LEGISLATIVE COUNCIL

Tuesday, October 30, 1973

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

QUESTIONS

MINING LEASES

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to my recent question about mining leases?

The Hon. A. F. KNEEBONE: The Mining Act does not define water as a mineral, so it is not necessary for a person to have a mining lease before he can pump water from a bore. However, if the person desired to obtain the water for the purpose of recovering any metal, metalliferous substance or mineral contained therein, the operation would be "mining" as defined in the Act, and require a mining tenement.

DENTAL HOSPITAL

The Hon. M. B. CAMERON: Has the Minister of Health a reply to my question about the waiting list at the dental hospital?

The Hon. D. H. L. BANFIELD: When patients' names reach the top of the waiting list, the patients are sent a card informing them of the date and time of an appointment made for them. The number currently on the waiting list for dentures is 6 429. However, not all of the persons on the list still require treatment, as it is found in practice that many of them obtain treatment elsewhere when informed that the waiting time may be long. The number still on waiting lists for dentures for each year since 1965 are as follows:

Year	Names on Waiting List
1965	178
1966	442
1967	535
1968	583
1969	1 056
1970	590
1971	1 202
1972	909
1973	934

In connection with these statistics, it is again stressed that many of the persons would no longer require treatment. If a person whose name has been on the waiting list for some time inquiries about the likelihood of obtaining treatment, the need is reassessed. I inform the honourable member that 709 persons were added to the waiting list for dentures during the last six months. There is no waiting list for repairs, as they are dealt with promptly. The numbers of dentures supplied and repairs, etc., completed in the last six months are as follows: full dentures, 1 496; partial dentures, 221; repairs and relines, 1 776. I believe that 2 098 persons were placed on the waiting list for dental treatment other than for dentures during the last six months. Statistics are not kept of the number of persons treated, but the number of attendances for treatment during the last six months was 47 083. This was approximately 12 per cent more than for the same period in the previous year. The following action is being taken to cut down the backlog:

(*a*) Several appointments to senior professional posts have been made in the last year.

(*b*) Inservice training programmes to increase the skills of dental technicians have been introduced. It is not possible to increase the number of technicians employed at present because, apart from casual vacancies that occur from time to time, laboratory facilities are fully utilized.

(*c*) Consultants have been employed to review the use of staff and facilities and to advise on the possibility of increasing productivity. Their preliminary report suggests that, even with maximum expansion on the present site, the Dental Department of the Royal Adelaide Hospital cannot hope to cope with the total demand for dental service for the indigent of the whole State.

(*d*) The number of treatments undertaken have increased substantially in each of the last three years.

INDUSTRIAL DISPUTES

The Hon. C. M. HILL: I seek leave to make a statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. C. M. HILL: In last Wednesday's debate on the Liquid Fuel (Rationing) Bill in reply to an interjection from me, the Hon. Mr. Kneebone said:

When the honourable member was in Government he had as many strikes as the present Government has had.

In a report issued by the Commonwealth Bureau of Census and Statistics dated October 6, 1973, the number of industrial disputes is set out in a table. In South Australia in 1968 there were 83 industrial disputes and in 1969 there were 72, which is an average of 77·5. In 1970 there were 156 industrial disputes; in 1971, 135; and in 1972, 111; this makes a total of 402, or an annual average of 134. In the first six months of this year there were, according to this report, 71 industrial disputes and, if that number is projected into an annual figure, the figure of 142 is arrived at. As the number of industrial disputes is now almost double those during the term of the previous Government, based on an annual figure, and assuming that the former Government was in office, in the main, in the period 1968 and 1969 and that the present Government has been in office, in the main, from the beginning of 1970 until now, will the Minister explain the basis of his statement and, if he concedes that his statement was incorrect, will he kindly retract it?

The Hon. A. F. KNEEBONE: I will have to ascertain whether the figures the honourable member has given are correct before I take any further action in regard to this matter.

COLONEL LIGHT GARDENS INTERSECTION

The Hon. G. J. GILFILLAN: Has the Minister of Health, representing the Minister of Transport, a reply to my recent question about an intersection at Colonel Light Gardens?

The Hon. D. H. L. BANFIELD: An accident analysis of this intersection shows that, for the three years prior to this year, no accidents occurred. There have been two accidents this year, both through failing to give way and involving injury. There has been no increase in traffic usage of these roads this year, and it is considered that the two accidents were chance events. It is likely that no further accidents will occur at this intersection. However, the council will be asked to delineate the intersection with approach centre lining, and the Road Traffic Board will keep the intersection under observation.

DENTISTS

The Hon. JESSIE COOPER: Has the Minister of Health a reply to my recent question regarding the training of periodontologists?

The Hon. D. H. L. BANFIELD: In answer to the honourable member's specific questions regarding the lack of training in periodontology and the Government's sponsoring some quick action in these areas of public health, I point out that, in regard to the first two questions, the Government gives block support to the total university teaching programme, and it would be improper and impracticable for the Government to influence priorities in university development by offering special grants for individual subjects or parts of subjects. Regarding a postgraduate course in this area of dental practice, the responsible authority here is the Dental Postgraduate Committee. If that body was to present a case for special support for one or more postgraduate courses in this specific area on public health grounds, I would certainly have such a request sympathetically examined.

KINDERGARTENS

The Hon. R. A. GEDDES: I ask the Chief Secretary, representing the Minister of Education, if he will ascertain from his colleague whether, where kindergartens, particularly those in rural areas, have been established in leased premises, such as church halls, institutes and similar buildings, the Government recommends that the local committees should buy land on which to build their kindergartens? I understand it is Government policy ultimately to integrate kindergartens into the State education system.

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

DRUGS

The Hon. V. G. SPRINGETT: I understand there has been an increase in the smuggling of drugs into this country. Can the Minister of Health say what is the general situation in South Australia regarding hospital care for people who are affected by drug addiction?

The Hon. D. H. L. BANFIELD: I will obtain a full report for the honourable member.

PETRO-CHEMICAL PLANT

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

Leave granted.

The Hon. A. M. WHYTE: Because there is practically no ebb and flow in the waters at the top of Spencer Gulf at many times of the year, continual questions are asked regarding the possible pollution of the gulf by the proposed Redcliffs petro-chemical plant. Although they do not wish in any way to inhibit the construction or progress of such a plant, people are nevertheless interested in what surveys have been conducted regarding the biological and hydrological aspects of this portion of the gulf and the effect that this project will have on the environment. Indeed, many questions regarding these aspects need to be answered. Will the Chief Secretary ascertain from the Premier what stage any research has reached, and whether the findings will be made public so that the people can assess the dangers, or otherwise, of such a project?

The Hon. A. F. KNEEBONE: I understand that research has been taking place and that reports have been made on this matter. However, to obtain a full answer to the honourable member's question, I will refer the matter to my colleague and bring down a reply as soon as it is available.

RURAL RECONSTRUCTION SCHEME

The Hon. M. B. CAMERON: Has the Minister of Lands a reply to my recent question regarding rural reconstruction?

The Hon. A. F. KNEEBONE: The following are the latest figures regarding applications received under the rural reconstruction scheme within the last 12 months:

	Debt reconstruction	Farm build-up
Applications received	89	179
Applications approved	44	144
Total of advances recommended	$1 043 275	$4 945 284

LAND PRICES

The Hon. C. M. HILL: I seek leave to make a statement before directing a question to the Chief Secretary, representing the Minister in charge of housing.

Leave granted.

The Hon. C. M. HILL: A report appeared in the press last week to the effect that the South Australian Housing Trust had advertised land for sale at Hillbank and that it had sold that land for $4 500 an acre. The report also indicated that the land was for residential purposes. Can the Chief Secretary ascertain whether the valuation fixed by the Housing Trust was based on cost price to the trust, cost plus 7 per cent after adjustment for purchase expenses, cost plus a reasonable profit as determined by the Commissioner for Prices and Consumer Affairs, or estimated market value as assessed by the Valuer-General's Department; secondly, if the sale price was based on the market value approach, was there any difference between the method of fixation of sale price of such residential land and the method of fixation of prices for the Regency Park industrial land now being offered for sale?

The Hon. A. F. KNEEBONE: I shall endeavour to obtain the information for which the honourable member has asked, and I shall bring it down as soon as possible.

SOUTH-EASTERN DRAINAGE

The Hon. M. B. CAMERON: Has the Minister of Lands a reply to my recent question regarding South-Eastern drainage?

The Hon A. F. KNEEBONE: The information which the honourable member requested regarding appeals heard by the South-Eastern Drainage Appeal Board is as follows: number of appeals heard, 741; number of appeals upheld, 254; number of appeals dismissed, 135; number of appeals upheld in part and dismissed in part, 352; number of landholders notified of the result of their appeals, 425. It is expected that all remaining appeals will have been heard by the end of 1974.

MONARTO EFFLUENT

The Hon. J. C. BURDETT: I seek leave to make a brief explanation before asking a question of the Chief Secretary, representing the Minister of Environment and Conservation.

Leave granted.

The Hon. J. C. BURDETT: Recently, the matter has been raised in this Council of the possibility of the effluent, after sewage treatment, from the proposed new city of Monarto polluting Lake Alexandrina. It seems to be accepted by the conservationists that treated effluent should not be discharged into inland waters, or even the sea, where it may cause pollution. A theory has been developed by one P. A. Yeomans in his book *The City Forest*, which sets out a theory that would overcome this pollution. The theory is that in an entirely new city, while it is being designed and built, it is practicable to set out considerable areas for timber to be established and these can be irrigated

from the treated effluent. This effluent, used for the purpose of irrigation, is in the first place reduced in volume and, secondly, is purified by the irrigation process. Thereafter it is harmless and may safely be discharged into inland waters or the sea.

It is also said that the beneficial effect of purifying the air is considerable in a city having large areas of timber, and there may be great profit later from selling the timber. The Murray Valley Development League is holding a school and conference on this matter at Albury-Wodonga on November 5, 6 and 7, and Monarto is one of the matters specifically to be discussed. Has the Government considered Yeomans' city forest plans in connection with Monarto, and does the Government intend to send an officer to the Murray Valley Development League's school on the matter on November 5, 6, and 7?

The Hon. A. F. KNEEBONE: I will endeavour to obtain the information the honourable member desires and bring it down as soon as possible.

LOCAL GOVERNMENT

The Hon. C. M. HILL: Has the Minister of Health a reply to a recent question I asked about local government?

The Hon. D. H. L. BANFIELD: My colleague the Minister of Local Government advises me that approval has been given for the Parliamentary Counsel to proceed with the preparation of a Bill to amend the Local Government Act in accordance with the recommendations of the revision committee. It is pointed out, however, that in preparing the Bill due consideration is being given to the many subsequent representations that were made by councils on various aspects of the committee's recommendations. The honourable member will be aware of the magnitude of the task in hand, which will necessarily take some time to complete. Work has temporarily been suspended on the Bill because of other demands on the resources of the Parliamentary Counsel's office. However, work will resume at the conclusion of the present Parliamentary session.

WILLS

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to the evidently difficult question I asked on September 11 about wills?

The Hon. A. F. KNEEBONE: The Government's advice to any person contemplating the making of a will is to obtain legal advice before doing so. In this way he will not only ensure that the will is validly prepared and executed but will also receive advice not only as to succession duty law but as to all considerations that he should have in mind in making a will.

WATER STORAGES

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

Leave granted.

The Hon. M. B. DAWKINS: On several occasions I have inquired of the Minister of Works about the intentions of the Engineering and Water Supply Department with reference to further storages on the North Para River and the Light River, believing that we must harness all possible water resources that we have. A recent statement indicated that the department was contemplating constructing a water storage on the North Para River in addition to the storage that I understand has been planned for the Little Para River. Will the Minister ask his colleague to confirm this report and can he advise this Council as to what size storage the department is contemplating?

The Hon. A. F. KNEEBONE: I shall endeavour to get that information for the honourable member and bring down a reply as soon as possible.

PETROL RATIONING

The Hon. C. M. HILL: I seek leave to make a short statement prior to asking a question of the Chief Secretary, representing the Government in this Chamber.

Leave granted.

The Hon. C. M. HILL: I again refer to the question of the Liquid Fuel (Rationing) Bill and the problems of petrol rationing generally. In this Chamber last Wednesday the Chief Secretary said, among other things, that the Government was doing its utmost to bring about a settlement of the dispute, and he also assured every honourable member that the Government was doing what it could. Today I saw the depressing sight of a very long queue of people on North Terrace opposite Parliament House waiting to get permits. Generally, the South Australian community is finding the whole matter of petrol rationing a very sore issue indeed. Therefore, can the Chief Secretary tell the Council what the Government has done since last Wednesday when he made the statements I referred to relating to the Government's efforts to bring about a settlement? Also, can he give the Council any hope, in his own view, that there will be a settlement in the near future?

The Hon. A. F. KNEEBONE: The action taken by the Government was an endeavour to bring about a settlement of the dispute. Discussions were held with people involved in the unions and the fuel companies concerned in an effort to solve the dispute as soon as possible. Unfortunately, those efforts have not been successful. Efforts were then made to isolate the dispute so that petrol, which was not directly associated with the companies concerned, could be freed. I understand it was thought that this might be possible, but those negotiations involving the fuel companies and the unions broke down, too. The Government then had no other alternative but to introduce petrol rationing. It is just as depressing for the Government as it is for the honourable member to see people having to queue to obtain permits. However, it is the only way to keep essential services going under these conditions. It is unfortunate that rationing had to be imposed, but the Government is doing what it can to see that essential services are maintained.

POLICE OFFENCES ACT AMENDMENT BILL

Read a third time and passed.

FRIENDLY SOCIETIES ACT AMENDMENT BILL

Second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

The effect of this short Bill is to increase the maximum amount that can be lent by a friendly society to its members from $1 000 to $3 000. This amendment, which has been requested by a friendly society, has the support of the Public Actuary. Section 9a of the principal Act, the Friendly Societies Act, 1919, as amended, sets out the basis on which loans to members may be made and I commend it to honourable members' attention. It will be found in the South Australian Statutes, 1956 volume, at page 241. The increase in the maximum loan that may be granted under this section proposed by the amendment will clearly benefit the borrowing members of the friendly societies.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

URBAN LAND (PRICE CONTROL) BILL

Adjourned debate on second reading.

(Continued from October 25. Page 1440.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The Hon. Mr. Hill, when speaking on this Bill, said that the Government expected Opposition members to oppose it, and I agree with his contention. Apart from its concept, the Bill is drafted in such a way that it invites defeat, and the correct fate for it would be its defeat. A gentleman with considerable legal experience said to me, "Apart from the concept of the Bill, which is bad enough, the way in which that concept is expressed means that it was produced with a knife and fork." The Government has tried to place all the blame for the increases in land prices in the metropolitan area and the fringes of the metropolitan area on the speculators. The Government has tried to paint a picture to the public showing that members of this Council are tied to the whims of the big land speculators. However, honourable members of this Council have no sympathy for the land speculator who deliberately buys land and holds it off the market purely for speculation; I want to make that perfectly clear.

Let me relate a story which came from one of the gentlemen who have been accused in this Council of some rather underhand practices. I asked him why he had decided to speculate, to buy land in the inner fringe of the metropolitan area. He told me that the increasing amount of legislation being passed by Parliament to try to tie up the problem of planning only encouraged people to speculate; in other words, he said that these people recognized that the passing of the Planning and Development Act in 1966 would produce increases in the price of land near the metropolitan area. The Government's actions represent one of the factors behind the increases in land prices in the metropolitan area. I say that, while having no sympathy for any person who may, in order to gain an increase in value, deliberately tie up urban land and fail to develop it.

The Hon. A. F. Kneebone: Should we sit back and let such a person do that?

The Hon. R. C. DeGARIS. I am saying that the Government has tried to put the whole blame on the shoulders of the land speculators, the subdividers, and the developers: they are the bad people in the business (in the Government's view) who are causing the shortage of supply of blocks. One of the people who has been so accused has told me that he was influenced to go into the buying of land on the fringe of the metropolitan area because of the very fact of Government action. He could see that with more and more controls and therefore a certain blockage in the planning and development office, there would be escalating land prices. A body of thought puts the view that this position has been deliberately created by the Government, and it has been used so that further controls and restrictions can be imposed. I do not support that view any more than I support the Government's view that the total problem lies in the hands of a very few big land speculators. The Land Commission Bill, upon which agreement has been achieved between this Council and another place, almost immediately achieves all the objectives that the Government set out to achieve.

There has been an increase in land prices because the demand exceeds the supply; it is as simple as that. Some of the Government's actions over the last five or six years have created a lack of supply of building blocks. Many honourable members of this Council had experience during the Second World War and after that war of land price control and the resulting black market. I do not wish to pursue that line except to say that theorists never seem to learn from past history. These sentiments have been expressed by previous speakers on the Bill, and I shall not reiterate them. Certainly, what has been said so far by Opposition members on the Bill has been accurate. I support the sentiments of the Hon. Mr. Burdett and the Hon. Mr. Hill in this connection. Clause 5 defines "controlled area" as follows:

> "controlled area" means the following parts of the State:
>
> (*a*) the municipalities of Adelaide, Brighton, Burnside, Campbelltown, Elizabeth, Enfield, Gawler, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Payneham, Port Adelaide, Prospect, St. Peters, Salisbury, Tea Tree Gully, Thebarton, Unley, Walkerville, West Torrens and Woodville;
>
> (*b*) the District Council districts of Munno Para, East Torrens, Stirling and Noarlunga;
>
> (*c*) the area of the Garden Suburb;
>
> (*d*) the wards known as the Happy Valley, Coromandel, Clarendon and Kangarilla wards of the District Council of Meadows;
>
> (*e*) the portion of the Hundred of Willunga that lies within the District Council district of Willunga;
>
> and
>
> (*f*) any other area declared by proclamation under this Act to constitute a controlled area:

Why should the inner metropolitan area be so defined? There has been much publicity stating that the whole purpose of the Land Commission Bill and this Bill is to supply land to those with limited financial resources. I remind honourable members that that phrase was included in the Land Commission Bill by this Council; it was not a legislative concept of the Government, yet we are applying land price control to the expensive area in the city of Adelaide. Is any honourable member interested in whether some person with extensive financial means pays between $20 000 and $40 000 for a block of land at Springfield? Do these people need the protection of a paternalistic Government in purchasing a block of land in these areas? The Bill applies urban land price control to areas in which, according to the Government's own advertisement, there is no need for it to apply. So, the Bill goes beyond what the Premier stated to be the Government's needs in a legislative form.

I turn now to clause 5, the retrospectivity clause. Clause 5 (*f*) (*b*) defines "new house" as meaning any dwellinghouse that has been occupied as a dwellinghouse by some person or persons but it was first occupied as such after May 16, 1973, and less than 12 months has elapsed since the date on which it was first occupied as such.

The Bill contains additional retrospectivity clauses. The legislation will be retrospective to May 16. I was told by someone about five months ago that the Premier had originally issued a threat that urban land price control would be retrospective to 1967, but I cannot vouch for the accuracy of that statement. I know that he said that the legislation would be retrospective to February 19; next it was to be some time in April; now, we find that it will be retrospective to May 16. One wonders what method was used to determine exactly to what point in the past retrospectivity would apply. Irrespective of the Premier's continued bluff tactics since he first conceived these ideas for urban land price control and of changing the date from which the legislation would operate, I oppose retrospectivity in such matters because I believe that no justification can be found for making the legislation retrospective. I am certain that there can be no justification for choosing May 16.

I turn now to the definition of "proprietary interest" in clause 5 and ask the Chief Secretary, when replying, to explain what is the mortgagee's interest in the definition. Clause 5 also contains the definition of "vacant allotment of residential land", and this needs further clarification: the definition states that this means any allotment but does not include any such land upon which are situated premises genuinely used, or intended for use, as a factory, workshop, warehouse or shop, or for other industrial or commercial purposes. One could think of several other additions that should be in the clause, such as halls constructed for various purposes. Clause 5 (2) provides that the Governor may, by proclamation, declare any area specified in the proclamation to constitute a controlled area. So, at the stroke of a pen the whole State could be dragged into this net of land price control.

I now come to the sudden inclusion in the Bill of newly subdivided land. I know that the Chief Secretary has already explained this matter, but I must deal with it again. It is strange to see, in his second reading explanation, the inclusion of the following:

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

We know that, when the Bill was first introduced, that was part of the legislation. However, at the last minute the Premier had a change of heart, and the exclusion of newly subdivided blocks of land was excluded from the Bill. Unfortunately, the second reading explanation was not amended before it was given in the Council. So, at the last minute, the Government changed its mind on the necessity to include price control on newly subdivided land. We know that the inclusion in the Bill of price control on newly subdivided land was against the advice of the Premier's Department itself (and I refer to the Speechley report, which most honourable members have seen). It is also against the Premier's own expressions made on behalf of the Government, because he said some time ago that there was no need to interfere with newly subdivided land. Indeed, I believe that letters had gone out to people who had bought land stating that there would be no price control on newly subdivided land.

This being the case, one might well ask the Chief Secretary to tell the Council the reason for the sudden change of heart. I suppose that, morally, one could argue that, if the ordinary person owning a block of land is controlled in regard to the selling price of it, he might well ask why the original subdivider should not also be controlled. Surely the aim of all this legislation we are considering is to get on to the market as many blocks of land as quickly as possible. The very late inclusion, when all advice is against it, of newly subdivided blocks is a strange deviation from the very strong case made by Mr. Speechley, in his report issued by the Premier's Department. The inclusion of newly subdivided land under urban price control will keep blocks off the market, and this will be exactly the reverse of what the Premier said was the intention of the legislation.

The effect will be to ensure that a black market in land will develop, and I wonder whether that was the Government's intention. Nothing is more certain that the inclusion of newly subdivided areas under urban land price control will keep blocks off the market and that a black market in land will develop. Here we have a most strange situation: we have the Premier saying that he wants to achieve a certain aim, namely, a greater supply to the community of serviced blocks at cheaper prices. The first leg of the double, the Land Commission Bill, was pulled into shape by this Council by some of the most logical legislative work that has been done in this Chamber since I have been a member of it. I go slightly further than that and say that the final Bill, compared to the Bill introduced into the Council, has almost a touch of brilliance about it. Then, with an illogical stroke that denied all the publicity given to the Land Commission Bill, the Premier introduced this change in the form of the Bill I am now discussing. If anyone can follow the logic of this matter, will he please inform me of it, as I am at a complete loss? It denies all the principles of the advertisement, for which the taxpayers kindly paid and which was inserted in the press supposedly to provide information to the public. Then, with a stroke of the pen, all that magnificent advertisement was cut away at the last moment by a change of heart regarding this Bill. The illogicality of the change of mind amazes me. Perhaps the film corporation may be commissioned, with taxpayers' funds, to make a film to explain this strange action by the Government. Who knows? The possibilities are limitless.

I once again turn to the question of mortgagees' rights, dealt with in clause 15 (3) (*c*). I do not believe mortgagee sales should come under price control. I turn also to clause 15 (3) (*k*) (iv), which provides:

compound interest at the rate of 7 per cent per annum on the aggregate of the amounts referred to in the preceding subparagraphs calculated in respect of the period from (and including) the day on which the vendor obtained possession of the land to the day on which the contract of sale is entered into and a further period of ninety days;

First, allowing for a rise of 7 per cent a year on land prices but not taking into account other expenses, such as commissions on sales, and so on, any person who may be forced to sell a block of land will lose money. Any ordinary person in the community can be caught by this provision. How can one justify passing legislation providing for a sale figure below which consent need not be obtained (and there is no guarantee that one can receive more than 7 per cent), when the Commonwealth Government has forced up interest rates in Australia to the highest level ever, in my memory? How can the Government put before honourable members a Bill providing that one cannot gain more than 7 per cent a year on a sale of a house without obtaining the Minister's consent for such an increase, when the Commonwealth Government, which is of the same political persuasion as the State Government, has forced up bank interest rates to between 9 and 10 per cent, and when ordinary savings bank interest rates are now higher than the rate proposed in this Bill? I can see no justification whatever for this approach. If we are to accept the annual increase, at least it must be free of all other expenses. Surely, it must provide for a net profit and, secondly, it must equal, or be greater than, the long-term bond rate before consent is required. This provision is unjust and unsatisfactory. Clause 16 (2) provides:

The Commissioner may require an applicant for his consent under this Part to furnish him with such other information as he considers necessary to enable him properly to decide the application.

Clause 16 (3) provides:

The Commissioner may require an applicant for his consent under this Part to verify any information . . .

A limit should be set on the time within which the Commissioner must give his consent and if, within a period of, say, two weeks, the Commissioner has not made any decision, consent should be deemed to have been given. To have no time limit on the Commissioner's giving a reply is unsatisfactory.

Finally, I turn to clause 18, which deals with the validation of transactions and which also needs to be examined from several aspects. This clause will leave the matter open for intrigue. Both parties, if indulging in illegal practices in relation to the Bill, should be equally guilty. I refer also to Part IV, about which I do not want to say much. It is so far away from what is reasonable and rational that I will certainly oppose the whole Part. First, it deals with the control on the prices of new houses. I ask how anyone can have control over the prices of new houses. What criteria will be adopted when judging the price of a new house? The construction of one house could be held up by all sorts of things, yet a person could ask for a certain price for that house. Alongside of it a "spec" builder could be building a house and could, because of other circumstances, sell it at well below the normal price. It does not matter how one looks at this matter: the application of price control on new houses is a foolish concept. It goes much further than that, as it does not deal only with control on sales of new houses. To illustrate my point, I refer to clause 19, which provides:

A person shall not sell or demise any allotment of land of less than one-fifth of a hectare in area within a controlled area . . .

This means that there is also control on the rental of flats. This whole Part is completely impracticable in its application. I have been a member of this Council for some time, and I do not remember when a Bill (and I am not criticizing the draftsmanship of this Bill, because any draftsman who tried to put into draft form the ideas attempted to be implemented in this Bill would be in a difficult position) has been more perfectly designed to be defeated than has this one. I believe that is the Government's intention: this Bill has been designed in this way so that it will be defeated by this Council.

I am willing to do the best I can to try and fashion something sensible out of this Bill. With the Land Commission Bill honourable members had a basis on which to work, and I believe we came to an extremely satisfactory conclusion in relation to it. However, the surgery that was required on that Bill was minor compared to the legislative surgery that will be required on this Bill even to make it rational.

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

COMPANIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 25. Page 1441.)

The Hon. R. C. DeGARIS (Leader of the Opposition): According to the second reading explanation given by the Minister of Agriculture, the Bill does three things: first, it provides that the Auditors-General of the Commonwealth and of the various States and Territories of the Commonwealth are to be deemed to be regarded as company auditors for the purposes of the principal Act; secondly, it provides that a company may appoint one or more firms to be auditors of that company; thirdly, it extends new provisions relating to company investigations to industrial providential societies. As the first and second amendments are reinstatements of previously existing provisions, one may say that the Bill should have a fairly rapid passage. If one studies the second reading explanation, he will see that was the interpretation given: the first two things done by the Bill are merely reinstatements of provisions previously existing.

It may be said that the Bill appears merely to clear up a few drafting obscurities, yet on closer examination I am somewhat doubtful whether that is the case. The second reinstatement (that relating to one or more firms being appointed as auditors of a company) is, I agree, truly a reinstatement of a previous provision, but the first reinstatement might not be quite as it seems. I shall be requiring further information on this clause from the Minister. Also, I shall be seeking possibly some legal assistance from my colleagues in this Council on that provision. In the Companies Act, 1962, matters dealing with auditors and liquidators were contained in section 9 and the reference to State and Commonwealth Auditors-General was in subsection (18). Subsections (1) and (6) also related to subsection (18). I shall quote the actual provisions in the Companies Act, 1962, on the matter referred to by the Minister of Agriculture. Subsection (18) states:

Subsections (1) and (6) of this section do not apply to the Auditor-General of the State or of the Commonwealth when acting in the exercise of his powers or the performance of his duties

As subsection (18) qualifies subsections (1) and (6) we must examine those subsections. Although this was redrafted in 1972, the import is the same, so I shall not read from the 1972 amendment. Subsection (1) states:

A person shall not consent to be appointed, and shall not act, as auditor for any company and shall not prepare, for or on behalf of a company, any report required by this Act to be prepared by a registered company auditor . . . .

Subsection (6) states:

No company or person shall appoint a person as auditor of a company unless that last-mentioned person has prior to such appointment consented in writing to act as such auditor, and no company or person shall appoint a firm as auditor of a company unless the firm has prior to such appointment consented, in writing under the hand of at least one partner of the firm, to act as such auditor.

Subsection (18) uses the words "the Auditor-General of the State or of the Commonwealth when acting in the exercise of his powers or the performance of his duties". I made some examination of the second reading explanation in 1962 to try to determine the real meaning of this clause. I found that the explanation of clause 9 was as follows:

Clause 9 goes further than its corresponding provision in the existing Act in that it prescribes qualifications for registration as a company auditor and also enables a firm to act as auditors for a company if all its members are registered auditors.

There was not a great deal of help from looking at that in understanding the meaning of subsection (18). I read all the 1962 debates, and once again I found no reference to this subsection. In the 1971 amendment, the then Chief Secretary (the Hon. A. J. Shard) said:

Clause 7 repeals certain subsections of section 9, which relates to the qualifications of company auditors. These provisions have been re-enacted in the audit provisions in section 165 for the purpose of effecting a better arrangement of the Act.

Later in the second reading explanation, the Chief Secretary said:

Section 165 re-enacts the repealed subsections (1) to (6) of section 9 relating to the qualification of auditors New provisions have been inserted to provide for the appointment of a firm as auditors of a company, and to empower the Companies Auditors Board to grant approval for the appointment of a person, who is not a registered auditor, to act as auditor of an exempt proprietary company in a case where it is impracticable to obtain the services of a registered auditor, by virtue of the remote locality in which the company carries on business.

Even after reading all those debates I was no closer to the explanation either of its original inclusion or of its exclusion in the 1971 amendment. If one looks at the inclusion now, the Minister of Agriculture says it is purely a reinstatement, but one sees a clause totally different from

that excluded in the 1971 amendment. Once again, I shall quote the two clauses to demonstrate the change that has taken place. Section 9 (18) reads:

Subsections (1) and (6) of this section do not apply to the Auditor-General of the State or of the Commonwealth when acting in the exercise of his powers or the performance of his duties.

That was not included in the amendments of 1971-72, but now it has come back to be reinstated in these words:

(18) A person who is, or is for the time being performing the duties of, Auditor-General of the Commonwealth, or of a State or Territory of the Commonwealth, shall be deemed to be a registered company auditor for the purposes of this Act, or any other Act.

That is not, as the Minister of Agriculture said, a simple reinstatement of a provision that was supposed to have been missed out of the 1971 amendment of the Act. I shall draw this to the attention of the Minister of Agriculture, whose Bill it is in this Council, and also of my legal colleagues in this Chamber, to see what they make of this change of the wording of the reinstatement. It is not, as the second reading explanation says, a simple re-enactment of a provision overlooked in the redrafting process of the 1971 amendments, and we must examine more closely the reason for the changed wording.

A number of reasons can come to mind. We know that the Australian Industry Development Corporation is making a great deal of noise in the Commonwealth sphere about taking up large interests in Australian companies. What is the position if the A.I.D.C. becomes a principal or even a controlling shareholder in a major Australian company and the Commonwealth is able to procure the appointment of the Commonwealth Auditor-General as the auditor of that company? I doubt whether the Commonwealth Auditor-General is under any duty of professional secrecy and he may have access to the most intimate of business secrets. I do not know whether or not that is the intention of the change but it is strange when the Minister introducing the Bill refers to it as the simple re-enactment of a provision dropped inadvertently, if one reads the second reading explanation, from the 1971 amending legislation, which comes back today in a totally different form and, in my opinion, means a totally different thing. I draw that to the attention of the Council.

The Hon. J. C. BURDETT (Southern): I oppose that portion of this Bill that seeks to delete the existing subsection (18) of section 9 of the principal Act and to substitute a new subsection (18), on the ground that has been mentioned, that it is not merely a reinstatement at all. I assumed it was true because the explanation given was that this was merely a reinstatement. However, as the Hon. Mr. DeGaris has pointed out, it is not a reinstatement, because we have never before had a provision that the Auditor-General of the Commonwealth, or of a State or Territory of the Commonwealth, shall be deemed to be a registered company auditor; nor was he ever qualified to be such. I also agree with the Hon. Mr. DeGaris that a possible effect of this (I do not suggest it is the intention) would be that, when the A.I.D.C. became a principal shareholder of any company, the Commonwealth or a State Auditor-General could be appointed the auditor thereof and there would be a perfect source of supply of information to the Government concerned. Examining the relevant legislation and going back to the 1962 Companies Act, I think there is probably no need to go any further than section 9 (1), which provides:

A person shall not consent to be appointed, and shall not act, as auditor for any company and shall not prepare, for or on behalf of a company, any report required by this Act to be prepared by a registered company auditor.

Then, subsection (18) provides:

Subsections (1) and (6) of this section do not apply to the Auditor-General of the State or of the Commonwealth when acting in the exercise of his powers or the performance of his duties.

That clearly does not mean that the Auditor-General of either a State or the Commonwealth could be a registered company auditor. It means that, if subsection (18) was not there, by virtue of subsection (1) the Auditor-General could not carry out the obligations imposed upon him, which included preparing a report, and so on.

So the only point and purpose of subsection (18) of the 1962 Act was to enable the Auditor-General to carry out the duties imposed on him under the Act; it did not make him or empower him or allow him or require him to act as a private company auditor. Let us go now to the 1972 amending legislation, section 7 of which provides:

Section 9 of the principal Act is amended by striking out subsections (1), (2), (3), (4), (5) and (6).

I think this was an inadvertence; it was a mistake. It may have been one of the things that the present Bill is seeking to patch up because, when we strike out subsections (1) to (6) and put nothing in their place, subsection (18), which provides that subsections (1) and (6) shall not apply, has no point, because subsections (1) and (6) have been repealed. I would have no objection to subsections (1) and (6) being reinstated and subsection (18) remaining in its original form. It seems to me that probably the intention of this portion of the Bill is to correct a mistake that was made in the 1972 legislation, which struck out subsections (1) to (6) and left in subsection (18), which still referred to subsections (1) and (6).

I repeat that this Bill does not merely reinstate what was there before. it also provides for something that was not there before—namely, the contemplation of the possibility of the Auditor-General of the Commonwealth or of a State or Territory of the Commonwealth being a registered company auditor. That has not been there before. It seems to me that this is probably only inadvertence and that the effects that have been referred to were not intended, but it could certainly have the effect that a company taken over by the A.I.D.C. could have appointed as auditor a State or the Commonwealth Auditor-General, which could provide a leakage of information to the Government concerned, because he would not be bound by the same requirements of secrecy as a private auditor would be bound. Therefore, while I support this Bill in principle, I object to the proposed new subsection (18) and the providing of something which was not mentioned and which is contrary to the apparent intention of the explanation given by the Minister.

The Hon. C. W. CREEDON secured the adjournment of the debate.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (QUEENSTOWN)

Adjourned debate on second reading.

(Continued from October 25. Page 1440.)

The Hon. M. B. CAMERON (Southern): I oppose this Bill. I spent some time trying to find a way of describing it but perhaps the best way is to sum it up as being a petulant and spiteful Bill. It seems to me that its purposes have been foreshadowed for so long that there is no need to speak further about them. The Bill was foreshadowed by the Premier in a letter to the Myer S.A. Stores Limited, in

which he made it clear that, if Myers succeeded in obtaining a favourable court judgment on the issue of Queenstown, he would introduce a Bill to cut right across what had been done. In fact, he has not waited for the judgment of the court, for he is going ahead with the legislation right away. We hear a lot of talk about observing the will of the people in Port Adelaide but, as far as the Premier is concerned, the court, Myers, and everyone else connected with the matter can go and jump in the lake—or, perhaps, shop at the Lake!

Let us look at the Government's stand on this issue. On April 8, 1970, a letter was written by Myers advising of its intention to develop a regional shopping centre at Queenstown. Mr. Upson, a director of Myers, quoted a letter from Mr. Bakewell setting out courses of action open to Myers to establish the Queenstown centre. Mr. Bakewell's letter advised against some of the courses open because they involved "fairly lengthy procedures" and recommended the "more direct course of action" to get the centre established. Since then, there have been changes of attitude. There have also been some changes in the Port Adelaide council, and the *Australian* of July 9, 1973, reported that the candidates who supported the principle of the Queenstown shopping centre in Port Adelaide were overwhelmingly successful. So it was the will of the people in Port Adelaide that this project should go ahead.

The Hon. D. H. L. Banfield: What was the percentage of that vote?

The Hon. M. B. CAMERON: I do not know that it really matters. It is something like a Gallup poll and I am sure the Minister is often happy with a Gallup poll, which is taken to express the views of people in an area.

The Hon. D. H. L. Banfield: But with a Gallup poll one could get different results. How would one work that out?

The Hon. C. M. Hill: The poll was about 34 per cent.

The Hon. M. B. CAMERON: That is a fairly high poll for a local government election. If people had been totally opposed to the idea they would have outvoted those people in favour of the project. In fact, most people supported it. I have received correspondence from other people interested in another project, in which their reasoning, to my mind as a layman, is at fault. It is obviously the opinion of a lawyer.

Section 41 (7) specifies matters that a council must have regard to before granting or refusing its consent. In fact, section 41 (7) (*a*) states that a council shall have regard to the provisions of the Metropolitan Development Plan, whereas this Bill, if passed, will say that this section "requires and always has required". There is a big difference between the words "regard" and "always has required". Section 41 (7) (*a*) gives the Council ground in which to manoeuvre, and I predict that if this Bill is passed in its present form it will not be long before councils will approach Parliament asking for relief to enable them to proceed with projects which are not directly laid down in the Metropolitan Development Plan but which are proper courses of action for their area.

During the Committee stages of the Bill I intend moving amendments to remove some of the retrospectivity contained in the Bill. I will also move a short amendment to leave out the words "and always has required" because, if this Bill is to be passed by this Chamber, it must go through without the retrospective clauses. If the Government goes ahead with this Bill it will find it will be embarrassed in future by the tightness of its provisions. Parliament has no right to cut across the jurisdiction of the court in this matter. I will vote against the second reading and, if the Bill passes that stage, I will move my amendments to delete the retrospective clauses.

The Hon. A. J. SHARD secured the adjournment of the debate.

ADJOURNMENT

At 3.38 p.m. the Council adjourned until Wednesday, October 31, at 2.15 p.m.