exceed $100,000, the rate is 2 per cent. This is below our rate, which is 3 per cent for anything above $15,000. In Victoria, where the amount exceeds $100,000 but does not exceed $500,000, the rate is 2¼ per cent; where the amount exceeds $500,000 but does not exceed $1,000,000, the rate is 2½ per cent; and where the amount of consideration exceeds $1,000,000, the rate is 3 per cent. It is only at the value of $1,000,000 that the great Sir Henry Bolte comes into the scale of tax that our Government is going to impose on anything over $12,000. That is a pretty ludicrous situation.

We heard a bit of play on the word "regressive" yesterday. I was not quite sure what it meant and have looked it up in the dictionary. It means something like retrogressive and decadent. It is a word that the Premier often used about taxation when he was in Opposition, but we do not hear it very much now. I consider that this Bill is not regressive; it is aggressive, and it is excessive and oppressive. I think all those adjectives would equally apply to this Bill. As I have said, particularly in relation to stamp duty on conveyances, it is a savage tax. I do not know where it is equalled, but I am sure it is not equalled in any other State, because even Victoria has only reached the rate on $1,000,000 that we reach at $12,000. This tax will affect members of the Government Party, because I am sure that their houses are worth considerably more than that amount.

Inflation in itself is annually sending stamp duty up at the present rates, but it is also ensuring that we hit the highest scale of rates more quickly. The value of houses does not change nearly as much as the value of money. The house that may have been worth about $10,000 seven or eight years ago, and is now worth $15,000, is not really intrinsically worth more than it was then: it is merely the difference of the money symbols that are applied to its value. When one goes from $10,000 to $15,000 (and I plucked those figures out of the air) one realises that under the present Act this figure comes into a higher rate of tax. The Government is already getting money out of this.

I have said many times before in this Council that, with inflation, the effects of the scale are already producing higher taxation, and rather than increasing the rates, as a matter of ordinary justice the steps of the scale should be lengthened. Instead of hitting the maximum rate at $15,000 as is provided under the present Act (I am not referring to the amending Bill), I have always thought that that amount should be increased so that one would not hit the highest scale until, say, $20,000. Instead of that, the whole tenor of this legislation is the other way round: it reduces the steps and increases the rates at the same time. I do not understand how Governments that preach so much to us about industry absorbing taxation and how industry must keep on improving and improving can expect this to happen when all the time they are increasing rates of taxation on industry in various ways and, in addition, industry has to cope with the continual and rapidly increasing wage levels. We are told nearly every time when similar legislation is introduced that businesses should absorb the extra costs. We are sick of hearing it.

On the contrary, businesses, even when they increase their prices and charges, are finding it increasingly difficult to absorb the extra costs. One has only to consider (now that we have got past the normal annual balance date for most companies) the profit and loss accounts of many companies that have recently announced their results for the last financial year to realize that many of them are struggling to keep up with the pace, particularly the service industries in which it is extremely difficult to raise charges commensurately with costs and obligations that are being forced on them. I should like to deal at more length with some of the other duties applied to this amending Bill, but I think that this will be more a matter in Committee.

In one or two places the Bill has been slightly redrafted and improved: for instance, in relation to annual licences there has been a complete redraft of that part of the second schedule. This is a definite improvement to the Act, as it tidies up at least a piece of draftmanship that was defective. Several other amendments have been made to the second schedule: some of them are fairly minor and some will add up to a considerable amount. I express my total agreement with what the Leader said yesterday that, in his opinion, the additional revenue that will be created by this amending Bill will be much higher than the Government's estimate. Despite the words I used at the beginning of my speech which, as

I said, were a quotation, and although I do not agree with the Bill at all, I intend to support the second reading so that we will then possibly see what we can do in Committee. No doubt we will further analyse the question of increased revenue to ascertain whether we can arrive at something that is, to my way of thinking, sensible. That is about all that is necessary for me to say at this stage. I should very much like to reject the Bill in its entirety, because the Government already is getting enormously increased grants from the Commonwealth Government, something like an increase on its Budget of about 20 per cent.

The Hon. R. C. DeGaris: It is 17 per cent.

The Hon. Sir ARTHUR RYMILL: And about how many millions of dollars?

The Hon. R. C. DeGaris: $22,000,000.

The Hon. Sir ARTHUR RYMILL: I thought it was considerably more from the Commonwealth. And yet, in the face of all these increased grants and other increased revenues, the Government sees fit to sting the public once more by other increases, instead of having a look for once at its expenditure and trying to see whether it cannot reduce that. It is always John Citizen who has to pay more. We get this every year, and I regret to say it applies not only to the present Government; every Government seems to be out to raise more and more revenue and to milk the public more and more, and I am totally opposed to this attitude. I think there should be a new spirit, a new line of thinking, by Governments, whereby at least they try to adjust their expenditure, and there is plenty of expenditure to be adjusted without hurting the Government.

The Hon. C. R. Story: Didn't you actually reduce the rate when you were Lord Mayor?

The Hon. Sir ARTHUR RYMILL: I had to increase it once, and it was graven on my heart.

Th Hon. C. R. STORY: But didn't you reduce it?

The Hon. Sir ARTHUR RYMILL: I do not think that was while I was Lord Mayor, but when I was a member of the council I did my utmost to get rates down, and at times I succeeded. That was done by the simple expedient of cutting expenditure. There are plenty of avenues for cutting expenditure without creating unemployment or worsening the lot of the man in the street; on the contrary, it would make his position a good deal more safe if we saw a bit of unnecessary or avoidable expenditure deleted. We would then keep the jobs of the ordinary people, which includes all of us, a little more safe, in my opinion. I am not talking about voting for members of Parliament when I say that. I am thinking more of the man working for an employer or working on his own account. I had not intended to speak at quite such length, but one honourable member advised me to go a little longer than I intended, so I will content myself with those remarks.

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

CAPITAL PUNISHMENT ABOLITION BILL

Adjourned debate on second reading.

(Continued from October 12. Page 2085.)

The Hon. R. C. DeGARIS (Leader of the Opposition): During the previous session of Parliament a combined Bill came before this Council, a Bill which sought to abolish both corporal and capital punishment. After the Bill passed the second reading and reached the Committee stage, the Government decided not to proceed with it after certain amendments were foreshadowed. In this session two separate Bills have been introduced, one of which, concerning the abolition of corporal punishment, has already passed this Council, and now we have before us a Bill dealing with the abolition of capital punishment.

On the question of the retention or abolition of capital punishment each person will be voting as he personally believes, either for its abolition or its retention. I personally believe in retention of capital punishment but, before I place my views before the Council, let me congratulate all members who spoke to the Bill in the previous session. Every speech was made in a complete absence of emotion or passion. The Hon. Jessie Cooper, in the speech she made at that time, said:

> The Bill deals with a matter that usually arouses more passion than logic, and more opinions and bias than fact.

In closing the second reading on the Bill in the previous session the Chief Secretary said:

> In my humble opinion, the debate we have had on this difficult question is one of the best debates I have heard since I have been in this Chamber.

I think every honourable member would agree with the sentiments both of the Hon. Jessie Cooper and of the Chief Secretary regarding that debate.

Once again the Hon. Mr. Springett was the first speaker, and once again he has set the pattern of this debate. I congratulate him on his contribution to the debate, not only in this session but in the previous one. He has shown

himself in this Chamber to be a hard worker, a keen researcher, and a man who has had considerable experience gathered in many parts of the world and a not inextensive experience in this matter. Each of us believes in the retention or abolition of capital punishment because some factors in the total argument weigh more heavily than others. The point that weighs most heavily with me is that I strongly believe the retention of capital punishment is a deterring factor to homicide. I know this matter has been widely debated and there is a vast field of statistics on the question—statistics claiming that capital punishment is a deterrent, and statistics claiming it is not. I believe that, on any analysis, one must come down, in looking at the statistics, on the side that capital punishment is a deterrent.

Even if figures are produced by some statisticians to show that in their opinion there is no change, at least statistically it is impossible to show that capital punishment is not a deterrent; the statistics as I see them show that it is a deterrent. I have read many opinions and looked at many figures, and I am convinced that capital punishment is an effective deterrent to homicide. If one studies the figures presented in the previous session by the Hon. Jessie Cooper, it is difficult to come to any other conclusion, and to me her figures were quite conclusive, because they restricted themselves to each specific State, and I believe it is impossible, in comparing figures, to compare, as some researchers have done, the figures for one State in America with the figures for another; there are differing factors which are not taken into consideration in these types of comparisons.

The Hon. Jessie Cooper took the figures from 1964 to 1968 in the *Commonwealth Year Book,* the complete figures for homicides, murders, attempted murders and manslaughter, excluding manslaughter associated with road accidents. In the period 1964 to 1968, Victoria, South Australia, Western Australia and Tasmania had capital punishment on the Statute Book. For the purpose of making her comparisons, the Hon. Mrs. Cooper took the population figures as at the 1966 census. Perhaps I could once again place before the Council these rather revealing figures. In each 1,000,000 of population in the period 1964 to 1968, in Western Australia there were 69 homicides, in South Australia there were 77, in Tasmania there were 83, in Victoria there were 114.3, and in Queensland there were 150. As I have pointed out, Western Australia, South Australia, Tasmania and Victoria retained the death penalty; New South Wales abolished it in 1955 and Queensland, with the highest incidence of homicide in that four-year period, abolished the death penalty in 1922. Surely these figures indicate that a case can be made for capital punishment being a deterrent to homicide.

It is interesting to note that Queensland, which abolished the death penalty in 1922, has the highest incidence of homicide, but the figures in Queensland are double the figures in the comparable States of South Australia and Western Australia. If we like to compare Victoria with New South Wales, where there is a similar density of population, we find that the New South Wales figures are 27 per cent higher than those for Victoria.

Another point raised by the Hon. Mrs. Cooper in the debate last year was that the average figures for the whole of Australia amounted to 123 homicides for each 1,000,000 of population in that four-year period, and the only two States that go above the mean figure were New South Wales and Queensland, where the death penalty has been abolished; and every State where capital punishment exists is below the average figure for Australia.

I know that these figures do not make a complete case. Nevertheless, they must be at least *prima facie* evidence of the effective deterrent of capital punishment. I went on from the figures that the Hon. Mrs. Cooper presented in the last session and took out some figures from the *Commonwealth Year Book*, for the years 1958, 1959, 1960, 1961, and 1962. Approaching the matter from a slightly different angle, I find that in those five years the figures are: in New South Wales each year there were 25 homicides for each 1,000,000 of population and in Queensland there were 40. In both those States the death penalty has been abolished. Then we come to the States where the death penalty has been retained: Victoria with 8.5 homicides for each 1,000,000 of population, South Australia with 12 and Western Australia with 21. Once again, we see in that five-year period from 1958 to 1962 a similar pattern to that brought forward by the Hon. Mrs. Cooper last session.

For a further examination of the statistics, I turned to the ample material available in the Parliamenary Library on this matter. I should like to refer to an essay written by one Barry Jones, whose opinion on the retention of capital punishment is well known. In his essay he quotes figures from Queensland to support his case for the abolition of capital punishment. These figures, too, are most interesting, and I

should like to quote them to the Council. He writes that these figures were provided by the Queensland Government Statist: Murders and attempted murders for each 100,000 of population a year. In the years 1903 to 1907, there were 3.6 for each 100,000 people; from 1908 to 1912, 2.8; from 1913 to 1917, 2.6; from 1918 to 1922, 2.6; in 1923, 1.6—and 1923 was the year that capital punishment was abolished in Queensland.

Then we come to the period 1924 to 1929, when the incidence of murder and attempted murder for each 100,000 of the population in Queensland doubled from the 1923 figure—from 1.6 to 3.2. From 1930 to the present time, there has been a decline, going down to 1.7 in the years 1929 to 1934, 1 in the years 1934 to 1939, 1.2 in 1939 to 1944, and 1.1 in 1944 to 1949. So we see the graph falling to a low level in 1923, when capital punishment was abolished; then in five years it jumped back to where it was 20 years previously, and then there was a gradual decline to the present figure of 1.1 for each 100,000 of population, which is still double the figure for South Australia and Western Australia.

I have tried to find evidence in New South Wales of similar figures but am unable to. The *Commonwealth Year Book* does not give any figures on a State basis before about 1945, so it is difficult to find a figure for New South Wales without going to the *New South Wales Year Book*. It is difficult to trace figures back in the *Commonwealth Year Book* much beyond 1950. I should like to have had time to examine these figures more closely to see whether any one group of people is more strongly represented in the percentage increase in the "no capital punishment" States than it is in the States that have retained capital punishment. Statistics on this matter are possibly an unreliable guide. Nevertheless, the evidence as I see it indicates clearly that capital punishment, at least in the States of Australia, is an effective deterrent to homicide.

The reason why I should like to have analyzed these figures more closely in relation to the period about the time of the abolition of capital punishment is that I believe that in our community there are people who draw considerable protection from the retention of capital punishment, people who because of the nature of their employment are exposed to high risk. I refer particularly to law enforcement officers, police, gaol officers and people in similar situations. I have also searched the library for evidence concerning the effect of abolishing the death penalty in Great Britain. When I was there in 1968 I discussed the question with people in Scotland Yard. Although I have no documented evidence on the matter, I was told clearly that the death rate resulting from murder of police officers in Great Britain doubled and trebled with the abolition of the death penalty there. As I have said, in our community some people draw considerable protection from the existence of capital punishment on the Statute Book. An article in today's newspaper states that the Police Federation in Great Britain is becoming concerned about the situation there.

The Hon. M. B. Dawkins: "Concerned" would be an understatement.

The Hon. R. C. DeGARIS: Yes. The Police Federation in Great Britain claims that since the abolition of the death penalty not only has the murder rate doubled but the combined figure for murder and manslaughter has quadrupled. The article states:

> Chief Inspector Greenwood charges the Home Office with perpetuating the myth by its method of recording and "adjusting" the figure for murder. Many crimes which in 1956 would have been murder are now classified as manslaughter, he adds.

In a leading article in this morning's press other revealing statistics are given. This matter does not relate only to the question of murder, attempted murder and manslaughter, for if one looks at the statistics for Great Britain one sees that armed robbery was comparatively rare there before the abolition of capital punishment.

So, we must consider not only murder but also armed robbery, which has been the fastest growing crime in Great Britain since the abolition of the death penalty. As the Police Federation sees it, the criminal has nothing to lose by being armed; if he is caught with a firearm he faces a long sentence anyway, so why should he not shoot to escape? Since hanging was abolished in Great Britain six years ago, according to the newspaper article 11 policemen have been murdered—a rate of about two a year. Before the abolition of capital punishment, the rate was less than one a year. So, since the abolition of capital punishment in Great Britain, according to the article, the murder rate of policemen has more than doubled.

Although hanging for murder has been abolished in Great Britain, the death penalty remains on the Statute Book for arson in Her Majesty's dockyards, for some offences against military discipline, for piracy on the high seas, and for treason. As a result of studying the statistics for Great Britain, I

believe that the death penalty is a deterrent to murder and other crimes. In his second reading explanation, the Chief Secretary referred to the case of Timothy Evans in Great Britain. I suppose mistakes have been made, but there is still grave doubt, since, as the Hon. Mr. Springett said, the only evidence in the Evans case was given by a man who, having himself been convicted of murder, might have seen his evidence as a way of escaping the gallows. Mr. J. Edgar Hoover, in his essay on capital punishment, says:

> The professional law enforcement officer is convinced from experience that the hardened criminal has been and is deterred from killing based on the prospect of the death penalty. It is possible that the deterrent effect of capital punishment is greater in States with a high murder rate if the conditions which contribute to the act of murder develop more frequently in those States. For the law enforcement officer the time-proven deterrents to crime are sure detection, swift apprehension, and proper punishment. Each is a necessary ingredient.

I believe in all three: sure detection, swift apprehension and proper punishment. I believe that a further essential ingredient in this connection is the retention of capital punishment, because we will not have the same sureness of detection and the same swiftness of apprehension if we do not give the people entrusted with law enforcement the protection of the existence of capital punishment on the Statute Book. I oppose the Bill.

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

JUVENILE COURTS BILL

Adjourned debate on second reading.

(Continued from October 12. Page 2090.)

The Hon. M. B. CAMERON (Southern): Yesterday I listened with interest to the Hon. Mr. Potter, who obviously has a greater knowledge of the procedures and problems of the Juvenile Court than I have. I agree with the honourable member that in the present circumstances (and because of the crime rate among the younger members of our community) some sort of change is necessary in the methods of dealing with juvenile offenders. There is a tendency these days to regard juveniles as being almost solely responsible for their attitudes and actions, but I have believed for some time that much responsibility must be placed on the parents, guardians or whoever has been in charge of these children as they have grown up.

The move to constitute juvenile aid panels, which will discuss the problems of the juveniles not only with the juveniles themselves but also with those who have been associated with them, is a good move, because it will bring to the attention of those people the problems that exist and the way in which they may have contributed to those problems. Parents and guardians must shoulder more responsibility than they are doing at present, because so many of the attitudes of younger people are a direct result of their early upbringing and, in order to achieve this end (and this is a point on which I wish to concentrate), I believe that parents and, indeed, the community as a whole must be better informed of the trends and the type of offences being committed, what to look for and what to warn against and guard against in the future. This cannot occur if an official report does not emanate from the judge in charge of this court, or if the news media does not report, or if it reports only to a limited extent, the proceedings of the court.

It is essential for the community to know what is happening within the juvenile jurisdiction and also for the judge to give a summing up. It may be that the community may disagree with the judge. However, the community must have that opportunity of disagreeing. I would therefore support an amendment that has been foreshadowed by the Hon. Mr. Potter, providing that an annual report be made to Parliament by the judge of the Juvenile Court. This would be a good move.

I should like to foreshadow a further amendment, providing for greater access to the court for members of the press. I wish to seek the opinion of Parliament on this matter. I believe it is necessary for honourable members at least to consider this matter and see whether it is in the best interests of the community for members of the press to be given greater access to the Juvenile Court. I do not believe that the names of children, of any age, should be published, because certainly these days such a move could lead to some form of hero worship by juveniles towards the younger person who receives publicity. However, I believe that the community as a whole has a right to know what is happening in the Juvenile Court. Like the Hon. Mr. Potter, I do not believe that any of the work of the panels should receive publicity, because obviously this is a private matter between the juvenile concerned and those on the panel who are involved in the discussion.

The move to provide that children under 16 years of age will not be fined is a logical one.

Obviously, very few juveniles of that age have the capacity to earn, and in most cases the parent, guardian or some other person is charged with the responsibility of paying any fine that is imposed, and I do not believe that this is a deterrent to the juvenile concerned. I was interested in the point raised by the Hon. Mr. Potter regarding the Film Classification Bill. It is clear that some other form of punishment will be necessary if the purpose of that Bill is to dissuade juveniles from attending cinemas showing films of a certain classification. With those few remarks, I intimate that I will support the second reading of the Bill, which I shall be interested to see in operation.

The Hon. Mr. Potter's comment that this Bill is a great experiment was indeed a relevant comment. I believe this is a great experiment that must be tried out. I am sure every honourable member hopes that it will be a successful experiment, as it is essential that people who commit offences at an early age realize that the way they have acted is not the way to behave in a community. These young people should not be made to feel at that early age that they are criminals, and they should realize that they have been given the opportunity to reform within a more secluded atmosphere. However, the matters that are not referred to juvenile aid panels should be subject to community searching to see where the trend is going and to provide parents with information. I support the second reading.

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

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 12. Page 2091.)

The Hon. C. R. STORY (Midland): I support the Bill. I had the privilege at one stage of being Chairman of the Industries Development Committee, during which time the Auditor-General in his reports queried, first, whether the committee was empowered to build factories and, secondly, whether it was empowered to build them in the metropolitan area or only in the country. If I remember correctly, in 1961 Parliament passed an amending Bill which tried to ensure that the then Government had power, through the Industries Development Committee, to develop country industries as well as to encourage industries within the metropolitan area. When the Hon. Mr. Banfield spoke recently about various matters, he addressed himself to things that Governments had done. One of the great things the Playford Government did was to get off the ground—

The Hon. D. H. L. Banfield: What was the other thing it did?

The Hon. C. R. STORY: One of the great things Sir Thomas Playford did was to give tremendous stability to this State and to build up its population from about 300,000 people to about 1,000,000 people. However, the thanks his supporters in his Party have got for that effort is to be continually kicked in the teeth by people who are looking for a new look. I think they will find that new look not nearly so pleasant as they think it will be. However, I do not want to continue along these lines, having undertaken to speak only briefly on this Bill.

This Bill is the main Bill of the three amending Bills which are before the Council and which I will call a uniform team. The Bill makes it perfectly clear that everyone is going to be satisfied with its provisions. The Chairman of the Industries Development Committee seems to be happy with it. The next Bill on which I will speak (the Housing Improvement Act Amendment Bill) straightens out one or two anomalies in that Act. I support the second reading.

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

HOUSING IMPROVEMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 7. Page 2091.)

The Hon. C. R. STORY (Midland): This is the second Bill before us today dealing with the Housing Trust. The trust has been used as a State instrumentality in order to encourage people to live in Whyalla, Elizabeth, northern Yorke Peninsula, the Upper Murray, and other areas. It was confidently considered that the trust, as well as being able to build on its own land, had the power to buy factories, but this was not clearly spelled out. The object of this legislation is to make clear that the trust can buy, as well as erect, factories on its own land.

It could be argued that this is perhaps getting too socialistic in that the trust could become a complete landlord, as well as being able to erect factories. However, we have to encourage industries to establish in certain parts of this State. We heard much about decentralization when the Playford Government and the Hall Government were in office,

but we do not hear so much about it now that a Labor Government is in office. The Bill tidies up the legislation in case the Government ever gets around to doing something about decentralization and forgets about hotels in Victoria Square. I support the second reading.

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

SOUTH AUSTRALIAN HOUSING TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 12. Page 2092.)

The Hon. C. R. STORY (Midland): I rise to support this legislation. The purpose of the Bill is simply to give the trust the right to exercise any power conferred on it under either of the two Acts to which I have addressed myself in the past few minutes. The Bill was thoroughly canvassed by the Hon. Mr. Hill, who has had great experience in this type of work, and I am sure the Council can be assured that this proposal is in the best interests of the State.

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

ADJOURNMENT

At 5.48 p.m. the Council adjourned until Thursday, October 14, at 2.15 p.m.