LEGISLATIVE COUNCIL

Wednesday, October 23, 1974

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

PETITION: LOCAL GOVERNMENT

The Hon. M. B. DAWKINS presented a petition from 176 ratepayers of the District Council of Marne, alleging that their council was an efficient and viable authority serving their needs to the satisfaction of all ratepayers, wishing to continue with the present boundaries of their district council, and opposing the alterations recommended by the Royal Commission into Local Government Areas.

Petition received and read.

QUESTIONS

MEDICAL SERVICES

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to asking a question of the Minister of Health.

Leave granted.

The Hon. R. C. DeGARIS: Statements have been made recently, emanating both from the department and from the Minister of Health, indicating that July 1, 1975, will probably see the end of private surgical practice as we know it in South Australia. In August of this year, the Prime Minister wrote to the Premier or to the Minister of Health informing the State of the Commonwealth proposal. Can the Minister say, first, whether the State Government intends giving total support to the Commonwealth authority's proposals in relation to health matters; secondly, if not, what areas of Commonwealth policy does the State intend resisting; thirdly, is it true that private surgical practice will end in South Australia on July 1, 1975; and finally, if that is not the intention of the Government, can the Minister say how private surgical practice can exist with the State's agreement with the Commonwealth proposals?

The Hon. D. H. L. BANFIELD: At no time has information emanated from the Minister that July 1, 1975, will mark the end of private practice. I have never said that since I have been Minister, and I do not think that any such statement has emanated from my office. True, the State Government intends to co-operate fully with the Australian Government's health scheme as from July 1, this proposal having been approved by the Australian Parliament at the recent joint sitting. Although we intend to co-operate fully with the Australian Government in this regard, I see no reason why this should mean an end to private practice. It has been said time and time again that a patient will have the right to choose his doctor, and this means that that patient can go, whenever he wishes, to someone in private practice. Therefore, if these rumours as stated by the Leader are going about, they are not correct.

The Hon. R. C. DeGARIS: I should like to direct a supplementary question to the Minister, who did not answer the last part of the question I directed to him, and I seek leave to make an explanation of it.

Leave granted.

The Hon. R. C. DeGARIS: As I understand the agreement, public patients will occupy most operating sessions in the present private hospitals, and the Government will offer sessional remuneration only, private operating lists virtually being eliminated overnight. A surgeon will be permitted to consult on a fee-for-service basis, and a private surgical practice will virtually be providing an out-patient service for the Government at the expense of that private surgical practice. Therefore, I ask the question again: if it is not the Government's intention to end private surgical practice by July 1, 1975, how can such a practice operate under these conditions?

The Hon. D. H. L. BANFIELD: All people in private surgical practices can still operate, because private hospitals will continue to exist. There will be private wards in most hospitals and a patient, if he elects to go into a private ward, will pay for that private ward. If he elects to go into a public hospital, his fee will be paid by the Government. Therefore, there is no need whatsoever for private practice to go out of existence, and private hospitals will not go out of business. The matter regarding payments to doctors who serve in public wards in hospitals has not yet been finalised, but at a meeting to be held in Adelaide next Tuesday this matter will be discussed with representatives of the State branch of the Australian Medical Association. However, as I say, whether doctors will be paid on a sessional or fee-for-service basis is a matter that has not as yet been finalised. In fact, some type of payment will probably be made to doctors, but this has not as yet been worked out. Following the discussions to be held here next week with the South Australian branch of the A.M.A., the matter will have to be finally resolved by the national body of that organisation. I again assure the Leader that private practice will not disappear. There are people in the community who still want to go into private wards and have their own doctors, and this opportunity will still be available to them.

The Hon. V. G. SPRINGETT: Can the Minister say what arrangements have been made to ensure that private beds will be available for the use of surgeons and other specialists treating their own private patients? Is a formula being worked out, and will every private hospital have to provide public beds? Also, if by July 1 things are not ready for the Government to take over, as it was suggested they would be, is anything planned by the Government, because July 1 is almost upon us so far as organisation of the scheme is concerned?

The Hon. D. H. L. BANFIELD: I pointed out initially that this was an Australian Government matter and not a South Australian one. The South Australian Government is co-operating with the Australian Government regarding the scheme.

The Hon. R. C. DeGaris: Why don't you fight it for a change?

The Hon. D. H. L. BANFIELD: Which question am I supposed to be answering? No private hospital will be compelled to provide public beds. If subsidised hospitals provide public beds (and I assume they will, because they will be subsidised), that is all right. However, no private hospital board will be compelled to provide public beds.

The Hon. V. G. SPRINGETT: If they do not provide public beds, what will happen regarding funds given by way of Government grants?

The Hon. D. H. L. BANFIELD: Patients will no doubt continue to be insured under the hospital benefits scheme, and they may elect to go into private hospitals. At this stage no-one knows how many patients will wish to continue receiving private treatment. I have no doubt that the various hospitals will watch this matter carefuly to see whether or not they will want some of their wards to be declared public wards.

The Hon. V. G. Springett: I asked about Government grants.

The Hon. R. C. DeGARIS: Will the subsidised hospitals be classified as private hospitals?

The Hon. D. H. L. BANFIELD: Subsidised hospitals will not necessarily be classified as public or private hospitals. However, some wards will doubtless be set aside as public wards for patients who want to be treated in such wards.

WARREN RESERVOIR

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

Leave granted.

The Hon. M. B. DAWKINS: Yesterday, the Minister was good enough to give me a reply about the possible reconstruction of the Warren reservoir, and he indicated that the new Water Resources Branch of the Engineering and Water Supply Department would be evaluating the situation as regards the South Para and North Para Rivers, and also the reservoir mentioned. Can the Minister find out for me whether the evaluation will include the Light River and its tributary, the Gilbert River, so that the fullest use can be made of the total water resources in that area?

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

PRISON WARDERS

The Hon. C. M. HILL: My question concerns an attack a few days ago upon a warder in Yatala Prison by three prisoners and the ensuing publicity. Has the Chief Secretary made any plans or taken any Ministerial action to endeavour to avoid as much as possible a recurrence of that kind of thing?

The Hon. A. F. KNEEBONE: Yes. I have discussed the matter with the Director of Correctional Services, who informs me that arrangements are now being made for backing-up people to be on hand. He assures me that, as far as possible, every action is being taken to see that such a circumstance does not recur, where people are left in a dangerous situation, as in this case. I think every action that can be taken has been taken to ensure that warders and prison officers will not be put in such a circumstance again.

LAND TAX

The Hon. A. M. WHYTE: I seek leave to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. A. M. WHYTE: In the *Farmer and Grazier* of Thursday, October 17, the headline on the front page is "Premier's assurance on land tax assessments". Part of the following article is attributed to Mr. Kerin, President of the United Farmers and Graziers of South Australia, and it reads:

I was particularly gratified from the Premier's remarks to our deputation that he fully acknowledges the problems of rural landowners through current high assessments and the effect the existing rating formula will have on South Australian farmers.

I am not very concerned about Mr. Kerin's assessment of the position, because he is probably one of those farmers who has never faced an angry creditor in his life, but he goes on to say:

The Premier referred us to a proposed equalisation arrangement, of which he will provide details so that we can study the likely effects it will have on the average producer throughout the State.

Has the Chief Secretary any knowledge of this proposed equalisation arrangement; if not, will he obtain the details for us, because many people now receiving assessments are finding it hard to handle them?

The Hon. A. F. KNEEBONE: Land tax administration comes under another department, but I will convey the honourable member's question to my colleague and bring down a reply as soon as possible.

BUTE POLICE STATION

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

Leave granted.

The Hon. M. B. DAWKINS: My question is directed to the honourable gentleman in his capacity as Minister in charge of the Police Force in this State. I have received a communication from the District Clerk of the District Council of Bute expressing the concern of the council and ratepayers of that town and district regarding the apparent intention of the Police Department to close the police station at Bute when the present officer is transferred, I believe, next December. It has been put to me that, although this is a fairly law-abiding area at present, it is nevertheless some distance from any other police station and that there is a considerable through-put of heavy transport and tourist traffic travelling north and south and, indeed, in other directions through the area. The people of the district are concerned regarding the possible removal of the policeman from the district. Can consideration be given, therefore, to the retention of a policeman and a police station in the area?

The Hon. A. F. KNEEBONE: I shall be pleased to discuss this matter with the Commissioner of Police. However, I point out that there has been a reorganisation of police duties throughout the State. We are at all times concerned with the safety of the people and with the proper policing of the State. Endeavours are being made to ensure that the department is operated as efficiently and economically as possible. Honourable members have strongly criticised the Government this year for allegedly not economising where possible. I assure honourable members that we would not economise in the Police Force if any economies were detrimental to the safety of the individual or the State. Because we seek to operate the Police Force efficiently and economically, unfortunately police stations have had to be closed in some districts that have had a police station since the horse and buggy era; this has been done where police matters can be handled efficiently from other districts. Because of the greater mobility of the Police Force nowadays, we are able to reduce expenses. However, I will discuss the matter with the Commissioner of Police and bring down a reply.

ABORIGINAL CENTRE

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister representing the Minister of Community Welfare.

Leave granted.

The Hon. C. M. HILL: It is stated in this morning's paper that the State Government has been advised to scrap its plans for a promised $2 500 000 cultural centre and tourist resort for Aborigines at Wellington, on the Murray River. The advice has apparently been given by the Australian Tourist Commission. As an alternative proposal, the commission suggests that a series of smaller developments be established in various areas throughout South Australia but particularly near the Murray River. The commission's estimate of the cost of the alternative proposal is $448 000, compared with the other figure of $2 500 000. Will the Minister ascertain the view of the Minister of Community Welfare or the State Government concerning this new proposal?

The Hon. A. F. KNEEBONE: I, too, saw the report in this morning's paper, and I believe that the Premier may have some comment on it. As the matter is under the jurisdiction of the Minister of Community Welfare, I will refer the honourable member's question to him and bring down a reply as soon as it is available.

TOURISM

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

Leave granted.

The Hon. C. M. HILL: Last month there was a newspaper report concerning the discovery of a new cave in the Naracoorte cave complex. The report indicated that the new cave was huge and as spectacular as the existing fossil cave there, which I believe is world famous.

The Hon. R. C. DeGaris: Almost unique.

The Hon. C. M. HILL: Yes. Secondly, the impression was given, as a result of that publicity, that the cave would be available for inspection. A constituent of mine included a trip to the cave in his itinerary when he was recently touring the South-East to inspect this new find, known as Grant's Hall. Unfortunately, he was unable to inspect the cave and, as a result of his disappointment and possibly similar disappointment experienced by other South Australians, I ask the Minister whether it is intended that Grant's Hall will be open for public inspection? If that is the case, when is it expected that it will be open?

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

PHARMACEUTICAL ADVERTISING

The Hon. R. C. DeGARIS: Has the Minister of Health a reply to a question I asked recently concerning pharmaceutical advertising?

The Hon. D. H. L. BANFIELD: The Australian Health Ministers at their recent annual conference agreed to proposals for uniform controls on the labelling and advertising of all therapeutic goods. Ministers agreed to take the proposals back to their States with a view to adoption. The guidelines which apply to all therapeutic goods are divided into three sections, as follows:

(1) advertising to the medical and allied professions;
(2) advertising to the general public; and
(3) supplementary labelling on dispensed medicines.

The proposed controls are directed at all therapeutic goods, for example, any drug for which a therapeutic claim is made, such as patent medicines, prescription drugs, vitamins and minerals. The proposals will be considered by the Food and Drugs Advisory Committee; whether or not the committee will recommend the adoption of all of the criteria depends on their consideration of the matter and of the submissions which are being made on the proposals.

WILLS ACT AMENDMENT BILL

The Hon. F. J. POTTER (Central No. 2) obtained leave and introduced a Bill for an Act to amend the Wills Act, 1936-1972. Read a first time.

The Hon. F. J. POTTER: I move:

That this Bill be now read a second time.

In 1972 Parliament enacted an amendment to section 17 of the Wills Act. In his second reading speech supporting the Bill, the Chief Secretary pointed out that the purpose of the amendment was designed to give effect to a recommendation of the Law Reform Committee on the matter. Prior to the enactment of the amendment, section 17 of the Wills Act provided that, where a will is attested by a person who is, in terms of the will, entitled to receive a gift from the estate of the testator, that gift is void. The provision was an attenuation of previous rules under which a will attested by a beneficiary was regarded as being wholly void because the law would, in the case of such attestation, presume that the witness had exerted undue influence on the testator. To overcome this somewhat harsh provision the 1972 amendment repealed section 17 and replaced it with a new subsection, subsection (1), which reads as follows:

No will or testamentary provision therein shall be void by reason only of the fact that the execution of the will is attested by a person, or the spouse of a person, who has or may acquire, under the terms of the will or a provision, any interest in property subject thereto.

No difficulty whatsoever arises with the provisions of subsection (1), which I have quoted, but it has become apparent to me and other legal practitioners in this State that subsections (2) and (3) which follow in the 1972 amendment were misconceived and as a consequence annoying and unnecessary administrative delays have occurred in many instances where there was simply no need for this to have happened.

The provisions of the old section 17 of the Wills Act, which was totally repealed and replaced by the amendment, followed section 15 of the Wills Act of the United Kingdom. Although it destroyed the validity of a gift to any attesting witness the section also provided that the person so attesting shall be admitted as a witness to prove the execution of the will or to prove validity or invalidity thereof, notwithstanding the gift to him or her in the will. Furthermore, section 18 of the Act provides that a creditor whose debt is charged by the will on any real or personal estate and who is an attesting witness shall be admitted a witness to prove the execution of the will, and section 19 provides that no person shall, on account of his being an executor of the will, be incompetent to be admitted as a witness to prove the execution of that will.

Turning now to the text of subsection (2) (of the new section 17 which was enacted by the 1972 amendment), this provides that, where the execution of a will has been so attested by a beneficiary, the application for probate must be accompanied by an affidavit reciting the fact that the execution of the will has been so attested and the registrar may (and I emphasise that word) require additional affidavits from one or more of the attesting witnesses setting forth in detail the circumstances surrounding the execution and attestation of the will. The subsection then goes on to provide that the registrar, if not completely satisfied of the due execution of the will, may refer the matter to a judge of the court.

This whole procedure has a basic absurdity about it, because the point is that we are not really dealing at all with the question of due execution. A will is either duly executed or it is not. If it is not duly executed according to law it is wholly void for all purposes. If it is duly executed, then it is entitled to be admitted to probate unless it is challenged on other grounds altogether which have nothing whatever to do with execution, e.g., testamentary incapacity, undue influence, duress, etc. I think it is clear from subsection (1) of the amending section that it was not intended to alter the existing law that a beneficiary was a completely competent witness to a will. It amplified that law to provide that automatic disinheritance was to be abolished.

The only relevant question, therefore, was whether there had been some form of undue influence by the witness who was a beneficiary, or some lack of capacity on the part of the testator. These issues can be raised in the ordinary way by any party having an interest. It was, therefore, only necessary to enact that in any such action the onus of proof on any issue affecting the validity of the will should be cast upon an attesting beneficiary seeking to uphold the will's validity. Quite apart from the complete *non sequitur* in the 1972 amending section it is seen by many legal practitioners as quite improper that any kind of *quasi* judicial function should be thrown on the registrar himself or that the judges should apparently become involved in some novel *quasi* administration process which was apparently intended to lead to grants of probate in solemn form being made without the normal proper judicial processes being undertaken and without oral evidence from all interested parties being heard.

The present Bill is designed to remedy this situation by providing for the repeal of subsections (2) and (3) of section 17 and replacing them with more appropriate provisions. Accordingly, clause 2 of the Bill so provides for the repeal of the existing subsections. A new subsection (2) is inserted which provides that where in any proceedings it is alleged that a testamentary provision in favour of a person or the spouse of a person, who attested the execution of a will containing that provision, is invalid on the grounds that the testator was induced to make that provision by the fraud or undue influence of the person attesting execution of the will, it shall lie upon a person seeking to uphold the validity of the testamentary provision to prove that the testator was not so induced to make that provision. Subsection (3) provides that subsection (2) shall not apply in respect of a testamentary provision conferring upon a person who has attested the execution of the will and who is named in the will as an executor thereof the power to recover from the estate of the testator reasonable and proper charges for discharging the duties of such executor.

The reason for this latter subsection is to surmount a difficulty which has arisen on many occasions since the previous amendment was enacted in 1972. It has been quite normal in many wills for solicitors to include a clause giving them the power to make proper professional charges in carrying out work done in connection with the will or any trusts thereof. The will containing such a clause has been interpreted as giving a legacy to an executor and, consequently, if that executor also witnessed the will (which is by no means uncommon), he became subject to all the administrative delays and difficulties in seeking to obtain probate. This situation has often generated a great mass of useless affidavits having to be sworn and filed to no real purpose. I point out that the difficulties in this situation were dealt with, as far as succession duties were concerned, by section 13A of the Succession Duties Act which was enacted in 1951. I commend the Bill to honourable members as being a matter of importance and urgency.

The Hon. J. C. BURDETT (Southern): I strongly support this Bill and I support what the Hon. Mr. Potter has said. The Wills Act, 1936, following earlier United Kingdom Acts, provided that, if a will was witnessed by a beneficiary or the spouse of a beneficiary, the will was not invalid but the benefit was invalid. In the 1972 Act, the intention was to alleviate this rather harsh provision. It was considered that it was not just and not equitable that, in all circumstances where a beneficiary witnessed a will, necessarily he should lose the benefit, and even more so where the spouse of the beneficiary witnessed the will.

The amendment was botched up; that is what it amounts to. It was an entirely bad amendment because it went to the validity of the will instead of to the validity of the benefit. The probate court (the Supreme Court in its probate jurisdiction) is concerned only with the question of whether or not the will is valid and whether or not it should issue a grant of probate, which means in effect a certificate to the effect that the will is valid and that the executors are entitled to the administration of it. That is all. Unfortunately, however, the well-intentioned 1972 amendment referred not only to the validity of the benefit but to the validity of the will itself. That is why these grave difficulties to which the Hon. Mr. Potter has referred have arisen; in cases particularly where solicitor executors were also witnesses to the will, affidavits had to be filed, and also in many other instances. The original rule which the 1972 amendment was designed to alleviate had nothing to do with the validity of the will, but only the validity of the benefit. I have struck some examples, along the lines mentioned by the Hon. Mr. Potter, of the harsh way in which the 1972 amendment has worked. It was meant to alleviate the harshness of the previous provision, but actually it aggravated the harshness and made it worse.

The first example has been in regard to solicitor trustees. Legally, any solicitor trustee who is given a benefit under a will is a beneficiary, because the ordinary rule of equity is that a trustee may not benefit from the trust he has to carry out. There is nothing wrong with that. It is proper to put him into that category, but this meant that a solicitor who was a trustee and was given a power to charge was a beneficiary under the will; and, if he witnessed the will, the penalty was invoked that he might not be able to benefit under the will. That was not so terribly harsh, because a solicitor should be expected to know the rule and not to be so foolish as to witness a will of which he was a trustee and which he was given the power to charge. I do not think it happened very often but, under pressure of business, it probably happened occasionally; but what has happened is this. There have been cases where the solicitor trustee has not witnessed a will but one of his partners has, and the interpretation placed on that by the Registrar of Probate has been that, because the partners in a legal firm share the profits, the solicitor's partner who witnessed the will was a beneficiary.

To me, that is a wrong interpretation. I would have said that the partner benefited, not under the will but under the partnership contract. However, this interpretation has been placed on it by the registrar, who has refused to depart from it. This has meant that in several cases that have already occurred, where the partner of a solicitor trustee has been given a power to charge and has witnessed the will, and an affidavit has had to be filed, the registrar has claimed that probate cannot be granted until the affidavit has been filed.

A further problem has been that this procedure has caused considerable delay. These days, with a fairly commendable procedure in the probate court, we can normally expect probate in just over a month; but, where the situation has occurred that under the 1972 amendment affidavits have had to be filed, the grant of probate has been delayed for many months. This is a disability not merely to the solicitor concerned but also to the beneficiary of the estate, which is more important. Also, some other anomalous cases have arisen. One that has come to my notice is where a person witnessed a will and was not in fact a beneficiary under that will. He was not mentioned in the will at all, either

by name or by direct description, but it so transpired, as the events happened, that he was a beneficiary under another estate that benefited through the will, and ultimately he became a beneficiary.

The registrar took the view that this meant that affidavits had to be filed before probate could be granted. It would have been different if this had just gone to the validity of the benefit, but it went to the grant of probate, and held it up. As I have said previously, the fault of the 1972 amendment was that, whereas the previous rule simply related to the benefit that the person received, the 1972 amendment went to the grant of probate itself, to the validity or otherwise of the will. In my view, this amendment puts the matter into its right perspective: it takes this matter out of the probate sphere and puts it back into the benefit sphere, which is where it should be. I support the Bill.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

WHEAT DELIVERY QUOTAS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 16. Page 1491.)

The Hon. T. M. CASEY (Minister of Agriculture): I was indeed surprised to be confronted with this Bill by the Hon. Mr. Burdett, because the discussions I had had with the United Farmers and Graziers of South Australia and the honourable member himself clearly indicated to me that the initial legislation that was introduced into the South Australian Parliament back in 1968 and the principles underlying that legislation would be adhered to. I recognise that the honourable member is a new member in this Chamber. He has quite a degree of ability (no-one doubts that), but we must realise that legislation enacted in 1968 was enacted when the honourable member was not present in this Parliament. I think the principles behind the Wheat Delivery Quotas Act should be considered closely before we accept an amendment of this kind to that Act. The honourable member made certain statements that I query, and will refer to them briefly. He said that landowners accepted the figure (he means the monetary figure proposed by the Government; and that would be the Lands Department in this case) after discussions and negotiations, on the understanding that they could take their quotas with them. I do not know where he got this idea from.

The Hon. J. C. Burdett: From the landowners.

The Hon. T. M. CASEY: Where did the landowners get this idea from? It never came to me as Minister of Agriculture.

The Hon. J. C. Burdett: What about that letter?

The Hon. T. M. CASEY: The honourable member keeps referring to a letter. That is not relevant to this matter.

The Hon. J. C. Burdett: It is.

The Hon. T. M. CASEY: No, it is not.

The Hon. J. C. Burdett: Well, table the letter.

The Hon. T. M. CASEY: I do not have to table any letter that was written privately by me to another person. Why should I? The honourable member has no jurisdiction to ask me to. I could ask him to table any letter that he wrote.

The Hon. J. C. Burdett: Of course.

The Hon. T. M. CASEY: But I would not even ask that, for a start; it would be unethical. The honourable member's request is completely unethical, and I ask honourable members completely to reject it, because it has no bearing on the situation. The whole fact of the matter is that much supposition has gone on behind the scenes by the honourable member. He refers to landholders. I understand from the United Farmers and Graziers—and I know the honourable member has probably put pressure on some of those people, although he is not a member of that organisation and I am—

The Hon. C. M. Hill: That is utter rubbish.

The Hon. T. M. CASEY: No, it is not rubbish. The honourable member does not like to face facts. Let me say this again: as a member of United Farmers and Graziers of South Australia Incorporated (which is something that the honourable member who introduced this Bill is not) I am more capable than he of advancing the views of a U.F.G. member. The honourable member who introduced the Bill is running to the hierarchy of U.F.G. to try and obtain its backing on this matter. However, he has not got it because he has them at sixes and sevens. They do not support this Bill at all. I have been given information that only one landholder is concerned about this matter.

The Hon. R. C. DeGaris: There may be some more in the future, the way the Government is acquiring land.

The Hon. T. M. CASEY: That is not the point. This Bill deals with only one landholder.

The Hon. R. C. DeGaris: No, it does not.

The Hon. T. M. CASEY: I have been given good confidential information that only one landholder is responsible for the introduction of this Bill. I assure the honourable member (and this is what he does not know, because he was not in this Chamber when the wheat quota legislation was introduced in 1968) that—

The Hon. M. B. Dawkins: You weren't, either.

The Hon. T. M. CASEY: Yes, I was. I was in the Parliament.

The Hon. M. B. Dawkins: You were in another place.

The Hon. T. M. CASEY: That does not matter.

The Hon. C. M. Hill: You said you were in the Chamber.

The Hon. T. M. CASEY: I said I was in this Parliament.

The Hon. C. M. Hill: No, you didn't. Have a look at *Hansard* tomorrow.

The Hon. T. M. CASEY: I said that the honourable member was not in this Parliament in 1968. That is where the Hon. Mr. Hill is getting utterly confused.

The Hon. C. M. Hill: No, I am not.

The Hon. T. M. CASEY: I was in this Parliament in 1968 when the legislation was introduced, but the honourable member was not. Many farmers came out strongly and said that some means had to be provided of preserving the traditional wheatgrowers of this State. That was the whole basis of the legislation, which was bound around a production unit. The quota was given not to a person but to a production unit. The honourable member is trying to do away with the production unit and to have the quota given to the person involved. That is defeating the whole purpose of the wheat quota legislation as introduced in 1968. That is the point I am trying to make. If honourable members opposite want to amend the legislation, that is all very well: let them do so. However, they would be creating a precedent that would react against the wheatgrowers of this State. As I said previously, only one grower is affected by this legislation. I understand that he has taken up land in the Bordertown district and that he could not grow wheat, anyway.

The Hon. J. C. Burdett: I haven't heard of that.

The Hon. T. M. CASEY: That is the information that has been supplied to me. In 1968, it was brought home clearly to members not only of the Council but also of another place that it was unfortunate that many people engaged in wheat farming at that time were not considered in relation to quota allocations. In this respect, I refer to sharefarmers, who were completely regarded in relation to this legislation, because it dealt with the production unit. That is where it started and finished. The only recourse a sharefarmer has under the present legislation is where he has a contract with a grower and has been growing wheat with him. Such a sharefarmer can obtain some remuneration from the sale of wheat, depending on the terms of his contract. A sharefarmer could not get a quota.

The Hon. C. M. Hill: You meant to say that sharefarmers were disregarded.

The Hon. T. M. CASEY: That is so.

The Hon. C. M. Hill: You said "regarded", not "disregarded". Again, you made a mistake with words. It is like "Parliament" and "Chamber".

The Hon. T. M. CASEY: I beg honourable members' pardons. Sharefarmers were disregarded. That is where we returned to the production unit. It is all right for the honourable member to say that he has been approached by several landholders regarding this matter. I assure the honourable member that I have been approached by many farmers in the northern area of this State who consider that, when a person sells his property and obtains a comparable price for it, the quota goes to the purchaser of the property. This principle has been adhered to under the quota legislation. Although I did not introduce that legislation, I go along with it and adhere to it, because, if we introduce all these tid-bits, heaven knows where we will finish. I have seen some of the problems that other States, particularly New South Wales, have experienced over the years regarding their distribution of quotas.

The Hon. R. C. DeGaris: This deals only with compulsory acquisition by the Government.

The Hon. T. M. CASEY: That does not matter.

The Hon. R. C. DeGaris: Yes, it does.

The Hon. T. M. CASEY: Let us examine what the Hon. Mr. Burdett said in the debate, as follows:

Surely these people should be able to continue with the business they were conducting previously and, if they receive a slight advantage—

He therefore admits that they will get a slight advantage. They want two bites of the cherry.

The Hon. C. M. Hill: They are being dispossessed.

The Hon. T. M. CASEY: No, they are not. The Hon. Mr. Burdett continued:

—it does not matter much.

It may not matter much to the honourable member, but the principle matters quite a lot to other farmers in South Australia who have always toed the line in accordance with the legislation.

The Hon. J. C. Burdett: And so have these people!

The Hon. T. M. CASEY: They have. Nevertheless, when these properties were acquired compulsorily, the owners agreed to accept an offer made to them. The honourable member cannot say that this did not happen, as these people accepted the price that was offered to them.

The Hon. J. C. Burdett: Thinking that they were going to take their quotas with them.

The Hon. T. M. CASEY: That is not so. If that is the honourable member's argument, let him produce something stating that the Government said this was the case. The Government did not say anything like this. How can the honourable member, in all fairness to the whole matter that we are discussing, base his argument on the supposition that these people surmised something? If one wants to substantiate an argument one is making, one can draw red herrings across the floor of the Chamber, and one comes out with halftruths and, in some cases, no truths at all. The Government did not at any stage say that these people would be permitted to take their quotas with them. If he says that the Government did say that, let the Hon. Mr. Burdett produce evidence of it. However, he has not got that evidence, because it is not available: the Government did not make that statement.

The Hon. J. C. Burdett: I tried to. I asked you to produce the letter.

The Hon. T. M. CASEY: The letter has nothing to do with the matter.

The Hon. J. C. Burdett: Produce it, then!

The Hon. T. M. CASEY: Why should I produce a personal letter that has nothing to do with this matter, anyway? Honourable members can suppose what they like. If they are going to vote on mere supposition, heaven help us! I thought one was guided by facts in a debate so that everyone could see where he was going.

The Hon. J. C. Burdett: Produce it then!

The Hon. T. M. CASEY: I do not have to produce anything. The honourable member is talking about letters, but I do not know what he really means. The fact is that he does not possess the information that he claims he possesses. Let him produce the information! I would be very pleased to see it. For the honourable member to suggest that I should produce a personal letter is completely ridiculous, and I do not think anyone here would adopt an attitude different from my attitude. In his second reading explanation the honourable member said:

If anyone is going to be slightly better off, I suggest that it does not matter very much and that it would be just a small thing that might be a start towards really compensating people who did not want to lose or sell their land but whose land was taken from them.

I do not think the land was taken from them at all. I wonder how a small business man gets on in the metropolitan area when the Highways Department says, "We want to widen the road." Does the department set up that man in business somewhere else? Does it actually construct a building for him?

The Hon. R. C. DeGaris: Are you referring to Burbridge Road?

The Hon. T. M. CASEY: The whole purpose of the Land Acquisition Act is that people should be adequately compensated when their land is acquired. In this case the Lands Department has informed me that these people were adequately compensated for the land acquired; no-one can deny that. When the wheat quota legislation was first introduced, many people were disfranchised from growing wheat, because they could not get a quota. Those people were told that there were other cereals that could be grown to greater advantage. If the honourable member's constituent is complaining because he has been disfranchised, why does he not grow barley? The price of wheat is high today and so, too, is the price of barley. Of course, oats can be grown as a sideline to barley.

This is where I cannot follow the honourable member: he said that he spoke to me about legislation I was introducing that would take care of these people and other

people, too. I believe it is time now for a situation where non-quota wheat of the season can be declared wheat of the season, because we have not been producing our full quota for several years at least. In the first year we produced it, and that was why our quota was reduced. I hope the honourable member supports that measure when it is introduced.

The Hon. G. J. Gilfillan: This was done last season.

The Hon. T. M. CASEY: No, it was not. The legislation must be amended (it can be done by proclamation) so that non-quota wheat of the season can be declared quota wheat of the season.

The Hon. G. J. Gilfillan: It has been done before.

The Hon. T. M. CASEY: I am referring to people who do not have quotas. The honourable member had a quota, and he had over-quota wheat. I am talking about non-quota wheat, not over-quota wheat. Now, we are getting rumours that quotas could be lifted. If they are lifted, anyone will be able to produce wheat, which will be accepted into the pool. and the farmers will be paid accordingly. The formula for payment would be up to the Australian Wheatgrowers Federation and the Commonwealth Government. The honourable member is defeating the purpose of the wheat quota legislation by his desire that the person should retain a quota. I point out that the quota was originally designed to fit the unit, and the quota remained with the unit. As I said to the honourable member during Question Time recently, if a person purchases a property with a quota, that quota remains with the property, and is owned by the owner of the property. When the property changes hands, the person who sells the property cannot take his quota with him.

If we adopted the honourable member's suggestion, we would be creating a precedent. Many wheatgrowers in the State do not support the honourable member's legislation, because it defeats the whole purpose for which they have been striving for years under the wheat quota legislation: they want the quota to remain with the unit, rather than with the person. In the circumstances that the honourable member has in mind, why did the person not ask for some of the quota to be transferred to him from the commission? That could have been done. The legislation that I introduced provided for the transferability of quotas.

The Hon. R. C. DeGaris: Why didn't the Government do it?

The Hon. T. M. CASEY: Probably it was not approached.

The Hon. J. C. Burdett: The transfer is for one year.

The Hon. T. M. CASEY: That does not matter. It could be done continually; there is nothing to stop that. We would still be maintaining the principles of the wheat quota legislation. If the Hon. Mr. Burdett's Bill was accepted, we would be getting away from the principles embodied in the 1968 legislation. I said earlier that the honourable member should have consulted people who were greatly concerned about the wheat quota legislation when it was enacted in 1968, because it was not easy to frame. There were tremendous anomalies. The then Minister of Agriculture (Hon. C. R. Story), who introduced the legislation, could tell the honourable member of the number of sleepless nights he had trying to satisfy the whole of the industry. They came back to the unit of production system, and I agree with it. I would not like to see any variation at this stage. Once the principle of the legislation is interfered with, many anomalies may be created.

The Hon. M. B. Cameron: What sorts of approaches have you had from growers that lead you to think that they have a problem?

The Hon. T. M. CASEY: I have had no problems about the legislation brought to me from the growers. The legislation has become part and parcel of the industry. Many people are looking forward to the time when quotas are lifted. I have supported this at meetings of the Agricultural Council, but there is the big stumbling block of the sum available from the Commonwealth Treasury to cover the first payment. The sum that the Commonwealth Government is willing to make available determines the payment on the wheat that goes into the silos. So, it is not an easy problem for the Commonwealth Treasury to solve. Nevertheless, I think it could be overcome by negotiations with the Commonwealth. Farmers may have to accept perhaps a smaller first payment; I do not know. That will depend on the moneys available. The people whose land at Monarto was acquired and who have purchased other properties on which to grow wheat can obtain quotas under the existing legislation. They can have part of their previous quota transferred from the Monarto Commission to themselves, so that they can go into wheat production. Although this is done on an annual basis, it means only renewing the quota annually.

The Hon. A. M. Whyte: What made this one grower believe that he could have transferred his quota to another property? Being a grower, he should have known it would stay with the property.

The Hon. T. M. CASEY: I do not know. It is beyond me, and that is why I am asking the Hon. Mr. Burdett. The Government has never made any statement about this matter. The honourable member has said that this person was under the impression that the Government was going to do this, but I point out that what the Government was going to do and what it specifically stated it would do are two different matters—

The Hon. A. M. Whyte: On many things.

The Hon. T. M. CASEY: —and, unless one can justify the fact that these people were officially notified by the Government about what it was going to do, the argument must fall on deaf ears. I cannot with any justification support that, because it just is not true. I believe there are many other ways in which these people can make a livelihood. Even if this man did not want to transfer a wheat quota to other land, he could grow barley or oats, both of which are bringing premium prices.

The Hon. M. B. Dawkins: Why don't you add cereal rye?

The Hon. T. M. CASEY: This person could even grow oil seeds. There are many areas of cereal growing commanding top prices on the world market. In this case we are dealing with only one gentleman.

The Hon. R. C. DeGaris: We are not dealing with one gentleman: we are dealing with a principle.

The Hon. T. M. CASEY: I am dealing with a principle.

The Hon. R. C. DeGaris: It's a funny principle.

The Hon. T. M. CASEY: It's not a funny principle. It is the principle which was enacted in 1968 when the wheat quota legislation was introduced. We had a tight wheat-farming community at that time. Wheatgrowers were trying to preserve their industry; that is, they were trying to preserve the traditional wheat farmer.

The Hon. G. J. Gilfillan: But compulsory acquisition was not considered at that time.

The Hon. T. M. CASEY: I doubt that it was. It may have been considered by the Minister, but I do not know. However, we still come back to the question of whether

these people were satisfied with the price they received for their land, whether it be through a private transaction, through public auction or through the compulsory acquisition of the land by the Government. If they were satisfied with the price they received for their land, it then became an ordinary commercial proposition.

The Hon. M. B. Cameron: Not when it's compulsorily acquired.

The Hon. T. M. CASEY: It is, irrespective of the means of acquisition.

The Hon. M. B. Cameron: Not through compulsion.

The Hon. T. M. CASEY: One can always take the matter to a higher authority if one is not satisfied with the price offered under compulsory acquisition. The honourable member knows this. These people were completely satisfied with the price they received.

The Hon. J. C. Burdett: Do you seriously believe that?

The Hon. T. M. CASEY: I was told that by officers of the Lands Department.

The Hon. M. B. Cameron: You almost had my support for a while.

The Hon. T. M. CASEY: I doubt that I would have the honourable member's support at any time, because he drifts with political waves. If it suits him to go one way politically, he will do it, and if it suits him to go another way, he will do that, too. It seems that the honourable member cannot make up his own mind in the interests of his own constituents. If he wants to play politics, that is his business, but I have no intention of playing politics in this matter. I believe that these people, if they were disfranchised in some way in respect of the price paid, had other means of correcting what they thought was an anomaly, anyway. From information conveyed to me by officers of the Lands Department, I understand that they were adequately compensated in every way, and that no-one raised any objections to the price that was offered to them. Many growers have gone out of wheat production; indeed, some have gone to other States. The honourable member is citing only one case. He should weigh that up against the number of farmers (and perhaps it would do him well to go around to other places in the State where farming is conducted, as I have) who have approached me and said that they do not want any anomalies to creep into the wheat quotas legislation, because it has worked well, and they want to keep it that way. If we start to open it up, no-one knows where it will finish.

As I have said, there is a move, perhaps between the A.W.F. and the Commonwealth, to lift quotas and, if that is the case, these people will be adequately catered for. The current legislation provides for the transfer of quotas to them if they so desire it. If they wanted to, and if they were in earnest about the whole business, why did they not buy a property with a small quota and build it up, or do something of that kind? I cannot support the honourable member's Bill. I believe he is playing with fire, and I believe that he is doing a disservice to the wheat quota legislation and the principle enacted in 1968 when it was introduced to this Council. I should hate to see anomalies creep into the situation, when the matters referred to can be covered by existing legislation.

The Hon. R. C. DeGARIS (Leader of the Opposition): I want to make a brief comment on the lengthy speech made by the Minister. I know that the Hon. Mr. Burdett will have much more to say to that lengthy reply. One point is clear, and that is that the principle on which the wheat quotas system was introduced was that it should be based on the unit of production. The Minister agrees with that, and what the Minister does not want to see, just as we do not want to see it, is that system broken down. However, we have unusual circumstances here, where the unit of production no longer exists. Through the sale of the land in normal circumstances from one farmer to another farmer the unit continues, but in the case of this compulsory acquisition by the Government for urban development the basic unit on which the Minister has built his case no longer exists.

Therefore, I believe that the Hon. Mr. Burdett's Bill does not in any way affect the principles involved; indeed, no honourable member in this Council would want to alter that principle. I believe that the Bill is an extension of the principle of taking into account circumstances that were unforeseen when the legislation was first passed. I refer, too, to the motion passed at the last annual general meeting of the governing body of the United Farmers and Graziers, seeking that such legislation be enacted.

The first point I want to make concerning the Minister's long reply deals with the fact that he said we were dealing with only one person. By interjection I said that we were not dealing with one person, or with 10 persons: we were dealing with the matter of principle. Where the Government by compulsory acquisition annihilates a unit in this scheme, the quota applying to the unit should be transferred to another unit to take its place. We have a close analogy in the plea made by the Hon. Mr. Story regarding water licences. If one analyses the two sets of circumstances, one can see an analogous situation. The Ombudsman agreed in relation to the Kennedy case. I do not intend to add anything more, except to emphasise that the original principle as far as I am concerned (and I am certain as far as all other honourable members are concerned) should be preserved. However, the original principle is maintained by this Bill. The quota belongs to a unit and, when a unit has been annihilated by Government action, that unit should be replaced in some other part of the State.

The Hon. J. C. BURDETT (Southern): I agree with the principle of the original Act and I am indebted to the Hon. Mr. DeGaris for pointing out that the Bill I have introduced really expands the principle of that Act; it is not in any way opposed to it. The Minister referred to the United Farmers and Graziers of South Australia Incorporated. Of course, I said when I explained the Bill that it was based on a resolution passed by the grain conference of U.F. & G. in 1973, so it cannot be said to be contrary; in fact, it is in accord with the wishes of the producers. The Minister suggested that I brought pressure to bear on the executive officers of the U.F. & G. I had a couple of telephone calls from Mr. Grant Andrews and Mr. Ed. Roocke. I brought no pressure to bear. I simply had discussions with them, and that was all there was to that.

The Hon. T. M. Casey: You didn't receive a letter from them, did you?

The Hon. J. C. BURDETT: No.

The Hon. R. C. DeGaris: You would have tabled it, wouldn't you?

The Hon. J. C. BURDETT: Yes, and I would have been pleased to do so.

The Hon. T. M. Casey: Naturally.

The Hon. J. C. BURDETT: I had this conversation. It was just outside the front door of the Chamber and lasted less than two minutes. The Minister told me he had a Bill in his drawer that might do something towards taking care of these people, but I did not know until today just

what sort of care it would take. It was because I had received no sort of assurance previously that I introduced this Bill, and from what I have heard today I am satisfied that the Bill was necessary.

The Hon. R. C. DeGaris: Do you think the Bill is still in the drawer?

The Hon. J. C. BURDETT: I think the Minister's Bill is still in the drawer. I think we can expect it later in the session.

The Hon. T. M. Casey: When I give an undertaking I always carry it out. Most honourable members realise that.

The Hon. J. C. BURDETT: I do not doubt that. The only undertaking was that there was a Bill that might take care of this in some way.

The Hon. T. M. Casey: That would take care of it.

The Hon. J. C. BURDETT: The most I have heard about this undertaking was today, and it appears from what the Minister has said today that the only thing in this regard that is going to be in the Bill is the possibility of there being on an annual basis non-quota wheat brought into the quota system. That is simply on an annual basis, and gives no security. These people were after security. The Minister suggested today that, in the amendment of the principal Act introduced last year, provision was made for transfer on an annual basis and that transfer quotas to these people would be on an annual basis, again giving no security whatever.

The Hon. T. M. Casey: Why not?

The Hon. J. C. BURDETT: It is simply one year and that is all there is to it. That is no security of any sort, and it gives no guarantee that there will be something similar done in the following year. Because there has been no guarantee that anyone could rely on, it has been necessary to bring in this Bill. The Minister has mentioned that I was not in this Chamber or in this Parliament (I am not sure which) in 1968. I am not sure what he meant to say.

The Hon. M. B. Dawkins: He said "in this Chamber" but he may have meant in this Parliament.

The Hon. J. C. BURDETT: He seemed to be implying that I did not know anything about the legislation. However, in 1968, when the legislation was introduced, I became very interested in it on behalf of wheatgrowers with whom I had contact. I was not satisfied that the original formula in the Bill produced equality and I was instrumental in forming an association known as the Wheat Quotas Research Association.

The Hon. T. M. Casey: In the Murray Mallee?

The Hon. J. C. BURDETT: And throughout the North. We did not get to the West Coast, but we went through most of the wheatgrowing areas of this State. I was the Secretary of that association.

The Hon. T. M. Casey: If you did not get to the West Coast you could not have gone to most of the wheatgrowing areas, because the Hon. Mr. Whyte will tell you, if you ask him, what percentage of wheat in this State is grown on the West Coast.

The Hon. J. C. BURDETT: I heard it yesterday. I realise that the West Coast is on the mainland, which apparently the Minister did not realise.

The Hon. A. M. Whyte: There is a gulf there somewhere, too.

The Hon. J. C. BURDETT: We did not get to the West Coast, but throughout the North and the Murray Mallee we had a considerable following.

The Hon. C. M. Hill: Did you get as high as Peterborough?

The Hon. J. C. BURDETT: Yes. As Secretary of that association, I made several approaches to the Hon. Ross Story, who was Minister of Agriculture at that time. I got considerable satisfaction from him. When he took office, I approached the present Minister with other members of the association and received satisfaction then, but it would not be true to say that I did not know what went on at the time, because I concerned myself very much with it.

The Bill does not conflict in any way with the original idea of quotas. It does not hurt anyone. These quotas have been issued, and it is not a question of trying to set up quotas in the first place, but a question of facing the fact that quota holders have had their land compulsorily acquired by the Government. What happens then? The Minister said that the Bill was to protect traditional wheatgrowers in this State. These people at Monarto and the other people who may benefit under the Bill (because there may be other acquisitions of land in respect of which there are quotas) are traditional wheatgrowers and are entitled to protection. This Bill is entirely in accord with the concept and the principle of the original Act: to protect traditional wheatgrowers.

I did not do away with the unit of production; the Government did that by compulsorily acquiring the land. I am not blaming it for that, but if that happened something had to be done to accord with the original concept of the Bill in the protection of traditional wheatgrowers. The Minister has said that I have been talking of one grower. First, nothing could be further from the truth. The Minister should read the Bill, which refers to all quota holders whose land has been acquired under the Land Acquisition Act. Secondly, I do not know any grower who has gone to Bordertown, so if the Minister has got that furphy it is far from the truth.

The Hon. T. M. Casey: Do you know where these people have gone from Monarto?

The Hon. J. C. BURDETT: I know where some of them have gone, but I do not know one who has gone to Bordertown.

The Hon. T. M. Casey: What areas are you referring to?

The Hon. J. C. BURDETT: Many places, but I do not know anyone who went to Bordertown. If the Minister will table the letter I shall answer all these questions.

The Hon. T. M. Casey: It sounds rather airy-fairy to me.

The Hon. J. C. BURDETT: It is nothing of the kind.

The Hon. T. M. Casey: The honourable member will not say where the growers have gone.

The Hon. J. C. BURDETT: And the Minister will not table the letter.

The Hon. T. M. Casey: It is a personal letter. We have been through that previously.

The Hon. J. C. BURDETT: The conversations I have had with growers were personal conversations, so I do not intend to disclose the contents of all of them.

The Hon. T. M. Casey: I am pleased to hear that. At least the honourable member has some ethics, too.

The Hon. J. C. BURDETT: The Minister has said that I am not producing any proof. I tried my best to do so. The Minister says I cannot prove that the Government told these people they would be allowed to take their quotas with them. In the first place, I have quoted the *Farmer and Grazier*, and in my explanation of the Bill I said it was stated by Mr. Roocke that the Minister had said he would allow these people to take their quotas with them.

The Hon. T. M. Casey: But—

The Hon. J. C. BURDETT: If the Minister had read the speech, which apparently he has not done, he would know that Mr. Roocke was quoted as saying that the Minister had told these people they could take their quotas with them, without question.

The Hon. T. M. Casey: That is the first I have heard of that.

The Hon. J. C. BURDETT: Obviously, the Minister could not have listened. Either he did not listen or he did not read what was said. I said that, and it is in the *Farmer and Grazier,* from which I quoted. If the Minister does not believe me, he can read it again. Whether or not the Minister said what was in the paper, that was a fair enough reason for these people, I suppose.

The Hon. T. M. Casey: Oh, come on!

The Hon. J. C. BURDETT: It was a fair enough reason for them.

The Hon. T. M. Casey: Your whole argument is based on something that has no substance at all.

The Hon. J. C. BURDETT: That word again!

The PRESIDENT: Order!

The Hon. J. C. BURDETT: The Minister says I have no basis for saying that.

The Hon. T. M. Casey: None at all.

The Hon. J. C. BURDETT: The first basis is the one I made in my speech, to which the Minister did not listen and which he has not read. I quoted the *Farmer and Grazier,* which sets out this and which these people certainly have read. One other reason for the assurance of the Government that they could take their quotas with them was a letter that the Minister declined to table.

The Hon. T. M. Casey: To whom was that sent?

The Hon. J. C. BURDETT: Mr. Max Saint, and the Minister knows it. When I asked the question some time ago the Minister did not deny that the letter was to Mr. Max Saint. If the Minister looks at *Hansard* again, he can look at the question I asked.

The Hon. T. M. Casey: I would not be bothered reading *Hansard,* because it is a lot of twaddle that you are saying. What you are asking me has no basis at all; I deny it categorically in this Chamber, and will go on denying it.

The Hon. J. C. BURDETT: You did not deny it when I asked you to table the letter and you refused to do so.

The Hon. T. M. Casey: On the basis of the question you asked—

The PRESIDENT: Order!

The Hon. J. C. BURDETT: I asked the Minister to table a letter, and he declined to table it. It was one of the bases on which I have been saying that these people parted with their properties and parted at a figure that was not stated on any basis, on the supposition—

The Hon. T. M. Casey: The monetary figure was accepted.

The Hon. J. C. BURDETT: —that they would be allowed to take their quotas with them.

The Hon. T. M. Casey: That is not right, and you know it. It was not a Government statement. If those people believe in rumours, that is their business.

The Hon. J. C. BURDETT: I believe what I said was right. I will leave it there and pass to another matter. The Minister has said that farmers in other areas think that the quota system should not be interfered with. I do not know whether the Minister is quoting them on the basis of the Monarto farmers and other quota holders whose land was compulsorily acquired because, in my explanation, which the Minister apparently did not listen to, I said I had spoken to many farmers in other areas—

The Hon. T. M. Casey: So have I.

The Hon. J. C. BURDETT: —and I specifically asked this question. Everyone I have spoken to has said that he is quite happy about the Bill and he thinks it is unfair that the quota holders in Monarto and other areas where land is compulsorily acquired should not be able to take their quotas with them.

The Hon. T. M. Casey: That is different from what they told me after it was explained that they could vacate their property, they would be paid for it, their quota would be taken into consideration, and they should not have two bites at the cherry. It is as simple as that.

The Hon. J. C. BURDETT: I can only reiterate what I have said. Whether or not the Minister has explained these things to the people he has spoken to I do not know, but I have not met anyone (certainly from the United Farmers and Graziers or from the grain conference itself, the official body) and I have not struck any producers who are opposed to this Bill.

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

TRANSFER OF LAND

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

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.

(Continued from October 16. Page 1492.)

The Hon. T. M. CASEY (Minister of Forests): The Hon. Mr. DeGaris, in moving this motion, was justified, I believe, in trying to clear the air surrounding this problem. When this matter came to my notice as Minister of Forests, I was given the full facts of the case where the land in question was being negotiated between Elders-G.M. and the Woods and Forests Department, which had made an offer that was not acceptable. Elders-G.M. then made an offer to the Woods and Forests Department, which rejected the offer but at the same time indicated to Elders-G.M., which was the common practice, that the matter would be referred to the Land Board. I believe this is normal Government practice, and Elders-G.M. was grossly negligent in not contacting the Woods and Forests Department again before selling the land to someone else. That is where the first problem occurred. If I can criticise Elders-G.M. for transacting business in that way, I hope I have made the point. It has never been the practice, to my knowledge, of any Government department to accept an offer that has not been before the Land Board. That is the body that makes the recommendations to Government departments, and they are usually followed.

The second point is that a certain portion of this land that was to be acquired had natural forests on it, and the first letter that came into my possession was from the Millicent Field Naturalists Society. These people had looked at this property over some period of time and had decided it should be handed over to the National Parks and Wildlife Service and that some action should be taken along those lines. That department looked at the area and wrote a letter to the Woods and Forests Department stating that this land was too small to be acquired as a national park: it would be better incorporated as a forestry reserve. When these facts came to my knowledge, naturally I was reluctant to transfer the land to private ownership. Two organisations were interested in maintaining the

natural surroundings, and they were afraid that, if the land got into private ownership, it would be cleared, as has happened in the South-East for many years. Many natural forests have been bulldozed by owners of land, to the detriment of the wildlife organisations.

The Hon. D. H. L. Banfield: Has this been widespread?

The Hon. T. M. CASEY: Very much so. On that score, I refused to transfer the land to Mr. Brian de Courcey Ireland, pending further negotiations between the owners and the Woods and Forests Department. I have contacted Mr. de Courcey Ireland and asked the department to examine the whole area to see whether the natural forest area can be maintained and be incorporated within the wooded forest reserve. I am willing to relinquish any claims that the department may have on the cleared land, which I believe comprises only a small parcel. Mr. de Courcey Ireland has been inconvenienced because much of his land, being in a low area, has been inundated with water. He requires a small amount of higher land, and I think we can come to a satisfactory conclusion regarding this matter. It was only because the Millicent Field Naturalists Society and the Woods and Forests Department showed much interest in preserving this natural forest, claiming that it should be placed under the aegis of the department as a reserve, that I took the action I did. I am satisfied that this matter can be satisfactorily resolved in the interests of both parties.

The Hon. R. C. DeGARIS (Leader of the Opposition): I moved this motion solely because I was concerned with the events regarding this block of land. I explained fully those events to the Council when I spoke initially. In the meantime, Mr. de Courcey Ireland has obtained some satisfaction regarding this matter. The Minister has agreed that the high land that Mr. de Courcey Ireland requires for the operation of his property will be transferred to him, the Woods and Forests Department assuming responsibility for the area covered by most of the natural forest. I am grateful that this matter has been resolved, as I believed that justice was not being done in this case.

I should like to comment on what the Minister has said in the debate. He made an attack on the business principles of Elder Smith Goldsborough Mort Limited. However, the Council should bear in mind that the property was under offer to the Woods and Forests Department as far back as 1971. Indeed, it was offered to the department at about $125 a hectare, but the offer was refused because it was considered that the price was too high. The last offer was made in February, 1974, when once again the offer that was made was refused. What the Minister has said is correct: those concerned said that, although the offer was refused, they were asking the Land Board for a revaluation. The people who owned the property (the Whennens) had bought another property and needed to sell this one to make the transfer to the new property. In May, nearly three months later, the property was sold to Mr. de Courcey Ireland.

It should be borne in mind that, in the normal course of business, when a property is offered to a person, company or department, and that offer is refused, there is nothing wrong with the business principles of the agent concerned if he tries to find another purchaser. Indeed, every honourable member who has been associated with normal transactions in the business world would agree with what I am saying. It is unfortunate that a company with the reputation of Elders-G.M. should be placed in the position of being accused in this case of practices that are not of the highest ethical standard. Indeed, I believe the company acted in the best interests of its client. After all, that is what an agent is for: to act in the best interests of his client at all times. I am pleased that the matter has been satisfactorily resolved. Indeed, I believe a meeting is being held today between Mr. de Courcey Ireland and the Woods and Forests Department to iron out the details. I therefore move that my notice of motion (Order of the Day No. 6) be read and discharged

Order of the Day read and discharged.

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 16. Page 1494.)

The Hon. F. J. POTTER (Central No. 2): I support the motion and, at the outset, give notice that I intend to move an amendment to it by way of an addition, namely, to add a fifth paragraph. as follows:

The same general statutory amount for rebate purposes for both widows and widowers.

I will not spend any further time discussing that amendment now but will deal with it at the conclusion of my address. I want to examine and comment on some of the matters contained in the motion. First, I should like to make a general comment regarding the first paragraph, namely, that there should be some provision for increased proportional rebates of duty so that the value of the rebates relates more accurately to the present value of money. I suppose in some respects that is probably one of the underlying reasons behind the motion. One must not forget that this Act was passed in 1970.

As I said in the debate on another matter a few days ago, it is not easy for one to find a completely accurate guide for the change in the value of money that occurs from year to year. However, I suppose one can look at the consumer price index to get some indication in this respect. Accordingly, I noticed that in June, 1970, the retail price index for Adelaide was 110 points. In June, 1974, it was 152 points. According to my calculations, that shows a rise in the index of 42 points and, although I do not claim to be a mathematician, I think that is an increase of 38 per cent. Therefore, the value of money has dropped by 38 per cent since this legislation was first introduced.

The Hon. C. R. Story: In 1970?

The Hon. F. J. POTTER: That is so. Yet we still have basically the same rates of duty being assessed and the same rebates being allowed. Also, the incidence of this taxation has in no respect altered. That is a most regrettable situation. In other taxation measures, particularly in connection with land tax and water rates, provision is made for a quinquennial reassessment of values, so that the Government's revenue will keep pace with the changing value of money. However, nothing is ever done by the Government in the opposite direction. We never have a quinquennial reassessment to see whether there should be any reduction in the rates of duty because of inflation. Particularly in connection with a tax of this nature, there should be a quinquennial reassessment of the rates and the rebates. Honourable members will realise, particularly in connection with real estate, that there is a continuing escalation in values.

An article in the latest edition of the *Sunday Mail* states that the average Housing Trust house in an average Adelaide suburb, which sold in 1948 for $3 150, is now valued at between $18 000 and $24 000; two years ago the house was valued at $14 600. That article makes a remarkable point, that we can assume that the property valued at $20 000 today will be valued at $168 000 in the year 2004, assuming that the present rate of inflation continues. The capital gain would, of course, be considerable—that is, the capital gain on paper. Heaven help us if in the year 2004 we are faced with the same incidence of succession duties as we have today.

Actually, we do not have to go as far into the future as the year 2004. At the present rate of inflation, in a mere six years the values of properties will be greatly in excess of what they are today, and I predict that it will be very difficult to persuade this Government to do anything about the position in the intervening six years. By the end of that period people will be paying enormous sums in succession duties. This Government has a vested interest in the continuation of inflation, particularly in connection with the garnishing of succession duties. It is extremely important that some attempt should be made very quickly by the Government to reconsider the rebates allowed under the legislation; that is the first matter called for in the motion.

Recently, the Commonwealth Government indicated that it would introduce legislation to exempt altogether the matrimonial home from the operation of estate duties. The State Government, which says it co-operates with its Commonwealth counterpart, ought to take a leaf out of the Commonwealth Government's book in this respect. The State Government should think about exempting the matrimonial home completely in connection with this State tax. I do not think I want to say anything about the second paragraph of the motion; it has been adequately covered by honourable members who come from rural districts, but I would like to say something about the clarification of the daughter-housekeeper provisions. When we passed the 1970 legislation we spent a long time, going into the early hours of the morning, trying to achieve a measure of justice for some people in the community.

One of the provisions that we succeeded in persuading the Government to accept allowed a statutory rebate for a daughter-housekeeper. I do not know whether we were perhaps a bit over-tired at the time or whether we did not think about all the implications, but I know that what we inserted into the legislation by way of a rebate has not worked out very satisfactorily. Section 55i (*d*) provides:

Where the property derived by a daughter of the deceased person includes an interest in a dwellinghouse and the deceased was a widow or widower, and the daughter was, in the opinion of the commissioner, wholly engaged during the period of 12 months immediately preceding the deceased person's death in keeping house for the deceased person, an amount determined as follows:

The paragraphs that follow provide for the determination of the amount. One can see now, perhaps with hindsight and in the light of experience, that this rebate is altogether too restrictive. First of all, it is necessary for the deceased person to have been a widow or a widower. We therefore have a difficulty. A daughter-housekeeper may be caring for her father and her mother, who are perhaps in advanced years and not in the best of health; if the father dies and if, knowing of the physical infirmity of his wife, he had left an interest in the property to his daughter, she cannot claim any remission under this provision, because the deceased was not a widower when he died. That is the first aspect that is unfair, and probably it was never considered at the time.

If that is not bad enough, let us consider the stringent provision in the subsection: for the 12 months prior to the death of the deceased the daughter-housekeeper must have been wholly engaged in keeping house for the deceased person. This means that, if she engages in any activity, even if it is only a part-time job, outside the matrimonial home, the right to the rebate is lost. The terms of the subsection are strict indeed, and I know from my own experience that, where a daughter-housekeeper has merely gone out to do a little sewing on a part-time basis to earn money, she has lost her right to this benefit. I was interested to read the Ombudsman's report. I refer to pages 111 and 112, where he refers to this harsh provision. Case No. 283 deals with an application for statutory rebate of succession duties declined. I do not think that any great point is served by my reading this lengthy report, but the final paragraph on page 112 states:

I had no reason at all to doubt that the Commissioner had correctly interpreted and applied the law and in particular section 55i (*d*). However, I entertained a considerable measure of sympathy for the view taken by my complainant that the law was inequitable in that it operated to exclude a case such as hers in which she had dutifully, and at some sacrifice, devoted years of her life caring for her widowed mother, but to enable her financially to support herself and also, to a greater extent, her mother, it was essential that she work full-time or part-time; the exclusion operated because she was not "wholly engaged" in looking after her parent. In other words, the statutory qualification can operate to favour a daughter who can financially afford to stop at home and look after her parent, and penalises the daughter who is obliged to work. It seems to me that consideration might well be given to redefining the laudable statutory recognition of filial affection and duty to include the necessitous type of case which has been the subject of this inquiry.

If honourable members want any proof, that is as good an example as any I can give. Certainly, this is an example which the Ombudsman has drawn to the attention of all honourable members, and I hope that the Government will soon consider this provision. Clearly, it is a matter for the Government to introduce an amendment. Were it not for certain difficulties, I would not hesitate to seek to move a private member's motion to amend the provision, because it is inequitable, and the situation is crying out for attention. In opening my speech I said that I believed we needed a fifth clause in this motion. I believe that we do need a fifth clause, which should read:

The same general statutory amount for rebate purposes for both widows and widowers.

I am putting here a case for the males in our community. We have heard much about discrimination between the sexes, and I understand there is a Bill in another place which seeks to ban discrimination between the sexes. This Bill represents discrimination if ever I saw it, because we have the situation of a widower getting only about half the statutory rebate in connection with an estate that his wife would get. That applies irrespective of age or the circumstances.

I am not certain how this has come about, although I know it is a relic from the past. Perhaps it has survived from the days when the wife was presumed to have to stay at home and look after the children, having no interest in the property. It has probably come from a time when the matrimonial home was not jointly owned, as it almost invariably is today, but it certainly creates an injustice. I will give just one example, but it is a good example, which shows not only the inequity of the rebate differential between widower and widow but also the bite of succession duties. As all honourable members will realise, a $25 000 estate to which I refer as an example is a

small estate. It is made up of half the value of a jointly owned house, which is $20 000, and I am sure that the Hon. Mr. Hill will agree that a $40 000 house is not a marvellous house today. True, it may be a little better than the working man's cottage, but it would certainly be only an average house in the suburbs. Assuming the house is in joint names, the figure of $20 000 is arrived at.

For the purpose of this example I have assumed that there is $2 000 in the bank, a motor vehicle worth $1 000, and $2 000 worth of furniture, all of those things being typical of a pensioner couple who have paid off their house over their lifetime and who are left with a couple of thousand dollars in the bank, a motor car and furniture. These items total $25 000. If the husband died and left that property to his widow, including the half share in the house, it would cost her, according to my calculations, $1 085 in duty. However, if the wife dies first, and the widower takes half the value of the house property and the other items, it will cost him $2 945. There is a great difference between those two amounts. Therefore, I make the point that, for a matrimonial home, which makes up the bulk of that estate, a large sum of money must be found by either of these people. Certainly, it is a lot for the widower, because he has only $2 000 in cash, so he has to find another $1 000.

If he is on the pension, where will he get it? If the widow has to face up to her bill, it will swallow up half the bank account. The iniquitous part of the situation is that during the years of their marriage, during which they have worked and saved, probably her husband has supplied the bulk of the capital for that house. He has worked hard and has paid off the dwelling, and he will be required to find nearly $3 000 tax on his own savings. That is the kind of inequitable incidence of duty that this Act prescribes. It is becoming especially noticeable to me that real hardship is being imposed on couples who have reached retiring age, are receiving a pension, and living in their own houses, hoping to stay there until one or the other of them dies.

The Hon. C. R. Story: They would have paid tax on that money earned by way of salaries, and so on.

The Hon. F. J. POTTER: Of course they would have. If we look at the other extreme instance, perhaps, of a much younger couple with young children to care for, I do not see why, if the mother dies and the father is left to look after the children, he should get only half the rebate the widow would have received if he had died first. Where is the equity or logic in this? He must look after the young children, just as the widow would have done. It is about time we re-examined the strange and sometimes completely illogical provisions of this Act. I move to add the following paragraph:

v. The same general statutory amount for rebate purposes for both widows and widowers.

I hope the amendment and the motion will be passed in this Chamber and that the Government will see fit to have it examined by one or two of its experts so that, in the next session, it can bring down some amendments to the legislation.

The Hon. A. F. KNEEBONE secured the adjournment of the debate.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

In Committee.

(Continued from October 16. Page 1499.)

Clause 4—"Share of widow or widower."

The Hon. A. F. KNEEBONE (Chief Secretary): Last week, the Minister of Agriculture, on my behalf, secured the adjournment so that I would be able to speak on this clause. Unfortunately, I have nothing before me at the moment. I apologise for this, and I ask that progress be reported to give me the opportunity to speak to it.

Progress reported; Committee to sit again.

BOATING BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 8, 10 to 18, and 20 to 28, had agreed to amendments Nos. 9 and 19 with amendments, and had made a consequential amendment to the Bill.

Schedule of the House of Assembly's amendments:

Legislative Council's Amendment No. 9:

Page 5 (clause 11)—After line 8 insert new subclause (4a) as follows:

(4a) Where an application is made for the renewal of the registration of a motor boat of which—

(*a*) the length does not exceed 3 metres;

and

(*b*) the engine is capable of developing no more than 5 horsepower, no fee shall be payable in respect of the renewal of registration.

House of Assembly's amendment thereto:

Leave out from paragraph (*a*) of subsection (4a) the figure "3" and insert in lieu thereof the figures "3·048".

Consequential amendment made by the House of Assembly:

Page 13 (clause 35)—After line 23 insert paragraph as follows:

(3) an allegation in the complaint that the engine of a motor boat referred to in the complaint is or is not capable of developing more than a certain horsepower, specified in the complaint, shall be deemed to be proved in the absence of proof to the contrary.

Legislative Council's Amendment No. 19:

Page 8 (clause 22)—After line 30 insert new subclause (3) as follows:

(3) No offence is committed under this section by a person who operates, or permits another to operate, a motor boat without a licence or permit under this part provided that—

(*a*) the boat is not operated at a speed in excess of 18 kilometres per hour;

and

(*b*) a licensed person is in charge of the boat.

House of Assembly's amendment thereto:

Insert after paragraph (*a*) of new subsection (3) the following paragraph:

(*ab*) the operator is of or above the age of twelve years;

MARGARINE ACT AMENDMENT BILL

Returned from the House of Assembly with amendments.

GAS ACT AMENDMENT BILL

Read a third time and passed.

STATE GOVERNMENT INSURANCE COMMISSION ACT AMENDMENT BILL

Read a third time and passed.

WHEAT INDUSTRY STABILISATION BILL

In Committee.

(Continued from October 22. Page 1594.)

Clause 13—"Price to be paid for wheat."

The Hon. C. R. STORY: Legislation such as this is of great interest to a large section of the population. It is necessary for people to understand the law, and merely to refer, as the amendment does, to section 18 (2) of the Commonwealth Act will mean nothing to anyone reading this Act when it is proclaimed. They will have to obtain a Commonwealth Act to find out what is meant, and that seems unnecessary. In important Bills such as this the relevant part of the Commonwealth Act should be printed in full. People would then know that the legislation was

in conformity with the parent legislation, and would have no further worries. If the Parliamentary Counsel cannot do that, surely it is not asking too much for the marginal notes to be annotated with a reference in clause 13 to section 18. Then, instead of having to pick up a Statute and wade through it from one end to the other until we find what a certain section refers to, if that section had a marginal note referring to the Commonwealth legislation, we would have only to thumb straight down the edge of the page to find what we wanted. The arrangement of this Bill is shocking when one sees the assistance one gets in the Commonwealth Act, which is the parent of this Act. There, one can find the exact page and section one is looking for. If we have not enough draftsmen more must be obtained. We should not be put at this disadvantage. If the Minister has any doubt about this, he should peruse the Commonwealth Act, which is now in the Parliamentary Libary; he will see how beautifully it is arranged and how readily its provisions can be found. At least, even if we cannot go the whole hog of reprinting the Commonwealth Act in its entirety, we can have annotated marginal notes referring us to the appropriate sections in the Commonwealth Act.

Amendment carried; clause as amended passed.

Remaining clauses (16 to 29), schedule and title passed.

Bill reported with an amendment. Committee's report adopted.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

In Committee:

(Continued from October 22. Page 1591.)

Clause 2—"Disposal of surplus of income over expenditure."

The Hon. A. F. KNEEBONE (Chief Secretary): When we were last discussing this Bill, the Hon. Sir Arthur Rymill asked some questions on this clause. I think I can fairly say that Sir Arthur Rymill practically answered his own questions. He said:

I think the Government's intention is purely to tax the ordinary profits of the bank, not to tax any surplus arising through any capital appreciation. What would happen under the phraseology of this Bill if, for instance, the bank decided to revalue upwards all its premises, which might involve a large capital profit for the year? Does the Government intend to take 50 per cent of that? I think the answer is "No".

I assure the honourable member that that is the position. Since progress was reported yesterday, Sir Arthur has had a discussion with the Parliamentary Counsel, who has, I believe, clarified the situation for him. I do not know whether or not the honourable member is satisfied with that, but that is the only explanation I make.

The Hon. Sir ARTHUR RYMILL: I thank the Chief Secretary for his explanation. He says I have answered my own question. I always like to give the maximum help to myself. I had a discussion with the senior Parliamentary Counsel when the Chief Secretary kindly reported progress yesterday. We saw eye to eye on the practical side of the matter but I am still not altogether happy with the wording. However, the Parliamentary Counsel pointed out to me that, if the board of the Savings Bank behaved in the ordinary sort of way, the capital items I was referring to would not become taxable. I said, "The Government of the day appoints the board, and I suppose it can tell it to do what it wants it to do." I am looking to the future with this sort of Statute, because it will probably last for a long time. For all practical purposes, I am satisfied with the explanation.

The Hon. R. C. DeGARIS (Leader of the Opposition): The question I asked the Chief Secretary has not been answered, but I should have thought that what I put was correct.

The Hon. A. F. Kneebone: I thought you said I had not answered your question but you were satisfied, or something to that effect.

The Hon. R. C. DeGARIS: That was yesterday. I am one of those persons who may have been satisfied yesterday but not today. The question is whether the tax will reach 50 per cent or more: in other words, the prescribed amount that comes off is only the amount computed where loans have been made at the lower rate.

The Hon. A. F. Kneebone: That is right.

The Hon. R. C. DeGARIS: And the tax will reach 50 per cent when all those loans have been repaid. I took the view yesterday that the tax would never reach that figure, but it will when all the loans have been replaced.

The Hon. Sir Arthur Rymill: I do not think it will, because of the deduction.

The Hon. R. C. DeGARIS: As I read the Bill, that deduction will not be there once the total loans are repaid. Sir Arthur Rymill agrees with me.

The Hon. Sir Arthur Rymill: No, I am expressing doubt.

The Hon. R. C. DeGARIS: Am I therefore correct in my contention?

The Hon. A. F. KNEEBONE: It would appear that the amount cannot exceed 50 per cent in any year.

The Hon. R. C. DeGaris: But it could reach it?

The Hon. A. F. KNEEBONE: Yes, but not exceed it.

The Hon. Sir ARTHUR RYMILL: The prescribed deduction means $250 000, and the prescribed amount is half the amount by which the surplus amount exceeds the prescribed deduction. The surplus amount means the surplus of income over expenditure. It would be better to invert these, as I did in the second reading debate: the surplus amount means the surplus of income over expenditure, and the prescribed amount is that sum less $250 000. This means that it cannot reach 50 per cent. I would not mind if it did, because I do not think that would be an excessive amount. Whether the Leader is correct, or whether I am correct, the tax will not be more than 50 per cent and, in most circumstances, will probably be less. I do not know whether anyone could say that that was an unreasonable amount.

The Hon. C. M. HILL: I do not think we should argue too much whether the amount is 50 per cent or a figure approaching it. When the loans are repaid, it will probably reach 50 per cent, anyway. The figure for this year is $500 000. I repeat my opposition to the measure, on three grounds. First, the State Bank of South Australia is basically a trading bank, and the Savings Bank of South Australia a savings bank. The State Bank has a line showing its net profit for a year, whereas the Savings Bank has a line showing "Surplus of income over expenditure".

Secondly, there seems to be a view that this Bill has been introduced to bolster the State's revenue because similar measures exist elsewhere. True, similar legislation has existed in relation to the State Savings Bank of Victoria over the last 12 months. However, this simply stresses that the various Premiers and their officers have reached common ground on the matter. That does not necessarily mean that what is being done here is correct.

The third point (and this is the strongest argument that has been used) is the competitive aspect. True, the Savings Bank of South Australia competes with the Commonwealth Savings Bank and with the private savings

banks. True, the Commonwealth Government takes 50 per cent of the excess from the Commonwealth Savings Bank. True, the private savings banks pay company tax. But surely the State Government must look at this clause from the viewpoint of the depositors of the Savings Bank of South Australia. At June 30, 1974, the bank had 1 007 671 depositors. These are the people whom we must consider, because they have placed their savings with the bank in the expectancy not only that they will obtain the highest possible interest but also that the bank's resources will bring optimum benefit to them as depositors.

The Hon. M. B. Cameron: That figure regarding depositors must include many children.

The Hon. C. M. HILL: It may. The aim of providing the maximum benefit to the depositors by way of the optimum building up of the bank's resources is surely greatly affected by legislation of this kind, under which $500 000 is being taken in the current year from the bank's resources. I believe that the depositors are not being treated by the measure as they should be treated. I strongly believe in competition being within the bank itself. To be a viable institution, the bank must be competitive, but that argument cannot be used in this case.

The argument that the Savings Bank of South Australia should be pulled into line because its competitors pay tax is all very well from the viewpoint of the competitors, but it is not all very well from the viewpoint of the depositors. Therefore, supporting this Bill in the name of competition is taking the cause of competition too far. I therefore oppose this clause.

Clause passed.

Clause 3 and title passed.

Bill reported without amendment. Committee's report adopted.

HEALTH AND MEDICAL SERVICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 22. Page 1590.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This is essentially a Statute revision Bill, preparing for the consolidation of the Statutes. The Government's reason for introducing the Bill is that it removes dead wood from the Statutes, prior to consolidation of the Statutes; I do not think any objection can be taken to that principle. However, I believe that the Bill provides a daub of grease to the rails for the sliding of our health system in accordance with the present philosophy of the Commonwealth Government. In South Australia the provision of health and medical services is at a critical stage; this has been borne out by recent replies of the Minister of Health to questions asked in this Council. I can predict what the Minister will say next. In fact, I think it was predicted by you, Mr. Acting President, in your speech during the Address in Reply debate; that is, it will be claimed that the system is not working and, therefore, the system must be changed. The Minister and his Government will soon claim that the system is not working, and this will make it easier for this State's health and medical services to run along the rails toward total nationalisation.

The Commonwealth Government's announcements, apart from the legislation forced through the Commonwealth Parliament in the joint sitting, can only cause those people who have a thorough working knowledge of our health and medical services to fear for the future. The Commonwealth Government's plan to spend $650 000 000 (actually, it may be $1 000 000 000 by the time it finishes) on building and operating three large hospitals in Brisbane, Sydney and Melbourne is an exercise in Commonwealth stupidity and an exhibition of staunch adherence to an outmoded, dispirited system of centralised control that we will all live to regret in Australia.

The replies that the Minister of Health gave yesterday to the questions I asked about community health centres must also cause concern to those who do not wish to see Commonwealth dominance of the administration of community hospitals and hospitals such as Calvary Hospital, St. Andrews Hospital and Memorial Hospital. These hospitals, although not under direct Commonwealth control, will soon reach that position; otherwise, the subsidies to them, whether capital or maintenance subsidies, will be withdrawn. The Hon. Mr. Springett said today that, although there may be private beds in private hospitals, if the Government wants to make them all standard beds, the Commonwealth Government will be in a position to force that to happen. I can see that people in private surgical practice will no longer have a field in which they can operate. I have looked at health services around the world, and I have seen them in Great Britain, Sweden, America and Canada, and anyone who makes an examination of these services must express concern about the direction we are taking in Australia in these matters.

This State Government is in an interesting political position, because it is greasing the rails to allow this State system to slide into the concept of the Commonwealth Government, and it is making absolutely no effort, as I understand it, to prevent that happening. While it is going along with this line of thinking, which is the same line held by the Government's Commonwealth colleagues concerning the provision of health care, the Government must at the same time show itself to be opposed to the philosophies of the Commonwealth Government. If the health services in this State slide along the rails in the direction in which they are now heading, the people of South Australia will live to regret where the administration of those health services will finally rest.

With Commonwealth intervention and control of all our health facilities and services, we will see the same tragic occurrence regarding those services that we are seeing in the rest of the Australian economy at the present time. I predict that, while the Premier and this Government will make it easy for the Commonwealth Government's philosophy to apply to health services in South Australia, at the same time they will be in the political position where they will have to attack the Commonwealth Government in order to maintain any political standing in South Australia.

Certainly, if one reads the newspapers today, one can see that this is already beginning to happen. I believe we will see this continue until February, when there will be an all-out blitz by the State A.L.P. on the Commonwealth Government. There will be strong pressure brought from this State inside the A.L.P. conference to force a Commonwealth election so as to get this State Government off the political hook on which it is currently caught. However, if the Government wants to demonstrate that it is opposed to the Commonwealth Government, let it show it now in relation to the health services. This is where the Government can clearly demonstrate where it stands on these matters. This is where it can demonstrate whether it is opposed to centralism or not. As I see it, the rails are being greased to allow a complete Commonwealth take-over of health and medical services in South

Australia. If the Premier wants to impress this State, let him make his stand now on these issues, and not on some political gimmickry of attacking his Commonwealth colleagues in February, when the A.L.P. conference comes on, in order to make his ground politically safe in South Australia.

I believe the attack on the Commonwealth A.L.P. will occur, but I am certain that there will be no attempt to block the application of the Commonwealth Government's philosophy so far as health matters are concerned. As I have said, in South Australia we will see, with the agreement of this Government, the end of private surgical practice by July 1, 1975. I believe we are going to see the end of private medical practice soon after that, across the whole board. It seems to me to be obvious that public patients will occupy the operating sessions in the present private hospitals. The Government will offer some remuneration to those in surgical practice, but the private doctor will virtually be eliminated. Where does this Government stand on this matter? I know where it will stand—firmly behind the concept of its Commonwealth colleagues. There is no doubt that we will see in South Australia the violent criticisms of the Commonwealth A.L.P. machine, and of its Commonwealth wing.

The State A.L.P. will have to do that to protect itself politically. In the meantime, the Government is giving all its support to ensure that the Commonwealth health and medical service philosophy, which I say is a tragic development, is introduced and operating as quickly as possible in this State. Our present health service is one of the most efficient and economic health services in Australia, if not the world, and it is going to go down the drain to satisfy political dogma. While the Bill before us is not an important Bill, I believe it leads to the point I have been making: that we are going to see this State Government assist in every possible way the application of a political philosophy regarding health and medical services that this State will live to regret.

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

ADJOURNMENT

At 5.15 p.m. the Council adjourned until Thursday, October 24, at 2.15 p.m.