LEGISLATIVE COUNCIL

Tuesday, October 23, 1973

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

QUESTIONS

LAND COMMISSION

The Hon. R. C. DeGARIS: As I believe that a conference took place yesterday between State and Commonwealth Ministers regarding a land commission in each State, has the Chief Secretary any statement on the conference that he would like to make to the Council?

The Hon. A. F. KNEEBONE: Following the conference, the Ministers agreed that a statement be issued. I have a copy of the statement, which, I think, gives a good resume of the results of the conference. Ministers representing all State Governments met in Melbourne yesterday with Mr. Uren, the Australian Minister for Urban and Regional Development, to discuss the Australian Government's proposal that each State should establish or operate a land commission or its equivalent to assist in the assembly of large tracts of land suitable for urban development. The State Ministers who attended the meeting were as follows: Victoria, Mr. Hunt (Minister for Local Government); New South Wales, Mr. Lewis (Minister for Lands) and Mr. Bruxner (Minister of Housing and Co-operative Societies); Queensland, Mr. Rae (Minister for Lands and Forestry); South Australia, Mr. Kneebone (Minister of Lands); Western Australia, Mr. Davies (Minister of Town Planning); and Tasmania, Mr. Lowe (Minister for Housing and Acting Minister for Lands and Works).

At the end of the meeting the Ministers agreed to issue this communique. The purpose of the conference was to exchange experiences and information concerning the negotiations of each State with the Australian Government, to exchange similar information concerning the differing problems, needs and circumstances of each State, and to seek the common ground. The Ministers said that they were united in their support for the basic objectives and motivations of the concept as follows:

1. To contribute to the orderly and pleasant development of urban areas and to their comprehensive planning and the assembly of land for urban purposes.

2. To assist decentralization through the development of attractive growth centres.

3. To ensure that the rise in values from governmental announcements of growth centres and similar projects accrues to the community rather than to individuals.

4. To ensure the lowest possible prices for urban land, and to achieve all this for the benefit of people with the assistance of Australian Government funds.

No-one disagrees with those aims. All share them in common. The Ministers recognized that the problems differ from State to State and area to area and, therefore, that the nature and terms of assistance necessary to achieve the social objectives on which they agreed differ accordingly. The Ministers agreed that the Australian Government should be asked to review and remove the artificial and detailed categories under which funds for urban and allied purposes are currently being offered by the Australian Government. Mr. Uren said that this may mean departing from the specific project agreements with which the Australian Government and the States have been working until now in the fields of roads, public transport and housing, and now in sewerage and land, and that he was willing to work with the States to work out new procedures for linking programmes together. The problem may perhaps best be tackled collectively.

The distinction between control of land prices generally and land price stabilization for growth centres or areas was recognized. The latter seeks only to preserve for the community rather than for speculators and individuals any increase in land values which arises from a Government's decisions for the benefit of the community on growth centres or areas. The Ministers also noted that comprehensive urban planning and development takes place over a substantial term and requires the certainty of continuing funds and effort.

The Ministers welcomed Mr. Uren's assurance that the Australian Government recognizes this and is willing to commit substantial financial assistance to fund continuing long-term programmes. The State Ministers accepted that there will be Australian Government co-operation in urban planning and research, and there was agreement that continuing consultation between the Australian Government and the States, particularly at officer level, would be most welcome, that it would contribute to a sharing, exchange and understanding of views and problems and that it would be of long-term mutual benefit.

MARKET GARDENERS

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking a question of the Chief Secretary, as Leader of the Government in the Council.

Leave granted.

The Hon. M. B. DAWKINS: I think most, if not all, honourable members will have read with some concern of the devastating results of the storms that occurred last week in the market gardening areas of this State. I am informed by the Secretary of the Fruitgrowers and Market Gardeners Association that the gross amount of damage done in areas of activity to which insurance does not apply is very considerable indeed, and I understand that some growers are facing ruin as a result of the smashing of their glasshouses by those storms. I ask the Chief Secretary whether the Government has any plans to assist the plight of these people and, if it has no such plans, whether it will be willing to receive detailed submissions on their behalf.

The Hon. A. F. KNEEBONE: The Minister of Agriculture and I have both had approaches from people regarding this matter. Indeed, this morning I was contacted by Mr. MacFarlane, Secretary of the Fresh and Processed Fruit and Vegetable Section of the United Farmers and Graziers of South Australia Incorporated, telling me of a meeting that would be held tonight, and suggesting that I should receive a deputation from those concerned, who would be attending tonight's meeting. I have agreed to meet the deputation, and I will listen with interest to the matters put before me. I will then consider what the Government can do to assist these people.

PORT AUGUSTA HOSPITAL

The Hon. A. M. WHYTE: Has the Minister of Health a reply to my recent question regarding the Port Augusta Hospital?

The Hon. D. H. L. BANFIELD: The provision of services in country hospitals is dependent upon the availability of the professional staff able to provide the services required. The country hospital system at present does not make provision for the employment of staff doctors or dentists, and consequently it is not possible to provide ophthalmological or dental services as a matter of course unless special arrangements can be made at the individual

hospital. At Port Augusta there is no ophthalmologist in practice and consequently special arrangements for the provision of spectacles cannot be made. A limited dental service has been provided by the Regional Dental Officer, School Dental Service, at Port Augusta since November, 1971, for pensioners holding a medical benefits entitlement card. The Regional Dental Officer has examined those pensioners who have been referred to him by local dental and medical practitioners and has established priorities. However, the demands placed on the service by the Australian School Dental Scheme will not permit any extension of the service. For the present, the service to pensioners can be continued on the basis of providing only the most urgent cases with treatment, but it cannot be expanded.

MANNUM LAND

The Hon. J. C. BURDETT: I direct a question to the Minister of Health, representing the Minister of Local Government. Can the Minister say what progress has been made in the acquisition of land in River Lane, Mannum, which acquisition was commenced in 1964?

The Hon. D. H. L. BANFIELD: I shall be happy to refer the honourable member's question to my colleague and bring down a reply.

CANCER CURES

The Hon. C. M. HILL: I seek leave to make a short statement before directing a question to the Minister of Health.

Leave granted.

The Hon. C. M. HILL: About a week ago reports appeared in the press and were made over the media concerning treatment of cancer in Victoria. Dr. R. Bean predicted that improved drugs would be used to cure all forms of cancer, and the headline in one newspaper read, "Success with three types of cancer". The newspaper report stated:

A vital world breakthrough in the cure of three types of cancer by drug therapy was announced today by a Melbourne physician, Dr. R. Bean.

My questions are these: is there, in the Minister's view, adequate inquiry or investigation taking place within his department regarding this matter; secondly, will the Minister give either his views or those of his departmental officers as to the worth of this suggested treatment?

The Hon. D. H. L. BANFIELD: The department is very interested in this report and anything that is a breakthrough certainly will be followed up by the department if it is proved successful or worth while. I am prepared to get a report from my officers in line with the question asked.

PETRO-CHEMICAL PLANT

The Hon. R. A. GEDDES: Recently I asked the Chief Secretary a question regarding the proposed petro-chemical plant at Redcliffs. Has he a reply?

The Hon. A. F. KNEEBONE: Caustic soda will be produced at Redcliffs by the use of diaphragm cells which obviate the type of pollution caused by their technological predecessor, the mercury cell.

The Hon. R. A. GEDDES: Has the Chief Secretary a further reply to the question I asked about the proposed petro-chemical industry at Redcliffs?

The Hon. A. F. KNEEBONE: Caustic soda will be produced at Redcliffs by the electrolysis of a brine solution. Separation of caustic soda from chlorine will be achieved through the medium of diaphragm cells.

ROAD TRAFFIC MARKINGS

The Hon. G. J. GILFILLAN: Has the Minister of Health a reply to my recent question about clear marking of median strips and kerbing?

The Hon. D. H. L. BANFIELD: After investigation of a number of alternative treatments, a standard method of delineating raised traffic islands and raised medians has been adopted by the Highways Department. This consists of the use of yellow paint, incorporating glass beads, painted on the kerbing of raised traffic islands and median nosings. This is supplemented by reflectorized white lines painted on the pavement leading up to and adjacent to the kerb. In addition, street lighting is provided to illuminate all raised traffic islands and medians. Black and white stripe markings have also been used by some councils to mark the kerb at the end of indented parking bays. It is considered that black rubber marks on the kerbs result in the main from motorists cutting in too close to the kerb, particularly when cornering, rather than from non-observance of the island or median.

BUSES

The Hon. A. M. WHYTE: Has the Minister of Health a reply from the Minister of Transport to my recent question about the width of Municipal Tramways Trust buses?

The Hon. D. H. L. BANFIELD: Buses operated by the M.T.T. are 8ft. 6in. (2·59 m) in width and are, therefore, only 3½in. (88·9 mm) wider than the maximum width permitted of other vehicles using the road system, and not 8in. (203·2 mm) as suggested by the honourable member. The decision of the M.T.T. to use 8ft. 6in. wide buses was taken in 1954 after a detailed investigation was undertaken by the trust in conjunction with a firm of transport and traffic consultants. The Government of the day accepted the recommendation which emanated from this investigation and accordingly gave approval for permits to be issued to the trust to operate buses of this dimension. The current position on this matter is that within the transport industry there is no generally accepted standard so far as bus dimensions are concerned, either within Australia or internationally. There is, however, a marked world-wide trend for the size of buses to be increased. My colleague the Minister of Transport has mentioned to me that while he was recently overseas the increased width of town service buses was quite noticeable. The reason for this trend can be attributed apparently to the better use such wider vehicles make of the available road space for each passenger carried. At the same time the extra width allows freer movement of passengers within the bus, and on town service operations this aspect assists considerably in the loading and unloading precedures *en route*. Of course, on longer distance services this particular factor is not so critical and accordingly permits for the use of wider buses for longer distance operation have not been issued. To answer the last part of the question, I can say that for the reasons I have already given the trust is continuing to purchase buses of 8ft. 6in. width, which have proved so successful in town service operations in the past.

NATIONAL SONG

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking a question of the Chief Secretary, representing the Premier.

Leave granted.

The Hon. M. B. DAWKINS: All honourable members are aware that there was recently a competition in which a number of new songs were evaluated as possible national songs, and it was found that none of them measured up to the standard required. We have been told that the

selection of a national song has been narrowed down to *Waltzing Matilda, Advance Australia Fair*, and the *Song of Australia*. Recently the Premier was kind enough to inform me that he would take up the matter of a national song with the Commonwealth authorities and draw their attention to local support for the *Song of Australia*, and I have no reason to doubt that he did that. However, I was astounded on one recent formal occasion, organized by a Government department in this State, to hear the dirge-like strains of *Advance Australia Fair* as the official song in South Australia. That song might not be inappropriate if it were played at a funeral. Will the Chief Secretary ask the Premier whether he can assure the people of this State that the use of this song was an oversight and was not the result of dictation or persuasion from Canberra?

The Hon. A. F. KNEEBONE: I was as much surprised as was the honourable member. In fact, I jumped to attention because I thought that we were going to hear *God Save the Queen*. My own feelings lean towards the *Song of Australia* as our National Anthem: perhaps the words could be altered a little to make it a better anthem. However, I agree with the honourable member and will refer his question to the Premier.

REFLECTORIZED NUMBER PLATES

The Hon. C. M. HILL: Has the Minister of Health a reply from the Minister of Transport to a question I asked recently concerning the introduction of reflectorized number plates in this State?

The Hon. D. H. L. BANFIELD: This matter was looked at in depth some time ago but, in view of the relatively high cost of reflectorized number plates and because of their uncertain value in delineating vehicles at night, it was decided not to proceed with a scheme requiring compulsory fitting.

PETROL

The Hon. M. B. DAWKINS: Has the Chief Secretary a reply to the question I asked on October 3 regarding the availability of petrol supplies in the Eden Valley area and the possible cancellation of an outlet there?

The Hon. A. F. KNEEBONE: The matter of the closure of the petrol outlet in Keyneton was taken up with the oil company concerned and, as a result, closure will not now take place. The company had not appreciated that an acceptable alternative outlet was not available. The oil companies met on October 10, 1973, and arranged that, in future, country closures will not be made unless there is an acceptable alternative site for the convenience of motorists. Where there are few outlets in a country area, then the companies supplying the alternative outlets will be notified of the intention to close in case other companies are considering taking similar action in that town. The honourable member may also be interested to know that the number of retail petrol outlets has fallen from 2 046 at December 31, 1972, to 1 989 outlets as at September 30, 1973. Of these 66 closures, 19 were company owned metropolitan sites.

MONARTO TREES

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

Leave granted.

The Hon. C. R. STORY: Recently, in a radio programme, it was mentioned that the Government intended to plant 1 000 000 trees in the new city of Monarto during the next few years and prior to the actual development of the city. The radio programme also stated that the trees were to be propagated in the Upper Murray and that the services of the local forester would be used. For many years I tried to get the services of a forester for that area, and finally accomplished it after much trouble. There is a nursery in the area, too. However, there is a large quantity of good red gum timber, as a result of the 1956 and 1964 floods, which has been grossly neglected by not being thinned. I believe that the job of a forester in that area and the job of the Minister of Forests is to ensure that sufficient people are made available to thin these stands of irreplaceable red gum. No doubt the trees could be transplanted. Will the Minister have a close survey made in this regard, as many people who draw social services from the Commonwealth Government could be gainfully employed with an axe, under the supervision of a qualified forester? Will the Minister study this aspect of Upper Murray forestry?

The Hon. T. M. CASEY: I shall be happy to comply with the honourable member's wishes.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (QUEENSTOWN)

Adjourned debate on second reading.

(Continued from October 18. Page 1328.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The Bill amends section 41 of the Planning and Development Act. I wish to begin with a statement the Premier made at a dinner given recently in honour of Sir Mellis Napier. The Premier said:

> The rule of law is the bedrock of our society.

I believe that every honourable member would agree with that statement. Prior to the introduction of the Bill, the Premier quoted from a letter he addressed to Mr. K. C. Steele, as follows:

> If the legal action commenced by your company should succeed in the courts eventually, the Government would introduce an amendment to the Planning and Development Act to support its planning decision.

I think that that statement is one with which honourable members should be concerned: it means, in effect, that, in the normal process of law, if a litigant was successful, then the Act would be changed so that he would not be successful. In his second reading explanation, the Chief Secretary said:

> It arises from the disturbing events that have surrounded the proposed establishment of a regional shopping centre at Queenstown by Myer Shopping Centres Proprietary Limited. The attempted misuse by the Port Adelaide council of its powers under section 41 of the principal Act (which provides for interim development control) cannot be countenanced by the Government or by this Parliament, which enacted the provision and laid down the guidelines for the exercise of the powers that it confers. When the Port Adelaide council purported to grant consent to Myer's application, it had already submitted its proposed planning regulations to the State Planning Authority, after they had been publicly exhibited and objections had been heard. On February 15, 1972, the State Planning Authority approved these regulations, which showed the Queenstown area as a residential zone R2 (zoning that was in accord with the 1962 Metropolitan Development Plan . . . At the present time the validity of this purported consent is the subject of proceedings in the Supreme Court.

I am concerned at, first, the strength of the language used against the Port Adelaide council, namely, the attempted misuse by the Port Adelaide council of its powers under section 41, and secondly, the strength of the language used against the Myer organization. I am not very concerned about Queenstown or West Lakes in this argument: what I am concerned about is that this legislation is blatantly retrospective. Not only does the Bill attempt to

invalidate the consent, which is the subject of court proceedings, but it also invalidates other consents that have been given. Irrespective of whether in the Government's opinion this is a misuse of power by the Port Adelaide council, I believe that the retrospective invalidation of consents that have been given should be a matter of grave concern to honourable members.

The Hon. G. J. Gilfillan: It's certainly an abuse of power.

The Hon. R. C. DeGARIS: I am sure that this matter should concern all honourable members. I have tried to ascertain, as accurately as possible, the sequence of events and the approvals that have already been given on the whole question of the Queenstown development. I find that, on September 17, 1970, Queenstown was approved, in principle, by the Port Adelaide council. On March 13, 1972, agreement was reached between the council and Myers, and the council agreed to do everything necessary to close roads in the Queenstown site. On April 10, 1972, the road closure agreement was sealed by the council. On October 10, 1972, the council made an order discontinuing roads and selling them to the Myer organization. On December 21, 1972, the Government proposal for the road closure for Queenstown was gazetted by the Surveyor-General, and the Governor's approval was given and gazetted for the closure of roads in the Queenstown site.

On June 10, 1972, the council granted a town planning permit to the Myer organization. On June 30, 1972, the Town Clerk notified Myers that consent had been granted. On June 19, 1972, the full council confirmed the minutes of the meeting at which the consent had been granted. Irrespective of all the arguments that may be advanced (as the Chief Secretary's second reading explanation does) that there had been an attempted misuse by the council of its powers under section 41 of the Planning and Development Act, the Bill is still blatantly retrospective in its effect. Clause 3 of the Bill provides:

Section 41 of the principal Act is amended by inserting after subsection (7) the following subsection:

(7a) For the purpose of resolving any doubt as to the effect of subsection (7) of this section (in cases arising either before or after the commencement of the Planning and Development Act Amendment Act (No. 2), 1973) it is hereby declared that where there is an authorized development plan in force in relation to land that is subject to this section, this section requires, and always has required, the Authority or a council in determining whether to grant or refuse its consent under this section to make a decision that is not at substantial variance with the provisions of the authorized development plan as in force when the decision is made.

The words "and always has required" make this legislation retrospective to its inception in 1966-67. Section 41 (7) was introduced in 1966, and was finally passed in the autumn session of 1967; it was then amended last year. It originally provided as follows:

Before granting or refusing its consent to any matter referred to in subsection (5) of this section, the Authority or council shall have regard to—

(*a*) the provisions of the Metropolitan Development Plan:

(*b*) the health, safety and convenience of the community within and in the vicinity of the locality within which the land is situated;

(*c*) the economic and other advantages and disadvantages (if any) to the community of developing the locality within which the land is situated; and

(*d*) the amenities of the locality within which the land is situated.

The Act was amended last year, so that subsection (7) now provides:

Before granting or refusing its consent to any matter referred to in subsection (5) of this section, the Authority or council shall have regard to—

(*a*) the provisions of any authorized development plan;

(*b*) the health, safety and convenience of the community;

(*c*) the economic and other advantages and disadvantages (if any) to the community of developing the locality within which the land is situated; and

(*d*) any factors—

(i) tending to promote or detract from the amenity of the locality in which the land is situated, the conservation of native *fauna* and *flora* in the locality or the preservation of the nature, features and general character of the locality;

or

(ii) tending to increase or reduce pollution in, or arising from, the locality in which the land is situated.

Therefore, when it begins to consider this matter, a council must have regard to factors other than the original Metropolitan Development Plan, and those other factors are detailed in section 41 (7). If the Bill is accepted, can any honourable member or Minister explain to the Council the position of every other development that has taken place in South Australia since the Metropolitan Development Plan was introduced in 1962 or of any other development since the inception of the Planning and Development Act?

This amendment really says that a council will take into account only one factor: that it shall not vary substantially from the original development plan. If this Bill is passed, because of its retrospective effect, every development that has taken place (and I refer to shopping centres or other large developments in this State) will have breached the Act. I am certain that, if one examines this matter, one cannot answer adequately the questions I have asked regarding the future position of every other development in South Australia if the Bill passes unamended.

At present, councils administering interim development control in South Australia know where they stand, and they take the Metropolitan Development Plan into consideration as one of the factors involved. There are other factors, referred to in section 41 (7), to which the council shall have regard, one of which is the development plan. This Bill will make councils uncertain, in substitution for their present certainty. There can be a tremendous area of disagreement if the only factor to be taken into account is the original plan. I refer, for instance, to what is "substantial variance" or "substantial compliance". A whole range of legal arguments will develop, and this changes the intent of the provision retrospectively to 1966-67.

One could discuss many other matters regarding this legislation. One could no doubt look at the position of Myers and West Lakes, and the promises that have been made to both organizations. However, I do not know whether that would get us very far in this type of discussion, as one thing to which I object strongly in the legislation is that it is retrospective, containing as it does the words "requires, and always has required". That makes the legislation retrospective, which is my major objection.

I do not want to be drawn into an argument whether the Queenstown or the West Lakes proposals are good or bad; nor do I want to be drawn into an argument that, if the Queenstown proposal proceeds, the West Lakes programme will be seriously hindered, or vice versa. However, I say that the process of law should be allowed to

take its course and not be interfered with by retrospective legislation of this type. It is a dangerous precedent to change the law and so permit the Government or anyone else to undermine an investment that one group has made. Although that investment may or may not have been within the existing law, at least that should be allowed to be determined, and that process should be allowed to proceed unhindered. Many side issues and many arguments could be introduced into this debate, but I do not intend to touch on them. To me, this Bill contains a matter of principle, and I object to it on the grounds of its retrospective application.

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

COMPANIES ACT AMENDMENT BILL

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

POLICE OFFENCES ACT AMENDMENT BILL

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

ELECTORAL ACT AMENDMENT BILL (COMMISSIONER)

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

URBAN LAND (PRICE CONTROL) BILL

Adjourned debate on second reading.

(Continued from October 18. Page 1324.)

The Hon. C. M. HILL (Central No. 2): Initially, I shall make four points in this debate. First, I oppose this Bill. I believe, on reading it and on studying it as best I can, that the Government expects Opposition members in this place to oppose it. The way in which the matter has been brought forward, the fact that the Bill has been prepared in such a way, and the publicity and general propaganda that have preceded the measure into this Council lead one to the conclusion that the Government is hopeful that the Bill will be rejected by this Council; it believes that some political advantage will be gained by it from such rejection.

On reading some of the publicity that has preceded the measure, particularly statements attributed to the Premier, we see this point emphasized. The *Sunday Mail* contained a paragraph under the heading "No retreat on land—Dunstan", and the Premier was reported to have said certain things, speaking of the Upper House, saying that some people close to this general real estate problem had been making representations to their members. The article states:

"Their motive is obvious", he said. "They want to prepare the ground so that the reactionaries in the Legislative Council can reject the Bills or water them down to suit the big speculators."

If by "big speculators" he meant the subdividers operating in this State, that is a strange statement, because the question of subdivision was not even contained in the Bill at that stage. However, that is typical of the propaganda he has given out: it is typical of him to call members of this place reactionaries. Further on, the article states:

The Premier said he wanted it clearly understood his land price control proposal had been put specifically to the people at the March elections.

In a few moments I shall read the exact wording of what was put to the people by the Premier before the March elections on the question of urban land sales control. The article continues:

"They voted for it overwhelmingly," he said. "The Government will brook no interference in carrying out the mandate it has been given."

There is no doubt in my mind that the issues of land, of speculators, and of land prices are being blown up by the present Government as a political issue, and I think it has introduced this Bill and worded it in such a way that it expects members on this side to oppose it.

My second point is to disclose fully my own interest and my knowledge of and experience in real estate affairs. I do this because in this Council, as in all second Chambers, those with specialized knowledge should be quite free (indeed, the Constitution implies that they can be quite free) to give of their knowledge for the consideration of other members and for the benefit of the Council.

For the same reason, when matters concerning agriculture are introduced in Bills in this Chamber I listen intently to the opinions of those with specialized knowledge of that subject, and when it comes to questions of trade unionism I listen attentively to those with specialized knowledge of that matter—and so one could go right through the various vocations and professions in which members of this place have been involved. It is quite proper that, when Bills are introduced about matters of which they have an intimate knowledge, members should disclose that knowledge and provide the Council with as much information and background as possible.

Thirdly, I firmly believe that people at large do not approve of the type of control written into this measure. People look on land and houses, unlike other assets and chattels, as something basic to them and to their way of life. They are gradually accepting the ever-increasing area of legislative control and Government restriction being imposed on them, gradually accepting that such controls, to a certain degree, are inevitable; but when it comes to interference by a Government with their land or their houses they say, "Don't touch my property." Whether this has a psychological basis in the old saying that a man's home is his castle or whether it is something inbred in the way of life of South Australians, I am not certain, but I believe that, when Governments interfere with people's property, those people react and object very strongly.

The fourth point in these preliminary remarks is that I repeat what I said when the land commission legislation was before us: young married people should have land to purchase at reasonable prices if they wish to do so. That surely is the reason for the Land Commission Bill, which in some ways is associated with this Bill. That is the very reason why it was introduced. I totally support a land commission set up under the conditions and in accordance with the requirements I mentioned in the debate on the Bill. Whether or not it will result in young people obtaining cheaper land I do not know, and no-one will know until the commission gets under way. I supported the Land Commission Bill in the hope that it would help young people to get cheaper land.

In supporting that approach to the question of land prices in South Australia for people in the lower and moderate income groups, I see no reason for continuing with this Bill as well. The Chief Secretary's explanation of the Bill was fairly brief, but it was easy to follow, except for the following sentence:

No consent is required for the sale of newly subdivided blocks.

Perhaps that sentence was included in a speech made in another place but, because the Bill was amended considerably in the latter part of its passage through another place, I believe that that sentence should be erased from the

Chief Secretary's explanation. As I understand the Bill, consent is most certainly required for the sale of newly subdivided blocks.

The Hon. A. F. Kneebone: I think you are right. I was a bit surprised myself when I read that sentence.

The Hon. C. M. HILL: I suppose that this sort of thing happens sometimes. Part I of the Bill deals with definitions. Part II deals with administration, the appointment of a Commissioner of Land Price Control, and with the setting up of the Land Price Tribunal, which will act as an advisory body to the commissioner and also as an appeals committee. Part III deals with the control of the price of urban allotments, which are divided into two categories: first, land that has been subdivided or resubdivided and, secondly, the individual allotment that has already been sold.

Part III deals also with the question of a control period, starting on May 16, 1973. It also provides a list of exemptions from the need to obtain the Commissioner's consent. Further, it provides some guidelines for the Commissioner to apply when he fixes a reasonable margin of profit for subdividers. Part IV deals with the control of the prices of new houses. Some categories of new house are brought under these controls not only in regard to their sale price but also in some instances in regard to their rental.

Part V deals with the machinery for appeals. The final appeal is to the tribunal, and I cannot help wondering whether, in a democratic State, a further appeal to one of the courts ought to be provided. Part VI contains miscellaneous provisions and the methods by which solicitors and licensed land brokers can help the Government to police the legislation. In this Part we can see the situation in which solicitors and licensed land brokers may find themselves if they make mistakes, even genuine mistakes, and we can see the penalties involved.

In explaining why I oppose the Bill, I wish to refer, first, to the mandate that the Government claims it has for the introduction of this measure. I realize that the whole question of a mandate is very broad, and it is therefore only sensible to deal with it in its overall form. Every honourable member will accept that a person who votes for a Party at an election does not necessarily agree with every detail in the platform or campaign speech of that Party. In his policy speech prior to the last election the Premier said:

> Labor will keep the price of land down. We will not in South Australia allow metropolitan land prices to escalate as they have done in Sydney, Melbourne and Perth. In conjunction with the Commonwealth, land will be purchased, subdivided and placed on the market by Government authorities to ensure an adequate supply of land at a reasonable price. If this measure does not halt the escalation, price control of land will be introduced. We will peg prices at a specific date and allow thereafter only increases in value through development costs and changes in general monetary value.

The Premier can most certainly claim that he has a mandate for the Land Commission, but can he, in all reasonableness, claim that he has an immediate mandate to introduce this Bill before the Land Commission has been set up; indeed, before the Land Commission Bill has been passed by Parliament? I repeat the following sentence from the Premier's policy speech:

> If this measure does not halt the escalation, price control of land will be introduced.

If this is not beating the gun, I do not know what is, yet the Premier has said in the press that the Government will brook no interference in carrying out the mandate it has been given. However, the fact is that the Government has not been given a mandate for the Bill now before us. If the Government can come back in the future and show that it has set up a land commission and that the commission has failed to accomplish its task, the Premier is on firmer ground, but that time has not yet been reached. So, I disagree with the Government's view that it has a mandate for this Bill.

I turn now to my second reason for opposing the Bill. In this connection I call upon my experiences during the early post-war years. If this Bill passes in its present form a black market in land will develop; that is unavoidable. The years during which I first set myself up in business were extremely worrying years, because of the whole question of black marketing. I do not believe that the Government wants to introduce legislation that will give birth to this kind of dealing between people. This kind of real estate market makes bad men out of good men. This matter was worrying when I first set myself up in business, but it will be a great deal worse in the future. In the days immediately after the Second World War the standards of moral conduct and behaviour were much stricter than they are today, and the whole question of honour and principle in one's life was different from what it is now.

The Hon. T. M. Casey: What is the difference?

The Hon. C. M. HILL: One reason is that we are living in a greatly changed world; we are living in a world where our leaders say, "If you do not like the law and if your conscience directs you not to like the law, you break it."

The Hon. A. F. Kneebone: But you suffer the consequences!

The Hon. C. M. HILL: I am not denying that. Is the Minister saying that his Government does not care if a black market in land develops?

The Hon. A. F. Kneebone: I am not saying that.

The Hon. T. M. Casey: Do you think real estate operators have that philosophy?

The Hon. C. M. HILL: Let us not start on that, because if you want to create mischief you will keep going along those lines

The Hon. T. M. Casey: Yes, but it is a touchy point.

The Hon. C. M. HILL: I do not wish to pursue that argument, but there are good and bad in all situations. I will leave it at that.

The Hon. T. M. Casey: I think you'd better.

The Hon. C. M. HILL: I need not leave it there at all. If the Minister wishes to make these claims, let him get up and make them.

The Hon. T. M. Casey: No. You're the expert!

The Hon. C. M. HILL: No; you are, because you know everything. At least you think you do.

The Hon. T. M. Casey: No I don't.

The Hon. C. M. HILL: Well, let the Minister get up and state who the bad men are in business, but he will not. Instead, he is trying to make mischief with interjections.

The PRESIDENT: Order!

The Hon. C. M. HILL: If we do not have community interests in mind, and if we wish to create more black market practices than there were 25 years ago, then the way to do it is to allow the Government to proceed with this Bill. I lived through the previous black market period and tried to establish my business under such conditions. There were many times when I was tempted to give it up. Therefore, I believe this is a bad Bill that will encourage black marketing in land and will encourage

people to break the law. Any Bill or Act that does that is bad: there is no argument against that.

Thirdly, I oppose the Bill because at present in South Australia there is a levelling out of real estate values: I know this from personal experience. This levelling out process will, I believe, continue for at least the relatively near future, but that is as far forward as I dare forecast. The very problem that the Government believes it has to overcome by using this measure either does not exist or will not exist to the same degree as the Government's expectation based on the history of escalating costs in the last 12 months. Recently I have had personal knowledge of actual property sales that have occurred; not valuations, which are opinions, but—

The Hon. T. M. Casey: Actual sales within your own business and which you know of personally?

The Hon. C. M. HILL: One sale was in my own business.

The Hon. T. M. Casey: Only one sale?

The Hon. C. M. HILL: A few days ago when an auction was held on behalf of a trustee company, the property realized a much lower figure than I expected and, more importantly, the big property speculators who have been attending sales and buying property hand over fist in the last 12 months dropped out of the bidding at relatively low figures. The house was not sold to one of those speculators.

The Hon. T. M. Casey: To what do you attribute that?

The Hon. C. M. HILL: One reason is the financial controls that are being exercised by Canberra. Many speculators who forced the price of real estate up in the past are now out of the market because they cannot afford to pay the current interest rates. Also, many people have doubts, because of economic policies coming from Canberra, as to whether it is wise to continue purchasing properties at the previous level. If the Minister and officers of the Lands Department have a close look at the market over the last four or five weeks they will be agreeably surprised at the way prices are levelling out and may even be turning down.

The Hon. A. F. Kneebone: You don't agree that this is a result of the action the Government is taking with these measures?

The Hon. C. M. HILL: The warnings that were given earlier did have some effect. I cannot deny that, but I can see no reason why land prices should soar again. Therefore, there is no need for this legislation.

The Hon. T. M. Casey: Are land prices levelling out in other States like they are in this State, or are they still going up?

The Hon. C. M. HILL: I have not received reports from other States in recent weeks. I would be guessing if I tried to answer that.

The Hon. T. M. Casey: Surely you have some idea?

The Hon. C. M. HILL: Based on the worries people have throughout Australia and the limitations being imposed on business activity by financial and economic controls, I should think the picture could be much the same in other States, but I do not have figures to substantiate that.

The Hon. T. M. Casey: People from Queensland recently told me that prices were still rising there, particularly on the Gold Coast.

The Hon. C. M. HILL: If the Minister believes that that report was reliable he is entitled to hold that view. Fourthly, I oppose the Bill because of the manner in which it deals with the whole question of subdividers. In his second reading speech the Minister said that the Government intends to introduce controls of a selective nature which will not disrupt plans of subdividers to produce new allotments. That is absolute rubbish when one reads the Bill, because the controls are there in clause 14 (*b*) (i) and clause 17 (3). The Minister cannot deny that those controls are there and will result in subdividers subdividing less land.

It is a fact of life that whether we like or dislike subdividers we need them to supply building blocks: I do not think the Government would deny that. By controlling subdividers, as this Bill does, there will certainly not be a continuing supply of building blocks on the market. In fact, there will be a much smaller supply and, indeed, a dropping off of building blocks that have traditionally been supplied by big subdividing firms in South Australia. Many of these interests are closely associated with some of the large finance companies. These people will simply go to other States and carry out their operations there. Honourable members are aware of some of these finance companies, which started in this State and which are now national companies. Naturally, they will not proceed to outlay millions of dollars, as some have to do, on some of these subdivisional projects if they do not know at what price they will be able to market their land when it is eventually subdivided.

The Hon. Sir Arthur Rymill: I think they do know the price, because the rate of increase allowed is 7 per cent. Inflation is running at 14 per cent, so that guarantees them a loss.

The Hon. C. M. HILL: Yes, but they are not fortunate enough to come within the 7 per cent, which at least is marked down and known. Although the Bill provides that the Commissioner must provide them with a reasonable profit, who will assess that figure?

The Hon. Sir Arthur Rymill: That is in money symbols, and not in real value.

The Hon. C. M. HILL: Yes.

The Hon. T. M. Casey: Would you like to put a figure on it?

The Hon. C. M. HILL: I am talking about large operations and companies, as the Minister would agree. The Minister knows, for example, that these companies might initially make between 20 per cent and 30 per cent profit, half of which would go in taxation. The Minister also knows that all the little people who have interests in these companies ought to be paid about 10 per cent in dividends, and the companies must set aside some percentage for reserve. So, even with between 20 per cent and 30 per cent profit, there is not much of this unknown quantity, that is, this money that has been taken from the poor, about which we hear so much rubbish. The interesting point is that this is the kind of reasonable profit the big people will be allowed, whereas the little people about whom we hear so much will be pegged down to 7 per cent, less the cost to sell the land. Ultimately, they will come out with no profit at all.

The Hon. T. M. Casey: Who are these little people?

The Hon. C. M. HILL: The man in the street who marries and hopes to build a house. In the interim, he rents a flat, and his wife also works. He saves up and hopes one day that they can build on a block. If these people find building costs too high, they will have to give up their plans to build. If they find that they can buy an old house in some suburb close to the city and renovate and restore it, they will find that, when they sell their land (if bought after May 16) on the open market, they will not be able to do so. They will be worse off than the big speculators in the Government's eyes, taking into

account the 7 per cent profit, less all the costs and so forth. That is what will happen to the people I call the little people.

The Hon. Sir Arthur Rymill: It will guarantee a loss again.

The Hon. C. M. HILL: Yes, so how can the Government say that the Bill protects the little man and is opposed to the big interests? How the Government can accuse the Opposition of representing the big interests and forgetting the little man, and still expect us to pass the Bill, I cannot fathom.

The Hon. T. M. Casey: You represent the little man, not the big one?

The Hon. C. M. HILL: I represent them all as best I can. A problem the State will have to face is that a great deal of business capital and expertise, business men and their families will transfer to other States if this measure is passed in its present form.

The Hon. A. F. Kneebone: Some time ago we heard about the tradesmen leaving the State, too.

The Hon. C. M. HILL: I should like to know where they have gone; they are not here now.

The Hon. A. F. Kneebone: It's the development that has occurred here which has created the shortage; not because tradesmen have left here.

The Hon. C. M. HILL: I do not know so much about that. The fifth reason why I oppose the Bill is contained in the point I was making a moment ago. I was trying, quite logically, to compare a person who has a single building block and who is restricted to a 7 per cent profit to the big investor who is entitled to claim and who seeks what the Bill claims as being a reasonable profit. Not only is the smaller person restricted in that way, but there are many other problems which, if we are realistic and logical in our approach, will arise as a result of control of this kind. Take, for example, the case of two people who work on the same bench in a factory, one of whom bought a block of land last April, the other of whom bought a block in the latter weeks of last May. If they want to sell their land at any time, one will be controlled and the other will not be controlled, and people in the outside world will not accept this situation. This may be all right in theory, but it will not work in practice.

The sixth reason why I oppose the Bill is that I object to the control on new houses. If a person owned a block of land for the last 20 years (not since the proclaimed date or within the proclaimed period) and suddenly decided to build a house on it, he could not sell that completed house or partly-built house without the Commissioner's consent. Yet the intent of the legislation is to prohibit inflation on land bought after May 16.

The Hon. A. F. Kneebone: To stop some of the black marketing to which you referred.

The Hon. C. M. HILL: I cannot follow the Chief Secretary's reasoning.

The Hon. A. F. Kneebone: Control on the sale of houses that have not been lived in for a year, so as to stop black marketing.

The Hon. C. M. HILL: I will deal with that point in a moment. Surely if controls on these houses are to be imposed, they should be imposed on houses built on land purchased after May 16. Reverting to my example of the two men working on the same bench, if they both had held their land for 20 years and one happened to build a house on his allotment, he must sell subject to control, whereas the other man could sell his land on the open market without control. Yet the legislation deals with the control of land prices. I ask the Chief Secretary to study this matter carefully. I think the Government probably intended that control on houses should apply to houses built on land purchased after May 16, but that is not so in the Bill. I think, therefore, the principle is that it takes the whole measure right out of the scope it was intended to cover, namely, land values and prices when the land was purchased after May 16. I now touch on the question the Minister raised about black marketing.

The Hon. A. F. Kneebone: Control on the prices of houses.

The Hon. C. M. HILL: The Government believes that, by introducing control on houses (and let us assume that the block might have been bought since May 16), the control is being applied, because it believes that someone who has bought a block of land since May 16, instead of being caught in the net by the Bill, might run away, build a house on the block, and so escape the provisions of the Bill.

The Hon. A. F. Kneebone: Take a further point that he is charged substantially higher than the building costs, so that he will get it on the house instead of on the land?

The Hon. C. M. HILL: I see what the Minister means. I want now to return to a more simple situation than that. Surely, the person involved is faced with the problem, first, of borrowing money at an interest rate that varies at present from 9¾ per cent with banks to about 15 per cent with finance companies. He is faced with borrowing $12 000 or $15 000 at that kind of interest and, secondly, he is faced with all the risks of selling on the house market. He is also faced with a six-month to eight-month period of uncertainty, with all the worries that people encounter today when they want to build a house. If the Minister believes that people will try to do that, and run that financial risk and that gauntlet simply to escape the provisions of the Bill, he is being unrealistic.

I can understand how the theorists will look at the matter in this manner. However, I know the risks involved when people build these houses, and people would not face up to this, even if they could. Many lending institutions will not now accept an application for a loan, yet these people are being ensnared by this measure. This seems ridiculous to me, and this is another reason why I believe the whole matter of control of houses is completely unnecessary. There is so much contradiction in it, and it goes back so far regarding the original purchase of land.

I also oppose the Bill because for 25 years heads of departments involved with the development and construction of the State's services, particularly the heads of the State Planning Authority, and so on, have been crying out, "We want development. We do not want to see all this vacant subdivided land. We want housing." This cry has been continuing year after year, and there has been much merit in this approach. Even the amendments to the Planning and Development Act have specifically laid down the right of the Director to refuse consent if there is not sufficient development between the older developed areas and the new subdivision sites. In other words, the departmental heads want to feed their service extensions and lines not way out into open spaces but simply from settled and built-up areas into adjacent areas.

Although the cry has been for development, the Government now says, "We are not going to allow these people to build houses, but if they do we will peg their prices and make them go through all this red tape and control machinery before we tell them the price at which they can sell their house." We ought to be throwing our hats into the air if people are building houses instead of dealing in land. Everyone has agreed with that, yet this measure does not encourage that kind of approach at all. Indeed, it is quite contrary to it.

The next reason why I oppose the Bill is that, whereas it provides that certain areas are within the proclaimed area and are affected by this Bill, clause 5 (2) provides that, by proclamation, any area can immediately become involved. As I read the provision, it does not limit it to metropolitan Adelaide: it means that any country town, regional city, or, indeed, any region of the State whatsoever where there is housing development that can be deemed to be urban development, can, by proclamation, be covered by the Act. I do not believe the people know that this is the kind of Bill the Government has introduced. The Government has talked about these suburbs and areas close to Adelaide where there is expansion, fringe development and so on, but under clause 5 any area of the State can become involved.

The next reason why I oppose the Bill is that it places unjust responsibilities on solicitors and licensed land brokers to police this work, to supply the necessary declarations, and to make the required inquiries to ensure that exemptions apply and that the consents and so on are in order. Why should the people in private practice act as the policing authority for any Government department?

In the earlier days to which I referred, when the Commonwealth Government administered this legislation, people in private practice were not involved, under pain and penalty of the law, to carry out all investigations. This job was done by departmental officers, and it was simply a matter of one's applying to the department for consent. The inquiries were then done by whom they should always be done: the public servants themselves. However, under this Bill solicitors and licensed land brokers are being dragged into investigations, in my view unfairly indeed, and I will not have a bar of a Government proposal that causes people in private practice to act as policemen in this regard.

The worst features of the Bill are clause 18, which deals with land, and clause 22, which deals with houses. The Bill encourages malpractices and what I would call "pimping" by purchasers of land and houses. Because of the way the Bill is worded the purchasers of land and houses that come within this control can become involved in the transaction by some form of improper practice. In the case of land they can obtain a transfer, and in the case of houses a transfer and possession. Then, within specified periods, they can return to the authorities and obtain from the vendor the difference in cash between the Commissioner's approved price and their purchase price; they retain possession of the land or the house and then, when action is taken by the law because of malpractice, they cannot be charged. However, the vendor and the solicitor or the licensed land broker can be charged.

If we want to set up citizens like this, if we want to encourage some of the crooks in the community (and I have stated before that there are such people in any field) to join with the authorities by that type of machinery, I will not have a bar of that, either. If offences under the Act occur they should be policed and investigated properly, and justice should be done. But most certainly justice should be done to all parties concerned. In my view the purchaser in the example I have given should not retain the land or the house and most certainly should be charged on the same basis as the vendor and the other parties. For those reasons I oppose the Bill. In conclusion, I repeat that, if the Government works through the Land Commission and at least tries to produce building blocks at lower prices than those available on the market at present, and if it can achieve that, the Government has satisfied its aim. In those circumstances the Government would be deserving of credit.

As I said when the debates commenced on the whole question of land prices and control, land prices in the past, especially for young people, have been too high and the Land Commission which the Government is endeavouring to introduce, and which I hope ultimately it will introduce, in my opinion is the best and most proper means by which the situation can be corrected. I hope it will, but it will be a black day for this State if the Bill before us ever becomes law.

The Hon. J. C. BURDETT secured the adjournment of the debate.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 18. Page 1326.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, a measure designed to bring up to date in many ways the Savings Bank of South Australia Act and also to provide for officers of the bank a better system for appeals in connection with promotion and appointments. As the Minister said, this measure was foreshadowed last year when the Council dealt with a somewhat similar series of amendments to the Act covering the State Bank of South Australia. I have had an opportunity to look through the Bill and it is quite an unexceptionable measure in many ways; there does not seem to be anything that would create any difficulty. I welcome the provision for the establishment of a classification committee for Savings Bank officers and also an appeal tribunal in connection with any disciplinary matters that might arise from time to time. Fortunately, we do not have a great number of these occurring, but I see no reason why the members of the Savings Bank should not enjoy the same system of appeals against disciplinary action, promotions, or appointments as exists for the State Public Service.

Some people might say that the appeals system is rather elaborate, and perhaps from an outside point of view it would be regarded as unnecessary, but the idea of having the appeal tribunal in the one instance and the classification tribunal in the other has been well established in the Public Service and, since the Public Service Act was amended some years ago to set up this type of administration, complaints have diminished by people in the Public Service who thought their interests were perhaps not being fully looked after. This situation is unknown in private industry, but the Public Service, the State Bank, and the Savings Bank, which are largely Government concerns, dominated by Government policy, are quite entitled to have these provisions incorporated in their respective Acts. If they are incorporated they affect people who would be fairly called in industrial circles people engaging in a career industry. Because it is a career industry some security of tenure and some method of appeals against promotions and appointments (except to the most senior positions) are required.

That is mainly what the Bill is all about, except in one or two instances where opportunity has been taken to remove some old provisions, such as having to give notice to withdraw $200. These have been eliminated from the Act. I have looked at the Bill most carefully and I can recommend to honourable members that they support the second reading.

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

ADJOURNMENT

At 4.2 p.m. the Council adjourned until Wednesday, October 24, at 2.15 p.m.