LEGISLATIVE COUNCIL

Tuesday, November 16, 1971

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

QUESTIONS

RETRENCHMENTS

The Hon. L. R. HART: I understand the Chief Secretary has a reply to my question of November 11, about possible retrenchments from the factory of Hawker Siddeley Electronics Ltd. at Salisbury.

The Hon. A. J. SHARD: The Minister of Development and Mines has advised that the Director of Industrial Development has reported that Hawker Siddeley Electronics Ltd. has several divisions in Australia, with the Engineering Division located at Salisbury and a number of other divisions located in Brookvale, Sydney. The company now proposes to transfer the headquarters of the Engineering Division to Sydney, effective from March 1, 1972. However, the Engineering Division at Salisbury is not being closed down. Some work is already planned to continue there after March 1, 1972. The number of people involved in relocation or retrenchment is not yet known as all decisions required have not yet been made. It is hoped to have a firm idea by the end of November, 1971, of the scope of work to be carried on in South Australia.

QUESTION TIME

The Hon. D. H. L. BANFIELD: I seek leave to make a brief explanation before addressing a question to the Hon. Mr. DeGaris, the Leader of the Opposition in this Council.

Leave granted.

The Hon. D. H. L. BANFIELD: Over the years, the members of this Council have maintained a high reputation for their probing and skilful questioning of Ministers in this place, with the result that honourable members have been able from time to time to get a clear picture of Government policy and, if they have not agreed with that policy, they have normally gone out and criticized it. However, they have never resorted to criticizing Ministers as such. This principle should be strictly adhered to because it is, I believe, the correct procedure and in the best interests of the Government and the State generally. I was perturbed to read statements in the *South-Eastern Times* and the *Islander* attributed to the Hon. Martin Cameron, who, lacking the skill to extract full replies from Ministers, has resorted to personal attacks on those Ministers, particularly the Minister of Agriculture and the Minister of Lands, both of whom in my opinion are doing an excellent job.

The PRESIDENT: Is the honourable member asking a question or expressing an opinion?

The Hon. D. H. L. BANFIELD: I am asking a question, Sir. In the *South-Eastern Times* the honourable member is alleged to have said, when commenting on a reply given by the Minister of Agriculture:

I am staggered at his statement about not knowing what can be done.

He later said:

Either he is naive or unwilling to act.

That is the type of statement that is being reported in the press in the South-East and on Kangaroo Island. Had the honourable member continued with his probing, he would have received a satisfactory reply and would not have had to resort to this method of attack.

The PRESIDENT: Order! The honourable member is expressing an opinion and is not explaining his question.

The Hon. D. H. L. BANFIELD: I will now ask my question, Sir. Does the Leader believe that personal attacks on Ministers as distinct from attacks on Government policies are in the best interests of good Government and, if he does not believe so, will he point out the deficiency of this method of attack to the members of his Party and ask them in future to attack not personalities but policies?

The Hon. R. C. DeGARIS: I am more than pleased that the honourable member is taking such a keen interest in this matter. While I am Leader of the Opposition, each member of my Party in this Chamber must interpret for himself his approach to various matters. I am willing to advise on any question, but I am not willing to direct any member in this regard. In defence of the Hon. Mr. Cameron, I point out that he is a relatively new member in this Chamber, who has not enjoyed the length of training that the Hon. Mr. Banfield has undergone over a period of years. I believe that Question Time should be used to seek information from the Government so that the public may be made aware of the Government's views and its policies. I do not think Question Time should be used for any other purpose.

TERTIARY EDUCATION FEES

The Hon. M. B. DAWKINS: Has the Minister of Agriculture received from the Minister of Education a reply to the question I asked on November 10 regarding tertiary education fees?

The Hon. T. M. CASEY: The Minister of Education reports that the Government has approved a further extension in the fees concession scheme for students attending either of the two South Australian universities or the South Australian Institute of Technology. The total sum now available under the scheme for 1972 will be $240,000, which represents a doubling of the amount allowed for fees concession in relation to this year. As a consequence of this change, there will be a substantial alleviation in the means test applicable under the scheme, and single part-time students who were previously not covered will now be entitled to a concession of up to one-third of the value of fees payable. In addition, this year all part-time students who are employees of the State Public Service will be entitled to a full refund of fees for subjects successfully passed in approved courses.

This matches the provision that applies in the Commonwealth Public Service and also now in a number of private companies. I am hopeful that other private companies whose employees are part-time students at either university or at the Institute of Technology will consider adopting similar arrangements. In view of these changes, the Government has repeated its request to the University of Adelaide and the Institute of Technology to raise fees for 1972 by one-sixth. I have written to the Chairman of the Fees Concession Committee informing him of the extra sum available so that the alleviation of the means test can be finally determined by the committee. In addition, an approach will be made to the Commonwealth Minister for Education and Science for support to alter the basis of assistance that the Commonwealth Government gives universities and colleges of advanced education from the present $1 for every $1.85 to a $1 for $1 basis in relation to current university and institute costs. If that change is made by the Commonwealth Government, it will be possible not only in this State but in all States for all tertiary fees to be abolished.

KANGAROO ISLAND TRANSPORT

The Hon. C. M. HILL: Will the Minister of Lands ask the Minister of Roads and Transport whether the Government intends to take money from the Highways Fund to purchase the m.v. *Troubridge?*

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

The Hon. M. B. CAMERON: I seek leave to make a short statement prior to asking a question of the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. M. B. CAMERON: My question relates to the purchase of the *Troubridge* and the delay in the construction of a ferry to operate between the mainland and the nearest point on Kangaroo Island. I understand that the original committee of inquiry came up with a figure of just over $1,000,000 for the cost of facilities for this ferry. Evidently a further inquiry has ascertained that the cost of these facilities would be over $9,000,000. In view of the fact that both the original inquiry and the second inquiry would have cost a good deal of money, will the Minister make available the information that was given and the results of the inquiry so that we can see why the original estimate was so much different from the more recent one? I believe that this difference in the estimated cost should be looked at very carefully by all members of Parliament.

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

PENSIONERS' CONCESSIONS

The Hon. D. H. L. BANFIELD: I seek leave to make a short statement before asking a question of the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. D. H. L. BANFIELD: Since July 1 a 15 per cent discount has been allowed to pensioners on registering a motor vehicle, provided the vehicle is solely owned by a pensioner. I heard over the weekend that some pensioners were not aware of the discount. When the Motor Vehicles Department sends out driver's licence renewal notices, it includes with the notices a slip saying that the annual licence fee is now $3 but, if the driver is a pensioner, he has to pay only $2. Will the Minister ask the Motor Vehicles Department to include a similar type of notice when it sends out registration renewal notices, so that pensioners will become aware of the discount on registration fees, too?

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

COUNCIL ACCOUNTS

The Hon. C. M. HILL: I seek leave to make a short explanation prior to asking a question of the Minister of Lands, representing the Minister of Local Government.

Leave granted.

The Hon. C. M. HILL: The Auditor-General's Report for the year ended June 30, 1971, states that four councils (the Corporation of the Town of Wallaroo and the district councils of Clare, East Murray and Kingscote) had not completed their financial accounts for that financial year so that they could be audited by the Auditor-General. Will the Minister ascertain from his colleague whether these councils have now completed their financial accounts for that financial year and whether the accounts are now in the hands of the Auditor-General?

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

REFLECTORIZED NUMBER PLATES

The Hon. C. M. HILL: I seek leave to make a short statement prior to asking a question of the Minister of Lands, representing the Minister of Roads and Transport.

Leave granted.

The Hon. C. M. HILL: The previous Government agreed that reflectorized number plates for motor vehicles should be introduced, and September, 1970, was the date set for their introduction, as a road safety measure. The present Government did not proceed with that scheme, but it has since indicated that it intends to introduce these reflectorized number plates. What is the latest position regarding this question of introducing reflectorized number plates and, if legislation is necessary, why was it not introduced last week when the Motor Vehicles Act Amendment Bill was before the Council?

The Hon. A. F. KNEEBONE: I shall be happy to take the honourable member's questions to my colleague and bring back a reply when it is available.

PORT MACDONNELL BREAKWATER

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

Leave granted.

The Hon. M. B. CAMERON: I was approached recently by a group of people from Port MacDonnell regarding a breakwater in that area, about which some promises have evidently been made. Can the Minister say whether any action is to be taken on this matter and how long it will be before the project will start?

The Hon. T. M. CASEY: I will refer the honourable member's question to the Minister of Works, and get a report as soon as possible.

KANGAROO ISLAND FISHING

The Hon. R. C. DeGARIS: I believe the Minister of Agriculture has a reply to a question I asked on November 4 regarding Kangaroo Island fishing.

The Hon. T. M. CASEY: The Director of Fisheries and Fauna Conservation in his comments to me has referred repeatedly to the bitter antipathy towards net fishermen of certain other fishermen—usually the so-called "amateurs". However, he does not agree that the use of nets is causing a serious decline in the South Australian whiting fishery, and supports his contention by reference to statistics of the annual commercial catch, which has been maintained for some years at about 1,600,000lb., despite the significant increase in small boat ownership and tourist activity.

Mr. Olsen states that the department has no evidence to suggest that netting has been taking place in the sanctuary area at American River, which is being actively policed by the resident Inspector of Fisheries and Fauna Conservation. Under regulations to be introduced shortly the use of nets by non-commercial fishermen will be subject to greater control as to both number and length. Section 50 of the Fisheries Act, 1971, will bring within reasonable limits the number of fishing devices which may legally be used by each non-commercial fisherman.

WEEDS

The Hon. C. R. STORY: Has the Minister of Agriculture a reply to the question I asked on November 10 regarding weeds?

The Hon. T. M. CASEY: I am assured by the Conservator of Forests that close contact is maintained between the District Forester and the Weeds Officer of the Gumeracha District Council on the control of weeds on forest reserves. No request for action by the Weeds Officer has been refused. The departmental 1971-72 weed control programme includes all occurrences of weeds which have been brought

to the attention of the District Forester by the Weeds Officer and departmental expenditure for the year is estimated at $1,500 for weed control. The department will continue to co-operate with the council in the control of weeds and in other matters of mutual concern.

RURAL RECONSTRUCTION

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

Leave granted.

The Hon. C. R. STORY: My question deals with rural reconstruction legislation, which is administered by the Minister of Lands. Does the Minister consider that sufficient staff has been allocated to cope with the applications coming forward? I have here (and I will make available privately to the Minister the name of the writer) a letter informing me that 10 weeks ago an application was lodged for consideration, and up to November 10 not so much as an acknowledgement had been made. I should like the Minister to ascertain the situation for me.

The Hon. A. F. KNEEBONE: If the honourable member will supply me with the name of the person concerned, I will make inquiries about the reason for the length of time involved in dealing with this application, although I must tell him that it is not merely a matter of looking at an application and saying "Yes" or "No": much investigation is involved and the applicant himself has to be approached about the question of supplying finance or assistance in regard to the reconstruction of his debts. Also, approaches must be made through him to various people, such as any mortgagers, who are cognizant of his situation. As a result of our writing to and awaiting replies from those people, the whole investigation takes some time.

I believe we have sufficient staff on the job. I have been handling numbers of recommendations made by the committee. Every day I receive several applications with recommendations from the committee for a decision to be made. I am sure I have enough staff to deal with these matters, and there must be some reasonable explanation for the delay in this case. I told the Council last week that, because of the nature of the applications coming forward, I had arranged through the United Farmers and Graziers and with its co-operation for meetings to be addressed by officers of the Lands Department in an effort to clear up some of the misunderstandings that are apparent in this matter. An officer who last week addressed three or four meetings told me that, as a result of the first meeting, when he got back to his office already several applications had been made because he had been able to answer the questions put to him and some of the misunderstandings had been resolved. If there is a request for more meetings to be held and addressed by officers of the department, I will take up that matter and see what can be done. If the honourable member will give me the name of the person concerned, I will try to find out why that particular application has been delayed.

The Hon. C. R. STORY: The reason I asked whether there was a shortage of staff in the department was that I realized it was impossible for all these matters to be cleared up within a week, but one would think that 10 weeks is a long wait for an applicant who has not even received an acknowledgement of the fact that his application has been lodged.

The Hon. A. F. KNEEBONE: In my reply to the honourable member's previous question, I said that if he would give me the name of the person concerned I would find out the reason for the delay.

KANGAROO ISLAND FARMS

The Hon. R. C. DeGARIS: I seek leave to make a brief statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: I choose to direct this question to the Chief Secretary because it probably concerns Government policy. It has been reported to me that certain farms on Kangaroo Island have been declared "black" by some unions because the owners are employing non-union labour. I am led to believe that the owners of those properties have allowed their employees to be interviewed by union representatives but the employees have declined to join a union. I have also been informed that these farmers have contravened no State law in this regard. Will the Chief Secretary find out whether the Government will take any action to see that these people, who I believe are not contravening any State law, are not discriminated against because of any political or religious beliefs they may hold?

The Hon. A. J. SHARD: I will refer the honourable member's question to my colleague, the Minister of Labour and Industry, and ask him to submit a report to Cabinet. I will bring back a reply as soon as it is available.

PERSONAL EXPLANATION: QUESTION TIME

The Hon. M. B. CAMERON: I seek leave to make a personal explanation.

Leave granted.

The Hon. M. B. CAMERON: The Hon. Mr. Banfield implied that I had caused offence in commenting on replies to questions that I had asked in this place. I do not apologize for commenting but, if the words I used (in particular, the word "naive") caused offence, I withdraw the word and apologize. Regarding the question referred to, when the Minister of Agriculture replied to me on October 12 he said he was surprised to hear that, on the sale of lambs, the purchaser took into consideration the percentage of bruising that occurred. I was surprised to hear that the Minister, a former farmer, was unaware that that would be taken into account by a purchaser. I do not withdraw that, but I do withdraw the word "naive", which was an unfortunate word for me to use. Regarding my method of politics and whether I attack personalities, I point out that I have been very careful since I have been associated with politics to try wherever possible to keep personalities out. However, as a result of reading *Hansard* over the years, particularly *Hansard* for the period during and prior to the Millicent by-election, I do not think the honourable member who asked the question altogether kept personalities out: on many occasions my name was taken in vain. However, I withdraw the word referred to.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

This short Bill is designed to extend to officers, clerks and servants of the Savings Bank of South Australia the Government's policy of allowing employees of the Crown and Crown instrumentalities and authorities annual recreation leave of four weeks. At present, section 21 of the principal Act precludes the trustees of the bank from granting more than three weeks' recreation leave in each year. The board of trustees has informed the Government that it has decided in principle that all officers should be allowed four weeks' annual leave, and clause 2 of the Bill seeks to give effect to that decision, which accords with Government policy.

The Hon. C. R. STORY secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 11. Page 2940.)

The Hon. M. B. DAWKINS (Midland): I support the Bill, which is the usual measure that comes before the Council each year to extend the operation of the Act. However, the Bill contains a few more clauses this year than do the usual amending Bills. After examining the clauses, to which I will refer briefly later, I consider that they are not controversial. I support the Bill with natural reluctance, although nevertheless with the knowledge of the need for the legislation to continue. The Prices Act has been in operation, having been amended at various times, for 23 years as an exercise in price control (for the want of a better word) in this State, and it has, on balance, had considerable success. Indeed, in some avenues it has been of benefit not only to South Australia but to the whole Commonwealth.

As a believer in enterprise, be it public or private enterprise (but particularly the latter), and in initiative, I have a natural wariness towards and some dislike of control. On the other hand, I admit that control is sometimes necessary. In this case, though it is a somewhat one-sided control (which has minimized the success of the legislation), it is necessary if we are not to price ourselves out of the interstate advantages which we have had and which to some extent we still retain by ever-narrowing margins or, indeed, if we as a nation are not to price ourselves out of the world markets, which we seem to be doing as quickly as possible.

All members are only too well aware that costs have increased seriously in South Australia, particularly in recent years, until they are almost as high as they are elsewhere, and we may lose the great advantage which we have had and to which the Minister referred in his second reading explanation, when he said:

> 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.

This pressure must be resisted in every way possible. The Minister continued:

> One of the attractions for new industries to become established in South Australia is its favourable cost structure as compared with other States.

Honourable members could have agreed with more certainty with that statement in the past than they can now. One of this State's attractions is its favourable cost structure compared to those of the other States. Unfortunately, we are losing that favourable cost structure, a matter about which I must warn the Government if, indeed, it needs warning; it should be well aware of this matter and the narrowing margin to which I have referred. If prices are to be controlled, we must try to control our costs more firmly. Price control is something of a misnomer, as it is really margin control and, as soon as one can put a case to the Prices Commissioner that one's margin of profit has gone, one has in many cases an effective reason for a price rise. Therefore, price control, although valuable, is something of a misnomer.

Probably the effect of the legislation is more in the nature of a price-curbing exercise. It really amounts to keeping the brakes on as much as possible although, in this State's cost structure, prices are constantly increasing. Nevertheless, price control has been of some value to the community, and particularly to this State. As everyone knows, too many prices are rising. There are too many increases in Government charges, all of which will tend inevitably to increase the cost to the consumer and the cost to the taxpayer in this State.

With all these increases in costs, I would, as a country member, probably be lacking in my duty towards my constituents if I did not refer to the difficulties facing primary producers under this continually rising price set-up. I think the whole community realizes the difficulties being faced in the wool industry; also many primary producers today are receiving much less for some of their meat products than they were receiving many years ago. Not only do they receive less but they must contend with the costs about which I have been speaking. Regarding another aspect of the Bill, the Minister said:

> Following the amendment to the Prices Act last year giving additional powers for the protection of consumers—

with which I agree—

> the number and variety of complaints received by the Prices Branch has increased.

That paragraph, which continues for a considerable portion of that page of *Hansard,* refers to the protection of consumers. This is a valuable part of the activities of the Prices Branch: exercising some oversight on quality and on a person's receiving value for money. I have had occasion to use the services of the branch in this regard and to see that some control was exercised in cases in which value for money had not been received. I do not intend to expand on these activities of the Prices Branch, except to restate their value. I refer to another extract from the Minister's second reading explanation, as follows:

> This 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.

I commend that alteration. It was the policy of the previous Government that the activities of the Prices Commissioner in this regard should be spelt out. I have already said I believe that the protection of the consumer is an important part of the activities of this branch of the Public Service. As I have said, this amending Bill contains more clauses than do the normal amending Bills that come before the Council each year seeking to extend this legislation for another 12 months. Although the Bill contains 10 clauses, none of them is really controversial. Clause 2 amends the interpretation section of the Act and makes the consequential amendment to which I have referred. The title of the Prices Commissioner is changed, and a new definition of "the Minister" is inserted. Section 3 (2) of the principal Act is struck out, and the new provision inserted in its place brings the legislation up to date.

Clauses 4 and 6 strike out from sections 5 and 9 of the principal Act references to "authorized persons" and substitute references to "authorized officers". Sections 20 and 23 of the principal Act are repealed; those sections were transitional provisions that were necessary in the earlier years of the legislation, but they have now become obsolete. Clause 10 extends the operation of the Prices Branch for a further year until January 1, 1973. With the qualifications I have made, I support the second reading.

Bill read a second time and taken through its remaining stages.

MINING BILL

In Committee.

(Continued from November 11. Page 2946.)

Clause 5—"Transitional provisions."

The Hon. R. C. DeGARIS (Leader of the Opposition): I move to insert the following new subclause:

(6a) Where a person was, immediately before the commencement of this Act, lawfully conducting mining operations upon lands that constituted private lands under the provisions of the repealed Act, he may, by virtue of this subsection, continue those operations for a period of six months from the commencement of this Act.

My amendment ensures that no person who has been lawfully mining on private lands will be regarded as mining illegally during the transitional period.

The Hon. A. F. KNEEBONE (Minister of Lands): I accept the amendment.

Amendment carried; clause as amended passed.

Clause 6—"Interpretation."

The Hon. A. F. KNEEBONE moved to insert the following new definition:

"mineral lands" means any lands that are mineral lands in consequence of a declaration under this Act:

Amendment carried.

The Hon. Sir ARTHUR RYMILL: I have a query regarding "mining" and "mining operations". If members refer to clause 9 they will see that the word "operations" appears three times, and I question whether it would not be appropriate in each case to insert before that word the word "mining". If that is not done, confusion may result. I have not gone right through the Bill in this connection, but I suggest that we should consider this point in clause 9 and perhaps elsewhere in the Bill.

The Hon. R. C. DeGARIS: I believe the point raised by the Hon. Sir Arthur Rymill is perfectly valid. I had looked at this question myself. I think the word "mining" should appear before the word "operations" throughout the Bill where it is clear that the reference is to mining operations.

The Hon. Sir ARTHUR RYMILL: I think that is correct. In clause 8 (1) (*c*) the word "operation" appears, and it is obvious that "mining" should not be inserted before that word.

The Hon. A. F. KNEEBONE: That is so. I suggest that Sir Arthur could move for the insertion of the word "mining" before the word "operations" in clause 9 when we come to that clause.

The Hon. R. C. DeGARIS: I move:

To strike out the definition of "precious stones" and insert the following new definition:

"precious stones" means opal and any other minerals declared by regulation to be precious stones for the purposes of this Act.

I dealt with this matter in the second reading debate. As it stands, the definition does not include diamonds. The Minister explained why diamonds should not be included. There may be other minerals in this list that should be excluded quickly at a certain stage, and there may be an application to spend a large sum of money in a search for such minerals.

The Hon. A. F. KNEEBONE: I am happy to accept the amendment.

Amendment carried; clause as amended passed.

Clause 7 passed.

Clause 8—"Application of Act."

The Hon. R. C. DeGARIS: Can the Minister say why this clause provides for certain things to be done by proclamation rather than by regulation?

The Hon. A. F. KNEEBONE: I think doing it by proclamation is the correct way to do it.

Clause passed.

Clause 9—"Exempt lands."

The Hon. R. C. DeGARIS: I think this provision for exempt lands is almost identical with the one in the existing Act. Earlier I raised the question of cultivated land, and I accept the explanation the Minister gave in that matter. Can he say whether "airfield" is sufficient to cover all landing strips used by pastoralists, irrespective of whether or not they are licensed by the Department of Civil Aviation?

The Hon. A. F. KNEEBONE: I think I can assure the Leader that the definition covers that.

The Hon. A. M. WHYTE: In the Pastoral Act the word "airstrip" is used, and I think if that word were used here it would be less confusing.

The Hon. A. F. KNEEBONE: I think that "airfield" is the accepted word. I do not know whether the honourable member wishes to move to substitute the word "airstrip".

The Hon. C. R. STORY: Is the Minister aware of a definition of an airfield, an airstrip or an aerodrome in the Acts Interpretation Act or elsewhere in the Mining Act? Would it not be wise to clear up the matter and, if necessary, bring this legislation into line with the Pastoral Act?

The Hon. A. F. KNEEBONE: I am not greatly concerned whether the word used is "airstrip" or "airfield". If it is called an airstrip some people could interpret that as meaning only the runway, and not the field. Where a pastoralist has an airstrip of his own, on which aircraft land, surely the area around the airstrip would be referred to as the airfield. I have seen airstrips which are merely cleared strips and the rest of the area is not cleared.

I am not adamant that the word "airfield" should be retained, but for the reasons I have outlined I think it might be advisable to retain it.

The Hon. C. R. STORY: I thought the Minister would like to take advice, but apparently he is happy to leave the matter as it is and, as the Counsel are happy and apparently other honourable members also, there is no point in further delaying the debate.

The Hon. A. M. WHYTE: I accept the Minister's explanation. I think it was intended to alert members to the fact that there was a difference in the terms. I am satisfied to leave the matter as it is.

The Hon. G. J. GILFILLAN: Why should we not use the words "airstrip or airfield", which surely would cover the situation.

The Hon. A. F. KNEEBONE: I have heard of airfields, airstrips, and aerodromes. I am not greatly concerned, but I have already expressed the view that some people would interpret the airstrip as meaning just the runway. I would prefer that "airfield" should remain.

The Hon. G. J. GILFILLAN: I move:

In subclause (1) *(a)* (ii) after "airfield" to insert "or airstrip".

I think that would clarify the matter.

The Hon. A. F. KNEEBONE: The Pastoral Act uses the phrase "aeroplane landing strip". I think "airstrip" is merely a colloquialism, and I doubt whether it is a proper term to use regarding a place where aircraft land. I still think "airfield" is the correct word.

The Hon. G. J. GILFILLAN: Since we cannot obtain any information as to the exact definition of an airstrip, this is the problem before the Committee. We have a Department of Civil Aviation, which certainly controls a number of aerodromes within the State, but the concern here is with the private airfield or airstrip, which may not be defined anywhere.

The Hon. A. F. KNEEBONE: It is not restricted to airstrips; it affects airfields.

The Hon. F. J. POTTER: I do not think it is necessary to point to any Act where an airfield is defined. If it is not defined anywhere, and if it must be defined for the purpose of any legal proceedings, in my opinion an airfield would include an airstrip. It is the larger and more embracing term; the other is more restricting. I do not think it is necessary for it to be defined for the purpose of any Statute.

The Hon. A. F. Kneebone: An airfield would cover any airstrip.

Amendment negatived.

The Hon. A. M. WHYTE: I move:

In subclause (1) (d) to strike out "one hundred and fifty" and insert "four hundred".

This would bring the Mining Act into line with section 132, as amended, of the Pastoral Act, except that in the Pastoral Act it is 440 yards and I have now moved for 400 m. This provision is necessary. It will make the position less confusing to those people likely to operate under this legislation. I see no real reason why the two Acts should not be brought into line in this regard.

The Hon. A. F. KNEEBONE: As I indicated when winding up the second reading debate, I cannot accept this amendment. The honourable member is mostly concerned about the pastoralists; he is concerned that the miner will not be fully aware of the position.

The Hon. A. M. Whyte: He will not know about it.

The Hon. A. F. KNEEBONE: The honourable member's greatest concern here is that the miner in the pastoral area will not observe the conditions laid down by the Pastoral Act, where this measure refers to the Pastoral Act.

The Hon. C. M. Hill: The honourable member says that the miner will not know about them.

The Hon. A. F. KNEEBONE: The miners will be informed by regulation and in other ways what they must observe in regard to the Pastoral Act. The changing of 150 yards to 150 m extends the distance involved in this provision. The honourable member is worrying about the pastoral area, but that can be taken care of by regulation and by pointing out in the administration of the Act that the provisions of the Pastoral Act will be observed. If this amendment is accepted, it will tie down the mining industry in the more settled areas to such an extent that it will not be able to do a thing. This amendment would restrict operations in mining areas that are not in pastoral areas as laid down in the Pastoral Act. It would mean that people inside pastoral areas would be tied down in their mining operations.

The Hon. A. M. WHYTE: I think it is clear that subclause (3) provides for exactly what the Minister is talking about, because it states:

Land that is exempt from operations conducted in pursuance of this Act under subsection (1) of this section shall cease to be so exempt upon payment of compensation . . .

So, if a person wants to mine within, say, 10 yards of someone's back room, provided he is prepared to pay compensation there is nothing to stop him. For that reason, I cannot see why the restriction laid down in subclause (3) is not sufficient to cover the Minister's point.

The Hon. A. F. KNEEBONE: A person does not do any prospecting until he complies with the provision laid down here. This is an improvement on the present Act. The honourable member is asking us to make it more restrictive than the present Act because someone in a pastoral area who is a miner may not know the provisions of the Pastoral Act. The honourable member is using a sledge-hammer to crack a nut.

The Hon. Sir ARTHUR RYMILL: I support the amendment. I am concerned particularly about operations being carried on within such close distance of a dwellinghouse. Here I declare an interest in that I have just built a dwellinghouse in a mineralized area in the Adelaide Hills, which eventually cost me far more than I felt I could afford. If someone comes along and plants himself within 150 m (which is only a few hundred feet) of my new and expensive dwellinghouse, as he may well do, I shall be very upset indeed. He can detract from the value of my dwellinghouse, with no redress available to me. I think a distance of about 1,300ft. (or about 430 or 440 yards) is still bringing the operations pretty close to a dwellinghouse. I do not think a city person would be any happier about it than a semi-country man like myself is. The amendment is reasonable. If it is not totally acceptable, it certainly should apply to a dwellinghouse.

The Hon. Mr. Whyte referred to subclause (3), which states that on payment of compensation exempt land is rendered non-exempt. That is correct. The Minister says this would stop people from prospecting. Why should anyone be allowed to prospect within 150 m of anyone's dwellinghouse? I do not see that that is reasonable. I know that 150 m is the present distance, but that does not mean that we cannot have a fresh look at it now. If this amendment is carried and the Government thinks it should not apply to some of these other things, I shall be happy to have another look at it in relation to the other places mentioned.

The Hon. A. F. KNEEBONE: The provisions of the Bill cover the situation adequately. The amendment will make the same provisions apply as apply in the pastoral area; thus we are going to restrict the mining industry to a greater extent than previously. I do not think that is a good idea. Most people in South Australia who look at Western Australia and the mining development going on there say, "I wish that was happening in South Australia." I believe we all think along those lines. If this amendment were carried, we would be restricting the mining industry to a greater extent than it has been restricted before, although it has been stated that we should try to encourage the mining industry for the benefit of the State generally. I respect the Hon. Sir Arthur Rymill's view that sometimes development causes inconvenience. However, the Bill provides that where hardship is caused compensation can be paid. When talking about the development of other States, we should not say how lucky they are and then try to restrict mining activities in South Australia.

The Hon. Sir ARTHUR RYMILL: I do not know of any great mining operations in, say, Western Australia which are in people's backyards. That is apparently what the Minister wants to happen here. He refers to compensation and says that compensation should be paid if the sort of things I mentioned happen. However, compensation will not be paid unless this amendment is carried if the operations are more than 150 m from a dwellinghouse. The Minister used the word "inconvenience"; however, it is not just inconvenient to have someone mining alongside one's dwellinghouse, as those operations could upset one's whole way of life. The distance of 150 m is completely unreasonable.

The Hon. R. C. DeGARIS: I have a certain amount of sympathy for both points of view. I have on file an amendment which provides that the provisions of the Pastoral Act in this respect shall apply. I consider this to be reasonable. If a person has a nice dwellinghouse, I do not think he would want to have mining operations being carried on within 150 m thereof, and it would be difficult to assess compensation in relation to some houses that had been built only recently. On the other hand, I do not believe we would be justified in providing that no mining operations shall take place within 400 m of any dwellinghouse, factory, building, spring, well, reservoir or dam. That is far too restrictive. There may be a compromise situation, whereby we could provide that mining operations shall not take place within 400 m of any dwellinghouse or within 150 m of any factory, building, spring, well, reservoir

or dam. To specify a distance of 150 m from all buildings is going a little too far.

The Hon. A. M. Whyte: But that does not restrict mining.

The Hon. R. C. DeGARIS: That is so, and the Bill enables compensation to be paid in relation to other matters, anyway, and 21 days' notice can be given if objection is taken in this regard. Although I would like to support the Hon. Mr. Whyte's amendment, I cannot do so. However, I should be interested in the isolation of the word "dwellinghouse" from the provision.

The Hon. SIR ARTHUR RYMILL: This debate seems to be taking a strange course when one realizes that on broad acres one cannot, without paying compensation, mine within 400 m of a dwellinghouse and yet, within the much more restricted areas, the Bill provides that one cannot mine within 150 m. I would have thought it should be the reverse. I agree with the Hon. Mr. DeGaris: I do not want people unnecessarily to escape mining operations by digging a dam or erecting a shed. I believe it is too much to provide that people can mine or prospect within 150 m of a dwellinghouse without any compensation being payable, which is what will happen. In the event of this amendment not being carried, I intimate that I will move an amendment to provide that any land within 400 m of any dwellinghouse shall be exempt from operations in pursuance of this Act.

The Committee divided on the amendment:

Ayes (13)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, H. K. Kemp, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte (teller).

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey, R. C. DeGaris, A. F. Kneebone (teller), E. K. Russack, and A. J. Shard.

Majority of 7 for the Ayes.

Amendment thus carried.

The Hon. Sir ARTHUR RYMILL: I move:

In subclause (1) after "exempt from" to insert "mining".

The clause provides that certain types of land "shall be exempt from operations in pursuance of this Act". Would it not be appropriate to insert "mining" before "operations"? Further, can the Minister say whether the term "mining operations" would cover the crossing of a property by vehicles?

The Hon. A. F. KNEEBONE: I believe that the crossing of a property by vehicles would be covered by that term.

The Hon. Sir Arthur Rymill: In other words, it would be appropriate to insert "mining" before "operations".

The Hon. A. F. KNEEBONE: If land is lawfully and genuinely used as a cultivated field, it will be exempt from mining operations; compensation would have to be paid. If the area around the honourable member's house was a garden or a cultivated field, compensation would have to be paid.

The Hon. Sir ARTHUR RYMILL: I realize that, when compensation is paid, mining operations can take place. If land is exempt because it is a cultivated field, the compensation would be assessed in relation to the impossibility of further cultivating that field. The same principle would apply to a dam.

Amendment carried.

The Hon. Sir ARTHUR RYMILL moved:

In subclause (2) after "exempt from" first occurring to insert "mining".

Amendment carried.

The Hon. Sir ARTHUR RYMILL: I move:

In subclause (3) after "exempt from" to insert "mining".

I stress the breadth of subclause (3). It is perfectly clear that, once compensation is paid, the land is no longer exempt. In these circumstances I strongly believe that the provisions for compensation should be adequate.

Amendment carried.

The Hon. R. C. DeGARIS: I move to insert the following new subclause:

(4) This section does not affect any provision of the Pastoral Act, 1936-1970, prohibiting or restricting the conduct of mining operations on lands subject to that Act.

A person reading the legislation should understand, when he comes to this clause, that the Pastoral Act has other provisions in relation to distances from dwellinghouses, factories, buildings, springs, wells, etc. My amendment makes the legislation clearer.

The Hon. A. F. KNEEBONE: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 10—"Mining in respect of public streets, roads and places."

The Hon. R. C. DeGARIS: Will the Minister explain what this clause means?

The Hon. A. F. KNEEBONE: I do not know whether the term in the clause should be "public user" or "public uses".

The Hon. F. J. Potter: The word "user" is an accepted legal term and is quite all right.

The Hon. A. F. KNEEBONE: I thank my legal friend for that interjection.

Clause passed.

Clauses 11 to 13 passed.

Clause 14—"Misuse of information."

The Hon. R. C. DeGARIS: I move:

After "Act" to insert "or in the Department of Mines."

Whilst I believe that the clause catches persons who are not necessarily in the Public Service, I consider that it should be quite clear that it includes all those employed in the Mines Department.

Amendment carried; clause as amended passed.

Clause 15—"Powers of Director."

The Hon. Sir ARTHUR RYMILL: I rise merely to point out that it would have been foolish for me to move the amendment I was contemplating, because the operations referred to in subclause (2) mean something entirely different from mining operations.

Clause passed.

Clause 16 passed.

Clause 17—"Royalty."

The Hon. R. C. DeGARIS: Subclause (5) provides that the Minister shall cause a copy of his assessment of the value of any minerals to be served upon the holder of the lease in respect of the mine from which the minerals were recovered; or, in the case of a private mine, upon the proprietor of the private mine. Subclause (6) provides that the person upon whom a copy of an assessment is served may, within 60 days after the date of service, appeal against the assessment to the Land and Valuation Court.

Despite this provision, clause 19 (1) provides that a private mine, if so declared, will be exempt. Therefore, there appears to be some conflict here. Possibly clause 17 (5) (*b*) refers only to extractive minerals. Could the Minister elaborate on this matter?

The Hon. A. F. KNEEBONE: The Leader has answered his own question: the provision in paragraph (*b*) applies to extractive minerals.

The Hon. L. R. HART: Would a person who mines an extractive mineral on his own property for his own use be required to pay the royalty referred to in subclause (2)?

The Hon. A. F. KNEEBONE: No. This applies only where a profit is made out of the extraction of these minerals.

The Hon. Sir ARTHUR RYMILL: Subclause (1) provides that royalty shall be payable to the Minister on all minerals recovered from mineral lands and sold or intended for sale, or utilized or to be utilized for any commercial or industrial purpose.

The Hon. R. C. DeGARIS: The matter still has not been completely answered to my satisfaction. The term "royalty" has come to mean something quite different in modern usage. I wonder whether subclause (5) (*b*) should not be more explicit. Perhaps the Minister could take up this question later.

The Hon. A. F. KNEEBONE: Clause 75 (2) provides:

No mining tenement shall be required under this Act for the recovery of extractive minerals by any person for his own personal requirements.

That should clear up the Hon. Mr. Hart's query. It complements clause 17 (1). Clause 17 (5) (*b*) refers to royalties in connection with the fund.

The Hon. R. C. DeGaris: That is hardly a royalty.

Clause passed.

Clause 18 passed.

Clause 19—"Private mine, etc."

The Hon. A. M. WHYTE: I move:

In subclause (1) (*b*) to strike out "two" and insert "five".

This is to make sure that a person in possession of a mine when this legislation comes into force will have ample opportunity to develop it. Two years is not a sufficient period of time when one considers that big companies such as Poseidon have not produced anything but have been partly established for several years. I know that mining and prospecting are intended to be one and the same thing for the purposes of the Bill, but from legal advice I have had this is not so. In clause 6 "mine" is defined as meaning any place in which mining operations are carried out, and the term "mining operations" is given an extended meaning to include prospecting. Generally mining operations would not include prospecting.

The Hon. A. F. Kneebone: They do in the Bill: it makes that amply clear.

The Hon. A. M. WHYTE: This is open to discussion. The word "mining" in clause 19 (1) cannot have a special meaning as it does in clause 6: it must be limited to its normal meaning, unless it is clear from the context that the special meaning was not intended. This is a legal interpretation given to me by a prominent firm which is concerned that clause 19 (1) (*b*) is not as the Minister intended and would not stand up in a court of law.

Therefore, my amendment to extend the period, based on a layman's point of view, has a legal backing.

The Hon. A. F. KNEEBONE: I cannot accept the view that clause 6 does not mean what it says: it provides that the Bill relates to prospecting and every other activity on the field. I think two years is ample time. The private owner simply has to demonstrate that he has prospected the mine and that it is established. I understand that is the interpretation placed on this by the people who drafted the Bill. That was the intention, and that is what is included in the Bill. I cannot accept the amendment.

The Hon. H. K. KEMP: I confirm the need for a much longer period than two years for the development of mines. In one case, at Kanmantoo, an eight-year or nine-year period has elapsed from the first prospecting to the final establishment of the mine. I know of another instance in the Far North where a person has been prospecting for zinc for at least five years and mining operations have not yet commenced. There is great difficulty not only in obtaining proof of sufficiency in a feasibility study but also in raising finance. A period of two years is certainly a most inadequate time: five years is much closer to reality. I think the clause was introduced mainly to prevent people from delaying development of what could be a worthwhile area. In both the cases to which I have referred, and of which the Minister may have some personal knowledge, one could appreciate the need for an extended period. To be able to do what is necessary in two years would appear to be the exception rather than the rule.

The Hon. A. M. WHYTE: Does the definition mean that any pit is a mine, regardless of whether or not a person finds anything of any commercial value? Is that what is intended?

The Hon. A. F. KNEEBONE: The honourable member is not accepting my interpretation that prospecting is to be accepted as establishing a mine?

The Hon. A. M. WHYTE: Yes; I am accepting that, but I am wondering whether that is what the Minister really intends.

The Hon. A. F. KNEEBONE: We intend that. We do not mean that in two years a person must have sunk a shaft, got material out and used it. We are saying that, if within the two-year period someone has prospected an area, has come to realize that something is there and desires to sink a mine within a reasonable time, he then applies for a private mine. We do not mean that he must sink a shaft and extract material before he can apply for a private mine: we are saying that two years is all that is necessary.

The Hon. C. M. HILL: The problem does not lie in the definition of "prospecting"; it hinges on the period of time. Every effort must be made to give full protection to people who have in their present title certain rights and will encounter great change as a result of this Bill. I am not saying they will lose everything as a result of the Bill because the principle of royalty is taking the place of the principle of potential value in the holding of mineral rights. Nevertheless, those people are being confronted by a considerable change in their interests within the title. We must give every consideration to individuals so affected, bearing in mind the underlying principle of the need for modern legislation. Two years can pass very quickly. I wonder whether the acceptance of a five-year period will gravely affect the future position. What does it really mean? It means that those people who have their private titles and are interested in some form of mineral activity on their land would have a full five-year span in which to get their proposed operations going. They would then be in a position, in their opinion, to enjoy the future benefits much more advantageously than if they were unable to do that.

I question whether, from the individual's point of view on the one hand, it is not fairer and, from the Government's point of view on the other hand, the Government would be adversely affected to any great extent by this extra time. If the Minister can see great danger in the extra three years, from the State's point of view, I shall be prepared to give the matter more consideration; but in the balance we are trying to strike between the point of view, interest and involvement of the individual and the State's progress and development, we should not overlook the individual's point of view. He would be happier with a period of five years.

The Hon. A. M. WHYTE: I do not believe that five years instead of two years would in any way retard the establishment of a mine if it could be established in that time. If a person cannot comply with the requirements of establishing a mine, the Governor may by proclamation revoke the declaration.

The Hon. A. F. Kneebone: The Governor will have to wait five years before he gets the opportunity.

The Hon. C. M. Hill: No, if the mine is not effectively working it can be revoked.

The Hon. A. M. WHYTE: The person must first establish that he has a mine. There seems to be some difference of opinion whether if he goes and makes a scratch mark on the ground with his pick—

The Hon. A. F. Kneebone: But you want—

The CHAIRMAN: Order! If honourable members would make their speeches one at a time, it would make it much easier for *Hansard* to report them.

The Hon. A. M. WHYTE: What the Minister proposes to do will be of some assistance, but striking out "two years" and inserting "five years" would in no way contravene his intention; it would give those persons concerned the opportunity to establish a mine. Surely a scratch mark on the ground with a pick could be contested as indicating a mine. The Governor may, by proclamation, revoke the declaration because the person concerned has not mined. I find it hard to believe that the type of prospecting that the Minister says will enable a person to qualify would in fact enable him to qualify if he really wanted to apply for a private mine. There is always the possibility of some development company wanting to have a proclamation revoked to allow it to form some subsidiary, which could then come in and mine on its behalf. That is one of the real dangers of the two-year period. Allowing five years could overcome that problem.

The Hon. A. F. KNEEBONE: I do not think the fixation of a period of five years will overcome the problem to which the honourable member has referred; it will merely delay the evil day. The honourable member has said that he does not believe my amendment will help because he does not think a scratch in the ground is a legitimate mining operation. However, if a period of five years is fixed, a person who does not want to do anything will be given the opportunity of sitting down and doing nothing for another three years merely to prevent a company from taking over. If a man is interested in developing the minerals on his property, two years is ample time in which to do it.

The Hon. A. M. WHYTE: It would be hard for a person to establish a mine today without involving a developing company, as it would no longer be economic for a person to mine by pick and shovel. If a developing company thought that there were minerals on a property, it would merely bide its time for two years, after which it could peg its rights to the mine. However, if the period were five years, the developing company would probably not be able to wait that long before it developed the site.

The Hon. R. C. DeGARIS: Many honourable members have expressed views regarding amendments to clause 19, which is the cornerstone of the Bill and the spine upon which all the flesh hangs. I believe the period of two years is too short. There are many exploration agreements that would probably take at least five years to complete fully. The case also seems to hinge on the use of the word "established", an aspect that has caused me much concern during the whole time the Bill has been before honourable members. Perhaps the words "conducted" or "carried on" might be more appropriate. Irrespective of that aspect, I believe that the period of two years could cause some difficulty for persons who previously owned the mineral rights to a property. I therefore support the amendment, which does no harm.

The Committee divided on the amendment:

Ayes (13)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, C. M. Hill, H. K. Kemp, E. K. Russack, Sir Arthur Rymill, V. G. Springett, and A. M. Whyte (teller).

Noes (6)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone (teller), F. J. Potter, A. J. Shard, and C. R. Story.

Majority of 7 for the Ayes.

Amendment thus carried.

The Hon. R. C. DeGARIS: I move:

In subclause (1) after "shall" first occurring to insert "subject to subsection (la) of this section".

In the Hills areas and elsewhere small mines have been established where the operator and the owner have agreed upon payment of royalties and the development of the mine. Where one section of a rural property is being mined, great care is taken in relation to the environment and rehabilitation. Under the present legislation a person owning such minerals has the right to deal with them as he sees fit, but there could be an entirely different situation under this Bill. This amendment and those that will follow provide protection by providing for the whole area to be declared a private mine, but there is a way whereby the situation can be changed if there is a difference between the Minister and the applicant.

The Hon. A. F. KNEEBONE: I accept the amendment.

The Hon. C. M. HILL: I want to be certain that the Leader is not unknowingly defeating in some respects the amendment carried earlier that changed the period in subclause (1) (*b*) from two years to five years.

The Hon. R. C. DeGARIS: Proposed new subclause (la) gives the Minister power to reject an application where no mining operations have been conducted for more than 12 months before the date of the application, but otherwise no application shall be rejected on the ground of discontinuance of mining operations.

Amendment carried.

The Hon. A. F. KNEEBONE: I move:

In subclause (1) to strike out "and the minerals may be dealt with and disposed of in all respects as if this Act had not been enacted".

The amendment will clarify the arrangements in respect of extractive materials.

Amendment carried.

The Hon. R. C. DeGARIS: I move to insert the following new subclauses:

(1a) The Minister may reject an application under subsection (1) of this section where no mining operations have been conducted on the land subject to the application within a period in excess of twelve months before the date of the application, but otherwise no application shall be rejected on the ground of the discontinuance of mining operations.

(1b) The area to be declared a private mine under this section shall be the whole of the area, comprised in the application, in which the proprietor of the mine held property in minerals immediately before the commencement of this Act, and which is reasonably required for the exploitation of the minerals for the recovery of which the mine is operated.

(1c) In the event of any difference between the Minister and the applicant for the declaration as to the area to be declared a private mine under this section, the applicant, or the Minister, may apply to the Land and Valuation Court for a determination of the difference.

(1d) The Land and Valuation Court shall, upon the hearing of an application under subsection (1c) of this section, determine the area to be declared a private mine in such manner as it considers just and reasonable.

The Hon. Mr. Hill may have raised a valid point just now, for I believe there has been some slight mistake in the drafting. Perhaps the Minister would agree to allow this clause to be passed over until later so that I can get the amendment checked.

The CHAIRMAN: As there has already been an amendment to the clause, the Bill would have to be recommitted.

The Hon. R. C. DeGARIS: I think it is reasonably obvious that a wrong intention appears in new subclause (la). I will talk the matter over with the Parliamentary Counsel and ask for the Bill to be recommitted if necessary.

Amendments carried.

The Hon. A. F. KNEEBONE moved:

In subclause (2) after "proclamation" to insert "vary or".

Amendment carried.

The Hon. A. F. KNEEBONE: I move:

In subclause (2) after "the" to insert "whole or any part of the private".

This is consequential.

Amendment carried.

The Hon. A. F. KNEEBONE: I move:

In subclause (3) after "be" to insert "varied or".

This, too, is consequential.

Amendment carried.

The Hon. A. F. KNEEBONE: I move:

In subclause (3) after "for" to insert "the proposed variation or".

This is also consequential.

Amendment carried.

The Hon. R. C. DeGARIS: I move to insert the following new subclauses:

(4a) The proprietor of a private mine who is liable to pay royalty upon extractive minerals may apply to the Land and Valuation Court for an order that any other person, named in the application, should indemnify him wholly or partly for the payment of that royalty.

(4b) The court may, upon an application under subsection (4a) of this section make such order for indemnity as it considers just and equitable having regard to the relative proportions in which the proprietor and the other person or persons, named in the application, derive profit from the operation of the mine.

There is some confusion about who is responsible for the payment, in relation to a private mine, of money to the rehabilitation fund. It could be that the owner of a private mine or the person operating it is receiving royalty payments of less than the 5 per cent that he is required to pay to the fund. It seems that there is some doubt whether the proprietor or the operator of the private mine is liable for royalty. I believe my amendments give some direction on this question.

The Hon. A. F. KNEEBONE: I accept the amendments.

Amendments carried.

The Hon. A. F. KNEEBONE: I move to insert the following new subclauses:

(5a) Any interested party may, by application to the Land and Valuation Court, seek the determination of any question or dispute as to the effect or enforcement of a contract, agreement, assignment, mortgage, charge or other instrument affected by the provisions of subsection (5) of this section.

(5b) The court may, upon the hearing of an application under subsection (5a) of this section make such orders as it considers necessary or expedient to give effect, consistently with the provisions of this Act, to the intendment of the contract, agreement, assignment, mortgage, charge or other instrument or to achieve a just settlement of any matters of dispute.

The insertion of these subclauses clarifies subclause (5), involving the determination of disputes, etc., in connection with contracts, agreements or assignments that were in operation immediately prior to the commencement of the Act.

Amendments carried.

The Hon. Sir ARTHUR RYMILL: I move:

In subclause (7) (*b*) after "established" to insert "at any time before or after the commencement of this Act".

I understand the words that I propose be inserted are the intention of the clause. My amendment is to clarify the Bill so that ordinary people like I can understand it. Clause 19 (1) refers to mines established within two years (as drawn) or within five years (as amended). It seems that the clause we are considering is apparently put in for the purpose of restoring, to the person who has been or is being deprived of his mineral rights, his right to royalties if a mine is established before or after the commencement of the Act or at any time in the future. If this is so, my amendment clarifies the situation. If this is not the intention, I will ask for the Bill to be recommitted and vote against the clause that expropriates mineral rights, because in that case it would be an expropriation without any compensation.

The Hon. A. F. KNEEBONE: This does not interpret the general meaning of the Act in this way, because this could refer to a mine which was in operation in 1836 and which had never since been operated.

The Hon. Sir ARTHUR RYMILL: If I am right in my contention that this is the intention of the clause, the Minister has thoroughly confirmed what I have said; if I am correct, he has not been able to understand it either.

The Hon. C. M. HILL: I think the explanation is fairly simple. The amendment simply clears up the point that it does not matter when the mine was established or is to be established. The crucial point is that application must be made by the person entitled to the royalty, and it is after that date of application that the person entitled to the royalty payments receives them. The subclause provides that the Minister shall pay all royalty collected upon such of those minerals as are recovered after the date of the application to the person so divested of his property. It is from that time that the question of royalty enters the matter.

Amendment carried.

The Hon. A. F. KNEEBONE: I move to insert the following new subclauses:

(11) Where the property in the minerals in any land was, immediately before the commencement of this Act, vested in a person who was then the proprietor of an estate in fee simple in the land, the person who is, for the time being, the successor in title to that person shall, subject to subsection (12) of this section, be the sole legitimate claimant to royalty under subsection (7) of this section.

(12) A person may by instrument in writing lodged with the Director of Mines divest himself of any actual or potential right to claim royalty under subsection (7) of this section, in favour of any other person named in the instrument and thereupon that person or a person claiming under him shall be the sole legitimate claimant to royalty under subsection (7) of this section.

(13) A right to claim royalty under subsection (7) of this section shall not be transferred otherwise than in accordance with this section.

(14) The Director shall maintain a register of the instruments lodged with him under subsection (12) of this section.

(15) The register and any such instrument shall, upon payment of the prescribed fee, be available for inspection by any member of the public.

There has been considerable discussion concerning procedures under which the right of royalty could be registered and assigned. The proposed new subclauses provide for the right of the person who was the previous owner of minerals to assign his rights to royalties to other parties and for this assignment to be registered by the Director of Mines. It would appear to be preferable that such registration be recorded by the Lands Titles Office, but I am advised that this is not legally practicable because the right to royalty is not regarded as an interest in real estate. I know the honourable member would have preferred it to be under the Lands Titles Office, but since this is not possible the next best thing is to allow it to be registered by the Director of Mines.

The Hon. R. C. DeGARIS: I am pleased that the Minister has seen fit to include these provisions. Clause 19 is the crux of the Bill. Honourable members in this Chamber expressed their views in relation to the divesting of property in minerals. After several discussions with the Minister, we have virtually agreed upon this approach. Where private land has existed previously, a person is still divested of his property under this Bill, but there remains a right to royalty,

which appears to me to go a long way towards solving the problem of the divergent views of honourable members. The only point on which I disagree with the Minister is on whether the register of rights to royalty should be lodged with the Director of Mines. I believe that that register should be kept by the Lands Titles Office, although the Minister has said that it was not legally possible.

The Hon. A. F. Kneebone: I said "legally impracticable".

The Hon. R. C. DeGARIS: I was uncertain what that meant in relation to a sovereign Parliament. I should like the opportunity of examining this further. I am prepared to accept the amendment now because I think it goes a long way towards solving our problems with this clause, but I should like the opportunity of looking at it after it has been accepted. When the clause is recommitted, I shall be examining whether the Registrar-General at the Lands Titles Office or the Director of Mines should be the keeper of the register. Viewed from the practical angle of searching titles, people would not think of checking with the Director of Mines as well. One can say that present mineral rights that a person has removed or sold and that no longer exist as a title no longer represent an interest in real property. Although it may be necessary to amend the Act under which the Registrar-General acts, we say the register should be kept in the Lands Titles Office.

The Hon. C. M. HILL: I am disappointed that the Government has not found some way in which a notation can be made on titles when instruments are registered affecting the interest in the old title. The Minister has said that the right of royalty is either not an interest in real estate or is not found to be a legally practicable method by which some notation on the title can be achieved. If the right to royalty is not an interest in the title, why are the notations excepting minerals now placed on titles issued since 1882? The notation on all those titles, which I will call new titles, excepting minerals is an admission that the interest in the minerals was part of the old title.

The Hon. A. F. Kneebone: But this Bill changes that.

The Hon. C. M. HILL: Yes, but it still means that from the date it comes into force the owner of the new title has, on the one hand, the fee simple except minerals and, on the other hand, the right to royalty as a result of owning the old title. We should hear what procedure the Registrar-General will lay down regarding the form of a memorandum of transfer when the transfer of the fee simple takes place in future, excepting the right to royalty. Surely, if the fee simple is transferred and the right to royalty is retained by the registered proprietor, a notation should be made on the title when the memorandum of transfer is endorsed on the title; otherwise, there is definitely an interest in that title that is dissimilar to the interest that was held previously and would have been transferred previously had this Act not come into force.

Because of the principles of the Torrens title system, some machinery should be devised and the people who will search titles in future should know what they should search for, because they cannot come out of the search room and simply inquire in the general registry whether a register of royalty rights is kept there; they have to go to another department. I am not as firm on that as the Hon. Mr. DeGaris is, but I want to see a system devised (and I believe it can be) whereby those people who search titles, especially after some change in the title has occurred, can be warned that they must search further. In close consultation with the Registrar-General of Deeds, some method of endorsement should be found so that proper indication is given on the title that this change has taken place.

The Hon. Sir ARTHUR RYMILL: I found the Minister's explanation unconvincing. In common with the Leader of the Opposition, I found the expression "legally impracticable" most unsatisfactory: it is either legally possible or legally not possible—one or the other. I have no doubt it is legally possible and that we can do it. The argument then remains: where is the appropriate place for any register for claims to be noted? Subclause (11) provides:

a person who was then the proprietor of an estate in fee simple in the land

—that is, people with mineral rights at the commencement of this Act—

shall ... be the sole legitimate claimant to royalty.

Immediately, he must go to the Lands Titles Office to find out who that person is. Then, if he wants to divest himself in writing and give the rights to someone else, for some unaccountable reason he must go to the Director of Mines. The argument has been made that this is not an interest in land. That is equally ridiculous. At present, a person

with mineral rights has a title to mineral rights registered in the Lands Titles Office. If he has not got the mineral rights, the title is reserved by the Crown.

No-one owns land. Honourable members may think they do, but they do not. All land in the British Commonwealth is vested in the Crown; the people only own an interest in it. The interest may be the greatest interest one can have (a fee simple interest), or it may be a lesser interest, like leasehold land, and so on. Mineral rights are an interest in land and always have been. Indeed, separate titles have been issued by the Lands Titles Office for mineral rights only and for the land itself. Instead of actually owning mineral rights under this amending Bill, a person who has at present got mineral rights is entitled to money. Surely this is an interest in land. Because of his ownership of land, a person is interested not in the mineral rights thereto but in the money for those rights. At present, mineral rights not attached to land are regarded as an interest in land. I cannot, therefore, understand what the legal difficulty is.

The Hon. A. F. KNEEBONE: Perhaps the words chosen were not appropriate in the circumstances. As I see it, the first transfer of the mineral rights would have to be recorded on the documents in the Lands Titles Office. However, this will not be the only transfer of the mineral rights, which could be passed on to many other people thereafter, and this is where the administrative difficulty is encountered. A Lands Titles Office spokesman said it would be impossible to keep records of the various transfers.

The Hon. F. J. Potter: He means it will be administratively impossible for him. How will it be possible for the Director of Mines?

The Hon. A. F. KNEEBONE: It might be simpler for the latter, because royalties must be paid.

The Hon. C. M. Hill: No, he gets them into his separate register.

The Hon. A. F. KNEEBONE: The person who has sold the mineral rights has no further interest in them. Why, therefore, is it necessary, after the first sale of the mineral rights, to record every other sale? I have been told by a Lands Titles Office spokesman that it would be impossible to do so.

Amendments carried; clause as amended passed.

Clauses 20 to 27 passed.

Clause 28—"Grant of exploration licence."

The Hon. R. C. DeGARIS: I move to insert the following new subclause:

(1a) The Minister shall, at least twenty-eight days before he grants an exploration licence under this Part, cause notice to be published in the *Gazette* specifying the area over which he proposes to grant the licence.

In his second reading explanation, the Minister said that this was the Government's intention. Conservation authorities have requested this amendment which, I believe, is not too much to ask. It gives an opportunity to those who take a keen interest in conservation to make representations to the Minister in relation to any exploration licence proposed to be issued. I cannot see any difficulty in this procedure.

The Hon. A. F. KNEEBONE: I do not think there is any need for the new subclause to be inserted, as I have already given an assurance that what it provides will, in fact, be done. It appears that the Leader does not accept my assurance.

The Committee divided on the new subclause:

Ayes (15)—The Hons. M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. I. Gilfillan, L. R. Hart, C. M. Hill, H. K. Kemp, F. I. Potter, E. K. Russack, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (4)—The Hons. D. H. L. Banfield, T. M. Casey, A. F. Kneebone (teller), and A. J. Shard.

Majority of 11 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 29 passed.

Clause 30—"Incidents of licence."

The Hon. R. C. DeGARIS: I move to insert the following new subclause:

(3) It shall be a condition of an exploration licence that the Minister may at any time require the holder of the licence to pay to any person an amount of compensation, stipulated by the Minister, to which that person is, in the opinion of the Minister, entitled in consequence of the conduct of mining operations in pursuance of the licence.

My amendment will help to overcome difficulties that may arise in connection with compensation in consequence of mining operations.

The Hon. A. F. KNEEBONE: I accept the amendment.

Amendment carried; clause as amended passed.

Clauses 31 to 33 passed.

Clause 34—"Grant of mineral lease."

The Hon. R. C. DeGARIS moved to insert the following new subclause:

(la) The Minister shall, at least twenty-eight days before he grants a mining lease under this Part, cause notice to be published in the *Gazette* specifying the area over which he proposes to grant the lease.

Amendment carried.

The Hon. R. C. DeGARIS: I move to insert the following new subclause:

(6) It shall be a condition of a mining lease that the Minister may at any time require the holder of the lease to pay to any person an amount of compensation, stipulated by the Minister, to which that person is, in the opinion of the Minister, entitled in consequence of the conduct of mining operations in pursuance of the lease.

This new subclause is basically similar to that which was inserted in clause 30.

Amendment carried; clause as amended passed.

Clauses 35 to 47 passed.

Clause 48—"Prospecting and mining on an opal field."

The Hon. A. M. WHYTE: I move:

To strike out "prospect or".

I cannot understand why a person should not be allowed to prospect upon a precious stones field. The clause as it stands unduly hampers operations.

The Hon. A. F. KNEEBONE: On some precious stones fields a person can prospect only by sinking a shaft to reach the level where the precious stones may be. Alternatively, a bulldozer may be used for prospecting operations. If the amendment is carried it will be difficult to control such activities.

The Hon. A. M. WHYTE: I agree that a person should not be allowed to prospect with a bulldozer, but I point out that that comes under the Minister's control in connection with declared equipment.

The Hon. R. C. DeGaris: This clause relates only to a precious stones field.

The Hon. A. M. WHYTE: Pattern drilling carried out by progressive miners would not cause much harm to the countryside. However, I will not press my amendment to any great extent.

The Hon. Sir ARTHUR RYMILL: I was interested to hear the Minister's explanation on this matter. As I find it convincing, I support his attitude.

Amendment negatived; clause passed.

Clause 49—"Disposal of waste."

The Hon. A. M. WHYTE: I move:

To strike out "without the permission of a warden or inspector" and insert:

(*a*) where the soil, overburden, or other material is to be deposited upon, or the open cut is to be extended into, another claim—without the permission of the owner of that other claim or of a warden or inspector;

(*b*) in any other case—without the permission of a warden or inspector.

I believe it is sufficient if the adjoining claim holder is agreeable to having the overburden pushed on to his claim or to having a cut extended over the boundaries of his claim.

The Hon. A. F. KNEEBONE: Arrangements can be made for adjoining leases to be worked, and I think that adequately covers the situation. It has happened in the past that the adjoining claim holders have agreed to this sort of thing but when a good strike has been made the person who has made it has been pressured to part up with some compensation. I oppose the amendment, for I think it would cause undue litigation between people. It would also effectively enlarge the size of the claim of the person concerned.

Amendment negatived; clause passed.

Clauses 50 to 57 passed.

Clause 58—"Notice of entry."

The Hon. R. C. DeGARIS: I move to insert the following new subclause:

(la) The form in which notice is given under subsection (1) of this section must contain a statement of the owner's rights of objection and compensation under this Act.

This clause deals with the need for a mining operator to give notice of entry. During the second reading debate I gave an illustration of a landowner who had not been notified of his rights under the Act and therefore had made decisions that led him into difficulty. My amendment will allow the owner of any property to be fully apprised of his rights under the Act when the application is first made to him for entry on his property.

The Hon. A. F. KNEEBONE: Although the amendment will create a little administrative work, I am willing to accept it.

Amendment carried.

The Hon. A. M. WHYTE: I move:

In subclause (5) to strike out "severe or unjustified".

It seems to me that it is sufficient if an objector can establish hardship. If a workman burns his hand he does not have to prove that it is a severe burn before he can receive compensation.

The Hon. A. F. KNEEBONE: Before such a workman can get compensation he has to prove that he has had a severe burn.

The Hon. R. C. DeGaris: He gets medical expenses.

The Hon. A. F. KNEEBONE: If it is severe enough. I oppose the deletion of the

words. The court has to be assured that an objection is well based, and to do this it must be able to decide the extent of the hardship.

The Hon. A. M. WHYTE: They are two beautiful legal words which will result in unnecessarily lengthy proceedings.

The Hon. R. C. DeGARIS: The Hon. Mr. Whyte is tackling two words that I think worry all members in reading clause 58. However, we are dealing not with the question of compensation but with the objection to the right of entry. Before a landowner or an occupier can prevent entry he must establish that the conduct of mining operations on the land would be likely to result in severe or unjustified hardship. On the other hand, I agree with the Hon. Mr. Whyte that the words "severe or unjustified hardship" appeared to go too far in the other direction. A person must establish severe or unjustified hardship, and I cannot conceive of too many people who could ever establish that entry upon their land would be severe or unjustified hardship. There may be hardship, there may be difficulties, but the words "severe or unjustified" I think go just as far in the other direction as the Hon. Mr. Whyte does by taking them out altogether. I object to those two words. I believe we must find something else to put in their place.

Amendment carried; clause as amended passed.

[*Sitting suspended from* 5.54 *to* 7.45 *p.m.*]

Clause 59—"Use of declared equipment."

The Hon. A. M. WHYTE: I merely ask a question of the Minister on this clause. There is no provision whatever for compensation where precious stones are mined. Is there any suggestion that a fund may be created from which the Government may offer some compensation for land under other leases?

The Hon. A. F. KNEEBONE: I know that the honourable member has in mind the situation of a certain lessee in one particular area.

The Hon. A. M. Whyte: But it could apply to other lessees.

The Hon. A. F. KNEEBONE: In regard to the area I am thinking of, every effort is being made to see what can be done to declare it. It is possible under the provisions of the Bill to declare precious stones in the field. That can be done in the area that the honourable member is thinking of. It is possible under a pastoral lease to resume the area. In those circumstances, some compensation may be paid for the resuming of the area in question. Assistance for the lessee of a pastoral property disrupted by mining operations is being looked at. Every effort will be made to take care of people in that position.

The Hon. A. M. WHYTE: I am pleased with what the Minister has said, because many miners themselves are concerned about the position. They are prepared to pay, if possible, some compensation where precious stones are concerned. It seems impossible that any royalty could be collected, which would be the easy way to avoid compensation, but many miners believe there could be some means of compensating a landowner. They do not want to bear the stigma of having disrupted another man's livelihood and left him with nothing. Perhaps the Government could continue investigating the possibility of collecting money that could be used as compensation where precious stones are mined.

Clause passed.

Clause 60—"Restoration of land."

The Hon. R. C. DeGARIS: I move to insert the following new subclause:

(5) The powers conferred upon an inspector under this section are not exercisable in respect of land subject to a developmental programme under the regulations made pursuant to the Mines and Works Inspection Act, 1920-1970.

I pointed out in the second reading debate that in this clause there could be a conflict between this Bill and the regulations of an approved plan under the Mines and Works Inspection Act. I know this clause is designed to operate differently from the provisions of the Mines and Works Inspection Act, and such a conflict is possible.

The Hon. A. F. KNEEBONE: I see no objection to this amendment. I have not given it much thought but I can accept it.

Amendment carried.

The Hon. A. M. WHYTE: I move to insert the following new subclause:

(6) The powers conferred upon an inspector under this section are not, for a period of twelve months from the commencement of this Act, exercisable in respect of mining operations in a precious stones field.

It is desirable that bulldozer operators should have some period at least of phasing out of the industry. Many such operators realize that bulldozers are perhaps not the best equipment for opal mining; others contend that this is the best way to mine opals. Many operators have purchased equipment at great expense.

Many of these people, who have entered into hire-purchase agreements, are finding it difficult to meet their commitments. If people, having dug a 40ft. trench and found nothing,

are forced to spend another three or four days back filling, they will find themselves in even worse financial difficulties, to such an extent that many will be forced off the field. Perhaps that is the intention of the Bill. It is a pity that someone did not stop these people before they committed themselves to spending these large sums of money.

Having got into this position, I believe they should be enabled to extricate themselves. The operators may have to abandon equipment, incurring an everlasting debt, or they may find themselves at the mercy of someone who wants to buy earthmoving equipment. There are at least 80 bulldozers at Coober Pedy and 20 or 30 at Andamooka; many of them will have to be sold in the future. We are openly advertising the fact that these bulldozers are being forced out of a certain line of production. Indeed, the miners have already been told that this could happen. Over the last 12 months they have had discussions with the Mines Department and the Minister, who warned them of the situation. However, they have all hoped they would receive some satisfaction.

The Hon. D. H. L. Banfield: Have they ignored the warnings?

The Hon. A. M. WHYTE: I do not know whether they were actually warned, because they have always hoped that this provision would not be included in the Bill. These people are in a situation in which they could be left destitute, after having invested $30,000 or $40,000. If my amendment is accepted, they will know that their activities will be terminated and they will therefore have an opportunity to work like beavers for the next 12 months or, on the other hand, cut their losses as soon as possible and quit their equipment. Then, the whole industry would not be involved in immediate hardship.

The Hon. A. F. KNEEBONE: I have listened with much interest to the honourable member. I realize that he is torn between the interests of the pastoralists and those of the miners in his district. However, I cannot accept the amendment. These people have known for 12 months that there was likely to be included in the Bill a provision requiring them to leave in a satisfactory condition the area of a claim where they have been bulldozing. That does not mean, as some people think, that they must ram back into a hole absolutely everything that a bulldozer has excavated from it. Honourable members can rest assured that this provision will be applied with much discretion and common sense, as the Government is only interested in ensuring that the fields are left in a safe and acceptable state after bulldozing operations have been completed and no further activities are being carried out. The use of these powers will be limited to obvious cases where indiscriminate bulldozing has created an unacceptable situation. To say that the operation of this Bill will wipe out all bulldozers on the field is simply not correct, because as long as bulldozing is carried out responsibly it will be permitted to continue.

The Hon. A. M. Whyte: Do you mean the back filling, or the bulldozing?

The Hon. A. F. KNEEBONE: As long as bulldozing operations are carried out in a responsible manner those operations can continue; and back filling, to an extent that renders the situation acceptable, must be carried out. I cannot see how this will stop bulldozing operations. The provision may adversely affect the irresponsible operator, but not all operators fit into that category. In most instances, bulldozer operators work under contract; few of the operators are miners. The honourable member has told me how many millions of dollars are being made from the opal fields each year. If that is so, and the miners are making all this money from the operation as a result of the work that bulldozing operators are doing for them (whether digging up the earth or filling in holes), surely the bulldozer operators can fend for themselves. Surely it is up to the successful miners to ensure that these people are paid a reasonable rate.

The Hon. A. M. Whyte: What about the unsuccessful ones? Who pays them?

The Hon. D. H. L. Banfield: Who pays any unsuccessful operator?

The Hon. A. M. Whyte: They have not incurred any expense because you could not compel them to backfill.

The Hon. A. F. KNEEBONE: Who pays them to dig the hole initially? I am sure that the powers under this provision will be applied with great discretion and common sense and will be limited to obvious cases of indiscriminate bulldozing. The bulldozer operators have known for 12 months that these powers would be provided for. Because of the need to draft regulations, the new powers will not be implemented for some months after the Bill has been passed. There is therefore no need for the amendment, and I ask the Committee to oppose it.

The Hon. R. C. DeGARIS: I point out to the Minister that, generally speaking, payments

to bulldozer operators are on a percentage basis, related to the recovery of precious stones. Some operators may be paid on another basis, but I do not know of any. Consequently, the bulldozer operators are part of the total mining operation. Although the operators had some notice prior to the introduction of the Bill that some controls would be placed on their operations, nevertheless many of them are still using extremely expensive equipment that has been obtained on five-year hire-purchase programmes. When the Minister realizes the financial commitments of the operators, I think he will see the reason for the amendment. When one considers the question of back-filling and returning the landscape to its original character, one realizes that, if the Bill is not administered with discretion, the whole area will be adversely affected. The Minister said that one can see indiscriminate bulldozing on the opal fields, but what does he mean by indiscriminate bulldozing? How does one decide whether a cut is discriminate or indiscriminate? How will the provision be administered if the amendment is not carried? Will it be administered in such a way that only those close to the Coober Pedy or Andamooka townships will be forced to back-fill for the first couple of years?

The amendment gives bulldozer operators some chance in the next 12 months, first, to dispose of their bulldozers and, secondly, to avoid to some extent the difficult financial position that a sudden stop to their operations would cause. If the amendment is not carried, exactly how will the provision be administered? If it is administered rigidly, there will be much financial uncertainty on the part of the bulldozer operators on the opal fields. And let us remember that those operators have played a most important part in the development there. For example, some areas can be worked only by bulldozers. It would be impossible for some areas that had previously been worked by means of underground shafts to be thoroughly worked other than by bulldozer operations.

The Hon. A. M. WHYTE: I understand the Minister's intention: he wants to put teeth into the legislation.

The Hon. D. H. L. Banfield: But you don't want to put filling in the hole.

The Hon. A. M. WHYTE: I object to the statement that I have been trying to have two bob each way in connection with the miners and the pastoralists. I have worked on this matter for many months. Not every bulldozing operation on the opal fields is profitable. A large percentage of the people at Coober Pedy and Andamooka are good, hardworking people; we must not make generalizations as a result of reading publicity about crooks and ne'er-do-wells at those places. I can see no reason why there should not be a breathing space. I never liked bulldozer operations on the opal fields, but the operators were encouraged to go there because it appeared that they would open up important trading opportunities. Now, they are accused of making the place look untidy, and it is said that their activities must end. I am merely asking that these people have the opportunity to quit some of their capital investment.

The Hon. A. F. KNEEBONE: I appreciate the honourable member's thoughts regarding his constituents, and I am sorry if I put what I said in the wrong way. Previously, the honourable member wanted to know whether we could provide compensation, and I said that we were endeavouring to do what we could about that. I do not know whether my sympathies are more with the pastoralists or with the mining interests at this stage, so I am in the same position as is the honourable member. It is a difficult situation. As I have said before, because of the difficult administrative problem it will be some months before any orders are made. The Act has to be proclaimed, and that will not be done until regulations are drafted. Honourable members will know the lengthy procedures that have to be followed before regulations can reach the table of the Council.

I have already said that the provisions will be administered with great discretion and common sense. Naturally, the first area to be dealt with is the one that is in close proximity to the township itself. It will be a progressive operation, and it will take some time to get through the whole field. As I have said, there will not be a complete shut-down. Bulldozer operators will still carry on, provided they do the right thing. I know the keen business acumen of many of these people. The honourable member said that they were paid on a percentage basis. I am sure that these people would see that they got their fair share of the money being made on the opal fields.

Although some mining ventures do not succeed, there are plenty that do. When a bulldozer operator goes into this industry, he knows that it is a hazardous one. The requirement to act responsibly in his operations may cost such a person a little money, and this has to come out of his percentage. The person

we are aiming to stop is the one who digs a hole and then rushes on and digs another further on.

The Hon. R. C. DeGARIS: I thank the Minister for his explanation. I know that the attitude of the Mines Department would be that the matter would be handled with discretion and common sense. However, the more the Minister talks the more convinced I am about what the Hon. Mr. Whyte has said. He said that it would not come into operation for several months.

The Hon. A. F. Kneebone: It is 12 months from that time.

The Hon. R. C. DeGARIS: It is from the commencement of the Act.

The Hon. A. F. Kneebone: That could be 19 or 20 months.

The Hon. R. C. DeGARIS: I think the Act will be proclaimed and that the regulations will come down after that, so it will be 12 months from the time of proclamation. If proclamation is in the first week in December, regulations will probably be drawn by June next year, so it is probably only six months, really. Therefore, even though I agree with much of what the Minister has said, on balance I must support the approach of the Hon. Mr. Whyte.

The Committee divided on the amendment:

Ayes (8)—The Hons. R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, H. K. Kemp, E. K. Russack, V. G. Springett, C. R. Story, and A. M. Whyte (teller).

Noes (7)—The Hons. D. H. L. Banfield, M. B. Cameron, L. R. Hart, C. M. Hill, A. F. Kneebone (teller), F. J. Potter, and A. J. Shard.

Pair—Aye—Hon. M. B. Dawkins. No—Hon. T. M. Casey.

Majority of 1 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 61—"Compensation."

The Hon. R. C. DeGARIS: I move:

In subclause (1) after "financial loss" to insert "hardship and inconvenience".

I have always had some misgivings about the ability of a landowner who has suffered loss in relation to a mining operation to claim adequate compensation. Under this clause the owner of land on which mining operations are carried out is entitled to receive compensation for any financial loss suffered by him in consequence of those mining operations. The amount of compensation payable is the amount determined between the owner and the mining operator or, in default of that agreement, the amount decided by the Land and Valuation Court. In deciding the compensation, the court takes into consideration any work the mining operator has carried out (or undertakes to carry out) in the rehabilitation of the land. This is not quite wide enough to cover the right of the landowner to claim compensation.

Amendment carried.

The Hon. R. C. DeGARIS: I move to insert the following new subclause:

(1a) In determining the compensation payable under this section, the following matters shall be considered:

(*a*) any damage caused to the land by the mining operator;

(*b*) any loss of productivity or profits as a result of the mining operations; and

(*c*) any other relevant matters.

The remarks I made about the previous amendment adequately cover the insertion of this new subclause, which details the areas in which a person can claim to have experienced financial loss, hardship, or inconvenience.

The Hon. A. F. KNEEBONE: I am pleased to accept the amendment, which only puts into words what was the intention of the Act anyway.

Amendment carried; clause as amended passed.

Clause 62—"Bond."

The Hon. R. C. DeGARIS: I move to insert the following new subclauses:

(2a) If the holder of a mining tenement fails to comply with a requirement under this section, the Minister may by instrument in writing, prohibit mining operations in the area of the mining tenement.

(2b) If a person conducts mining operations in contravention of a prohibition under subsection (2a) of this section, he shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

The amendment extends the power of the Minister in relation to the bond that may be required.

The Hon. A. F. KNEEBONE: I do not oppose the amendment.

Amendments carried; clause as amended passed.

Clause 63—"Extractive Areas Rehabilitation Fund."

The Hon. R. C. DeGARIS: I have amendments in relation to the regulations which will stem from clause 63. I would like to know whether the Minister has anything to say at this stage regarding the amendments I intend to move in clause 92. In the second reading stage I queried, first, whether this fund could be used for the rehabilitation of old areas already worked out. Secondly, quarry operators (and

I would say all extractive industries are included in this) would be required both under the provisions of the Bill and of the Mines and Works Inspection Act to carry out works designed to restore the land. Such of this work as may be approved, and which is outside the normal requirements of good quarry practice in respect of noise, dust, nuisance, and good housekeeping will qualify for reimbursement from the fund. That has been previously stated by the Minister.

I ask the following questions: What, by way of rehabilitation, will the industry be required to do without the assistance of the fund; what is the responsibility of the quarry operator with the assistance of the fund; can, as a result of a direction by an inspector under clause 60, a company call on the fund to help improve and restore and rehabilitate the ground? Under the provisions of clause 60 certain requirements can be undertaken by the inspector. Can a company call on the rehabilitation fund to assist in carrying out any instruction under the provisions of that clause? By what means would any company have access to money from the fund? What limit will be placed upon clause 63 (3) where the fund can spend money on the promotion of research into methods of mining engineering and practice by which environmental damage or impairment resulting from mining operations for the recovery of extractive minerals may be reduced? I would like to have this information on clause 63 before we come to the regulation-making powers in clause 92.

The Hon. A. F. KNEEBONE: First, the fund is provided for the purpose of rehabilitating areas. If an operator calls on the Minister for assistance from the fund to rehabilitate an area, that is within the province of the fund. In the Bill there is no limitation on the amount that may be expended from the fund for any of the purposes mentioned in paragraphs (*a*), (*b*) or (*c*). The honourable member would realize that this would be in line with the other responsibilities of the Minister when operating the fund. I do not know offhand what amount of money the Minister is expecting to recoup or what the fund will receive by way of royalties over the next 12 months.

The Hon. C. M. Hill: An estimate of about $300,000 has been made.

The Hon. A. F. KNEEBONE: The amount of money to be expended from the fund would have to be governed by the amount of money in the fund.

Clause passed.

Clauses 64 to 91 passed.

Clause 92—"Regulations."

The Hon. R. C. DeGARIS: I move to insert the following new paragraph:

(al) provide for the maintenance and inspection of registers;

This is consequential on an amendment already carried.

Amendment carried.

The Hon. R. C. DeGARIS: I move to insert the following new paragraph:

(ka) regulate the expenditure of moneys from the Extractive Areas Rehabilitation Fund;

Previously, I questioned the Minister on clause 63. He has not satisfied me absolutely. I hope that in formulating the regulations the Government will lay down some formula in which the questions I asked can be satisfactorily dealt with. I think the Minister sees the point: here is a bare clause by which the Minister can do anything; nothing specific is laid down, and no purpose is given. I trust the Government will set down clearly the various ways in which money can be expended.

The Hon. A. F. KNEEBONE: The Leader can be assured that I will look at this problem and, if possible, incorporate his views.

Amendment carried; clause as amended passed.

Schedule and title passed.

Bill reported with amendments. Committee's report adopted.

FILM CLASSIFICATION BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 4 and 9 to 12; it had agreed to amendments Nos. 6, 7 and 8 with amendments; and had disagreed to amendment No. 5 for the following reason:

Because the amendment imposed an unnecessary restriction.

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

Adjourned debate on second reading.

(Continued from November 11. Page 2941.)

The Hon. R. A. GEDDES (Northern): Many honourable members have spoken on this Bill, which contains many amendments to the principal Act. I do not intend to speak on all the clauses, many of which have been debated by former speakers. I wish to raise only the problem as I see it regarding clause 25, which deals with homes and services for the aged and infirm. In his second reading explanation the Minister said that, in 1957,

the Commonwealth Government made available subsidies to local government for building homes and ancillary services for the aged. All honourable members have undoubtedly read the Bill and are familiar with the clause which provides that a council may expend any portion of its revenue in the provision of dwellinghouses, home units, hospitals, infirmaries, nursing homes, chapels, recreational facilities, domiciliary services of any kind whatsoever, and any other facilities or services for the use or enjoyment of aged, handicapped or infirm persons.

I wonder whether the Government is not being a little hasty in introducing legislation like this in such a broad form. If councils can afford to build homes and services for the aged and infirm, they could well start on this work soon. I am concerned that there might be an unnecessary duplication of homes for the aged and other ancillary services because each council is master of its own fate. I know of the practice in Great Britain in this respect, where the councils are much bigger organizations than they are here. I wonder whether it will be a sensible thing, without further Government supervision, for homes for the aged to be built willy-nilly in local government areas, particularly in the metropolitan area.

The Hon. A. J. Shard: They will be getting a subsidy from the Commonwealth Government, which will be some form of control.

The Hon. R. A. GEDDES: I thank the Minister for that interjection, but the Commonwealth Government does not necessarily say that one shall not build a home for the aged at a certain location.

The Hon. A. J. Shard: They usually discuss it with the State departmental officers to see whether it is necessary.

The Hon. R. A. GEDDES: I thank the Minister for that advice, because this is the point I am making.

The Hon. A. J. Shard: I give the honourable member that assurance.

The Hon. R. A. GEDDES: If there is indiscriminate building of these homes, it would be a bad state of affairs, particularly if a council could not afford to do it.

The Hon. A. J. Shard: I assure the honourable member that there is a close liaison between the Commonwealth Government and the State department.

The Hon. R. A. GEDDES: A home built by one council could have many inhabitants from another council area who have not contributed to its cost, thereby precluding people from that council area who have contributed towards its construction. The Minister has assured me that the Commonwealth Government confers with the State instrumentalities, so I will leave the matter there, hoping that common sense will prevail. I turn now to the possibility of the construction of nursing homes and infirmaries. I believe the Government will need to advise councils on the necessity to build nursing homes and infirmaries, as for many years South Australia has built up an excellent hospital system.

Whenever a home for the aged is established, the Commonwealth Government gives it a bed rating, which allows that home to receive certain moneys to assist in the construction of infirmaries. However, if infirmaries are built on to homes for the aged themselves, there is a danger that a staff problem will be created. Although there may not be many people in an infirmary, a full staff would still have to be maintained around the clock. When we have an excellent hospital service, an infirmary or nursing unit should, wherever practicable, be constructed as an annex to the hospital system. I think the Minister is familiar with that line of thinking. Although there is nothing in the Bill requiring local government to look at the matter in this light, I suggest that serious thought be given to this aspect. In his second reading explanation the Minister said that the Meals on Wheels organization needed assistance. He said:

> Existing organizations such as Meals on Wheels provide a wonderful service, but more effort is required from others. The committee is satisfied that councils should enter this whole field of welfare service and not just one facet of it. Councils will not have to enter this field, but many are anxiously waiting to do so.

One of our biggest sins, as Australians, is the old axiom, "She's right lack. Let someone else do it for us." People often ask why the Government doesn't do something about a certain thing. However, there is nothing finer than voluntary organizations, correctly organized and controlled, for obtaining the maximum use of voluntary help and services and, of course, they are the most dedicated services that the community can provide. The community spirit will die if everything is left for the Government to do.

I realize that it is difficult to include amendments providing that, before an organization similar to Meals on Wheels is taken over by local government, a poll of ratepayers should be taken. Although I have no doubt that such an amendment could be written into

the legislation, I do not think it is necessary. I only hope that common sense will prevail in relation to the powers being given to councils under clause 25 so that, where a voluntary organization is able and wishes to give its services to the community, it should be fostered and encouraged to grow within itself, so that only in an area where there is absolutely no organization will local government provide all the essential services that will be needed as our elderly folk continue to live in their old age.

It may be wise for the Government to consider issuing clear instructions to councils which, in turn, could issue them to voluntary organizations; those instructions should state in what circumstances homes for the aged, infirmaries, nursing homes, etc., can operate. As time goes on the burden may fall more and more on councils. Clause 25 provides that "a council may expend any portion of its revenue in the provision of dwellinghouses", etc., whereas clause 24 provides that councils shall not undertake expenditure on promoting a Bill before Parliament unless the Minister approves such expenditure. To take clause 24 to extremes, a council cannot even put a stamp on a letter asking the Minister to approve expenditure on promoting a Bill before Parliament. Where politics comes into the matter, an attempt is made to control councils completely—the Minister will have an opportunity to approve or disapprove. However, where community sevices are required, neither the Government nor the ratepayers will have an opportunity to express an opinion. I support the second reading.

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

REGISTRATION OF DOGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 11. Page 2943.)

The Hon. A. M. WHYTE (Northern): I support the Bill. I strongly believe that dogs should be carefully supervised by their owners. I have spent a lifetime with dogs and have the greatest admiration for them. I have never believed that a horse is man's most noble friend, because truly the dog is man's most competent and intelligent friend. New section 20a (1) provides:

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.

While that provision is surely justified, it should not stop there. There are some very effective obedience dog clubs in South Australia. The South Australian Obedience Dog Club is the largest of its kind in the Southern Hemisphere. It charges a joining fee of $2 and an annual membership fee of $2.50, but that fee is reduced to $1 for children under 17 years of age. If each owner of a dog knew how to control it, it would be better for the dog, the owner and the general public. At meetings of obedience clubs a dog is taught to walk quietly at his owner's side, to sit quietly while being patted, to behave in the company of other dogs, to come promptly when called, and to obey commands immediately.

I believe that every person who registers a dog (other than a working dog) should be compelled to do a course in dog handling. If every person registering a dog had to reach a certain standard in dog handling, we would see much better co-operation between dogs and their owners than we do at present. I have had persona] experience of dogs, and I have noted the behaviour not only of the dogs but of the owners.

Often a family will go out on a visit, perhaps to a farm, on a Sunday afternoon. While there the children will fondle a puppy and eventually will be allowed to take it home. However, when it starts to grow and eat more food and perhaps dig up the garden, no-one in that family wants it. I think that is appalling. A genuine dog lover would consider the animal. I am sure that if he really wanted a dog he would not resent attending one of the classes that I have mentioned.

I have had dogs all my life and I have had very good dogs. However, I am also willing to admit that I have been quite amazed at what I have seen demonstrated at the Royal Show and at various times in the park lands. It is amazing to see what dog handlers at these obedience clubs can do with dogs of many breeds including little poodles. I believe it would not be asking too much to require a certain standard of any person who wants to register a dog.

The Hon. D. H. L. Banfield: Do you think the owner should have a licence?

The Hon. A. M. WHYTE: I think the owner should be required by law to have a certain standard of dog-handling knowledge. I

make this point to the Minister in the hope that at some time such a scheme can be incorporated in the Act.

The South Australian Obedience Dog Club is, I understand, the biggest in the Southern Hemisphere. There are six such clubs in South Australia, others being at Salisbury, Port Adelaide, Spencer Gulf (with headquarters at Whyalla), and Dover Gardens. There is also the German Shepherd Club. I am sure that all these clubs would be happy to co-operate with the Minister in this matter or with anyone who desired voluntarily to take such a course. I support the Bill.

The Hon. V. G. SPR1NGETT secured the adjournment of the debate.

VALUATION OF LAND BILL

Adjourned debate on second reading.

(Continued from November 11. Page 2946.)

The Hon. L. R. HART (Midland): I have often said in debate that the Government, when introducing legislation, goes too far. On this occasion I suggest that there are very good reasons why some guide lines should be set out defining the methods by which the proposed Valuer-General should assess land. Perhaps this is not the appropriate Bill in which to effect this: perhaps it should be done by amending the Land Tax Act.

Many of the principles embodied in this Bill have been canvassed by bodies of some standing. Chief among these is what has become known as the Ligertwood committee, a body set up on October 29, 1962, to report on the method of assessing land used for primary production, and any other land, for the purposes of paying land tax, council rates, water rates and probate. After being in operation for two years, this committee brought down its report in August, 1964.

The immediate reaction one gets to this legislation is that it appears a logical step to effect economies in administration and more uniformity in assessment valuations. One of the criticisms levelled at assessments in the past has been that in addition to being unrealistic they have also not been consistent or uniform. This legislation will undoubtedly be of benefit to the statutory authorities requiring valuations; nevertheless, one must look closely at its effects on the individual.

Although not appearing at first sight to present any disadvantages to the property owner, it does not appear to offer any relief from the form of taxation imposed as a result of various forms of valuation, particularly for rating and taxing purposes. State land tax is a field in which a great deal of dissatisfaction exists, mainly because assessments often bear little relationship to productive capacity. In other words, it becomes a capital tax. By having a central assessing authority, the problems associated with land tax are not likely to be eliminated unless the principles under which the assessments are made are altered. There does not appear to be anything in this Bill to suggest that that is intended.

The assessed value of land, particularly in the outer metropolitan fringe areas, is calculated not on its value as primary-producing land but rather on its value as a subdivisional area. This is brought about by people who do not derive a substantial part of their income from primary production and who often do not live in the area purchasing some areas of land to conduct what one may term their week-end hobbies or pastimes. This has the effect of inflating the values of primary-producing land far above its productivity capacity, and subsequent assessments of such land often reflect these inflated values.

One has only to study some of the examples that I will give to realize that this is so. On one property in the Salisbury council area the return is not sufficient to cover the rates and taxes that the property incurs. This is a deceased estate, and one of the conditions of the will is that the property cannot be sold until the youngest child reaches the age of 18 years. In the meantime the family is not able to conduct the property as a primary producing unit and has decided to let it. It is let at a figure below the total amount of land tax and council rates imposed upon it; in other words, those concerned are losing money on the property.

I can give other examples of similar situations brought about by the way in which land is assessed for taxation purposes. Another property of some 550 acres, also in the Salisbury council area, is assessed at $167,000, or about $303 an acre. On this property the owner pays State land tax of $3,233 a year and council rates in the vicinity of $1,654 a year, a total of $4,887, amounting to about $9 an acre. The owner already owes the State Land Tax Department $5,000 in arrears, which he is paying off at the rate of $20 a month, and he owes the district council about $1,600, which he has been given three months to pay. The property can only be sold as a whole or in 20-acre lots. It cannot be subdivided into lots of less than 20 acres because it has no water available.

The owner is faced with the situation of virtually not being able to sell his property at

a value which would cover the valuation placed on it for land tax and council rating purposes. Therefore, he is in a situation where he is living on his fat, the land tax on the property is mounting up and in due course will reach the total value of the property. He has another parcel of 30 acres of land assessed at $18,000, or $600 an acre, on which he pays $319 State land tax and $131 council rates, giving a total of $450 or $16 an acre. This amount cannot be made out of the land as a primary producing unit.

He tried to sell the property in five-acre lots but was prevented from doing so by the Salisbury council because the land is in a residential zoning area—an area which, although classed as residential, will not be required for residential purposes for many, many years. There is no possible hope of selling the land for residential purposes and the owner faces the situation that over the past three years he has had a trading loss on his properties of about $3,000 a year. This person says, "What do I do? Where do I go?" Although we realize that the provisions in this Bill are beneficial, we still see that, even though the Valuer-General is going to value land under the guidelines laid down by the Land Tax Act, people in this category will not get any relief.

I suggested to the valuing authorities that a property such as this should come under the provisions of section 12c of the Land Tax Act, but I was told there is no advantage in this property coming under that section because it is already valued as primary producing land. This has happened because there are other small blocks of perhaps 10 or 20 acres being sold in the vicinity and being used for the growing of almonds and the grazing of racehorses by people who, as I have said, do not gain a substantial part of their income from primary producing pursuits.

This situation obtains generally in the Virginia area, and these values were first established back in the years when water was readily available. Today, when there is virtually no water available in the area for people who want to establish properties, nevertheless we find that the assessed value of the properties has not been reduced in relation to the true market value existing in the area.

Turning to the Bill, clause 9 provides that the Governor may remove the Valuer-General from office upon the presentation of an address by both Houses of Parliament praying for his removal. It would appear that it is not obligatory on the Government or the Governor to remove the Valuer-General from office, even on the presentation of an address from both Houses of Parliament, unless the word "may" means "shall". I have always assumed that if both Houses of Parliament presented an address to the Governor it was obligatory upon him to remove an officer from his position, but that does not appear to be the case here.

Clause 9 (4) (*e*) provides that he shall be removed from office if he is convicted of an indictable offence or is sentenced to imprisonment for any offence. I fully support this provision and I think it should also apply to some other legislation which has been before the Council recently. Clause 11 (1) provides that:

> The Valuer-General shall, as soon as practicable after the commencement of this Act, make or cause to be made, a general valuation within each area of the State.

Clause 11 (2) provides:

> For the purposes of each such general valuation, the Valuer-General shall determine or cause to be determined, with respect to all land subject to the general valuation, the annual value, the capital value, the site value and the unimproved value thereof so far as those values are required by a rating or taxing authority for the purpose of levying or imposing any rate, tax or impost.

Here we find a new definition, a new type of valuation, called site value. This is breaking entirely new ground. Although the Valuer-General shall make a valuation of each area within the State and shall cause a valuation to be made under each of these headings, any taxing or rating authority may adopt any one of these values. It is not incumbent upon it to do so, but it may. A district council may adopt any one of these values if it so wishes. We could still have the situation where one district council adopted an unimproved value, the adjoining district council adopted an annual value and another council adopted even a site value, so we might still have a disparity of valuations between district councils.

I have no doubt that many district councils will adopt the valuations of the Valuer-General, for economic if for no other reasons. A fee will be charged to district councils for the Valuer-General's valuations, but this will be much lower than they would have to pay a private valuer. Clause 16 provides:

> The Valuer-General may, in his discretion, make a separate valuation of any portion of any land or may value land conjointly with other land.

In other words, the Valuer-General, at his discretion, may make a separate valuation of a certain parcel of land. Clause 17 provides:

The Minister administering any Act or department of Government, a rating or taxing authority or a council may request the Valuer-General to value any land for the purposes of that Act, department, authority or council and the Valuer-General upon receipt of that request shall value the land or cause it to be valued as soon as practicable.

Therefore, the Valuer-General, at his discretion, may value land and the Minister may request a valuation. In addition to that, the landowner himself should have the right to request a valuation if he so wishes. A valuation may be made at any time. I should like to know what the situation would be in relation to a case near my own property. That land would have been valued for council rating purposes at about $50 an acre. It was put up for auction as a whole and there were no bids. It was then offered in lots and there was a bid for $60 an acre for one small area, which was not accepted. However, within six months of that sale the whole property was sold for about $140 an acre, for a specific purpose.

The Hon. C. R. Story: What was that specific purpose?

The Hon. L. R. HART: I am wondering whether the rating of land for keeping lions is rating for primary production. I assume the Valuer-General, under clause 16, could use his discretion and make a valuation of that property. Its market value is $140 an acre; that is an established fact. Does the Valuer-General go in and make a revaluation of that property?

The Hon. C. R. Story: Does the fact that a person has lions on his area of land mean that it will enhance the value of the land of nearby primary producers?

The Hon. L. R. HART: I am wondering that myself, but am given to understand that a special sale such as this should not be taken into consideration when assessments are made. However, undoubtedly it is. When a general valuation of this area is made, property sales are taken into consideration and, if a person is unfortunate enough to be adjacent to a property of this nature and it is valued at its established market value, that must affect the assessment of an adjoining property.

The Hon. C. R. Story: The Minister of Lands is obviously taking much notice of this.

The Hon. L. R. HART: If not, he will read it in *Hansard.*

The Hon. R. A. Geddes: Would these lions be considered an income tax deduction for primary producers?

The Hon. L. R. HART: That is a Commonwealth matter. Is the breeding of lions a primary production pursuit? If it is, more lion farms may be established in South Australia. People nearby object to a pursuit of this nature because it reduces the value of the surrounding country. Dairymen in a certain area objected to the establishment of a lion farm because it would affect their dairying operations. So, while on the one hand property value is enhanced, on the other hand the value of adjoining properties can be reduced. Clause 24 provides:

A person who is dissatisfied with a valuation of land made under this Act may, within sixty days of the service upon him of a notice under this Part, serve upon the Valuer-General, personally or by post, a written objection to the valuation which shall be in the prescribed form and shall contain a full and detailed statement of the grounds upon which the objection is based.

Clause 25 (3) provides:

Where the Valuer-General disallows an objection wholly or in part, the person by whom the objection was made may in accordance with the appropriate rules of the Supreme Court appeal against the decision of the Valuer-General to the Land and Valuation Court.

It seems that provision is made for the objector to appeal against an assessment, but I assume it would be a costly process to appeal to the Land and Valuation Court. Under the present system, an objector, of course, appeals to the council. No doubt, if the council does not uphold his objection, he can appeal to higher authority: but provision should be made for an objector to appeal to an independent authority at no great cost to himself.

Generally, I believe this Bill has much to commend it, although, as I said earlier, I do not think it goes quite far enough. The success of this legislation will depend on the way in which it is administered by the Valuer-General. No doubt, private valuers will be used for some type of valuation, so there may still be a place for private valuers.

The Hon. C. M. Hill: Ultimately, they may be done away with, in some respects.

The Hon. L. R. HART: That is what I am afraid of: they may be phased out against their own wishes. When we do not have the two sources from which to obtain a valuation, we are at the mercy of the Valuer-General. The appointment of a Valuer-General is all very well in theory, but in practice he will tend to look to and adopt the higher figure. Will there be any great desire on his part to revalue a property when values are falling? Perhaps his department will be keen to revalue

properties when prices are rising but whether that keenness will still exist when values are declining we can judge only after the Act has been in operation for a while. As various organizations support this legislation, I am prepared to support the second reading. I shall consider amendments, if they are submitted, after hearing other honourable members give their views on the Bill. Section 12c of the Land Tax Act was included by amendment many years ago and was intended to apply to the fringe metropolitan areas. As the metropolitan area has since extended considerably, there is a case for extending the areas to which it now applies.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

OFFENDERS PROBATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 11. Page 2936.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this brief measure, which amends one of the provisions of the Offenders Probation Act to make it clear that the court after releasing a person on recognizance can deal with that person if at any time during the period thereof (which is not to exceed three years) he commits a breach of that recognizance. I have always believed that this was the position, and I am not sure that the courts have not acted accordingly. However, apparently some doubts have recently been voiced by the judges of the Supreme Court on whether they were exceeding their powers in calling before them an individual if he breached the recognizance during its term. The Bill makes it perfectly clear that this can be done and that the court does not have to wait until the term of recognizance has expired. It is a simple measure, which should help in the administration of justice. I support the Bill.

Bill read a second time and taken through its remaining stages without amendment.

HALLETT COVE TO PORT STANVAC RAILWAY EXTENSION BILL

Adjourned debate on second reading.

(Continued from November 11. Page 2939.)

The Hon. C. M. HILL (Central No. 2): This short Bill introduces one of the many proposals contained in the Metropolitan Adelaide Transportation Study Report; another one was previously approved by the former Liberal and Country League Government. Whenever I get to my feet these days, I seem to be speaking to and supporting proposals that were the policy of the former L.C.L. Government. Evidence that the M.A.T.S. Report included the extension of the existing railway line to Christie Downs can be seen from chapter 13 of that report headed "Recommended Public Transport Plan". On page 151 appears the following paragraph:

> The Hallett Cove line will continue to provide rail passenger service. The line should be double-tracked between Brighton and Port Stanvac and extended to Christie Downs. An estimated 28,000 passengers a day will cross the central area cordon on this line on an average weekday in 1986. Land acquisition, signalling and extension of the double-track line from Brighton to Christie Downs, is estimated to cost $3,800,000.

I commend the Government for getting on with the job of introducing those parts of the M.A.T.S. Report that were previously approved by Parliament during the term of office from 1968 to 1970 of the former Liberal Government. The Bill is a short one, which simply provides the necessary legislative machinery to enable the Railways Commissioner to extend the line in this way.

The area that the new line will serve is indeed a rapidly expanding one. From inquiries I have made of the District Council of Noarlunga, I found that the population of the area has more than doubled in the past five years. The 1966 census gave the number of inhabitants as 14,000, and now the council estimates that over 1,000 houses are being built in the area annually. The population is increasing by about 3,500 to 4,000 each year, and it is estimated that at present about 30,000 people live in the area. About half the increase to which I have referred has occurred in the Christies Beach district, which is in broad terms the area that will benefit by the proposed extension of this railway line. The District Council of Noarlunga fully supports this proposal.

The Lonsdale industrial area will also benefit as a result of this legislation, because when public transport of this kind is provided by the Government it attracts industry to the area, as a result of which we should see an expansion of industry there as time passes. Indeed, the whole area has a great potential. It provides a splendid environment in which people can live and work. It is near to some attractive beaches. The terrain is mostly low-lying hills. The temperatures are slightly milder than they are in the northern parts of metropolitan Adelaide and, with the hills nearby, it is a very pleasant area indeed.

One could ask to where the railway line could be extended. I have always thought that this line would ultimately be taken to Victor Harbour. Indeed, I believe it could easily be extended from Christies Beach. It could navigate Sellick Hill and, by proceeding down the Hindmarsh Valley, we could ultimately have a railway line about 60 miles long, by which a good service could be provided to the south coast. The people in that area could then travel to the city in about an hour.

This is the kind of railway line that we in South Australia want to see, especially when one compares the picture I have just painted with the present service which is provided to Victor Harbour and which could be improved so much. I hope the Government will seriously consider using concrete sleepers when the new line is constructed. Such sleepers will be used in the new line to be built for the Commonwealth railways between Port Augusta and Whyalla. Elsewhere in the world concrete sleepers have proved to be far superior to timber sleepers when first-class tracks are needed for modern rail services.

The Hon. L. R. Hart: Concrete sleepers are being made in South Australia.

The Hon. C. M. HILL: Yes.

The Hon. R. A. Geddes: But timber sleepers are made here, too.

The Hon. C. M. HILL: Yes, but we must consider what is necessary to provide the best service. I hope (but I know that this is a very faint hope) that the Government will consider having the line built by private contract. If it is built under that system, the Government will undoubtedly get more for its money. Between 1968 and 1970 I proved the advantages of using private contracts in connection with the Highways Department. Having the line built by private contract will not mean that the Railways Department will need to retrench workers. I do not favour retrenchments when private contract work is being expanded. It may be necessary to include in clause 3 (4) provision for acquiring land. Because the South Australian Housing Trust has made available most of the land that is required for the line, it may not be necessary to acquire other land. However, if other land is required, provision for acquisition will have to be included in the Bill.

Earlier, I looked on the notice board for a plan of the proposed railway, but it was only when I made a personal request a few minutes ago that the plan was made available to me. I hope the Government and the Railways Department will adopt a businesslike approach to this project. I am sure that the extended railway line will provide an adequate and acceptable service to the residents of Christies Downs and to the industrial interests that no doubt will continue to expand in the area. The line will be a most satisfactory adjunct to the transport system of metropolitan Adelaide, and I wholeheartedly support the Bill.

Bill read a second time and taken through its remaining stages.

MUNICIPAL TRAMWAYS TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 11. Page 2939.)

The Hon. C. M. HILL (Central No. 2): One could assume from the Minister's second reading explanation that this Bill could be the start of a trend under which various transport authorities will be brought under the complete control of the Minister of Roads and Transport. The Minister stressed that point in his explanation. The fact that I support this Bill does not necessarily mean that I intend to support the other Bills concerning Ministerial control over transport authorities that the Minister said he intended to introduce. One could even think that there was a plan to introduce this overall control by some kind of stealth, because the Bill that the Government has chosen to introduce first is a Bill to which probably least objection will be taken. This Bill provides for Ministerial control over the Municipal Tramways Trust and it tidies up many details in the principal Act, which needed upgrading. In the Minister's second reading explanation we see a play on words in connection with his reason for seeking Ministerial control over the Tramways Trust. In his explanation the Minister said:

> I am sure most honourable members would concede both the importance and the desirability of bringing the Municipal Tramways Trust under Ministerial control.

Of course, that really does not give any reason why the Minister wants to have control over the trust. The Minister continued:

> 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 by a complete co-ordination of all transport services and facilities within the State are obvious.

I endeavoured to look rather deeply into this matter to find out why this measure is the

first of a number and why it is really necessary for the Minister to have control over the M.T.T., and I have asked myself: are there other reasons that the Government must have in mind for wanting this control?

I do not think the Government can have any complaints against the body of men forming the M.T.T. board. It is a particularly well-balanced board, and I think that over the years its personnel have carried out their work very well indeed. Also, the senior executives within the M.T.T. have been, to the best of my knowledge and from my experience, excellent, dedicated and highly trained officers, so I do not think the Government can have any complaints against those men. In my view, over the past five or six years the union that is involved in the M.T.T. has had a splendid record.

The Hon. A. J. Shard: It goes back further than that.

The Hon. C. M. HILL: I was not closely connected with it until I came into Parliament at the end of 1965, but since I have been here and since I have made observations during that time of the union that is involved I have found that its industrial record has been exceptionally good, and I do not think the Government can have any worries there.

I have looked at the financial position of the M.T.T. to see whether there is any need for the Government to exercise this control that it seeks. The financial record of the M.T.T. over a period of years has been very good indeed. It certainly has been splendid compared with other bus transport authorities elsewhere in Australia. For the year 1968-69, the loss suffered by the M.T.T. was $41,000. In that same year the losses in the other cities were far in excess of that figure. In Brisbane, the loss was $1,660,000; in Canberra, it was $450,000; in Hobart, it was $720,000; in Melbourne, it was $1,770,000; in Perth, it was $920,000; and in Sydney and Newcastle it was $5,750,000. When we compare figures like that with a minimal loss of $41,000 in the same year in Adelaide, we certainly cannot criticize the M.T.T. from the financial point of view.

Let us consider its financial record since the mid-1950's when the rehabilitation programme was introduced and the trams were, over a period of years, dispensed with and bus services were introduced. In 1954, there was a loss of $1,590,000. That was gradually reduced over the years until, in 1959, the loss was $1,220,000. In 1960, it was reduced much further to $530,000, and gradually it came down until 1965, when the loss was $106,596. It took a slight jump in the financial year ended June 30, 1966, when the loss was $261,418. The loss has been diminishing ever since, until the year ended June 30, 1970, when an all-time low in a loss of only $6,358 was achieved. That was an excellent record.

Unfortunately, in the year ended June 30, 1971, the loss rebounded to $460,104. It may be that because of that very high loss in the year just finished the Government thought it was proper that more control be exercised. However, that was not mentioned by the Minister, so I cannot really accept it as being one of the reasons for the Minister's seeking this control. Generally speaking, from the financial point of view there is no reason for Government interference in this body, which can be called a semi-government authority.

I had experience with the trust on a couple of important issues between 1968 and 1970. One such occasion was when the bus service was introduced to Elizabeth. The board did not favour the introduction of that service, and there was a difference of opinion between the board and the Government of the day. There had been a great deal of pressure, mostly coming from the Australian Labor Party sub-branches in the Parafield-Elizabeth area during the years preceding 1968 to 1970, but the Government of the day had not done anything about providing a bus service.

In 1968-69, as I mentioned, there was a disagreement, and the Government told the board in effect to consider this matter very seriously indeed. The board bowed to the request of the Government, and the service was introduced. That was an example of the board's acceding to a Government request, and in that matter there was no need for strict Ministerial control to apply.

To be quite fair about it, I must admit that in regard to another matter I was sorry that I did not have Ministerial control over the M.T.T. That was in regard to the question of the M.T.T. wanting ultimately to take over the private bus services operating in metropolitan Adelaide. The time came for the renewal of the licences of these private operators, for whom I have a great respect and a very high regard. The usual term for these licences was five years. At that time the M.T.T. decided that it would not give all of these operators the full five years extension of their licences. I had a disagreement with the board at that time and, as I have said, I was sorry that I

did not have Ministerial control. Had I had it, I would have instructed the M.T.T. to grant five-year leases to all the operators.

The present Government has since seen fit to bow to the M.T.T. board on this matter and has approved two of the operators having leases of only three years. This must be regarded as the writing on the wall: these operators will lose those services at the end of that three-year period. So I cannot help but think back on my experiences when I balance up whether or not there is a need for Ministerial control over the M.T.T. I come down on the side of not opposing this Bill. I see the great advantages that ultimately could come if the Government of the day married up the M.T.T. services in metropolitan Adelaide with the rail passenger services within metropolitan Adelaide. Of course, if a metropolitan transport authority could be formed to administer this complementary public transport within metropolitan Adelaide, there would be need for Ministerial control to be exercised.

I hope that one day that kind of authority will be implemented, although, of course, that is something that only the future can tell. But when measures of that kind are contemplated one recognizes the need for the form of control being sought in the measure before us.

I express a fear that, with the Ministerial control sought in this Bill, even greater control may ultimately follow. One can see, I believe, that ultimately the M.T.T. board itself may go. I know this legislation does not do away with the board, but I do not think it is unreasonable to suggest that the Bill could begin a chain of events that ultimately will mean that the M.T.T., in every sense, will become a Government department without a board. When one envisages that happening one must have some fears of a huge transport empire being eventually established.

When one thinks of vast new departments of that type, one cannot help but fear the strong possibility that costs may really race away in such a new section of the Public Service. Of course, someone has to meet these vast losses, someone has to pay, and that someone is always the taxpayer. However, they are fears which only the future can substantiate with any accuracy, but if there is further expansion of that kind it must be watched very closely indeed. In general terms, for the reasons I have endeavoured to express, I do not oppose the measure.

Bill read a second time.

In Committee.

Clauses 1 to 16 passed.

Clause 17—"Leasing of land at Hackney."

The Hon. C. M. HILL: This clause deals with leasing of the land at Hackney by the M.T.T. from the Crown. The interest, as shown in the Bill, is fixed at 4½ per cent. A need arose in 1950 for a very long-term lease of this land to be renewed and there was a need, too, under the principal Act for the unimproved land value to be fixed at that date and at the time of the renewed lease. I realize the Minister would not have this information available at the moment, but perhaps he would be good enough to forward it to me in due course. Can he say whether in fact the lease was renewed, and what was fixed as the unimproved value of that land in 1950?

The Hon. A. F. KNEEBONE (Minister of Lands): I will be happy to get the information for the honourable member and send it to him.

Clause passed.

Clauses 18 and 19 passed.

Clause 20—"Penalties for offences relating to fares and other matters."

The Hon. C. M. HILL: The penalty alterations in the Bill are simply a conversion from pounds to dollars; there has been no alteration in actual penalty rates. The penalty for offences relating to fares and other matters is fixed at $4, and I believe this amount to be too low. In the past year or two I have travelled a great deal on buses and there are times when the conductor is endeavouring to manage the passengers in the bus and certain offences do occur; there are occasions when unpleasant scenes arise. As a deterrent against this kind of offence I believe the penalty should be higher than $4. I am not pressing the point any further now, but I plead that if, at some time in the future, the Act is opened up again for any reason, the question of varying the penalties to conform with present-day values, having in mind the deterrent factor, is one that should be looked at.

The Hon. A. F. KNEEBONE: I can assure the honourable member that this matter will be considered.

Clause passed.

Remaining clauses (21 to 26) and title passed.

Bill read a third time and passed.

SNOWY MOUNTAINS ENGINEERING CORPORATION (SOUTH AUSTRALIA) 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.

In 1970 the Commonwealth Parliament passed an Act which established a body to be known as the "Snowy Mountains Engineering Corporation". This body has been formed for the purpose of keeping intact the specialist skills acquired by the Snowy Mountains Hydro-Electric Authority during the construction of the Snowy Mountains Scheme, and for making those skills available to the Commonwealth, the States, private organizations and foreign countries. As far as the States are concerned, the new corporation will be available as a consultant only, in the engineering fields relating to the development of water and power resources and major underground works. It will be able to provide the States and their instrumentalities with valuable services in investigation and design work which they are not geared to undertake. Additional technical assistance will also be available to supervise major contracts on non-repetitive jobs that form difficult peaks in State works programmes. Only with respect to oversea work is the corporation empowered to act as a constructing authority. It is not intended that the corporation shall compete with local private engineering consultants in the fields in which those consultants are already successfully operating. The corporation will, in fact, be competing mainly with foreign consultants in specialist fields with which local firms are not equipped to deal. It is expected also that the corporation will continue to work for private organizations, but only when commissioned by private consultants.

Broadly, the Commonwealth Act permits the corporation to investigate and advise on water resources, soils or rocks, construction materials and sites for engineering works, to design engineering works and supervise contracts for the construction of engineering works. The Act envisages that the corporation will be able to function in the States but, as there is some doubt whether the Commonwealth Parliament can effectively empower the corporation to operate in the State, supporting State legislation would be needed to resolve that doubt. The Government believes that the corporation will contribute valuable assistance in the development of this State, and this Bill, which is complementary to the Commonwealth Act, is recommended to honourable members. Similar legislation either has been or will be introduced in the other States.

I will now deal with the clauses of the Bill. Clause 1 is formal. Clause 2 defines the Commonwealth Act and the corporation. Clause 3 deems the corporation to be, for the purposes of State law, a corporation sole with all the usual attributes of a corporate body. Courts are required to take judicial notice of the official seal of the corporation. Clause 4 authorizes the corporation, to the extent that the legislative power of the Parliament of the State permits, to exercise within the State any of the functions specified in the Commonwealth Act. Subclauses (2) and (3) ensure that, where a function is exercised by the corporation under the authority of this Act, the corporation is still subject to the provisions of the Commonwealth Act relating to prior Ministerial approval (that is, Commonwealth) and has all the powers provided by that Act.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

ROAD AND RAILWAY TRANSPORT 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.

It has two principal objects. First, as with the Municipal Tramways Trust and the Railways Commissioner, it is desired to place the Transport Control Board established by this Act under the control of the Minister of Roads and Transport. I have previously stated to honourable members the reasons for having overall Ministerial control of all bodies that form part of the transport service in this State. The Transport Control Board is an essential part of this service, in that it deals with the co-ordination of transport by both railways and vehicles on roads. The Government believes that this body must be subject to general direction by the Minister so that any possibility of conflict in the provision of a cohesive transport service plan is avoided.

Secondly, proposals are under consideration for the reorganization of the functions of the Transport Control Board. Investigations and discussions are still being held on all aspects

of this proposal and it is unlikely that a decision will be made one way or the other for quite some time. However, as the terms of office of the present members of the board are due to expire on December 10, 1971, the Government seeks to have written into the Act the ability to appoint the members for a term shorter than the three years provided in the Act as it now stands. In this way, if a decision is made to discontinue the Transport Control Board at a future date, terms of office will not be unnecessarily interrupted. I shall now deal with the clauses of the Bill.

Clause 1 is formal. Clause 2 inserts a new definition of "Minister", which conforms to the recent amendment to the Acts Interpretation Act. Clause 3 inserts a new section in the Act, which renders the Transport Control Board subject to Ministerial control and direction. Clause 4 provides that members of the board may be appointed for such term not exceeding three years as the Governor may fix.

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

RENMARK IRRIGATION 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.

Although this measure, of some 39 clauses, looks formidable, the majority of its provisions are intended to provide for formal conversion to units of measurement of the *system internationale* units or, as they are more commonly called, metric units. In addition, opportunity has been taken to effect certain formal conversions from the old currency to decimal currency. Although both the metric and decimal conversions generally do not effect any change of substance in the principal Act, in a few instances changes of substance have been made and these will, of course, be indicated. Quite the most significant effect of the Bill will be to increase somewhat the power of the Government to make grants and loans for works. This will be dealt with when the particular clause of the Bill is reached in the explanation of the clauses of the Bill. I will now consider the Bill in some detail.

Clauses 1 and 2 are formal. Clause 3, which amends section 11 of the principal Act, makes a metric measurements conversion that has the effect of somewhat increasing the minimum size of the holding qualifying a person to be a member of the trust. In terms, the size has been increased from 10 acres to 5 hectares, an effective increase of about 2.35 acres. Clauses 4 and 5 effect formal decimal currency conversions. Clause 6 amends section 54 of the principal Act and increases the permitted petty expenditure of a committee of the trust from £20 to $100 and merely recognizes the decline in purchasing power since 1936, when the principal Act was enacted. Clause 7 again by amending section 57 of the principal Act has increased the charge for an inspection of certain trust records from 1s. to 20c.

Clause 8 effects a formal decimal conversion to section 65d of the principal Act. Clause 9 effects what is in substance a formal metric conversion amendment. In fact, by amending section 78 of the principal Act it reduces by about one-hundredth of an acre the minimum size of a block that must be included in the assessment book kept under that section. Clause 10 effects a formal decimal conversion to section 79 of the principal Act. Clause 11 provides, by an amendment to section 91 of the principal Act, that in future rates will be calculated on the basis of hectares rather than acres, and clause 12 is consequential on this clause. Clause 13 amends section 97 of the principal Act by increasing the maximum petty cash payment that may be made from £2 to $5. Clause 14 effects a formal decimal currency conversion to section 104 of the principal Act. Clause 15 makes a similar provision in relation to section 105, and clause 16 again makes a similar provision in relation to section 114. Clause 17 increases the penalty for an offence against section 121c of the principal Act (disconnection of meters) from £10 to $50. Clause 18 amends section 121k of the principal Act, which relates to the installation of overhead powerlines to ensure that future installations will be in accordance with approved current practice. Clause 19 amends section 123a of the principal Act and, as has already been mentioned, is the most significant provision in the Bill.

Following investigations over the period July, 1964, to January, 1966, it became obvious that new pumping and distribution facilities together with some additional drainage would be needed if growers within the trust were to continue in the business of fruitgrowing under irrigation. It was equally clear that the trust would need substantial assistance to meet the costs involved. On the basis of unit costs applicable in 1964-65 and on rather sketchy information as to ultimate requirements, the cost of providing new pumping facilities, rising mains

and ancillary works was estimated at $1,120,000. This was the amount requested for consideration by a Select Committee of the House of Assembly in January-February, 1966, and written into this section.

The rising mains are completed except for certain valves, inspection openings and connecting pieces. Contracts have been let for the pump support structures, pumping plant and equipment and the control room, and tender prices have been submitted in respect to most of the ancillary works in and around the main pumping station complex. The relift pumping facilities are the only works for which firm costs have not yet been decided. Nevertheless, a realistic estimate has been made. Progress and experience so far indicates that all works under this section will be completed during the latter half of 1973, and the final cost will be $1,675,000. The amendments now proposed do not vary the purposes for which the money made available is to be used or the general terms and conditions for repayment of the loan. However, amendments to subsections (1) and (3) provide for an increase as to the total Government expenditure from $1,120,000 to $1,675,000, whilst that for subsection (4) merely clarifies the date from which interest will accrue on the moneys made available by the Government by way of loan.

Clause 20 effects a formal decimal currency conversion. Clause 21 increases the interest rate of "section 141 blocks", which are contracted to be sold after the commencement of this measure, from 4½ per cent to 5 per cent. I point out to honourable members that it is highly unlikely any agreements for sale will actually attract this provision, but it has been included for the sake of consistency of interest rates on agreements. Clauses 22, 23, 24 and 25 effect formal decimal currency amendments to the sections of the principal Act set out therein. Clause 26 again effects certain formal decimal currency amendments to section 177 of the Act. However, paragraph (*d*) of this clause increases the penalty for a continuing offence against subsection (4) of that section (fouling of water courses) from 20s. a day to $5 a day. Clauses 27 to 33 inclusive again effect formal decimal currency amendments to the sections of the principal Act respectively set out therein.

Clause 34 amends section 185 of the principal Act and lifts the penalty for obstructing officers, etc., of the trust from $10 to $20 to make this penalty consistent with others in the Act. For the same reasons, clauses 35 and 36 have also raised penalties somewhat. Clause 37 amends section 218 of the principal Act by increasing the charge for a certified copy of the by-laws of the trust from 1s. to $1. Clauses 38 and 39 make formal amendments to the third and seventh schedules of the Act. This Bill was referred to and approved by a Select Committee of another place.

The Hon. C. R. STORY secured the adjournment of the debate.

ADJOURNMENT

At 10.31 p.m. the Council adjourned until Wednesday, November 17, at 2.15 p.m.