LEGISLATIVE COUNCIL

Thursday, October 21, 1971

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

ASSENT TO BILLS

His Excellency the Lieutenant-Governor, by message, intimated his assent to the following Bills:

Aged Citizens Clubs (Subsidies) Act Amendment,
Citrus Industry Organization Act Amendment,
Housing Improvement Act Amendment,
Industries Development Act Amendment,
Second-hand Dealers Act Amendment,
South Australian Housing Trust Act Amendment.

QUESTIONS

ROAD TRAFFIC BILL (SEAT BELTS)

The Hon. R. C. DeGARIS: I seek leave to make a brief statement prior to asking a question of the Minister representing the Minister of Roads and Transport.

Leave granted.

The Hon. R. C. DeGARIS: At the end of today's Notice Paper is set down the third reading of the Road Traffic Act Amendment Bill (Seat Belts) which, if passed, will make the wearing of seat belts compulsory in South Australia. Will the Minister draw the attention of his colleague to the fact that there are no demerit points associated with this offence at present? I believe that, before this Bill is assented to, the Act needs to be amended further, urgently, to allow for the operation of demerit points for the non-wearing of seat belts.

The Hon. A. F. KNEEBONE: I know that the Minister of Roads and Transport is concerned about the passage of this Bill. As I understand the position, the honourable member is asking me to convey to my colleague a request that the Bill be redrafted to provide for demerit points to be allotted to a conviction for the offence of not wearing a seat belt. I should think my colleague would agree that demerit points should be allotted for that offence. However, if this Bill must be further amended, I ask your guidance, Sir, on whether it can be recommitted.

The Hon. C. M. Hill: What!—another 3½ hours of debate?

The Hon. R. C. DeGaris: I am saying that a further Bill is required.

The Hon. A. F. KNEEBONE: That clarifies the situation. I shall be pleased to convey the honourable member's question to my colleague and see what can be done about introducing a further Bill to provide for demerit points to be allotted in respect of this offence.

PLASTIC SHEETING

The Hon. C. R. STORY: On October 14, I asked a question of the Minister of Agriculture regarding the possible use in agriculture of plastic sheeting. Has he a reply?

The Hon. T. M. CASEY: The Director of Agriculture reports that the use of tunnel houses made from plastic sheeting as an alternative to the conventional glasshouses has been investigated by the Agriculture Department. Temperature records from experimental houses erected in Adelaide showed that the plastic is not nearly as efficient as glass as a heat trap. Although there was no serious disadvantage with the plastic during the day, the plastic houses are much less efficient in preventing the loss of the reflected and radiated heat from the soil, so that the plastic houses cool down too rapidly at night compared with glass.

The other major disadvantage of the plastic covered houses compared with glass under South Australian conditions is that of cost. The standard glasshouse in use in South Australia is very cheap by comparison with costs in the United Kingdom, for example. A standard single unit glasshouse 14ft. 6in. x 112ft. costs about $500 here and, by joining these units side by side, the cost can be lowered even further. Some of these glasshouses are over 30 years old and are still in use. By comparison, the plastic covered tunnel house of a comparable size costs about half as much as the glasshouses but has a life of only a couple of years.

For these two reasons—lower efficiency as a heat trap and higher cost over an extended period—the plastic covered houses have not attracted any real interest from vegetable growers as an alternative to glass. An experiment with a plastic covered greenhouse for strawberries is currently being conducted by I.C.I. at Athelstone. A number of fabricators of plastic sheeting can supply plastic covered houses if required in South Australia, and general information can be obtained from the Plastics Institute of Australia Inc., which has an office in Adelaide.

Discussions were held on the use of plastic in vegetable growing with a Japanese research worker who visited South Australia recently.

He pointed out that the main reason why plastic instead of glass is used in Japan is that glasshouses (or plastic covered houses) have a short life in Japan because of damage by hail or typhoons. In addition, the level of air pollution by industrial gases is so high in some areas of Japan that glass corrosion is rapid and glass frequently has to be replaced after two years for this reason. Although it is not expected that any significant use of plastic covered houses is likely to develop in South Australia, the Senior Vegetable Research Officer in the Agriculture Department, Mr. I. S. Rogers, is well informed on the subject and can advise anyone interested.

The Hon. C. R. STORY: I was very interested in the Minister's reply, but it had nothing at all to do with my question. I cannot understand why the reply deals with glasshouses. On October 14, I asked the Minister a question about the use of plastic sheeting, not about the relative merits of plastic and glass for hot houses. My question related to the possibility of using plastic on the ground for row cropping purposes. While I was overseas I observed methods of putting hoops under plastic after seeds, such as pumpkin seeds, had been planted in hilly areas. That practice is catching on, particularly in the Gawler River area. Can the Minister say whether any officer of the Agriculture Department understands the practice I have referred to? If no officer understands that practice, I think the Minister should send Mr. Rogers to Israel to observe it, because it would greatly benefit the State. Will the Minister have a further look at my question and, if no departmental officer is familiar with the practice, will the Minister use the next grant that becomes available to send an officer overseas to observe the methods used?

The Hon. T. M. CASEY: I do not know whether I can comply with all the honourable member's wishes. It may be appropriate for the honourable member to talk with Mr. Rogers himself so that the situation is clearly understood. If the honourable member is agreeable, I shall make the necessary arrangements.

The Hon. C. R. Story: Thank you.

GOVERNMENT PRINTING OFFICE

The Hon. M. B. DAWKINS: Will the Minister of Agriculture ascertain from the Minister of Works whether construction of the new Government Printing Office to be erected at Netley has been commenced? If it has not been commenced, when is it expected that a start will be made?

The Hon. A. J. SHARD: I hope that I, instead of the Minister of Agriculture, may be permitted to answer the honourable member's question, because only a few days ago, when I was talking to the Government Printer (Mr. James) on another matter, I was told that the new Government Printing Office would be completed before the scheduled date: I believe it will be completed during February, 1973. Soundings have been taken and footings are being prepared and, because much of the building will be prefabricated, construction will proceed quickly once a start is made. We are confident that the building will be in use early in 1973.

CHIROPRACTORS

The Hon. A. M. WHYTE: I seek leave to make a short statement prior to asking a question of the Minister of Health.

Leave granted.

The Hon. A. M. WHYTE: In 1938 a group of chiropractors who had been trained in chiropractic colleges in America and Canada formed themselves into a voluntary association in Australia. In the countries where they were trained their services are registered in the same way as are those of medical practitioners, and because many people now practise as chiropractors in Australia, those gentlemen, who believe that they have better training, desire the registration of chiropractors in this State. I think there is no doubt that in order to achieve full control of this practice these people should be registered. Can the Minister say whether his department has considered the introduction of such legislation?

The Hon. A. J. SHARD: Over the years, several Ministers of Health, including me, have given much thought to the registration of these people. Unfortunately, there are many different sections of them, and we just cannot get them together with one united front as to what they require. I assure the honourable member that the matter is being considered. If we can get any uniformity between the various sections of these people, we will be happy to look at the matter again to see what can be done.

KANGAROO ISLAND FREIGHT RATES

The Hon. M. B. CAMERON: Has the Minister of Lands a reply to a question I asked recently regarding Kangaroo Island freight rates?

The Hon. A. F. KNEEBONE: My colleague, the Minister of Roads and Transport, has supplied the following answer:

During the term of the previous Government, arrangements were made to provide the Adelaide Steamship Company with an annual subsidy of $200,000. In order to maintain freight rates on the M.V. *Troubridge* at a level which would not inflict undue hardship on its patrons, the present Government, with the approval of both Houses of Parliament, has again made provision in the 1971-72 Revenue Budget for a similar subsidy to be available to the company but apparently, despite this provision, the company has, of its own volition, chosen to increase its freight rates. Whilst the concern of the residents of Kangaroo Island is fully appreciated, it must also be acknowledged that the Adelaide Steamship Company is not subject to Government direction in relation to the rates it charges. As has been stated on numerous occasions, private enterprise is able to increase its charges without any public hearing or arbitration, and I feel it would be improper to even consider reimbursing any private company unless and until a full and proper inquiry was conducted on similar lines to the inquiries conducted in determining wages and salaries.

The Hon. M. B. CAMERON: I seek leave to make a short statement prior to asking a question of the Minister of Lands.

Leave granted.

The Hon. M. B. CAMERON: In the reply given to my question about Kangaroo Island freight rates, there is a slight implication that perhaps the Adelaide Steamship Company has not taken proper action in increasing the rates. In the event of the negotiations by the Government for the purchase of the *Troubridge* being successful, will the Government give an undertaking to reduce the freight rates to what they were before this rise?

The Hon. A. F. KNEEBONE: I know that my colleague has already said that it is premature to make any statement on the negotiations that may be taking place in this matter. Therefore, I cannot answer the question.

GAUGE STANDARDIZATION

The Hon. C. M. HILL: Has the Minister of Lands a reply to the question I asked on October 12 concerning the current position of the arrangements between this State and the Commonwealth Government in regard to the proposed standard gauge railway line from Adelaide north to the Indian-Pacific route?

The Hon. A. F. KNEEBONE: My colleague, the Minister of Roads and Transport, has informed me that there are still some matters outstanding between the State and the Commonwealth regarding the matter of a standard gauge railway to Adelaide. My colleague will be meeting with the Commonwealth Minister for Shipping and Transport in Canberra next Wednesday, when it is confidently expected that the outstanding matters will be resolved.

INDUSTRIES ASSISTANCE

The Hon. E. K. RUSSACK: I seek leave to make a short statement prior to asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. E. K. RUSSACK: The recent amendment to the Industries Development Act permitted the Government to set up the Industries Assistance Corporation, such a move being part of the Labor Party's election policy. What amount of finance has been made available to industries by the corporation, and how many industries have been assisted by it?

The Hon. A. J. SHARD: I will be pleased to get the information for the honourable member and bring back a reply as soon as practicable.

MAIN ROAD JUNCTIONS

The Hon. A. M. WHYTE: Has the Minister of Lands a reply to the question I asked on October 12 regarding main road junctions?

The Hon. A. F. KNEEBONE: My colleague the Minister of Roads and Transport states:

The Highways Department is continually reviewing accident patterns occurring on main roads, including 90° junctions, and carries out appropriate corrective measures in accordance with availability of funds. These corrective measures would include reconstruction such as recently occurred near Port Pirie and other proven traffic engineering measures such as delineation, lighting, signing, line marking, etc.

OUTER HARBOUR

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister of Agriculture, representing the Minister of Marine.

Leave granted.

The Hon. M. B. DAWKINS: Honourable members will know of my interest in the front door to South Australia from the shipping aspect since I was fortunate enough some years ago to inspect the new (as it was then) terminal at Fremantle. I have on several occasions asked different Governments to expedite the construction of a modern and adequate terminal at Outer Harbour. I understand the present Government is proceeding with this matter, and for that I commend it. Will the

Minister ascertain for me the probable completion date of the terminal and the date when it will be available to replace the present inadequate facilities?

The Hon. T. M. CASEY: I will obtain a report from my colleague and bring back a reply as soon as possible.

MARGINAL DAIRY FARMS

The Hon. C. R. STORY: Has the Minister of Lands a reply to the question I asked recently regarding the training of displaced persons under the Marginal Dairy Farms Reconstruction Act?

The Hon. A. F. KNEEBONE: When the honourable member asked me the question the other day I was not aware that the Commonwealth Minister had made a statement on this matter, because I had not been informed. The Rural Reconstruction Employment Training Scheme is available to applicants under the Marginal Dairy Farms Reconstruction Scheme as well as applicants under the rural reconstruction schemes. To date, there have been two applications for amalgamation of dairy farms under the scheme approved but I am unaware whether the displaced persons have taken advantage of the retraining scheme. This is due to the fact that all applicants for retraining must register for employment with the Commonwealth Employment Service. I have been informed that the Commonwealth Department of Labour and National Service will shortly forward information leaflets and application forms to those farmers who have been rejected for assistance under either of the reconstruction schemes. This information will be supplied to the Commonwealth by officers of my department. On September 22, in reply to a question by the Hon. R. A. Geddes, I supplied full details of the retraining scheme. As that reply is quite a lengthy one I suggest the honourable member refer to it rather than I read it again. It contains details of the terms and conditions of employment and also weekly remuneraton.

BEDFORD PARK ACQUISITIONS

The Hon. C. M. HILL: The Minister of Lands has indicated to me that he has a reply to a question I asked on October 19 about Bedford Park acquisitions.

The Hon. A. F. KNEEBONE: I have examined the matter raised by the honourable member and yesterday had an interview with the person concerned. He telephoned me yesterday morning and, although I was extremely busy at the time, I agreed to see him. He came along immediately and we had a discussion. As a result of the inquiries I have made, it is quite clear that only one valuation was made and this was made by a member of the Land Board. There was no question of another Government valuer being involved. The valuation of the property was given as a total figure of $24,450, which was rounded off to $24,500. The gentleman concerned was present at a discussion between the Land Board member and the private valuer and it is quite clear that he has misconstrued the matters which were discussed.

As a result of the interview I had yesterday, I am satisfied that the Land Board has taken every reasonable step to endeavour to reach a settlement. However, I regret that a solution appears unlikely and the matter will have to be referred to the Land and Valuation Court, which was set up for the purpose of settling matters of this kind. This course of action is available and I have advised the gentleman that he should resort to the Land and Valuation Court if he is not satisfied with the offer that has been made. I point out further that this matter was discussed in the press this morning. I notice that some people who were interviewed said they were quite satisfied with the valuations they had received, some of them being even higher than the valuations proposed by a private valuer. I think that everything reasonable is being done in this matter.

HOSPITAL CHARGES

The Hon. M. B. CAMERON: The Chief Secretary has indicated that he has an answer to my recent question about hospital charges.

The Hon. A. J. SHARD: Although the Nursing Home Section of the Northfield Wards of Royal Adelaide Hospital had been classified by the Commonwealth Department of Health as a nursing home to which the provision of free treatment of pensioners with a medical entitlement card does not apply, this department for many years extended free treatment to such pensioners. As a result, there were many cases where relatives used the pension of the patient for their own purposes and others where pensioners without relatives were accumulating large sums of unspent pension (in some cases sufficient to affect the rate of pension paid). The normal daily charge was the same as for a standard ward in a hospital ($10 a day). As from March 1, 1971, the nursing home was specifically excluded from the fees regulation increasing the hospital standard ward daily rate to $13.50 a day (now $16 a day from September 1, 1971) and a separate

regulation providing for a charge of $10 a day was gazetted. Included in the arrangements was the provision that all patients should be charged, as is the case in all other nursing homes.

In view of the small income of pensioners and the desirability of patients retaining some of the pension for their own use, the assessment of charges for a pensioner with one dependant, who is also a pensioner, is an amount equal to the amount that would be paid direct to the proprietor of a benevolent home under the provisions of the Social Services Act, section 50—that is, about two-thirds of the pension. The dependant may obtain the single rate of pension in these circumstances. Thus, the situation is that during the whole period the person in question has been a patient, prior to the introduction of the charges, his wife has had the advantage of two pensions (combined rate) although he has been cared for by the nursing home. The current assessment of $10.50 a week ($1.50 a day) is in accordance with the approved assessment scale.

RED SCALE

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

Leave granted.

The Hon. C. R. STORY: Yesterday, I asked the Minister a question about the biological control of red scale, a disease of citrus. I understand from what the Minister said in reply that it would cost growers $30 an acre to put wasps into their orchards to obtain a 90 per cent kill of red scale. This is probably about the equivalent kill achieved when malathion and white oil, if properly used, are administered. Will the Minister give the name of the private firm that is going to supply this predator wasp and say whether the department considers that this would be a cheaper method of killing red scale than extending the department's insectory at Loxton to do the job on behalf of growers and, if necessary, to subsidize the citrus industry?

The Hon. T. M. CASEY: I will obtain the necessary information for the honourable member and bring back a reply as soon as possible.

FARM VEHICLES

The Hon. G. J. GILFILLAN: I seek leave to make a statement prior to asking a question of the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. G. J. GILFILLAN: Two Acts of Parliament affect people who use the roads: the Motor Vehicles Act and the Road Traffic Act. As harvest season is approaching, farm implements will soon be driven on our roads. The Road Traffic Act exempts such implements from the provision that no vehicle must exceed 8ft. in width whilst travelling on our roads during daylight hours. However, a field bin, which is used to store grain in the field during harvest and which must travel on roads when being moved from one field to another, is classified under the Road Traffic Act not as a farm vehicle but as a trailer and, therefore, a permit must be issued in relation to it when it is being used on the roads. However, under the Motor Vehicles Act a field bin is classified as a farm implement and does not have to be registered.

The average person who uses the roads is not aware of the complexities of these two Acts and, after checking the Motor Vehicles Act or contacting the Motor Vehicles Department to ascertain whether field bins were classified as farm implements, one would be unlikely to think of the Road Traffic Act with its many different classifications. Will the Minister ask his colleague to consider amending the Road Traffic Act to bring it into line with the Motor Vehicles Act? If the Minister of Roads and Transport will not do this, will the Minister ascertain why an amendment would be undesirable?

The Hon. A. F. KNEEBONE: The Minister of Agriculture informs me that this exemption has already been made. However, I will ascertain the exact position for the honourable member and bring back a reply.

DAIRY CATTLE FUND

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

Leave granted.

The Hon. L. R. HART: In the Auditor-General's Report under statement H, which shows the balances of trust fund accounts, one finds that the Dairy Cattle Fund is in section B, in which trust funds on which no interest is paid are held. Section A comprises trust funds on which interest is paid. Will the Chief Secretary ask the Premier why the Dairy Cattle Fund comes under section B rather than under section A, which comprises such funds as the Swine Compensation Fund, the Cattle Compensation Fund and similar funds, on all of which interest is paid? It seems appropriate that the Dairy Cattle Fund should be under that section.

The Hon. A. J. SHARD: Being unable to give the honourable member a reply, I will draw the Premier's attention to his question and bring back a reply as soon as practicable.

PARLIAMENT HOUSE VISITS

The Hon. C. M. HILL: I seek leave to make a statement prior to asking a question of the Minister of Agriculture, representing the Minister of Education.

Leave granted.

The Hon. C. M. HILL: From time to time members see classes of schoolchildren in the gallery of this Chamber and visiting Parliament House generally. I have always thought that schoolchildren, at least once during their school days, should have the opportunity of visiting Parliament House either when Parliament is sitting or at another time. Will the Minister ask the Minister of Education, first, what it would cost the department to provide facilities to enable schoolchildren from all parts of the State to visit Parliament House at least once during their school days and, secondly, whether he would consider introducing such a plan?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring back a reply when it is available.

STATUTES AMENDMENT (ADMINISTRATION OF ACTS AND ACTS INTERPRETATION) BILL

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

FOREIGN JUDGMENTS BILL

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

MEDICAL PRACTITIONERS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

POLICE PENSIONS BILL

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

Second reading.

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

That this Bill be now read a second time.

It makes several separate and unconnected amendments to the Local Government Act, and contains many of the matters that were included in a previous Bill submitted to this Council. Clause 1 is a formal provision. Clause 2 amends the definition of ratable property in section 5 as regards Government-owned houses and certain other buildings. At present, Government-owned dwellings and other buildings are ratable if occupied by tenants when the council adopts its assessment. This is considered to react harshly on councils in some instances, and the amendment provides a fairer basis of rating buildings which are owned by the Government but which are leased, or intended for occupation, by private persons.

Clause 3 amends section 8 to provide that a council may borrow money to pay a liability that may arise following severance of an area from one council and annexation to another. This is necessary following the severance of Vale Park from Enfield and its annexation to Walkerville. The judge who held an inquiry into the matter has recommended certain adjustments of assets and liabilities between the two councils and, in order that Walkerville may meet its net liability, it must be able to borrow. According to advice received from the Crown Solicitor, a council does not have power under present provisions to borrow for this purpose.

Clause 4 amends section 26, which concerns the amalgamation of two or more councils. At present, to achieve amalgamation, a petition must come jointly from both or all councils concerned. The amendment alters this to provide that a petition may come from any one or more of the councils involved. At present, desirable amalgamations can be achieved only if all councils agree. This joint agreement is difficult to obtain and has prevented amalgamations that would be desirable in the interests of economy and efficient operation. The amendment means that amalgamation will not be automatic, but it will enable an interested council to have investigations commenced to reveal whether amalgamation is desirable or otherwise. This matter is of considerable concern, and honourable members will be aware of comments made by the Auditor-General and other responsible persons on the desirability of amalgamation in some cases. The right of ratepayers to demand polls on the question is continued.

Clause 5 amends section 27a, which refers to the severance of an area from one council and annexation to another. The clause provides that a petition may come from one council concerned and need not necessarily, as at present, be executed by all of the interested councils. Clause 6 amends section 52, which

refers to the qualifications of members of councils. The section is altered to provide that every ratepayer of the age of 18 years or over is qualified to be a member. This is in accordance with the now recognized age of majority. It is stressed that such a person will have to qualify as a ratepayer.

Clauses 7, 8, 15 and 49 amend sections 53, 54, 139 and 752. At present a member of a council can resign with the licence of the council. Concern has been expressed in recent years because some councils have refused to permit a member's resignation, with the result that the member is prevented from contesting a higher office. This has meant that the council and not the ratepayers has to some extent decided who shall be mayor. A member should be permitted to resign if he wants to. The amendments to sections 53, 139, and 752 are necessary following the amendment to section 54. Clause 8 also provides for a resignation to be addressed to the clerk, and not, as at present, to the mayor, chairman or clerk. Otherwise, a mayor could resign by addressing a notice to himself. This is not desirable.

Clauses 9, 10, 11, 12, 16, 50, 52, 53, and 56 amend sections 88, 101a, 115, 122, 157, 754, 819, 820 and schedule 5 Form 2A. These provisions refer to the minimum age at which ratepayers may vote at elections, meetings and polls; and the minimum age for a person to be a clerk or engineer. The amendments reduce this age to 18 years for the reasons I have already given in respect to the amendment of section 52. Clauses 13 and 14 amend sections 126 and 127 to provide that, after the close of voting at elections, the ballot-boxes shall be opened in the presence of any scrutineers, the voting papers removed and the boxes exhibited empty. This is considered a desirable practice.

Clause 17 to 22 amend sections 218, 219, 222, 230, 232 and 233. The amendments improve the requirements for presentation and implementation of memorials for specific works. Section 218 empowers a certain proportion of ratepayers representing a certain proportion of assessed value to present a memorial for specific works to be carried out. Clause 17 amends this section to provide that a majority of ratepayers in a portion of an area may present such a memorial. Clause 18 makes consequential amendments to section 219. Clause 19 repeals section 222 (1), which refers to separate rates as mentioned in memorials. This is rendered unnecessary. Clauses 20, 21 and 22 make consequential amendments to sections 230, 232 and 233 regarding the contents of a memorial and the rating powers of the council if the council agrees with the memorial. In such cases, councils will be able to declare separate rates for a limited period.

Clause 23 amends section 286 regarding signing of cheques. At present cheques, other than those made from an advance account, are signed by a member or members and an officer. The amendment provides for cheques to be signed by two officers if a council wants this. In large councils, particularly, where the number of cheques is considerable, it is extremely difficult to obtain a member's signature in every case. The signing of cheques by officers is in accordance with modern practice, provided internal checking procedures are adequate. The approval of the Minister and the council auditor will ensure this.

Clause 24 amends section 287. At present councils can spend revenue in subscribing to an organization whose principal object is the furtherance of local government in the State. This provision is extended to the furtherance of local government in the State and Australia. The Adelaide City Council, in particular, is a member of a local government organization relating to capital cities, and the extension of the provision is desirable. However, it is considered that such expenditure should not be unlimited, and accordingly provision is made for obtaining the Minister's approval where subscriptions to organizations outside South Australia are involved. Clause 24 also inserts a new power in section 287 that will authorize the expenditure of revenue on the employment of social workers. This is an important activity to local government, but it is more particularly related to other powers relating to services to the aged and others which I will mention later. Clause 24 also amends section 287 (1) (*k*), which empowers a council to spend revenue on promoting a Bill before Parliament. It is considered that this type of expenditure should not be unlimited. Accordingly, provision is made for the Minister's approval to be obtained.

Clause 24 further amends section 287 by providing a new overall provision to enable councils to pay the expenses of councillors in attending meetings of the council or committees and all expenses connected with a member's undertaking special business for the council. The present provisions in sections 288 and 289, which are repealed by clauses 26 and 27, provide for differences in procedure according to whether the council is a municipal or district

council. Councillors in district councils can have travelling expenses in attending meetings reimbursed, but councillors in municipalities cannot. There is also some doubt about whether expenses of overnight accommodation can be reimbursed at present. This is unreasonable, for a councillor should not be out of pocket by reason of his official duties. Clause 25 inserts new section 287b, which is of paramount importance. It will empower a council to spend money in the provision of homes, hospitals, infirmaries, nursing homes, recreation facilities, domiciliary services and other services for the aged, handicapped or infirm. The new section provides that:

(1) A council may require a one-third donation of the cost of a unit from an incoming occupier. This is available to private organizations, and it is important that councils be not in an inferior position. Because of limits on Commonwealth subsidies, a council might reasonably require a donation of more than one-third. If so, councils will be able to do this with the Minister's approval.

(2) After one such donation has been received, all further donations shall be paid into a fund to provide for infirmary or nursing home accommodation, or for other purposes approved by the Minister. A council may refund an amount not exceeding the donation if circumstances warrant it. Where a donation is refunded that donation is not taken into account in determining what donations are paid into the fund.

(3) A council may charge rentals, and shall pay one-third into a fund to provide for maintenance and improvements or for other purposes approved by the Minister.

The first indication that councils might enter this field came when the Commonwealth Government amended its legislation in 1967 to provide that councils shall be eligible bodies to receive subsidies. The Local Government Act Revision Committee has thoroughly investigated this matter and is more than satisfied that there is room and a need for local government in this field. In addition, the committee is satisfied that there is a need for councils to enter the field of domiciliary care. Existing organizations, such as Meals on Wheels, provide a wonderful service, but more effort is required from others. The committee is satisfied that councils should enter this whole field of welfare service and not just one facet of it. Councils will not have to enter this field, but many are anxiously waiting to do so. This is an exciting field of activity, and I particularly commend these provisions to honourable members.

Clause 28 extends the investment power of councils by including trustee investment in section 290a. Sections 292, 296 and 297 refer to the preparation of statements and balance sheets and their publication in the *Government Gazette*. Clauses 29, 30 and 31 amend these sections by deleting the requirements for gazettal, and provide instead that a council may publish them in any appropriate way and provide copies on request to ratepayers free of charge. Complaints have been received of the high cost to councils of gazettal. In view of the requirement of regulations for copies to be provided to certain authorities, the Government is satisfied that gazettal serves little or no purpose. Clauses 32 and 33 make consequential amendments to sections 301 and 305 in consequence of the introduction of the new Land and Valuation Court.

Clause 33 also amends section 305 concerning resolutions of councils declaring streets to be public roads. The amendment provides that where the Registrar-General has made an entry in a register book or has issued a title in compliance of provisions in section 305, the land concerned shall be conclusively presumed to be a public street. This is necessary to cover the situation that occurred when a council inadvertently failed to issue a notice to a person and found it could not recommence proceedings. A person who might be involved in such a situation is protected by the amendment, in that he may apply to the Land and Valuation Court for compensation. Clause 34 amends section 336. This will permit persons desiring access to roadways to obtain that permission without the present considerable administrative detail. Provision is made for any person to make a request and for the council to recover the cost of acceding to the request.

Clauses 35 and 36 make consequential amendments to sections 415 and 420 as a result of the new Land Acquisition Act, 1969. Section 437 lays down that borrowing by councils shall not be subject to an interest rate of more than 7½ per cent. The highest current borrowing rate for councils is now 7.4 per cent and, whilst no-one wants to see it increase, it could conceivably do so at some

time in the future. Councils cannot be barred from desirable loan programmes, and therefore clause 37 amends this provision.

Clause 38 amends section 454 to provide that park lands may be used for camping ground or caravan park purposes. In many council areas, caravan and camping areas are located in park lands, but a recent legal opinion indicates some doubt of the legality of this. Such use is recreational and the use of park lands for such purposes is, we believe, reasonable. Section 459a of the Act empowers a council, with the Minister's consent, to dispose of reserves not exceeding half an acre in area if the land is not required as a reserve. Clause 39 removes this restriction of half an acre. In disposing of reserves, size should not be a determining factor, but rather the usefulness of the reserve for the purpose of public use or enjoyment. Buildings such as kindergartens have been established on some reserves. The Government does not want to see needed reserves used in this way. However, councils often have surplus reserves, or portions, that could be made available for such purpose. The amendment will permit the disposal of redundant reserves where it is appropriate. Clauses 40 and 42 make consequential amendments to sections 471 and 483 because of the Land Acquisition Act, 1969.

Clause 41 amends section 475d, which at present provides for every metered zone and metered space to be indicated by signs or markings. Metered spaces in Adelaide are indicated by road markings, but this does not indicate zones. If a council is required to erect signs (and according to recent legal opinion this is likely) a forest of signposts will result. This is not desirable, and the road markings and meters are considered to be sufficient indication. Clause 43 amends section 530c concerning the provision of common effluent disposal drains. When councils provide such drains, as many have successfully done, they are empowered to recover costs by means of separate rates. Because of the nature of these schemes, it is more practicable in many cases to charge a fixed annual amount rather than a rate in the dollar. Because some doubt has been raised about whether a separate rate may include a fixed amount, clause 43 removes this doubt.

Clause 44 amends section 666 concerning removal of vehicles left on roadsides and public places. The section at present requires the council to go through certain procedures of advertising and then sell the vehicle by public auction. These provisions are cumbersome and expensive, particularly as most vehicles left on roadsides are worthless and rarely can a council recover its costs. The amendment streamlines these provisions and provides as follows:

(1) The provisions shall apply to vehicles left on roadsides, public places and property owned by or cared for by the council.

(2) The council may sell the vehicle or dispose of it as the council sees fit.

(3) Surplus proceeds, if any, are to go to the council rather than State revenue.

(4) Owners of vehicles are to be responsible for costs of removal, custody, sale and disposal of the vehicle.

(5) Councils will still have to take the required advertisement procedures.

Clause 45 amends the by-law-making powers in section 667 to empower councils to make by-laws to regulate, restrict or prohibit parking of vehicles in park lands and similar places. Councils can and do permit parking for certain purposes, such as parking near kiosks, and recreational activities, and they should have by-laws to control this. Clause 45 also amends section 667, paragraph (48*a*). The present provision permits a council to make by-laws regarding the escape of water on to roads. Owing to a legal opinion which holds that water does not "escape" on to roads, it is necessary that more appropriate wording be used, and clause 45 does this.

Clause 46 amends the regulation-making-powers in section 691. Power at present exists to make regulations, and regulations have in fact been made in respect of qualifications for clerks, engineers, surveyors or overseers. The power is extended to permit qualification regulations to be made in respect of other council officers if such should be desirable. It is stressed that this is a regulation-making power only and any regulations would have to be submitted to Parliament. Requests have been received from general and traffic inspectors in councils that they be given an appropriate qualification. Clause 47 repeals section 715. This section provides a fee of 50c for laying complaints and issuing summonses. The Chief Summary Magistrate has pointed out that this sum is long out of date. He has also pointed out that it is unnecessary to have this provision in the Local Government Act as other legislation prescribes fees.

Clause 48 redrafts section 743a to widen its effect. At present, the section provides that proof that a vehicle was standing or stationary

in a street shall be *prima facie* evidence that the owner was the driver at the time. This is known commonly as owner-onus. Clause 48 extends this principle to vehicles standing in other areas where parking is controlled; for example, in park lands. Parking is permitted in park lands at such places as the Weir and Alpine restaurants. These parking places are intended for patrons of the restaurants, but today motorists tend to use the areas for full-day parking. Owner-onus provisions, which have applied for some time to parking in streets, would be beneficial in the control of parking in these other places.

Clause 51 redrafts section 783 regarding depositing of rubbish on roads and public places. The new section overcomes difficulties in interpreting various words in the present provision. The new section refers to offences of depositing litter, refuse, and materials, etc. obstructing drains and the dropping of material from a vehicle. The present penalty of $80 is changed to a minimum of $10 and a maximum of $200. This new provision will assist councils in overcoming the rubbish depositing problem, and the increased penalties will be a deterrent. Clauses 54 and 55 amend sections 824 and 825 regarding the exhibiting of ballot boxes at polls. These amendments are similar to those explained by clauses 13 and 14.

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

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It makes a number of miscellaneous amendments to the University of Adelaide Act, 1971. As honourable members will recall, that Act was passed in the last session of Parliament. Some doubts have been expressed by the university in relation to certain provisions of the Act, and this opportunity is being taken to clarify the legislation. The Bill covers all matters on which the university has requested amendment, and I shall deal with its provisions in detail.

Clause 1 is formal. Clause 2 inserts saving provisions in section 2 of the principal Act. After the principal Act had been passed, it was suggested to the university that the absence of a specific provision in the Act providing for the continuance of the existing statutes of the university might result in the invalidity of those statutes. The Acts Interpretation Act, which is normally effective to preserve subordinate legislation on the repeal and re-enactment of statutory provisions, provides as follows:

> The repeal of an Act conferring a power to make regulations, rules or by-laws, shall not affect any regulations, rules or by-laws made and in force under such Act . . . but they shall . . . have the same effect as if the repealing Act had been in force when they were made and conferred power to make them and they had been made thereunder.

It was argued that because there is no specific reference in this section to "statutes", the university statutes might not have been caught by the provision and hence might have been rendered invalid by the repeal of the provisions under which they were made. The use of the word "statutes" to designate a species of subordinate legislation is unusual and derives from university tradition rather than from any juristic distinction that Parliament desired to make by adopting that designation. When the essential character of the "statutes" contemplated by the university Act is examined and compared with that of the "regulations, rules or by-laws" as they are normally understood in a legislative context, it seems that there is little, if any, cogent or material distinction. However, the consequences of a successful challenge to the validity of statutes passed under the repealed Act would be so serious that it seems a reasonable precaution, in the circumstances, to include a retrospective saving provision. This is effected by clause 2.

Clause 3 inserts a new definition of "university grounds" in the principal Act. The opportunity is now taken to insert a provision in a more comprehensive form. Clause 4 amends section 12 of the principal Act. Its purpose is first to overcome difficulties that the university anticipates in consequence of amendments made to the original Bill by the Legislative Council. When the Bill was introduced into the Legislative Council it provided that one category of candidates for election to the University Council should consist of persons in the full-time employment of the university as members of the academic staff, and that another category would consist of persons who were not in the full-time employment of the university. The Legislative Council deleted the reference to "full-time" employment in both instances. The university now considers that uncertainty has been introduced into the administration of the provisions because there is a significant class of persons, consisting largely of eminent professional men and women, who

are occasionally called on by the university to give lectures to classes at the university. These could hardly be regarded as members of the "academic staff" but, on the other hand, they are occasionally employed by the university. They are thus apparently excluded from membership of the council. The amendment overcomes this problem by providing that a person shall not be regarded as being in the employment of the university unless he derives remuneration from services rendered to the university in excess of limits determined by the council. The clause also inserts a more comprehensive provision dealing with the term of office of members of the council.

Clause 5 amends section 13 of the principal Act. The amendment removes any possibility that an employee of the university elected to membership of the council could, after leaving the employment of the university, remain in office for a period extending beyond the time of the next election of candidates by the convocation of electors. Clause 6 amends section 18 of the principal Act. The amendment provides for a more flexible approach to the question of determining the term of office of a warden. It provides that the term of office is to be fixed under the constitution and rules of the senate, but that a term of office so fixed should not in any case exceed a period terminating at the expiration of the calendar year next ensuing after the date of his election.

Clause 7 amends section 22 of the principal Act. A specific provision is inserted dealing with the power of the university to make statutes, regulations and rules regulating the admission and matriculation of students. This is a matter that appeared to be covered in the power to regulate matters pertaining to the administration of the university. However, specific reference to this power has been requested and is, accordingly, inserted. The amendment also provides that a proposed amendment or repeal of a university statute or regulation must be submitted to the same procedural processes as the original statute. Such a provision is not normally inserted where power to make, alter or repeal subordinate legislation is given, because it is commonly understood that the alteration or repeal attracts the same procedural requirements. However, specific provision to this effect has been requested by the university and is accordingly included in the Bill.

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

STAMP DUTIES ACT AMENDMENT BILL (RATES)

Adjourned debate on second reading.

(Continued from October 19. Page 2275.)

The Hon. G. J. GILFILLAN (Northern): In speaking to this Bill, I compliment others who have made valuable contributions to the debate in explaining the Bill in detail. I will confine my remarks to those of a more general nature. It is disturbing to find this legislation before us. The Chief Secretary explained that it is intended to help defray the expected deficit in the Consolidated Revenue Account for the current year but, when one examines the extra revenue which will be available to the Government from other sources, one wonders whether this Bill is really necessary. Either the Government is managing very badly or it is bringing in a measure to gain additional revenue for some extra payments next year. It appears to me that even without this increase in stamp duties, if we ignore receipts duty, which is no longer collected, the increase in returns from stamp duty is running at about $2,000,000 a year, or 10 per cent, without any additional increase in the rate.

In his second reading explanation the Chief Secretary, referring specifically to the increased tax on motor vehicles which has now taken on a new form in that it is a graduated rate and is much higher on more expensive vehicles, said:

> The application of a sliding scale of duty is not uncommon, and it may be found in many other areas of Commonwealth or State Government taxation where the adoption of the principle of ability to pay taxes is considered desirable.

I would like some further explanation of that statement. Even in this Bill before us there seems to have been no consideration whatsoever of ability to pay. It is merely increasing the rate of taxation on the higher values. Taking motor vehicles as an example, the person who buys a larger and more expensive car might not have any more ability to pay than the person buying a cheaper one.

The Hon. A. J. Shard: Then he should not be buying the more expensive car.

The Hon. G. J. GILFILLAN: If I could just finish—quite often the person who needs the larger vehicle is the family man.

The Hon. R. A. Geddes: Or a taxi driver.

The Hon. G. J. GILFILLAN: Yes, or a person working as a general carrier, where the tax on a vehicle, for instance, costing $10,000 will increase from $100 to $230.

This person may have very slender financial resources, often buying on time payment, and how this can be related to ability to pay I am at a loss to understand. The same principle can be used in relation to conveyances, because we could have, on the one hand, in the country a property showing very little return but costing a large amount of money, where the stamp duty would be considerable, at the higher rate; and, on the other hand, a business of much less capital value returning a much larger income. So I cannot see where there is any evidence that the more expensive properties indicate an ability to pay any more than the smaller ones; there is no relationship.

Even the Succession Duties Act, which I think every honourable member considers is unfair in many respects, bad as it is, takes into consideration these points. This Act merely provides for a straight-out charge on a graduated scale bringing a heavier impost on the larger amounts of money irrespective of what those larger amounts represent. The increases are steep. The State of Victoria has been mentioned in the second reading debate. We have often heard it said that South Australia should increase its taxes to bring them into line with those in the other States. From a comparison of rates in the various States, it is obvious that we are getting away from the position of following other States and are now moving into the position of setting the pace, which I have no doubt some other States will follow.

The Hon. R. C. DeGaris: Sir Henry Bolte may not introduce his Bill.

The Hon. G. J. GILFILLAN: I think that is correct. Even Sir Henry Bolte's proposals do not go quite as far as this Bill does. We live in a State that has been regarded as a low-cost State, a desirable place for investment. A great part of our population depends on our secondary industries, and particularly the motor car industry, which is directly affected by this Bill. We see in the press comments of alarm at current trends, particularly in respect of employment. I have seen it proposed that the Commonwealth Government should introduce a mini-Budget to stimulate the economy. If our economy in South Australia is being affected, it is because of several factors. One is the position of the rural industry, which is in a state of recession, and that must have some effect on the sales of our secondary industries. The second factor that is being felt to an increasing degree is self-imposed within the State—increased costs. This is the second trend we are seeing in the economy, and this alarming increase in costs is a matter of great concern to everyone.

These duties will affect not only the State generally but also the people living in it, and particularly those who are relying on employment in the vital industries and industries that are somewhat vulnerable to this type of increased impost. I have mentioned motor vehicles. The increase involved here in the graduated scale is not justified. I believe that the very high increase in the stamp duty on conveyances cannot be justified either, because, as I have already said, the larger amounts do not necessarily mean a greater ability to pay. The increase above $12,000 is substantial—100 per cent; if this Bill passes in its present form, it will be 3 per cent, or $30 on each $1,000. In some instances, this equals other Government imposts. There are, of course, certain exemptions—for instance, on conveyances involving gifts where stamp duty is not payable; and it is not imposed on conveyances involving succession, either, because gifts and successions are taxable under other Acts. It is, of course, payable on gifts that would have attracted only Commonwealth gift duty but, now that we have State gift duty as well, it is no longer quite so significant. The tax on motor vehicles affects every family, and so does the duty on conveyances. It is not only the person who relies on broad acres for a living but it is practically every family and every young couple that is buying a house that is affected. They are caught by the increased duties.

I know of a person who has just had his house acquired by the Highways Department for the purpose of a freeway. (I apologize if I use the wrong term; I believe they are now known as "transport corridors", but honourable members will know what I mean.) This person has had to have a new house to replace his old one. Under this Bill, he will have to pay considerably increased stamp duty. When I explained to him what the amount of money would be, he was shocked because he had purchased this new house with a mortgage on it and had stretched his financial resources substantially. Again, the person who has to buy broad acres in the rural areas on a mortgage is, of course, caught by the stamp duty on the mortgage. This stamp duty is iniquitous because, when any properties or other assets change hands, they are again subjected to this duty. It becomes more than minimal when we consider that $30 for each $1,000 (3 per cent) can soon aggregate into a large sum of money. For instance, on a property of $50,000 (which

even at today's reduced land values is not a high figure) the old rate would be $750; now, under the proposed legislation, it will be $1,290. This almost doubles that liability and, with the increasing difficulties of raising money where property has to be purchased on a mortgage, these extra costs are substantial.

From time to time we hear questions asked in this Chamber about rural prices and the aggregation of properties to form a viable unit. These will all collect this type of duty in the building-up of the aggregation. I do not intend to speak at length. I believe the Bill has been explained in detail, particularly by the Hon. Mr. DeGaris, who opened the debate. I deplore the necessity of bringing these increases before Parliament event if such a need exists, which I doubt. I shall be interested to see the Auditor-General's Report of next year and to note where this expected deficit is to eventuate. I support the second reading.

The Hon. A. J. SHARD (Chief Secretary): I should like briefly to reply and to answer some specific questions that honourable members have asked. I agree that Australia would be an even more wonderful country in which to live if one did not have to pay taxes. However, Governments must have money to enable them to administer the affairs of the country. On the one hand, Governments are criticized for raising money by taxation, and on the other hand they are condemned for not doing enough with the money they raise. I cannot comprehend that criticism.

The Hon. Sir Arthur Rymill: You are on record as saying that you would not mind paying taxes so long as you were given the money.

The Hon. A. J. SHARD: Yes, I once said that I would not mind how much income tax I paid because, the more I had to pay, the more I would be earning. However, I hasten to add that I think I am paying now much more taxation to the Commonwealth Government than I should be paying.

The Hon. R. C. DeGaris: In other words, you would like to see a change of Government federally?

The Hon. A. J. SHARD: Irrespective of which Party was in office, it could not take much more from me than is being taken from me now. If it did, I would have nothing left. It is indeed interesting for one to reflect on one's personal experiences regarding taxation over the years. However, the fundamental principle is that Governments must have money to run the country and, therefore, there must be taxation. On this occasion, I disagree with other honourable members in this Chamber: I do not think honourable members should have the right to introduce amendments to a financial Bill. The Government of the day, irrespective of which Government is in power, is in full charge of the money it collects and spends, and it must be answerable to the people for its actions. Passing the Appropriation Bill (which allowed for the increased stamp duties to be collected as the result of the passage of this Bill), and then introducing suggested amendments to this Bill, does not add up to me. I am not criticizing honourable members for that, but the Council will certainly be criticized for it in certain directions. I recently spoke to a most eminent gentleman who reads *Hansard*. Having been asked by him what was happening, I told him that, judging by the tenor of the debate within this Council, amendments would be introduced to a financial Bill. This gentleman, whom we all know and respect, then said that he did not think members of this Council should be permitted to move such amendments.

The Hon. R. C. DeGaris: Was he armed with the full facts?

The Hon. A. J. SHARD: Never mind about that. He talked about the principle of honourable members' interfering with financial Bills, and he took the view that the Legislative Council, as a House of Review, did not have the right to amend such Bills.

The Hon. R. C. DeGaris: Supposing the duty were increased by 50 per cent, what would happen?

The Hon. A. J. SHARD: On that principle, the Council still does not have the right to amend such Bills. I agree with that, because the people will have the last say. Honourable members would be surprised to know the name of the gentleman of whom I am speaking; I do not think he is a supporter of the Labor Party. I should like now to answer some of the specific questions asked by honourable members, the first of which was asked by the Hon. Mr. DeGaris. The item "annual licence" in the second schedule relating to insurance business has been redrafted in order to make it quite clear that the conditions contained in paragraph (*a*) of the existing legislation apply likewise to the matters dealt with in paragraphs (*b*) and (*c*).

In spite of the proposed increases in the stamp duty rates, the estimated receipts for 1971-72 are only slightly above the actual

amount of $21,033,000 collected in 1970-71 because collections from the receipts duty in 1971-72 are expected to be negligible but amounted to $2,800,000 for 1970-71. The $2,800,000 was the duty in respect of about four months' transactions. The greater original estimate for 1970-71 was made in the expectation of duty on 12 months' transactions.

The Hon. Mr. DeGaris has referred to Appendix 17 to the Treasurer's Financial Statement showing collections of stamp duty in 1970-71 from various sources. From these a reasonable estimate is possible of the prospective yield of the increases proposed in duties. Taking the major items in turn the following figures arise. Applications to register motor vehicles last year yielded about $2,450,000. An effective increase of about 50 per cent on average would bring an increase of about $1,300,000 a year. Bills of exchange, cheques, etc., brought in nearly $2,150,000 last year. With a one-fifth increase on cheques and a doubling on bills of exchange, about $500,000 extra revenue may accrue.

Likewise, credit and instalment arrangements which last year brought in about $2,150,000 with a 20 per cent increase may, with natural expansion, bring in an extra $475,000. Last year, stock exchange and share transactions yielded a little over $1,000,000, but with the recently reduced values and reduced throughput perhaps $425,000 may be secured from a 50 per cent increase in rates.

Conveyances last year were responsible for a little more than $5,000,000. It is estimated that, in view of the great mass of properties within $12,000 or $15,000, the increase applied to excess values over $12,000 will produce about a 20 per cent overall increase, or about $1,000,000. Mortgages last year produced about $1,400,000 and, allowing for the exemptions from any increase, a bare 20 per cent, or $275,000, increase may be anticipated. The foregoing increases amount to almost $4,000,000, and other minor avenues of duty may bring the total to about $4,150,000 a year.

The next reply is more complex, and I hope honourable members can understand it. It would appear that certain calculations and comparisons made in their second reading speeches by the Hon. Mr. DeGaris and the Hon. Sir Arthur Rymill have unfortunately been somewhat in error, particularly in their estimation of the effects of the stepped rates for duties on conveyances and for duties on applications to register or to transfer motor vehicles. The misconceptions may have arisen from the fairly complex nature of the rating procedures and because the apparently higher South Australian rates apply only over a section of the value of the transaction, whereas in Victoria they generally apply over the whole value of the transaction. If one takes in some detail the duty on conveyances the following are the comparisons:

Value	South Australian rate per cent	Victorian rate per cent
Up to $7,000	1¼	1½
$7,000-$12,000	1¼	1¾
$15,000	1.6	2
$20,000	1.95	2
$100,000	2.79	2¼
$500,000	2.96	2½
$1,000,000	2.98	3

Overall, the average Victorian rate of duties on conveyances will be rather higher than the South Australian rate and it is estimated that the present average increase in South Australia will be a bare 20 per cent, compared with Victoria's estimate of 25 per cent. The following are details of the duty on applications to register motor vehicles:

Value	South Australian duty $	Victorian duty $
$500	5	7.50
$1,000	10	15
$1,500	20	22.50
$2,000	30	30
$2,500	42.50	37.50
$3,000	55	45

Since at present about 70 per cent of new and transferred registrations are of vehicles valued at $2,000 or less, and these account for nearly half the present revenue, the overall increase proposed in South Australia is very closely the equivalent of the Victorian flat increase of 50 per cent, but of course the South Australian increases hit the lower values less or not at all, whilst they hit the higher values more in South Australia than in Victoria. For the other main revenue duties falling upon cheques, marketable securities, and credit arrangements, the rates and increases proposed in South Australia are identical with those proposed in Victoria. For duty on mortgages the South Australian effective average increase is a bare 20 per cent ranging from no increase on mortgages up to $10,000 and 13 per cent on $15,000 up to 36 per cent at $100,000, whilst Victoria's average increase proposed is at least 20 per cent. I hope I have dealt with the main questions asked.

I thank honourable members, even if I disagree with them, for the time and attention they have given to the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 11 passed.

Clause 12—"Amendment of second schedule of principal Act."

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

In paragraph (*h*) to strike out all words after "the following passage" and insert:

Exceeds $12,000 but does not exceed $100,000	$1.50 for every $100, or fractional part of $100, of that amount or value.
Exceeds $100,000 ..	$2.00 for every $100, or fractional part of $100, of the amount or value.

In paragraph (*i*) to strike out all words after "the following passage" and insert:

Exceeds $12,000 but does not exceed $100,000	$1.50 for every $100, or fractional part of $100, of that value.
Exceeds $100,000 ..	$2.00 for every $100, or fractional part of $100, of that value.

I foreshadowed amendments to this clause and also to clause 13 and, because both clauses deal with the rates of stamp duties, I hope you will forgive me, Mr. Chairman, if some of the comments I now make relate to clause 13 as well as to this clause. In his second reading explanation the Chief Secretary said:

The proposals for increased rates of duty contained in this Bill are expected to yield about $4,150,000 in a full year and about $2,250,000 in 1971-72.

During the second reading debate I commented on that statement as follows:

According to the Chief Secretary's second reading explanation, the increases will raise more than $4,000,000 in a full financial year and about $2,250,000 in the remainder of this financial year. I am sure that honourable members must view with deep concern the magnitude of the increases. During the debates on the Appropriation Bill and the Public Purposes Loan Bill I questioned the Government's wisdom in imposing heavy increases in duties and charges, in view of the dramatic changes that had been made in Commonwealth-State financial arrangements.

I concluded my second reading speech by saying:

I shall support the second reading of the Bill, but I put these views before the Council because I believe the Government has been more than conservative in its estimations and that these new duties will return to the State Treasury much in excess of the $4,150,000 stated in the Chief Secretary's second reading explanation.

It has been said that this place has no right to interfere with a money Bill, but I disagree with that entirely, because this place has a constitutional right to suggest amendments to a money Bill.

The Hon. Sir Arthur Rymill: The man who said that would not know anything about the law.

The Hon. A. J. Shard: Not much! With the greatest respect, I say that he would leave you for dead.

The Hon. R. C. DeGARIS: Perhaps he was expressing a personal political view, rather than a constitutional view. Of course, this place must show constraint in dealing with a money Bill. I recognize that, constitutionally, the other place has some advantage over this place in regard to such a matter. We have passed the Appropriation Bill, which dealt with increases in stamp duties. Let me examine the information tabled in this place in relation to the Appropriation Bill, which we passed. At page 5 of Parliamentary Paper 7, giving details of estimates of revenue for the year ending June 30, 1972, the total stamp duties to be collected is shown as $21,400,000, and that is the estimated income to the Treasury from stamp duties in this financial year. The income last year was about $21,000,000, and the Bill provides that it will increase by $4,150,000. Parliamentary Paper 18, the Financial Statement of the Treasurer given on September 2, 1971, states:

Accordingly, the estimates of receipts include the expected revenues from: (1) a wide range of increased stamp duties on documents estimated to yield about $4,150,000 in a full year and about $2,250,000 in 1971-72.

I submit that in its Budget the Government does not expect any increase in return to the Treasury this year over what it received in duties last year, and this must demand some explanation by the Government. The next step in my argument is an examination of the various increases provided by this Bill. Because of the change to graduated scales that previously did not exist, it is difficult to correctly assess the probable increases in duties. However, I am indebted to the Chief Secretary for the figures he gave in his reply, because we can compare my figures with those that he has given. My figures show without doubt that the Government has seriously miscalculated the return from these stamp duties.

As my research continued I was tempted to charge the Government with misleading and attempting to "con" the public with this measure. However, I reserve comment on that point until the Government replies to my submission.

It is difficult to accurately predict some duties because of the graduated scale, but it is possible to accurately predict the increase in revenue to the Government where the rise is across the board in stamp duty. I have prepared a list of the increases in duty the Government can expect without any increase in activity concerning these particular matters. For affidavits and declarations, the income last year was $519; the increase proposed in the Bill is 100 per cent; therefore, the increased revenue will be $519. For stamp duty on agreements, the revenue last year was $3,355; the increase proposed in the Bill is 100 per cent, which means an increased revenue of $3,355. On bills of exchange, cheques, etc., the income last year was $2,116,378; the increase is 20 per cent, so the extra revenue will be $423,275. For bills of exchange and promissory notes, last year's income was $18,605, the increase is 100 per cent, and the increased income will be $18,605. For bills of of lading, last year's income was $2,135, the increase is 100 per cent, and the increased income will be $2,135.

For instalment agreements, the income last year was $63,561, and a 20 per cent increase will give an increased income of $12,712. For transfers of shares and sales of marketable securities, the income last year was $1,044,435; with a 50 per cent increase, the increased income will be about $525,000. For conveyances of other kinds, the income last year was $17,110, and with an increase of 100 per cent, the increased income will be $17,110. For deeds, last year's income was $8,421; an increase of 100 per cent will provide an increased income of $8,421. For leases, last year's income was $81,204, the percentage increase is 100 per cent, so the increased revenue will be $81,204. For letters of allotment, last year's income was $29,000, and an increase of 20 per cent will give an increased revenue of $5,805. For power of attorney, the income last year was $5,028; the Bill provides for a 100 per cent increase with increased revenue of $5,028. For annual licences, the income last year was $3,158,672, and the probable increased revenue will be $241,000. For betting ticket tax, the income last year was $125,000 and the increase in revenue will be $4,922. For hire-purchase and credit rental the amount involved is $415,720.

For totalizator tax, last year's income was $337,398, so the increase under the Bill will be $32,000. For adhesive stamps, last year's income was $271,564; an increase of 100 per cent will give an increased revenue of $271,564. In that list the percentage increases are certain and sure, and the total increased revenue is $2,075,000.

These are the minor matters to which the Chief Secretary referred in his reply. The Chief Secretary in reply gave an increase of $1,300,000 in respect of motor vehicles, $500,000 for bills of exchange, $475,000 for credit business, $1,000,000 for conveyances and $275,000 for mortgages, making a total of about $4,000,000. He added that there were minor increases of about $150,000, and the minor increases to which he referred actually amount to $2,075,000.

Let me move on to my workings on the information the Chief Secretary gave in his reply. He said that the probable increase in respect of motor vehicles was $1,300,000. Let us examine this figure. Last year the income from this area of stamp duty was $2,450,000. In the Bill before us the duty on vehicles up to $1,000 is, to all intents and purposes, the same; from $1,000 to $2,000 the duty is 1½ times higher than the existing duty; at $3,000 it is almost double; at $4,000 it is double; at $8,000 it is 2¼ times as great and at $10,000 it is 2$^{3}/_{10}$ths times as great. Taking a figure over all commercial vehicles, trucks, new and secondhand cars, and taking a 50 per cent increase as being reasonable, if we take $3,000 as the average, it has almost doubled. Taking $2,000 as the average of all sales, it is 50 per cent higher. Taking the average sale of every vehicle in South Australia at $2,000 there will be an increase of 50 per cent in duty, which will return $1,200,000. I believe it is likely to be more than 50 per cent; indeed, I put the figure at $1,500,000, while the Chief Secretary's figure is $1,300,000.

The income to the Treasury last year from stamp duty on conveyances was $5,000,000. In the Bill, stamp duty remains the same up to $12,000, namely, 1¼ per cent. Over $12,000 the duty has doubled from 1½ per cent to 3 per cent. I suggest that at least 50 per cent of the total volume of sales and conveyances deals with values in excess of $12,000. If that is the case, the increase in duty would be of the order of 50 per cent, with a return to the Treasury of $2,500,000; the Chief Secretary's figure is $1,000,000. In the figures he has given, the Chief Secretary is asking us to believe that an increase in stamp duty relating to transactions over $12,000, with the duty

being doubled, will increase receipts of stamp duty to the Treasury by only 20 per cent. I am quite certain this figure would be a complete under-estimation. Let us assume that the truth is somewhere between the $2,500,000 I have calculated and the $1,000,000 given by the Chief Secretary.

Taking the question of mortgages, on amounts over $10,000 the increase is 40 per cent. On my estimate this will return $200,000, and the Chief Secretary's figure was $275,000, so we differ slightly on that. If I take the Chief Secretary's figures as being accurate and add to them the $2,000,000 that he said were minor matters not to be considered, I find that the duty returnable under the provisions of this Bill is about $6,500,000. To this must be added a sum for the alleged loopholes that have been plugged. We have heard that a number of loopholes by which people have been avoiding the payment of stamp duty have been plugged by the provisions of this legislation.

I will discount that figure and say that my $6,500,000 is a conservative figure. I will discount the area where the loopholes have been allegedly plugged to compensate for any errors I may have made in my calculations, and I will stay with my figure of $6,500,000. In the second reading explanation we were told that the increase in duty would be $4,150,000, and in the Budget document there is only a very minor increase in duty returnable to the Treasury. It may well be that the claimed increase of $4,150,000 is over and above the loss as well of $2,700,000 for receipts duty. If this is so, then the proposed increases would be in line with my figures. If we add $4,150,000 to $2,700,000 we get $6,850,000, and I think that is about the figure in the Bill. In other words, at $6,850,000 the figures at last come together and make a little bit of sense. If this is so in relation to the second reading explanation and the reply the Chief Secretary has given, the Government has been coldly and calculatingly misleading in the presentation of the Bill. There may be explanations other than this; if so, then my accusation does not stand. I do not usually take such strong words against the Government, but the circumstances surrounding this matter demand that those words be used.

Let me take this question just a little further. I want to make some comparisons between the various States. Mr. Askin, in his Budget speech in relation to stamp duty, said:

The other stamp duty measure proposed relates to conveyances and contracts. We have had a very close look at what is proposed in South Australia and Victoria, but have concluded that we should try to avoid imposing any extra duty on these documents which might add to the cost incurred by the low and medium income-earner in buying land or a home. Accordingly, it is proposed to increase the duty only where the consideration exceeds $30,000, and then by progressive steps. The full details will be announced when the legislation is introduced, but the upper level will be 2½ per cent where the consideration exceeds $250,000.

Here we are with an upper limit of 3 per cent at over $12,000. If we compare South Australia, Victoria and New South Wales, we find that the proposal in South Australia on motor vehicles, for instance, is that stamp duty shall be $1 for each $100 up to $1,000, $2 for each $100 between $1,000 and $2,000, and $2.50 for each $100 on $2,000 and over. The Victorian situation is that it is now 1 per cent, and the Premier's new proposal (which I have heard he may not introduce) is a flat rate of 1.5 per cent. Therefore, in most instances, we are 40 per cent above Victoria in this matter. The Chief Secretary has already cited the situation in Victoria in regard to duty on conveyances where it is 1½ per cent under $7,000, 1¾ per cent between $7,000 and $15,000, and 2 per cent between $15,000 and $100,000. As I have pointed out, we move to 3 per cent at $12,000, and Victoria does not reach the 3 per cent limit until it reaches—

The Hon. A. J. Shard: That is not the figure I gave you; it is not 3 per cent at $12,000.

The Hon. R. C. DeGARIS: We go to 3 per cent at over $12,000.

The Hon. A. J. Shard: No.

The Hon. R. C. DeGARIS: I think we do. The point I am trying to make is that it is 1¼ per cent up to $12,000, and then 3 per cent after that.

The Hon. A. J. Shard: No, it is not.

The Hon. R. C. DeGARIS: If the Chief Secretary will calm himself, I will explain it to him.

The Hon. A. J. Shard: They are not the figures I read out.

The Hon. R. C. DeGARIS: I realize that. If the Chief Secretary will wait, we will get somewhere.

The Hon. A. J. Shard: No, you are saying something quite different from what I said.

The Hon. R. C DeGARIS: No, I am not; I am saying exactly what you said.

The Hon. A. J. Shard: I did not say that at $12,000 it was 3 per cent.

The Hon. R. C. DeGARIS: It is 3 per cent at over $12,000.

The Hon. A. J. Shard: It is not.

The Hon. R. C. DeGARIS: May I explain it to you?

The Hon. A. J. Shard: You are putting it quite differently. I did not say $12,000 at 3 per cent. I have to look after myself. I did not say that.

The Hon. R. C. DeGARIS: The point I make is that at $12,000 the present rate is 1¼ per cent, and in excess of $12,000 the rate is at present 1½ per cent. That is not quite right, but it is near enough.

The Hon. A. J. Shard: You are not quite right and, if your other argument is not better than this one, you are wrong.

The Hon. R. C. DeGARIS: In the Bill, what happens is that the rate is 1¼ per cent up to $12,000, and all in excess of $12,000 is at the rate of 3 per cent.

The Hon. A. J. Shard: That is not right; I did not say that.

The Hon. R. C. DeGARIS: The Chief Secretary can take it from me that, on $20,000, it is $150 stamp duty at $12,000; and then on the remaining $8,000 it is 3 per cent, which is $240; so, at $20,000, it is $240 plus $150, giving $390, which is 1.95 per cent.

The Hon. A. J. Shard: That is right.

The Hon. R. C. DeGARIS: The excess over $12,000 is at 3 per cent.

The Hon. A. J. Shard: It does not say so here.

The Hon. R. C. DeGARIS: I advise the Chief Secretary to read the Bill.

The Hon. F. J. Potter: It is certainly in the Bill.

The Hon. R. C. DeGARIS: We are both absolutely correct, which is the usual procedure in this Chamber! However, the point I am making is that in Victoria they do not hit the 3 per cent rate until they get to $1,000,000, but we hit the 3 per cent rate at $12,000. Once we exceed $12,000, the rate is 3 per cent. Once Victoria exceeds the $1,000,000, the rate there is 3 per cent. The Chief Secretary, if I may press the point, was wrong when he said that the Victorian rate was 3 per cent at $1,000,000. It is not; it is slightly less than 3 per cent at $1,000,000, because the 1½ per cent up to $7,000 must be considered; and also the 1¾ per cent between $7,000 and $15,000. So the argument that the Chief Secretary uses, by the same token, when he argues against me is inaccurate. The Government's proposal is well in excess of the Victorian proposed rate of duty—not its present rate but the proposed rate, which may not be proceeded with.

In the case of marketable securities, the increase is the same in all States—from .4 per cent to .6 per cent; the increase on cheques is the same, from 5c to 6c. The increase on credit and rental business is from 1.5 per cent to 1.8 per cent in South Australia, and the proposed increase is from 1.5 per cent to 1.8 per cent in Victoria, but that may not be proceeded with. It is 1.25 per cent in New South Wales, so we are well ahead of New South Wales and Victoria at present, but Victoria may catch up with us. In any comparison made in this matter between New South Wales and Victoria, which are the large States and which have always been well ahead of us in the impact of duty, we can see that in this Bill we have taken the lead; and not only that but taken it by a very long way. We are well ahead of the other States in this matter.

Before I sit down, I want to give one other set of important facts: they relate to commercial vehicles. There are many vehicles sold in South Australia for $20,000 or above. The duty on those vehicles in South Australia will be 2.5 per cent. So on a $20,000 vehicle it will be almost $500 ($480, to be exact). The duty on a similar vehicle in Victoria will be $300. It means there will be a temptation for business in this field to transfer to Victoria. There is also the other problem the Government faces, that many interstate transporters, who transport all over Australia, register and do their buying in South Australia, because it is cheaper. These companies will be hunted out of this State by this Bill with the increased registration and the increase in stamp duty; it will be worth their while to move to another State. I put this forward as a problem. If a saving of $200 can be made by these large companies, they will register in Victoria and, if necessary, transfer their truck to South Australia. I submit that this as a most important point for the Government to consider. I have spoken at length on this and have given many figures. I am sorry to have to do so in Committee, but this is a complex measure and the research has been long and difficult. However, I believe the figures I have given are accurate. The figures that the Chief Secretary did not give in the minor areas

amount to over $2,000,000. I therefore consider that the Committee has every right to amend the Bill to put it in line with what the Government promised in the second reading explanation.

The Hon. A. J. SHARD (Chief Secretary): I thought the Hon. Sir Arthur Rymill, who is not now in the Chamber, desired to speak. In view of the importance of this financial Bill, this might be an opportune time to ask that progress be reported.

Progress reported; Committee to sit again.

ROAD TRAFFIC ACT AMENDMENT BILL (SEAT BELTS)

Third reading.

The Hon. C. M. HILL (Central No. 2) moved:

That this Bill be now read a third time.

The Hon. D. H. L. BANFIELD (Central No. 1): I support the third reading. This Council has amended the Bill in a way in which everyone would like to see all Bills amended, so that it now makes it compulsory for anyone who wants voluntarily to wear a seat belt to so wear one voluntarily, for anyone who does not want to wear a belt does not have to wear one. The Bill also gives a good defence to anyone who is prepared to commit perjury in a court when giving evidence, and it provides a number of let-outs. This Bill is certainly a wonderful model for future legislation!

The Hon. G. J. GILFILLAN (Northern): I ask the Government, through the appropriate Minister, whether it will consider in future introducing a Bill containing all the piecemeal legislation that has been passed in the last few years. I said in Committee yesterday that I had discussed with officers of the Road Traffic Board the matter of seat belt anchorages on two-door cars in which there is no centre pillar. I ask the Government whether it will consider taking up this matter with the Standards Association of Australia and putting these things in order. Perhaps at some future date the Government could consider introducing legislation containing all these measures so that people will be aware of their obligations merely by examining one Act and not having to chase piecemeal through the Statute Book to find answers to their many questions especially as, despite what the Hon. Mr. Banfield said, people in nearly all circumstances are required compulsorily to wear seat belts. Any legislation that involves compulsion should be clear, and all associated regulations and so on should be incorporated in it.

The Hon. M. B. DAWKINS (Midland): I reiterate what I said during the second reading debate and when the Bill was in Committee. I believe there are far too many exemptions under the Bill for it to be either effective or consistent. While there are a number of variations in the types of seat belts and in the efficiency or otherwise of those belts and their buckles, legislation such as this is premature. As I intimated in the second reading debate, I intend to oppose the third reading.

The Hon. A. F. KNEEBONE (Minister of Lands): The Hon. Mr. Gilfillan asked me, as the Minister in this Chamber most interested in this legislation, to ask the Government to examine the situation and to incorporate all the amendments to this legislation in the one Bill. The present Government and every other Government that has been in office in this State has tried to consolidate Acts, and I have no doubt that this will apply to this Act.

The honourable member who has just resumed his seat said that this legislation is premature. If that is so, I do not know why the other major Australian States have either brought this matter forward or introduced legislation providing for the compulsory wearing of seat belts. The honourable member also said that he does not intend to support the Bill. However, he need have no fears about this legislation, because the amendments that have been made to the Bill give so many avenues of escape that very few people will not be able to escape a charge of not complying with the provisions of the Act. Therefore, the honourable member need have no fears that many of his constituents will get into trouble as a result of the legislation.

The Hon. R. C. DeGaris: You are prejudging it a little bit.

The Hon. A. F. KNEEBONE: I do not know what will happen in relation to the Bill, as it is a private member's Bill. I also do not know whether the honourable member who sponsored the Bill in another place will seek a conference in relation to it. It is problematical what that honourable member will do, I know that he has strong views regarding the compulsory wearing of seat belts. I assume that it will be for him, not the Government, to decide whether to seek a conference on the Bill in an attempt, perhaps, to make the provision regarding the compulsory wearing of seat belts a more sensible one. However, I am not criticizing this Chamber. Although I will vote for the third reading of the Bill, I

hope that by means of a conference that may eventuate the Bill can be put into a more acceptable form.

The Council divided on the third reading:

Ayes (13)—The Hons. D. H. L. Banfield, T. M. Casey, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill (teller), A. F. Kneebone, F. J. Potter, Sir Arthur Rymill, A. J. Shard, V. G. Springett, and C. R. Story.

Noes (6)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins (teller), H. K. Kemp, E. K. Russack, and A. M. Whyte.

Majority of 7 for the Ayes.

Third reading thus carried.

Bill passed.

CAPITAL PUNISHMENT ABOLITION BILL

Adjourned debate on second reading.

(Continued from October 19. Page 2285.)

The Hon. R. A. GEDDES (Northern): Since the time man left his home to be educated by the church and the State, his horizons of knowledge and understanding of the world and the peoples of the world have expanded to such a degree that, as he has learnt of the historic follies of man's behaviour towards his fellow men, he has developed a conscience; he believes that what was good enough for yesterday must not be perpetuated today or, more particularly, tomorrow.

This conscience has not developed in recent times; it has been man's shadow through the centuries. Indeed, at times it has been his Achilles heel, and at other times it has meant progress. The Australian Aboriginal, before the white man chose to teach him another way of living, had a very strict tribal and social structure. The Aboriginal's conscience ensured that the individual within the tribe behaved according to the traditions handed down from father to son or from elder to elder. It was the responsibility of the leaders of the communities to see that any serious offence was punished according to the degree of the severity of the crime.

Of course, similar examples are on record of social behaviour and discipline in the Indian tribes of North America and in African tribes. The theme was always the same: the survival of the tribe or community depended on its ability to live correctly within itself. Any person who digressed or endangered the co-existence of the tribe was severely punished by its elders. Of course, the great conscience of the white man has changed this: the pride and disciplines have been altered, and the tribal justice that was respected by those who lived by it has been cast aside and lost.

Today, society faces the dilemma brought about by those who subscribe to or are members of the permissive society. These people want change, but what sort of change they want is very hard to define. They declare that the system of administration that has been evolved from Magna Carta and before that is not the way to control the way people should now behave and live. Society's conscience is still a very active ingredient, and the permissive society is infiltrating its demands and ideas into the accepted way of life as we know it even here in Adelaide—with drugs, pornography, the typical mode of dress and public behaviour. The free use of the four-letter word is a deliberate attempt by some people to snub a principle that society has accepted for generations. I suppose what is most difficult of all to comprehend is their belief that the world owes them a living with a minimum of effort on their part.

This Bill will ease the consciences of those who believe that hanging is barbaric, and it will please those who follow the new ideal of freedom for all. These people, by this belief, admit that the most ghastly murder can be committed and, regardless of the evidence or the consequences of the murder, a sentence with parole will be the only type of decision that the court can make. The London *Times* of October 16, 1971, reported that a judge sentenced a man to life imprisonment with the words, "When I say gaol for life I mean gaol for life." The case involved a 25-year-old man who, after escaping from a training centre, had shot a constable many times. The Home Office records show that life imprisonment in Great Britain is equivalent to about 10½ years in gaol. The article in the *Times* commented that the judge's wish could not be carried out. In his speech on this Bill the Hon. Mr. Potter said that a sentence of imprisonment for life should mean just that—imprisonment for life.

The Hon. F. J. Potter: That is what the Statute says.

The Hon. R. A. GEDDES: Yes. It appears to me that in these changing times a person guilty of a ghastly crime will not be imprisoned for life. The Old Testament says, "An eye for an eye and a tooth for a tooth." However, Christ did preach love, and the New Testament is living proof of what a remarkable life he led, showing by example the need to love thy neighbour. But has the Christian

world obeyed his teachings? Man's record of war, of greed, and of poverty is legendary. The incredible Indian-Pakistani problems and the loss of life in Ulster are striking examples of today's problems of man's inhumanity to man. If the Christian world had practised what it has been taught (and every Christian has been taught some semblance of decency at his mother's knee), there would be no need for capital punishment legislation or for these amendments.

However, man will not learn. The animal instinct in him for self-survival and self-aggrandisement is in his blood, and so premeditated murder has taken place and will take place. Punishment for this act must be measured in a just and fair way, remembering that the State can have the final say about the guilty person's fate, which means that only the worst cases of murder, if the State so decides, need the application of capital punishment. The present Act provides safeguards to ensure a fair trial or a just sentence and, where necessary, the full expression of mercy. The cry for change cannot be ignored for all time but, in granting change, must all be changed?

The Hon. C. M. HILL (Central No. 2): I find it difficult to avoid repetition in this debate, because it was only in February this year that a similar debate took place in this Council. I suggest that those who read *Hansard* and are interested in this question should be sure to read the debates that occurred on both occasions in order to gain the full picture of how honourable members have expressed themselves on this subject. This is a subject about which any honourable member need not apologize for expressing his opinion, and is one about which I respect deeply the views of all honourable members who make their opinions known. I know from statistics that there is obvious proof, if it is needed, that the number of commutations are increasing compared to the number of executions carried out in this State. I think it was in 1964 that the last execution took place, but there have been several commutations since then. Until the turn of the century, 57 executions took place in this State, and between 1900 and 1971 there have been 19, making a total of 76. During the same period there have been about 116 commutations, but I do not have the statistics to make the point that whilst commutations are increasing there have been fewer death sentences carried out.

We would probably all agree that it is likely in future (if this Bill is defeated and capital punishment remains on our Statute Book) that no further death sentences will be carried out in this State. When the Bill was before the Council previously, I voted against the abolition of capital punishment, and tried to indicate that I based my view on a basic conviction that I believed that it was in the best interests of the State that capital punishment should remain on our Statute Book and that I was influenced by what I considered to be public opinion, particularly public opinion within the district I serve. Also, I placed some emphasis on the question of deterrent, especially as it applies to a deterrent against professional criminals carrying weapons when they commit certain crimes and using these weapons on impulse, or when cornered by the police, in such a way that they committed murder.

I said that I had been shaken in my conviction that I had always held after making research into the question, and I referred to the documents that had been referred to in this debate, particularly the report of the Royal Commission on Capital Punishment, 1949-1953, in Great Britain, and the book published by Sir Ernest Gowers. Now, having re-read that literature and given more thought to this subject than I gave it at that time, I still oppose the Bill. When I ask myself whether this is a proper decision or not, I must admit frankly that it is a decision I consider is based on emotion rather than reason, and a decision that is made and held in the hope that this question of deterrent will mean that some lives will be saved, and that the question of deterrent is as effective as some people claim.

On the subject of public opinion, I was interested to read in our daily newspapers (I think this applied more to one than the other) that, this time, they came down strongly in favour of abolition. I respect the views of the newspapers in this matter. One cannot always accept what they say as being truly indicative of public opinion, and one must consider the question of public opinion carefully when great issues of this kind are considered. I was interested in part of the submission made by the Archbishop of Canterbury to the Commission to which I have referred, when he stated:

It would be generally agreed that though reform of the criminal law should sometimes go ahead of public opinion it is dangerous to move too far in advance of it.

I must be certain in my mind that public opinion has reached the stage where it leads in such a change before I would change my views on the subject. It is difficult, indeed, to assess what public opinion really is on this subject. The difficulty occurs because there is, what many have called, a big silent majority in the community who do not make their views public and who do not discuss this type of subject with people with whom they associate. Nevertheless, these people are present in great numbers. When one moves through the suburbs in which I am most interested in metropolitan Adelaide, one finds that there is considerable worry among people today because of the strains and tensions that present-day life presents. Many of them are worried because of the great challenges facing youth today, many are worried about the permissive society in which we live, and many deep-thinking and responsible people admit that they believe many people just do not know where they are going. In this social environment it is very difficult to assess public opinion, and there seems very good reason why one should be cautious in reaching a decision on whether or not public opinion favours a major change of this kind.

It is a great pity, as I mentioned last February, that the Bill is not debated in Parliament on the basis of a free vote. I appreciate that the Australian Labor Party has always held very strong views on this subject, but it seems to me there is something wrong with the political Party system when certain Bills (from memory, the Licensing Bill was debated on the basis of a free vote a few years ago) are debated on the basis of conscience and a free vote and others are not. When we consider the subject matter of the Licensing Bill and then compare it with the measure before us, I think we must agree that the measure with which we are dealing is one of far greater depth and importance, yet unfortunately it is not thrown open for a conscience vote.

It is interesting, when one delves into the question of public opinion, to see that the major Parties in this State have not gone to the people with this subject in their campaign or election speeches. I cannot find any election speeches of members of the Labor Party in 1968 or 1970 dealing with this subject.

The Hon. A. F. Kneebone: Nor your Party either.

The Hon. C. M. HILL: That is right, but our Party is not bringing this matter forward. I think if a Party brought forward a measure of this kind after it had been to the people and succeeded it would be on somewhat stronger ground in the claim that it had the backing of public opinion than if it had not been to the people with it in its platform.

On the question of deterrent, I return to the point that the report to which I referred stressed that apparently there was evidence that professional criminals were deterred from carrying weapons with which they could kill whilst this penalty was, so to speak, hanging over them. That is very important, especially from the point of view of protection of police officers. It is usually a member of the Police Force who apprehends intruders and goes to the scene of a crime, and these men are placed in positions of great danger on such occasions.

The report says that it "received virtually unanimous evidence" on the matter, and also made mention of "this uniquely deterrent value of capital punishment in its effect on the professional criminal". By leaving the measure on the Statute Book in the knowledge that the likelihood of the death sentence being carried out is extremely remote, and at the same time saving some lives, especially those of police officers, I think we are meeting a very strong point that must be considered.

The other major question that arises as to whether the criminals who commit premeditated crimes are deterred as a result of the penalty being there is a very difficult question to answer. Those with strong convictions on the subject can produce statistics to strengthen their arguments on either side, but overall this is a question that goes much deeper than statistics. I do not feel so strongly on that point as I do regarding the other matter of deterrent.

The Hon. F. J. Potter: Sometimes the statistics can be skewed. Take the Hope Forest murder. That would knock South Australian statistics for a six.

The Hon. C. M. HILL: What worries me is that, human nature being what it is, people in the first instance have a belief or a conviction on this question and then they endeavour to find and use statistics to support their conviction. It is almost impossible in a subject such as this for someone to start with a completely open mind and delve into statistics and then come up with an opinion one way or the other. No matter how one looks at it, this is an extremely difficult subject to consider purely on the basis of reason; I believe no-one looks at this question purely on that basis.

I summarize by saying that I will not as yet change my views. There may be a time when I will. I respect the views of all members who have spoken. I know this is a Government measure and I do not lightly oppose Government measures, but on this occasion I intend to vote against the second reading.

The Hon. M. B. DAWKINS (Midland): Very briefly, I want to indicate my opposition to this Bill. I oppose it because I believe that the retention of capital punishment on the Statute Book is a very definite deterrent. Other honourable members have quoted figures to support this, and I do not intend to weary the Council by repeating them or quoting others. If any honourable member wishes to refresh his memory, I understand the figures are quoted in this afternoon's paper. I content myself by saying that I agree with much of what has been said by other members who oppose the Bill. If I may, I would like to commend the speech of the Hon. Jessie Cooper, who made out a particularly good case for the retention of capital punishment, as did my honourable friend Dr. Springett. I do not believe that any honourable member would support the use of capital punishment willy-nilly or in anything approaching an irresponsible manner. No-one would support that, and of course we are still aware that on many occasions the death penalty is commuted.

In common with other honourable members, I have seen men whose sentences have been commuted to life imprisonment and who have been rehabilitated and restored as responsible citizens. I commend the fact that this has happened. These people would be mostly those who had committed a crime on the spur of the moment. However, crimes of what is sometimes described as first-degree murder vary from those one step removed from manslaughter to diabolically wicked crimes of the worst possible kind. For this reason I believe in the retention of capital punishment on the Statute Book, because I am positive that it is a necessary deterrent, and therefore I oppose the Bill.

The Hon. G. J. GILFILLAN (Northern): I rise to speak briefly to this Bill, which is important. Honourable members will have to record a vote and it is only fitting that each one should express his reasons for voting in a certain direction. The Chief Secretary spoke quite well in his second reading explanation. Of course, it was a speech prepared for the purpose; it was largely emotional, touching mainly on the emotional side of capital punishment and the taking of life by the State. Many arguments of an emotional nature that were used could be used equally as well in supporting the retention of capital punishment. It is a matter of where a person places the responsibility in the preservation of life—whether he puts the accent on saving the life of the guilty or on preserving the life of the innocent. When people are elected to Parliament, and even more so when they are elected to Cabinet, they have a grave responsibility in this regard to see that the innocent are protected by the laws of our country. I will quote two sentences from the Chief Secretary's explanation. The first is:

> The case against capital punishment rests primarily and basically upon the intrinsic value of the human person.

That argument can be used equally to emphasize the need to protect the innocent. I could take many more sentences at random, but this is the second one:

> When the State, as a deliberate act of policy, lays aside its power to punish by inflicting death, it demonstrates in a practical and striking way its conviction of the value of all human life.

Again, that argument could be used equally in favour of the retention of capital punishment as a deterrent.

Deterrence is impossible to prove conclusively. There would be many honourable members opposite who are supporting this Bill who would have doubts about the absolute correctness of the stand they are taking. Many people who favour the retention of capital punishment are not entirely convinced that this is the complete answer; but, on balance, it is a further deterrent in some instances, particularly where a person is convicted of a crime, or is likely to be convicted of a crime, that would entail a very long sentence, and he could consider that he had nothing more to lose by killing to remain free or to gain freedom. If this punishment remains on our Statute Book, it will be an added deterrent in this type of case, for it will illustrate that such a person does have something more to lose if he takes the final step in the taking of another person's life.

This is not a hypothetical question because this type of crime happens throughout the world only too often. It happens frequently even in Australia, where the community has not been involved in such a heavy crime rate as obtains in some of the more densely populated countries. We are not debating the penalty

that should be inflicted on any particular type of murderer, nor do we have to consider any particular case. I believe that what we are doing here is not considering whether one type of murderer should receive capital punishment and another should not: what we are debating here is whether this punishment should remain on our Statute Book. That is the only purpose of this Bill. It is not to hang people; it is to preserve what I believe is a further deterrent, even if that punishment is never used in the future. It should remain there, so I shall vote against the Bill.

The Hon. L. R. HART (Midland): I do not wish to record a silent vote. As I have not prepared a speech, my contribution will be brief. One could say that I speak on impulse —the same reason why some people commit murder. It is the type of murder committed in the situation mentioned by the Hon. Mr. Hill, where persons are in the position of being caught breaking the law and decide to shoot their way out. If that type of crime is to be outlawed, we must have a penalty to suit the crime.

It is said by many people that the threat of capital punishment is no deterrent to murder. If that is true, it is only because the penalty of capital punishment is not carried out. Figures have been given this afternoon by some honourable members of the number of times the death sentence has been commuted. Any criminal today knows that the odds are heavily against his having to face the death penalty. If the situation was reversed, I think we would have a different type of society today. We would probably have far fewer murders than we have at the moment. The death sentence, if carried out, would certainly be a deterrent to murder.

I have received many letters from sincere people canvassing the retention of capital punishment on our Statute Book. I have received far more canvassing from that angle than from those people who wish to have capital punishment abolished So, on that score alone, one is entitled to vote against this Bill. Like the Hon. Mr. Gilfillan, I believe that we are not deciding whether the death sentence should be carried out: we are deciding only whether this piece of legislation shall remain on the Statute Book. I believe it should, and I intend to vote accordingly.

The Hon. C. R. STORY (Midland): I rise merely to indicate where I stand in the matter. I come down as firmly as I did 16 years ago when this matter was debated in this Chamber. I believe we should retain the law as it stands. One can advance many arguments for or against, and one can read from equally eminent sources, either one way or the other, in this regard. Like previous speakers, I think that what we are doing is retaining the right on the Statute Book. It will not be until another hanging takes place for some suitable crime that we shall have the Howard League and various other people down here making as much noise as they used to do.

In many cases, it would be preferable for people to be hanged in a nice clean way. Some people have been emotional enough to say that we should not have a man waiting around for some five or six weeks, give him a just trial and then hang him. The alternative is the "kangaroo court", as in Khartoum, where they do not worry very much about how long it takes; but the effect is the same. In many cases, it would be better that a person's life be terminated if convicted after a fair and proper trial than for him to rot out (and I mean that literally) in a gaol and, as has occurred in the past, in solitary confinement. If one wants to see a good example of what can happen in relation to life sentences and to escapees even from places like Devil's Island, one should read *Papillon,* which is an excellent book and which epitomises much of what has been said in this and previous debates. I oppose the Bill.

The Hon. A. J. SHARD (Chief Secretary): I rise to reply to the debate. To ensure that I knew where I was going, this morning I read the reply I made to the debate on the abolition of capital punishment and corporal punishment last year. That reply accords entirely with what I should like to say regarding this Bill. I said last year that that debate was a good one, and I think that can be said again this year. Right through the debates, only one question of a political nature was introduced, and that happened again this year, as only one such matter was introduced, by the same person who introduced it last year. I should like to make my own position and that of my colleagues clear. I make no apology for the Labor Party's policy to abolish hanging, as I believe completely in that policy. As I said last year, I do not want to refer to specific cases. However, it would be far better to let 20 guilty men off than to hang one innocent man, as has happened in Australia and in other parts of the world. Honourable members know the man in Australia to whom I am referring.

The Hon. R. C. DeGaris: Was that a case in Western Australia?

The Hon. A. J. SHARD: Yes. That person was not hanged, but he could well have been. Many people think he was innocent. However, I do not want to debate that matter. The debate has been of a high standard, and the first speaker, the Hon. Mr. Springett, made an excellent contribution to it. I congratulate the Hon. Mrs. Cooper on her speech; it was the best speech I have heard her make since she has been a member of this Council. I disagree with her views, which is understood, and I suppose some people will disagree with my views, which is also understood. I do not know whether honourable members read the leading article in last Friday's *Advertiser*. Although I have often disagreed with the *Advertiser*, and particularly with the views expressed in its leading articles, I have always been told that it puts the people's point of view and informs people's minds. In case honourable members have not read the article to which I refer, I should like part of this excellent article to be incorporated in *Hansard*. I will not read all of it, although I should like to see the whole article incorporated in *Hansard*. Part of that article, which is headed "Abolish Hanging", is as follows:

The last hanging took place in South Australia seven years ago. It will remain the last if the majority of the Legislative Council can be persuaded that this punishment has no place in our society. Many countries have done away with the death penalty because they believe it is outmoded in a civilized State. It is surely high time now for this State to take a stand.

A later part of the article states:

There are several unfortunate aspects of current South Australian practice when a person is found guilty of murder. First, members of the jury must overcome their natural abhorrence at making a finding which could take the prisoner's life. Then the trial judge is bound, no matter what the circumstances—

The PRESIDENT: Order! I am sorry to have to interrupt the Minister. I realize that the matter of one's reading from newspapers is a difficult one, and it is sometimes an embarrassment for the Chair. Standing Order No. 189, which is very definite in this respect, provides:

No member shall read extracts from newspapers or other documents, referring to debates in the Council during the same session, excepting *Hansard*.

I understood from what the Minister said that he was reading from a newspaper.

The Hon. A. J. SHARD: Yes, Sir.

The PRESIDENT: I think Standing Order No. 189 prohibits that practice.

The Hon. A. J. SHARD: I do not want to quarrel with your ruling, Sir. Can I ask leave of the Council to have this article, which is of such importance to the community of South Australia, incorporated in *Hansard?*

The PRESIDENT: The Minister can draw honourable members' attention to a certain newspaper article, but I am afraid that he cannot ask for leave to have it incorporated in *Hansard*.

The Hon. A. J. SHARD: This is setting a strong precedent, especially in relation to such an important social matter as this. I do not know how to overcome this difficulty. It seems wrong that such an article on such an important subject cannot be quoted in this Council. I am upset at not being able to read this article because it is such a good one and puts forward an enlightening case on why hanging should be abolished.

The Hon. R. C. DeGaris: I think I can assure the Chief Secretary that all honourable members have read the article.

The Hon. A. J. SHARD: The Leader is missing the point. If I cannot refer to this article now, I cannot do so in the future. I cannot read this article, which has been written in this State by unbiased people who have given an up-to-date opinion.

The Hon. C. M. Hill: You can use it after this debate has concluded.

The Hon. A. J. SHARD: Yes, but it is no good then. How can I include it in my speech on this Bill?

The Hon. Sir Arthur Rymill: The Standing Order says "read". I think you can refer to it.

The Hon. A. J. SHARD: How can I refer to it without reading it?

The Hon. Sir Arthur Rymill: You said it was from an unbiased source.

The Hon. A. J. SHARD: Yes, on this matter. I accept your ruling, Mr. President, but I am disappointed that I cannot use the article. I hope that every honourable member will read it and be educated by it.

The Council divided on the second reading:

Ayes (6)—The Hons. D. H. L. Banfield, T. M. Casey, M. B. Cameron, A. F. Kneebone, F. J. Potter, and A. J. Shard (teller).

Noes (13)—The Hons. Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, L. R. Hart,

C. M. Hill, H. K. Kemp, E. K. Russack, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 7 for the Noes.

Second reading thus negatived.

MINING BILL

Adjourned debate on second reading.

(Continued from October 19. Page 2283.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I sought leave to conclude my remarks, Mr. President, and I still have several matters to deal with. I will try to cover them as quickly as possible. I shall touch briefly on some aspects, hoping that some members who may know more about them than I do will deal with them. Part X deals with the wardens court and lays down new procedures for a wardens court. I raise the question of whether the wardens court should be removed from the Mines Department administration. This is a matter on which I have always had mixed feelings. Once again, I am not reflecting in any way on the work of wardens in the past.

Nevertheless, with the provision to allow the Director of Mines to hold exploration licences, it seems that this matter should be re-examined. I bring it to the attention of the Council, because I feel, on reading the new Bill, that this point must be considered. Perhaps, once again, my legal colleagues in this Council may wish to give views on this question or the Minister may wish to elaborate on the Government's view of it. I consider that it is a matter that deserves examination, and this need is emphasized because the Bill changes certain aspects.

Part XI deals with encouragement of mining and provides that the Minister may assist in the conduct of mining operations and in research and investigation. I do not altogether object to this Part but I believe that the Minister should report to Parliament on all assistance given under this Part and on the nature of that assistance. Part XII, headed "Miscellaneous", deals with several matters, and I raise only one for comment by the Minister. I raise the question of the long-term effect of this provision on the State's supplies of materials, especially sand, stone, clay, etc., where these are now part of the freehold title. I raise the matter of whether what is being done is wise.

I also draw the Minister's attention to the fact that in the interpretation clause, clause 6, there is no definition of mineral land. One must go to clause 8 to find that definition and, once again, I ask why the definition of mineral land is not in the interpretation clause of the Bill. It seems reasonable that that definition should be in clause 6.

I am sorry that I am skipping from Part to Part, not necessarily in correct order. I go back to Part IX, dealing with entry upon land, compensation, and restoration. In my view, the amount that the court is likely to award under this provision in regard to compensation for mining operations would be of little value to the small or medium owner. Where exploration is taking place or a mine is operating, often the best of the land is destroyed or damaged and the owner is left with an unworkable remnant. The question of compensation to the landowner is one that must be considered seriously, and it applies to both private and mineral lands. I know it is a difficult question, and perhaps I should go through the procedure by which the Bill deals with compensation. First, a person with a miner's right or an exploration licence is duly authorized to enter a person's property. Before doing so he must give 21 days' notice to the landowner. Then, within six months the owner can object to that entry and a wardens court hears the objection.

The same conditions concerning compensation apply to the use of declared equipment. I believe that the owner of any land on which an exploration or mining operation takes place is entitled to receive more compensation than just his proved financial loss. This compensation can be judged by the Land and Valuation Court, if that is necessary. Whilst I agree that these amendments are an improvement on the old Act, I am not completely satisfied with the question of financial loss that the landowner must prove. Clause 58 (5) provides:

> In any proceedings under this section, the objector must establish that the conduct of mining operations upon the land would be likely to result in severe or unjustified hardship.

The Hon. A. M. Whyte: It does not apply to precious stones.

The Hon. R. C. DeGARIS: That is so. I shall say little about precious stones, and opal in particular, because I realize the honourable member has a wide knowledge of this topic. Part IX provides the means whereby the Minister can ask for a bond before a person enters, but I still consider that the whole question of compensation, which has always been unsatisfactory, remains unsatisfactory in the present Bill. At this stage I am not prepared to make any recommendation in relation to what I think is a just compensation scheme. I know, and all honourable members would know, of

instances where exploration has been carried out by certain companies and the landowner has received what I call a raw deal. We must begin with the landowner's right to carry out his business as he wants to, and if he is disturbed he must be justly compensated, and not reimbursed for only his financial loss. I think all honourable members would have some sympathy with him in this matter.

If a just system is devised much of the friction that has existed between exploration and mining companies and landowners would disappear. I illustrate my point by quoting a case about which I have personal knowledge and in which I believe an injustice occurred. I have reported this case to the Council before and I repeat it, and it concerns a small farm that was involved in oil exploration. I realize that this Bill does not deal with oil exploration, but the case would be similar in principle. An exploratory well was put down to about 12,000ft., and the drill remained on the property for one month. When the drill was operating on this small property of 500 acres, thousands of people trooped all over it to see the drilling operations in progress.

The drill was within about 10 or 20 chains of the person's house, he had ewes lambing on the property, and the whole situation became uncontrolled. Neither he nor the police or anyone else could control the situation. His total compensation amounted to $94, whereas I suppose his actual loss was many thousands of dollars as a result of the activity. I believe we should start with the landowner and ensure that he receives just compensation, not only the financial loss he can prove, and I hope there is some feeling for that situation among honourable members. I am unable now to suggest any variation, but I should like to give it more thought, because I am sure that we could achieve a worthwhile procedure whereby the landowner would be reasonably considered.

The question of conservation must also be considered, but I do not propose to go into that matter at length now. Conservation is an area in which some honourable members may wish to engage in research and present a case in the debate. Conservation needs deep research and thought, and I shall have more to say on conservation in Committee. In the meantime, I hope that some honourable members will present a case in the interests of conservation.

I do not intend to say much about opals, although I should like to say something on this wide subject, because the new legislation calls for close attention. However, other honourable members know more about opals than I do, and they might care to lead the Council on this question.

Back-filling can create grave problems for the whole industry. When one goes on to opal fields one feels some action should be taken to enforce back-filling in the area. I put the following points: the cost of back-filling in most cases is about $1,000 to $1,500 each hole. There is the problem where the cut is bulldozed out; the dozer operator pushes against the wind to put the fill back, but it is almost impossible for him to fill the cut. I know of one cut in which the opal was running very well under a pile of dirt; there might have been $100,000 worth of opal under the surface. An attempt was made to back-fill and dig a new cut, but it was impossible, because of the dusty conditions, to back-fill. At any rate, only about 50 per cent of the total heap can go back into the hole. The third point is the danger evident where bulldozer cuts are refilled.

I believe that the bulldozer is on the way out on the opal field and is no longer as popular as it was in past years. Nevertheless, people are still operating bulldozers, which have been a worthwhile tool in the field, particularly when working over old areas that have been previously mined. Some people are deeply committed financially to heavy bulldozing equipment but, in the course of the next five years, I think they will be phased out. They should be given the chance to meet their commitments on the equipment by having a phasing-out operation regarding the use of bulldozers, because back-filling will kill the dozer on the opal field. No doubt the Hon. Mr. Whyte will have much to say on this matter. The definition of "extractive minerals" states:

"extractive minerals" means sand, gravel, stone, shell, shale or clay but does not include fire clay, bentonite or kaolin.

Will the Minister consult with the department about including salt in the extractive mineral clause, because many people sweep salt on their land? It is not a private mine. The mineral rights rest with the Crown. These people have been sweeping these areas for many years.

Regarding the transitional period between the operation of the new Act and the old Act, I do not know whether all aspects have been covered in the transitional provisions. I draw to the Minister's attention that several sandstone quarries are operating, some of which are owned freehold and some of which are

leased from freehold owners. What will be the position in the transitional period in regard to these quarries? We are adopting a new procedure of a private mine, and in these circumstances these people will need to seek approval for their operation to be declared a private mine. Technically, until the matter is investigated and until the Minister approves of it as a private mine, there will be a hiatus in which these people will possibly be mining illegally. Will the Minister seek information from the department whether the transitional provisions in the Bill adequately cover these people who will need to apply for a private mine under the new legislation? Clause 19(1) states, in part:

Where—

(*a*) a person is divested of his property in any minerals under this Act;

(*b*) a mine had been established at the commencement of this Act for the recovery of the minerals, or is established within two years after the commencement of this Act;

and

(*c*) an application is made in writing to the Minister for a declaration under this section, and the application is supported by such plans and information as the Minister may require,

the mine shall be declared by proclamation to be a private mine . . . .

In those quarries already established, I do not think that royalty is payable to the rehabilitation fund from private mines already operating, but I consider that they should contribute to the fund. It appears as though subclauses (1) and (4) of clause 19 conflict. I believe that private mines already operating should pay a royalty to the rehabilitation fund. I draw to the Minister's attention that clause 60 appears to override the Mines and Works Inspection Act regulations. Under the regulations, the operator is required to submit detailed plans, and these plans are approved by the Minister of Mines.

Under clause 60, it seems that the inspector can make a decision on certain matters other than those concerning the approved plans under the regulations. I believe that a provision should be inserted in this clause stating that the inspector, in directing a person in writing, shall do so within the limits of the approved plans under the Mines and Works Inspection Act. However, if an operator feels that he has been badly treated by an inspector, I believe he should have the right to appeal to a wardens court, especially if there is conflict between the Mines and Works Inspection Act and clause 60. The inspector may direct the operator under clause 60. In his second reading explanation regarding this clause, the Minister said:

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 does not take into account any situation that may be approved under the Mines and Works Inspection Act. I will finish by reading clause 63, which provides:

(1) The Minister shall establish a fund entitled the "Extractive Areas Rehabilitation Fund."

(2) The Minister shall pay into the fund all amounts received or recovered by him by way of royalty upon extractive minerals.

(3) The Minister may expend any portion of the fund for any of the following purposes:—

(*a*) the rehabilitation of any land disturbed by mining operations for the recovery of extractive minerals;

(*b*) the implementation of measures designed to prevent, or limit, damage to, or impairment of, any aspect of the environment by mining operations for the recovery of extractive minerals;

and

(*c*) the promotion of research into methods of mining engineering and practice by which environmental damage or impairment resulting from mining operations for the recovery of extractive minerals may be reduced.

In this clause there should be some restriction on the amount of money that can be spent on promotion and research. As this money is taken from the operator and paid into the fund primarily for rehabilitation, it should be used primarily for that purpose; but there is no restriction here on what can be used for promotion and research. With these few remarks, I support the Bill. Generally, it is a good Bill and certainly brings up to date the old Act. It will meet modern conditions and, while many matters will come under close examination in Committee, I support the second reading.

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

ADJOURNMENT

At 5.58 p.m. the Council adjourned until Tuesday, October 26, at 2.15 p.m.