LEGISLATIVE COUNCIL

Wednesday, October 9, 1974

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

PETITION: SPEED LIMIT

The Hon. G. J. GILFILLAN presented a petition signed by 35 persons, stating that because of conversions to metrics the speed limit of 30 kilometres an hour past school omnibuses and schools was too high and presented an increased threat to the safety of schoolchildren, and praying that the Legislative Council would support legislation to amend the Road Traffic Act to reduce the speed limit to 25 km/h.

Petition received and read.

QUESTIONS

LOCAL GOVERNMENT ACT AMENDMENT BILL

The Hon. R. C. DeGARIS: I seek leave to make a statement before asking a question of the Minister of Health, representing the Minister of Local Government.

Leave granted.

The Hon. R. C. DeGARIS: In today's *Advertiser*, under the heading "Reprieves for 17 councils on boundaries", the Minister of Local Government is reported as having said:

Members of the Legislative Council had made it clear they would reject the entire Bill as it stood unless there were some concessions.

Will the Minister of Health ask his colleague whether he was accurately reported and, if he was, what information he has to show that Council members had made it clear that the entire Bill would be rejected?

The Hon. D. H. L. BANFIELD: I will refer the question to my colleague.

LEYLAND AUSTRALIA

The Hon. M. B. DAWKINS: I seek leave to make a statement prior to asking a question of the Minister of Agriculture, as Acting Leader of the Government in this Council.

Leave granted.

The Hon. M. B. DAWKINS: An article in today's *News* refers to the suggested closing down of Leyland Australia's motor vehicle plant in New South Wales. At present the Leyland plant makes some panels for General Motors-Holden's, and I believe there is some interchange of other parts in the motor industry. Will the Minister ask the Premier to provide a report on what detrimental or other effect the closure of this large plant in New South Wales may have on the motor industry in South Australia?

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

FLOODING

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

Leave granted.

The Hon. M. B. CAMERON: An article in today's *News* states that tomorrow a 0·76 metre section of the spillway at the Warren reservoir is to be blasted to a width of 12·19 m to reduce the capacity of the reservoir by one-sixth. The article states:

Engineering and Water Supply and Mines Department workmen are today drilling holes across a 40ft. section of the spillway in preparation for the safety action. The work is being undertaken following concern during heavy rain last Friday about the absolute safety of the dam wall. It is known the State Government feared that if the rising water level had topped the main dam wall it was possible the additional stress could have caused the reservoir to collapse . . . The high flow over the spillway caused by last week's heavy rain has almost stopped. This will allow work on lowering the spillway, originally planned for summer, to get under way now.

I should imagine that normally in summer the water level would be below the level to which the spillway was to be reduced. Can the Minister say, first, whether police officers were in Gawler last Friday night because of fears that the Warren reservoir would collapse; secondly, would such a collapse place too great a load on the South Para reservoir, leading to its collapse; thirdly, what precautions will be taken tomorrow to ensure the safety of people and property below the dam, in case there is an accident?

The Hon. T. M. CASEY: I will get a report in reply to the honourable member's questions. In reply to his last question, I have been led to believe (and I believe it is in order to say so) that every precaution will be taken when workmen are blasting the top section of the retaining wall; this is normal procedure. It has been done previously at reservoirs (not necessarily in this State), and there is no cause for alarm. I assure the honourable member that the work will be done safely.

The Hon. C. M. HILL: Has the Minister of Agriculture a reply to my question of yesterday concerning flood damage to market gardens?

The Hon. T. M. CASEY: As I said yesterday to the honourable member, departmental officers have made a preliminary investigation of the flooded areas. A report on the matter was in my office this morning. I promised the honourable member that I would give him a more detailed reply today, and I will now do so. A preliminary survey of flood damage to market garden areas adjacent to the Gawler River has been carried out by officers of the Agriculture Department. Reports indicate that the depth of flooding was considered by local residents to be the worst for about 40 years, and this time peaked about 0·3 m above the flood levels reached in 1972. The floodwaters flowed over the top of the levees during the night of October 5, and inundated the low-lying areas adjacent to the Gawler River downstream from Johns Road, Virginia. South of the river, the areas east of the Port Wakefield Road were flooded to Robinson Road, and north of the river to about Dawkins Road. Westward of the Port Wakefield Road, towards Port Gawler, the flooding fanned out to cover a much wider area, particularly to the north.

Flooding of some crops outside the levees was from 1·2 m to 1·8 m deep at its peak in the lowest-lying areas. These areas were inundated for about 30 hours, and some houses and buildings had been flooded. It would appear that the properties most severely affected were those situated just north and south of the river bounded by the Port Wakefield Road on the west and by Johns Road on the east. A more detailed survey of this area will be made. The total area flooded is estimated to represent only about 5 per cent of the total Northern Adelaide Plains vegetable producing area. Crops actually inundated by floodwaters are estimated at this stage to suffer an overall average of about 20 per cent to 30 per cent production loss at harvest. However, the individual losses from crop to crop are extremely variable. For example, potatoes which

supply the early crop vary in stages of development, but are now mostly at tuber initiation. While they may suffer some crop reduction, it is very difficult to assess the full effects at this stage. The weather which follows will have a considerable bearing on the final outcome for this crop.

Onion crops that have been inundated could suffer a 20 per cent crop reduction at harvest. A large number of glasshouse tomato crops appear to have been flooded, but the effects will depend on the depth of flooding and subsequent weather conditions. Lettuce, cabbage and cauliflower crops which have been inundated are likely to be a total loss. In summary, it is considered at this stage that the overall loss to vegetable production is relatively small (about 1 per cent to 3 per cent of total production of the Adelaide Plains area). However, individual losses of a few growers are expected to be severe. I want to emphasise, however, that up to the present time only a preliminary survey has been possible, and a reliable assessment of individual losses cannot be made. Until this is done, no realistic overall financial losses can be estimated.

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Acting Leader of the Government in this Chamber.

Leave granted.

The Hon. M. B. DAWKINS: The matter referred to by the Hon. Mr. Cameron regarding the lowering of the Warren weir or retaining wall was no surprise to me. I have understood for many years that the retaining wall at the Warren was not regarded with admiration as being one of the greatest engineering feats in South Australia but that, conversely, it was regarded with some concern. It appears to me that the present move may be the wise one at present but, while that may be so, it would not be difficult in the long term to reconstruct the weir completely and, instead of decreasing the capacity of the Warren reservoir, it could then be increased quite considerably without affecting the level of the reconstructed road around the reservoir. Will the Minister ask the Government to consider in the long term reconstructing the Warren retaining wall so that it will be completely safe and so that the reservoir will hold more water than it does at present?

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

BEACH EROSION

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before directing a question to the Minister of Agriculture, representing the Minister of Environment and Conservation.

Leave granted.

The Hon. R. C. DeGARIS: For some time there has been considerable concern in the State at the amount of erosion taking place on metropolitan beaches. The Coast Protection Board has been examining various matters in relation to this and has made certain pronouncements through the Minister. Has an investigation been made of stormwater drainage that reaches the sea immediately south of Glenelg and its effect on beach erosion, and is there any report that might suggest that taking the stormwater to the sea by a different route may be of some advantage in the whole question of erosion of the beaches south of Glenelg?

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

SALISBURY EAST HIGH SCHOOL

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Salisbury East High School (Additional Building).

LEAVE OF ABSENCE: HON. A. J. SHARD

The Hon. T. M. CASEY (Minister of Agriculture) moved:

That one week's leave of absence be granted to the Hon. A. J. Shard on account of ill health.

Motion carried.

TRANSFER OF LAND

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

That, in the opinion of this Council, the Minister of Lands should give his consent to the transfer of section 116, hundred of Riddock, to Brian de Courcey Ireland, of Mount Burr.

This matter has concerned me deeply over the past few weeks, and I believe the facts of the case should be presented to this Council. The matter concerns the sale of section 116, hundred of Riddock, involving 298·48 hectares. This was to be sold by Elders-G.M., on behalf of the proprietors (the Whennen brothers), to Brian de Courcey Ireland, of Mount Burr. This section had been offered to the Woods and Forests Department on more than one occasion. It was offered to it some time ago at $50 for each ·405 ha, but was refused at that price.

The owners, Messrs. D. K. and R. W. Whennen, then asked Elders-G.M. to act on their behalf to sell the property, their price being $55 for each ·405 ha. The Whennen brothers virtually had to sell this property, as they had purchased another property. Elders-G.M. offered to the Woods and Forests Department section 116 at the figure of $55 for each ·405 ha. On February 20, 1974, the following letter was received from the Woods and Forests Department by Elders-G.M.:

Re section 116, hundred of Riddock. Your letter to the Chief Forester has been referred to this office. Prior to receiving your letter, Mr. D. Whennen, Box 29, Post Office, Millicent, had offered to our District Forester the land at Mount Burr at $50 an acre. In either case, the offers are in excess of the value to this department of this land. I have referred the matter to the Land Board for new valuation. In the meantime, the offer of $55 an acre is refused.

That came from the Conservator of Forests. In the meantime, Elders-G.M. sought other buyers for the property. On May 11, 1974, Brian de Courcey Ireland signed an agreement for sale and purchase, subject to the consent of the Minister, with D. K. and R. W. Whennen for section 116, hundred of Riddock, Crown lease perpetual 3318A, containing 298·48 ha. As it is a Crown lease, the Minister's consent is required. On September 4, 1974, the Minister refused his consent to the transfer of this perpetual lease to Ireland. On September 23, 1974, D. K. and R. W. Whennen received a letter from the Woods and Forests Department offering to buy the land at the same price Ireland had agreed to pay. These are the facts of the case. The Crown Lands Act specifically provides that the Minister will not withhold his consent capriciously. On first consulting the dictionary I found "capricious" to mean "in a capricious manner". I then found "capricious" to mean "governed by or showing caprice, unsteady, changeable, farcical, as a man of capricious temper".

As all honourable members know, this motion is directed to the Minister of Lands, who can exercise his right under the Act to consent to or refuse the transfer of a lease.

This Council holds the Minister of Lands in the highest regard, and I know it would be difficult to convince honourable members that the Minister would act capriciously. However, the decision to which I refer was not made by the Minister of Lands: it was made while the Minister was on an oversea visit, when the Minister of Agriculture was the Acting Minister of Lands. Nevertheless, we have a Minister who is representing the Woods and Forests Department determining whether the sale of land may freely proceed between two people and determining whether Ministerial consent is to be given to allow the transfer to proceed.

I now briefly recapitulate the events surrounding this matter. After having been offered the land in question on many occasions (I think as far back as 1971), the Woods and Forests Department on February 20, 1974, refused an offer made to it by the agents of the Whennens. On May 11 a sale was made by Elders-GM, on behalf of the Whennens, to Mr. Ireland. On September 4, 1974, Ministerial consent was refused in respect of the transfer, and on September 23 the department offered the vendors the same price as was agreed to by Mr. Ireland, in his agreement for sale and purchase made about four months previously.

I believe that action is capricious. The property comprises 298·48 ha, of which about 161·9 ha is of native scrub. In the opinion of many people, this area should be preserved and controlled. Since the signing of the contract with the Whennens, Mr. Ireland has fenced off this scrub, including a spring of some importance near which many ferns rare in the South-East grow, and he intends to conserve this area. Indeed, he has gone further and has offered this area to the National Parks and Wildlife Commission. Mr. Ireland has an extremely strong view about the preservation of native scrub. He farms a wet soldier settlement block only a few kilometres from the block to which I refer. Mr. Ireland needs this high ground to use in conjunction with the existing wet block, especially as there has been a strong move by farmers in the South-East to raise cattle, as most honourable members know.

Mr. Ireland did have a high block between 30 km and 40 km away, which he had to sell to finance the block he had just bought, and this block has been sold. However, he now finds that the block he has purchased is not to be transferred to him. As I pointed out, the Whennen brothers have also purchased another property and, sooner or later, they must sell section 116, hundred of Riddock. I assure the Council that, as gentlemen of some honour, they are not at all impressed by the attitude taken by the Minister and the Woods and Forests Department. I am also informed (although I do not have definite evidence of this) that, if the Whennens agree to sign a contract with the department for the sale, it will be a direct deal as far as the department is concerned, and the Whennen brothers will not be liable to pay commission, and they will therefore get a better deal from the department. Those honourable members who have been involved in this type of business will realise that this action, if it is true, is wide open to challenge.

I have drawn to the attention of honourable members previously what I have considered to be the scant attention that the Government has paid to acting honourably in relation to dealings concerning property. I intend in this instance to press this case as strongly as I can with the limited armoury at my disposal to make the Government act honourably, as I believe it should act in this case and as any normal person would act in the ordinary course of business.

The Elston case was also drawn to the attention of the Council recently and, although this case is not in the same category, it illustrates the capriciousness and arrogance of the Minister and, indeed, shows the scant respect that the Government has for the rights of the individual. Having assessed all the facts, I believe that the refusal to allow this transfer to a person who in good faith signed a contract and who would be an excellent person to have the area (he is a good farmer and requires this land for the efficiency of his operations) is indeed unjust. As the Woods and Forests Department refused the offer only three months earlier and the Minister responsible for that department is the Minister who refused to consent to the transfer, I have been led to the point of moving the motion.

The Hon. M. B. CAMERON (Southern): This is the first time that this matter has come to my notice. However, knowing the persons concerned, and if the facts are as outlined by the Hon. Mr. DeGaris, I have absolutely no hesitation in supporting the motion. It must be clear in a case like this that, where the department received and refused the offer in the first place and a second person took it on, it would have been normal business practice for the deal to be agreed to by the department.

In this instance, the person involved has a wet block and needs higher ground. I understand from what the Hon. Mr. DeGaris has said that there has been no attempt in any way to circumvent the department or to do anything underhand. This is a normal business deal, and I should be surprised if the Minister did not reconsider his rejection of permission for the transfer. Indeed, I urge him to do so as soon as possible and to give these people the normal rights of transfer that apply in this State. If the system of land transfer is to be used in this way, we had better make all land in the State freehold as soon as possible and remove any possible control by the Minister. I urge the Council to support the motion.

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

SUCCESSION DUTIES

Adjourned debate on motion of the Hon. C. R. Story:

That, in the opinion of this Council, the Government should, as a matter of urgency, introduce a Bill to amend the Succession Duties Act, 1929-1971, to provide for—

I. Increased proportional rebates of duty, so that the value of the rebates relates more accurately to the present value of money.
II. The right to claim rural rebate on land held in joint tenancy or tenancy in common.
III. Clarification of the daughter-housekeeper provisions.
IV. A new provision to alleviate the financial burden of widows with dependent children.

(Continued from October 2. Page 1230.)

The Hon. C. R. STORY (Midland): When the time for private members' business expired last week, I was giving a resume of the motion and the reasons for my moving it. I reiterate that the most important reason for my doing so is to give honourable members an opportunity to raise these matters again, as in the past two years the Government has not taken any action to update the concessions made under the legislation.

In the escalating fiscal situation in this State, it seems necessary in relation to this type of legislation, which involves people who can do very little to control their own destiny, to review the situation. I therefore moved the motion to enable all honourable members (and that includes Government members) to advance their views and those of their constituents and to cite cases, which I know are frequently brought before them, of hardships that people have suffered because of this form of taxation.

Having stated my case last week, I shall be pleased to reply at the conclusion of the debate to anything that the Government may raise. I consider that I have accomplished what I set out to do. However, I will listen with much interest to the contribution of other honourable members to the debate, because I know (as do many other honourable members) that real difficulties are involved and that some people are suffering great privations as a result not only of State succession duties but also of the similar Commonwealth tax.

The Hon. J. C. BURDETT (Southern): I support the motion and commend the Hon. Mr. Story for having moved it at this time. I sincerely hope the Council will support the motion and that the Government will take notice of it, the motion having been moved, I am sure, to alleviate situations of hardship that exist. On occasions when I have been able to see that the Government has been acting clearly in the public interest and in the interest of people who will be affected by legislation, I have been quick to commend it for doing so. One example is the egg industry stabilisation legislation. In the same way, I hope that, when private members on this side of the Council bring to the Government's notice real defects in the Succession Duties Act and its application at present, the Government, too, will be quick to see the merit in what has been moved and will give the motion the serious consideration it requests and deserves.

Paragraph 1 of the motion asks the Government to provide "increased proportional rebates of duty, so that the value of the rebates relates more accurately to the present value of money". That paragraph is reasonable and moderate, as are the other paragraphs. It does not seek to change any of the principles of the Succession Duties Act, and it does not seek a reduction in duties. It simply asks that the rebates be brought into line with the present financial situation. The merit of this paragraph is obvious. Since the last occasion when the rebates were changed, some years have passed, during which we have been subjected to galloping inflation, as a result of which the effect of the rebate has been substantially eroded.

I support the Hon. Mr. Story's statement that one of the rebates particularly eroded has been that in regard to the matrimonial home. Any kind of habitable home is at present of such a value that the present rebates are likely to be completely illusory. I have no doubt that the Hon. Mr. Story was prompted to move his motion at this time because of the galloping inflation and the financial situation that we are at present experiencing. This is the third time in a very short period that this Council has been asked to consider a motion brought about by inflation. At present we have on the Notice Paper the Wrongs Act Amendment Bill, the motive for which is to increase the solatium, which has been eroded by inflation. Also, we have on the Notice Paper the Administration and Probate Act Amendment Bill, again motivated by the fact that the amount of an estate that passes to a widow in connection with an intestacy is rendered completely illusory because of the reduced value of money. I therefore believe that the first paragraph of the motion is particularly appropriate at this time and, as the other Bills to which I have referred are being considered, I trust that the Government will consider this motion, because all these things are related to the problem of inflation and to the need for protection where a fixed amount of money has been eroded by inflation.

The second paragraph of the motion asks the Government to provide for "the right to claim rural rebate on land held in joint tenancy or tenancy in common". In my speech on July 25 during the Address in Reply debate (at pages 85 and 86 of *Hansard*) I spoke about this matter and most of the other matters raised in the motion. The rural rebate is significant, and it is important that it should apply to all appropriate land. It is important that it should apply to land which would otherwise qualify and which is held by joint tenants or tenants in common in the same way as it applies to land held in sole ownership. The rebate is important because it is proportionately substantial; this is partly because of the action of this Council when the matter of the rebate was last before Parliament. The rebate is justifiable, because the primary producer has to have a very much greater amount of capital than do most people to earn a living. It is proper, therefore, that upon his death his estate should get some consideration in relation to this capital tax.

To use an illustration, if a man has a piece of land worth $10 000 used for primary production to which the rebate applies, if his wife has a property to which the rebate applies also worth $10 000, and if the man dies, his estate is entitled to the rebate because the man's land was held in sole ownership. However, if a man holds land worth $20 000 as a joint tenant or a tenant in common with his wife (and I am supposing that the land is land to which the rebate would otherwise apply) and if he dies, the estate is entitled to no rebate, because the rebate applies only to land held in sole ownership, not to land held by joint tenants, tenants in common, or companies. I am not addressing any of my remarks to land held by companies, because it is proper that such land should not be entitled to a rebate.

Regarding land used for primary production which would otherwise qualify for the rebate, why should the rebate not be available when the land is held by joint tenants or tenants in common? What moral difference is there in such a case from land held in sole ownership? In my speech during the Address in Reply debate I tried to think of any reasons there might be and to answer them. It could be said that, in the case of joint tenants or tenants in common, the other joint tenant or tenant in common (say, the wife) already has half the land anyway, but in the example I gave I think I exposed the weakness of that argument. Under the present Act there is nothing to stop the wife from holding other land, and that does not prevent the husband's land, upon his death, from attracting the rebate. So, there is no merit in that argument. The only other argument I can think of is that, if there is a joint tenancy or tenancy in common, a family is indulging in a bit of estate planning, anyway. I do not think there is much merit in that, either. It seems to me that there is no justification for depriving the estate of a deceased person, which estate would otherwise be entitled to a rebate, of the rural rebate where the land is held by joint tenants or tenants in common.

The third paragraph of the motion deals with "clarification of the daughter-housekeeper provisions". I support that, and I do not intend to add to it because it has been explained fully by the Hon. Mr. Story. The fourth paragraph relates to a new provision to alleviate the financial burden of widows with dependent children. I mentioned this matter during the Address in Reply debate, and I think it is most improtant. Because of the present cost of living, it could be difficult indeed for a widow with dependent children to pay death duties out of her husband's estate and then to bring up her family. I am thinking particularly of people in a fairly modest situation, the kind of people the Government usually claims it tries to

help and protect, and the people we, on this side of the Council, certainly always try to help and protect. I refer to the little man, the person in need. I am sure everyone in this Council would want to help the person in that situation, especially the widow who might have a number of dependent children and a modest estate out of which to provide for them and to meet the heavy burden of succession duties.

I suggest there should be in such cases a substantial rebate, on a sliding scale, depending on the value of the estate and the number of dependent children. The widow in this situation is likely to find it difficult to earn money for herself. She is likely to be dependent on what she receives from her husband's estate and the income she derives from it. Therefore, it seems just and proper that, especially in the smaller estates at the lower end of the scale (although with the value of money these days that could go a fair way up the scale), she should receive a rebate, calculated on a sliding scale, depending on the value of the estate and the number of children she has to support.

It is particularly appropriate that this motion has been introduced at a time when the Commonwealth Government has said in its Budget that it intends to introduce a capital gains tax and that, as part of this tax, there will be a deemed disposal of assets on death, so that if a taxpayer dies he will be deemed to have disposed of his assets (including land, of course) at their value at that time, and any increase during the period over which he has held the assets will be taxable. This means that the taxpayer who dies will have his estate faced with three imposts of some form of capital tax. The Hon. Mr. Story has mentioned State succession duties, and there is Commonwealth estate duty, but now we are faced with a third tax, a capital gains tax, in the event of death.

I hasten to add that I consider there is moral justification for a capital gains tax on realised capital gains during a lifetime, but the proposed tax as reported goes further. It has been reported that the Commonwealth Government intends to provide in the legislation that, when a taxpayer dies, he is deemed to have disposed, at the date of his death, of his assets at their value at that time. With inflation increasing and continuing, and with the value of land and other assets increasing all the time, the estate of anyone who dies in the future will certainly sustain a capital gain under this system; therefore, that estate will be faced with three capital taxes. We in this place cannot do much about deemed disposal, but we can see that our own succession duties legislation is in order. I strongly support the motion and I commend it to the House and to the Government. I hope the Government will give it due consideration and take the action sought.

The Hon. R. C. DeGARIS (Leader of the Opposition): I, too, support the motion and I congratulate the Hon. Mr. Story on having it placed on the Notice Paper for debate. Although the motion includes four categories, I hope that by the time we have discussed it we may have added to those categories; no doubt there are other areas the Government should examine. I am certain the Hon. Mr. Story would agree that, as the debate proceeds, further categories should be added to those already contained in the motion. I give my strongest support to the first category: rebates of duty should be increased so that the value of the rebates relates more accurately to the present value of money. If I were to ask honourable members how long it has been since an increase in the available rebate or exemption to widows and children, I do not think anyone could tell me. In effect, there has been no lift to widows in the exemption from death duties since 1963, a period of 11 years.

The public was sold the three-card trick by this Government when it lifted or changed the exemption from duty from $9 000 to a proportionate rebate of duty of $12 000. I can well remember, as can every other honourable member, the emotional publicity the Government gave this measure at the time. I can recall the newspapers carrying thick headlines, "Increase in exemption for widows and children". Indeed, there is no increase because, whereas the $9 000 under the old Act was a straight exemption from duty, the $12 000 was only a proportionate rebate of duty and, indeed, could be applied only once, whereas under the form U provision, such as joint tenancies, the $9 000 exemption could have been applied twice under the 1963 Act. If one takes all factors into consideration, the present proportionate rebate of duty of $12 000 available to the widow is probably less than it was in 1963.

The Hon. M. B. Cameron: It is about one-third of a house.

The Hon. R. C. DeGARIS: I am trying to point out that such a formula cannot be applied when dealing with a proportionate rebate of duty. Where there is an exemption and where that is taken from the total estate, that is quite different from applying a formula where there is no exemption; but, where there is a proportionate rebate of duty, in the case of a widow, of $12 000 over the total succession, there is no exemption at all. The change in concept from the exemption to the proportionate rebate of duty is virtually a reduction of the exemption that existed in 1963. Now, it can be applied only once, whereas previously it could be applied twice. Since 1963, there was a gradual inflation of the currency until 1970. From 1972 to about half-way through 1973 there was super-inflation, and since then there has been super-duper-inflation.

The Hon. M. B. Cameron: Hyper-inflation.

The Hon. R. C. DeGARIS: Hyper-inflation—hyper-tension, I could call it, too. The present proportionate rebate of duty is probably, by comparison, about one-quarter of the value of the exemption applying in 1963. I do not think any stronger case can be made in relation to this matter. Indeed, the present proportionate rebate of duty means that practically everyone in the community who owns anything is caught for death duties. Today, if a widow has a motor car, some furniture, and a half-share of a house, the value is more than $12 000. One reads constantly of people who inherit very small properties being caught for the payment of death duties to the State. So I do not think there is any need to illustrate this point in greater detail. Every honourable member recognises that these proportionate rebates of duty should be increased.

I turn now to joint tenancies and tenancies in common. Perhaps I can give the Council some information on this which honourable members may have forgotten over the years. There were strong reasons in the old Act, before the Government changed it in 1974, why rural rebates did not apply to land held in joint tenancy, because a rebate applied to a joint tenancy; in other words, it could be a separate assessment under a form U assessment and, if rural rebate applied to land held by joint tenancy, the inheritress would be getting two chops at the rebate.

The Hon. J. C. Burdett: What about a tenancy in common?

The Hon. R. C. DeGARIS: I disagree that a tenancy in common was not included in the old Act; I have raised that matter in several Address in Reply speeches, but there is some reason why the rural rebate did not apply to a joint tenancy. I am sure the Hon. Mr. Burdett would agree with the point I am making. When we came to the change in the Act in 1971 and we met in conference, this matter was put strongly by the managers for the Council, but we had reached a stage where we had achieved so much in that conference (and, if I may say so, it was probably the best job done by the managers of this Council in any conference I have been on) that we found we had to let this point drop, because in removing the joint tenancy provision and introducing a matrimonial home provision, this area of joint tenancy in relation to the rural rebate should have been corrected there and then; but the House of Assembly rigidly refused to make any provision in this area because over the years the Government had promoted the idea that the joint tenancy provision or the form U assessment provision was a loophole. Nothing was farther from the truth, but the Government had promoted this idea and people believed the Government when it said, "There are so many loopholes through which wealthy people can escape death duties."

As a matter of fact, the introducing of a joint tenancy provision as a separate succession was a humanitarian piece of legislation, because it allowed the inheritress, when the husband died, to be able to have in her hands and pay duty on immediately a piece of property on which she could raise money: in other words, she need not wait for the whole estate to be wound up, which might take anything from six months to 12 months, but immediately on her husband's death the joint tenancy house could be transferred to her. That, as I say, was a humanitarian piece of legislation. One of the great problems in the present situation is that the widow cannot get her hands on any of the property or assets, so she is left in a difficult situation. No matter what the Government said, publicised, or published, this provision was not a loophole, and I ask the Government to examine some provision that would allow a widow to get her hands immediately on some of the cash or assets of the estate.

When the Government first marched into this area on the basis that joint tenancy provisions were a loophole, it was pointed out to the Government that, if it was going to cut out the joint tenancy provision (and I think, from my memory of the debate at that time, that over 95 per cent of the homes in the State were owned in that way) in its place there should be a matrimonial home provision. When the first Bill was introduced, there was no matrimonial home provision, but eventually the Government included one. However, this does not solve the real problem posed by the joint tenancy provision and the form U assessment. That problem still remains for the inheritress. The two other provisions (one of which I know the Hon. Mr. Potter has had much to say about at various times) include the daughter-housekeeper provision, and there are some odd things about that. For instance, I was told the other day of two daughters who each got the full $6 000 proportionate rebate of duty, and I know a case where the daughter who looked after an aged parent and went out to work, maybe, for two hours a week, for $4 or $5 a week, could not get the proportionate rebate of duty because she was not wholly and entirely devoting herself to the care of the aged parent. Both these cases are unjust. If two daughters each get $6 000 proportionate rebate of duty and the daughter in another case, who is caring for an aged person and perhaps earning a few dollars for a couple of hours work a week, cannot get any proportionate rebate, it is not right that she should be denied the benefit of that provision. I know that the Hon. Mr. Potter has much information about that.

Paragraph iv of the motion has been adequately covered by the Hon. Mr. Burdett. That relates to a new provision to alleviate the financial burden on widows with dependent children. It is a real problem. When the children reach the age of 16, 18, or 20 years, it is reasonable that they should be included in the will but, where a widow with, say, four or five young children wishes to sell beneficially, there should be some clause compensating for the fact that this widow inheriting an estate has the job of rearing four or five children through to their maturity.

There are one or two others matters not included in the motion to which I should like to refer. The first is a report in the *Australian Estate and Gift Duty Reports*, No. 55, August 8, 1974. I will quote from this report. It is headed "A settlement to take effect on death?" and reads:

In concluding his judgment in *Elder's Trustee & Executor Company Limited v. Commissioner of Succession Duties (Giles' case)*, Bright J. of the South Australian Supreme Court commented that he regretted the conclusion he had come to.

I ask the Council to note those words. The report continues:

The deceased in that case, had, in proceedings for dissolution of her marriage, obtained a court order for interim maintenance from her husband which was later replaced by a right to permanent maintenance to be secured by securities approved by the Master but subject to a right conferred on the former husband to set aside a trust fund to provide an annuity of the same amount net after tax. In pursuance of this right the parties (with the approval of the Master) entered into an indenture. The indenture provided that the settlor would vest certain securities in trustees to be held by them on the trusts set out. These included payment to the annuitant of an annuity of the same amount as under the maintenance order, with the payments to continue until her death. Subject to these trusts the indenture provided for the trust premises to be held as the settlor should by deed or will appoint and in default for the settlor absolutely.

The deceased died before the settlor-husband (who had not exercised the power of appointment referred to in the indenture) and earlier than the time at which her actuarial expectation of life would have expired, so that the settlor-husband became the sole beneficial owner of the property held by the trustees sooner than an acturarial computation made at the date of execution of the indenture would have led him to expect.

The deceased's estate claimed that the only dutiable asset in respect of the indenture was an increase of benefit under section 8 (1) (*g*) or (*h*). The Commissioner claimed that the asset should be included as property given or accruing to any person under any settlement containing trusts or dispositions that take effect upon or after the death of the deceased under section 8 (1) (*e*).

Bright J. held that the indenture was a settlement, there was a death of the settlor or another person, property was given or accruing under the settlement and the property was deemed to be derived from the deceased wife. He therefore concluded that "section 8 (1) (*e*) is applicable and therefore section 8 (1) (*g*), although in many respects more apposite and in all respects fairer to Mr. Giles, cannot be invoked. I regret this conclusion for it seems absurd to tax Mr. Giles as a stranger in blood on property which was his own and of which he divested himself only to the extent necessary to comply with a requirement of the court."

The unjust and absurd decision of the Supreme Court in the Giles case resulted in the appellant husband being ordered, on the death of his ex-wife, to pay succession duties at stranger-in-blood rates on assets which he was obliged to put up to secure maintenance on an annuity basis for his ex-wife. On the death of the former Mrs. Giles, the enjoyment of

the assets unencumbered by the annuity reverted to Mr. Giles, but he was charged with succession duties as though he had received a bequest by will from a stranger.

I have quoted the decision that was made in this case. If a non-testamentary disposition of any kind is linked in any way with the death of a person, succession duty is payable even though the successor may have paid full consideration in money or moneys worth for his interest. Moreover, duty will be payable at stranger-in-blood rates if the person, with whose death the disposition is linked, is a stranger to the successor.

I now refer to three illustrations concerning this matter. First, I refer to a son who, to assist his mother, buys from her at full value the dwellinghouse in which she is living, but subject to her right to live there for the rest of her life (and one can imagine this happening in many families). On the death of his mother, the son will be entitled to possession of the dwellinghouse but will be charged with succession duty on the full value thereof. Secondly, for the purposes of winding up an estate the trustees of a will may, at the request of the beneficiaries, transfer to the life tenant a registered estate for life in a dwellinghouse and, to the residuary beneficiaries, a registered estate in the remainder. Each of the interests would be noted on the certificate of title. On the death of the life tenant, the registered transfers would amount to a settlement, and succession duty would again be chargeable on the full value of the dwellinghouse.

Thirdly, for the purpose of resolving difficulties of interpretation of a will or in consequence of an intestacy, the family may enter into a deed of arrangement, under which the mother is given a life interest in the whole estate, and the children take over the assets on her death. In this instance the deed of family arrangement would amount to a settlement, and duty would be payable again on the death of the mother of the whole value of the assets. There are other extremely difficult problems, which still exist in our death duty legislation.

Slightly more complex are the problems arising in consequence of the combined application of sections 4 (1a), 4 (1b) and 8 (1) (*e*), and the aggregation provisions of the legislation. Here it is possible to have aggregation with the property of a deceased person of other property in which the deceased has never, at any time, had any beneficial interest, either as owner of the whole or with a limited interest therein. Frequently, the only connection which the deceased has had with the property is that a settlor has reposed confidence in him and has vested in him, as a trustee or otherwise of the property, the onerous and often thankless task of determining the ultimate distribution of the property or the respective interests of the various final beneficiaries. In other words, the only interest which the deceased had in the property was a power of appointment.

It follows that any interest that the deceased's children take under the settlement (in consequence of a revocable exercise of or failure to exercise the power of appointment) will be aggregated with any interest they take in the deceased's own property for the purpose of determining the appropriate rate of duty. This is because the property they take under the settlement is deemed to be derived by them from the deceased as holder of the power of appointment.

I appreciate that some of these matters are technical, but nevertheless they are matters that can occur, and I have quoted from the *Australian Estate and Gift Duty Reports* concerning the Giles case. Such situations should not be tolerated, because they are neither fair nor just. This applies especially in the case of people who are put into a situation not of their own making, and have to pay extremely high rates of duty and, as has been pointed out, they have only an interest as a trustee in an estate. I support the motion, and I hope that the Government will examine the matters that have been raised in it as well as examining some of the other matters to which I have referred in supporting the motion.

The Hon. JESSIE COOPER secured the adjournment of the debate.

WRONGS ACT AMENDMENT BILL

Read a third time and passed.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Second reading.

The Hon. F. J. POTTER (Central No. 2): I move:

That this Bill be now read a second time.

This brief Bill makes an important amendment to section 54 of the Administration and Probate Act, 1919-1973. That section deals with the share that a widow or widower will take in an intestate estate where there is no issue of the parties. Before 1956, a widow or widower in these circumstances took the first $1 000 in the estate, plus interest at 8 per cent a year from the date of death to date of payment and one-half of the balance of the estate. The remaining one-half of the residue was divisible to the father of the deceased if living but, if the father was deceased, then to the next of kin.

In 1956, the amount of $1 000 was substantially increased to $10 000. The situation has remained unaltered since that time, despite the great change that has occurred in the value of money. It is not easy to find a precise measure of the change in value of money. Since 1956, it appears from many comparisons that I have made that salaries and wages have increased at least three-fold and sometimes four-fold.

However, an examination of costs of living as disclosed by changes in the consumer price index indicates that prices have almost doubled over the period. I have adopted this index as a measuring stick, and the Bill therefore proposes to increase the initial share that a widow or widower will take under the provisions of section 54 to $20 000 in lieu of $10 000 as at present. I commend the bill to honourable members.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL (CROSSINGS)

Second reading.

The Hon. C. M. HILL (Central No. 2): I move:

That this Bill be now read a second time.

Honourable members of both Houses of Parliament have from time to time expressed their deep concern about, and have made endeavours whenever possible to introduce legislation to improve, road safety in this State and therefore, to reduce injury and death on our roads. This Bill is one of those initiatives, and I commend the Leader of the Opposition in another place for introducing it there. I also pay a tribute to the member for Hanson in another place, who has been most active in his support for the principal changes effected by the Bill.

The Bill converts the maximum speed limit of 30 km/h to 25 km/h when passing stationary school buses or travelling between "school" and "playground" signs, across some pedestrian crossings, and in other areas where signs

indicate that roadworks and other road construction operations are being carried out. There is a further amendment reducing from 30 km/h to 25 km/h the maximum speed for those who ride or drive motor cycles without wearing safety helmets.

Moves have been made since July 1, from which date the change to the metric system applied, for such speed limits to be reduced. I am sure honourable members have received representations from the public in this respect. Indeed, even today a petition dealing with this matter was presented in the Council.

It has been apparent that the new speed limit fixed in July is too high and, therefore, dangerous compared with the lower speed. For the information of honourable members, I point out that 30 km/h is equivalent to 18·641 m.p.h. under the old system, and that the new proposal of 25 km/h is equivalent to 15·534 m.p.h. under the old system. It is therefore still a small fraction faster than the maximum speed limit that obtained previously. However, I am sure all honourable members will agree that this is considerably less than that which applied in relation to the 30 km/h speed limit. The Bill is only a short one, the first two clauses of which are formal. Clause 3 deals with the four instances to which I have referred, and clause 4 deals with the matter of safety helmets. I commend the Bill to honourable members.

The Hon. D. H. L. BANFIELD secured the adjournment of the debate.

POTATO MARKETING ACT AMENDMENT BILL

Read a third time and passed.

ART GALLERY ACT AMENDMENT BILL

Read a third time and passed.

APPROPRIATION BILL (No. 2)

Adjourned debate on second reading.

(Continued from October 8. Page 1307.)

The Hon. Sir ARTHUR RYMILL (Central No. 2): On August 1 last I delivered a speech largely on the situation of the Australian economy, which, of course, had tremendous reference to the subject on which I was then speaking and to that on which I am speaking today. My speech on that occasion was not deemed worthy of notice by the local daily press, that is, the *Advertiser* and the *News*. However, it seems to have gained some Australia-wide currency since. It was aimed at the non-socialist section of the community. I used a small bore shotgun aimed at a flock of pigeons, but a stray pellet seems to have hit a crow. The Adelaide *Herald*, which is not altogether noted for its conservative views, was the only Adelaide journal wounded by my shot. An article in the *Herald* states:

> The true reactionary is not dead . . . 66-year-old Sir Arthur Rymill weaves the same old stale tales in the Legislative Council (otherwise known as the waiting room of the Adelaide Club). His speech in the Address in Reply debate of August 1 was an almost classical example of verbal paroxysm, of outrage at an old order fading away, ending: "Finally I should like to state that true Socialists are near-Communists."

A little bit out of context, I thought. However, the *Bulletin* was kind enough to rectify the situation for me, because it did me the signal honour of reprinting my speech in full in its edition of October 5, together with some highly complimentary remarks which, of course, unfortunately I know I do not deserve. Actually, the speech I made was an exercise in addition—adding up Commonwealth Ministerial statements indicating either what the Australian Government was aiming at or what it was unwittingly achieving. Are the matters to which I referred in my speech on August 1 deliberate Government policy or not? In my opinion, both concepts could be true. It seems to me that some of those in power in Canberra just do not know what they are doing to private enterprise, but others know only too well. A number of the things I said in that speech were easily predictable, and I do not claim any great prescience about them, and some are already true.

The Hon. R. C. DeGaris: It did not take Dr. Cairns long to make one of them come true.

The Hon. Sir ARTHUR RYMILL: One of the things I mentioned was that one should impose a capital gains tax if one wanted to achieve a socialistic economy. I made my speech on August 1, and on September 17 a capital gains tax was announced. Also, I said that, if one wanted to weaken companies, one would have a tribunal that would stop them from replacing in full their steeply rising costs. A week or two ago the Prices Justification Tribunal proudly announced that it had saved the Australian public $250 000 000 during the past year. At whose expense was this "saving" made? It was, as I predicted in that speech, at the expense of a potential weakening of some of Australia's leading companies.

Another thing I said was that when one did certain things one could then claim that the system had failed. I made my statement on August 1, and exactly three weeks later, on August 22, Dr. Cairns said (and this was the first time it had been said), "It is not the fault of the Government: it is the fault of the system." Other things to which I referred are still happening or remain to happen. As I say, the speech was only a matter of quotations from various high authorities in the Commonwealth arena. One would, of course, expect that, as the programme unfolded, these things would happen. The situation in which the Australian economy now finds itself was totally predictable a long time ago.

At the valedictory dinner given (I think in June, 1973) to our former Lieutenant-Governor, that magnificent man Sir Mellis Napier, I prophesied to a Labor member of the House of Assembly representing a large industrial area that there would be massive unemployment by the end of March, 1974. He laughed at my prophecy, and said that it was quite unthinkable. About last April he said to me, "You were wrong about the unemployment, weren't you?" I said, "Yes, I was, but only because of the Middle East oil crisis." He said, "What has that got to do with it?" I said, "I was adding to the Government's tariff reductions the immense effect of revaluations of the Australian dollar in cheapening imports, and I just could not see how Australian companies could compete when this took effect. I think the oil crisis slowed up imports by about six months. What I said would happen will probably happen at about the end of September." And that is what has happened, and it is a matter that we must all join in deploring. Yet this deliberate, artificial situation has gone on and on.

If the present situation of the economy is not the result of deliberate action, I should like to ask: when will Governments learn? I have likened the situation we are in to the Menzies credit squeeze of 1960; that was quite a severe squeeze, but Mr. Menzies (as he then was) turned on the tap again in about the equivalent of last April or May, in relation to the present situation. And what happened? There was only a trickle of rusty water for months! What happens this time, when we have a far greater

squeeze that goes on and on and on? Mr. McMahon's squeeze, a comparatively minor one, occurred nine or 12 months before the December, 1972, election, and I do not think it helped him very much at the election.

Now, Messrs. Whitlam and company have done the same thing, but in a far bigger way than either of the others and for far, far longer. How long will the recovery take this time? I hardly dare to think. I have talked about the financial situation, and I should like to finish on a local note, which occurred to me yesterday. I think an old saying has to be amended in South Australia. It should read: fools and their money are soon parted, but they are now entitled to a refund under the consumer protection legislation.

The Hon. T. M. CASEY (Minister of Agriculture): I think honourable members always enjoy listening to the Hon. Sir Arthur Rymill when he is in good form, and he was in good form today. I can well remember the speech he made, to which he has referred. I must compliment him on the assessment he made of the situation, because no-one can deny that his predictions on that occasion were borne out. I remember saying what a fine speech it was and that we were all indebted to him for his knowledge of business in the State. I thank honourable members for their contributions to the debate on the Bill and, in closing the debate, I should like to make a few points. If some questions raised by honourable members remain unanswered, I shall inform the Ministers concerned so that answers can be forwarded to honourable members as soon as possible.

In his contribution to the debate, the Leader of the Opposition had quite a lot to say; he sought information on several matters, and he offered a number of general criticisms. I shall deal with his particular questions first and then comment on his more general remarks. The Leader requested an explanation of the expected decline in receipts from departmental fees. As explained on pages 11 and 15 of the Treasurer's Financial Statement, grants from the Australian Government for tertiary institutions will in future be handled through a trust account instead of through the Revenue Account. The removal from the Budget of revenue from this source is expected to more than offset increases in other areas.

The Leader also referred to an alleged doubling of State taxation in the two years from 1972-73 to 1974-75. I point out that actual receipts from taxation in 1972-73 were $115 600 000 and estimated receipts from this source in 1974-75 are $208 900 000. Of this latter amount, $18 000 000 represents payment of pay-roll tax by the Government to itself under procedures introduced from July 1 last, and so the amount comparable with the 1972-73 figure is $190 900 000. This represents an increase of 65 per cent, not 100 per cent as stated by the Leader.

Next, the Leader referred to the increase of about $20 000 000 in the Budget provisions for the Premier and Treasurer, and to the possibility of saving $10 000 000 in the Premier's Department. As the total allocation to that department is only $2 200 000, I assume he means to suggest that he could save $10 000 000 in the Premier's and Treasurer's sections taken together. The greater part of the increase arises from the need to subsidise the expected deficits of the Railways Department and the Municipal Tramways Trust, appropriated under Treasurer, Miscellaneous. Without reducing the level of rail services provided to country people or adding to city traffic problems by cutting back on public transport for daily commuters, I am at a loss to understand how the Leader intends to save his $10 000 000 here.

The Leader has seen fit to imply that the Government is not honest in providing information to Parliament in connection with taxation legislation. This is an implication that should be made only after thorough investigation. I am therefore disappointed that he has chosen to make it on the basis of what I suspect is a misunderstanding of the information provided. For the Leader to imply that the Government was being dishonest in the information it provided to Parliament on this measure because it did not say that the increase in the tax rate would yield $40 000 000 is just not right. The estimate used in the Budget of receipts from pay-roll tax is made up roughly as follows:

	$ million
1973-74 receipts	54
Carry-over of 1973-74 rate increase	3
	57
Increase in wages and employment	13
	70
Increase in rate (4½% to 5%) for 9 months	6
	76
Government departments	18
	94

Before the Bill to amend the Pay-roll Tax Act was introduced, calculations of expected revenue, based on preliminary estimates of likely wage increases, had been prepared. It was these calculations that formed the basis of the figure of $5 000 000 used in the second reading explanation. By the time the Bill was introduced, however, it was known that wage increases were likely to be rather greater than the preliminary estimates, and I must concede it would have been more accurate to have used a figure of $5 500 000 in the explanation.

Between the time the Bill was introduced and the Budget brought down, a further change in estimated wage increases was advised, hence the use of a figure of $6 000 000 in the Treasurer's Financial Statement. Now that there has been still another change it would probably be more precise to use a figure of a little more than $6 000 000 and further changes at the margin may occur. As should be obvious, however, the figures being discussed are not even remotely like the estimate put forward by the Hon. Mr. DeGaris.

The Leader has estimated that the deficit for 1974-75, following on the changes which have occurred since the Budget was brought down late in August, will be $40 000 000 and not $22 000 000, as suggested in my second reading explanation. The calculations which lead to the figure of $22 000 000 are quite clearly set out in the explanation, but just to make sure there is no misunderstanding I shall repeat them.

	$ million	$ million
Deficit shown in Budget papers		12·0
Non-receipt of special grant		6·0
Cost of higher wage increases	18·5	
Less increased receipts from formula grant and pay-roll tax	14·5	4·0
		22·0

In a more general vein, the Leader castigates the Government for presenting its Budget before the Australian Government had brought down the Commonwealth Budget, thereby making it necessary for certain supplementary information to be included with the Budget papers. It seems that this is a matter on which the Government cannot win. Year after year we are criticised for not producing the Auditor-General's Report

before the break for the Royal Show, even though we have no more influence over the Auditor-General than has the Opposition. However, we have followed religiously the time-honoured custom of presenting the Budget, which is a Government document, prior to the break so that honourable members opposite may have plenty of time to examine it. In this way its passage is facilitated and departments can proceed on the basis of their new allocations at an early date. Now it appears we should have abandoned this principle and waited for the Commonwealth Budget. I cannot help but wonder what the Leader's attitude would have been had we in fact done this.

The Hon. D. H. L. Banfield: He would have told us about it.

The Hon. T. M. CASEY: That is right; we cannot win. Similarly with revenues from the stamping of conveyances. Had the Government delayed its Budget for three or four weeks, it may have included a somewhat lower figure for receipts from stamp duties. At the time the Budget was prepared revenue from this source was still flowing fairly well, despite the very tight monetary situation which had prevailed in the preceding months and the State Government controls which had applied for even longer. With the benefit of hindsight it is now possible to say that the estimate in this area was optimistic, but on the evidence available during the Budget preparations it was soundly based. The inclusion of a lower figure would only have invited accusations that the Government was deliberately understating revenue from taxation.

The Leader is quite wrong in his belief that information about the proposed changes in automatic appropriation procedures was not available to the other place; I refer him to page 785 of *Hansard*. The current position is that the Public Finance Act authorises annual expenditure additional to Budget appropriations to the extent of 1 per cent of the amount provided in the Appropriation Acts, while the main Appropriation Act each year authorises expenditure above that specifically mentioned in the Budget papers to meet unforeseen costs of electricity for pumping water and to meet costs incurred by the State as a result of new wage award increases. In 1974-75 the automatic authority given by an Appropriation Act unchanged in wording (that is to say, not referring to wage effects on grants) would have been about $26 000 000 on the assumptions inherent in the Budget papers, and about $43 000 000 on the latest information available. Under this Bill, extended to cover grants, the $26 000 000 is increased to about $30 000 000 (see page 3 of Parliamentary Paper 7) and the $43 000 000 is increased to about $48 500 000. The important point to remember about this latter sum is that it will be available only to meet unavoidable increases generated by wage-fixing tribunals.

The more general authority for excess expenditure contained in the Public Finance Act will provide only about $6 000 000 this year and, under previous legislation, this would have to be used to cover increases in grants to organisations such as Adelaide Children's Hospital, Queen Victoria Hospital, and the Institute of Medical and Veterinary Science, which can no more avoid wage increases than the Government can. With conditions as they are, there is a real possibility that the authority provided under this Act may prove insufficient to cover the cost of these extra grants and to meet unforeseen contingency expenditures for which the Government becomes liable. To avoid being placed in the position of having to refuse assistance to a subsidised body such as these, the Government is seeking to have them treated in the same way as applies to Government departments where wage increases are concerned.

They would provide the same sort of certificates as to the cost of wage increases and these certificates would provide the basis for a Governor's Warrant in the same way as is now the case for Government departments. No extra appropriation authority would be provided unless subsidised bodies were affected by decisions of wage-fixing tribunals, and then the extent of the extra authority would be limited to the costs of those decisions. Honourable members may be interested to know that the Victorian Government, faced with similar difficulties, has this year included a clause in its Appropriation Bill to give the same sort of automatic appropriation authority as that which Governments have had for many years in this State and which we are now asking Parliament to extend slightly.

I turn now to several points raised by the Hon. Mr. Hill. He expressed certain doubts about the accuracy of the succession duties estimate in the light of the down-turn in the land market and the depressed state of the share market. These factors could have some effect in the longer term if the down-turn continued, but for 1974-75, the relative numbers of large and small estates on which duty is paid will be far more significant. This, of course, is a matter over which the Government has no control.

With regard to the South Australian Film Corporation, it may clarify matters if I point out that there are really three elements involved in the payments to the corporation. First, there are payments by departments for the production of films. Last year these were shown against individual departments but this year they have been consolidated under "Premier (Miscellaneous)". Secondly, there are the commercial earnings from outside bodies which are credited to revenue and then paid to the corporation. Thirdly, there is a grant that assists the corporation to cover its budgeted cash deficit. The following summary compares 1974-75 figures with those for 1973-74:

	Receipts		Payments	
	1973-74	1974-75	1973-74	1974-75
	$	$	$	$
Payments by departments	—	—	267 117	285 000
Commercial earnings . . .	43 901	474 800	39 087	475 000
Budgetary support	—	—	466 275	530 000

The true cost of the budget of the corporation's activities is represented by the last item only as films purchased by departments would be a charge against revenue even if there was no Film Corporation, while commercial earnings are both a receipt and a payment. Furthermore, part of the budgetary support is related to the cost of operating the film library which, prior to 1973-74, was a charge against the appropriation of the Education Department.

The Hon. Mr. Hill also criticised the Government for introducing tax measures between Budgets and contrasted this with the position in other States, where he said taxation measures are all announced in the Budget speech. I find it difficult to reconcile this claim with the following statement by the Premier of Victoria when speaking on inflation in the Victorian Budget speech on September 25 last:

If it should increase and our estimate of potential wage increases be seriously invalidated, then further action will be required during the course of the financial year to obtain additional revenue.

The Hon. C. M. Hill: He was not certain at the time.

The Hon. T. M. CASEY: Mr. Hamer continued:

If this were not forthcoming from Canberra by way of an increase in tax reimbursement grant, additional State taxation and charges would become inevitable.

All increases in taxes and charges in this State which have been determined are, of course, mentioned in the Budget speech and can be freely debated. It has been the policy

of this Government to announce them when the Cabinet decision has been taken rather than to hold off until the Budget speech, and this is the policy which will be followed when decisions on further measures are made. The most remarkable suggestion made by the Hon. Mr. Hill was that the Budget be withdrawn because circumstances have changed in the last few weeks. To quote Mr. Hamer once again:

Time was when a Treasurer could estimate with reasonable certainty the level of expenditure for a financial year. Yet last year's experience demonstrates how this becomes virtually impossible in a time of rapid inflation.

Surely, the Hon. Mr. Hill must realise that it would be impossible to get a Budget through both Houses if the Government recast its proposals every time a change of any significance took place.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Appropriation of General Revenue."

The Hon. R. C. DeGARIS (Leader of the Opposition): The Minister of Agriculture has given a long reply to the second reading debate on this Bill but he has still not satisfied me in his answers to some of the queries raised in the debate. For instance, I do not know how far we can get with clause 3. Some of the wording in this Bill is different from that which has appeared in previous Appropriation Bills. In subclause (2) we see the words "or in relation to any prescribed establishment", "those increases, together with increases in pay-roll tax arising therefrom", and "salaries, wages and pay-roll tax"; and in subclause (4) we see "prescribed establishment". Those are new words that have not appeared in previous Appropriation Bills.

Each year special provision is made in section 32 of the Public Finance Act concerning expenditure on pumping (electricity charges, etc., incurred in pumping water to Adelaide). That section deals with Governor's Warrants. Does this mean, first, that salaries, wages and pay-roll tax in respect of all departments exceed the 1 per cent allowed by the Public Finance Act, or does this apply only to salaries, wages and pay-roll tax relating to prescribed establishments? Secondly, what amount above the $7 700 000, as provided by section 32, is now being considered at the discretion of the Government?

The Hon. T. M. CASEY (Minister of Agriculture): Because of those rather weighty questions, I will have to get a considered reply for the Leader. If he wants a reply during the course of this Committee, I am willing to move that progress be reported. If the Leader would be satisfied with a written reply and gave me some indication, I should be happy to comply with his wishes.

The Hon. R. C. DeGARIS: It would be more appropriate for the Minister to report progress, because I know that other honourable members are interested in these questions and may wish to follow me when they hear the replies to them. I wish to refer to other matters, but that will depend on the replies given by the Minister.

Progress reported; Committee to sit again.

WHEAT INDUSTRY STABILISATION BILL

Adjourned debate on second reading.

(Continued from October 8. Page 1305.)

The Hon. C. R. STORY (Midland): I support the Bill, and I agree with what the draftsman has done with it. I hope the present practice will continue, as this new format provides a clean start in examining this important legislation, it being no longer necessary to examine various Statutes. The Bill's main features are the provisions dealing with the marketing of wheat, the stablisation provisions, and the miscellaneous clause. Clause 2 provides:

This Act shall come into operation on the day on which the Wheat Industry Stabilisation Act, 1974, of the Commonwealth comes into operation but if the Wheat Industry Stabilisation Act, 1974, of the Commonwealth has come into operation on a day prior to the day on which this Act is assented to by the Governor this Act shall be deemed to have come into operation on the day on which the Wheat Industry Stabilisation Act, 1974, of the Commonwealth came into operation.

That means that, if the Commonwealth Bill comes into operation before this Bill is enacted, this Bill will be retrospective to the date applying to the Commonwealth measure. The Commonwealth Bill has passed through the Commonwealth House and passed all stages in the Senate on September 26. When dealing with this matter it is necessary to refer constantly to the Commonwealth measure, because this Bill is a much abridged copy of it. However, the Bill is necessary, especially from the States' point of view, and it is something about which the Agricultural Council should be pleased. Over the years, the council has managed to have the Commonwealth and State Ministers reach agreement, sometimes after much deliberation and compromise. The result has been a stabilisation scheme which, if any State withdrew from it, would become void and completely useless. Therefore, it is essential that we preserve the Agricultural Council, if for no other reason than to ensure the continued existence of the stabilisation scheme for the benefit of the wheat industry generally. Few changes are contained in this Bill, which is similar to the existing legislation. Clause 5 deals with interpretation, and the following new definition of "appropriate Minister" is provided:

"appropriate Minister", in relation to a State, means a Minister of State of the State administering the department of the State dealing with agricultural matters, and includes a Minister of State of that State acting on behalf of that Minister:

In our case, that is the Minister of Agriculture. This clause also contains a new definition of "wheat", as follows:

"wheat" means wheat of a season referred to in section 6 of this Act:

There is also a definition of "wheat products", which are set out specifically for the first time. In the past these have been included in the definition contained in the Commonwealth Act. However, it is almost impossible for people to refer to the Commonwealth Act to find out what really constitutes wheat products. Clause 6 deals with the seasons to which the Act applies, and refers to the "first day of October, 1974, and each of the next six succeeding seasons". However, that is a little ambiguous, and does not really mean what one may think at first glance. It is to be a five-year stabilisation scheme, the sixth season involving the hiatus that occurred prior to this agreement being reached. I understand that the scheme will operate until 1980. In clause 7 there are one or two things that are worthy of honourable members' attention. For instance, subclause (2) provides:

For the purposes of this Act, the board is not bound to preserve the identity of wheat of a season and may keep its accounts and records in respect of sales of wheat and wheat products in such manner as will, in its judgment, attribute sales to wheat of different seasons in an equitable manner, and sales so attributed to wheat of a season shall be deemed to relate to wheat of that season.

That is slightly different from the previous provision, although its effect will be the same. Clause 8, which involves the Commonwealth Minister for the first time, provides:

The Commonwealth Minister may give directions to the board concerning the performance of its functions and the exercise of its powers, and the board shall comply with those directions.

This is a new and important departure, which primary industry should heed. I have been preaching in the Council for many years that, when primary industry puts itself in the Government's hands, it must be willing to accept the Government's wish to have a say in how that industry runs its affairs, especially in relation to financial assistance. In this case, the Government's say will be fairly considerable.

Growers still have financial control of their industry; all they need are the statutory and legal powers to enable them to conduct orderly marketing. The wheat industry does not owe the Commonwealth Government any money. Indeed, the latter has for many years received tremendous benefits from the wheat industry, as the price of Australian home market wheat has been kept at an unrealistically low level, and this has saved Governments during that period much embarrassment that they would otherwise have been caused by having to increase the price of feed wheat, wheat products and bread.

The wheat industry has stabilised the bread, feed wheat and associated industries for many years. There is, therefore, no need for the Commonwealth Minister's intrusion. It is interesting to see that he is referred to in the Bill not as the Australian Minister but as the Commonwealth Minister. At least there are still a few old-fashioned Parliamentary counsel with whom the Australian Government have not yet caught up. Australian wheatgrowers are now going to be dictated to, in relation to policy, by the Commonwealth Government through the board. This is indeed a sad day because, once a Commonwealth Government (and I do not care of which political persuasion it is) is given that sort of power of direction over a statutory body, many things can happen, such as the diversion of wheat supplies from one country to another.

Although the board may be opposed to some countries receiving wheat from Australia for the first time, as a result of which old customers will be denied supplies, this can occur if the Commonwealth Government uses its new powers over the board. Indeed, this occurs in relation to many commodities. Commonwealth Ministers can make good fellows of themselves simply by making promises to certain countries, particularly when they are visiting those countries. I do not believe this is in the best interests of Australia's primary industries. Socialist Governments particularly are magnificent for their ability to spend other people's money. However, they have little idea of how to accumulate and hold money of their own accord.

The definition of "licensed receiver" in the Bill is much the same as it was previously. However, the penalty for a breach of clause 10, which relates to the delivery of wheat, has been changed. Subclause (5) provides that the penalty shall be an amount calculated in respect of the quantity of the wheat in respect of which the offence is committed at the rate of $200 a tonne, or imprisonment for six months, or both. This aspect certainly needs to be examined closely. Subclause (6) provides as follows:

For the purposes of this section and of notices under this section, where a person has possession of wheat immediately upon its harvesting, that wheat shall be deemed to have come into the possession of that person at the time of its harvesting.

That is a complete departure from the previous provision, and I should like the Minister to examine this aspect and to say what the significance of the alteration of the penalty is and what it means to South Australian producers. Clause 11 deals with deliveries to licensed receivers, and subclause (4) provides:

Nothing in this Act shall be taken to affect the operation of a provision of a law of the State with respect to the acceptance, or refusal of acceptance, by a licensed receiver of the delivery of wheat.

That is a new concept and is different from anything contained in the 1968 Act. Reference to Commonwealth Acts that are mentioned in the Bill is not easy for members of State Parliament who are debating this type of legislation. In some cases they are Bills only, not having become Acts of Parliament. This applies to the Commonwealth Wheat Export Charge Act, 1974, which is referred to but of which I cannot obtain a copy. So, I cannot check what that really means. The Bill slightly alters the quota season. Clause 17 provides:

In this Part, "season to which this Part applies" means the season commencing on the first day of October, 1974 . . .

The schedule provides that the following Acts are repealed:

Wheat Industry Stabilization Act, 1968.
Wheat Industry Stabilization Act Amendment Act, 1969.
Wheat Industry Stabilization Act Amendment Act (No. 2), 1969.
Wheat Industry Stabilization Act Amendment Act, 1973.

The schedule means that we are repealing all those Acts, which means that we are making a clean start; this is very good indeed. The Bill contains new provisions dealing with the mid-term repayments principle; this is different, and I do not think it is a good thing. The figure that has been struck for the next five-year period is $80 000 000. When that sum is reached, any surpluses will be paid to the wheat board. In the past, if there was a shortfall of, say, $20 000 000, that sum was charged to the "overs" and "unders" of the whole scheme. However, under the new scheme, if at the interim-term adjustment the fund is $20 000 000 in the red, it is up to the industry to find immediately that sum and put it into the fund, although at the commencing date the fund may have been in credit and at the concluding date it may be in credit. At the time the industry is required to find the sum, it will probably be struggling; otherwise, the fund would not be $20 000 000 in the red. It must be the Commonwealth Government that requires an unrealistic approach like that, and I hope the State Ministers have done everything possible to impress on the Commonwealth Government how unnecessary such a provision is. The Commonwealth Government is being unnecessarily tough in this connection.

The Hon. T. M. Casey: The Australian Wheatgrowers Federation has accepted it.

The Hon. C. R. STORY: The Minister's interjection could not have come at a better time. Actually, the federation had Hobson's choice. This is a take-it-or-leave-it deal. It took a long time to negotiate the scheme. If a person is kept waiting for long enough, in desperation he will withdraw practically any request that he made earlier. The industry accepted the provision, but under great duress. At the annual conference of the United Farmers and Graziers, the Chairman of the Australian Wheatgrowers Federation said that wheatgrowers did not like the provision.

The Minister has also reminded me of the glaring example of the owner-operator's allowance, which is absolutely ridiculous. From memory, I think the allowance is $3 100, which is about the amount that a leading hand on an agricultural property received in about 1967, yet that is the amount that the Commonwealth Government says an

owner-manager of a property is worth. If the Government believes a primary producer is worth only $3 100 a year as a working unit, it seems to me that the Government is not very much orientated toward the man on the land. Of course, the same Government will pay high legal fees for eminent Queen's Counsel to advocate on behalf of some sections of employment to see that some people get a wage at least double that allowed for owner-operators. To rub salt into the open wound, the Commonwealth Government would not budge on the matter. When the Commonwealth Minister was pressed right to the end, when his face was red because he could not get the legislation off the ground, and when Western Australia jacked up for a considerable time—

The Hon. T. M. Casey: Just prior to an election!

The Hon. C. R. STORY: Yes; that was a good time to do it. When one is dealing with that sort of Government, one must use all one's wiles. The primary producer has not got very many friends.

The Hon. T. M. Casey: The Western Australian Government did not alter the legislation even though it bucked a bit. It deliberately bucked because it was election time.

The PRESIDENT: Order! The Hon. Mr. Story.

The Hon. C. R. STORY: When the Commonwealth Minister for Agriculture finally saw that his legislation was not going to get off the ground because of the attitude of the Western Australian Government, which was only trying to protect its many wheatgrowers, he agreed verbally to review the situation with the industry after the first 12 months of operation of the scheme. As the industry did not have any alternative, it accepted. However, I am most apprehensive that a verbal undertaking has been given by the Commonwealth Minister. I should have thought he could at least go to the point of committing it to writing and that, in consideration of all the other things the industry had to give away to get a stabilisation scheme (which is a contributory scheme, and not a hand-out in this case), the Minister most certainly could have given an assurance that he would put this on the basis of progressive increases over the five-year period.

The Minister must have known, because his advisers are well informed people, of the situation prevailing in the wheat industry in the northern hemisphere. It was apparent that carry-over stocks in the northern hemisphere were very low. In the interim period, the northern hemisphere is not going to produce anything like the amount of wheat expected and, therefore, surely the industry could, with the assistance of the State Ministers, press the Commonwealth Government from this time onwards as hard as possible to get this altered from the paltry figure of $3 100 to a more realistic figure. I support the legislation, and I have made the points I wish to make on these two matters, because to me it is important. It is important, too, that grower representation on commodity boards be maintained and not whittled away, and that their powers should not be whittled away and that they should not be used as tools by a Commonwealth Government that is prone to be easily sucked in and easily flattered if the red carpet is rolled out for some of its Ministers.

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

SWINE COMPENSATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 8. Page 1310.)

The Hon. R. A. GEDDES (Northern): In supporting the Bill, I wish to ask some questions of the Minister. First, what is a swine? There is no definition of "swine" in the principal Act, or any indication of what swine are, were, or are to be. There is a definition of "pig" which, according to the Act, means any boar, sow, barrow, or sucker.

The Hon. D. H. L. Banfield: The "boar" intrigues me.

The Hon. R. A. GEDDES: Possibly "sucker" also intrigues the Minister. The Act refers on most occasions to "pig", and rarely uses the word "swine". I thought it only right that I should try to find out what a swine is. First, Ogden Nash had this to say:

The pig, if I am not mistaken,
Supplies us sausages, ham and bacon;
Let others say his heart is big,
I call it stupid of the pig.

Thinking there may be some tie-up with the biblical use of the word in relation to the antiquity of our Parliamentary procedures, I had difficulty in trying to find any reference to swine in the Bible, but in Proverbs (and I hasten to emphasise that this excepts present company) I found this comment:

As a jewel of gold in a swine's snout, so is a fair woman which is without discretion.

Then we turn to the *New English Dictionary*, which defines a swine as being an animal of the genus sus, comprising bristle-bearing, non-ruminant, hoofed mammals of which the full-grown male is called a boar and the full-grown female a sow. Now the name "swine" is used only in a literary sense or as a term in zoology being superseded in common use by "pig" or "hog". Will the Minister seriously consider amending the Act to change its name to the "Pig Compensation Act", as that is the term in common use today in Australia and obviously even in the *New English Dictionary*, where reference is made not to "swine" but to "pig"?

The Hon. T. M. Casey: Some people might prefer the term "hog".

The Hon. R. A. GEDDES: That is for the Minister to decide. Perhaps we could use both words. The pig industry for years has been to the South Australian farmer one of the sidelines to cereal growing from which he has been able to earn a little extra pocket money. It is one of the sidelines that has not been molested by controls, regulations, and licensing. Not so long ago, the farmer could sell his eggs, cream, and milk and earn a little money to help keep his monthly bills paid and to assist the general economy of the rural industry. However, controls, regulations, and licensing have restricted the free sale of eggs and cream. In spite of that, the pig industry has been able to prosper well, especially in the light of current market prices of other meat foodstuffs. Last week at the abattoir yearling beef was marketed at 32c for 454 grams, medium weight wethers at 9c, medium weight lambs at 19c, and medium weight bacon at 45c.

The Hon. D. H. L. Banfield: What was it selling for in the butcher shops?

The Hon. R. A. GEDDES: The Minister is quite able to find that out for himself, from his butcher. I am stating the prices to the producer, because that is what I am referring to. As a sideline, the pig industry is still profitable in times when other meat prices to the producer have dropped dramatically. That is the point, and that is why the pig industry is still worth investing in. It is interesting to observe how lot feeding of cattle in America, which had its heyday some years ago, has been on the decline in the past year or two because of the increased cost. When lot feeding of pigs became popular for those who could afford the capital outlay, many people predicted that the price of pig meat would drop because, with concentrated feeding, the market would be flooded.

It would appear that so far the flooding of the market has not materially reduced the prices, but I imagine the cost of lot feeding pigs is still tied up with other production costs, which are escalating to such a marked extent in the rural industry. The Hon. Mr. Whyte yesterday introduced some fresh thinking into what might otherwise be a mundane Bill when he suggested the establishment of a statutory advisory committee to deal with problems of administration of the Act. He has also foreshadowed various other amendments consequential on the suggestion of establishing a committee, and I commend those amendments to the Minister for his consideration.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

BUILDERS LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 3. Page 1274.)

The Hon. G. J. GILFILLAN (Northern): I support the Bill generally, although with some reluctance, because it is another Bill to increase restrictions on private enterprise. We have seen such a spate of this type of legislation over these past few years, setting up innumerable boards, authorities, appeal tribunals, and bodies of varied composition, that it must be increasingly confusing to the average person who has to live within the law. These restrictions, in the name of consumer protection, which have now become part of nearly every facet of people's lives, are increasing costs substantially to the consumers and making it difficult for industry and commerce to operate successfully.

This Bill has an important and dampening effect on the building industry in general. It is sad to see young couples today burdened with these extra costs, not only in the building of their houses but also in the price they have to pay for land. Innumerable authorities have been set up to deal with land. It has been claimed by the Premier that the authorities set up in the last session of Parliament have at last achieved a slowing down in the inflationary price of building land. Political spokesmen are opportunists in cases like this, because the most dampening effect on recent land prices has been the shortage of money and credit and the high interest rates, which not only discourage young people from buying land but also discourage them because their hopes of building a house on the land, if they can buy it, become even more remote. True, in many instances these people have rising salaries, but those in turn are eaten up largely by taxation; and that applies only if they continue to hold their jobs.

Unemployment in the building industry and throughout the community affects the ability of young people to purchase their own houses. Often, whether or not they can do that depends on two people in the one family working, to enable the financing of such a proposition. Here in South Australia we are faced with much the same problems that the Hon. Sir Arthur Rymill emphasised this afternoon at the Commonwealth level. However, ineptness in Government at the State level was not so obvious when we had a more responsible Government at the Commonwealth level. I have looked through *Hansard* at the names of the members of Parliament in the House of Assembly, where Governments are formed, and as far as I know among all those members forming the Government Party only one has had business experience—the Whip, who, as I understand it, has an electrical business. I would not say the same for the honourable members of this Council, because at least three of the six Government members have had business experience. This lack of business experience is revealed in this type of legislation, which is theoretical in its approach to consumer protection; it adds to costs and delays building; it also assumes that builders are, in the main, dishonest and that all consumers are honest people, who must be protected.

The Bill will be dealt with in detail in Committee. I think it should lie before the Council, certainly long enough to enable all those people in the industry who are interested to work out its full impact on the building industry and the potential house owner. In Adelaide, special difficulties are associated with building, one being the poor soil structure. I am told it is not a good area for building, and that only two other areas in the world, according to my information, are worse for building—Texas and Rhodesia, two places very remote from Adelaide. I still believe that the period of two years prescribed in this Bill as the period during which a person may complain is too long. With all the protection given to the potential house owner through local government and the various inspections that must be made, if a building is unsound surely that must show up within a year, after a full cycle of the seasons—the coldness and wetness of winter and the heat and dryness of summer in South Australia.

The powers of the board under this Bill are tremendously wide. The Bill not only defines the powers of the board but also sets up another authority, again something new—the Builders Appellate and Disciplinary Tribunal, set up to deal with appeals. The same powers of investigation are given to the board and the tribunal, in that they can act not only on a complaint that must be made within two years but also on their own motion. This could be used, I believe, as a weapon in the wrong hands continually to persecute builders not standing in good favour with the tribunal or board. Those words should certainly not be included in relation to the powers of the tribunal, because it consists of five members to deal with appeals. It seems quite wrong that it should be given such wide powers to initiate something of its own motion when, in fact, it is there to hear appeals. I believe also that the qualifications of the members of the tribunal should be spelt out, and the Master Builders Association and the Housing Industry Association should be represented on that tribunal by practical people. It is easy to have on such a board academics who have no real appreciation of the practical aspects of building. The term "housing industry" should be enlarged on, because it is in relation to this level of building that it is claimed that the legislation will provide protection.

Larger operations constitute a different field altogether, and protection is not required at all, because it is provided in other ways. Sometimes complaints against builders have been used unreasonably by people who have had houses built for them. True, there may be some instances where builders deserve having their work closely scrutinised, but it is alarming to hear that the powers that have been included in this legislation to protect consumers are being used by consumers to evade their responsibilities. Ample evidence can be shown that sometimes house buyers are using the Prices and Consumer Affairs Branch, as well as the appeal board, to have an inquiry instigated merely to delay the final payments being paid to the builder. I understand this happens frequently.

I believe that, when money is outstanding, especially in such a case as this, the sum outstanding should be paid into a trust fund or another similar arrangement should be made so that unscrupulous house buyers will not use the provisions of this legislation as a means of deferring their

final payments. There are other means of achieving this, too, and this whole aspect should be thoroughly investigated. Certainly, where an appeal is frivolous and has been made without proper reason, costs, at least, should be awarded against the complainant. I view this Bill with some reluctance. Although it helps overcome some of the difficulties contained in the original legislation, it is really the original legislation itself which is the basis for many of the faults involved in the administration of the Act.

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

HOSPITAL AND MEDICAL CENTRE

Adjourned debate on motion of the Hon. D. H. L. Banfield:

That this Council resolve that the providing of a hospital and medical centre by the Government of this State on the lands comprised in certificates of title register books volume 3267 folio 73, volume 3952 folio 112, volume 3252 folio 35 and volume 4004 folio 310 or any portion or portions of such lands shall be a public purpose within the meaning of the Lands for Public Purposes Acquisition Act, 1914-1972; and that a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence therein.

(Continued from October 3. Page 1274).

The Hon. G. J. GILFILLAN (Northern): In supporting the motion, I commend two honourable members of this Council. First, I commend the Hon. Mr. DeGaris for bringing to the attention of the Minister the fact that a motion of this type should contain more detail, and that a map similar to that exhibited when Crown lands are resumed should be exhibited. Secondly, I commend the Minister of Health for having a map provided and for bringing this matter completely out into the open, thereby giving all honourable members every facility to investigate the intended land acquisition.

The land involved in the hospital project is owned by the Education Department and two residents of the area, Messrs. Jenkins. The Minister could have obtained the subject land without necessarily moving this motion. Instead, the land could have been acquired by the Education Department's purchasing the two blocks from Messrs. Jenkins through the provisions of the Compulsory Acquisition of Land Act, under which the Education Department operates. The land could then have been transferred to the Hospitals Department at the appropriate time.

I commend the Minister for bringing this matter before Parliament and in being completely open about the matter. I have spoken with one Mr. Jenkins, and he did not know about the intended acquisition of his land at all until I telephoned him yesterday evening. However, his brother, the other landowner involved, is at present in Western Australia. Having now investigated the matter as thoroughly as possible, I can say that, at least in the case of one of the two gentlemen concerned, the house in which he was born is subject to the acquisition. This house has been in the family for a long time (certainly, it has been in the family for more than 60 years) and, in such a situation, much affection is felt about the house, which was once part of a larger estate.

In the case of Mr. B. A. G. Jenkins, a portion of his land will be acquired, and the remainder, with his house, will be left untouched. Although these two gentlemen will be disadvantaged, at least in one case they realise that this legislation is necessary for the sake of progress. While acknowledging that the Minister has been most open about his approaches in respect of this matter, I ask him to use his good offices with the officers purchasing this land to ensure that the people who are to be dispossessed will receive justice in the compensation paid to them. This situation is one of those sad occasions that always occur when compulsory acquisition of a person's house and assets is undertaken. I support the motion.

Motion carried.

ADJOURNMENT

At 5.10 p.m. the Council adjourned until Thursday, October 10, at 2.15 p.m.