

LEGISLATIVE COUNCIL

Tuesday, October 16, 1973

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

QUESTIONS

SERVICE STATIONS

The Hon. R. C. DeGARIS: Recently I, as well as the Hon. Mr. Chatterton, asked the Chief Secretary questions about service stations. Has the Chief Secretary a reply to those questions?

The Hon. A. F. KNEEBONE: I have a reply, and I hope that the two honourable members will accept the one reply to the questions that they asked. The Government has not instructed any oil company to close down any particular petrol outlet. The oil companies, however, have instituted a voluntary disinvestment scheme, which has the concurrence of the South Australian Automobile Chamber of Commerce and the Government. The scheme provides for the reduction of retail petrol outlets by about 10 per cent by June 30, 1974; the oil companies have undertaken to include in this reduction the closure of about 10 per cent of the company-owned sites in the metropolitan area. It is expected that, in selecting outlets for closure, the companies will have regard for not only the volume of sales but also the location of alternative sources of petrol for motorists.

The Motor Fuel Distribution Bill provides for the issue of a licence or a permit to all retail petrol outlets which have existed since last year. The Bill was prepared following representations from the South Australian Automobile Chamber of Commerce regarding the plight of service station dealers with insufficient throughput to make a reasonable living. The aim of the Bill is to control the installation of additional outlets or their transfer to sites in areas which are already served adequately. The Government has concurred with the oil companies' voluntary scheme because closure of unwarranted sites will be beneficial to the remaining dealers. It will also reduce costs of distribution and maintenance of outlets; this, in the long run, will help to keep the price of petrol down. Inquiry has revealed that the outlet referred to on the Bordertown-Loxton Road was the Shell bowser in Paruna. The company has decided not to proceed with the closure at present, but has pointed out that the monthly average throughput this year has been 327gal. (1 486.5 l) and there is another outlet in the township. Following representations about closures of petrol outlets, a meeting was held on October 10, 1973, and, as a result, the oil companies have agreed not to close country outlets unless there is an acceptable alternative outlet.

DENTISTS

The Hon. JESSIE COOPER: I seek leave to make a short statement before asking a question of the Minister of Health.

Leave granted.

The Hon. JESSIE COOPER: I thank the Minister for the replies he gave last week to my questions regarding the lack of training in periodontology. Of the answers, three gave the information I sought. The fourth question was one in which I asked whether, if the position (that is, the teaching expertise available) showed no promise of noticeable improvement, the Minister would consider the possibility of the Government's sponsoring some quick action in this area of public health. The answer I received last Thursday

was an explanation of how the school dental service was attempting to educate children to prevent the start of all dental diseases, including periodontal disease. In reply to my third question, the Minister said:

Unfortunately, the needs elsewhere have been so pressing that a further full-time appointment in periodontology has not yet been possible within the university's limited resources.

I now ask the Minister the question again but in a varied form. If the position shows no promise of noticeable improvement in the provision of teaching staff, will the Minister consider the possibility of the Government's sponsoring some quick action in this specialist training area of public health? If the Government is willing to sponsor a special programme, will it consider the following points: first, the training of future dental graduates so that they are competent in recognizing the disease and capable of providing interceptive treatment; secondly, adequate undergraduate training in the field of treatment; thirdly, a post-graduate course in this area of dental practice; and, fourthly, research, both at the basic science level and at the applied clinical level, in periodontology?

The Hon. D. H. L. BANFIELD: I am sorry that the honourable member was not satisfied with the answers I gave her, as I thought they were good answers. However, I shall be happy to consider her new request.

The Hon. JESSIE COOPER: In view of the fact that 50 per cent of our population by the age of 25 years is suffering from periodontal disease and those over 40 years of age are losing teeth as a result of that disease, how can the Minister of Health expect me to be satisfied with his reply that by 1985 every child between 3 years and 15 years of age will benefit by a dental examination?

The Hon. D. H. L. BANFIELD: I am not suggesting that the honourable member should be satisfied with that situation. It was not until the then Minister of Health (Hon. A. J. Shard) got the scheme under way in South Australia that any service whatever was provided for schoolchildren in this respect. It will take some time to get the scheme fully under way. The number of therapists in training is to treble next year, and we are continuing to increase the number each year. We will not be able to achieve our object until 1985, but at least we are well along the way. This would not have happened if it had not been for the efforts of the previous Minister.

The Hon. JESSIE COOPER: Although I am not asking a question about school dental therapists or school dental hygienists but about specialist training in periodontology, with respect I ask the Minister of Health once again whether he will consider the possibility of the Government sponsoring some quick action as regards specialist training in this area of public health?

The Hon. D. H. L. BANFIELD: All I can do is to reiterate what I have already said: we will consider this matter.

READING PROBLEMS

The Hon. M. B. CAMERON: I seek leave to make a short statement before asking a question of the Minister of Agriculture, representing the Minister of Education.

Leave granted.

The Hon. M. B. CAMERON: In a weekend press report it was stated that a pilot survey of the reading ability of South Australian secondary school students had found a stunning number with severe reading problems. The survey was carried out by a lecturer in English at the Adelaide College of Advanced Education, who said that more than a third of the first-year students at three schools had reading ability below the level of functional literacy.

The survey found extreme differences between schools, ranging from one school in which all children were above this level to one in which 37 per cent of first-year students were below it. This indicates a clear difference between the abilities of the various schools to provide reading instruction. I recognize that the Government earlier this year in a press report indicated that it was providing a considerable sum of money for the betterment of reading in secondary schools. However, can the Minister say whether it is intended to provide a similar amount of money to bring children up to a proper reading level at primary schools, where the problem obviously first occurs?

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

HARDWICKE BAY

The Hon. M. B. DAWKINS: Has the Minister of Agriculture, representing the Minister of Works, a reply to my question of September 13 about the water supply at Hardwicke Bay on Yorke Peninsula?

The Hon. T. M. CASEY: My colleague, the Minister of Works, has informed me that the honourable member is correct in his understanding that there is a water main only two miles (3.22 km) from the shack area at Hardwicke Bay but, in spite of this, it would be necessary to lay a new main from the trunk main if the shack area was to be given a reticulated water supply. The existing main is only 3in. (76.2 mm) in diameter and over five miles (8.05 km) in length from the trunk main running between Minlaton and Yorketown. During the summer months, when the shack population at Hardwicke Bay would be at a maximum, the demand for water from the 3in. (76.2 mm) main for stock purposes and the township of Brentwood, just over a mile (1.6 km) from the end of the main, is such that little or no water would be available for Hardwicke Bay. A new main to Hardwicke Bay could not be laid from Brentwood, which is on the existing small main four miles (6.4 km) from the trunk main. If it was practicable to do so, a new main would be laid to Hardwicke Bay from a point on the trunk main due east of the shack area and approximately 1½ miles (2.4 km) south of the existing main. The investigation into such a main in this location has been complicated by requests from some landowners in the area for a stock water supply, and this could possibly involve one or more branch mains off the direct main to Hardwicke Bay if the scheme eventuates. An investigation is about to be made into the requirements of the area and estimates of cost and revenue will be prepared to enable the scheme to be assessed.

GOVERNMENT TELEPHONES

The Hon. A. M. WHYTE: I seek leave of the Council to make a short statement prior to asking a question of the Chief Secretary, representing the Government.

Leave granted.

The Hon. A. M. WHYTE: I have found extreme difficulty in getting through to Government offices on the telephone, and that is a fairly common difficulty. I do not believe that the staff are to blame. It could be the fault of the communication system itself: either that or the switchboard is too small and the staff is too small. There are delays quite often when attempting to telephone a department through the Government telephone system. Will the Chief Secretary investigate the matter with a view to increasing the staff or the size of the switchboard or having any fault rectified?

The Hon. A. F. KNEEBONE: I will look at the matter.

CONSTITUTION CONVENTION

The Hon. C. M. HILL: Has the Chief Secretary a reply to my recent question about the Constitution Convention held in Sydney, attended by delegates from this Parliament?

The Hon. A. F. KNEEBONE: As all Parties in the South Australian Parliament were represented at the Constitution Convention held recently in Sydney, the Premier does not believe it necessary to compile a report of the proceedings. In due time the transcript of the proceedings will be available.

ENTRANCE QUALIFICATIONS

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply from the Minister of Education to my question about entrance qualifications to tertiary institutions?

The Hon. T. M. CASEY: The matter of entrance qualifications to universities and other tertiary institutions is subject to review by the South Australian Council for Educational Planning and Research. Whatever the final recommendations of that body, they will be subject to the agreement of the tertiary institutions.

ABATTOIRS ACT

The Hon. R. C. DeGARIS: Does the Minister of Agriculture intend to introduce a Bill this session to amend the Abattoirs Act? If he does, has he sought the views of local government on any amendments that he intends to introduce?

The Hon. T. M. CASEY: I assure the Leader that before any alterations to any Act are introduced all interested parties will be consulted, either before the Bill is introduced or before the Bill is drafted.

MEAT EXPORTS

The Hon. B. A. CHATTERTON: I seek leave to make a short statement before asking a question of the Minister of Agriculture.

Leave granted.

The Hon. B. A. CHATTERTON: Some months ago Mr. Hurford, the Chairman of the Joint Committee on Prices of the Commonwealth Parliament, suggested that a tax should be put on the export of meat from Australia, and his suggestion received considerable publicity in the rural press. Has the Minister anything further to report on this matter?

The Hon. T. M. CASEY: As I indicated on several occasions in reply to questions from members opposite, the suggestion came from the Joint Committee on Prices of the Commonwealth Parliament: it was not a recommendation from the Commonwealth Government. I was very hopeful that the Commonwealth Government would realize that the tax would not benefit primary producers. I can only say that, now that the Commonwealth Minister for Primary Industry (Senator Wriedt) has said that the Commonwealth Government does not agree to the tax and therefore will not accept the committee's recommendation, the Minister is agreeing with what I said in this Council several months ago.

UTILITIES CO-ORDINATION COMMITTEE

The Hon. C. M. HILL: Has the Minister of Agriculture a reply from the Minister of Works to my recent question about assisting the operations of the Public Utilities Advisory Co-ordination Committee so that less damage will be done in future to newly made roads by Government departments?

The Hon. T. M. CASEY: My colleague has stated that in his opinion the whole of the operations of the Public

Utilities Advisory Co-ordination Committee are quite efficient, and the results and achievements of the committee during its lifetime fully support his opinion.

The Hon. C. M. HILL: I ask leave to make a short statement prior to directing a question to the Minister of Health, representing the Minister of Local Government.

Leave granted.

The Hon. C. M. HILL: Recently, as a result of considerable publicity both in the press and other media concerning damage to roads in this State caused by public utilities and Government departments, a report was issued stating that an engineer employed by the Salisbury council had resigned, and had given as his reason for resigning that he was, in effect, fed up with the fact that these instrumentalities did not co-operate or co-ordinate. Further to that, I asked a question in this Chamber in an endeavour to obtain a Minister's view on the operations of that committee. Today I was told by the Minister of Agriculture, representing the Minister of Works, that it was the opinion of the Minister of Works that the Public Utilities Advisory Co-ordination Committee is an efficient body and its achievements support that opinion. In an effort to get to the bottom of the resignation of the engineer concerned and the reasons given to the public for his resignation, I ask the Minister of Health whether the Minister of Local Government will supply a report to this Chamber on the reasons for the resignation and whether there was any justification for the claims put forward that criticized the committee at that time?

The Hon. D. H. L. BANFIELD: I shall be happy to refer the honourable member's question to my colleague. However, I do not believe he will find there is any division between the two Ministers on this matter.

PADDLE STEAMERS

The Hon. M. B. CAMERON: Has the Minister of Agriculture a reply to the question I asked recently concerning Murray River paddle steamers?

The Hon. T. M. CASEY: My colleague, the Minister of Environment and Conservation, has informed me that the South Australian Government purchased the paddle steamer *Industry* and transferred it to the Renmark council for use as a museum. The paddle steamer *Marion*, berthed at Mannum, is also used as a museum that is open to the public. However, there are difficulties in trying to keep old paddle steamers in operation. So far as the carriage of passengers is concerned, the paddle steamer *Coonawarra* operates a 5-day cruise from Murray Bridge each week, and the paddle steamer *Avoca*, at Murray Bridge, is used frequently for day tours. Government assistance has been given to the construction of a new paddle steamer, *River Queen*, which will provide modern accommodation and facilities for carrying passengers on river cruises lasting about five days.

WAR SERVICE SETTLERS

The Hon. R. C. DeGARIS: Last week I directed a question to the Minister of Lands concerning soldier settlement on Kangaroo Island, and now ask if he will table the letter he received from Senator Wriedt that was referred to at a meeting on Kangaroo Island during the weekend?

The Hon. A. F. KNEEBONE: The letter I discussed with the soldier settlers committee during the weekend was one I received in April this year, which did not contain any finality in regard to this matter. Negotiations are continuing on behalf of soldier settlers in this State, and until a final decision is reached I do not propose to lay the letter on the table.

ROCK MUSIC FOUNDATION

The Hon. M. B. CAMERON: Has the Chief Secretary a reply to the question I asked recently concerning a rock music foundation?

The Hon. A. F. KNEEBONE: True, in the middle of August a submission was presented to the State Government detailing a proposal for a rock music foundation for South Australia. This lengthy and well-documented submission was presented by David Turner, a director of the Sphere Organization, on behalf of the rock music industry of South Australia, and followed several discussions between Mr. Turner and Mr. Amadio, Development Officer (Performing Arts and Tourism), in the Premier's Department. The submission, which obviously involved many months of research, can be summarized as follows:

1. It is conceived as a deliberate and direct approach to the Government to recognize one of youth's favourite art forms and its associated "rock culture".
2. It states that rock music is a major means of communication in our society, providing an important venue through which young people come together; and the venture proposes action that could be undertaken, both for the acceptance of rock music as an art form and to assist in its development.

The aims of the rock music venture are to:

1. Seek status for those rock musicians who are sincere in their artistic careers.
2. Enable the local rock industry of South Australia to lead the way as a stable, and hence professional, industry.
3. Seek an education policy that will assist rock musicians and their young audiences; both the sociology of rock music and its content as an art form to be researched and motivated.
4. Achieve constructive side effects, such as exchange of instrumental groups, using the communication of music to activate greater understanding between the youth of our nations, and thus present a youthful culture.

The proposed expenditure is about \$150 000. Apart from this operational cost, it is suggested that a rock music foundation should seek \$50 000 in interest-free loans. The submission also suggests that official recognition of a rock music foundation would add credibility to a struggling industry and be of help in obtaining sponsorship and assistance from those sections of the rock industry that have been making healthy profits (oversea recording companies and oversea companies using rock music as a means of advertising). In other words, there are several areas where specific incomes could be forthcoming to offset some of the proposed expenditure. Obviously, such a proposal has wide-reaching ramifications and requires considerable examination before any recommendations can be made to the Government. It is expected that it would be several months before any Government decision is likely to be made and, at this stage, it is not possible to give any official reaction to the proposal.

WEST LAKES

The Hon. C. M. HILL: Has the Minister of Health, representing the Minister of Transport, a reply to my recent question, which I asked after the Minister of Transport had indicated that he was going to refer the question of property acquisition along the West Lakes Boulevard to a special inquiry? Will the terms of reference be made available and will the report be tabled in Parliament?

The Hon. D. H. L. BANFIELD: The consultant to review the West Lakes Boulevard has not yet been appointed, but the honourable member will be advised when such appointment has been made.

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Parafield Gardens South Primary School,
Salisbury South-East Primary School.

LAND COMMISSION BILL

Read a third time and passed.

MONARTO DEVELOPMENT COMMISSION BILL

Adjourned debate on second reading.

(Continued from October 10. Page 1144.)

The Hon. M. B. CAMERON (Southern): It is with some doubt that I will support the Bill, and this doubt goes back to the beginning of the Monarto project when the decision was first made. I believe that, to a large extent, it was a political decision, based on the need to have a decentralization policy prior to the elections. The project was announced first, as I understand it, and investigations were commenced subsequently. Certainly, more sophisticated investigations were needed to decide whether the site was suitable for a new city. At the same time, a project was announced for Port Noarlunga, and about 250 000 people were supposed to be introduced into that area. However, to my knowledge, nothing further has been done about that project.

I believe that, as there will be some problems with Monarto, the Government would be wise to reconsider whether Monarto is in the most suitable location for a new city. The first problem I see arising is that of water supply. Undoubtedly, this area is in a very dry part of the State, and more water will be used by the home unit there than is used now in metropolitan Adelaide by the single home unit. It will take more water to keep a garden flourishing at Monarto. I have read reports that Monarto will be an arid Mediterranean-type city. However, I do not believe that we will have much success in convincing people that this type of garden will be suitable for an Australian home. Nevertheless, I wish the Government luck in this venture.

Undoubtedly, the Onkaparinga main could be used to supply water to Monarto. The main could be used to supply Noarlunga just as easily, as it is already being used to pump water to that area. Electricity usage will be much higher because of the hot climate, as people will undoubtedly use much more air-conditioning there than people do in metropolitan Adelaide. This will not be a suitable place in which to house a suburban-type community without a fair amount of air-conditioning being used in houses.

Employment will not be easy to find and, despite what the Government has said about the introduction of industries to this area, no doubt the largest single industry will be Government departments that shift to the area and whose employees will be conscripted there. The greatest problem will be that, as half of today's work force comprises not just the household head but also his wife and family, it will be difficult to get established in this area the variety of industry required to supply all these people with work.

Undoubtedly, many people will be commuting from Monarto to Adelaide because a sufficient variety of jobs will not be available for them. Certainly, they will not be

available in the establishment period, and I doubt whether they will be available later. Transportation of people from this area to their place of employment will also be expensive, and the freeway which has just been completed and which was supposed to give the people quick and ready access to the eastern markets and to the southern areas of the State will, unfortunately, be cluttered with traffic travelling between Monarto and Adelaide. Various schemes have been mooted regarding the construction of a railway line under the Mt. Lofty Range. However, this will be expensive. Indeed, it is not unlikely that \$30 000 000 would be needed in this respect.

It is with some trepidation that I support the Bill. I should like the Government to have another look at the project and perhaps place greater emphasis on putting the type of community that it intends to establish at Monarto in, say, the Noarlunga area, to which there will be much easier access. If it did, it would not have to provide transport across the Mt. Lofty Range to get people to their work. There is already access to certain industry in this area and, certainly, the climate would be much more acceptable to the population, and water and electricity facilities would be better.

One of the greatest problems that will arise because of the establishment of Monarto will be the use of the Murray River as a recreational centre. I do not know how we will stop people from jumping into that river on a hot day. If the city comprises 200 000 people, many of whom will go to the river on a warm evening, it will be a real problem. I do not see how people can be kept out of the river. Certainly, there will be a grave problem of polluting the river when such a huge metropolitan population lives alongside it. This applies also to Lake Alexandrina, as any pollution that goes into the Murray River at Murray Bridge must end up there. The Murray is a valuable water supply, and we should not be putting a large metropolitan community alongside it.

With the doubts I have expressed, I support the Bill and urge the Government to have another look at the whole project and, before spending any further money on it, seriously to consider placing greater emphasis on the growth of the metropolitan community along the southern coast.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"The Commission."

The Hon. C. M. HILL: The functions of the commission are set out in subclause (4), paragraph (b) of which provides that the commission will be capable of acquiring, taking or letting out on lease, holding, selling and otherwise disposing of real and personal property. I am concerned about the commission's leasing land. In his second reading explanation the Minister said that a further Bill would be introduced dealing with the method of holding land in the proposed new city of Monarto.

However, last week in a second reading explanation on another Bill the Minister said something and then, when that same Bill was in Committee, said that he did not really mean what he said initially. I therefore ask the Minister whether a further Bill dealing with the method of holding land in Monarto is to be introduced. If such a Bill is to deal with leasehold tenure, I would expect it to spell out the Government's intention regarding what form leases will take and what details should be involved in leases that the commission may grant.

I should like details about the term of the lease, the ground rent that individuals will be charged, and matters dealing with any encumbrances, such as restrictions on sale,

and so on. I should like to know, for example, whether people who build or buy houses in this area will be forced, if they wish to sell those properties later, initially to offer them back to the commission.

If another Bill is to be introduced, and if clause 5 of this Bill passes, the commission will be able to lease all this land. I have no arguments about, nor do I oppose, the leasing of commercial or industrial premises. However, I am totally opposed to the leasing of building sites or houses that have already been built. I am willing to concede that there is a difference between this kind of housing development, located as it will be in a specific growth centre, and the spreading within urban Adelaide of sections or parcels of land that the commission may want to lease out. Is the Government prepared, simply by using the word "lease" in clause 5, to rest on this clause and then permit the commission to go ahead and lease houses without any reference back to Parliament on its plans and other details related to such leases?

The Hon. A. F. KNEEBONE (Minister of Lands): As I understand the Bill and the Act, this gives the commission power to lease. Subsection (4) (b) provides:

... shall be capable of acquiring, taking or letting out on lease. . . .

The Hon. C. M. HILL: With regard to the Minister's formal statement that a third Bill was to be introduced dealing with the means of people holding land in this proposed development area, is there such a Bill relating to leasehold?

The Hon. A. F. KNEEBONE: I am not aware that I said that three Bills would be introduced in connection with this matter. There are the Monarto Development Commission Bill, and the Murray New Town (Land Acquisition) Act Amendment Bill, both connected with the development of Monarto. Previously, when talking to another Bill, I said there would be a Land Commission Bill, an Urban Land (Price Control) Bill, and a subsequent Bill in relation to that matter. The Bill relating to leasehold will be brought down subsequently.

The Hon. C. M. HILL: I accept the Minister's explanation. In that respect, I was probably in error, but I stress again that this clause, if passed, allows leasehold to be established in the city of Monarto, and I have expressed my opposition to that. I caution the Government to be careful about permitting the commission too free a rein on this matter of leasehold, because this system of home and land ownership in an urban area like Monarto might reflect on the Government of the day and contribute to the project's not making the progress the Government thinks it will.

Clause passed.

Clauses 6 to 12 passed.

Clause 13—"Functions of the commission."

The Hon. C. M. HILL: I move to insert the following new subclauses:

(4) Any person who is a resident of the city of Monarto and who is or may be affected by any act or decision of the Commission under this Act may make such representations in relation to that act or decision to the Minister as are appropriate.

(5) The Minister shall consider any representation made to him pursuant to subsection (4) of this section and shall advise the person who made those representations of the result of that consideration, but nothing in this subsection or in subsection (4) of this section shall affect the validity or efficacy of the act or decision of the Commission to which the representation relates.

This clause deals with the functions of the commission, one of which is to secure participation by the residents of Monarto in the affairs of that city. The commission is a

form of local government but it lacks one democratic feature of local government: if residents are dissatisfied with the decisions of the commission (in effect, their local government body) they have not much redress. They certainly have no redress against the Commissioners, whereas in local government ratepayers have redress against their councillors and the council by the democratic means of going to the polls at the next local government election. In the second reading debate I complimented the Government on making an attempt to involve the people to the greatest possible extent in local affairs. The wording of the paragraph of subclause (2) dealing with this matter is not sufficient. Nevertheless, I suppose we have to move into an era of social legislation where we shall find Bills prepared even in this manner. So I accept it.

The residents of the city should have at least some opportunity to make representations to someone if they are upset by or dissatisfied with the manner in which the commission is going about its business of government at local government level. People may be giving up much to go and live in Monarto. They may be selling their property in the Adelaide metropolitan area and taking their families to Monarto. If they relocate themselves at Monarto, we should see that their life will be as happy as possible in that new environment. There, if they are dissatisfied with the commission, in the way this Bill is worded they cannot do much about it.

My amendment adds two new paragraphs, which will give the people the right, written into the Act, to make direct representations to the Minister. He becomes an appeal authority, and the Act will also compel the Minister, if this amendment and the Bill are passed, to consider representations made to him. In the next clause the Minister has general control and direction over the commission, so, if the people are unhappy with the commission, they can go to the Minister with their problems; indeed, the legislation would encourage them to do so. The Minister must consider them and he then is in a position either to agree with or to override the commission. I believe that the people of the new city would be happier with a form of appeal, rather than not having it provided for in the Bill.

The Hon. A. F. KNEEBONE: I have no great objection to the amendment. Efforts will be made to seek the people's views on matters affecting the development of the new city. The amendment simply provides for what the Premier has already said will take place.

Amendment carried; clause as amended passed.

Clauses 14 to 24 passed.

Clause 25—"Appointed day."

The Hon. C. M. HILL: I seek an assurance from the Government that the Mobilong District Council will be given fair and reasonable notice before the proclamation of the appointed day is made. On that day the area of the city proper will automatically vest in the commission and will no longer be part of the area of the Mobilong District Council. As I understand the Bill, it will be necessary before that day for all the adjustments and negotiations with the district council to be thrashed out and for agreement to be reached between the commission and the council. The Government will understand that at present the council is very concerned as to what the future holds for it. Councils traditionally have not had areas of this value taken from them by Government action; indeed, this is probably the first time that it has happened. If the Mobilong District Council is given proper notice before the proclamation is made, the blow will be softened somewhat.

The Hon. A. F. KNEEBONE: I give the honourable member the assurance he is seeking, that fair and adequate notice will be given.

Clause passed.

Clauses 26 to 31 passed.

Clause 32—"Transfer of assets, etc., from District Council of Mobilong."

The Hon. C. M. HILL: I move:

To strike out subclause (2) and insert the following new subclause:

(2) If a dispute arises between the commission and the District Council of Mobilong in relation to any matter referred to in subsection (1) of this section the matter in dispute shall be referred to an arbitrator—

(a) agreed on between the parties;

or

(b) in default of such agreement, appointed by the Governor,

and that arbitrator shall hear and determine that dispute and the decision thereon of the arbitrator shall be final and binding on the commission, the district council and every person or body affected thereby and shall not be liable to be called in question in any court on any ground whatsoever.

The purpose of my amendment is to give some protection to the Mobilong District Council in case it believes it is getting a poor deal in its negotiations with the new commission. The Bill at present provides that the council and the commission must get together in regard to the takeover of real and personal property and other assets, rights and obligations of the district council. If the council is dissatisfied with the final arrangement that the commission offers, it can only approach the Minister. Subclause (2) at present provides:

The Minister may, in his discretion, approve or not approve of any agreement secured under subsection (1) of this section . . .

It has been traditional in local government that, when arrangements of this kind are concluded, there must be some independence in connection with arbitration and negotiation. As an example, I refer to the matter of Vale Park seceding from the Enfield council and joining the Walkerville council; after the initial decision by Judge Johnston, who had handled the matter exceedingly well, he said that he was willing to assist in the negotiations between the two councils on the question of liabilities and responsibilities. So, there was an independent arbitrator. By that system the fairest and best solution is always found.

Of course, I hope that disputes will not arise in connection with the new city of Monarto. I hope the commission will be generous in its dealings with the Mobilong council and that agreement will be reached without going to arbitration. We have a duty to assure the Mobilong council that if it is unhappy it will at least have an opportunity to put the matter before a form of arbitration. I do not wish the parties to be involved in expensive arbitration machinery, which I understand will be involved if the provisions of the Arbitration Act are invoked, but rather that this simple form will be used if that should become necessary. I believe that the provision I am moving will provide a fair and just result.

The Hon. A. F. KNEEBONE: I would have thought that the present clause was satisfactory, because the Minister is answerable to Parliament and also to the Auditor-General in regard to this matter. I believe the present provision is acceptable because it provides that the Mobilong District Council and the commission shall reach agreement on the transfer from the council to the commission of such real and personal property and other assets and such rights, liabilities and obligations of the council as were, immediately before the appointed day, in or related to that part of the district of the council that

on the appointed day ceased to form part of the district of that council and are necessary for the successful development of the city of Monarto. The agreement will have no force or effect until it is approved by the Minister. As the Hon. Mr. Hill said, it will be necessary for an arbitrator to be selected, and any dispute between the council and the commission will be resolved by arbitration. I have not been able to discuss this clause and its effects with the Minister who introduced the Bill, and for that reason I oppose the amendment.

The Hon. R. C. DeGARIS: I thank the Minister for his co-operation on the amendments put forward, particularly the one on clause 13, which he accepted as being a reasonable amendment. This amendment is also reasonable. What the Minister said is possibly true, that the Minister who will be in charge of the Act is responsible to Parliament. Nevertheless, in recent legislation before this Chamber we have seen what one might term "broad clauses" detailing the philosophy the commission will follow. All this clause does is to set out machinery to terminate any dispute that may arise between the commission and the Mobilong council. This is perfectly fair. The Mobilong council may wish to have this protection because it is in a difficult position. So far, the council has given much co-operation to the Government and the proposed commission, and some way of determining any dispute should be provided in legislation. I ask the Committee to support the amendment moved by the Hon. Mr. Hill.

The Hon. J. C. BURDETT: I support the amendment. I hope, as the Hon. Mr. Hill and the Minister said, that there will not be any conflict between the commission and the Mobilong District Council. However, there cannot be a guarantee that that will be so. Obviously, there will be intricate negotiations and complicated matters to be settled, so there can be no guarantee that disputes will not arise, and it would be silly to accept an assurance to the contrary. The Mobilong council has not had much to take comfort from so far, and has not received much co-operation from Government departments. I referred to this matter recently when discussing land subdivision involving the Mobilong council, and this is the only way the council can gauge what may happen regarding the commission.

The Committee divided on the amendment:

Ayes (12)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, C. M. Hill (teller), F. J. Potter, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Majority of 6 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 33 passed.

Clause 34—"Constitution of designated site as municipality."

The Hon. C. M. HILL: In the second reading debate, I suggested that "may" should read "shall", and I asked the Government to give some thought to that change. At the time local government was being sought for Whyalla, for several years there had been a certain amount of bitterness, and the general squabble took a long time to be resolved. Based on that experience, I think that the Government of the day would appreciate having a clear instruction in the legislation that, once the population reached a certain size, the change would be brought about. We should benefit by

the experience of Whyalla, in the interests of the best possible legislation, as it will affect not only this Government but other Governments in the future.

Clause passed.

Clauses 35 to 37 passed.

Clause 38—"Works not to be 'Public Works'."

The Hon. C. M. HILL: I oppose this clause, which deals with the Public Works Standing Committee Act, 1927-1970. The clause states that the Public Works Committee shall not be involved in any public works in Monarto. My first point is that considerable flexibility is written into the legislation regarding the commission's powers with regard to building construction in Monarto. Experimentation in buildings has also been referred to. However, Part III provides that the provisions of the Planning and Development Act and the Building Act can be waived, without any control by Parliament, with regard to the development of Monarto. Although I oppose that principle, I did not oppose the clause, but I spoke strongly against it in the second reading debate. With that flexibility available to the commission, Parliament ought to have some check by the Public Works Committee having some say regarding the public building development in Monarto.

My second point is: what is the real objection to the committee's being involved? Can we accept it as being a criticism of the committee? If so, we must accept that the criticism is directed to the committee's members, some of whom are members of the Government's own Party.

My third point is that, regarding the experimentation which will take place in the proposed buildings in Monarto, the committee could learn a great deal if it were to be involved. Also, the commission could learn a great deal from the experienced committee members.

The Hon. A. F. KNEEBONE: My information is that public buildings, such as schools, etc., will be proceeded with in the normal way and that the commission will not be involved with them. Such projects will be supervised by the Public Buildings Department, and the usual procedures will apply. Monarto will be developed as a complete scheme. The commission will not consider individual buildings but the total area of the city.

The Hon. R. C. DeGARIS: Can the Minister of Lands tell me what buildings or public works, costing over \$300 000 of the taxpayers' money, the commission will undertake that will not be inquired into by the committee?

The Hon. A. F. KNEEBONE: I have already given the information with which I have been supplied.

The Hon. G. J. GILFILLAN: I support the remarks of the Hon. Mr. Hill and the Hon. Mr. DeGaris. I believe it would be to the advantage of Monarto and to the taxpayer if the Public Works Committee was involved. The Highways Department, which administers the Highways Fund, need not refer any of its work to the committee, but projects costing over \$300 000 of Government funds must be referred to it. One of the committee's greatest values is that the authorities who refer the project must go into extra detail to justify it, and any evidence brought before the committee may be reported to Parliament. By not involving the committee, we would, to a large extent, be giving a blank cheque to the commission. The committee's oversight of certain projects would be of great advantage to the taxpayer, and probably to the planning of Monarto. I do not think involving the committee would delay the project.

The Hon. A. F. KNEEBONE: I do not agree that it would not delay the project. In the planning of the whole of Monarto, there will be considerable planning with regard to Government and other types of building that will

be established there. Before the commission got off the ground, it would have to submit details of every type of development that was planned for the area. This means that the committee would have to consider every future development, even those for years in advance. If the approval of the Public Works Committee had to be sought for all these developments, the committee would never complete its work on those projects. Such a move would, of course, delay all the committee's other considerations, and the planners would be frustrated. I support the clause.

The Hon. C. M. HILL: I dispute the Minister's explanation, as I believe that, because of the way in which the clause is drafted, the commission will arrange for a school, for example, to be built. I therefore assume that it will pass over the title and the Public Buildings Department will be able to do the work. Although the commission does not provide the school, it does arrange for it to be provided, and in that case it comes under the terms of this clause.

The Minister said that the ordinary public works, such as schools, hospitals and so on, would be completed by the traditional department and, therefore, they would not be involved in this clause. He implied that the whole suburb or housing area would be the public work and, therefore, that it was not necessary to refer it to the Public Works Committee. Although the commission will not be providing public works, it does arrange for those works to be provided and, therefore, those public works will come within the clause and the Public Works Committee will be excluded from its normal process of checking them. This is not a good thing, and I do not see why it should happen. I am not satisfied with the Minister's explanation.

The Committee divided on the clause:

Ayes (7)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, R. A. Geddes, A. F. Kneebone (teller), and A. J. Shard.

Noes (11)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, G. J. Gilfillan, C. M. Hill (teller), F. J. Potter, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Majority of 4 for the Noes.

Clause thus negated.

Clause 39—"Power of Governor to dispense with compliance with Act or by-law, etc."

The Hon. C. M. HILL: I oppose this clause strongly. It is unique in our Statutes to have a provision of this kind written in. Two important Acts (the Building Act and the Planning and Development Act) can be exempted, in their provisions, in the development of this new town. In other words, the commission can, provided the Government issues a proclamation, proceed with planning and development outside the existing provisions of the Planning and Development Act and the Building Act.

However, that does not seem to be enough and, just for good measure, the Government in clause 39 has flung the net wide and caught any Act of Parliament which, in the opinion of the Government, prevents or impedes the successful development of Monarto. Then, to add insult to injury, after it has excluded those Acts, whatever they may be, it issues its proclamation and within 14 days it comes down to Parliament and lays a copy of the proclamation on the table. That simply does not mean a thing.

It is farcical to have a procedure of that kind, which is not even a marriage between regulation and proclamation: it is just an easing of the Government's conscience. It is an insult to Parliament. That is only the aftermath of the damage. The damage lies in what is provided in subclause

(1). A certain flexibility is given to the commission by this Bill. It dispenses with the provisions of the Building Act and of the Planning and Development Act. What other Acts will it now be wanting to set aside? Has the Government any Acts in mind that it did not include in the provisions of this Bill?

To give an authority such as the commission, which is not even answerable to the people it controls, power to set aside any law, rule, or regulation if it obtains the Government's consent to do so, simply because it impedes the development of the new town, is going too far. There is much experimentation going on in respect of this whole project. The South Australian community has grave doubts about the chance of success of this project, and Parliament surely has an obligation not to put checks in to restrict the commission but at least to allow the commission to go only so far. To give the commission power to open up the whole wide world by excluding itself from Acts of Parliament is going too far.

The Hon. A. F. KNEEBONE: The honourable member says he strongly opposes this clause. I assure him that the Governor and the Government would be most circumspect in their activities under this Bill. The success of the development of Monarto is the main point to be borne in mind. Similar provisions have appeared in many indentures relating to the establishment of industry in this State, so this is no new departure. I support the Bill as it is.

The Hon. Sir ARTHUR RYMILL: I agree to some extent with the Hon. Mr. Hill's submission. On the other hand, I recognize that something like this could be necessary in the case of a new town. Perhaps the time-honoured idea of substituting "regulation" for "proclamation" would be the answer. It would mean that Parliament would still retain some sort of control and the Government would not lose its powers.

The Hon. M. B. CAMERON: What the Minister has said about indentures in industry as examples of how similar measures have operated in the past surely gives rise to the need for Parliament to look at all possible changes. I come from an area where a lake was polluted under such an indenture because the company in question was exempted from the provisions of a certain Act. Whilst the Minister assures us that the Government will not take any measures contrary to the interests of the people concerned, when it comes to an industry being established too often the Government is tempted to overlook the small matters such as the pollution of a lake or other pollution that may occur in the future. I doubt whether such a measure should pass without Parliament's having some control. I do not say there is any great problem because, each time the Government wants something extra, it can either amend the Act or bring in regulations; but I would not give any Government, either this one or a future one, an open cheque on such a clause. I support the Hon. Mr. Hill. Perhaps there is a need for the Government to have some flexibility but the matter must come before Parliament. The Hon. Sir Arthur Rymill's idea seems a good one.

The Hon. Sir ARTHUR RYMILL: It would be necessary, if this point was pursued, to substitute "regulation" for "proclamation" and make that alteration throughout this clause. Probably, it would then be suitable to strike out subclause (3) altogether.

The Hon. A. F. Kneebone: That deals only with the mechanics of it.

The Hon. Sir ARTHUR RYMILL: I think the Minister is right there, because subclause (3) provides:

The Minister shall cause a copy of every proclamation made under this section to be laid before each House of Parliament within fourteen days of its making if Parliament is then in session or if Parliament is not then in session within fourteen days of the commencement of the next session of Parliament.

I confess that I do not know the implications of that subclause. I do not know of anything that enables Parliament to repudiate a proclamation if it is dealt with in this way.

The Hon. M. B. CAMERON: One problem in connection with substituting "regulation" for "proclamation" is that regulations take effect even though they may be subject to disallowance. So, if a regulation is laid on the table immediately before the Christmas break, it could be in effect for up to six months without Parliament's being able to do anything, and then it might be too late.

The Hon. Sir ARTHUR RYMILL: Perhaps it would be better to add at the end of subclause (3) "and may be disallowed by either House". The term "proclamation" would then remain, but Parliament would have the power to disallow the proclamation. This may be the intention of the clause; if it is not, it is difficult to see what subclause (3) means.

The Hon. A. F. KNEEBONE: Either House can move a motion praying that the Governor disallow a proclamation.

The Hon. M. B. Cameron: Would that force him to do it?

The Hon. A. F. KNEEBONE: It would be an address to the Governor requesting that he disallow a proclamation.

The Hon. Sir ARTHUR RYMILL: I wonder whether the Chief Secretary would be willing to report progress to enable us to sort out this matter.

Progress reported; Committee to sit again.

MURRAY NEW TOWN (LAND ACQUISITION) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 9. Page 1090.)

The Hon. M. B. CAMERON (Southern): I do not intend to speak at length, because I have already indicated my attitude to this project. Some problems have arisen in relation to land acquisition at Monarto in connection with the attributed price. People who have sold land in the area have had a price attributed to their land by the Minister lower than the figure they received. This does not affect the transaction that has taken place, but it affects future sales. For other people subject to acquisition in the area there is at present a right of appeal, but it can be based only on the attributed price. The Minister makes the decision on the attributed price, and he does not have to refer the matter to anyone else. So, the people concerned in land acquisition are subject to a decision by the Minister, who has an interest in lower land prices in the area, because lower prices mean that the Government does not have to spend as much to acquire land needed for Monarto.

It has been said that any wider form of appeal would lead to delay. However, a limited area of land is to be acquired, and not all the land is required in the short term. There is therefore time for appeals to be made, and I do not see that a right of appeal to an outside body would lead to any delay that would cause concern in connection with establishing the new city. I foreshadow amendments to give people who are subject to land acquisition the right of appeal, not just on the attributed price but on other factors associated with prices of land in the area. Some people have approached members of Parliament because they believe their land is under-valued in relation to its true value for agricultural purposes, which

is the major factor affecting land prices in the area. I support the Bill.

The Hon. V. G. SPRINGETT (Southern): This Bill is consequential on the Monarto Development Commission Bill. One becomes increasingly aware of the extent of the whole task of setting up and equipping the new city of Monarto. The problem must be compounded by the fact that Monarto will be competing with similar projects, some of which are outside this State. This Bill makes it possible for the appointed authority to acquire land and deal with it as is necessary for the planned city. Unfortunately, one must add that such work will be done irrespective of existing developments in adjacent areas.

The State Planning Authority will give way to the Monarto Development Commission on the so-called appointed day. Automatic power is given to the three-member commission to control almost any activity regarding land subdivision if the commission considers that not to control such an activity would prejudice the development of the new city. Furthermore, the power of the Government in this manner and matter will extend to land adjacent to Monarto. As this Bill stands there will be no right of appeal to the commission except in the course of ordinary approach. When one talks to the commission there will be a sort of dialogue, but there is no right of appeal. Surely the Minister should be accessible and answerable to the people, giving them an undeniable right of appeal. The many residents in this area and their elected representatives on the Murray Bridge and Mobilong councils view the whole project with some anxiety and a limited expression of goodwill. I can assure honourable members that many people are uneasy, even resentful, at the way Monarto is being organized. They say it is almost like a sacred cow at the expense of the normal development of the surrounding districts.

People have, and still do, come to live in Murray Bridge in increasing numbers, but one wonders whether the people of the area will be told in future, "It is not Murray Bridge for you: you go to Monarto." As the Government, all powerful, said, "This is to prevent any growth prejudicial to Monarto's development." I presume that is all there is to say from the citizens' viewpoint, unless there is a right of appeal. It has been said this afternoon, and I emphasize it, that in the years to come people will be compelled to take leasehold tenure only. Will the Minister say whether this is so, or whether freehold acquisition will be encouraged in parts of this area? I also ask whether the Government has any conception yet of the proportion the Commonwealth Government will be paying towards the cost of Monarto or whether one should assume the Commonwealth Government will be using its contribution as a bargaining point when dealing with the South Australian Government on other matters.

It is feared by many people in Murray Bridge, and surrounding areas controlled by the Mobilong council, that when the appointed day is announced Murray Bridge could well be left as an over-capitalized backwater or, conversely, that it will find itself to be a riverside suburb of the new city. Meanwhile, the Mobilong council will have become bereft of so much of its area that its future as a viable entity will be endangered.

The rights of the ordinary citizen throughout the whole spectrum of bureaucracy become less and less as he is increasingly enclosed and encumbered more and more by Acts of Parliament. I support the Bill to enable it to pass to the Committee stage.

The Hon. J. C. BURDETT (Southern): I support the Bill. Clause 10 amends section 8 of the principal Act,

and is an undoubted improvement on that section. This clause shows that the Government shares the same concern that I have for section 8. I agree with the general principle contained in that section. It might fairly be said that it provides that landowners cannot make a profit because their land is in or adjoins the area of Monarto. It cannot be expected that prices should be inflated because the Government has seen fit to establish Monarto.

I also have sympathy for the Government. I realize it is difficult to put this concept into effect. I have spoken to many landowners and valuers who have been concerned professionally with acquisitions. The means by which the Government originally sought to put this measure into effect in section 8 was to refer to "attributed price". In effect, section 8 provides that, where any land situate within the establishment area is sold, for the purposes of considering values in the area the price may be attributed by the Minister, and the price so attributed shall be deemed to be the price paid in relation to that sale. We all know that for valuation purposes, whether on the acquisition of land or otherwise, what determines the value of land is evidence of comparable sales.

The means by which the Government has sought, in section 8, to put into effect the good principle that landowners should not be able to capitalize on the fact that their land is within the area of Monarto is to say that, where any land within the establishment area is sold (it may be at an inflated price because of speculation), the Minister may then attribute a price for that sale. Also, when sales evidence is to be considered, that sale is to be taken into account at the attributed value, not at the real value.

The difficulty with this concept is that the attributed value must be a guess to a large extent: it is not possible, scientifically, to attribute a value and to say what the land would have been worth if Monarto had not been conceived and was not being carried out. From inquiries, I have elicited that this question of attributed value is most important, but there has been an unfortunate breakdown in communication between the department, landowners and the valuation profession in this matter. The Minister has been attributing some values: I have been informed that six valuations have been attributed. I have been told that the independent valuing profession generally considers that the values are too low, and are below the actual value of land when considered apart from the question of Monarto being established. I have also been informed that the valuing profession was unable to obtain information, until recently, of the prices that were attributed. This has led to the grotesque situation that when the department is fixing values it uses, as part of its sales evidence, the attributed price, whereas independent valuers, acting for landowners to look after their interests, do not know what the attributed prices are.

The Hon. R. C. DeGaris: What you are saying is that the attributed price is to be looked upon as if an actual sale took place at that price?

The Hon. J. C. BURDETT: And substituted for that price. Valuers have endeavoured to establish lines of communication with the department, but without success.

The Hon. M. B. Cameron: With the Minister?

The Hon. J. C. BURDETT: Protests have been made to the Minister, but without success. The valuing profession does not know the data the department is using, and it is not surprising that the department and the profession are not arriving at the same answer. I accept the principle that the price must not be artificially inflated or deflated because of Monarto. The attributed price for a sale is a matter of guesswork; it is not scientific. Section

8 provides that the Minister may, after consulting with the Valuer-General, attribute a price in relation to a sale. In Committee, I propose to move to substitute, for the Valuer-General, a committee comprising the Valuer-General, a nominee of the Minister, and a nominee of the Institute of Valuers, the last-named of whom could be outvoted. The object of my proposed amendment is to inject, at the stage of the attribution of this artificial price, the opinion of an independent person who would take part at that stage. This injecting of some independent opinion, and not solely that of the Valuer-General, is just and will give effect to the sound principle the Government seeks to apply. This injection at the early stage of attributing the artificial price will be a practical way of helping to keep the lines of communication open so that private valuers will know what is happening. With this reservation, which I hope can be dealt with in the way I have outlined, I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Definitions."

The Hon. J. C. BURDETT: I move:

To strike out "definition" second occurring and insert "definitions" and to insert "the Committee means the committee established under section 8a of this Act".

This amendment simply sets up the machinery for providing for the committee, which I have outlined, to replace the Valuer-General. The amendment provides that the Minister will consult not only with the Valuer-General but with a committee comprising the Valuer-General, a nominee of the Minister, and a nominee of the Institute of Valuers.

The Hon. A. F. KNEEBONE (Minister of Lands): I do not strongly oppose the amendment, which I accept.

Amendment carried; clause as amended passed.

Clauses 5 to 9 passed.

Clause 10—"Attribution of price for land."

The Hon. M. B. CAMERON: I move:

Before paragraph (b) to insert the following new paragraph:

(aa) by striking out the word "Where", being the first word in the section and inserting in lieu thereof the passage "Subject to this section, where"

and after paragraph (a) to strike out "and".

I believe that the only way to approach this matter is to take this short paragraph as a test before I move the remainder of my amendments. Some concern is felt about the way in which the attributed price is arrived at. Certain examples of this have been given to me and to other honourable members—one in particular in which 495 acres (172 ha) of land in the establishment area was sold at \$80 an acre (.4 ha), on which a professional valuer placed a value of \$75 an acre, whereas the Minister attributed a price of \$60, without explaining how the price was arrived at. Approaches to the Minister have been made, without success, and the independent valuer has been unable to see the Minister. This will mean that landowners in the area will have \$60 an acre put on their land as the attributed price, and this will affect future transactions. When landowners leave the area, after having received the money for their land, they will have to buy land elsewhere, if they wish to continue farming, at prices that may be higher than the attributed price set by the Minister. They have no right of appeal against the attributed price once it has been set.

The Hon. A. F. Kneebone: But they get higher than the attributed price.

The Hon. M. B. CAMERON: That may be so, but the attributed price is the price that is taken into account when fixing a valuation. If there was a right of appeal, the Land and Valuation Court could take into account the attributed price only. The aim of the amendment is to allow the court to consider all other factors, and to enable those concerned in acquisitions to appeal to someone other than the Minister. The court will have the right of increasing or decreasing valuations, or of dismissing an appeal, if that is considered to be the proper course.

The Hon. A. F. KNEEBONE: The honourable member has said he is happy for this amendment to be a test case in relation to his other amendments. The effect of these amendments is to provide that, before the Minister attributes a price in respect of a sale referred to in section 8 of the principal Act, he must give notice of his intention to so attribute the price, and specify the price he intends to attribute together with the grounds on which he intends to attribute the price. A period of two months is then allowed so that any person may appeal against the amount fixed as the attributed price. The forum to hear and determine this appeal is the Land and Valuation Court.

An amendment similar in intention to this amendment was opposed by the Government and defeated in another place, and the principal grounds on which it was so opposed were that it would cause unconscionable delay in attributing prices, and so delay the acquisitions to the detriment of the persons from whom land was acquired. The delay would occur in this manner. Let us assume that a notice of intention to attribute a price was given and that an appeal against that attribution was commenced. While that appeal is pending, a notice of attribution of price is given in respect of a second piece of land and that again is appealed against. The court, seized of the first appeal, may well have regard to the fact that an appeal in another matter is pending, and so the matter would go on. It would throw a degree of uncertainty into the question of attribution of prices that appears to be highly undesirable. In those circumstances, I oppose the amendment.

The Hon. M. B. CAMERON: I do not accept the Minister's argument. Concern undoubtedly exists regarding the attributed price, as there is no right of appeal. I am certain that in most cases no objections would be raised or appeals lodged provided that the attributed price was fair to start with. However, once the Minister has set that price, that is the end of the matter, which is unfair. The Minister seems to presuppose that all the land will be acquired at once, but I do not believe that will happen. The amount of delay involved would not greatly affect the acquisition of land or the sale of land by people in the area, who would certainly appreciate having a right of appeal against the Minister's decision.

The Hon. R. C. DeGARIS: Even if the amendment was carried, I cannot see how appeals would be lodged, anyway. The important thing is to get discussions going between the landholder's representative, or the landholder himself, and the Minister regarding the attributed price. The matter I should like to raise is that of the attributed price being the only factor that is taken into account. I do not think that is the position, as the attributed price is only one factor that will be taken into account in determining acquisition prices.

The Hon. M. B. Cameron: It is the major factor.

The Hon. R. C. DeGARIS: I do not think it is. In fixing a price for an acquisition, the criterion will be the comparable sale prices for land in the area. The attributed price will be one of the criteria. However, it is not the major or indeed the only factor to be taken into

account. To short-circuit this matter, I should like to know the Government's attitude regarding the amendments on file to be moved by the Hon. Mr. Burdett. The Minister of Lands has already accepted his first amendment to the definition clause and, if the Committee knew that the remainder of his amendments were acceptable, it would assist its deliberations on this matter.

The Hon. A. F. KNEEBONE: I oppose this amendment, although I am willing to accept the Hon. Mr. Burdett's amendments. I hoped that my acceptance of his first amendment would indicate my willingness to accept his other amendments. I agree with the Leader that the attributed price is only one of the matters to be considered when reaching a valuation.

The Hon. M. B. CAMERON: A licensed valuer, but not a representative of the landholder, is referred to in the Hon. Mr. Burdett's amendment. It is only right and proper that the landholder should have a right of appeal, and for that reason I have moved my amendment.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron (teller), R. C. DeGaris, R. A. Geddes, C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, Jessie Cooper, C. W. Creedon, M. B. Dawkins, G. J. Gilfillan, A. F. Kneebone (teller), and A. J. Shard.

The CHAIRMAN: There being 9 Ayes and 9 Noes, I give my casting vote in favour of the Ayes so that the matter can be further considered.

Amendment thus carried.

The Hon. M. B. CAMERON: I move:

After subclause (b) to strike out "and" and insert the following new paragraph:

(c) by inserting after the present contents thereof as amended by this section (which are hereby designated subsection (1) thereof) the following subsections:

(2) Where the Minister desires to attribute a price in relation to a sale referred to in subsection (1) of this section, the Minister shall, by notice published in the *Gazette*, give notice of his intention so to attribute a price.

(3) A notice under subsection (2) of this section shall:

- (a) specify with reasonable particularity the sale in relation to which the Minister intends to attribute a price;
- (b) specify the price he intends to attribute in relation to that sale;
- and
- (c) set out the grounds on which the price he intends to attribute is higher or lower than the price actually paid in relation to the sale.

(4) Within two months next following the publication of a notice under subsection (2) of this section any person may, in accordance with the rules of court, apply to the court for an order varying the price referred to in the notice and upon hearing the applicant and the Minister, the court may—

- (a) dismiss the application and confirm the price proposed to be attributed;
- or
- (b) uphold the application and vary the price proposed to be attributed by substituting a higher or lower price therefor.

(5) Where—

- (a) two months has elapsed since the publication of a notice under subsection (2) of this section and an application under subsection (4) of this section has not been made, the Minister may by notice published in the *Gazette* attribute in relation to the sale specified in the notice the price specified in the notice as the price he intended to attribute in relation to the sale;
- or

(b) an application under subsection (4) of this section has been made within the period of two months next following the publication of a notice under subsection (2) of this section, the Minister shall take no further action in the matter until that application has been heard and determined by the court and upon that hearing and determination—

(i) if the application is dismissed, the Minister may by notice published in the *Gazette* attribute, in relation to the sale specified in the notice under subsection (2) of this section, the price specified in the notice as the price he intended to attribute in relation to the sale;

and

(ii) if the application is upheld, the Minister shall by notice published in the *Gazette* attribute, in relation to the sale specified in the notice under subsection (2) of this section, the price proposed to be attributed as varied by the court.

(6) In determining an application under subsection (4) of this section the court—

- (a) shall, with such modifications as are necessary, apply the principles that it would apply if the application were an application for compensation in respect of the acquisition, under the Land Acquisition Act, 1969-1972, of the land in question on the day on which the sale took place, but in the application of those principles no regard shall be paid to the effect that the enactment of this Act had or may have had on the value of the land in question;
- (b) shall assume that the price attributed pursuant to subsection (1) of this section in relation to the sale of any land was the price paid in relation to that sale; and
- (c) shall disregard any change in the value of the land in question that occurred after the sale of that land in relation to which the price is to be attributed.

(7) In this section "the court" means the court as defined for the purposes of the Land Acquisition Act, 1969-1972.

I have already explained the purpose of my amendment. I urge the Committee to accept it.

The Hon. A. F. KNEEBONE: I have already indicated my opposition to it.

The Hon. C. M. HILL: In the original legislation, an appeal on this matter did not arise. Indeed, the matter of an appeal should have been tackled in depth when the original Bill in April, 1972, was before this Chamber. The Government in this Bill does not touch on an appeal. It introduced its own clause to amend slightly section 8 of the original legislation which dealt with attributed value and endeavoured to improve that provision.

I support the clause in this Bill that concerns this contentious section 8 of the original Act. While the Bill has been before Parliament, through public involvement in the measure, the matter of an appeal has arisen. Also, I support the principle of an attributed price. It is different and unique in any form of legislation that approaches should be made about the Government's not being in a situation of having to pay unreasonably high prices in a growth area and, by fixing an attributed price, this problem of speculation in this growth area can properly be dealt with by the commission. The whole matter of acquisition will obviously raise much contention and feeling.

I support the method by which the Government is amending section 8. I also support the approach of the Hon. Mr. Burdett, which has nothing to do with a direct appeal by the dispossessed landowner, but his amendment ensures that the dispossessed landowner will, in my view,

get fair treatment. An appeal in this context is an entirely new matter.

In principle, I cannot vote against proposals that write in the machinery for appeals in any matters relating to compulsory acquisition or the fixing of values by Government departments. It is separate from the other two amendments to the original section 8 of the parent Act. It is something that should have been looked at thoroughly last year when the principal Act was before the Council, but it was not looked at in that way; however, because of the Hon. Mr. Burdett's amendment, the question of appeal may never arise. On principle, I believe it is the best legislation available, and should be passed.

I looked at this matter closely today to see whether there was another way to write the question of appeal into the Bill, a way that might not be as cumbersome or as complex as the suggestion made by the Hon. Mr. Cameron, but I was unable to find any way of incorporating simpler appeal machinery. For those reasons I support the amendment.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron (teller), R. C. DeGaris, R. A. Geddes, C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, Jessie Cooper, C. W. Creedon, M. B. Dawkins, G. J. Gilfillan, A. F. Kneebone (teller), and A. J. Shard.

The CHAIRMAN: There being 9 Ayes and 9 Noes, I give my casting vote in favour of the Ayes.

Amendment thus carried; clause as amended passed.

New clause 10a—"Attribution of price for land."

The Hon. J. C. BURDETT: I move to insert the following new clause:

10a. The following section is enacted and inserted in the principal Act immediately after section 8 thereof—

8a. (1) For the purposes of section 8 of this Act, there shall be a Committee constituted of—

- (a) the Valuer-General, who shall be Chairman;
 - (b) one member, who shall be a person nominated by the Minister;
- and

(c) one member who shall be a licensed valuer, as defined in the Land Valuers Licensing Act, 1969, nominated by the Commonwealth Institute of Valuers Incorporated South Australian Division (in this section referred to as "the Institute").

(2) Whenever a nomination is required from the Institute for the appointment of a member of the Committee, the Minister may, by written notice addressed to the Institute served personally or by post upon it, request it to make the nomination within twenty-one clear days of the date of the notice or such longer period as is specified in the notice and if no nomination is made in accordance with that request, the Governor may appoint a licensed valuer, as defined in the Land Valuers Licensing Act, 1969, nominated by the Minister to be a member of the Committee in lieu of the nominee of the Institute and the licensed valuer so appointed shall for all purposes be deemed to have been duly appointed upon the nomination of the Institute.

(3) Whenever a vacancy occurs in the office of a member of the Committee referred to in paragraph (b) or (c) of subsection (1) of this section, the Minister or, as the case requires, the Institute may nominate a person to be a member of the Committee in lieu of the member in respect of whom the vacancy occurred.

As I previously explained the amendment, I will not do so again. The Hon. Mr. Hill said that this was an entirely different amendment from that moved by the Hon. Mr. Cameron, which provided for an appeal against an attributed price. This amendment provides for a committee, in lieu of just the Valuer-General, to consult with the Minister in the fixing of an attributed price.

New clause inserted.

Remaining clauses (11 to 14) and title passed.

Bill reported with amendments. Committee's report adopted.

NURSES MEMORIAL CENTRE OF SOUTH AUSTRALIA, INCORPORATED (GUARANTEE) BILL

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

ADJOURNMENT

At 5.2 p.m. the Council adjourned until Wednesday, October 17, at 2.15 p.m.