LEGISLATIVE COUNCIL

Wednesday, September 13, 1972

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

QUESTIONS

TROTTING

The Hon. R. C. DeGARIS: I ask leave to make a brief statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: It was announced in the press, I think last Monday, that one of the foundation members of the Trotting Control Board had resigned; his resignation had been sent to the Chief Secretary. Can the Chief Secretary inform the Council of any reasons given for the resignation of one of the members of the Trotting Control Board?

The Hon. A. J. SHARD: I think that the person concerned had very definite views of his own. To go back to the beginning, I had problems with the gentleman concerned. When he was first nominated to the board, he was a trainer of trotters, which precluded him from becoming a member of the Trotting Control Board. Then he transferred the training of his horses to his wife. He had other complaints, one being that some country trotting clubs were not getting just about everything they wanted. He had a general feeling of what one might call dissatisfaction with all concerned. I understand that he resigned as Secretary of the Port Pirie Trotting and Racing Club before he tendered his resignation as a member of the Trotting Control Board. He said that he did not agree with some of the things I did about trotting. I am not concerned about that, because one tries to do what is right. Generally speaking, he was a man who wanted his own way; he became dissatisfied and hence he resigned.

HOTEL FIRES

The Hon. V. G. SPRINGETT: Has the Chief Secretary a reply to my recent question about fire protection measures in hotels?

The Hon. A. J. SHARD: The South Australian Fire Brigades Board has reported that fire-fighting facilities are generally checked at least annually, if the hotel management has a contract with a competent authority. Regulations under the Building Act, 1923-1965, make specific provision for the prevention of fire in hotels. There is no evidence to suggest that these provisions have been inadequate for hotels constructed to date. In the proposed regulations under the Building Act, 1970-71, more sophisticated regulations are expected to provide adequately for any hotel that may be built in the future. Since 1948 there has been no loss of life in a fire on any licensed premises in this State. Hotel staff undergo fire drill and evacuation at the discretion of the management.

FRUITGROWING INDUSTRY

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

Leave granted.

The Hon. C. R. STORY: Some aspects of my question come within the sphere of the Minister of Agriculture, while other aspects of it come within the sphere of the Minister of Lands. Several times in this Council honourable members have raised the question of the Government subsidy in connection with tree-pulling in horticultural areas, particularly in connection with pear trees and perhaps peach trees. The State Government has a very large investment in the Riverland cannery. I am wondering what will happen if some people decide to pull out trees under the Commonwealth Government's scheme; I have in mind the large overdraft of the Riverland cannery. Can the Minister say whether the Government has considered this matter and, if it has not considered it, will the Government consider the possibility of subsidizing people to remain in the industry? It must be remembered that pear trees take 25 years to become fully productive; so, if they are pulled out, there must be a slump in production for a long time. Perhaps things will be difficult in the industry only in the short term. Will the Minister investigate whether the department has looked at the Government's investment in canneries in this State and whether it should subsidize some people to stay in the fruitgrowing industry, even though at present it may not be profitable?

The Hon. T. M. CASEY: I shall be very happy to do that.

DEPARTMENTAL ACCOMMODATION

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

Leave granted.

The Hon. L. R. HART: No doubt the Minister is well aware of the inadequacies of

the building in Gawler Place at present occupied by the Agriculture Department. The department has some difficulty in retaining staff, no doubt to some extent because of the accommodation it occupies. On November 12, 1970, the Public Works Committee recommended to the Government the construction of office and laboratory accommodation for the Agriculture Department and the Fisheries and Fauna Conservation Department at Foster Road, Northfield. Can the Minister say what progress has been made in providing more adequate facilities for his department?

The Hon. T. M. CASEY: I do not think that the department is experiencing any trouble in retaining its staff: it is increasing its staff gradually as time goes by. As the honourable member has requested specific information regarding the proposed building at Northfield, I shall be only too happy to obtain it for him. I am sure that the honourable member is aware that I am very keen to see this project get off the ground. The latest information I can give is that the project is proceeding satisfactorily and that tenders will be called soon. That is only off-the-cuff information, but I will obtain a detailed report for the honourable member.

POLLUTION CONTROL

The Hon. M. B. CAMERON: Has the Minister of Agriculture, representing the Minister of Works, a reply to my question of August 29 regarding pollution in the Adelaide Hills?

The Hon. T. M. CASEY: The Minister of Works has advised me that the controls being used by the Government are to ensure that the future use of land in the metropolitan watersheds will not impair the quality of water so essential for Adelaide's future. The Government is not considering the formation of a Select Committee or a committee of inquiry to inquire into the effects of the Government's water pollution controls.

ORANGE JUICE

The Hon. V. G. SPRINGETT: Has the Minister of Agriculture, representing the Minister of Education, a reply to my question of August 22 regarding the supply of orange juice to schoolchildren?

The Hon. T. M. CASEY: My colleague reports that it is not intended to subsidize the provision of orange juice in school canteens. Such action would involve finance that could be used for educational purposes of a higher priority. Over the years a number of unsuccessful approaches have been made to the Commonwealth Government to extend the free milk scheme to cover orange juice. Consideration will be given to whether a further approach should be made.

ABATTOIRS

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

Leave granted.

The Hon. A. M. WHYTE: The present killing charges at the Port Augusta abattoir exceed those of the neighbouring abattoirs at Whyalla and Port Pirie by, in some instances, up to 1.46c a pound. The relevant charges are as follows: Whyalla, a flat rate of 3.3c a pound for cattle, sheep, lambs, pigs and calves; Port Augusta, 3.93c a pound for cattle, 4.14c for sheep and lambs, 4.44c for pigs, and 4.49c for calves. In addition, the regulations preclude the import of meat, unless it is done under the jurisdiction of the abattoirs or of the inspectors. As a result of the large influx of tourists, it is almost impossible, as the Minister is no doubt aware, to supply the precise cuts of meat, particularly rump steak, used by restaurants, motels, etc., in the desired quantities without having considerable quantities of the lesser cuts of meat available in Port Augusta. As people at Port Augusta believe that they are hamstrung by the present legislation, will the Minister investigate the situation with a view to seeing whether an improvement can be made?

The Hon. T. M. CASEY: I shall be happy to investigate this situation. I have received representations from country abattoirs requesting that no meat be allowed to be brought into the area because sufficient meat is being killed in those abattoirs. There is, therefore, a diversity of opinion on the matter. I think meat should be traded freely between these centres.

The Hon. R. A. Geddes: Subject to health requirements.

The Hon. T. M. CASEY: Naturally. I hope that in future I can bring down legislation dealing with the meat industry in South Australia and that this matter can be covered.

STURT HIGHWAY

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

Leave granted.

The Hon. M. B. DAWKINS: For some years now there has been something of an anomaly regarding the section of the Sturt

Highway which either goes through or skirts round (as the case may be) the Barossa Valley. Since the reconstruction of the road through Sheoak Log and Greenock that road has generally been known as the Sturt Highway. The older road—the scenic highway that goes through the Barossa Valley via Lyndoch and Tanunda—has also continued to be known as the Sturt Highway. It has been the desire of a very large number of people in the Barossa Valley for some time that the section of road from Gawler through Lyndoch and Tanunda to Nuriootpa be renamed the Barossa Valley scenic highway. I believe this matter has been raised before. Has the Minister been able to consider it and, if not, can it be considered?

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

VICTOR HARBOUR HIGH SCHOOL

The Hon. M. B. CAMERON: Has the Minister of Agriculture received from the Minister of Education a reply to my recent question regarding the redevelopment of the Victor Harbour High School?

The Hon. T. M. CASEY: The Minister of Education reports that the Education Department is well aware of the desirability of redeveloping Victor Harbour High School and normally would be planning a staged upgrading of accommodation at the existing school. However, because of the extremely restricted area of the present site, it is considered that a major rebuilding programme should be carried out on the new site. Because Victor Harbour occupies a relatively low position on the priority list, steps have been taken to upgrade the existing facilities as far as possible to meet essential needs. These steps include, first, the provision of a "Riverton" type Commonwealth standard library in wooden construction; secondly, the upgrading of staff toilet facilities; thirdly, the erection of a canteen shell; and, finally, the provision of change rooms and storage facilities. The position has been made clear to the members of the high school council, who have accepted the situation and, indeed, have expressed their appreciation of the assistance provided in improving amenities that were previously substandard.

LINEAR ACCELERATOR

The Hon. V. G. SPRINGETT: On August 22, I asked a question of the Chief Secretary regarding the use of the second linear accelerator that is now available following the recent purchase of a new one. Has he a reply?

The Hon. A. J. SHARD: As soon as the new linear accelerator is in full and satisfactory clinical use, it is intended that the existing linear accelerator will be taken out of use temporarily so that it can be thoroughly serviced. On completion of servicing, the unit will be returned to clinical use in its present location. At that stage, there will be two linear accelerators in operation. It is expected that servicing of the existing linear accelerator will commence early in 1973.

PIG PRODUCERS

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

Leave granted.

The Hon. C. R. STORY: Some time ago, in 1968, the pig producers of this State very generously gave about $65,000 for the establishment of a research centre at the new agricultural complex at Northfield. It was agreed at the time that there should be certain members of the committee, comprising producers and also officers of the department. I heartily agree with the composition of this committee, which advises the Minister. However, I believe that the load is becoming rather heavy for the producer members of the committee, and that they are not being compensated in any way for the services they are rendering. From discussions I have had, it appears that the time might be opportune for the Minister to review the situation and see whether these members should not be recompensed in the same way as members of other industry organization advisory committees. Has the Minister considered the matter, and does he intend to do something about it?

The Hon. T. M. CASEY: I am grateful to the honourable member for raising this matter. It had not been brought to my notice previously, but now that it has been raised I will look at the position to see whether something can be done. I will be very pleased to discuss this with the members of the committee. I think that would be a better approach than simply doing something without their knowing anything about it.

LEAVE OF ABSENCE: HON. H. K. KEMP

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

That one month's leave of absence be granted to the Hon. H. K. Kemp on account of ill-health.

Motion carried.

ROAD TRAFFIC ACT AMENDMENT BILL (COMMERCIAL VEHICLES)

Read a third time and passed.

PORT ADELAIDE ZONING

Adjourned debate on the motion of the Hon. C. M. Hill:

That the regulations made on June 9, 1972, under the Planning and Development Act, 1966-1971, in respect of the Metropolitan Development Plan Corporation of the City of Port Adelaide—Zoning, and laid on the table of this Council on July 18, 1972, be disallowed.

(Continued from August 30. Page 1077.)

The Hon. C. M. HILL (Central No. 2): In replying briefly to the debate on this motion, I reiterate my previous intention, which was to seek from the Government the report of the special committee on the whole matter of the shopping centre at Queenstown. I said when I first moved for this disallowance that it was not proper for the Government to seek the approval of this Council to these regulations until such time as that Government-appointed committee, headed by Mr. Speechley of the State Planning Office, had finalized its report and it had been made available to members of Parliament.

Subsequently, I was pleased to see that the report was tabled in another place, and I had the opportunity to peruse it. However, in submitting that principal point, I did pursue some aspects of the whole matter that raised grave concern in my mind, and I thank the Hon. Mr. Banfield for his attempted reply to the questions I had raised. He did not answer all the questions I had asked.

One example of that is that I asked whether a meeting of the Executive Council had been held on Friday, June 9, without the knowledge of the Premier. I did not receive a direct reply but there was sufficient in the honourable member's reply to indicate to me that in fact it appeared that a meeting of the Executive Council had been held on that day without the knowledge of the Premier, which is a serious matter. However, I repeat that I thank the Government for making the committee's report available. Having had the opportunity to peruse that report, I am satisfied that the regulations should be delayed no further. Consequently, I move that the motion be discharged.

Motion discharged.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (HOMOSEXUALITY)

Adjourned debate on second reading.

(Continued from August 30. Page 1078.)

The Hon. M. B. DAWKINS (Midland): I rise to discuss this Bill, which seeks to amend the Criminal Law Consolidation Act to legalize homosexual acts in private. As all honourable members know, the Bill is No. 1 on the Legislative Council file. Clause 2 seeks to strike out a portion of section 3 of the principal Act, and the following clause seeks to enact a replacement of that portion of the section. The first new section it is sought to enact reads as follows:

(1) Notwithstanding any Act or law to the contrary, it shall not be an offence for a male person to commit a homosexual act with another male person, in private, where both parties have consented to the commission of that act and have attained the age of 21 years.

I listened to the Hon. Mr. Hill's speech on this matter and subsequently read a copy of it, and I in no way doubt his motives for introducing this Bill. I also read on the very same day (August 2, 1972) the following newspaper report headed "Twelve on sex charges". The report states:

Twelve adult males had been prosecuted for homosexual acts in private premises in the 12 months to June 30, the Attorney-General (Mr. King) said in the Assembly yesterday. Of these, 10 were for homosexual acts committed on consenting youths in their early teens.

I emphasize the fact that, of these prosecutions, no less than five-sixths were for homosexual acts committed on consenting youths in their early teens. This Bill does not seek to legalize anything like that—far from it—but, nevertheless, there is an indication of what may become more prevalent if this Bill is passed. It purports to assist the homosexual. Frankly, I fail to see where it does that. I believe that opening another door, which this Bill seeks to do, is no way in which to assist homosexual people with their troubles. It is authoritatively stated (I have no reason to doubt it, and I know it has been stated by people who know far more about these matters than most of us here do) that some homosexuals are, in effect, born like it and are confirmed in the practice and there is little prospect of their becoming otherwise. I accept the fact that that is so.

It is advanced as an argument for this Bill that these people may practise this type of activity without fear of prosecution. There is no doubt that at the moment many of them do practise this sort of activity in the privacy of their homes, with very little fear of prosecution. As I have said, I would not attempt to deny that that is the case, but I am concerned about the many people who

could be influenced into this sort of practice. I draw the attention of honourable members once again to the passage I read from the newspaper, which appeared on the same day as the Hon. Mr. Hill made his speech, in which 10 of the acts were committed by people who had probably become confirmed homosexuals, but they were influencing young people in their early teens.

I would be the last person to want to see this practice spread. I do not think any honourable member of this Chamber would want to see it spread. I do not think any honourable member could deny the fact that this is a most undesirable possibility. I believe that, although this Bill does not refer specifically to young people under the age of 21, it will make it easier for young lads to be influenced and for those on the borderline to be swung over on to the wrong side, so to speak.

In common with all other honourable members in this Chamber, I have had many representations on this matter. Every honourable member will have had probably hundreds of letters from individuals, and most honourable members have been present when there have been deputations from groups of people, both in favour of and against this Bill. Those people favouring it have made no bones of the fact that they want it to become law. One of the consequences, in my view, would be that we would no longer have any check on the way in which such undesirable practices were increasing or the way in which people who are, regrettably, confirmed homosexuals were influencing young people.

I would say this in criticism of those people who interviewed or wrote to honourable members against the proposed legislation. I think they could be criticized to this extent, that they did not come up with positive suggestions of helpful treatment. They expected us (in one case in particular) to amend the Bill without their giving any indication of the way in which this could be done, having only the haziest of notions of how it should be amended. In fact, one wellknown solicitor in this town suggested it was our job because we had Parliamentary Counsel; it should be done here. I believe that anyone making suggestions about legislation should make positive suggestions; he should realize that honourable members deal not merely with one particular Bill but with many Bills every sitting day and that they really have very limited access to the Parliamentary Counsel, whose first duty is to the Government of the day. I am making these remarks in criticism of those who have not said exactly what should be done with the Bill. I believe that one of the main reasons why they have not made positive suggestions is that the Bill is not really suitable for amending. All the Bill does is open the floodgates; in that connection I received a letter from a leading psychiatrist. Part of the letter is as follows:

> While I am sympathetic with the needs of homosexuals and realize the present law discriminates against them unfairly, a Bill that defines and approves (this practice) must surely open the floodgates.

I agree with that statement. I am not opposed to some legislation for these people, because it is highly important that something should be done for them. However, I do not think that the Hon. Mr. Hill has arrived at a satisfactory solution. I believe that not enough thought has been given to this matter. Honourable members have received representations for and against the Bill from ministers of religion of various denominations. The following is a paragraph from a letter written by a person who is probably basically in favour of the Bill:

> In the light of the fact that Parliament, society and the church do not consider fornication, adultery and lesbianism as criminal offences, we—

the minister is talking for his church—

> consider that homosexual acts between consenting male adults should not be proscribed by the criminal law.

I believe that that is woolly thinking. Is the argument based on the idea that, because two floodgates have been left open, we should open a third floodgate? Does the church involved, of which I am almost ashamed to say that I am a member (but that church is not on its own in this matter), believe that three wrongs make a right? This sort of woolly thinking comes not only from my own church but also from some other churches, and such thinking is basically false.

I believe that all members of Parliament agree that homosexuals need help; there is no doubt about that. Homosexuals need to be able to come forward and get treatment and assistance without any fear; that is one of the basic ideas behind this Bill. Nevertheless, I believe that the Hon. Mr. Hill, in framing this Bill, has taken the wrong approach, because the Bill will make it easier for people to carry on with their homosexual practices and it will make it immeasurably harder, if not impossible, to stem the tide and to keep a check on the spread of such practices in the

community. We should learn from the experience we gained in connection with the abortion legislation; if we liberalize things too much, we find it hard to stem the tide. What is needed is a Bill for homosexuals—not simply a Bill about homosexuals.

Much more study is needed of the problem as it exists in South Australia, not necessarily as it exists in Great Britain and elsewhere. We should set up a Select Committee or a commission to investigate the matter and propose legislation that might really help homosexuals, particularly those on the borderline who are subject to influence. It would at least make it less likely that a newspaper would publish the sort of headline we saw on the front page of the *Advertiser* on August 2, and to which I referred at the beginning of my speech. What I am proposing would lead to fewer, not more, confirmed homosexuals associating with boys in their early teens. It is surely the aim of everyone that this matter should be kept within bounds and not allowed to spread to an unhealthy degree. I am confronted with the problem of whether to support the second reading of this Bill. Some of my colleagues have said, "We will support the second reading and we will improve the Bill in Committee, and it will then be all right." However, if we start off on the wrong foot (and I believe that the Hon. Mr. Hill did that when framing this Bill) it is better to stop and start again. I therefore do not believe that this Bill is suitable for amending. Further, I believe that the hope that this Bill may be more acceptable after the Committee stage is a dubious one. I must therefore oppose the second reading of this Bill.

The Hon. R. A. GEDDES (Northern): Obviously, the Hon. Mr. Dawkins has seriously considered this Bill, as have all the other speakers on it. I am sympathetic to the problems of homosexuals, mainly because of the excellence of this debate and because of the correspondence I have received from many people who have tried to present those problems clearly. Consequently, I realize that this Bill must not be rejected out of hand; we must not simply say that it is a repulsive thing. Instead, we must look at it in a practical way. In order to gauge the merits of the Bill, I have tried to consider how it would affect the community if it became law. I have chosen the educational section of the community in my effort to decide what the effect of the Bill will be, because education is so important to coming generations. It is in the educational field that young people get their first understanding of the meaning of homosexuality.

As it stands, the Bill provides that two consenting males of at least 21 years of age may practise homosexual acts in private. It could mean that two teachers employed by the Education Department could live together as homosexuals and be completely within the law. So long as they behaved themselves in the community in which they were living, the department's disciplinary powers would not prevent their living in this way. Yet, if a male teacher and a female teacher were to set up house and live together in a normal heterosexual manner and society or the parents where these two teachers were living objected, under the department's rules of conduct one of the teachers could be moved away to break up the partnership. If the case were sufficiently serious, the teachers could be dismissed from the department.

This would be the first anomaly if the Bill became law: two males would be able to live together in harmony, but without licence apart from the law, but an unmarried man and woman living together would be in jeopardy. Society recognizes marriage as being the necessary licence to allow men and women to live together, but there is no such prerequisite for homosexuals who might wish to live together; so long as they are 21 years of age or older, they are free to do so. What will happen if the Bill is passed? The Chief Secretary has an amendment on file, and I take it that it is Government policy.

The Hon. A. J. Shard: That's not right; this is a social matter.

The Hon. R. A. GEDDES: I appreciate the interjection and now realize that it is his own amendment. If the amendment, which alters the age to 18 years, is carried (this age is considered to constitute adulthood in the laws of this State) and this Bill goes to another place and becomes law, we might have a whole host of problems in the field of education. We could have the problem of the student at Matriculation or tertiary level who might be unduly influenced by his teacher. In the impressionable age of youth, this has often happened in the past, but not necessarily with a sexual connotation. We might have the problem of an 18-year-old boy being seduced by his teacher; this would not be soliciting, which is also recognized in the Bill. We could have the problem of two 18-year-old boys setting up home together, and it would be legal for them so to do. We could have the

problem of two 18-year-old boys unduly influencing others of impressionable age to experiment in homosexuality; this would not be a good thing for society as a whole, particularly as far as education principles for the future of our children and their children are concerned.

I agree that there might be a need to help genuine homosexuals, but I believe that, as the Bill is drafted (and whether the age of consent is 18 years or 21 years), it would be detrimental to the betterment of the education of our children and their children. I sympathize with genuine homosexuals. In the correspondence I have received many people have said that this Bill will not really help genuine homosexuals, so I wonder whom the Bill will help! I boggle at the thought that possibly the extremes may become evident: the genuine homosexual may be able to live a happy life, as possibly he is doing now, but the excesses of homosexuality may be brought to the fore more if the Bill is passed. I believe that the Hon. Mr. Hill did not have the permission or the opinion of the people of the State to introduce this Bill. By the Bill, politicians are trying to set up a new moral code, and, in this permissive society, people find it easy to accept what is legally right as being morally right. This is how I have drawn my conclusions on this matter. Although I intend to vote for the second reading so that we can consider the amendments that will be moved, I reserve my further opinions until the third reading.

The Hon. D. H. L. BANFIELD (Central No. 1): I congratulate the Hon. Mr. Hill on promoting this Bill. I think it would be true to say that every honourable member was approached and asked whether he would be willing to promote such a Bill. I know that I was not willing to introduce such a Bill, but I said that, in principle, I supported what was wanted by the people who approached me. No doubt it took great courage for the Hon. Mr. Hill to introduce this Bill, because, whichever way the Bill goes, it will not please everyone. Nevertheless, some honourable member had to bring the matter into the light of day, and this Bill has done that.

In this age of enlightenment and awareness, people are willing to discuss matters previously considered to be taboo, as homosexuality was considered to be. There is no denying that homosexuality has been with us for centuries and will be with us for all time, whether or not the Bill is passed. In many civilized countries homosexual behaviour does not contravene the law, except in special circumstances; for instance, if children are involved, if force is used to coerce an unwilling participant, or if homosexual behaviour is carried out in public; that is fair enough. However, under this Bill homosexual behaviour in those circumstances will still contravene the law, and I agree that that should be so. People who practise homosexuality in the privacy of their own home may well need treatment, but not the kind of treatment that comes from blackmailers or from people who attempt to persecute homosexuals. I do not approve of homosexual acts or of many other things done by various people. At the same time, however, I would not like to see those things outlawed and people being prosecuted as a result.

I have received more correspondence on this subject than I have on any other subject that has been before the Council since I have been a member, and 99 per cent of the people who have contacted me on this matter have been in favour of the principle of the Bill. Others have doubted whether it would achieve the principles desired by the Hon. Mr. Hill. The Leader of the Opposition said he was anxious to hear the Government's views on this matter and, by way of interjection when the Hon. Mr. Geddes was speaking, the Chief Secretary pointed out that this was a social question and that the Government had no particular views on it at this stage.

That is the position as far as I am concerned: I am not under any directions from the Government or the Party of which I am a member. I will judge this Bill in accordance with my own conscience and, because of that, I support the second reading. I am willing to consider any amendments that are placed on file, and I intimate at this stage that I support the amendment placed on file by the Chief Secretary.

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

POLICE REGULATION ACT AMENDMENT BILL

Read a third time and passed.

STATUTES AMENDMENT (PUBLIC SALARIES) BILL

Adjourned debate on second reading.

(Continued from September 12. Page 1187.)

The Hon. C. M. HILL (Central No. 2): This Bill, which has been introduced by the Government, deals with the question of increasing the salaries of some of our top public servants where it is necessary within

the respective Statutes for Parliament to approve such increases. We heard yesterday the Chief Secretary justifying the need for reasonable increases to be given to such senior officers as the Auditor-General, the Commissioner of Police, the Chairman of the Public Service Board, the other Public Service Board members and the Valuer-General, as well as an increased expense allowance for the Agent-General in London.

I am concerned only with the increase in the salary of the Valuer-General. I do not oppose the Bill, and I do not oppose any of the various facets to which I have just referred. However, I cannot let this opportunity pass without referring to the Valuer-General, his salary, his fairly recent appointment, and the establishment of the department of which he is the head.

I am concerned, and have been ever since the Government introduced the Bill setting up this new office in the Public Service, about the potential growth of this department. All honourable members will agree that, generally speaking, the size of a department can be related to the amount of salary of its most senior officer. This does not always apply, but generally I believe it to be true. In other words, the higher the salary of the most senior officer, the larger is his department or the larger it will grow. Therefore, as we increase the salary of the Valuer-General, we must in my view expect further expansion within his department.

I stress as strongly as I can that I have no personal criticism whatsoever of the particular gentleman who holds this office; nor have I any criticism of his senior officers or anyone in his department. On the contrary, having some intimate knowledge of his profession in the field of valuing, I have the highest admiration for the work that is being done by him and his department and, knowing him and many of his officers personally, I have the highest admiration for them. However, I still have a clear duty to speak out when I fear that the Public Service is growing to a degree that I think ought to be brought to the notice of the public generally.

There is in the plans for this department a general grouping for all the valuing practices of the State departments to be brought within the one section. There is at present a Bill before Parliament regarding this matter, in which it is evident that councils will take advantage of the opportunity and have this department carry out all the assessments on properties for rating purposes. Although it is not compulsory, that will undoubtedly become a definite trend.

The department carries out by Statute the necessary assessments on properties for rating purposes for the Engineering and Water Supply Department and for the Land Tax Department. I referred to this matter when the office was first set up by a Bill introduced by the present Government, and I referred to it again a few days ago when I spoke on the Bill to which I have just referred: I have grave fears that this department will grow and that it will cost the people of this State (and this is the paramount consideration to be borne in mind) much money. I am not, therefore, raising the matter unexpectedly now. I am being consistent in expressing this fear, which I first expressed when the office of Valuer-General was set up by the present Government.

Honourable members have a general apprehension, when a new department is set up or when an existing department is expanded, of the additional cost that is involved to the taxpayer. In this department, one sees that the work the officers must do is very personal work, in that they must obtain intimate knowledge of properties and all regions of the State in which property is situated, and the necessary research takes much time. It is therefore easy to build up a very large staff to handle the work which will fall on the shoulders of the officers of the department. When the department is in full swing, the total new expense which will be involved will be greater than the aggregate expense of the various departments which at present or in months gone by, before the transfer, have handled this work.

This is the concern I voice. I suggest respectfully to the Government that such a department should be kept in check, as time goes by, by watching carefully the salary of the top officer. I do not want to be unfair to the officer involved, but the person is not really as important as the office itself, because people will come and go as the years pass by. It is the seniority and the salary accompanying the office which can be a means to keep the growth of this new department in check.

I have a clear duty to express such fears when I see the potential of such a department and when I believe it is inevitable that this growth will take place. There are several unfortunate aspects about it, especially regarding local government giving the work of assessments to this department. In the local government area the person who received the

assessment will not, if this legislation is passed, be able to appeal to the local council chamber against such an assessment. The department will have to handle appeals from the length and breadth of the State against the original assessments made by the Valuer-General.

That will mean a great deal of communication and a great deal of expense by people in presenting appeals to the central office within the city of Adelaide, and of course the hearing of such appeals will involve a great deal of officer time. Thus we come back to the fear of great expense being involved in servicing or maintaining such a department.

I mentioned, when the first Bill was introduced and the office was set up, that I was pleased that the salary was to be fixed by Statute, because this was a means of check but, within a relatively short time, an increase is being sought. On this occasion I do not oppose it, but I repeat the point I made earlier, that the Government should bear in mind that the taxpayers of South Australia must not be put to unnecessary expense. I support the second reading.

The Hon. R. A. GEDDES secured the adjournment of the debate.

LAND TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 12. Page 1188.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The Bill before us makes three unconnected amendments to the Land Tax Act. Whilst they do not make any substantial changes to the principal Act, nevertheless one amendment in particular deserves the very close attention of the Council. The first amendment makes a contribution to conservation by exempting from land tax land used on a non-profit basis for fauna and flora. In the second reading explanation the Chief Secretary said:

> In the past the Government has effectuated its policy that such land should be exempt from land tax by making a nominal grant to an association which maintains land for this purpose, so that the land will receive the benefit of an exemption under section 10 (1) (*e*). For example, such a grant has been made to the Field Naturalists Society of South Australia. This oblique method of providing the exemption is administratively unsatisfactory, and accordingly the Bill provides a more direct exemption for land of this kind.

I presume that no longer will grants be made to these organizations once they receive their benefit in the exemption from land tax. I wonder whether it is the intention of the Government that, once that is done, these organizations may need assistance and may not be able to get it because of the exemption in relation to the impact of land tax. It is a relatively minor matter. It appears rather a strange way of going about it, but nevertheless I accept the principle that these societies need some assistance and it is being given in this way.

The next amendment concerns section 12c of the principal Act, which deals with land within an urban area used for primary production and which can receive the land tax benefit where a declaration is made to the effect that the land is used for primary production. Where such a declaration is made and accepted by the Commissioner, the land is assessed at a lower rate, at primary production values for that land.

As I understand the position, the land itself carries with it a deferred land tax. If it is sold for developmental purposes then the Crown has the right to claim land tax retrospectively for five years at the valuation for developmental purposes. If the land is sold for any purpose other than primary production then the vendor is liable to pay the full rate for the previous five years.

The Bill deals with a difficulty concerning the present provision to cover the position where a taxpayer sells an interest in that land. This measure provides that where such an interest is transferred a proportion of the tax is payable. This is ascertained by dividing the proportion of the land being transferred into the total value of the land, thus ascertaining the amount deferred and the tax or the differential tax payable. I appreciate the Government's intention. I think I understand what it is trying to do, but a number of questions should be answered in relation to this part of the Bill.

Most of the Bill deals with this very question in outlining the new system to be adopted where this situation occurs. Clause 5 is the major part of the Bill and appears to me to do several things: first, where the Commissioner is satisfied that declared rural land or any part of that land ceases to be used for primary production a revocation of the declaration can be made; also, where any part of the declared land is transferred by the taxpayer to another person the prescribed amount of differential tax for up to five years becomes payable; further, where the declaration is partly revoked then a proportion of the differential tax is payable. In cases of transfer the whole of the differential tax is payable, and it is payable jointly and severally by both parties. The questions

that appear to me to need some answer are these. In an estate where new owners occupy the land and intend to continue rural operations, is the full differential payable in those circumstances or can a declaration be made to carry on with the previous arrangements? Does this also apply to the sale of land, or the sale of a portion of land, where the land is to continue in primary production?

As I have said, I know what the Government is trying to do but I should like to put to the Council this case that has just occurred to me, where land is held by a partnership of people in an urban area, a declaration is made in relation to the land used for primary production, a different rate of tax is applied to that land, and then one partner decides to leave the partnership: does that person in selling his share in the partnership become liable for a portion of the differential tax? Where does that situation differ from the case of a company owning urban land used for primary production, a shareholder selling shares that he holds, and those shares being taken by another person? Under the Bill and under the Act, it appears that that person escapes any differential tax whereas, if it is a partnership, the person concerned does not escape.

I understand quite clearly what the Government is trying to do and the reasons why this situation should be corrected, but we need to look at other anomalies that can be created. I ask honourable members to look at the questions I have raised, and I also ask the Government whether it can supply some answers.

The Hon. A. J. Shard: I have a note of your questions and will try to get them answered.

The Hon. R. C. DeGARIS: Clause 6 deals with the third part of the Bill. As most honourable members know, the Government recently imposed a levy, on a land tax basis, of $2 on the taxpayer, this money being paid into a special fund for the purchase of recreation areas in the metropolitan area. That legislation also empowered the Commissioner to deal with people who applied to him in certain circumstances where the extra levy of $2 had caused hardship; he had power to relieve such persons of the burden of paying the extra $2 a year. I understand the Commissioner's difficulty, because probably he is besieged by many people asking for alleviation of the $2 levy. The Bill provides that the Commissioner may say that a person belongs to a certain class of taxpayer, in which case he receives the benefit of a remission. When that taxpayer ceases to be a member of that particular class of taxpayer, he must notify the Commissioner that his circumstances have changed. The total remission amounts to only $2 in any financial year.

It is interesting to observe that people must go through all this procedure to receive a benefit of $2 a year. The question then arises: what class of person is the Commissioner to select to receive the benefit of the remission? One class that immediately comes to mind is the pensioner. Let me remind honourable members that there are many types of pensioner. There is the war pensioner, who receives a pension for war injuries, and who may have a large income apart from that. Then there is the means test, which is to be removed within three years. Do those people, because they are called pensioners, get an automatic remission? We must remember that the total amount of the remission is not to exceed $2 in any financial year. Once again, let me say that I understand what the Bill seeks to do but I am submitting that it is a small and difficult matter for the Commissioner to classify those people who will receive this maximum remission of $2 a year on their land tax.

The Hon. T. M. Casey: What do you think of Dr. Hecker's statements about Repatriation Department pensioners?

The Hon. R. C. DeGARIS: That is an entirely different matter. At the moment we are discussing a Bill dealing with land tax, but the Minister asks me to comment on Dr. Hecker's statement about repatriation pensioners.

The Hon. T. M. Casey: You mentioned repatriation pensioners. I want to get your opinion on that while you are dealing with the matter.

The Hon. R. C. DeGARIS: All I am saying is that, in relation to this Bill, it will be most difficult for the Commissioner to classify those persons who will receive the magnificent benefit of $2 a year.

The Hon. A. J. Shard: I think the Minister sidetracked you.

The Hon. R. C. DeGARIS: It appears to me to be a storm in a teacup to worry about which class of person in a very wide range of financial interests should receive the benefit of a remission of $2 a year. I support the second reading but shall have something further to say in the Committee stage on the matters I have raised.

The Hon. L. R. HART secured the adjournment of the debate.

ENVIRONMENTAL PROTECTION COUNCIL BILL

Adjourned debate on second reading.

(Continued from September 12. Page 1190.)

The Hon. E. K. RUSSACK (Midland): The question of ecology and the environment is one of interest not only in a parochial way but also worldwide, and it has become more intense during recent years. As late as today, the following was published:

> Summary Report of Australian Delegation to the United Nations Conference on the Human Environment
> Stockholm, 5 to 16 June, 1972
>
> BACKGROUND:
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> On the initiative of Sweden, the 23rd Session of the United Nations General Assembly held in 1968 decided to convene a United Nations Conference on the Human Environment in 1972.
>
> 2. The main purpose of the conference was defined as being "to serve as a practical means to encourage, and to provide guide lines for action by Governments and international organizations designed to protect and improve the human environment and to remedy and prevent its impairment, by means of international co-operation, bearing in mind the particular importance of enabling developing countries to forestall occurrence of such problems."
>
> 3. The General Assembly established a small conference secretariat and a Preparatory Committee. The committee met four times within a two-year period and considered such matters as the topics for the conference, the recommendations for action and a draft of the Declaration on the Human Environment. It established intergovernmental working groups (on soils; monitoring; marine pollution; conservation and the Declaration on the Human Environment) to facilitate its work and to assist in the preparation of material for consideration at the conference.
>
> 4. Australia was one of the first countries to support the Swedish initiative to hold the conference and was closely involved in all aspects of preparations for it. Although Australia was unable to gain membership of the preparatory committee, we participated on an observer basis in all sessions of that committee. In addition, Australian experts attended all meetings of the inter-governmental working groups.

The matters discussed at the seminar included combustion by-products, including motor and transport emissions. Further, industrial by-products were discussed, as were heat, airborne particles, and odours, fuels and by-products, detergents, metals, solid waste, sewage, pathogenic organisms, fertilizers, biotoxins, pesticides, plastics, plasticizers, noise and radiation.

So, this has become a matter of vital interest throughout the world. Federal Governments and Governments of provinces have become very much involved in protecting the environment. In recent years countries such as the United Kingdom and the United States of America have made definite efforts to promote research into environmental protection. As long as a century ago efforts were made in the United Kingdom to keep the Thames River clean. Victoria and Western Australia have recently enacted legislation to protect the environment and the ecology. This morning's newspaper states that the Apex Club has had printed a 16-page conservation booklet entitled *This is My Land*. The club has produced the booklet for 300,000 schoolchildren in South Australia and the Northern Territory. The well-illustrated booklet is a result of an Apex Club ecology project and has been published to coincide with conservation week, commencing on October 1. So, we find that a week of the year has now been set aside to bring this topic before the notice of the public. Of course, this is not the initial effort to bring pollution problems under control. In 1969 the Hall L.C.L. Government set up the Jordan committee, which had the following terms of reference:

> To inquire into and report on all aspects of pollution in South Australia, including pollution of land, sea, air and water, and all matters and things associated therewith; and submit recommendations to the Government of South Australia as to any action considered necessary to retain, restore or change the environment of the State so that the life of the community is improved and not impaired.

The Chairman of the committee was Professor Jordan, who has been the Angas Professor of Physical and Inorganic Chemistry at the Adelaide University since 1955. Dr. F. D. Morgan was a member of the committee, as was Dr. W. G. Inglis, the present Director of Environment and Conservation, who will become the Chairman of the proposed Environmental Protection Council and Dr. Woodruff (Director-General of Public Health) was a member and he will be a member of the council. The other members of the committee were Mr. C. W. Bonython, Mr. E. M. Schroder, and Mr. B. Mason. In his Speech at the opening of this session, His Excellency said:

> Continued attention has been given by my Government to the many aspects of environmental protection and even greater importance will be placed on this matter now that the report of the Committee on Environment has been presented to it.

In referring to the Committee on Environment, His Excellency was referring to the Jordan committee, which was set up by the L.C.L. Government. His Excellency continued:

This report contains a significant number of recommendations on all aspects of potential pollution problems in the State and steps to implement the committee's recommendations will be taken as a matter of urgency. It is expected that in this session an Environmental Protection Bill to establish an Environmental Protection Authority will be placed before you.

On July 27, in reply to a question from the Hon. Mr. Hill, the Hon. Mr. Kneebone said:

The Minister of Environment and Conservation reports that the Environment Committee has completed its findings and presented its report to the Government. This is a very good report, which is quite lengthy and contains much detail. The Minister of Environment and Conservation intends to provide members of Parliament with a copy of this report and also to make the report public. The report is being considered by Cabinet, and honourable members may be assured that it will be made available as soon as possible.

Perhaps the Bill should not be passed by this Council before the report of the Committee on Environment has been made available to honourable members, because His Excellency suggested that recommendations in the report were helpful and urgent. I realize that there may be delays in printing the report but, if every honourable member cannot be given a copy of the report, surely it should be possible for one copy to be made available to the Council so that honourable members can peruse it in turn. In his second reading explanation the Minister said:

It is intended that the council, to best fulfil its functions, will also be able to consult with and obtain advice from knowledgeable persons of all kinds and to co-ordinate research into environmental matters. In addition, it is intended that the council be specifically charged with a responsibility to take into consideration in its deliberations, among other things, flora, fauna, the natural beauty of the countryside and the value of buildings and objects of architectural or historic interest. This is to ensure that we do not survive in a State in which we have clean air, pure water and unpolluted soil but in which all natural beauty has been lost.

I take it that organizations such as the National Trust, which is greatly concerned with historic and architectural beauty, will be approached. Regarding flora and fauna, I envisage that the council would seek the views of organizations that have been set up to preserve such matters as those referred to in the second reading explanation.

The main object of the Bill is to set up a council to investigate all aspects affecting the environment, and I commend the Government for this action. The council will have widespread powers, and perhaps it would be helpful if I went through the Bill clause by clause. Clause 3 states:

"The environment" in relation to the State, includes any matter or thing that determines or affects the conditions or influences under which any animate thing lives or exists in the State.

The Bill is of great importance to all people, to all living things, to the environment, and to aesthetics as a whole. Clause 4 (2) states:

The council—

(*a*) shall be a body corporate with perpetual succession and a common seal;

(*b*) subject to this Act, shall be capable of acquiring, taking or letting out on lease, holding, selling and otherwise disposing of real and personal property;

(*c*) may, with the approval of the Minister, enter into any contract or agreement with any person for the purpose of the exercise and performance of its powers and functions under this Act;

and

(*d*) shall have the powers, duties, functions and authorities conferred, imposed or prescribed by or under this Act.

Therefore, the council will have great authority and power. I stress (although the Government has no doubt taken this matter into consideration) that the council must comprise people with a strong sense of responsibility. Clause 4 (3) states:

In the exercise and discharge of its powers, duties, functions and authorities, the council shall, except where the council makes or is required to make a recommendation to the Minister, be subject to the general control and direction of the Minister.

In other words, I take it that the Minister will have complete control over the council. Clause 4 (5) states:

The council shall consist of eight members, that is to say:

(*a*) the person for the time being holding the office of Director of Environment and Conservation in the Public Service of the State who shall be the Chairman of the council;

At present, that would be Dr. W. G. Inglis who, as I have already said, is a member of the Jordan committee. Clause 4 (5) also states:

(*b*) the person for the time being holding the office of Director and Engineer-in-Chief of the Engineering and Water Supply Department in the Public Service of the State;

(*c*) the Director, Department of the Premier and of Development in the Public Service of the State;

(*d*) the Director-General of Public Health in the Public Service of the State;

The Director-General of Public Health is Dr. Woodruff, who is also a member of the L.C.L. Government committee appointed in 1969. The public servants who have been nominated to fill positions on the council are men of integrity who perform their duties in the best possible manner. However, I believe that, in these circumstances, particularly the Chairman, who has a deliberative vote and a casting vote, could be placed in an invidious position. An article in the *Advertiser* of August 28 states:

South Australia's proposed Environmental Protection Council will have, among its wide powers, the right and responsibility to criticize publicly the Government which set it up.

It is somewhat of an anomaly that public servants will be expected to criticize the Government of which they are servants. Clause 4 (6) states:

A member of the council shall not, as such, be subject to the Public Service Act, 1967, as amended, but this provision does not affect the rights, duties and obligations under that Act of any such member who is otherwise an officer in the Public Service of the State.

A member of the council shall be at liberty to say what he believes is correct even though, as the *Advertiser* suggests, he would be criticizing the Government of which he is a servant. Regarding the other four members, one shall be a person with knowledge of and experience in industry; one shall be a person with knowledge of biological conservation; and two shall be persons qualified in a field of knowledge of matters relating to the environment. So the council will comprise eight members: four public servants, of whom one will be the Chairman, and four other members well qualified to deal with environmental matters.

Although council members will be appointed for a term not exceeding four years, they will be eligible for reappointment. The Bill contains provisions for resignations and replacement of council members. The Bill also contains disciplinary clauses. Any five members of the council will constitute a quorum. The Chairman shall preside at all council meetings at which he is present and in addition to a deliberative vote, shall, in the event of an equality of votes, have a second or casting vote. A secretary, to be appointed by the Governor, will be subject to the Public Service Act, 1967; this is the normal procedure. The council may use the services of employees of the Crown, statutory bodies and councils. With the Minister's approval, the council may make use of the services of any of the officers in the branch of the Public Service known as the Department of Environment and Conservation. The council is to have the powers of a Royal Commission in certain matters, and the Governor may from time to time by proclamation direct the council to inquire into a matter specified in the proclamation.

I stress that this council will have wide and far-reaching authority and powers, which could be necessary to enable certain information and evidence to be obtained. Because of the personnel involved, I am certain that the council will not abuse the authority given to it. I understand that in the United Kingdom a committee with the powers of a Royal Commission has been set up, so that investigations can be made and people subpoenaed to give evidence that could be vital in relation to controlling pollution in the environment. Clause 17, which deals with reports, provides:

(1) As soon as practicable after the thirtieth day of June in each year the council shall present a report to the Minister—

(*a*) in the case of the thirtieth day of June next following the day on which this Act came into operation, on its activities during the period commencing on that day and concluding on the thirtieth day of June;

and

(*b*) in the case of each such succeeding thirtieth day of June, on its activities during the period of 12 months immediately preceding that thirtieth day of June.

(2) The Minister shall cause every report of the council made in accordance with subsection (1) of this section to be laid before each House of Parliament within 14 days of his receipt thereof if Parliament is then in session, or if Parliament is not then in session, within 14 days of the commencement of the next session of Parliament.

It is important that this clause be included in the Bill, that the reports be made available, that they be laid before Parliament, and that they be made available to honourable members for their perusal and, if necessary, action.

Because of the necessity and importance of the environment being controlled and developed in a correct manner, action should be taken in this way. However, I have certain reservations regarding the Bill. First, I consider that, perhaps because of political expediency, the Government is hurrying this Bill through Parliament. I suggest that its passage be obstructed until the report of the Jordan committee, which was set up by the Liberal Government in 1969 and to which His Excellency referred in his Speech, is received. Secondly, for the reasons I have enumerated, some senior public servants who are sincere and honourable

in their task will be placed in difficulty, because they will constitute 50 per cent of the council and have a casting vote. I support the second reading.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (PAROLE)

Adjourned debate on second reading.

(Continued from September 12. Page 1191.)

The Hon. R. A. GEDDES (Northern): Avid readers of *Hansard* will be able to follow the debate on this Bill, which is designed to allow certain sexual offenders to be released on parole from the institutions in which they have been detained at the Governor's pleasure. The two types of people it is designed to help are those who have committed grave sexual offences and also those who are declared to be insane. In his second reading explanation, the Chief Secretary spelt out the intention of the Bill, which is a simple measure. The Hon. Mr. Springett went into far greater detail about what happened in this respect in previous years in the United Kingdom. There is, therefore, little comment one can make on the merits of allowing out on parole people of the types to which I have referred. However, having heard the two speeches to which I have referred, I have some reservations about matters on which I should like the Minister at his leisure to give me more information.

First, in his second reading explanation the Chief Secretary said that the parolee would be under supervision for a definite period, during which reports would be submitted to the parole board, and he continued:

> Any other conditions considered necessary by the Parole Board may also be included in the licence. Where there is a breach of any condition of the licence, the person released may be returned to custody.

What is a licence? No reference is made to a licence in the principal Act, and there is no definition of "licence" in the Bill. Is a licence something that the parolee must carry with him, setting out what he is and is not allowed to do should he be apprehended by the authorities at any stage, so that they can ascertain quickly what are his troubles and so that he can be looked after, watched, or locked up again? Is this licence a set of instructions issued by the Parole Board, spelling out the conditions on which a parolee is released? Because there is no reference to what "licence" means, I consider it necessary to raise this aspect.

The Minister stated in his second reading explanation that once a person was released on parole he was under supervision. The Hon. Mr. Springett used similar words when referring to the time when he was at Broadmoor Prison in Great Britain. The honourable gentleman said:

> They always went out under parole; they were released after careful consideration by the Parole Board, and they always remained under the Parole Board. They were always paroled indefinitely, and full and careful use was made of probation officers.

Although I know what parole means, I do not know how it works. I should therefore be grateful if it could be explained to me later how a careful check is made of these people once they are released on parole. Do they report once a week, or does the probation officer contact them, to see that they are behaving themselves? Are friends or relatives asked to report to the parole officer or to the board on the behaviour of these people? If not for my own edification, then for the edification of other members perhaps we can be told how the parole system works in relation to these people, who, it must be admitted, will be a worry to certain people. I refer particularly to those who have committed sexual offences or those who have been declared insane. I realize that, with modern drugs, many of these conditions can be cured or controlled, and I do not share the fear expressed in the past, and sometimes read in the press, that men and women who are released on parole will commit other crimes. However, people in society have these worries, and so I have asked the questions. How does the Parole Board work? How do the probation officers work? The Hon. Mr. Springett also said:

> The only people who should make that decision are not those of us who are, perhaps, emotionally involved but scientific people capable of investigating and deciding upon the release.

I should like to know the qualifications of the members of the Parole Board. How carefully are they able to police the situation or check whether a person should be released on parole? Are they, as the Hon. Mr. Springett suggests, scientific people of the inquisitive nature necessary for carrying out this work? Perhaps this amendment to the principal Act should have been done many years ago. If it took place in Great Britain in 1903, it seems that South Australia is pretty slow in catching up. Nevertheless, to make haste slowly is not always unwise. I support the second reading.

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for the time and

attention they have given this Bill. I am sorry I was out of the Chamber for a few minutes while the Hon. Mr. Geddes was speaking, but I understand he asked how the parole system works. People who have been committed to institutions on the grounds of insanity are there during the pleasure of His Excellency the Governor, otherwise Executive Council. At present these people must be either released unconditionally or kept in custody. Some who have been certified but are no longer insane possibly should be released under some supervision. The Parole Board, which was appointed in 1967 or 1968, comprises a Supreme Court judge, a member of the medical profession, the Comptroller of Prisons, a social worker, a representative of the Chamber of Manufactures and also a representative (although at the moment this position is vacant) of the Trades and Labor Council. When they meet they consider all these points. They receive from the doctors concerned written reports on the condition and the sanity or otherwise of the person involved. Submissions are made from the Prisons Department officials on the behaviour of the people it is proposed to parole. They are then released, under quite a number of conditions, by the Parole Board. If they can comply with all the conditions, at the end of a certain period they become again free citizens. The conditions are detailed and the people released are placed immediately under control of a parole officer. He sees that they have work and a home to go to, and then generally they report weekly, fortnightly, or monthly to the parole officer or make contact with him (he might visit them or they might visit him). They are not permitted to change either their place of abode or their employment without the consent of the parole officer.

The Hon. R. A. Geddes: Must a man have a job before he can be placed on parole?

The Hon. A. J. SHARD: That is so. All these things are looked after. I often wonder how parolees comply with all the conditions imposed on them. I am pleased to say that many succeed. I compliment not only the Parole Board, which makes the decision, but the parole officers on their diligence and dedication and the way they look after the people under their care. The percentage of people successfully paroled is fairly high. The first person I signed out horrified me. Within a week of his release he had committed a couple of serious crimes. One wonders whether one is doing the right thing. However, we had to do that in the case concerned, and there was no other way out; the release had to be unconditional. Immediately the parole is broken they are recommitted. If another offence is committed that also affects the parole.

Let me assure the honourable member that people released on parole are very strictly supervised, particularly in the early stages of their freedom. If there is any doubt in the mind of the parole officer he immediately makes a report, or if any of the conditions of parole are broken the offender is dealt with. I think I have dealt rather comprehensively with most of the points raised. If the honourable member requires more details I will obtain for him a list of the conditions under which people are paroled. Honourable members can be assured that no-one is released lightly. Irrespective of who may be Chief Secretary, and irrespective of the complexion of the Government of the day, the first essential is to be fair to the person concerned, and to be satisfied in the public interest that no-one who is likely to cause more damage is released. I hope that explanation satisfies honourable members.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Sexual offenders."

The Hon. R. A. GEDDES: Can the Chief Secretary say what is meant by releasing a person "upon licence"?

The Hon. A. J. SHARD: It is exactly the same as the conditions outlined by the Parole Board.

Clause passed.

Clause 4 and title passed.

Bill reported without amendment. Committee's report adopted.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (COMMITTEE)

Adjourned debate on second reading.

(Continued from September 12. Page 1194.)

The Hon. JESSIE COOPER (Central No. 2): Cities, like people, should grow, live and change within fields of discipline which adapt them to their environment and responsibilities. Cities need development commissions; the names by which they are known vary. Our responsibility as Parliamentarians is clear: to ensure that the laws made about such matters are good and reasonable laws. This Bill follows the typically sloppy current practice, in drafting powers of control over the populace, of being all-embracing and non-precise in allocating power to public bodies. Australia badly needs a new Magna Carta—

The Hon. D. H. L. Banfield: What about the Bill of Rights?

The Hon. JESSIE COOPER: I do not go for such juvenilia or kids' stuff as a Bill of Rights. As I was saying, Australia badly needs a new Magna Carta to limit the forms of laws which may be made by our Parliaments at the behest of the bureaucracy and public institutions. This Bill attempts to place in the hands of a small committee (a committee which is virtually not responsible to the general public, to local government authority or to Parliament) almost unrestricted authority to control the use of land, to control the characteristics of the buildings, and to control the welfare of the owners of property in the city of Adelaide.

When we already have the existing conditions of the Planning and Development Act as well as the controls of the Adelaide City Council (which is, after all, an elected body responsible to the people) I fail to see the necessity for the wide powers proposed in this Bill, which seems to take "control by directives" a stage farther than we have previously suffered. It gives rise to many doubts in my mind, and I now intend to refer to a few specific matters contained in the Bill. The heart of the authority given to the City of Adelaide Development Committee (which this Bill seeks to establish) appears under clause 3, which enacts new section 42g, subsection (1) of which gives the committee power to issue "such planning directives as it considers necessary or expedient to ensure the proper development of the defined area or any part thereof".

What exactly does that mean? What on earth are "expedient planning directives"? What indeed is the "proper" development of any area? Honourable members will note that in this Bill there is no definition of this vague "proper" development; nor is there a definition of "expediency" as applied to planning directives. Adjectives are meant to define or qualify and therefore should be used carefully and precisely. The noun "expediency" (the quality of being expedient) has two meanings: first, suitability to the conditions, or fitness or advantage; secondly, the consideration of what is expedient as a course of action; and it carries the connotation of "politic" as distinct from what is just or right. That is a meaning that survives from ancient times. Any Latin scholar remembers the words of Lucanus—and I make no apology for my Latin words, in view of the importance of today's date: this is the Ides of September. These are the words; "*Sidera terra ut distant et flamma mari, sic utile recto*", which translated mean, "As the stars are distant from the earth and the fire from the sea, so is the expedient from the right." Therefore, to me the use of the word "expedient" as applied to planning directives is unpleasant, not to say sinister.

Again, "proper" as applied to the development of an area could mean almost anything. The meanings of "proper" vary greatly. It can mean "suitable or adapted to the purpose"; it can mean "fitting or right"; it can mean "pertaining exclusively to a person or thing"; it can mean "strict or accurate".

The Hon. T. M. Casey: That is out of the *Oxford Dictionary*, I take it?

The Hon. JESSIE COOPER: No; actually, it is not. I did not get around to that. I was too busy with the Latin words. "Proper" can mean "normal or regular". Of course, there are many specialized meanings, such as in heraldry or ecclesiastic language, which are not applicable. So what could "proper" in the context of land or building in the development of an area possibly mean? It defeats me.

Under new sections 42g (4) and 42h (4) the committee is required "to have regard to" existing schemes of the "Government or the council" and aesthetic, sociological and health matters, but nowhere in the Bill can I find any requirement that the rights or welfare of property owners or landowners should be taken into consideration or accepted as a basis of appeal. As I had anticipated, I was unable to find any reference to consideration of assessment of, or powers of, compensation to land and property owners suffering loss as a result of the committee's edicts. Furthermore, I have no great faith in this committee being set up as an arbiter in aesthetic, sociological and health matters. How can this committee possibly have regard for "the aesthetic and sociological effects of the directive upon the development of the defined area"? These are very special spheres of human activity, and specialized knowledge would indeed be obligatory when such far-reaching decisions are being made concerning the development of the city of Adelaide.

I now refer to new section 42g (2) (*f*) under which the committee has power to delegate its approval authority for the whole or any part of the defined area to some "person nominated". In other words, the defined area being the area of the city of Adelaide, the committee may, within the limits of its own wide powers, appoint a virtual dictator or commissioner to do its work. That is a situation which I would

deplore. This power of delegation again appears in new section 42h (9), which provides:

The committee may delegate to the council or any other body or person its powers . . .

Honourable members will realize how dangerous such delegation could be, taken in conjunction with the fact that the Government seems to be so keen on giving the committee unlimited powers. It seems to me that, if this Bill should become law as it now stands, the committee would have the right to declare Victoria Square unusable except for a helicopter base, to decree which parts of the city of Adelaide might or might not be used by public transport services, and to decree where any of our social service establishments, be they hotels, theatres, schools, or restaurants, might or might not continue to function.

I now wish to refer to the time limits for action—another evident weakness of the Bill as presented. The Bill properly lays down time limits under which appeals against the committee's decisions may be made. However, there is no requirement, as far as I can discover, for a time within which the committee shall give a reply to an application by any person for the consideration of a project or building right. I visualize that in many areas there will be doubt upon future planning proposals. The committee could in fact act as a complete brake upon action not for months but for years. There should be a time limit on the period for which an applicant must wait for a decision; by that I mean a ruling by the committee giving the applicant freedom of action to proceed or a right of appeal under the Act. It is not good enough for a man to be fobbed off with indefinite replies for an indefinite period. It is not too difficult to imagine such replies. The following is a possible reply:

The commissioner is looking into the matter and will notify you in due course.

That reply could be followed by the following reply:

The commissioner has looked into the matter, and the committee will be issuing a directive relating to your area within the next few months.

That reply could be followed by the following reply:

The Government has established another transport commission to inquire into the requirements of your area. The committee hopes to reach a decision in your case as soon as the report is available.

And we all know what that last statement means. In short, I believe that the committee should be required to make a specific ruling on matters under application within a reasonable time, such as six months; or else it should lose its right to act in the matter against anyone who proceeds to use land or buildings in the manner for which he has requested permission.

I cannot support the Bill in its present form. It is a poorly devised Bill which shies away from the too-hard problems; obviously, it has been too hard to prescribe what the committee's duties really are, too hard to devise limits to the committee's powers, and too hard to define objectives or principles upon which the committee must operate. It was far easier to give all autocratic power to the committee and none to the people.

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

STATUTES AMENDMENT (VALUATION OF LAND) BILL

Adjourned debate on second reading.

(Continued from September 12. Page 1191.)

The Hon. R. C. DeGARIS (Leader of the Opposition): In his second reading explanation the Chief Secretary said that the Bill made extensive amendments to a number of different Acts; at least I do not disagree with him on that point. I agree with the statement of the Hon. Mr. Hart yesterday that this Bill is largely a Committee Bill. It amends the Land Tax Act, the Waterworks Act, the Water Conservation Act, the Sewerage Act, the Local Government Act, and the Valuation of Land Act; so, one must admit that that is a formidable array of Acts to be amended.

The Bill makes complementary amendments to those Acts, following the passage of the Valuation of Land Act, which established a central valuing authority for valuing land for rating purposes and other taxation purposes. The Bill requires much study not only in relation to its actual philosophy but because of the many amendments it makes to so many Acts. It is a fairly long job to check to see that the amendments the Bill makes do exactly what the second reading explanation says they do. The Bill is complementary to previous legislation, and I should like to study it further before it reaches the Committee stage.

I should like to draw the Council's attention and the Government's attention to Parliamentary Paper No. 87, which was laid on the table of this Council on August 31, 1971; it is the report of the Select Committee of this Council

on the Effect of Capital Taxation on the Survival of Privately-Owned Business, Manufacturing and Primary Industry in South Australia. Under the heading "Water Rating" the report states:

The attention of the committee has been drawn to an anomalous situation which exists in country areas traversed by pipelines of the Engineering and Water Supply Department. Landholders in the immediate vicinty of these pipelines find that regardless of their need for water reticulated by the department or their ability to use such water, they are compelled to pay water rates.

Witnesses recognize that revenue must be raised to help meet the capital costs and maintenance of country pipelines, and many are prepared to make reasonable contributions based on water actually used including an excess rate.

In metropolitan and township areas where water passes a building block, there is an increase in value which justifies rating. But in country areas the requirement to pay annual rates may have the effect of lowering the value of property where water it not needed. The committee considers that where a pipeline is constructed to serve a specific area such as Keith, rating along the line is unwarranted unless a landholder uses water from the main.

It is contended that the present system is unjust because:

(1) Assessments are based on the frontage of properties to the pipelines and not on the area of the holding. Thus, widely differing rates are being assessed on properties of similar area and potential.

Then follows a diagram in which several properties are indicated and in which the water rates payable illustrate the anomalies to which the report refers. The report continues:

The effect of the present rating on resource use is not in the best interests of the State. Many landholders with adequate alternative supplies are forced to pay for water which they cannot use efficiently. In an attempt to recoup some value for the rates charged, they will tend to make uneconomic use of pipeline water to the limit permitted without extra charge. This situation could be corrected by changing to the sale of water by measure.

Evidence was given that in some cases at least, it is not possible to increase the stocking of holdings by having access to pipeline water. In some South-East limestone country, the rate is equivalent to $1 per sheep carried on land already adequately supplied.

With the present recession in the rural industries, the high water rates have accelerated the decline of properties to an uneconomic level. One witness who previously earned a good living from his farm had a net income in 1970-71 of $108 after payment of $500 in water rates.

It was submitted in evidence that the Western Australian Waterworks Act, which places greater emphasis on payment for water used, was fairer in its operation than the South Australian Act. These witnesses expressed a strong desire to have the findings of the Sangster committee on water rating made available to them.

While the basis for water rating is the unimproved value of the whole of a taxpayer's land, the ratable value has been inflated in some cases by the high value placed on certain sections. Land with a frontage to Lake Alexandrina, for instance, derives its high value from the lake water available, but a reduction in value has occurred as a result of restrictions imposed under recent legislation. These landholders who have already installed expensive private water schemes contend that valuation for water rating, if it is to continue in its present form, should be based on the value of poorer country intended to be served by the departmental pipeline.

Another instance of inequity flowing from the Waterworks Act has occurred in the metropolitan fringe area of Adelaide where a family winemaking business has been established for many years. The property is divided by a public road and two assessments are issued. The section on which the winery is operated uses excess water, but the department will not allow this excess to be offset against the entitlement of the second section which has been developed as a vineyard and although assessed, does not us departmental water. As an alternative proposal, the owners offered to pay for the installation of a meter on the vineyard and to lay a pipeline to the winery, thus enabling the water entitlement of the vineyard to be used effectively. Permission to do this was refused by the department. The firm must, therefore, continue to pay for water it does not use. The committee considers that discretionary power should be provided to enable the responsible Minister to correct anomalies of this kind.

I know that, since this report was made, there has been some alleviation of the difficulties outlined in it and that some of the problems illustrated in the report have been partially corrected. However, the problem of valuation for these purposes still exists. When the Tailem Bend to Keith main was under construction honourable members constantly drew the attention of the Government of the day to the problem that would develop for some owners of land abutting this main. As a member of a previous Government I can well recall the views expressed to me by, for one, the member for Albert at that time of the effect of this type of rating on the economics of some landholders in the area. Yet this Government, which I am not criticizing any more than any other, and previous Governments have persisted with an outmoded system of rating in country areas, particularly where a main is constructed for a specific purpose other than for the special benefit of the area where it runs.

The Tailem Bend to Keith main was constructed primarily to overcome a water problem in one or two specific areas; yet, where the main runs, all landholders are rated (in my opinion, unfairly in some cases) for the amenity provided to a restricted number of people who require it. I am not criticizing the Government, because previous Governments had not seen fit to change the system, even though many members of the Party to to which I belong (and when in Government) were critical of the system and asked for alleviation of the problems that existed with this system of valuation and rating.

Once again, I draw the Government's attention to this situation and to what I believe is still an anomaly that should be brought to the attention of whichever Government is in power. I know that what I have said does not altogether relate to the Bill; nevertheless, it relates to the question of rating and valuation. As the Bill is largely a Committee Bill dealing with a wide variety of Acts, I will make any further comments in Committee.

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

ADJOURNMENT

At 4.48 p.m. the Council adjourned until Thursday, September 14, at 2.15 p.m.