LEGISLATIVE COUNCIL

Tuesday, October 26, 1971

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

QUESTIONS

FOSTER CHILDREN

The Hon. M. B. CAMERON: Will the Chief Secretary ascertain from the Minister of Social Welfare how the figures of $1.20 for a teenage foster child and $1.10 for children under 12 years of age, given by the Social Welfare Department as the average cost of maintenance in a home, were arrived at? In correspondence to a member of the committee on foster children the words "true value" have been used. I should like to know what is meant by those words. Also, will the Minister ascertain whether the latest increase in the cost of living will be recognized in the future when considering the cost of maintaining foster children; whether the department has taken into account the lower cost of keeping children in a private home rather than in an institution; and, in view of the lower cost and the desirability of keeping these children in private homes, whether the Government will review the respective amounts and raise them to a higher figure? Also, will he ascertain whether the Government will examine the desirability of conducting an independent review of the true cost of maintaining foster children in private homes?

The Hon. A. J. SHARD: I will refer the honourable member's questions to my colleague and bring back a reply as soon as practicable.

ABATTOIRS

The Hon. L. R. HART: I understand that the Metropolitan and Export Abattoirs Board has again lost its export licence. Will the Minister of Agriculture say why the board lost its licence and give the estimated cost of rectifying the problems that caused it to lose its licence?

The Hon. T. M. CASEY: I do not have that information at hand, but I am expecting a report on the matter from the Metropolitan and Export Abattoirs Board. As soon as I have the report I shall provide the information for the honourable member.

SUCCESSION DUTIES

The Hon. M. B. DAWKINS: Has the Chief Secretary a reply from the Treasurer to my question of last week about a review of succession duties?

The Hon. A. J. SHARD: The Treasurer states that the proposal by the New South Wales Government to provide for some easing in estate duties on small and medium-size primary-producing properties is no more than a belated following of a procedure first adopted in this State and later adopted by Victoria and the Commonwealth. In any case, the severity of New South Wales estate duties still considerably exceeds the severity of South Australian succession duties. The Treasurer points out that the recent Succession Duties Act amendments in this State significantly increased those concessions relating to small and medium-size primary-producing properties; he states that the Government does not intend at this stage to submit further amendments.

KANGAROO ISLAND FERRY

The Hon. V. G. SPRINGETT: Has the Minister of Lands a reply from the Minister of Roads and Transport to my question of October 19 about the Kangaroo Island ferry?

The Hon. A. F. KNEEBONE: My colleague states:

A newspaper report of a section of the annual report of the Adelaide Steamship Company has already made public the fact that negotiations are taking place between the Government and the company, through ship brokers, for the purchase of the m.v. *Troubridge*. In due course, and when the negotiations are complete, a further statement will be made.

SAFETY OFFICER

The Hon. C. R. STORY: Has the Minister of Agriculture a reply to my question of October 14 about a safety officer in the Agriculture Department?

The Hon. T. M. CASEY: A safety officer (Mr. R. H. Moulds) was appointed to the staff of the Agriculture Department on July 20, 1970, but spent his first three months of duty in the Department of Labour and Industry for training purposes. The safety officer's duties in the Agriculture Department are to bring to the notice of the farming community potential hazards associated with farming activities and to advise on safety measures and precautions. A detailed survey of farm injuries in the previous two years in County Gawler, and similar although smaller surveys at Inman Valley, Millicent and Lochaber, have provided evidence of the nature of farm accidents and injuries and provide a basis for safety extension work. The safety officer has had articles published in the *Journal of Agriculture*, attended evening meetings and field days conducted by the Agricultural Bureau, and addressed rural youth

clubs. He has also addressed a Women's Agricultural Bureau conference and attended a rural safety seminar at the Roseworthy Agricultural College.

WHYALLA ROAD

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

Leave granted.

The Hon. A. M. WHYTE: As a result of negotiations carried out with the Department of the Army by Senator Jessop, it has been ascertained that that department will not restrict development of the road between Whyalla and Point Lowly. However, apparently the Highways Department at this time does not intend to upgrade that road. Some residents of Whyalla believe that the area involved could provide amenities for their fast-growing city, which does not have many pleasant amenities nearby. Consequently, will the Minister take up the matter with his colleague and ascertain whether the road can be upgraded in the present roads programme?

The Hon. A. F. KNEEBONE: I will take up the matter with my colleague and bring back a reply as soon as possible.

MOTOR VEHICLES DEPARTMENT

The Hon. C. M. HILL: Has the Minister of Lands a reply to the question I asked recently concerning the possibility of shifting the Motor Vehicles Department to a more convenient site?

The Hon. A. F. KNEEBONE: The Minister of Roads and Transport reports:

It is true that some consideration has been given to the resiting of the Motor Vehicles Department. As the matter is still not finalized, no definite statement can be made.

SIREX WASP

The Hon. C. R. STORY: Has the Minister of Forests a reply to the question I asked on October 14 regarding the Sirex wasp?

The Hon. T. M. CASEY: The Sirex wasp is still spreading slowly westward in Victoria although the search and destruction operations so far carried out in that State have greatly reduced the rate of spread. The work of the Sirex Fund Committee is now being concentrated on biological control, by the introduction and establishment of appropriate natural enemies of Sirex. These enemies comprise wasp parasites and nematode parasites, and results are encouraging. The Conservator of Forests considers it is probably safe to regard the biological control activities as likely to lead to substantial success in the control of Sirex. It is also planned to continue tree breeding work in order to obtain planting stock with a high degree of resistance to Sirex attack. The present nearest known occurrence of Sirex to South Australia is at Camperdown in western Victoria (150 miles from the border). Some reduction has been made in the total expenditure by the National Sirex Committee, and the South Australian contribution to the fund is expected to be reduced next year because of the increased areas of plantation in other States.

OUTER HARBOUR TERMINAL

The Hon. M. B. DAWKINS: Last week I asked the Minister of Agriculture, representing the Minister of Marine, a question regarding construction of a new terminal at the Outer Harbour. Has the Minister a reply?

The Hon. T. M. CASEY: My colleague has informed me that the new passenger terminal at the Outer Harbour should be ready for use by August, 1973. Much will depend, however, on the result of tenders to be called shortly for the completion of the building.

DAIRY CATTLE FUND

The Hon. L. R. HART: Last week I asked the Chief Secretary whether he could tell me why the Dairy Cattle Fund was held in trust funds on which no interest was paid. Has he a reply?

The Hon. A. J. SHARD: I have been informed that the Dairy Cattle Fund, constituted pursuant to the Dairy Cattle Improvement Act, is a fund to be administered by the Minister and applied by him to "improving the standard for dairy cattle, and generally to promoting and encouraging the dairying industry of the State and to no other purpose". The fund is credited with fees for bull licences, penalties imposed by the Act, an annual grant from the Commonwealth, and levies for herd testing purposes. It is not used to pay compensation and merely operates in parallel with, and supplements, State revenue appropriations for the Agriculture Department for dairying purposes which are estimated at $275,000 for 1971-72.

The Swine and Cattle Compensation Funds hold moneys in trust which have been contributed by stockowners through a stamp duty, and the funds are used to pay compensation, as necessary, to the people who have contributed them, and for other purposes authorized by the Acts. As these moneys basically belong to the stockowners, the Government has agreed to pay interest on the balances.

FILM CLASSIFICATION BILL

The Hon. C. R. STORY: Has the Minister of Agriculture, representing the Attorney-General, a reply to my recent question concerning the Film Classification Bill?

The Hon. T. M. CASEY: My colleague has provided me with the following information:

The conference to which the honourable member refers in his question was a conference of Commonwealth and State Ministers responsible for censorship matters. Matters discussed at the conference covered a wide range and the Film Classification Bill was only one of them. Two conclusions emerged from the discussions relating to the Film Classification Bill: (1) a target date for the operation of the restricted classification was set as November 15; (2) it emerged that it was important that there should be power for the Commonwealth Film Censor to require the submission of advertisements for his approval. It is evident that the restricted classification should not be used as a basis for a type of advertising that might seek to attract patrons by implying that the film was given a restricted classification because of salacious content.

LAMBS

The Hon. M. B. CAMERON: I understand the Minister of Agriculture has a reply to my recent question about the bruising of lambs.

The Hon. T. M. CASEY: The Director of Agriculture has provided me with the following additional comment to that given by me when the honourable member raised this matter on October 12:

Bruising of lambs is an annual problem, but the percentage of lambs rejected for export because of bruising fluctuates markedly from year to year. The percentage rejected due to bruising, in the last six years, has been as follows: 1965, 5.3 per cent; 1966, 4.9 per cent; 1967, 10.8 per cent; 1968, 2.4 per cent; 1969, 4.8 per cent; and 1970, 5.8 per cent. Each year, during the export lamb killing season, an extensive campaign is mounted by organizations connected with the industry, the most concerned being the State Lamb Committee. This campaign takes the form of press releases, radio talks and, in some cases, interviews over television.

The Agriculture Department co-operates in every way possible by stressing to groups of farmers the importance of this problem. A film was made five to six years ago especially for this purpose, and this has been shown at every opportunity. Last year, when the incidence of bruising rose alarmingly, it was shown over television stations in Adelaide, Mount Gambier and Port Pirie. A factor contributing to the increase in bruising in the early part of the export season in 1970, and again this year, was the large proportion of merino lambs being treated for export. This type of lamb, with only a thin fat cover, has been shown to bruise far more easily than a good quality crossbred lamb. Added to this is the fact that the graziers producing these lambs are frequently not experienced in prime lamb production, and naturally do not handle them with as much care. Also, many of these lambs are bought in country markets, and thus subjected to double handling.

The Hon. M. B. CAMERON: In view of the rather alarming increase in bruising this year, which has created much concern in the export trade recently, will the Minister of Agriculture consider having repeated the film on lamb bruising which has been shown on television in the areas referred to in his reply?

The Hon. T. M. CASEY: This is a matter for the State Lamb Committee, which determines these types of procedure. In my reply, I said that merino lambs were the most adversely affected because of their thin fat cover. As the merino lamb season has not yet finished, I will refer the honourable member's question to the State Lamb Committee to see what it has to say about the matter.

TELL-TALE LIGHTS

The Hon. C. M. HILL: I ask the Minister of Lands whether he has a tale to tell concerning my recent question about tell-tale lights.

The Hon. A. F. KNEEBONE: Yes. I believe the tale I told last time was not the tale the honourable member desired but I will see whether I can answer his question now. In amplification of what I said to the honourable member on October 14, I have now been informed by my colleague that the matter of "stop" lamp failure warning signals is at present under consideration by the Advisory Committee on Vehicle Performance, which is one of the advisory committees set up by the Australian Transport Advisory Council.

BEDFORD PARK ACQUISITIONS

The Hon. C. R. STORY: On behalf of the Hon. Mr. DeGaris, I ask whether the Minister of Lands has a reply to his recent questions about Bedford Park acquisitions.

The Hon. A. F. KNEEBONE: There was a series of questions on this matter, and the replies are as follows:

Questions 1 and 2:

(*a*) Total number of houses affected by the proposal	32
(*b*) Number of acquisitions commenced at request of owners	28
(*c*) Negotiations completed	16
Negotiations proceeding	11
Deferred at owner's request	1
	28

Questions 3, 4 and 5:

Property No.	Original Land Board Opinion $	Owner's Claim $	Settled at $
1 . . .	13,250	14,500	14,000
2 . . .	16,000	16,500	16,500
3 . . .	13,500	16,350	14,610
4 . . .	14,300	19,040	15,600
5 . . .	18,250	18,250	18,250
6 . . .	13,900	16,000	14,825
7 . . .	13,000	13,000	13,000
8 . . .	13,500	15,500	14,000
9 . . .	14,500	14,750	14,750
10 . . .	13,000	13,450	13,450
11 . . .	12,000	13,200	12,750
12 . . .	16,000	22,500	17,500
13 . . .	18,900	24,000	19,200
14 . . .	16,800	17,300	17,300
15 . . .	13,900	14,850	14,850
16 . . .	13,200	14,700	14,000

PINNAROO-BORDERTOWN ROAD

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

Leave granted.

The Hon. M. B. CAMERON: My question concerns a section of the road between Pinnaroo and Bordertown. A 39-mile section is not yet complete, and from my information it was at one time close to sealing standard. It is a vital link between the northern and southern areas and the Murray River area. A large part of the road is now up to a very high standard indeed, and the road is impassable for a period of the year only because of this small section. Will the Minister of Transport put a higher priority on the road and have it sealed in the coming year?

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

SHIPPING

The Hon. R. C. DeGARIS: Has the Minister of Agriculture a reply to the question I asked on October 13 regarding the difficulties South Australian merchants are experiencing in obtaining shipping facilities to transport feed grain sold to Asian markets?

The Hon. T. M. CASEY: From inquiries made of local merchants and shipping agents, there would appear to be no doubt that difficulties are being experienced by some merchants in arranging deliveries of feed grain and other produce to Asian markets. Shipping merchants, however, claim the present position is much the same as has existed during the past four or five years. A rationalized service is available, but limited space causes problems: because of its bulk, cargo such as hay and baled lucerne and large tonnages of grain can create acute problems.

Southern Shipping Lines is associated with a local grain merchant, and so supplies that merchant's needs. The Shipping Corporation of India provides a service to Asian ports, and other lines operate from here on scheduled sailings. Some lines operate to certain ports only and the limited service causes delay and inconvenience.

BARLEY MARKETING ACT AMENDMENT BILL

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

JUVENILE COURTS BILL

Schedule of the Legislative Council's amendments to which the House of Assembly had disagreed:

No. 1. Page 10—After clause 17 insert new clause 17a as follows:

"17a. *Report*—(1) The senior judge shall on or before the thirtieth day of September in each year submit a report to the Minister upon the administration of this Act over the period of 12 months ending on the thirtieth day of June in that year.

(2) The Minister shall, within 14 days after receipt of the report, lay the report before Parliament if Parliament is then in session, or if Parliament is not then in session, within 14 days after the commencement of the next session of Parliament.

(3) The report shall not be altered after it has been submitted to the Minister."

No. 2. Page 43 (clause 75)—Leave out the clause and insert new clause 75 as follows:

"75. *Publication of matter relating to juvenile proceedings*—(1) A juvenile court, or the Supreme Court sitting upon the hearing of proceedings under this Act may, by order, suppress publication or exhibition of such details, information, films or pictures in relation to proceedings under this Act as it thinks fit.

(2) A person who publishes or exhibits any details, information, film or picture in contravention of an order under this section shall be guilty of an offence and liable to a penalty not exceeding $200.

(3) This section does not affect the right of a court to punish for contempt."

Consideration in Committee.

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

That the Council do not insist on its amendments.

Because of what the Government intends the court to do, the amendments run counter to the whole philosophy of the Bill, which provides special protection for juvenile offenders because of their immaturity. The Bill provides for the rehabilitation of certain offenders in a non-judicial setting, and publicity of court appearances runs counter to the other provisions of the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): I am concerned mainly about the reason the House of Assembly has given for disagreeing to the Council's amendments: because they are contrary to the spirit of the Bill. I do not think that is a valid reason for opposing the amendments, which in my opinion do not run contrary to the spirit of the Bill.

This Chamber fully appreciates the significance of the amendments that have been made in relation to juvenile offenders. The motive for juvenile legislation has always been rehabilitation, but this applies also to other courts. Although the setting conceived in the Bill is a non-judicial one, it must be admitted that Parliament should be fully informed of what is happening in this jurisdiction. As long as the court is under the control of the judge in charge of it, I can see no harm in the press having access to the court. I cannot support the motion.

Motion negatived.

Later:

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

The Legislative Council granted a conference, to be held in the Legislative Council conference room at 7.45 p.m., at which it would be represented by the Hons. D. H. L. Banfield, R. C. DeGaris, A. F. Kneebone, F. J. Potter and E. K. Russack.

At 7.44 p.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 11.14 p.m. The recommendations were as follows:

As to Amendment No. 1:

That the Legislative Council amend its amendment by leaving out subclause (3) and inserting in lieu thereof the following new subclause:

(3) No proceedings of any kind shall lie against a person in relation to any comment made, in good faith and without malice, by that person on or in relation to a report referred to in subsection (1) of this section.

and that the House of Assembly agree thereto.

As to Amendment No. 2:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu:

Clause 75, page 43, line 16—After "television" insert "and, for that purpose, the court shall, at the request of a person desiring so to publish or report the result of any such proceedings, make that result available to him".

and that the House of Assembly agree thereto.

Consideration in Committee.

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

That the recommendations of the conference be agreed to.

The conference was conducted amicably, and the managers from this place endeavoured to reconcile the differences between this place and the other place in a manner in line with that followed in all previous conferences. I am sure that the managers from this place upheld its traditions. I believe that the result achieved covers the points that this place desired covered, although not in the exact terms in which this place carried its amendments to the Bill. I believe the compromise reached will satisfy other honourable members.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the Minister's remarks. The conference was a good conference. Both matters dealt with in the amendments made by this place were fully discussed and all facets were explored. The compromise reached is reasonable. The first amendment made by this place is almost intact, and the second amendment provides that the result of proceedings in the Juvenile Court shall be available at the request of a person desiring to publish or report that result. I support the motion.

Motion carried.

STATUTES AMENDMENT (ADMINISTRATION OF ACTS AND ACTS INTERPRETATION) BILL

Second reading.

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

That this Bill be now read a second time.

This short Bill is designed to facilitate the administration of Acts of Parliament. It permits the Minister to whom the administration of an Act has been committed to delegate any of his powers or functions to another Minister. Such a delegation does not, however, derogate from the power of the Minister primarily responsible for the administration of the legislation to act personally in any matter. Thus the Minister to whom the administration of the

Act has been committed retains the overriding administrative responsibility but, for the sake of convenience, the delegated powers can be exercised, in accordance with the delegation, by another Minister. The Underground Waters Preservation Act provides a good example of a case in which the delegation of powers under the provisions of the Bill might be desirable. That Act falls generally within the administration of the Mines Department. However, certain aspects of its administration impinge upon the work of departments under the control of the Minister of Lands and the Minister of Works. A delegation of powers between Ministers could in such cases conduce to the effective administration of the Act.

Clause 1 is formal. Clause 2 inserts a new section in the Acts Administration Act. This section enables a Minister to whom the administration of an Act has been committed to delegate any statutory powers and functions to another Minister. Subsection (2) provides that, where the power or function is discretionary in nature, the discretion may be exercised by the Minister to whom the delegation has been made. Subsection (3) provides that the delegation of powers does not reduce the power of the Minister by whom the delegation has been made to act personally in any matter. Subsection (4) provides for the variation or revocation of a delegation of Ministerial powers. Clause 3 amends the definition of "Minister" in the Acts Interpretation Act so that it will, in relation to delegated powers, include reference to the Minister to whom those powers have been delegated.

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

FOREIGN JUDGMENTS BILL

Second reading.

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

That this Bill be now read a second time.

It is intended to replace the Administration of Justice Act, 1921-1926. The purpose of the Bill, like that of the existing Act, is to provide a simplified procedure by which the judgments of foreign courts may be enforced in this State. However, the existing Act is very limited in its application. We must now adapt ourselves to a changing world view in which the rigid distinction drawn by the existing Act between the British Commonwealth and the rest of the world has become outdated and irrelevant. Our legal system must have sufficient flexibility to enable us to enter into a reciprocal and friendly relationship with the newly emerging and developing nations. This Bill is accordingly designed to provide for much greater latitude in the variety of judgments that may be registered and enforced in this State. The proposals for such a Bill have been extensively considered by Their Honours the Judges of the Supreme Court, the Law Society, and the Law Reform Committee. The Bill has been drawn so as to give effect as far as possible to the various recommendations that have been made.

I shall turn now to the provisions of the Bill. Clause 1 is formal. Clause 2 provides that the new Act shall come into operation on a day to be fixed by proclamation. Clause 3 provides for the repeal of the Administration of Justice Act, 1921-1926. However, judgments already registered under that Act may, notwithstanding the repeal, be enforced according to the provisions of that Act. Clause 4 contains a number of definitions necessary for the purposes of the new Act. It will be noticed that the definition of "judgment" embraces judgments for the payment of money and also judgments for the recovery or delivery up of personal property.

Clause 5 establishes the principles upon which a judgment may be registered under the new Act. First, the judgment is to be registrable if the jurisdiction of the original court is recognized under the established rules of private international law. The second ground of recognition and registration is something of an expansion of the first. In this case a judgment may be registered if its validity should be recognized on the ground of comity. The doctrine of comity is of fairly recent origin, having been established in the case of *Travers v. Holley* (1953) page 246. The doctrine is based upon the proposition that, if a foreign court has exercised jurisdiction upon grounds that would in corresponding circumstances justify the assumption of jurisdiction by local courts, it is inconsistent with comity not to recognize the validity of the judgment. This idea was developed in the case of *Robinson-Scott v. Robinson-Scott* (1958) page 71 in which it was held that the foreign judgment should be recognized as valid if circumstances existed which would *mutatis mutandis* have justified assumption of jurisdiction by a local court, whether or not the foreign court in fact relied upon those circumstances as the basis of its jurisdiction.

Finally, the clause invests the Supreme Court with a wide discretion to permit registration of a judgment where it is just and equitable to do so. There may be judgments of

Asian courts which do not conform to the European norm but which should nevertheless, in the opinion of the court, be enforceable in the State. The court will be able to exercise a wide discretion, where confronted with such a judgment, to determine whether it should, in all the circumstances, be enforced in this State.

Clause 6 enables the Governor, by proclamation, to declare any foreign courts to be courts of reciprocal jurisdiction. Where such a declaration is made, a judgment of such a court shall be presumed, in the absence of evidence to the contrary, to be registrable under the new Act. This will facilitate the registration of these judgments by doing away with the necessity of proving the jurisdiction of the foreign court. Of course, it is still open for the judgment debtor to prove that the court wrongly assumed jurisdiction in the cause of action, and thus have the judgment set aside.

Clause 7 deals with the registration of the foreign judgment. The clause provides that where registration is granted the judgment shall be treated for the purpose of execution as a judgment of the Supreme Court. The court may, however, impose conditions upon the registration of a judgment which will protect the rights of the judgment debtor in the event of an appeal against the judgment. Clause 8 sets out various grounds upon which the judgment debtor may apply to have the registration of the judgment set aside. Clause 9 is designed to facilitate the registration of South Australian judgments in places in which corresponding legislation exists. It provides for the Supreme Court to issue copies of its judgments together with prescribed particulars which may facilitate its registration. Clause 10 enables the Supreme Court to make Rules of Court governing the practice and procedure under the new Act.

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

POLICE PENSIONS BILL

Second reading.

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

That this Bill be now read a second time.

The police pensions scheme provided under the Police Pensions Act, 1954, as amended, has been the subject of a detailed examination by the Government. In these times of inflationary pressures giving rise to continuous upward movements in wages, certain aspects of the scheme seem undesirable. Since it depends on a fixed benefit for a fixed contribution, it has on several occasions been necessary, by amendment to the Act, to increase both the contribution rate and the benefits. This is not only a cumbersome procedure but has involved delays inherent in drafting amendments and finding Parliamentary time to deal with them.

Accordingly, it seems desirable that the whole scheme should be reviewed and a pension scheme more in keeping with the times enacted. At the same time, we have tried to preserve for serving police officers the desirable features of the old Act. On the face of it, this measure is a complicated one; for instance, it is liberally sprinkled with tables comprised of lengthy formulae. I do not apologize for its complexity, as it is a legislative attempt to solve some complex actuarial problems and, while any given formula can be worked out by the application of simple mathematics, the actuarial basis of the formula would require considerable explanation. Accordingly, in dealing with the clauses containing a table, I will at this stage do no more than indicate its general purpose and effect. Should any honourable member wish to be apprised of the actuarial basis of the formula I will, of course, arrange for it to be provided.

In summary then, this measure provides (*a*) for the establishment of a pension scheme based on contributions related to the contributor's salary with benefits also related to salary; (*b*) for the preservation of certain features of the previous police pension scheme; and (*c*) for the preservation of the purchasing power of pensions payable under the scheme by a system of automatic adjustment. In one sense at least, the scheme represents something of an experiment and its significance in relation to other Government pension schemes will, I am sure, not be lost on honourable members.

To consider the Bill in some detail, clauses 1 to 4 are formal. Clause 5 sets out the definitions necessary for the purposes of this Bill together with appropriate provisions to facilitate the working of the measure. Clause 6 continues in existence the old Police Pensions Fund and provides for payments to and from the fund. In essence, all pensions and benefits are paid from the fund, the income of which is derived from contributions of contributors, interest on investments mentioned in clause 7, and contributions by the Government provided for by clause 9. Clause 7 empowers the investment of the fund in the named securities. Clause 8 provides for an actuarial examination

of the fund at least once in every three years to determine its "state and sufficiency".

Clause 9 provides for the fixing of the Government's contributions to the fund. Clause 10 formally provides for the payment of benefits from the fund. Part III deals with the comparatively simple matter of contributions, pensions and benefits for "new entrants", that is, members who join the force after the commencement of this measure. Clause 11 provides that all such members shall contribute to the fund until their sixtieth birthday.

Clause 12 sets out the rate of contribution, which is 5¾ per cent of the salary from time to time payable to the member. In fact, the rate of contribution for a member will be determined only once in each year by reference to his salary on his review day even though his salary may be varied more than once in that year. This follows the procedure established in relation to the Superannuation Act, 1969, which has worked quite successfully and has resulted in considerable administrative savings, which in turn will be of direct benefit to the fund.

Clause 13 provides for the calculation of the pension of a new entrant who attains the age of retirement and retires or becomes incapacitated from performing his duties and retires. The pension payable is based on the years of service of the member (except in the case of an invalid pensioner, when it is based on the years of service the pensioner would have had if he had not become an invalid pensioner) and generally on the annual salary averaged over the three years immediately before his retirement.

The maximum pension payable under this provision is 40 per cent of that averaged annual salary. Since most police officers join the force at or under age 20 years, most would receive this maximum pension. However, the pension would necessarily be scaled down for officers joining at a later age since their contribution period would be less. All normal entrants from the Police Academy at Fort Largs are deemed to have joined the force at age 20 years and would hence receive the maximum pension.

Clause 14 provides for the payment of a lump sum in addition to the pension, since this was a feature of the previous pension scheme and its retention was desired by the participants. The lump sum ascertained by reference to this clause is the lump sum payable to an officer who retires having attained the age of retirement. It would, on the application of the table, be a maximum of one year's averaged salary, again scaled down for officers with less than the maximum service.

Clause 15 provides for the payment of a lump sum for an officer who retired due to invalidity, and here I am afraid the tables become a little more complex, and it is sufficient to say that the lump sum in this case may in any particular case be ascertained by reference to the appropriate table, which provides for a lump sum progressively increasing in size as the age at which the officer retired on grounds of invalidity approaches the normal retiring age.

Clause 16 provides for the payment of a widow's pension on the death of a new entrant contributor. In summary, this pension would be 65 per cent of the pension that her deceased husband would have been paid had he attained the age of retirement and retired on the day that he died. Clause 17 provides for the payment of a lump sum to the widow of a deceased contributor. Again, the tables become a little more complex, although in any particular case it is quite a simple matter to ascertain the amount of the lump sum payable. It is perhaps sufficient here to mention that the lump sum increases as the age at which the contributor died drew close to his normal retiring age.

Part IV of the Bill deals with what are referred to as "transferred contributors"; that is, those officers who were already contributing under the old Act to the fund when this Bill becomes law. The difficulty that has to be resolved here is that for sound actuarial reasons parts of their benefits have to be ascertained by reference to the old scheme and parts have to be ascertained by reference to the new scheme. The legislative solutions offered here have resulted in some extremely complex tables; although they should not cause any great difficulty in working out individual pensions or benefits, they do present some difficulties in explanation.

Clause 18 defines a "transferred contributor", and paragraph (*b*) of the definition merely provides, from an abundance of caution, for a person who joined the force before the commencement of the proposed Act but had not actually commenced to contribute under the old Act. Clause 19 provides that contributions to the fund shall continue. Clause 20 sets out the rates of contribution for transferred contributors. Since the amount of contributions required will be rather larger than the amounts under the old Act, it is thought equitable that transferred contributors

should be "eased into" the new scheme, as it were. Accordingly, the full rate of contribution (that is, 5¾ per cent of salary) will be attained only in the third year after this proposed Bill becomes law, and it will be reached in steps of 3¼ per cent in the first year and 4½ per cent in the second year.

Clause 21 provides for the amount of annual pension payable to the transferred contributor who retires either by effluxion of time or by reason of invalidity. The amount of a pension in any particular case may be ascertained by reference to one or other of the tables in this clause. The alternatives are necessary, and they appear frequently in this Part, to ensure that in no circumstances is a lesser benefit paid under this scheme or under any aspect of this scheme than would have been payable under the old scheme or any aspect of that scheme. The factors that will determine the amount of pension in any particular case are as follows:

(*a*) the averaged annual salary of the member on retirement;

(*b*) the age at which the member transferred to the new scheme expressed as the transfer age and represented by the letter "Z" since a transferred contributor who on transfer was aged, say, 25 years would expect to draw the majority of his benefit from the new scheme in contrast to his fellow contributor who was aged, say, 50 years on transfer who would draw the majority of his benefit from the old scheme;

(*c*) the rank of the contributor on transfer expressed as a rank factor represented by the letter "R"; the inclusion of this factor is necessary since under the old scheme contributions and benefits were to some extent related to the rank from time to time held by the member.

Clause 22 provides for the fixing of a lump sum in addition to a pension for those who attain the age of retirement and retire, and the considerations mentioned in connection with clause 20 apply here also. The alternative table in subsection (2) is intended to ensure that the lump sum payable cannot in any circumstances be less than the lump sum under the old scheme. Clause 23 provides for the calculation of a lump sum for invalid pensioners, payable in addition to the pension of those pensioners, and in short provides for a lump sum increasing in amount as the age at which such a pensioner entered upon pension nears the age of normal retirement.

Clause 24 fixes the widow's pension of a deceased transferred contributor calculated by reference to the benefits payable under both the old and the new schemes together with a minimum pension of not less than the pension the widow would have received under the old scheme. Clause 25 provides for a lump sum for the widow of a deceased transferred contributor, again increasing in amount as the age at which the deceased transferred contributor died approaches his normal retiring age. Before leaving this Part, which is clearly the most complicated part from the actuarial point of view, I would emphasize that I have done nothing more than indicate in the broadest possible terms the meaning and effect of the provisions. Should any honourable member require, say, the actuarial justification for any of the tables set out, I will, as I have already mentioned, ensure that the information is available. However, I should like as much notice as possible of any such request.

Clause 26 (1) provides for a widow's pension for pensioners under the old Act who die after the commencement of this measure. These pensions, which are set out in the table to the third schedule to this Act, vary according to the rank held by the deceased husband of the widow on his retirement and reflect the arrangements for widow's pensions under the old scheme. Subclause (2) provides that these third schedule pensions will reflect any "cost of living" variation granted under clause 34 of this Bill. Subclause (3) provides that in the case of future pensioners the widow's pension will be a flat 65 per cent of her deceased husband's pension at the date of his death. However, special provision must be made for "prescribed pensioners"—that is, pensioners who under the old Act or under this measure have elected to so adjust their pension that until age 65 they will receive a higher pension than normal and after that age a lower pension than normal. In the case of pensioners in this group the widow's pension will be based on 65 per cent of the normal pension that is the pension that the pensioner would have received had he not made such an election. In the Bill this "normal pension" is referred to as a notional pension and defined accordingly.

Clause 27 is a fairly standard provision for a widow's pension to cease on her remarriage but to recommence on her subsequent widowhood. Clause 28 provides for the payment of a

child's allowance and a standard rate for all eligible children, and clause 29 makes a similar provision for eligible orphan children. Clause 30 provides for the continuation of pensions under the Acts proposed to be repealed. Clause 31 provides for an increase of all clause 30 pensions of 8¼ per cent to, in some measure, counteract the erosion of the purchasing power of these pensions. Again, in the case of prescribed pensioners referred to earlier, this increase is based on the notional pension of that pensioner. Clause 32 is intended to honour an undertaking given by the Government in relation to certain pensioners who entered on pension in June of this year. Although this Bill has been long in contemplation by the Government its introduction has been necessarily delayed because of its complexity and the problems involved. In the Government's view, the pensioners who retired or became entitled to a pension recently should not be prejudiced by this delay and, accordingly, in the case of those pensioners this Bill has, in substance, retrospective effect so as to confer on them the benefits of the proposed Act.

Clause 33 makes appropriate provision for the special case of the Commissioner and Deputy Commissioner of Police who alone amongst the members of the force are permitted to serve until age 65. It is considered appropriate that these additional years of service should be recognized by an increase in pension since payment of their pension has necessarily been delayed. Clause 34 is a most important provision, in that it is the first attempt in this State to find a workable solution to the serious problems faced by pensioners in relation to the decline in the purchasing power of their pensions. The effect of this clause will be to ensure that the pensions will be automatically adjusted in accordance with variations in the cost of living index. Provision is made to ensure that an automatic variation will occur only when there has been a variation of plus or minus 1 per cent since the last period in respect of which the pensions were varied. This is to guard against a multiplicity of small adjustments of pensions. Again in relation to prescribed pensioners the variation will be related to the notional pension of the pensioner, not his actual pension.

Clause 35 formally sets out the retiring age for a member of the force and pays due regard to the special position of Commissioner and the Deputy Commissioner adverted to earlier. The old provision for optional early retirement has been included and provision for appropriate pension and lump sums has been included at clause 36 to cover optional early retirement. Clause 37 provides options in the same form in which they were included in the old Act for pensioners to vary their pension by taking an initial higher pension for a later lower pension or for a pensioner to exchange portion of his lump sum for a higher pension until age 65 years. These provisions have been retained at the express request of the participants in the old scheme and persons taking advantage of them will be subject to the provisions relating to prescribed pensioners adverted to earlier.

Clause 38 re-enacts section 17 of the old Act and makes provision for the situation where a present contributor to the Superannuation Act is appointed Commissioner of Police. Clause 39 substantially re-enacts section 23 of the old Act and excludes from benefits persons whose incapacity is due to their misconduct. Clause 40 provides for the re-employment of invalid pensioners restored to health and further provides that no further invalid pension will be payable to such a pensioner who does not resume the suitable employment offered him. Clause 41 limits the amount that an invalid pensioner may earn before his pension is subject to reduction. At subclause (2) it is provided that the reduction shall be subject to review and shall be lifted on the pensioner attaining the age of 60 years. Widow's pensions are not affected by any reduction for the time being imposed under this section. Clause 42 is a standard retrenchment clause and re-enacts section 26 of the old Act.

Clauses 43 and 44 provide for a refund of contributions in the circumstances set out. Clause 45 provides a method by which a member may, if reduced in rank on grounds of ill-health, qualify for a pension at the rate appropriate to his old rank. Clause 46 is a standard provision relating to the accrual of pensions, etc. Clause 47 provides for a refund of part of a contributor's contributions where benefits paid are less than the total of contributions. Clause 48 provides that contributors shall continue to contribute to the fund notwithstanding that they are on leave. Clause 49 provides that there shall be no duplication of cash payments under the Bill and re-enacts section 33 of the old Act. Clause 50 provides for questions as to dispute under the Act to be determined in the first instance by the Public Actuary, with an appeal to the Local Court of Full Jurisdiction. Clause

51 re-enacts section 35 of the old Act and is generally self-explanatory, and clause 52 re-enacts section 36 of that Act.

Clause 53 deals with the position where a pensioner is imprisoned and clause 54 deals with the situation where a pensioner becomes insane. Clause 55 provides that except as provided elsewhere in this Bill pensions are payable for life. Clause 56 re-enacts section 43 of the old Act and discourages false claims. Clause 57 is a fairly standard regulation making provision. In conclusion, it is clear that in form and content this Bill is by no means a simple one although the premises on which it is based are quite simple and straightforward. In short, it is an attempt to secure fair and adequate pensions for an important section of the community. It has, I understand, been the subject of examination by representatives of those immediately concerned.

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

STAMP DUTIES ACT AMENDMENT BILL (RATES)

In Committee.

(Continued from October 21. Page 2411.)

Clause 12—"Amendment of second schedule of principal Act"—to which the Hon. R. C. DeGaris had moved 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.

The Hon. A. J. SHARD (Chief Secretary): The Hon. R. C. DeGaris, in moving this amendment, has quoted a mass of figures to give the impression that the Government has grossly under-estimated the yield of additional revenues expected to be derived as a consequence of this legislation. He has, by virtue of duplications and by inclusion of items that have nothing whatsoever to do with this Bill, quoted figures without any regard to their legitimacy. I must remind honourable members, and particularly the Hon. Mr. DeGaris, that the estimates quoted in another place and those I have given in this Chamber have been derived and estimated not by me or any other Minister, but by experienced officers of the Treasury and of the Stamp Duty Office.

In closing the second reading debate before going into Committee I gave the Council certain estimates relating to the main items of revenue increase derivable in a full year. These were $1,300,000 relating to motor vehicle registrations, $500,000 relating to cheques and bills of exchange, $475,000 relating to credit arrangements, $425,000 from marketable securities and stock exchange transactions, $1,000,000 for conveyances, and $275,000 for mortgage duties. These amounted to nearly $4,000,000 or, to be rather more precise, $3,975,000. The remainder to make up $4,150,000 in all I said came from a variety of minor items. The Hon. Mr. DeGaris took the estimate of about $4,000,000 I quoted for the major items, and then purported to calculate the minor ones by his own methods to add thereto. These, he said, added to some $2,075,000, not about $175,000 as they would have to if the total of $4,150,000 of increases was about right. The list recorded in the pull of *Hansard* available to me seems to add only to about $1,650,000, not $2,075,000, but I suspect the honourable member may have meant to include a figure for increased duty on credit arrangements which would have brought the total to about the figure he mentioned. But in the honourable member's $2,075,000 were included cheques and bills of exchange and like trading documents which he set at about $444,000, $525,000 from marketable securities, about $13,000 from instalment agreements, and about $420,000 from other credit arrangements, all of which were also covered in the departmental estimate for the main items totalling nearly $4,000,000. He also included about $278,000, which he said arose from this Bill, relating to annual licences, betting tickets, and totalizator transactions.

This Bill imposes no increase at all on such items and an increase in revenue which may arise therefrom would be due wholly to an increase from natural business expansion and similar causes. We would hope that such an increase will eventuate, but if so it will have had no even remote connection with this Bill. Lastly, the honourable member has suggested

last year's revenue of some $271,000 from adhesive stamps will double as a result of this Bill. That is nonsense. At least 60 per cent of that duty last year related to receipts and the receipts duty has now ceased. Of the remainder of perhaps $120,000 last year from adhesive stamps, it is believed at least three-quarters applied to credit arrangements and to cheques, for which the increase is proposed at 20 per cent and barely one-quarter may be subject to double the earlier rate. An appropriate estimate of increased revenue as a result of this Bill from adhesive stamps may thus be $45,000 or so, not $271,000. Accordingly, if from the Hon. Mr. DeGaris's figure for minor items we remove $1,402,000 for duplications, $278,000 for those items which have nothing to do with the Bill, and $226,000 for an over-estimate on adhesive stamps, the remaining figure for minor items turns out to be barely $170,000. This I accept as very close to the departmental estimate for the minor items.

Another suggestion made in an attempt to confuse the situation was that the real increase due to this Bill had been reduced by subtracting a figure of perhaps $2,700,000 for loss of receipts duty. Of course that is not the case, and in my reply closing the second reading debate I gave the honourable member the reconciliation he sought in that connection. The full estimate provided by expert departmental officers is $4,150,000 increase in a full year and, provided we can get this measure approved very shortly, $2,250,000 this year as a result of this measure. The Hon. Mr. DeGaris put his figure for increase in duties on motor vehicles at $1,500,000 as compared with the departmental estimate of $1,300,000. As I have earlier pointed out, about 70 per cent of registrations are for values for which duty will rise by less than one-half, and this accounts for the difference in estimates. Actually nearly half of the registrations will get no increase at all but a minor decrease.

So far as concerns conveyances, about 36 per cent of duty presently arises from conveyances not exceeding $12,000, where there is no increase proposed at all, and another 16 per cent from those between $12,000 and $15,000, where the increase proposed is small. It is as a consequence of this, and the fact that even above $15,000 the great mass of values is in the lower rather than the higher ranges, that it is estimated that the South Australian increase will be a bare 20 per cent on an average levy already lower than Victoria, whilst Victoria's increase is expected to be 25 per cent. I would again remind honourable members that the South Australian rate of 3 per cent applies only to values, if any, in each individual conveyance to the extent that they be in excess of $12,000. The first $12,000 in all cases is assessed at 1¼ per cent. The Victorian proposal, on the other hand, is to apply its rates over the whole of each individual value—that is to say that, although the Victorian rate up to $7,000 is to be 1½ per cent, the rate for $15,000 is to be 2 per cent on the whole $15,000, not 1½ per cent on $7,000 and a higher rate on the excess.

On the matter of estimated increased revenue from mortgages I note the honourable member has deserted his own estimate and accepted the departmental one because it is higher. The Hon. Mr. DeGaris has asserted that South Australian rates generally exceed those of Victoria. I have already given the lie to this when closing the second reading debate.

The Government simply cannot afford to accept the proposed amendment. The amendment relating to conveyances appears likely to reduce by about three-quarters the increase expected from that source, reducing prospective revenues by about $750,000. The second amendment relating to duty from applications to register motor vehicles would deprive the Government of prospective revenues of about $125,000. The Government already faces a heavy prospective deficit from the Budget as approved. It is not able to afford all the increases in hospital, education, and other services which the public demands and which all honourable members would wish to see provided. To be deprived now of some $875,000 or thereabouts of anticipated revenues simply cannot be contemplated. The suggestion that even with these amendments the stamp duty revenues will still increase by more than allowed for in the Budget is entirely without foundation.

It is worth pointing out that the proposed amendments are in a form different from the provisions of the Bill in that they call for increases in sudden and considerable jumps rather than in a smooth progression. For instance, they provide that duty on a conveyance of a $12,100 house would be $181.50, whereas on a $12,000 house the duty would be $150. The provisions of the Bill call for $153 on a $12,100 house and $150 on a $12,000 house. The amendment, in order to make reductions on high value conveyances, actually calls for about 19 per cent higher duty on a

modest $12,100 house than does the Government Bill. Obviously, this cannot possibly be accepted. Much the same sort of thing would happen with the amendment relating to motor vehicle registrations. Presently, a secondhand truck or a primary producer's car valued at $1,100 would attract a duty of $12. The Government Bill would leave it at $12, but the amendment would make it $16.50 in the course of giving more liberal treatment to the high valued vehicles.

The Government cannot accept that there is any justice in prescribing lower rates of duty on commercial vehicles than it does for cars of comparable values. In fact, as commercial vehicles get very much more use out of our roads than do ordinary cars because they do far greater mileages, and as they do much more damage to the roads in proportion to both value and mileage because of their greater weight, the case would seem to justify higher and not lower duties. Regarding primary producers vehicles, I remind honourable members that these already receive considerable concessions in registration fees, and the Government sees no reason why there should be further concessions in these duties.

The Hon. R. C. DeGARIS (Leader of the Opposition): I thank the Chief Secretary for the information he has given the Committee. I am sure all members appreciate that, when dealing with a Bill such as this in which graduated scales of duty are being produced, it is extremely difficult for one to make reasonable assessments. Having re-examined the figures which the Chief Secretary gave when replying to the second reading debate and which I then hurriedly jotted down, I find that I still cannot accept his figures as being a realistic estimate. The Government estimates that it will receive $1,300,000 extra from the increase in stamp duty on motor vehicles. I accept that this is a departmental estimate and that it is a little low. However, my figure of $1,500,000 is not much different, although I believe I erred on the conservative side.

Research is difficult when one is dealing with a graduated scale and, to obtain a correct figure, one must break down the figures in the various categories. Last year, 42,000 new vehicles were registered in this State. I am sure all members would agree that the bulk of the new vehicle market comprises the Falcon, Holden and Valiant motor vehicles. I have taken $3,000 as the average price for a new vehicle, which includes sales of vans, expensive sedans and the lower-priced new vehicles but excludes trucks. The figure of $3,000 is probably low because we are dealing not only with the average price of new motor vehicles but with a graduated scale as well. In other words, the rate is higher on a more expensive vehicle than it is on a less expensive one.

If one takes $3,000 as the average price of new motor vehicles and remembers that 42,000 new vehicles were registered last year, one can see that the increase in stamp duty alone on those new vehicles will be about $1,100,000, excluding stamp duty on secondhand vehicles and trucks. However, the estimate given by the Chief Secretary is $1,300,000, which does not take into account sales of secondhand vehicles or trucks. I believe that figure is conservative, as it does not take into account the escalation in new vehicle registrations that are occurring in the State each year.

Honourable members have heard recently that South Australia is an island of growth in a nation of stagnation. However, in my figures I have not taken into account even the normal escalation of business activity in South Australia. If one is willing to listen to what certain people have to say in this respect, one will see that South Australia is moving ahead much faster than any other State. Provided the same number of new vehicles is registered next year, the Government will receive an extra $1,100,000 in duty.

I turn now to the 1,600 trucks that are registered in South Australia each year. This number of trucks does not take into account utilities, vans and commercial vehicles: it deals only with large trucks and buses. I have taken the figure of $5,000 as an average price of vehicles in that field—a ridiculously low price. The average price for new registrations in that group will be much more than $5,000. However, if one regards that as the average figure, the increase in stamp duty in that group wll be about $100,000.

So, for new vehicles alone, the increased stamp duty is $1,200,000. The estimate of $1,300,000 given by the Chief Secretary is therefore extremely conservative, and the figure of $1,500,000 that I gave is probably accurate. The duty to be levied on conveyances in excess of $12,000 is to be doubled from 1½ per cent to 3 per cent. The Chief Secretary and I disagreed on this matter last Thursday, but that is the position; the stamp duty on amounts in excess of $12,000 in any transaction is to be increased from 1½ per cent to 3 per cent. The

total income from stamp duties on conveyances last year was about $5,000,000, yet the Chief Secretary claims that the doubling of the rate on conveyances in excess of $12,000 will increase the amount of duty collected by only 20 per cent. On the surface, I think all honourable members would agree that that appears to be an underestimation.

As I said earlier, it is difficult to assess this matter, because one is dealing with a graduated scale. I did much work on this matter over the weekend and, to give a logical "guesstimate", I have taken the total transfers of land for the period January-March, 1971. From the 15,000 transfers that took place in that period I have taken a random sampling of three batches each of 100. As a result, the following picture emerges. Under the present Act 39 per cent of the stamp duty was levied on sales below $15,000 and 61 per cent of the stamp duty was levied on sales above that figure. In the sampling, the increase in duty under the Bill (which imposes a duty of 1¼ per cent up to $12,000 and 3 per cent thereafter) was 42 per cent. The increase in duty in the runs of 100 varied from 40 per cent in one run to 42 per cent in another and 45 per cent in another.

Consequently, one can assume the increase in duty provided in this Bill will be about 40 per cent. To take an even more conservative attitude, I increased the figure for sales below $15,000 to 50 per cent of the total and the figure for sales above $15,000 then became 50 per cent of the total. I then found that the increase in revenue came to 32 per cent, on the sampling I did. So, I claim this is a conservative estimate, and it came to an increase of $1,600,000. In all these figures I have taken no account of rising prices, but anyone who has examined prices for land and houses in Adelaide will realize that there has been an escalation. Furthermore, I have allowed nothing for a normal expansion of business. However, stamp duty returns over the last few years show that the escalation runs at about 7 per cent. So, all those factors have been discounted.

It can therefore be seen that I have given a very conservative figure of an increase in duty of $1,600,000 on conveyances, $1,500,000 on motor vehicles, $475,000 on credit and rental business, $475,000 on cheques, $500,000 on shares, and $275,000 on mortgages, making a total of $4,825,000. That takes nothing into account with regard to escalation.

I shall now deal with the "minor" matters in the Bill. There will be an increase in duty on affidavits and declarations of $500; agreements, $3,500; bills of exchange and promissory notes, $19,000; bills of lading, $2,000; conveyances (other than land), $17,000; deeds, $8,500; leases, $82,000; power of attorney, $5,000; letters of allotment, $6,000; adhesive stamps, $120,000; and insurance, $10,000—making a total of $273,500.

When those minor items are added to the major items we have a total of about $5,100,000. If one adds to that figure the normal escalation, a conservative figure can be arrived at that this Bill will increase stamp duties by about $5,500,000. The Chief Secretary claimed that duty from adhesive stamps would go to only $45,000; adhesive stamps were largely covered by the receipts duty. In other words, the adhesive stamps purchased were purchased for the purpose of receipts duty. Yet the Chief Secretary said in reply that the receipts duty had not been taken into account in relation to the escalation. Surely, that is a duplication on the Chief Secretary's part.

The Hon. G. J. Gilfillan: Or a contradiction.

The Hon. R. C. DeGARIS: Yes. On going through the various items I found that adhesive stamps sold, apart from receipts duty, amounted to about $100,000 last year. As these have been doubled, one can see that the increase will be about $100,000.

On these figures, I am convinced that the increased revenue to the Treasury will be in excess of the $4,150,000 claimed. One can see from the Budget that the Government thinks it will not gain any more revenue this year from stamp duty than it did last year, because $2,700,000 has been lost in receipts duty; but it admits a normal escalation of about $300,000 in insurance, totalizator tickets and betting tickets to which I referred earlier. This leaves the actual increase in this financial year at $2,400,000. Yet we see that the Government claims that under this Bill it will gain only $2,250,000 this year. That means that there has been no allowance whatsoever in the Budget for this year, which has been passed, for any normal escalation in the return on stamp duty. Indeed, I think that the escalation was probably taken into account but that the Government did not expect to get this sort of revenue from a Stamp Duties Act Amendment Bill.

Another point I wish to raise is that in stamp duties on conveyances, irrespective of the figures given by the Chief Secretary, we are well ahead of the rate of duty in Victoria on most transactions, particularly transactions

in areas where very often there is a fairly large transfer but very little ability to pay. I think that is a position that should cause strong comment at least from this Chamber. In the area of stamp duties on transactions above $30,000, we are in excess of the stamp duty levied in Victoria.

Regarding stamp duty on motor vehicles, only last weekend I had indications that quite a large trucking concern in South Australia was doing all its business in Victoria. With this increase in stamp duty, more and more people in this field will be turning their business to Victoria because it will pay them to do so. I make these points very strongly. Other honourable members can inspect the work I have done on the increased duties and make up their own minds on the question. I believe that the figure given as the increased revenue that the Treasury will receive has been under-estimated. Secondly, I believe we are not justified in taking the duties on conveyances and motor vehicles well in excess of the proposal in Victoria. As I have said, the information we have is that Victoria may not proceed with its proposed increases in stamp duty. I have discovered that the amendment I moved last Thursday does not cater for the position exactly. Therefore, I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

The Hon. R. C. DeGARIS: I move the following suggested amendments:

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

Exceeds $12,000 but does not exceed $100,000—$150 plus $1.50 for every $100 or fractional part of $100 of so much of that amount as exceeds $12,000.

Exceeds $100,000—$1,470 plus $2.00 for every $100 or fractional part of $100 of so much of that amount as exceeds $100,000.

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

Exceeds $12,000 but does not exceed $100,000—$150 plus $1.50 for every $100 or fractional part of $100 of so much of that amount as exceeds $12,000.

Exceeds $100,000—$1,470 plus $2.00 for every $100 or fractional part of $100 of so much of that amount as exceeds $100,000.

The Committee divided on the amendments:

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

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

Majority of 9 for the Ayes.

Suggested amendments thus carried; clause as amended passed.

Clause 13—"Further amendment of second schedule of principal Act."

The Hon. R. C. DeGARIS: I move the following suggested amendments:

In subclause (1) after "vehicle" third occurring to insert "(not being a motor tractor owned by a primary producer as defined in section 5 of the Motor Vehicles Act, 1959, as amended, and not being a commercial motor vehicle as defined in that section)"; and after "value" fourth occurring to insert "Where the value of the motor vehicle (being a motor tractor owned by a primary producer as defined in section 5 of the Motor Vehicles Act, 1959, as amended, or a commercial motor vehicle as defined in that section)

		$
(*d*)	does not exceed $1,000— for every $100 or fractional part of $100 of that value	1.00
(*e*)	exceeds $1,000— for every $100 or fractional part of $100 of that value	1.50"

These amendments reduce the duty on commercial motor vehicles to the proposed Victorian level of duty. I do not object if the Government wishes to increase stamp duty on private, expensive vehicles on a graduated scale (that is its prerogative) but I believe that the proposed scale of duty on large trucks will affect the quantity of business done in South Australia.

Suggested amendments carried; clause as amended passed.

Title passed.

Bill recommitted.

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

The Hon. Sir ARTHUR RYMILL: It has been pointed out to me that there is a small item that the Hon. Mr. DeGaris overlooked in his suggested amendments. I refer to paragraph (i):

Exceeds $12,000, but does not exceed $15,000—$150 plus $2.50 for every $100 or fractional part of $100 of the excess over $12,000 of such value.

The Hon. Mr. DeGaris omitted this in his suggested amendment; thus, on any amount between $15,000 and $100,000, the effect of his amendment would be that $30 less in duty would be charged than is charged at present. That is not the honourable member's intention. Perhaps the Chief Secretary might agree to report progress so that this matter can be considered.

Progress reported; Committee to sit again.

Later:

The Hon. R. C. DeGARIS: I move to amend my previous amendments to read as follows:

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

Exceeds $12,000 but does not exceed $15,000—$150 plus $2.50 for every $100 or fractional part of $100 of so much of that amount as exceeds $12,000.

Exceeds $15,000 but does not exceed $100,000—$2.25 plus $1.50 for every $100 or fractional part of $100 of so much of that amount as exceeds $15,000.

Exceeds $100,000—$1,500 plus $2 for every $100 or fractional part of $100 of so much of that amount as exceeds $100,000.

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

Exceeds $12,000 but does not exceed $15,000—$150 plus $2.50 for every $100 or fractional part of $100 of so much of that amount as exceeds $12,000.

Exceeds $15,000 but does not exceed $100,000—$2.25 plus $1.50 for every $100 or fractional part of $100 of so much of that amount as exceeds $15,000.

Exceeds $100,000—$1,500 plus $2 for every $100 or fractional part of $100 of so much of that amount as exceeds $100,000.

I think the Council appreciates that these formulae are rather complex. The overall effect of my earlier amendment was to reduce the stamp duty payable on transactions up to $100,000, which was not my intention. It is therefore necessary to move these further amendments to put the matter in its correct perspective.

Suggested amendments carried.

Bill reported with further suggested amendments; Committee's report adopted.

Bill read a third time and passed.

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 21. Page 2403.)

The Hon. JESSIE COOPER (Central No. 2): I rise to support the Bill in general, and to sound a couple of warnings. As has been explained, clause 2 is thought to be necessary to ensure the continuation of the effects of past statutes, regulations, rules and by-laws. This is a very wise precaution, to which there could be no objection. It may be of interest to note how this matter cropped up. In the week after the Bill had been passed by Parliament earlier in the year, the Standing Committee of the Senate met to discuss the provisions of the Bill and to compare them with the draft which had been submitted to the Government. At the outset the standing committee noted that the Bill, unlike the university draft, contained no express provision to save or keep in force the existing university statutes, regulations and by-laws. It was informed that, whereas another Act of Parliament, the Acts Interpretation Act, would undoubtedly save and enforce the university regulations and by-laws, there was a grave doubt whether the provisions of that Act would save the university statutes, so that if the Bill as it stood was assented to the statutes of the university might lapse. That is why this clause was brought into the new Bill. So, there is no objection; it is a wise precaution.

Clause 3 refers to the interpretation and definition of the term "university grounds". This has been advisedly broadened beyond the rather limited description contained in the previous Act. Clause 4 gives me some concern. Honourable members will recall that when the previous Bill was before the Council only a few months ago they gave deep thought to the constitution of the University Council. The Minister of Education, in explaining the Bill at that time, said there should be an approximate equality in the number of council members who were closely associated by work or study within the university and the number of those whose employment did not lie within the university. At that time, I drew the attention of members to the facts of the matter. I said that, whatever the objects of the Bill, the effect was that the administration of the university would be under the control of staff (that is, all employees) and students. No matter what the Government's intention, under the provisions of the Bill it would have been very difficult indeed for anyone who was not a member of the staff or an employee or a student to be elected a member of the council. Later, I continued:

Whilst it may seem that under the present system when members of the council may come from inside or outside the university, under the proposed new system, despite the Government's declared intention, 15 must come from within, and it is likely, and certainly possible, that many of the 12 will also come from within the university. Honourable members will realize that the seventh principle (to which the Minister referred) has not been provided for. The guarantee that half of the council representatives must come from within the university has been incorporated within the Bill, but there is no such provision that the other half must come from outside the university.

It is necessary that honourable members keep this section of the principal Act constantly

before them if they wish correctly to assess the proposed amendment, which inserts after section 2 of the principal Act a new subsection (2). This makes it possible for the council of the university (and this is presumably the intention of the section) to place a number of people employed by the university in academic pursuits, presumably for a limited part of their time, within the group of 12 people who are not engaged in the employment of the university.

The requirement that the 12 persons shall not be engaged in the employment of the university will, presumably, defeat the requirement of the Act that they be completely free from day-to-day university pressures. Earlier this year, Parliament clearly desired that these 12 members of the university council should be outsiders, in the sense that they would not in any sense be under an obligation, professionally or financially, to the university or the university council. The amendment will defeat that concept and could well load this group of 12 persons with many part-time employees of the university. The Council may well wish to consider whether this amendment will introduce more dangers than it will benefits. It will have the effect of reducing the competition that full-time academics must face from the part-time academics to gain membership of the group of eight persons. That situation is covered in new section 8 (2) (*c*) (i). I refer honourable members again to the amendment, which provides:

For the purposes of this section, a person shall not be regarded as being engaged in the employment of the university unless he derives remuneration for services rendered as an employee of the university in excess of limits determined for the purposes of this subsection by the council.

The amendment suggests that the council may set a limit in earnings of $1,000, which would stop all those academics who do one or two lectures a year from being elected to the council from that group of eight persons. That may be pleasant for the full-time academics. However, I sound a warning that, if the council makes an artificial distinction between members of the academic staff who are employed on a full-time basis and those who are not employed fully, it will prohibit many academics employed part-time as required from standing for election altogether. This would work to the disadvantage of some of our most highly qualified graduates.

Further, I regret that the Government has not seen fit to make a further amendment to section 12 of the principal Act in order to cover a matter which was passed by the Senate of the University of Adelaide, which was submitted to the Minister prior to the introduction of the previous Bill, and which I consider to be of paramount importance. I refer to the report of the Warden of the senate dated August 10, 1971, which reports that on November 25, 1970, the senate passed the following resolution:

That the senate does not approve of full-time employees of the university who are not eligible for membership of the Senate being able to vote for members of the council other than the member referred to in section 7 (2) (ii), namely, the member of the council who is to be the member of the non-academic staff of the university.

Although it was reported as having been forwarded both to the council of the university and, subsequently, to the Minister of Education, it was possibly overlooked and definitely not acted upon by the Government. With this Bill before them, honourable members may well now have an opportunity to examine this senate motion which, so far as I am aware, was not brought to the notice of the Council when it was previously debating the constitution of the council of the University of Adelaide.

The second part of clause 4 refers to the term of office of members of the council in various categories. Clause 5 refers to the filling of casual vacancies. This is a sensible provision, which should have the complete support of honourable members. Clause 6, referring to the term of office of the Warden of the senate, is quite straightforward and should be fully supported. Clause 7 contains two separate matters: first, it refers to the matriculation and admission of students, which was apparently overlooked when the previous Bill was prepared; and, secondly, it refers to the submission to the senate of statutes and regulations. Clause 7 (*b*) strikes out subsections (2) and (3) of section 22, and inserts the following subsections:

(2) Any proposed statute or regulation under this section, or any proposed alteration or repeal of an existing statute or regulation must be submitted to, and approved by, the Senate.

(3) Upon approval by the senate a proposed statute or regulation, or a proposed alteration or repeal of an existing statute or regulation may be submitted to the Governor, and upon confirmation by the Governor shall come into operation.

Those two new subsections give the senate more power, a move with which I agree. At this stage, I support the Bill in general.

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

MINING BILL

Adjourned debate on second reading.

(Continued from October 21. Page 2420.)

The Hon. A. M. WHYTE (Northern): In supporting the Bill, I point out that I have followed its progress through two Governments and through many arguments and representations from the various bodies connected with conservation, mining and the pastoral industry. I am pleased that real consideration has been given to the pleas of those bodies. It appears that at all times the authorities have done their best to frame this Bill in a workable manner. The significance of our mining industry has escalated dramatically over the last two or three years. An increase in mining activity in South Australia is very desirable, because in this respect we have trailed the other States, except for iron ore deposits and precious stones.

Despite the amount of time and effort put into framing this Bill, there are still some points that will need clarifying and adjusting before I can accept it. The Bill is largely a Committee Bill. Some amendments have already been foreshadowed, and I hope the amendments I have in mind will be seriously considered. For a long time I have believed that it is not right that large areas of land containing minerals should be held by leasehold or freehold and that people should be able to sit on potential financial gain to the State. On the other hand, I do not believe it is right that mining companies should be able simply to move in and take away a man's living. In this Bill an attempt has been made to arrange to compensate any leaseholder whose property is in any way damaged or whose living is affected.

The Hon. G. J. Gilfillan: Should he have to go to a court to obtain that?

The Hon. A. M. WHYTE: I believe the Bill can handle the matter if it is properly framed. People should know their rights with regard to protection. Much has been said about restricting methods of mining and about restoring the ground, but that does not overcome the difficulty connected with a landholder whose livelihood has been taken away. It is not simply a question of the method of mining or the equipment involved: it is a question of the occupation of a person's property (often the most valuable part) by perhaps several hundred people. Compensation should be in accordance with the amount of livelihood lost. There are many instances where a property owner would not wish to see his property occupied, but I cannot see that he can be safeguarded forever if there are minerals on his property and he is not willing to develop them.

Clause 6 defines "declared equipment"; a declaration in this connection is to be made by regulation, but there is no reason why it should be done in that way. The matter should be spelt out in the Bill, as should the full details of the definition of "precious stones field". The term "precious stones" takes in a fairly wide selection of stones, but the main type is the opal. Opal-bearing fields extend from Mt. Penryn to Granite Downs, a distance of 300 miles, and the fields vary in width from 15 miles to 30 miles. I am perplexed to find that such fields will be declared by proclamation instead of being defined in the Bill.

The Hon. A. F. Kneebone: There is no guarantee that opals will not be found elsewhere.

The Hon. A. M. WHYTE: I agree.

The Hon. A. F. Kneebone: If opals are found elsewhere and there is no provision for proclamation, the legislation would have to be amended.

The Hon. A. M. WHYTE: Yes. Clause 9 deals with "cultivated fields", but many people would like to know exactly what that term means. It should be spelt out in the Bill. Further, the Bill deals with land situated within 150 metres of any dwellinghouse. I know that a section of the Pastoral Act will take precedence over this legislation. However, I cannot see why this should not be more explicit. It seems to me that under this provision mining operations could encircle a dwelling with a 60ft. cut, and I do not believe that that should be allowed to happen.

Clause 15 provides that for the purpose of making any geological, geophysical or geochemical investigation or survey, the Minister or the Director of Mines or any person authorized in writing by the Minister or the Director may enter and remain upon any land with such assistants, vehicles and equipment as may be necessary or expedient for the purposes of the investigation or survey. The clause does not provide that these people should give notice to the landowner, and I think it would be only fair that such notice should be given. This would enable them to shift stock and to take other necessary action.

Clause 19 is of great consequence. It provides that where a mine had been established at the commencement of this Act for the recovery of minerals, or is established

within two years after the commencement of this Act, the mine shall be declared by proclamation to be a private mine and shall be exempt from the provisions of this Act, and the minerals may be dealt with and disposed of in all respects as if this legislation had not been enacted. I see some dangers in this provision, because in my opinion two years is not sufficient time in many instances for a person to carry out development on a mine that he owns and, if he does not effect the necessary development, he loses his mine. Some of the larger mining companies, which were prepared to operate some of these claims on a royalty, have now only to wait for two years and then go in and peg the claim themselves. I consider that this clause must be amended to safeguard the small mine owner, who in many instances finds it impossible to raise sufficient finance to mine for minerals in the way that modern mining today is performed. The logical thing today is to bring in the assistance of a large mining company. However, under this provision there will be no need for that large company to sign a contract and to mine on a percentage basis because, as I say, such a company need wait only two years and then take over.

Clause 24 (4) provides that a mining registrar may refuse to register a mineral claim if he is satisfied that before the claim was pegged out an application had been made and lodged with the Director of Mines for a licence under Part V of the Act in respect of an area comprising the claim, or any portion thereof, and that the application had not been refused. This could quite easily be a detriment to the small prospector, who could (and quite often does) move out into the outback; and if he finds something and is unable to peg, he is at a great disadvantage because the necessary application has not been made.

I understand that the area for an exploration licence has been reduced to about 1,000 square miles. This seems to be a great deal of land to be tied up under an exploration licence. I think these exploration licences could cover smaller areas, and that the time allowed on them could be reduced to, say, one year, so that not so much of the State is tied up by one or two companies. Such companies could provide more specific data on a smaller area, and they would also be able to move on more quickly without having such a great land mass tied up.

Clause 40 states that a mining lease shall provide for the payment, by way of rental, of such sum as may be prescribed. It goes on to say:

Where a mining lease has been granted in respect of freehold land, the amount paid to the Minister by way of rental under the lease shall, after the deduction of one-twentieth of that amount, be paid to the person who holds an estate of fee simple in the land.

It seems to me that the landowner also should have some means of determining the amount to be received for that land. As it stands, the Minister could in fact put what price he liked on it.

The Hon. Mr. DeGaris covered most of these points. Also, many speakers in the other House made serious attempts to put this Bill into shape. The Leader said that I knew something of the opal fields and of precious stones, and I will concentrate on that aspect. I think it would be well, perhaps, if some of the people concerned with the mining of opal and its sale, and those who are attempting to frame the legislation, understood something of the history of these fields.

The Coober Pedy field was located in 1915, and it has operated with varying degrees of success ever since. During the depression years, when opal was hard to sell, there were not many people on the Coober Pedy field. However, those that were there received the maximum co-operation from the landholders in that area. There was no dissension and no problem. This state of affairs continued until just after the Second World War, and at present there are about 3,000 people at Coober Pedy, with some $2,000,000 to $3,000,000 worth of mining equipment; so it is a very large industry. Australia supplies some 90 per cent of the world's opals. It is estimated that the value of opal production there will increase to about $20,000,000 within the next 12 months or two years. This, of course, the Government must consider as being a very worthwhile industry.

It is unfortunate that the South Australian Government has recouped very little money from the opal fields. The only income it gets is from the fees charged for the registration of claims and miners' rights, which does not amount to very much. On the other hand, the Government has provided a school and some roads of a sort. Water is a very expensive item, so the State Government is not in pocket from this industry. Perhaps more could be done to attempt to control it. (I say "attempt" because it is hard to control an industry like this.) I have watched it over the years. I have many friends and some neighbours who

have spent years on the opal fields, some successfully and others not so successfully. The point is, however, that this industry has been very much an industry of individuals, over whom there has been little control; nor did the industry need control because, until recently, it had not developed to the point where so many people were involved in it. It did not grow at the speed at which it is growing now. The industry needs encouragement and some control.

The Government should try to have a hand in the marketing of opal. At present, undressed opals are leaving Australia in large quantities; no-one really knows how much opal is taken from the fields. It is easy to slip away with thousands of dollars worth of opal. Opal mined in Coober Pedy can be sold in Singapore within a week, and it attracts no-one's attention. If the Government gave assistance in the setting up of stone-cutting industries in South Australia (on the field itself, I suggest) it would help the miners to obtain better prices. There would, of course, be fairly heavy restrictions, but nevertheless the gain from the cutting and dressing of opals would far outweigh those restrictions.

Now is an excellent time for the Government to move in on the property known as Mount Clarence and make some use of it. Coober Pedy is a tourist attraction that has made itself: tourists have never been encouraged to go there and no money has been spent by the Government on encouraging a tourist industry there, but it is there. It is ready-made. Up to 100 buses a week in the peak period have been known to go to Coober Pedy, where there is the attraction for tourists of being able to get out and noodle for a few specks of opal in the bulldozer cuts and the various old workings. Also, with the present accent on reclaiming land for fauna and flora reserves, the opportunity is there for that, too. Coober Pedy could be turned into a great tourist attraction, which would do much to remedy the unfortunate position in which the landholders in that area find themselves.

The Kunoth family went to Mount Clarence in 1948; it has turned out to be one of the success stories of that part of the State, and it must perplex them now to see this piece of land, running north-west right through the centre part of Mount Clarence, occupied by some 3,000 people with millions of dollars worth of equipment. Those miners have every right to be there and should be encouraged to be there—there is no question about that. I do not think the Kunoths would say, "Take away the opal miners", but they say, "Let us go on and make a living." The Government could easily annex the opal-bearing country from the pastoral lease; it could compensate the Kunoths and then sell or attach those portions not bearing opal to the adjoining pastoral leases, in conjunction with which they could be worked.

The Hon. A. F. Kneebone: Could those portions be sold, under present conditions?

The Hon. A. M. WHYTE: If they could not be sold, they could be attached to pastoral leases, and some revenue could be recouped in that way.

The Hon. A. F. Kneebone: It would take a long while to recoup the cost of purchase.

The Hon. A. M. WHYTE: Certainly from those areas of land; but the area that is of great importance is the opal fields, which extend 15 to 30 miles wide and run directly through the centre of Mount Clarence. If all this was concentrated into one corner of Mount Clarence, as at the Andamooka field, it would not cause anyone great concern; but the fact that it takes the best country and the best water makes it difficult for the Kunoths to carry on their industry.

The Hon. A. F. Kneebone: I agree with that.

The Hon. A. M. WHYTE: Mount Clarence is one of the success stories of the pastoral industry because, until the Kunoth family went there, many dingoes were in that country, and restricted the carrying capacity to about 1,200 shepherded sheep. During their time there, the Kunoths have personally supervised work on the dog fence, which protects the State from the ravages of the dingo. Because of Charlie Kunoth's knowledge of the outback, he was able to survive those hard early years, and eradicated the dingoes. In fact, he was one of the first to discover a method of preservation from the eagle hawk. He found out that the eagle hawks were not so active in the hot weather, and his programme of lambing to fit in with that fact was a great success. It seems unfair now that these people are to be in a position where—

The Hon. C. M. Hill: No-one up there worked harder than he did.

The Hon. A. M. WHYTE: Yes, or more successfully. The Kunoths have been brought up to that kind of life and it is because of their initiative and knowhow that Mount Clarence has reached it present state as a pastoral property. In fact, $273,000 has been

spent on improving that property since the Kunoths took it over. I hope the Government will consider seriously what I am saying. I believe Mount Clarence can be taken over by the Government. The miners themselves think it can be done. If some means of paying for it could be devised, I believe many of these people would agree to help do just that.

Private companies have been interested in taking over Mt. Clarence, and I would be delighted to see this eventuate, because the tourist potential is so great that many people believe that, with the use of the facilities already there (the homestead, the shearing shed, the shearers' quarters, and so on), it would be a matter of stepping into a ready-made business. Several people to whom I have spoken are still toying with this idea, and without doubt it would be a proposition for the Government to consider. Fair compensation would be paid to the Kunoths, the industry would be able to proceed without any pause; it would make for a better industry. Surely the industry must be encouraged. Not only is it expanding, but if it is to be restricted in any way we must remember that Brazil is supplying increased quantities of opal and Brazilian miners are receiving every encouragement from their Government. It is to be hoped that our precious stones industry will not suffer any setbacks by legislation that will curtail it.

The matter of bulldozers and other heavy equipment is one that has arisen mainly through conservationists who, having seen what looks to be utter chaos and irreparable damage being caused, have suggested that, after being mined, the ground should be returned to its normal state. This sounds very fine, and if it could be done simply I would agree, but from my knowledge and from what miners have told me it seems almost a practical impossibility, and it is absolutely an economic impossibility. Through the efforts of the Minister of Environment and Conservation, a trial back-filling was conducted recently under departmental organization and authority, but the cut was only a small one and it was an ideal situation. It seems almost impossible to have all cuts filled in. First, it is not possible to return all the dirt to a cut; secondly, the operators in that country wait on many occasions for the prevailing wind before pushing out the dirt. To try to push it back against a head wind is almost impossible.

The Hon. T. M. Casey: How do you get on cleaning out dams? Doesn't the same thing apply?

The Hon. A. M. WHYTE: I have cleaned out as many dams as most people in this Chamber, and with various means—horses, bullocks and tractors. The same does not apply, because in this case the dirt must be pushed straight back into the narrow cut.

The Hon. T. M. Casey: Couldn't you wait for the wind to turn? It doesn't blow in the one direction up there for 24 hours a day and 365 days a year.

The ACTING PRESIDENT (Hon. C. R. Story): The Chair is very interested in this debate and would be grateful if it could be conducted through the Chair.

The Hon. A. M. WHYTE: I agree with you, Sir; I am sure the Minister was trying to help me. One of his comments is quite true. It would be possible, but one thing the miners do not want to do is pay for a bulldozer at the current hourly rate to wait until the wind changes. The cost of waiting could run into several hundreds of dollars.

Apart from the fact that it is not an easy job, there are many strong objections to back-filling. Many people make quite good money from the noodling industry, following the bulldozers and picking up the small flecks of opal. The Aborigines have had a feast since the bulldozers first started. Tourists are able to walk into an open cut and follow the seam, to see exactly what an opal-bearing seam looks like. Miners claim there is a danger that back-filling could perhaps cause a shaft to fall in on someone. Where convenient they push the dirt back into an open cut. Many shafts would be well below the bulldozer cuts. This is one difficulty the bulldozer operators are facing; it is believed to be uneconomic to cut below 40ft., whereas many of the seams are up to 60ft. below the surface. The more modern and, I believe, the more scientific types of drills and augers are much more suitable in many instances. I have always thought it a great pity bulldozers ever went on to the field, but now that they have become established I see no way in which they could be removed.

It has been suggested that the 'dozer operators are finding it difficult to carry on. They say that under the new legislation it would be impossible. If the back-filling legislation is enforced, the miners are requesting a phasing-out period during which those who have become established with bulldozers will be given a certain time to continue as they are operating before being requested to back-flll. They say that otherwise they would face financial ruin. Many of these machines, even

secondhand, cost about $35,000 to $40,000 and many operators must add hire-purchase costs to that. A miner need only put down two or three duffers to find himself behind with his payments.

The Hon. G. J. Gilfillan: Will the earth fit back into the hole?

The Hon. A. M. WHYTE: No. It will not all fit back. I suppose it could be heaped on top and eventually it would settle. The ability of the country to grow anything the rains will produce does not seem to have been greatly affected; in fact, the growth in some of the cuts is better than that on the open plains. The re-establishment of much of the bush and grass is being encouraged by the cuts. However, this is not a defence of the bulldozers, nor do I wish to defend them. It is a great pity, to my mind, that they were ever introduced, but we cannot, having let people mine in this way, take away their livelihood without giving them some chance to rehabilitate. In the Committee stage I will attempt to introduce amendments to a point where, I believe, the legislation would be less restrictive.

Andamooka is not in quite so much trouble. It is situated at one end of the pastoral company's property, and there has not been a conflict between the landholder and the miner, as occurred at Coober Pedy. The number of bulldozers seems to be dwindling, as nowhere near as many are operating there now as in the past.

The Hon. D. H. L. Banfield: Do you think Andamooka is cutting out, in comparison with Coober Pedy?

The Hon. A. M. WHYTE: I do not think anyone can accurately say whether that is so because if someone makes a valuable strike at Andamooka, there is likely to be an exodus of people from Coober Pedy to Andamooka. More opals are being found at Coober Pedy than at Andamooka, but that does not mean that many people are not struggling for an existence on both fields. Not everyone on these fields is rich. The declaration of the field and equipment, and its restricted use, is one of the main points of contention. Now that pattern drilling is taking place, operators believe that it is not an economic proposition to prospect with a bulldozer. It is not economic for one to use a bulldozer to open up country, without having an indication that there is opal underneath.

I have tried to outline the situation as I see it. Many of the people on these fields do not know any more about the hardships that were experienced on these fields previously than do the conservationists who are plaguing the people on the fields. If these people knew something of the history of persons such as Mr. Wollaston, who spent his whole lifetime either seeking precious gems or travelling around the world to market them, they would realize how much they owed to the pioneers. Indeed, if they realized the hardships that those pioneers went through, today's miners would be less disgruntled with their lot. However, I suppose this applies to all facets of life today: we expect more and are willing to give less in return.

This is largely a Committee Bill. I sincerely hope that those interested (miners, landholders and conservationists alike) will continue to play a part in the final stages of this legislation. I hope other members will speak on the Bill and, above all, I hope that it will not be rushed through the Council without members' having an opportunity to amend it.

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

DOOR TO DOOR SALES BILL

Adjourned debate on second reading.

(Continued from October 19. Page 2287.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading but, in saying that, I do not want to give the impression that I support every clause of the Bill as it now stands, because one or two aspects of it need further consideration in Committee. In some ways I agree that the Government's attempt to deal with the difficulties encountered in door-to-door selling is, as the Hon. Mr. DeGaris has said, rather like using a steamroller to crack a nut. I suppose it is inevitable that, when one starts this kind of operation, some rather burdensome apparatus must be set up. However, some of the procedures laid down and some of the restrictions applied go a little too far.

Some years ago, when a Bill dealing with book sales at the door was before Parliament, this Council dealt very effectively with the difficulty that arose. As far as I know, apart from a few preliminary problems, there have been no further complaints in that connection. I am mystified about why it was thought that a similar Bill was necessary to deal with all the other goods sold at the door. As far as I know, many reputable firms, particularly those associated with the Direct Selling Association of Australia, have for years carried on an active

and useful trade from door to door. Such lines as household goods, vacuum cleaners, patent medicines, and cosmetics have been regularly sold at the door with little complaint from householders. Indeed, many housewives look forward to regular visits from people selling those products and are quite satisfied with the goods offered. Consequently, it is unnecessary that those salesmen involved will be adversely affected by this Bill. Some honourable members may say that there is no guarantee that they will be so affected but, if one examines some clauses, it becomes apparent that those salesmen may very well be affected. I do not think we should catch those people to the extent proposed in this Bill.

I think there are only about three or four main matters to consider in connection with this Bill. First, clause 6 provides that the Bill is to apply to all contracts exceeding $20, but I think that that figure is too low. There are ways of circumventing the provision when the figure is fixed so low. A salesman may sell goods worth $19 today and goods worth $19 tomorrow, or he may even conduct two transactions each worth $19 on the same day. Very few transactions involving hardware, household utensils and cosmetics involve actual orders of less than $20. Of course, a man selling patent medicines may take an order worth less than $20.

The Hon. D. H. L. Banfield: Surely an order for cosmetics would be worth less than $20.

The Hon. F. J. POTTER: I am told that the average order for cosmetics is nearer $30. The housewife who has to stay home and look after her children and prepare meals finds it difficult to spare the time to choose cosmetics at a store. Consequently, she appreciates the services offered by a salesman who will call at her door to explain the various items in his range of cosmetics. Some cosmetics sold in this way are comparable with some of the best sold at the counters of beauty consultants in the major stores. If no other honourable member moves to increase the figure of $20, I shall do so when the Bill reaches the Committee stage.

Clause 6 also provides that the Governor may by regulation fix a figure other than $20. I would have no objection to that provision, provided it was specified that the amount fixed would be higher, not lower, than that figure. I have already said that I think the actual figure should be much higher.

Clause 6 also deals with the question of unsolicited sales being made at the place of business of the vendor or dealer or the place where the purchaser is normally employed. I do not actually object to this, but I should be interested to hear what complaints have ever been made about goods being pressed on people at their place of employment. It may have occurred in the past in connection with book sales. I know that professional people in offices are somewhat easy victims of people who go around selling books of one kind or another, but as far as I know there has never been any real problem about unsolicited goods being pressed on people at their place of employment. Indeed, I think it would be very difficult for this to be done in any big way, particularly in factories where the time off for lunch and smoko breaks is limited.

The Hon. R. C. DeGaris: What is the position with self-employed persons?

The Hon. F. J. POTTER: I do not know, because the clause does not deal with that aspect.

The Hon. R. C. DeGaris: That could be a complication.

The Hon. F. J. POTTER: The point I emphasize is that it seems rather unnecessary to go to the extent of dealing with places of employment.

The Hon. D. H. L. Banfield: A dealer or vendor could get a person's name and put it on an order.

The Hon. F. J. POTTER: I do not know whether the honourable member has had any experience of this. It seems to me that it would be fairly difficult for any salesman to make any successful approach to a person at his place of employment. As I say, I have no personal objection to the provision: I merely raise the question of the need to include it. The procedures set out in clause 7, I would suggest, are rather cumbersome. The dealer or vendor has to hand to the purchaser a duplicate copy of the contract or agreement and a statement in or to the effect of the form of the schedule to the Act giving notice that the contract may be terminated within a certain period. He then has to obtain a receipt from the purchaser that he acknowledges receipt of both documents. I think the provision that the vendor or dealer must obtain such a receipt is rather unnecessary.

I think this is also rather unfair to sellers, some of whom are housewives who will need to have a pretty good schooling on this measure before they continue with their selling operations, otherwise they will be up for a very severe penalty of $200 if they commit

a breach, even only a minor one, of clause 7. I think the provision requiring a receipt for the documents is loading the dealer with a very heavy onus indeed.

Clause 7 also provides that the vendor or dealer is not to accept or receive any money under the contract at the time it is made. I think that this is unnecessary and, indeed, unfair. As the Leader said, there is no reason whatsoever to prevent a person paying for goods at the time the contract is made. He knows very well that he wants the goods, and it is unlikely that he will exercise his right to repudiate the contract. Why should he not pay for the goods there and then, either in full or by paying a deposit, if he wants to do so? In my view, it is quite ridiculous to prevent this. I fully agree with the Leader on this point, and I strongly suggest that that provision should be deleted.

The other main provision that I think should be looked at is the one stipulating that the proposed purchaser of the goods is not required to take reasonable care of such goods that are left with him during the period of eight days in which he has the right to repudiate the contract. It is quite unfair to the dealers or vendors who choose to leave the goods for the purpose of perhaps allowing the proposed purchaser to test them in some way or use them and see whether he is satisfied with them. I think it is wrong in principle to provide that those goods can be completely consumed or destroyed, without there being any responsibility for their safe return to the vendor should the contract be repudiated. I believe that in clause 8 we should provide that the purchaser should take reasonable care of the goods and should deliver them up in as near as possible the condition they were in when he received them, if he decides to exercise his right of repudiation. It is quite wrong that the goods can be virtually consumed and then the contract repudiated.

Those are the three main points at issue, and when we get into Committee I will move some amendments to allow these three important matters to be debated in full. As I have said, I have no objection to the Bill, which does provide for consumer protection. However, sometimes we can over-protect people, and I think this Bill does over-protect the consumer in those three aspects that I have mentioned.

I know it is difficult for people, particularly housewives, to resist or reject the overtures that people make when they come to the door. People do not like to be unfriendly or to reject something that is put to them. I think any honourable member who has gone on a door-knocking campaign at election times realizes that many people say they will vote for that member's candidate; they do this because they do not like to be rude, and they do not like to appear to refuse overtures that are made to them. Similiar psychology applies when people go from door to door with goods. Householders do not like to be rude and do not seem to have the willpower to refuse the goods they do not really want. They like to buy at least something from the man who calls on them.

However, although that psychology does exist and the purpose of this Bill is to help people who are caught in that situation, as I said earlier there are many regular and legitimate transactions made that should not be caught by the Bill. Consequently, if these matters are considered carefully in the Committee stage, we shall have a much better Bill as a result of suitable amendments. I support the second reading.

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

ACTION FOR BREACH OF PROMISE OF MARRIAGE (ABOLITION) BILL

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

ADJOURNMENT

At 11.25 p.m. the Council adjourned until Wednesday, October 27, at 2.15 p.m.