LEGISLATIVE COUNCIL

Thursday, November 11, 1971

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

ASSENT TO BILLS

His Excellency the Lieutenant-Governor, by message, intimated his assent to the following Bills:

Foreign Judgments,
Road Traffic Act Amendment (Seat Belts),
Statutes Amendment (Administration of Acts and Acts Interpretation).

QUESTIONS

RETRENCHMENTS

The Hon. L. R. HART: I seek leave to make a short statement prior to asking a question of the Chief Secretary, representing the Minister of Development and Mines.

Leave granted.

The Hon. L. R. HART: On May 5 of this year there was a news item in the *Advertiser* to the effect that the delay by the Commonwealth Government in placing an order worth $1,000,000 for an anti-submarine mortar system would result in the retrenchment of some 40 people from the factory of Hawker Siddeley Electronics Ltd. at Salisbury. On November 4, there was a further news item to this effect:

About 200 employees at Hawker Siddeley Electronics Ltd., Salisbury, could be retrenched following a decision by the company to shift its engineering division to Sydney.

I point out that the headquarters of this firm is in New South Wales. I understand the firm has recently been successful in gaining some contracts from the Commonwealth Government, but it appears they will be serviced in New South Wales rather than in South Australia. Therefore, will the Chief Secretary confer with the Minister of Development and Mines to see whether some assistance can be given to this firm so that any contracts it has recently been successful in gaining can be serviced in South Australia rather than in New South Wales?

The Hon. A. J. SHARD: I am not quite familiar with the whole process of what the honourable member has suggested. I did read a second report about this firm, which was that only a small section, if any, that has been operating in South Australia will be transferred to New South Wales. However, as the matter under discussion comes under the control of my colleague, the Minister of Development and Mines, I will take up the matter with him and bring back a report when it is available.

QUEEN VICTORIA HOSPITAL

The Hon. JESSIE COOPER: I seek leave to make a short statement prior to asking a question of the Minister representing the Minister of Roads and Transport.

Leave granted.

The Hon. JESSIE COOPER: For over three years the administration of the Queen Victoria Hospital has been in correspondence with the Burnside council and the Road Traffic Board requesting consideration for some sort of pedestrian crossing, preferably one with button-operated lights, on Fullarton Road outside the hospital. As the Administrator had not been able to get any satisfaction beyond the statement that the matter was being passed back and forth between the interested bodies, I made a written request to the Minister on September 9 that sympathetic consideration be given to this matter, and I supplied details, among other things, of the assessed usages of the crossing and copies of the correspondence.

It is a very dangerous situation: people trying to cross to and from the hospital are in difficulties from 6 a.m. until late at night. The dangers become acute during visiting hours (3 p.m. to 4 p.m. and 7 p.m. to 8 p.m. daily) and also during the hours when women in various stages of pregnancy, and frequently with two or three children accompanying them, attend the clinics. It is essential for one to cross Fullarton Road to and from all northbound buses. When one considers that during 1970-71 there were 3,925 births at the hospital and 30,049 clinic attendances, and when one adds the visits by husband and family during the confinement period (say, 10 visits each during that period), another 30,000 people are involved. Assuming that half the total of these individuals attending clinics and visiting patients have to cross Fullarton Road, it means that a minimum of about 30,000 crossings of Fullarton Road are made each year. Can the Minister therefore ascertain whether any decision has as yet been made on this matter?

The Hon. A. F. KNEEBONE: As the honourable member drew this matter to my attention recently, I approached the Minister of Roads and Transport, who told me that the matter was in the hands of the Road Traffic

Board. Being aware of the honourable member's concern regarding the matter, I will try to obtain an urgent decision on it from my colleague.

DENTAL CLINICS

The Hon. A. M. WHYTE: Will the Minister of Health say where school dental clinics are presently established; whether any such clinics are established in country schools; how many mobile clinics there are in this State; and where it is intended to establish clinics during this financial year?

The Hon. A. J. SHARD: I will not attempt to answer the honourable member's questions now. I know some of the answers, and others I do not know. As the information he desires is easily ascertainable, I will obtain a report and bring it down, I hope next week.

BARUNGA RESERVOIR

The Hon. E. K. RUSSACK: Has the Minister of Agriculture received from the Minister of Works a reply to the question I asked on November 4 regarding the Barunga reservoir?

The Hon. T. M. CASEY: The Minister of Works reports that the Engineering and Water Supply Department's district foreman at Bute has had only one complaint of poor water pressure from the area referred to by the honourable member. This complaint came from an owner whose property is located just downstream of the pressure-reducing tank, about one mile west of the Barunga reservoir. In this instance it was found that the meter was blocked. The pressure-reducing tank is necessary to control the head placed upon the old lock-bar main, which is to be replaced. During periods of prolonged high demand, however, it is now the practice to by-pass the pressure-reducing tank and, by the use of a pressure-reducing valve, provide increased heads in the system. It is nevertheless very necessary to closely control the head, otherwise failure of the lock-bar main occurs. During rapidly changing weather conditions, this is quite difficult.

The cleaning of Barunga reservoir, like that of several other service reservoirs, has been seriously hampered by the abnormal seasonal conditions, but cleaning will be completed as quickly as possible consistent with being able to operate the necessary mechanical equipment on the banks of the reservoir. Supply to the hundred of Barunga can be maintained without having the reservoir in service. As mentioned above, the limiting factor is the condition of the 14in. lock-bar main, which is to be replaced.

MILLICENT SCHOOL BUS

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

Leave granted.

The Hon. M. B. CAMERON: There are a number of primary schools in the township of Millicent, one of which is the convent primary school, many of the students of which are brought into the town by an Education Department bus. The bus delivers the children to one end of the main street, and they then have to walk three-quarters of a mile to the school. A number of these children are in grade 1, and the others are in grade 2 to grade 7. Will the Minister seek permission from the Minister of Education for the bus driver to take these children right to the school? I am sure my request will receive the sympathetic consideration of the Minister of Agriculture.

The Hon. T. M. CASEY: I will be very pleased to refer the honourable member's question to my colleague and bring back a reply as soon as it is available. I experienced the same problem when my children attended a school in the North of the State several years ago.

HALLETT COVE DEVELOPMENT

The Hon. H. K. KEMP: I seek leave to make a statement before asking a question.

Leave granted.

The Hon. H. K. KEMP: I am not sure whether my question should be referred to the Minister of Development and Mines, the Minister of Aboriginal Affairs or the Minister of Environment and Conservation. We were recently informed about the reservation of an area of immense geological interest near Hallett Cove. The Government must be commended for making that reservation, but it is very limited. It has been brought to my attention that the areas east and north of the reserved area comprise a recorded Aboriginal camping ground that has been tremendously interesting to the museum and the university over many years. The area has been visited many times but it has not yet been possible to evaluate it completely.

It is in the area that will be developed according to the plans at present available. Consequently, there could be a very serious loss to anthropologists and people interested in the history of Aborigines. Much more work needs to be done in this area.

Secondly, in the steep face on the southern side of the creek on the southern edge of the reserved area there is outlined the trough of the glacial valley that cut its way through the purple slates. This immensely important area is not included in the reserved area at all. Responsible people have stressed the need to reserve the whole area between the railway line and the coast in connection with the whole zone, because there are many things there of great anthropological and historical interest. Will the three Ministers I have referred to look into the matter to see whether it is possible to make this reservation, no matter what it costs, because once development has gone too far in the area its geological and historical value will be obliterated?

The Hon. A. F. KNEEBONE: I will refer the honourable member's question to my colleagues. Incidentally, the Minister in charge of planning and the Minister of Environment and Conservation are the same person. I should like to know whether, when the honourable member talks about the reserved area, he means the 51 acres—

The Hon. C. M. Hill: That the Hall Government reserved.

The Hon. A. F. KNEEBONE: —or the expanded buffer zone provided by the present Government. I point out to the Hon. Mr. Hill that, according to my information and the statements of the Hon. Mr. Kemp, the provision made by the Hall Government did not go far enough; the present Government believes that the Hall Government's provision did not go far enough. So, the present Government is looking at the greater area of a buffer zone. I do not know whether the Hon. Mr. Kemp is referring to the 51 acres reserved by the Hall Government or the greater area that the present Government is willing to reserve. If he will clarify that, I will refer the question to my colleagues and bring back a reply.

The Hon. H. K. KEMP: In view of that reply, Sir, I assume I have the privilege of giving further clarification. The area, which is of deep scientific interest, actually stretches eastwards of the railway line, which is far beyond the area, I understand, that the present Government has considered. I think it is possibly a little further than is practicable for the reserve holding. Certainly the area concerned is very much larger than that which the present Government is considering, and much of it remains in private hands. The reply has been given to an inquiry by a committee of very conscientious people looking into this subject that it would be far too costly to consider dedicating all of the land with which they are concerned and which roughly runs from the present northern boundary of the reserved area to the railway line and to the edge of the already developed country south of the creek, on which very recently the local district council was proposing a quarrying permit. This area is not a buffer zone. Nearly the whole of it was an Aboriginal camping area.

The Hon. A. F. Kneebone: Nearly the whole of South Australia was an Aboriginal camping reserve once.

The Hon. H. K. KEMP: I do not think the importance of this matter is appreciated. The erratics in the tillite transported by the glacier and exposed to erosion in the creek and by waves were most important to the Aborigines. Many of them were of stones which could be chipped, shaped, and turned into implements. This was an industrial area to the Aborigines, who occupied it and used it for many hundreds and probably thousands of years. The deposits of their artefacts are of considerable depth and cannot possibly be quickly evaluated. This work has been going on, where possible, over many years, and there is much more to be done. To take this area from its present state, where it can be looked at, and turn it into a suburban development would be a tragedy. Undoubtedly the area concerned is very much larger than that being considered by the present Government.

The Hon. A. F. KNEEBONE: I thank the honourable member for his further explanation. I will take the questions to my colleague and bring back a reply when it is available.

WHEAT RESEARCH

The Hon. C. M. HILL: Can the Minister of Agriculture say whether his department is carrying out further investigation into the possibility of breeding dual-headed wheats as a result of inspections of such wheats on Eyre Peninsula carried out recently by officers from the Minnipa research farm?

The Hon. T. M. CASEY: I cannot say specifically what research is being carried out in this direction, but a good deal of work in this regard is done at Roseworthy. I will ascertain how far the department has gone along the lines indicated by the honourable member and bring back a reply.

HATHERLEIGH SCHOOL

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

Leave granted.

The Hon. M. B. CAMERON: My question refers to the school at Hatherleigh which is due to be closed at the end of this year. Parents of children attending this school have accepted with good grace the decision to close the school.

The Hon. T. M. Casey: A wise decision indeed.

The Hon. M. B. CAMERON: Not necessarily a wise decision, but rather a sad one. However, it has occurred. It has been indicated to the parents that they will have no choice as to which school their children will attend in the town of Millicent. (There are two schools in Millicent.) Parents have been informed, I gather, that their children will be attending the Millicent South school, but it is the desire of the majority of the parents that their children should attend the Millicent North school, where I understand sufficient accommodation will be available at the beginning of next year. To get to Millicent South the children would have to pass this school. Will the Minister discuss this matter with his colleague and see whether the wishes of the parents, who have been co-operative with the Minister, can be considered and their request granted?

The Hon. T. M. CASEY: I will refer this question to my colleague and bring back a reply when it is available.

KENT TOWN TREES

The Hon. C. M. HILL: Has the Minister of Lands a reply from the Minister of Roads and Transport to my recent question about trees on the eastern side of Dequetteville Terrace?

The Hon. A. F. KNEEBONE: My colleague states that the reconstruction and widening of the eastern side of Dequetteville Terrace between Rundle Road and Angas Street by the Highways Department necessitated the removal of four plane trees from the curve adjacent to the S.A. Brewing Company's malt silos and one plane tree from the corner of Flinders Street and Dequetteville Terrace. Three other trees were also removed from the western side of Flinders Street. It was essential that these trees be removed to enable the competent design and traffic-signal layout to proceed. The road design of Dequetteville Terrace was carefully prepared so as to obviate the need to remove any further trees growing along the eastern side of this road.

OFFENDERS PROBATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It is designed to overcome a weakness in the provisions of the Offenders Probation Act to which Their Honours the Judges of the Supreme Court have drawn attention. The Act at present provides that it shall be a condition of a recognizance that the defendant, who is released under the provisions of the recognizance, must appear before the appropriate probative court "when called upon at any time during such period, not exceeding three years, as is specified in the order of the court". A subsequent section of the principal Act provides for the probationer to be brought before a court where he has failed to observe any condition of the recognizance. Their Honours think, however, that because of the form of the recognizance, the probationer cannot be required to appear before a court to be dealt with for breach of the recognizance where the term of the recognizance has expired.

Accordingly, a probationer who acts in breach of a recognizance towards the end of its term may quite possibly escape the sanctions provided for the breach, because for some reason it is not possible for a court to deal with him before the term has expired. The present Bill overcomes this problem by providing that the probationer's undertaking under the recognizance should be to appear before the appropriate court if he fails during the term of the recognizance to observe its conditions. The provision that his actual appearance before the court should be within that period is thus eliminated.

The provisions of the Bill are as follows. Clause 1 is formal. Clause 2 provides that

the amending Act shall come into operation on a day to be fixed by proclamation. Clause 3 makes the operative amendment. It strikes out the provision suggesting that the probationer's appearance before the court should be within the term of the recognizance, and inserts more appropriate wording in its place.

The Hon. F. J. POTTER secured the adjournment of the debate.

DOOR TO DOOR SALES BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1-6 and No. 8 and that it had agreed to amendment No. 7 with an amendment.

Schedule of the amendment made by the House of Assembly to the Legislative Council's amendment No. 7:

Legislative Council's amendment:

Page 7, line 40 (clause 8)—After "charge" insert "or duty of care regarding those goods".

House of Assembly's amendment thereto:

Leave out all the words in the amendment after "insert" and insert the following words—

"new subclause as follows:

(4a) A purchaser may terminate a contract or agreement pursuant to subsection (1) of this section, notwithstanding—

(*a*) that the purchaser is unable to deliver up the goods the subject of the contract or agreement in accordance with the demand made by the vendor or dealer, pursuant to subsection (4) of this section, in the condition in which the goods were delivered to the purchaser, or at all;

or

(*b*) that the purchaser has failed to take reasonable care of those goods,

but the vendor or dealer shall have the same remedies, at law or in equity, against the purchaser in relation to those goods as he would have had, had there been no such contract or agreement and the purchaser was a voluntary bailee of those goods."

Consideration in Committee.

The Hon. A. J. SHARD (Chief Secretary): I move:

That the House of Assembly's amendment to the Legislative Council's amendment No. 7 be agreed to.

As I understand that there has been some discussion between members of this Chamber and those of another place, I suggest that the amendment be agreed to.

The Hon. Sir ARTHUR RYMILL: The difference between what is now proposed by the House of Assembly and what was previously contained in the Bill seems to be that there is cast on the purchaser the duties of a voluntary bailee of goods. Will the Chief Secretary explain what the duties are?

The Hon. F. J. POTTER: I think the suggested alternative amendment can be described as tidier and more in accordance with what courts would understand than would have been the amendments that were submitted here. It is clear that if for some reason or another the purchaser is unable to deliver the goods in the same condition as they were delivered to him, or is unable to deliver up at all, or that he has failed to take reasonable care, he has imposed on him the liability of a voluntary bailee, and he comes under the duty of care that is imposed on him as a bailee, as the Hon. Sir Arthur Rymill will probably remember.

The Hon. Sir Arthur Rymill: My recollection is that he has no duty at all.

The Hon. F. J. POTTER: No: it is not that he has no duty at all. My understanding of the matter is that he has a duty to take reasonable care of the goods as a voluntary bailee. There is a bailee for reward which, as Sir Arthur will probably remember, is the highest duty of care. Then there is a voluntary bailee, and I think there is a bailee at will.

The Hon. Sir Arthur Rymill: I should like to check that.

The Hon. F. J. POTTER: I think the Chief Secretary will probably be able to give us a precise answer to this. I used to know these things off by heart, but not now.

The Hon. A. J. SHARD: I understand this is the answer to what the Hon. Sir Arthur Rymill wanted. The voluntary bailee's duty is to take the same care of the goods as he would take if the goods were his own. It is a higher standard than that of an involuntary bailee and a lower standard than that of a bailee for reward.

The Hon. Sir ARTHUR RYMILL: Will the Chief Secretary be good enough to report progress so that I can look at this, because it is an important point? My law is a little rusty on this point. Apparently, that is nothing to be ashamed of, because the Hon. Mr. Potter has admitted to being a little rusty, too. Frankly, I am not quite clear on this and, if progress is reported, it will give the Chief Secretary a chance to look at the matter.

The Hon. A. J. SHARD: As honourable members know, I never like to bulldoze legislation through. I am happy to ask that progress be reported.

Progress reported; Committee to sit again.

Later:

The Hon. Sir ARTHUR RYMILL: I thank the Chief Secretary for giving me an opportunity to look at this rather technical definition. Having looked at it, I find an excellent reason why the rusty hinges of such legal knowledge as I possess creaked. The term normally used is gratuitous bailment, not voluntary bailment. The words that the House of Assembly has seen fit to put in this Bill are "voluntary bailment". The term did not ring a very satisfactory bell for me, and I am still not satisfied about the matter.

I have had assistance from the Parliamentary Counsel, who has been good enough to have a word with the Attorney-General about the matter. Whilst the Attorney-General recognizes that the term is not a normal legal term, he is of the opinion that it would be interpreted as having the same meaning as gratuitous bailment. I am happy to accept his opinion but I would expect that, if the courts find any difficulty in interpreting this matter when it becomes before them, the Government would then bring down an amendment to clarify the matter. I do not want to hold up the procedures at this stage.

In legal language, what is intended by this amendment is what is known by the Latin word *depositum.* There are five categories of bailment, of which the *depositum* is one. I think this is what is intended to be referred to. Unfortunately, we seem to have a tendency in modern legislation to get away from using the usual legal terms that have been so clearly defined by courts of law; that is always a great pity. A court could find difficulty in deciding what voluntary bailment meant. Gratuitous bailment is, of course, the opposite of bailment for reward, because the duties are different. The law has a great deal of common sense, despite what people say from time to time. The law is that a gratuitous bailee is a man who has custody of the goods but is not paid for keeping them; that is a lower standard of duty than that of a bailee for reward, who is paid to keep the goods (his standard of duty being therefore higher). On the assumption that this is a gratuitous bailment, I wish to quote the following extracts from Halsbury:

> The measure of diligence demanded of a gratuitous depositary is as a rule that degree of diligence which men of common prudence generally exercise about their own affairs.

It then seems to whittle that down a bit, because Halsbury continues:

> As a general rule, the fact that he keeps chattels deposited with him in the same manner as he keeps his own may be, but is not necessarily, sufficient to exempt a gratuitous bailee from liability.

It then refers to the fact that he must have been guilty either of breach of orders, gross negligence, or fraud, so the standards imposed by this amendment are not tremendously high. Reading further from Halsbury:

> . . . if the bailee applies the chattel to any purpose other than that of bare custody he becomes responsible for any loss or damage resulting from his breach of good faith, except where the cause of the loss or damage is independent of his acts and is inherent in the chattel itself.

This is probably quite a good amendment. When the matter was debated in the House of Assembly, the Government viewpoint was that by putting in the standard included it could be held over the head of the purchaser by the vendor that he had not kept the goods in good order and therefore he would have to keep them. The manner in which the House of Assembly has treated this amendment ensures that the right of the purchaser to rescind the contract remains, but that House has also attempted to give the vendor some common law rights for damages for not keeping the goods in proper order. The extent of the duty is difficult to define, but it certainly means, I think on any construction, that the purchaser receiving the goods who then sends them back after the cooling-off period at least has some duty in relation to the goods, although it might not be quite clearly defined because it depends on which category of the law I have quoted the court would act.

However, I think this is a good amendment to try to get some suitable working method of dealing with the matter. I do not propose to move any amendment. I would like to have done so, because I think it could be clarified quite easily by instead of using the words "voluntary bailment" saying "gratuitous bailment", and possibly qualifying it by the term "of a voluntary nature" or "under a contract" for that purpose.

However, I think it will cause some restraint on the part of the purchaser in the handling of the goods left in his custody, and I think the Hon. Mr. Potter, whose amendment it was, will

agree that it is better at this stage to leave it as amended by the House of Assembly, but recording in *Hansard* that we would expect in these circumstances, if the courts have any difficulty, that the Government would bring down an appropriate amendment.

The Hon. F. J. POTTER: I support the remarks of the previous speaker. I agree that the proper way of dealing with the matter is, as the House of Assembly has done, to bring it within the concept of bailments at common law. I agree that there was some little doubt when 1 looked at the statement of English law as set out by Lord Halsbury. It really is a gratuitous bailee, and there are various classes under that heading. Having refreshed my memory about the law concerning bailment reminds me that it is a very interesting part of the law and comes into the English law from the old Roman law. The old Roman terms are used and understood.

If we use the words suggested in the House of Assembly's amendment at least they must be interpreted by the court, and I think the court would have little difficulty in determining what is meant by "voluntary bailment" as it appears in the general structure in this Act. In the remote possibility that difficulties could be encountered by the courts in future we could very simply amend the provision at that stage. I support the motion.

The Hon. A. J. SHARD (Chief Secretary): I thank honourable members for the attention they have given this matter. The thought flashed through my mind recently that if I were some years younger, armed with the information and education I get from my learned friends in this Chamber, perhaps I could get a job as an articled clerk in one of their offices.

I thank especially the Hon. Sir Arthur Rymill for the attention he has drawn to this matter and his appreciation of one of the comparatively rare instances where Roman law has influenced our sturdy English thinking. While it is felt that possibly a case could be made out for the insertion of the word "gratuitous" after the word "voluntary", it is considered that the gratuitous aspect of the bailee-bailor relationship emerges quite clearly from the context of the provision.

Since speaking to Sir Arthur I have had the opportunity to have a word with the Attorney-General. I can assure the Committee that the operation of this provision will be kept under close review, and if it is found necessary to bring down an amendment, because I know the Attorney's approach to these matters, I know that that will be done. His outlook, as I have learned over the past 18 months, is to make the process of law readily and easily acceptable and the procedures of it to the benefit of all concerned. I know he is a colleague of mine, but that is the impression I have gained of him.

Motion carried.

HALLETT COVE TO PORT STANVAC RAILWAY EXTENSION BILL

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

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

That this Bill be now read a second time.

In pursuit of its policy to provide an adequate public transport system, the Government has decided that the rapidly developing areas south of Hallett Cove should be served by an extension of the existing rail system that currently terminates at Port Stanvac. Subject to approval by Parliament of this Bill, it is planned to extend the line to Beach Road, Christies Downs. However, this will be done in two stages. First, it is proposed to construct the line only as far as O'Sullivan Beach Road so as to permit the provision of passenger and freight facilities to Lonsdale. Subsequently, the line will be extended to Beach Road, Christies Downs. Honourable members will be aware that such an extension can be carried out only with the authority of an Act of this Parliament.

Accordingly, Parliamentary approval is now sought for the extension of the Hallett Cove to Port Stanvac Railway to a point immediately north of Beach Road, about three miles from the present terminus. An extension of this order will, it is felt, adequately cater for the present and future needs of the railway system in this area. In form, this measure follows the usual railway authorization Bills, and a copy of the plan referred to therein will be available for perusal by honourable members. Clauses 1 and 2 are formal. Clause 3 formally authorizes the building of the railway within the limits of deviation set out on the plan. Clause 4 makes formal financial provisions.

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

MUNICIPAL TRAMWAYS TRUST ACT AMENDMENT BILL

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

The Hon. A. F. KNEEBONE (Minister of Lands): I move:

That this Bill be now read a second time.

Its principal object is to place the trust under the control of the Minister of Roads and Transport. As honourable members are aware, the Municipal Tramways Trust Act at present does not provide for the measure of Ministerial control that applies generally to Government departments. I am sure most honourable members would concede both the importance and desirability of bringing the Municipal Tramways Trust under Ministerial control. At a later stage, a further Bill will be introduced to Parliament to provide for a similar provision to apply to the South Australian Railways Commissioner's Act. The advantage of having Ministerial control of both the Municipal Tramways Trust and the South Australian Railways will afford the Government the opportunity of fully co-ordinating the public transport systems. The advantages to be gained from a complete co-ordination of all transport services and facilities within the State are obvious. A comprehensive plan of action is essential if an efficient transport system is to be achieved, and the Government believes that, while any individual service remains independent, such a plan will never be realized. I, therefore, commend this Bill to honourable members as one that is vital to the future of the transport service in this State. The Bill also contains sundry statute law revision amendments.

I shall now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 amends the interpretation section of the Act. The definition of "Commissioner" (that is, the Commissioner of Public Works) is deleted as such an office no longer exists. The definitions of councils are up-dated. A definition of "Minister" is inserted. The existing definition of "motor omnibus" is transferred to its correct alphabetical place. Clause 3 inserts in the Act a new section, which provides that the trust is subject to the control of the Minister and shall comply with any directions given by him. Clauses 4 to 15, inclusive, effect statute law revision amendments that are self-explanatory. Clause 16 repeals section 86a of the Act, which deals with the trust's former powerhouse site at Port Adelaide. As the lease of this site has expired, the section is now obsolete. Clauses 17 to 26, inclusive, effect further statute law revision amendments that are self-explanatory.

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

MOTOR VEHICLES ACT AMENDMENT BILL

Read a third time and passed.

STAMP DUTIES ACT AMENDMENT BILL (INSURANCE)

Read a third time and passed.

PRICES ACT AMENDMENT BILL

Second reading.

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

Its principal object is to extend the Prices Act for one year. In support of the Bill, attention is drawn to the fact that the Prices Act has continued in operation since 1948, and has been of substantial benefit to the people of this State. Maximum prices are currently fixed for a number of items some of which are important to family groups and people on low incomes, and others affect rural industry costs. In addition, the Prices Commissioner also examines price movements of a wide range of non-controlled goods and services and a number of arrangements exist with industries with regard to advice and discussions before prices are increased.

The reasons why price increases should be limited to reasonable levels are only too well known. As stated last year, prices of a number of commodities in this State are still below those in other States but there is continual pressure to lift local prices to interstate levels, even though costs might be lower in this State. One of the attractions for new industries to become established in South Australia is its favourable cost structure as compared with other States. It is considered important that, to maintain this position, a restraining influence be exercised on unwarranted price increases. Other important functions carried out by the Prices Commissioner include the fixing of minimum prices for wine grapes which is of considerable benefit to wine-grape growers, and the supervision of the consumer protection provisions of the Prices Act.

Following the amendment to the Prices Act last year giving additional powers for the protection of consumers, the number and variety of complaints received by the Prices Branch has increased. For the year ended June 30, 1,505 complaints from consumers were investigated. Of the complaints that concerned excessive charges, in 612 cases reductions or refunds were obtained, amounting in total to $40,448. In other cases, arrangements were made for faulty goods to be

replaced, work to be completed, or unsatisfactory work to be redone. In addition, more than 2,500 general inquiries were handled and advice given.

One area where the number of complaints has grown substantially is used car sales. For the year, 327 complaints were received. Whilst many adjustments have been obtained for people who have complained, a number of persons would have suffered through the unfair activities of a relatively small number of dealers. With regard to misleading advertising, 66 complaints were investigated. In nearly all cases, where warranted, advertisers were prepared to delete or change the wording of the advertisement. A number of warning letters were sent and one company was successfully prosecuted. The extension of the operation of the Act for a further year will enable the services provided to the public to be continued.

The Bill also seeks to alter the title of the Commissioner to the South Australian Commissioner for Prices and Consumer Affairs, as the present title gives no indication of the considerable time and effort spent by the Prices Branch in dealing with consumer protection affairs. The Commissioner has become aware that his present title has caused some confusion and in some cases has deterred consumers from approaching the branch for assistance. The Bill also contains various statute law revision amendments.

I will now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 amends the interpretation section of the Act. The definition of "Commissioner" is amended so as to recognize the new title provided in this Bill. A new definition of "Minister" is inserted, so as to conform with the recent amendment to the Acts Interpretation Act. Subsection (2), now obsolete, is deleted. Clause 3 amends section 4 of the Act so as to recognize the new title given to the Commissioner and also to recognize the fact that the Commissioner and all officers and employees are now appointed under and are subject to the Public Service Act. This change was effected by administrative act, and has been effective since July 1, 1969. The South Australian Prices Commissioner is deemed to have been appointed as the South Australian Commissioner for Prices and Consumer Affairs.

Clause 4 amends section 5 of the Act by correcting an incorrect reference to "authorized persons". Clause 5 repeals section 6 of the Act, which is no longer necessary as the Commissioner and his staff are now subject to the Public Service Act. Clause 6 remedies several incorrect references in section 9 of the Act. The passage "authorized officer" is the correct reference, as it is defined in section 3 of the Act. Clauses 7 and 9 repeal sections 20 and 23 of the Act respectively. These sections were in the nature of transitional provisions, necessary in 1948, but they have long since become obsolete. Clause 8 effects a minor statute law revision amendment to section 22e of the Act. Clause 10 prolongs the life of the Act up to January 1, 1973.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from November 10. Page 2872.)

The Hon. E. K. RUSSACK (Midland): When I spoke on this Bill yesterday I referred to the provision making it possible for councils to participate in erecting homes for the aged and infirm. There may be difficulties in that procedure, but I am certain that they can be overcome. New section 287b provides that at least one-third of any rental received by a council for a dwellinghouse or home unit provided under the section must be placed in a fund for the upkeep of the dwellings. That provision could place the council at a disadvantage in relation to dwellings provided by other organizations. No doubt the amount of rental would be based partly on the cost of painting, rates, and taxes, and other incidental expenses.

The Commonwealth Government makes available a subsidy of $4,800 for a single unit and $6,000 for a double unit; the ratio applying in this respect is one to eight. Many of the home units built can house either a couple or a single person. As a result of the great increase in building costs, the subsidy is sometimes less than two-thirds of the cost of the unit. From time to time the Commonwealth Government adjusts the amount of the subsidy to bring it into line with increases in building costs. If a unit costs $7,200 and if we take into account the Commonwealth subsidy of $4,800, the organization or the donor would need to find $2,400. If a unit costs $8,000 and if we take into account the Commonwealth subsidy of $4,800, the organization or the donor would need to find $3,200. In

addition, it is necessary to admit some people free; that would involve the council in increased costs.

One method of overcoming the difficulties I have referred to would be for other community organizations to be permitted to provide funds to the council to offset the additional expenditure. That would greatly assist councils. The Bill also makes it possible for councils to employ social workers. A doctor recently suggested that it was absolutely necessary to appoint a social worker in a certain country town. I am certain that the Bill will assist in that respect.

The Bill provides that it will no longer be compulsory for councils to publish in the *Gazette* their statements and balance sheets; that is a progressive move. I stress that new section 296 (2) says that the statement and balance sheet "may" be published by the council in the manner it thinks appropriate: the council is given a choice in connection with publication. New section 666 (4) facilitates procedures when a council finds it necessary to remove motor vehicles that have been abandoned in its area. That provision will be very helpful to many councils. On many country roads we see abandoned vehicles, and the same situation occurs in some corporation areas. In principle, I support the Bill and I will be very interested when the clauses are dealt with during the Committee stage.

The Hon. R. A. GEDDES secured the adjournment of the debate.

REGISTRATION OF DOGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 10. Page 2862.)

The Hon. C. M. HILL (Central No. 2): Sections 20 and 21 of the principal Act enable authorized persons to seize dogs found at large. In those sections procedures are laid down for contacting the owners of the dogs and for the sale or disposal of the dogs. Section 21 provides:

> The owner or occupier of any enclosed field, paddock, yard, or other place in which any cattle, sheep, horse, or poultry is or are confined . . . may . . . shoot or otherwise destroy any dog (*a*) found worrying any cattle, sheep, horse, or poultry . . .

The approach is slightly different in regard to problems in the country than it is in regard to problems in the metropolitan area. This Bill deals with problems occurring where dogs terrorize children, resulting in those children being exposed to the risk of injury. The Minister went further in saying that it was necessary to provide for the destruction of stray dogs found to be a danger to human life. That brings me to the purpose of the Bill.

A loophole has been found in the existing legislation. In certain instances which have occurred in metropolitan Adelaide it has been found that the law has not been sufficient to deal with the problems created, and that is why this Bill is before us. I agree that the matter should be looked at very carefully, and I believe in the principle that very careful conditions should be laid down as to the circumstances in which dogs can be destroyed.

However, the question cannot be left at that. There is in the community at the moment some disquiet about this Bill, felt by dog lovers who fear that the real intent of the legislation could be abused and that some dogs might be destroyed which in fact ought not to be destroyed. It is proper, therefore, that the Legislature should look closely at such a Bill to see that, if such drastic action is taken in the future, it will occur only after proper consideration and in circumstances where it is absolutely necessary.

The disquiet is typified in a letter I have before me, sent to a member of the Opposition, in which the writer says that fully pedigreed dogs which have run away from home or dogs which have been teased or frightened by children may become innocent victims of such decisions. This refers, of course, to the proposals in the Bill. The operative clause is the new section 20a proposed to be inserted, which reads as follows:

> 20a. (1) Where a dog is at large in any public place, or in any premises not belonging to, or occupied by, the owner of the dog, and an authorized person is of the opinion that the behaviour of the dog is such as to suggest that the dog presents a danger or potential danger to the public, he may, if he is unable to seize the dog with safety, forthwith destroy the dog or cause it to be destroyed.

We see, first, that a dog need not present a danger to the public; it need present merely a potential danger. If a dog is teased by someone I might call a dog hater, or by children, it might growl and become vicious, but if that dog, through some error on the part of the owner, is at large on the following day it might then be quite a docile animal. Under the provisions of the Bill, although

the dog might be quite docile it could be looked upon as being a potential danger, judged upon its conduct on the previous day.

I wonder whether it is necessary to have the words "or potential danger" included in the Bill or whether the decision should rest on the fact that the dog must be a danger when the situation leading to its destruction is taking place. For people authorized to destroy dogs to be able to return after the event and, irrespective of how the dog is then behaving, take action because it is considered a potential danger is something we must consider very carefully.

The second point with which we must be concerned is whether or not some effort should be made in the first instance to seize the dog before it is destroyed. As the clause reads, the person who is authorized to destroy the dog must be unable to seize it with safety. I am sure the intention is spelled out in good faith, but whose opinion should be accepted by the owner of the dog or by law if subsequent action is taken and if it must be established whether or not the dog could have been seized with safety? It might not be easy to cover this problem, but it must be considered.

It would be most unkind to animals if in future dogs were destroyed which ought not to be destroyed in all reasonableness and fairness. Professional dog catchers are employed by local government bodies. They are quite expert in their field—as expert as the rat catchers. I am always amused to learn of the hundreds of rats caught in a week by rat catchers in the city of Adelaide, according to official records. People working in the industries of dog catching and rat catching are experts, and it may be that in metropolitan Adelaide the local dog catcher should be given an opportunity to seize the animal before the slaying takes place.

The Hon. A. F. Kneebone: This could be a dangerous procedure. While a professional dog catcher was being sought the animal could have attacked someone else.

The Hon. C. M. HILL: I realize it is not easy to wrestle with such a matter and to find the best solution. This leads to the next point I want to make: who will be the "authorized person or persons"? The Bill refers to the now hackneyed approach of saying the authorized person shall be either a police officer or somebody authorized by the Commissioner of Police or by regulation. This is a great pity, because in the existing Act the authorized people are named and everyone knows who they might be. If we have to resort to regulations under legislation of this kind we are certainly being governed by regulation and not by Act of Parliament.

The Act lays down that such a person should be a member of the Police Force, a special constable, a Crown Lands ranger, or any person authorized in writing by any municipal or district council to seize dogs found at large. This makes the matter quite clear, but in the Bill provision is made for only a member of the Police Force, or people authorized by the Commissioner of Police or specified by regulation. Can the Minister indicate to whom it is proposed this authority will be given by regulation, and why it is necessary in a short Bill such as this to introduce a need for regulations when the Act sets out the titles and prescribes the people so authorized?

It would seem to me there is good reason to consider that two such people should be present at the slaying of the animal. This situation would apply more in metropolitan Adelaide than in the rural areas, because there seems some difference between the approach that ought to be adopted in country areas compared to that in metropolitan Adelaide. As I understand it, the problem has arisen in the metropolitan area and this is why the Bill has been found necessary. It would seem to me (and I am not criticizing members of the Police Force) that, if an authorized person was of an unkind nature, he might be more inclined to take the action than he would if he had to be checked by a second person being present. For instance, there could be two members of the Police Force, two council officers, or a member of the Police Force and an officer of the council, so that if two people were present to decide about the killing of the animal I think some of the misgivings, which one hears in the electorate and which one reads about in correspondence being sent to honourable members, would be lessened, particularly if this further check was written into the legislation.

I support the second reading because I support the principle behind the move. Dogs should be killed if they are harming children. The Bill supports the action to kill such animals but the more one thinks about the problems in our world today the more one realizes that the Legislature should be as certain as it can be that the actions contemplated in the Bill will be taken only after proper, just, fair, and reasonable consideration. As the

debate continues, I think further proposals may develop that may add more checks to the legislation and perhaps considerably improve it.

The Hon. A. M. WHYTE secured the adjournment of the debate.

VALUATION OF LAND BILL

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

The Hon. A. J. SHARD (Chief Secretary): I move:

That this Bill be now read a second time.

It is a straightforward Bill, the purpose of which is to co-ordinate and standardize the rating and taxing valuation procedures in South Australia so that there shall be one statutory authority, one common base value, and one uniform system under which official valuations for rating and taxing are made. It will provide for a better and more economic administration and a greater flexibility in the making of valuations according to the particular circumstances prevailing in any area of the State from time to time. As presently constituted, the Valuation Department operates under the Land Tax Act, which provides for unimproved land values at quinquennial periods, and the Waterworks and Sewerage Acts, which provide for assessed values on an annual basis.

It can be seen, therefore, that midway through a quinquennium a discrepancy in the valuations occurs. On the same date land values for water rating can be entirely different from, and unrelated to, land values for land tax for the same property. It is incongruous, and difficult to explain to a landowner, that his land is worth two entirely different values on the same day. Besides these unrelated dates of valuation, which it is intended to correct in this Bill, it is intended to eliminate the different legislative requirements of these Acts which have caused a number of administrative problems in the handling of objections and appeals against valuation assessments.

Under the terms of the Waterworks and Sewerage Acts, appeals against annual assessments are required officially to be lodged within one month of gazettal of the assessment direct to the Land and Valuation Court. Ratepayers in practice unofficially lodge objections with, or request reviews of assessed annual values by, the Valuation Department. This procedure has been accepted by the community without question over a very long period, since it allows the objections to be handled departmentally without cost to the appellants, and because most ratepayers do not desire to be involved in court proceedings.

The Land Tax Act provides officially for objections against quinquennial assessments to be lodged, in the first instance, with the Land Tax Commissioner within 60 days of the notice of valuation being served on the landowner. Should the objector be dissatisfied with the Commissioner's decision based on the valuer's recommendation on his objection, he may then ask the Commissioner to refer it to the Land and Valuation Court for determination. All evidence of value for the Commissioner is provided by the Valuation Department at the hearing. Some confusion, therefore, exists in the administrative role the Commissioner of Land Tax plays in the valuation procedures. Under the Land Tax Act, he issues the quinquennial assessment of unimproved values, must accept the objections against it, and refer appeal cases to the court. This means that the work done in the Valuation Department with regard to land tax valuations has to be continually referred to the Commissioner for his endorsement or action, making an unnecessary double handling of these particular functions.

A new definition of "annual value" is proposed in this Bill to correct the anomalies that exist in the Waterworks and Sewerage Acts, and to bring it into line with the definition in the Local Government Act. In determining statutory assessed annual values on a rental basis under the Waterworks and Sewerage Acts, the relevant clauses refer to a rental "at which the whole would let for a term of seven years". Seven-year lettings of flats and other rental properties ceased to be a common practice more than 30 years ago. The term is not in any other rating Act in Australia, nor is it in the English Act. It was removed from the Local Government Act in 1938, because of the difficulty valuers had in determining values under a fictitious seven-year term when actual annual values, in fact, were what the Act originally intended. The determining of a hypothetical seven-year term does not provide for uniformity or equitability in assessing annual values and, in fact, annual values have for many years been determined on a year-to-year basis as in the Local Government Act.

A further anomaly which is corrected in the new definition of annual value is the differing fixed allowance made for outgoings in the

two Acts. The Waterworks Act allows for one-quarter to be deducted from the gross annual rent, but the Sewerage Act allows for a one-fifth deduction. This Bill requires that notices of all new and revised valuations be given to the landowners. This corrects a further deficiency in the Waterworks and Sewerage Acts which do not provide for notices of assessed annual values to be issued to owners, but leave the owner to find out the date of assessment from the *Government Gazette* should he wish to appeal. Without a notice being sent most land and property owners would be unaware of a new or revised valuation until they received their first rating accounts. Unofficially, notices of assessed annual value have recently been sent by the Valuation Department to land and property owners as a matter of courtesy, but it is not obligatory for the department to do so under the present Acts.

The principles embodied in this Bill are in accordance with the recommendations of the Ligertwood Committee of Enquiry into Land Tax, Council Rates, Water Rates and Probate, and are supported by the Commonwealth Institute of Valuers, the Stockowners Association of South Australia, the Local Government Act Revision Committee's report, and by local government generally. Consequential amendments to the Waterworks, Sewerage, Water Conservation, Land Tax and Local Government Acts will follow as a result of this Bill.

Clause 1 is formal, and clause 2 provides for the commencement of the Bill on a day to be fixed by proclamation. Clause 3 sets out the arrangement of the Bill. Clause 4 enables existing valuations, objections, and appeals made or exercised under the rating and taxing Acts to be continued in force until superseded or disposed of under this Bill. Clause 5 contains the definitions. As already explained, the definition of annual value corrects various anomalies in existing definitions. Provision has been made for four different types of value to be made as and when required for each property: annual value, capital or improved value, site value, and unimproved value. This is in keeping with the recommendations of the various committees of inquiry into land valuation for rating and taxing throughout Australia.

Because of its artificiality, unimproved value is no longer regarded by many authorities as a reliable measure of the value of land for rating or taxing purposes. They feel that the most appropriate measure of the worth of land is its improved or capital value, which is the value of land and premises that the community readily understands. The deletion of unimproved value and its replacement by a site or land value has been carried out in Victoria and New Zealand, and is in process of being replaced in Tasmania. It has already been partially eliminated in South Australia and New South Wales. The continued use of unimproved values as a taxing base in the country has received criticism and unfavourable comment from the rural community, and this Bill recognizes that, if a change is desired to some other type of value, it can be easily effected. Provision has, therefore, been made for unimproved value in country areas to be ultimately replaced by site or capital values should this at any time be considered desirable.

Clauses 6 to 9 place the administration of the Bill in the hands of the Valuer-General. The heads of Valuation Departments throughout Australia, New Zealand, and Papua New Guinea have the title "Valuer-General". The present head of the Valuation Department is often addressed as and has been frequently referred to in this Parliament as the Valuer-General, a term with which people throughout the Commonwealth are familiar. It is, therefore, most desirable that the head of the Valuation Department in South Australia should have a similar title. It is also most desirable to separate completely the head of the Valuation Department from the rating and taxing authorities so that there should be no mistaken belief that his valuations are influenced by the revenue needs of the State. He should be regarded by the Government and all sections of the community as an independent valuing authority divorced from the rating and taxing policies of the State. This Bill makes him an officer responsible to Parliament, and frees him from any suggestion of political bias.

Clause 10 provides for the appointment of officers to assist the Valuer-General in carrying out the purposes of the Act. No additional officers are required under this Bill. In fact, the number of officers in the Valuation Department is being progressively reduced in the administrative section under a revised organization following completion of the computerization of the valuation records. The redundant officers are either being absorbed into other departments of the Public Service or are not being replaced if they resign. There must always be, however, a sufficient number of properly qualified valuers available in the department to maintain the continuity and stability of its valuations. Clauses 11 to 14 provide for the making of a general valuation within each area of the State. As defined,

an area is essentially a municipal or council district, and each area must be valued at least once in every five years. However, unlike the quinquennial assessment provisions in the Land Tax Act, this Bill under clause 14 will allow for revaluations to be made in any area of the State, at any time, should the Valuer-General, according to the circumstances prevailing at the time, deem it necessary. This means that in a period of declining rural land values, for example, annual revisions of valuations could be made in any particular area or areas of the State as required.

Clause 14 also allows the Valuer-General to continue a general valuation in an area for more than five years if he considers that the values in that area have not materially changed since the previous general valuation was made. Clause 12 fixes the date of each general valuation in an area as the date on which the general valuation was completed. This means that a general valuation in an area when completed will be in accord with the market values prevailing at the time of completion of the valuation, and avoid the recent difficulty caused through a general valuation having to be determined at a particular date some time prior to the date of completion of the valuation, when values on the fixed date could be higher than they might be on the completion date. Clause 13 provides that notice of each general valuation shall be published in the *Gazette* and give details of the area to which it refers and the date of the general valuation. After publication of the notice in the *Gazette,* the valuation shall come into force and supersede any previous valuation made for that area. Clause 23 provides that each landowner shall be notified in writing of the valuation.

Clause 15 empowers the Valuer-General to alter, amend or add to any general valuation land that has not previously been valued or land that has, subsequent to the general valuation, been subdivided or resubdivided and separate valuations are required. Where buildings on land have been destroyed or demolished or for some other reason a valuation needs to be amended, a new valuation may be made. Where a general valuation has been made, the date at which value is determined remains uniform with that general valuation. Notice of the altered or new valuation must be published in the *Gazette* and the owner in terms of clause 23 must be advised in writing of the valuation. Clause 16 empowers the Valuer-General, in appropriate circumstances, to include in one valuation adjoining lands of the same owner.

Clause 17 provides that the Valuer-General upon request shall, as soon as practicable, value any land for the purpose of any Act, department of Government, rating or taxing authority or council. This does not make it compulsory for councils to have to take the Valuer-General's valuations, but the Government has been urged by councils to introduce this Bill so that full advantage can be taken of having their rating assessments made by the Valuation Department. Out of 137 cities, municipalities and councils in the State about 50 per cent are at present using or desire to use Government valuations for local government rating purposes. It is obvious that, if the Valuer-General accepts responsibility for council valuations and appeals, the administrative costs of council assessment procedures should be appreciably reduced. Where the Valuer-General on request makes a special valuation or valuations for purposes other than for rating or taxing, the valuation or valuations are not entered in the valuation roll. The Valuer-General should be entitled to recover from persons, authorities or councils requesting special valuations some recompense for the extra work involved, and provision has been made to prescribe fees to be paid to the Valuer-General for this valuation service.

Clauses 18 to 21 set out the form of the valuation roll or list and the particulars it should contain, empower the Valuer-General to correct or amend any errors in the roll, provide for the notation of ownership of any land to be changed on the receipt of proper advice of the change of ownership by the Valuer-General, detail the place and times when the roll shall be available free of charge for public inspection, and require the Valuer-General to supply valuation rolls to the rating and taxing authorities. Clause 22 permits the Valuer-General to adopt a valuation made by a council or some other person should this at any time be deemed necessary. Clauses 23 to 25 deal with the procedure on objections to the valuations made by the Valuer-General. After receipt of the notice of the valuation from the Valuer-General, if a landowner wishes to lodge an objection, then, in the first instance, the objection is to be served upon the Valuer-General and, if the objector is not satisfied with the decision of the Valuer-General on his objection, he may appeal to the Land and Valuation Court for a determination of the values. Clause 25 (4) provides that the payment of any rate or tax imposed upon the land under any Act is not postponed by virtue of an objection having been lodged against the valuation.

As previously explained, these provisions simplify and standardize the objection and appeal procedures and thus obviate confusion both to the department and to the public. The unrelated dual procedures under the Waterworks and Land Tax Acts have at times caused embarrassment to officers of the department when trying to explain the operation of the different appeal systems to the public.

Clause 26 enables the valuers to enter upon land for the purpose of making the valuations and to question the owner or occupier on any matter that may affect its value. It is most important that valuers should have the right of entry upon land if they are to carry out efficiently their task of making proper and reliable valuations. Clause 27 gives the Valuer-General or his officers the right to inspect documents, plans, books and maps, which are relevant to the valuation, held by departments or councils, and clause 28 provides for various forms to be prescribed enabling relevant information to be collected from landowners in regard to the land to be valued. Under clause 29, notice of the sale, transfer, acquisition or other transaction affecting a change in the ownership of land is required to be given to the Valuer-General by the vendor or transferor within 30 days of the sale or transfer of the land. Clause 30 deals with proceedings in regard to offences, and clause 31 directs how notices are to be served upon those persons entitled to receive a notice.

Clause 32 provides for certified copies of entries in the valuation, roll to be supplied at a fee to any person who requests a copy in writing, and also provides that a copy or extract from the roll certified by the Valuer-General shall be accepted as evidence in all proceedings. Clause 33 outlines the financial provisions required by the Bill, and clause 34 provides for the making of necessary regulations and the prescribing of such forms and fees as will be required to give effect to the Bill. As explained, the Bill is simply an administrative measure. It does not involve any taxing or rating provisions or policies, but only provides the Valuer-General with proper statutory authority for making valuations with a greater flexibility of operation. Under it the present confusion with regard to interdepartmental procedures, valuations, objections and appeals has been eliminated, and better and more reliable and uniform rating and .taxing valuations must eventuate as a result.

The Hon. L. R. HART secured the adjournment of the debate.

MINING BILL

In Committee.

(Continued from November 10. Page 2871.)

Clause 4 passed.

Clause 5—"Transitional provisions."

The Hon. R. C. DeGARIS (Leader of the Opposition): The Bill presents a new concept in relation to private mines. I believe that during the transitional period between the operation of the existing Act and the operation of this Bill, after it becomes law, certain persons or groups of persons conducting mining or quarrying operations may be able to exploit the situation as they could be mining illegally. Although I do not doubt the integrity of the Minister or his department, I cannot predict exactly what will happen if certain people are mining illegally during this period. Will the Minister therefore enlarge on this matter and say whether it is in fact possible that during the transitional period certain people may be mining illegally?

The Hon. A. F. KNEEBONE (Minister of Lands): True, certain people could be mining illegally in the early part of the transitional period. However, one need not be concerned about this matter, as I assure the Leader that the situation will be closely examined. There is no fear of prosecution being launched against persons to whom the Leader has referred. Because of drafting difficulties, my amendments and those of the Leader have not yet been placed on file. I apologize because my amendments are not available, and I know the Leader feels the same about his amendments. If the amendments are not received shortly, I may have to move that progress be reported.

The Hon. H. K. KEMP: I thank the Minister for his honest statement. Clause 5, providing for transitional provisions, is very important. Some mineral rights have belonged to individual people ever since the Crown made the land available to these people. This clause provides for a transition between that situation and the situation proposed by the Government.

Progress reported; Committee to sit again.

TRAVELLING STOCK RESERVE: OODNADATTA

The House of Assembly intimated that it had agreed to the Legislative Council's resolution.

ADJOURNMENT

At 4.22 p.m. the Council adjourned until Tuesday, November 16, at 2.15 p.m.