LEGISLATIVE COUNCIL

Thursday, April 6, 1972

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

ASSENT TO BILLS

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

Acts Republication Act Amendment,
Adelaide Festival Centre Trust Act Amendment,
Enfield General Cemetery Act Amendment,
Lottery and Gaming Act Amendment (Police),
Police Offences Act Amendment,
Public Assemblies.

MOTOR VEHICLES ACT AMENDMENT BILL (LICENCES)

At 2.20 p.m. the following recommendations of the conference were reported to the Council:

That the Legislative Council do not further insist on its amendment, but make in lieu thereof the following amendments:

Clause 14, page 6, after line 14—Insert subsection as follows:

(1a) A licence endorsed with the classification 'Class 2' shall not be issued to a person under the age of seventeen years who did not hold a licence under this Act before the commencement of this subsection.

line 15—Leave out "the classification 'Class 2' "

and that the House of Assembly agree thereto.

Consideration in Committee.

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

That the recommendations of the conference be agreed to.

In doing so, I want to say that I am very happy to report that what I consider a reasonable compromise was reached after discussions between the managers. I am pleased to report, too, that the atmosphere in which the discussions were conducted left nothing to be desired. There were reasonable discussions on both sides, and after giving due consideration to the different types of compromise suggested (and the managers from this Council put up two compromises in this matter) an agreement was reached that I have put before the Committee. If it has not achieved all that could be desired, it goes a very long way toward it in the practicalities of working out such an arrangement. We in this Council suggested in the first place that a person should be allowed to drive certain types of vehicles at the age of 16 years, but on looking at the facts it becomes apparent that a person who has achieved his first licence at 16 years of age would be practically 17 years of age before he achieved the other. This is quite close to the result we were seeking.

The Hon. G. J. GILF1LLAN: I support the Minister in his remarks, in that the conference was a genuine attempt to find a solution to the differences between this Council and another place on the age at which young people may drive commercial vehicles. It is perhaps unusual to see this Council in the role of a "progressive" body ("progressive" being a word we hear a great deal nowadays), in that it was seeking to give the privilege of driving commercial vehicles at an earlier age than that contained in the Bill. As the Minister has said, the result achieved is a very sensible one. A young person can gain a licence to drive a motor car and a light commercial vehicle at 16 years of age, and at 17 years of age will be able to obtain a licence to drive a truck of any weight. As the Minister has said, the age of 17 years is not unreasonable because of the degree of competence required of a driver of a commercial vehicle. After a young person has had experience in driving a light commercial vehicle, at the age of 18 years he will have the opportunity of qualifying to drive a semi-trailer or omnibus.

The Hon. H. K. Kemp: He has to prove his competence.

The Hon. G. J. G1LF1LLAN: Yes; any of these licences is granted at the discretion of the Registrar of Motor Vehicles. Because the solution is very sensible, I support the motion.

The Hon. M. B. DAWKINS: I support the remarks of the Minister and the Hon. Mr. Gilfillan. I agree with the Minister's statement that the compromise is very reasonable. The managers from this place suggested two alternatives at the conference; the conference considered those alternatives and finally decided on the one now before the Committee. The conference was conducted in a very good spirit and was successful. I believe that the Hon. Mr. Russack had a sound point when he said that some young men of 16 years of age had learnt to drive trucks and tractors on farms; consequently, they could competently handle a vehicle when they were 16 years old. Further, it would create hardship if they were prevented from driving a truck until they were 18 years old.

I believe that this is an acceptable solution and I therefore support the motion.

The Hon. E. K. RUSSACK: Having been concerned about this feature of the Bill, I express appreciation to the conference managers for the work they did in coming to a compromise. I now believe that there will be a gradual introduction of young people to driving various types of vehicle.

Motion carried.

Later, the House of Assembly intimated that it had agreed to the recommendations of the conference.

METROPOLITAN TAXI-CAB ACT AMENDMENT BILL

The Hon. A. J. SHARD (Chief Secretary): I have to report that no agreement was reached at the conference on this Bill. As no recommendation from the conference has been made, the Council, pursuant to Standing Order No. 338, must resolve either not to insist on its amendment or to lay the Bill aside. I move:

That the Council do not insist on its amendment.

Conferences of this nature, which involve the matter of control in which there is no room for compromise, are most difficult. This was one of the few conferences I have attended over the years in which either one side or the other had to give way. The managers from this Council insisted on their amendment, to which the managers of the House of Assembly would not agree. There was, therefore, a complete deadlock between them. It is no use one's saying that one side or the other tried to compromise, because there was no room for compromise. Neither side was willing to give way on the matter, with the result that no agreement was reached. I have, therefore, moved the motion that the Council do not further insist on its amendment.

I make it abundantly clear that I fail to see why the managers from this Council insisted on the amendment as, with one possible exception (the Bill dealing with the Transport Control Board), this Council has in the past agreed to Bills dealing with the Ministerial control of various departments. In this respect I refer to legislation affecting the Railways Commissioner and the Harbors Board. I consider that every department, subdepartment or instrumentality that has some connection with the public or, indeed, any Government activity, should be under Ministerial control so that Parliament, through the Minister, has the final say. This is a trend that is occurring not only in South Australia but also in the other States.

Today I had lunch with a Minister from another State, whose Government is of a different political complexion than ours, and this matter naturally arose. That Government believes that every instrumentality or department should be placed under Ministerial control, and this has been achieved successfully in almost every case. I will leave the matter at that. I took over this matter from the Minister of Lands, who is in charge of the Bill and who will, no doubt, be able to go into more detail than I have been able to do.

I fail to see why, in a matter such as this, this Council should insist on its amendment, because I believe the wishes of the Government of the day, irrespective of its political complexion, should be complied with. Over the years this Council has said to the Government, "Although you were elected by the majority of the people, you will do what we say, and nothing more." I do not think this matter is big enough to place this Council in jeopardy in public opinion polls. I have said many times that this Council is slowly but gradually nailing the lid of the coffin down until it is almost closed. If this Council insists on its amendment, it will be another nail in closing the coffin lid so securely that there will be no outlet. I conclude by saying that maybe that day is very much nearer than most of us realize.

The Hon. R. C. DeGARIS (Leader of the Opposition): I agree with the Chief Secretary's view up to a point. I agree that the conference on this issue allowed absolutely no grounds for a compromise: it was a matter of "Yes" or "No". It is a question whether the Minister should take over the control of the Metropolitan Taxi-Cab Board or whether the board should continue to enjoy its autonomy. If this Council has decided on that issue (and, I think, quite correctly), I will argue and debate this point with the Chief Secretary in relation to the Transport Control Board. If that board is charged with the responsibility of taking evidence and making decisions between private and public transport, then it would be a travesty of justice if the Minister controlling the railways or the Municipal Tramways Trust had the right to control a board that was charged with the responsibility of making a decision between areas of transport directly controlled by the Minister and those areas that I may classify as private. It is not a question of the Government having

the right to do whatever it wants to do. If it is, we have of course a dictatorship, and nothing else.

The Hon. A. F. Kneebone: Rubbish!

The Hon. D. H. L. Banfield: We have got it now, and you know it.

The Hon. R. C. DeGARIS: The honourable member is entitled to his own opinion but, if we examine the record of this Council over many years, we see that many decisions have been taken in this Chamber. I go back to not so very long ago when this Council threw out a Bill that would have meant that private transport in South Australia would be brought to its knees and could not operate. It came in under the guise of the co-ordination of transport; that was the guise under which it was introduced.

The Hon. A. F. Kneebone: That is not true.

The Hon. R. C. DeGARIS: Let me finish. I can produce the second reading explanation and the policy speech of the day which stated that the Government would co-ordinate transport.

The Hon. A. F. Kneebone: That has always been our policy.

The Hon. R. C. DeGARIS: Bur that meant that, when the Bill came in, private transport would have been driven to the wall.

The Hon. A. F. Kneebone: Rubbish! Has it been driven to the wall in other States?

The Hon. R. C. DeGARIS: I can recall the same statement being made by the Chief Secretary that he has made today, but what happened at the next election? The Government repudiated its statement; it said that it agreed with the Legislative Council and that its policy no longer was to introduce such a Bill. This actually happened and is a classic example; it is a rebuttal of what has been put forward by the Chief Secretary. As for the Government believing that every board should be under the control of the Minister, that is complete piffle. Let me ask the Chief Secretary whether the Government is going to take over Ministerial control of the universities. Can he stand up and say, "Yes; we shall have Ministerial control of the universities in the next session of Parliament"? That is exactly what the Chief Secretary is saying, that the Government believes in taking over Ministerial control of every organization in the State serving the public or where public money is involved, if the Government wants to say that it will take over Ministerial control of the universities, let it say so, because that is exactly what is being said here today.

The Hon. A. F. Kneebone: Talk about the Metropolitan Taxi-Cab Board.

The Hon. R. C. DeGARIS: I will come back to that in a moment. The Chief Secretary made some wide statements I am now rebutting, and rebutting effectively. Let me mention the Savings Bank of South Australia, where people deposit money for the one purpose of getting the highest interest rate for their savings. That board acts for the depositors, not for the Government. Yet the Government says it wants to take over control and dictate policy to the people who are depositing their money in that bank. It would be a sad day for the depositors if that happened, because it would not be in the best interests of the public. It would not be in the best interests of the public if the Metropolitan Taxi-Cab Board came under the control of the Minister of Roads and Transport, and that is the opinion of this Council. In the conference (and I am not one to discuss things out of conference) the Council's managers asked for the reasons for the policy the Minister wanted to inflict on the board, but it is fair to say that we did not receive any information.

I agree that the control of the Metropolitan Taxi-Cab Board is not a major issue. To me, it would be a complete travesty of justice if the Transport Control Board, charged with its responsibilities, had been placed under the Minister's control. It would be an appeal from Caesar to Caesar the whole time, with private transport having no possibility of gaining its point of view. I believe that the insistence of the Council on the deletion of clause 6 from the Bill was a correct one in the public interest, just as I believe that if the Government tried to have Ministerial control of the universities it would not be in the public interest, and I would oppose it most strongly.

The taxi industry is a minor area of the transport system; it is a free area that has provided a magnificent service to the people of South Australia. The industry has the lowest fares in Australia and, I believe, gives one of the best services in Australia. I agree that it is a minor question and a minor board, but I still insist that, in the best interests of the community and because of the service it gives, the board should be independent, with the independence coming from those appointed to it, together with local government, which

is directly involved. As far as I am concerned, the Council should insist on its amendment. However, I point out to honourable members that they are free to make their own decision. If honourable members think that the board is of minor importance in the whole transport system and that the Minister should have the right of absolute control of the board and its decisions, I advise them to vote with the Chief Secretary, but I will stick to my guns.

The Hon. A. F. KNEEBONE (Minister of Lands): I listened to the Leader with much interest. His argument regarding the Metropolitan Taxi-Cab Board was so weak that he spent about 95 per cent of his time talking about things that have no relation to the Bill with which we are now interested.

The Hon. L. R. Hart: He was only answering the Chief Secretary.

The Hon. A. F. KNEEBONE: He did not mention the universities or the Savings Bank. This Chamber and the public know that the Labor Party's policy is one of co-ordination of transport. The honourable member referred to an Act introduced between 1965 and 1968 for the control of transport. Prior to that, transport was controlled for a number of years under the Playford Government. Between 1962 and 1963, in the period just before the Labor Party came to office in 1965, when the writing was on the wall from 1962 onwards, the Playford Government, in an endeavour to keep in office, removed controls on transport in the State, so that South Australia became the only State in the Commonwealth that did not have transport control.

The Labor Government tried to control transport as a result of the reaction of the public generally, but the Bill that was introduced was not as restrictive or severe as that in other States. I am not arguing in support of that transport Bill today, because that argument has already been put and because that Bill is not on today's Notice Paper. The kind of story that went around the country was that the Bill we introduced would bring the transport industry to its knees. I have not seen the industry on its knees in any other State I have visited. When the Labor Government realized that the people did not want that Bill we did what any good Government would do: we took notice of the people's desires and said that we did not intend to introduce such a Bill again, and that is where the matter rests.

The Government has a mandate for the co-ordination of transport, and this small Bill (as the Leader has described it) is only a minor one; yet the Leader has put up an argument. As I have said outside the Chamber, when the Opposition saw what would happen, it swallowed an elephant and strained at a gnat. But what for? Because it wants a facesaver in regard to what it did and in regard to another Bill it threatened to throw out but, when it thought of the consequences, that measure was allowed to pass. How do you agree to Ministerial control over other boards and then oppose this minor matter? The Government has a mandate for this sort of legislation. The Government has tried to build up, and is trying to build up, a co-ordinated form of transport to give to the public a reasonable and highly efficient form of transport, and this is the only way it can be done: to place these boards under the Director-General of Transport who, in such capacity, is answerable to the Minister. How else could it be done? What is done in industry? There are stages of development in industry from the top to the bottom, with co-ordination all the way down. If an industrial company is to be successful it must do the same, and the same applies to transport. I ask honourable members not to insist on the amendment.

The Hon. R. A. GEDDES: There has been some interesting debate on the problem of the Labor Party's ideology of Ministerial control.

The Hon. A. F. Kneebone: Co-ordination and control.

The Hon. R. A. GEDDES: Very well. Last year the Government appointed a Director-General of Transport, a very able and capable man, whose role I imagine is to prepare a report for the Government and for the public on how the co-ordination of transport within the State, particularly within the metropolitan area, shall operate.

The Hon. A. F. Kneebone: He will administer co-ordination.

The Hon. R. A. GEDDES: I appreciate the Minister's point. The Director-General will also be asked to report on how best to administer transport, because to my knowledge that will be one of his functions. From the speeches of his that I have heard, that is what he will do.

The Hon. A. F. Kneebone: You'll tie his hands.

The Hon. R. A. GEDDES: I have no intention of tying his hands but of suggesting respectfully to the Government that the people should be allowed to see what kind of control and co-ordination the Director-General will

recommend. Taxi-cabs have operated efficiently, particularly in the metropolitan area, over many years while the administration has been vested in the City Council and other local government instrumentalities. The scheme has worked well. As the Hon. Mr. DeGaris said, if the Minister could give an example of where the taxi system has not operated correctly or if he could outline the policy regarding what the future operation of taxis in Adelaide should be, we could look at the matter in a constructive light. However, no reply was given on that point.

The Minister of Lands has said that he has not seen or heard of transport systems being on their knees in other States. Why is it, then, that reports on transport costs of wool produced by the Australian Wool Board, contained evidence that it was cheaper to send wool from the centre of New South Wales to Adelaide for sale than it was to transport it to Sydney, although Adelaide is many miles further away? It is because of the excessive taxes imposed by the New South Wales Government on intrastate transport in competition with the railways.

The Hon. R. C. DeGaris: It is exactly the same as Queensland. Private transport in other States is on its knees.

The Hon. R. A. GEDDES: Yes. Transport between the States is doing very well, because it is a far cheaper method of operation in relation to charges that can be imposed by the various Governments. Intrastate transport in Western Australia, Queensland and New South Wales is suffering and is not providing an efficient service for the rural sector and for industry within those States. How we can get off the subject of co-ordination of taxi-cab services and into the transport of heavy goods is a rather interesting point. However, I come back to my original point. If the Director-General of Transport and the Government can produce a plan showing how co-ordination of taxi transport is to be implemented, then we can consider how that control could be given to the Government, if it is necessary, or to the taxi-cab board, if that is necessary.

The Hon. D. H. L. BANFIELD: The Leader has referred to dictatorship, and told me I was entitled to my views. I hope he will now let me express those views. If members of this Council insist on the amendment, it merely means that we are being dictators, because not one of us in this Council has been elected by more than 25 per cent of the adult population in our various districts.

The Hon. C. R. Story: Only because you wouldn't get off your tail and get them enrolled.

The Hon. D. H. L. BANFIELD: I am telling the honourable member how a dictatorship is created, and this is exactly what is going on. As the Minister of Lands has said, this Government has a mandate for the co-ordination of transport; it received 56 per cent of the votes of the people for this purpose. This Government has been elected twice in five years with more than 50 per cent of the votes, but not one member of this Council has been elected by the votes of more than 25 per cent of the people. Where does dictatorship come from, if not from this Council in the circumstances? True, at last night's conference there was no reason for compromise. If this Council is to be consistent it cannot do other than support the motion. Not long ago the Railways Commissioner was brought under Ministerial control without any problems arising in this Council; not long ago the Tramways Trust was brought under Ministerial control. These are two important links in the co-ordination of transportation, and there was not a murmur from members in this Chamber.

The Hon. M. B. DAWKINS: The Tramways Trust is a public utility; taxis are privately owned.

The Hon. A. F. Kneebone: Private buses are licensed by the M.T.T.

The Hon. D. H. L. BANFIELD: That is the point. Who are people in this place protecting? Is it the public outside, or is it private enterprise? The Hon. Mr. Dawkins hit it on the head: we are protecting private enterprise and according to the Hon. Mr. Dawkins we are going to insist on protecting private enterprise and the public can go to jiggery.

The Hon. M. B. Dawkins: You look after the employees.

The Hon. D. H. L. BANFIELD: This is what the Hon. Mr. Dawkins is doing with his 25 per cent vote from the people in his district. Never mind about the rest of the people! Perhaps private enterprise consists of 25 per cent, and they are the boys we are going to look after. The Leader's attitude last night clearly indicates that that is what he thinks. As I have said, there was no murmur when the Railways Commissioner and the Tramways Trust were brought under Ministerial control, and there was no problem in bringing the Commissioner of Police under Ministerial control, but some members buck at bringing taxi-cabs under control, simply because there is a few bob in it for electoral

purposes from private enterprise, and they put their hands out to receive it.

The Hon. M. B. Dawkins: I did not say that.

The Hon. C. R. STORY: On a point of order, Mr. President. I take exception to the implication of the honourable member that the Party of which I am a member accepts money from any group of people for matters handed out. As I understand it, that is what the honourable member said, and I ask him to withdraw.

The Hon. D. H. L. BANFIELD: I am willing to withdraw, but that was not what I implied. I am only saying what goes on in regard to various hand-outs. The honourable member knows very well.

The Hon. C. R. STORY: I ask, Mr. President, that the honourable member be asked to withdraw his statement that my Party accepted, virtually, money for considerations which are being given in the way he implied. I ask that he withdraw.

The Hon. D. H. L. BANFIELD: If the honourable member insists, I am quite happy to withdraw. Everyone knows the position. I withdraw without elaborating on it, so that the Council will not show outside as a shambles. It is getting bad enough from day to day, and it will be worse if we are to be as inconsistent as the possible outcome of this motion indicates. I have mentioned the Railways Commissioner and the Tramways Trust, and no-one can say the taxi set-up is not an important part of the transport system. How can the Director-General of Transport co-ordinate transport effectively if a link is missing from the chain? This is what will happen if we do not agree to the motion. I ask honourable members not to insist on the amendment.

Motion carried.

COMMERCIAL AND PRIVATE AGENTS BILL

At 3 p.m. the following recommendations of the conference were reported to the Council:

As to Amendment No. 2:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 5:

That the House of Assembly do not insist on its disagreement thereto.

As to Amendments Nos. 6 and 7:

That the Legislative Council do not further insist on its amendments but make the following amendments in lieu thereof:

Clause 7, page 5, lines 21 to 24—Leave out all words in these lines and insert paragraphs as follows:

(b) two shall be persons nominated by the Minister who are, in the opinion of the Minister, properly qualified for membership of the Board;

(c) one shall be a person nominated by the Fire and Accident Underwriters Association of South Australia; and

(d) one shall be a person nominated by the Commissioner of Police.

After line 24—Insert subclause as follows:

(3) Where the Fire and Accident Underwriters Association of South Australia, or the Commissioner of Police, has been requested by the Minister by instrument in writing to nominate a person for appointment as a member of the board, and fails within one month, or such longer period as may be allowed by the Minister, to make a nomination in accordance with the request, the Minister may nominate a suitable person for appointment to the board in lieu of a nominee of the Fire and Accident Underwriters Association of South Australia, or the Commissioner of Police, as the case may require.

and that the House of Assembly agree thereto.

As to Amendment No. 8:

That the House of Assembly do not insist on its disagreement thereto.

As to Amendments Nos. 9 and 10:

That the Legislative Council do not further insist on its amendments.

As to Amendments Nos. 11 and 12:

That the Legislative Council do not further insist on its amendments.

As to Amendment No. 14:

That the House of Assembly do not further insist on its disagreement thereto.

As to Amendment No. 15:

That the House of Assembly do not further insist on its disagreement thereto.

As to Amendment No. 17:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 19:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Clause 48, page 19, line 31—Leave out "A" and insert "Subject to subsection (la) of this section, a".

After line 35—Insert subclause as follows:

(la) This section does not apply unless the process by which the proceedings are instituted has been served upon the defendant to those proceedings

and that the House of Assembly agree thereto.

Consideration in Committee.

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

That the recommendations of the conference be agreed to.

The main topic dealt with by the conference was whether loss assessors should be licensed. The attitude of the managers from both Houses was such that their viewpoints were thoroughly debated, and there was give and take on both sides. At the conference the Attorney-General

undertook to recommend to Cabinet that action be initiated with the object of ultimately passing a special Bill to deal with the licensing and regulation and status of loss assessors, at which time the provisions of this Bill would cease to apply to loss assessors. The managers from this place strongly advanced arguments on the question of licensing loss assessors; as a result, the Attorney-General gave the undertaking that I have referred to, so that loss assessors will later be dealt with under a separate Bill. All the matters were discussed amicably, and I am very pleased with the result.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the motion, and I agree that the conference was conducted amicably. One of the points most strongly debated related to whether loss assessors should be included in a Bill dealing with commercial agents. The House of Assembly managers agreed that the Legislative Council managers had a sound point in this connection. We agreed that loss assessors and adjusters should be dealt with under this Bill *pro tem.,* on the undertaking given by the Attorney-General to which the Minister has referred. I am very pleased at this development, because I believe that loss assessment and loss adjustment are occupations of growing stature in our community, and anything we can do to raise the status of a professional or semi-professional group is to the good of the community. The House of Assembly managers agreed to the Council's submission relating to the constitution of the board. Further, the House of Assembly managers agreed to the Council's submission relating to striking out clause 31. I believe that the solution arrived at is very satisfactory.

Motion carried.

Later, the House of Assembly intimated that it had agreed to the recommendations of the conference.

QUESTIONS

SOUTH-EASTERN DRAINAGE

The Hon. R. C. DeGARIS: Has the Minister of Lands a reply to my recent question about South-Eastern drainage?

The Hon. A. F. KNEEBONE: Control and maintenance of the drainage systems in the Millicent and Tantanoola council areas is vested in the two district councils by the 1895 South-Eastern Drainage Act Amendment Act to the South-Eastern Drainage Act, 1878. If the district councils wish to alter the system of assessment and rating they will have to take steps to have the relevant sections in Act No. 629 of 1895 amended. This could be done by formal advice to the Government through the Minister of Irrigation.

RURAL RECONSTRUCTION

The Hon. R. A. GEDDES: Has the Minister of Lands any further information that he can give the Council following the conference he had in Sydney yesterday with the Commonwealth Minister for Primary Industry on further assistance for rural reconstruction?

The Hon. A. F. KNEEBONE: A detailed review of all aspects of the operation of the rural reconstruction scheme was completed at a meeting of Commonwealth and State Ministers in Sydney yesterday. The Commonwealth Government was represented by the Minister for Primary Industry, the Hon. Ian Sinclair, and the Commonwealth Treasurer, the Hon. B. M. Snedden. The States were represented by the Hon. T. L. Lewis, Minister for Lands, New South Wales; the Hon. W. A. Borthwick, Minister for Lands, Victoria; the Hon. V. B. Sullivan, Minister for Lands, Queensland; the Hon. H. D. Evans, Minister for Agriculture and Minister for Lands, Western Australia, and myself. Tasmania was represented at the two previous meetings by the Hon. W. Beattie, Minister for Agriculture and Minister for Lands, and today at senior official level.

The review indicated that, in the 1970-71 financial year, $4,000,000 was allocated to the States. In the 1971-72 year $40,000,000 was provided. In addition, $9,500,000 from pre-war reconstruction schemes was available to the States; $25,000,000 of these moneys had been spent to date and all of the $53,000,000 had been committed. There is a time lag between the commitment of funds and actual payments to approved applicants. The Commonwealth Government is now prepared to increase substantially the amount of funds provided in 1972-73. It is prepared to make available, in the second full year of the scheme's operation, $56,000,000, or the whole of the balance of the $100,000,000 originally allocated over a four-year period.

In addition to the $100,000,000 to be allocated by the end of 1972-73, and to enable the administering authorities to continue operations in the latter part of the 1972-73 financial year, the Commonwealth indicated it was prepared to undertake to provide a further $15,000,000 as a carry-over of commitments into the 1973-74 year. The basis for allocation of this $15,000,000 between the

States is to be on the formula agreed to when the scheme was first established. This means that the actual break up will be New South Wales, $4,800,000; Victoria, $3,300,000; Queensland, $2,400,000; South Australia, $1,800,000; Western Australia, $2,200,000; and Tasmania, $500,000, South Australia's share being 12 per cent, in line with the formula.

Additionally, in recognition of the effects of drought in Queensland, the Commonwealth Government has agreed to provide that State with $3,000,000 in 1973-74, outside the rural reconstruction scheme, to be used to fund approvals made by that State in 1972-73. There will be a matching provision of $3,000,000 by the State from its own resources. The first $3,000,000 of any subsequent Commonwealth funds for 1973-74 is to be distributed among all States on the same basis as at present. Any additional funds provided for 1973-74 are to be distributed on a basis to be determined at a later date. The Commonwealth Government has also agreed that there should be a further revision of the scheme not later than next February. It was agreed that the States will administer the scheme so that approvals will be programmed over the period to June 30, 1973, within the limits of the funds now allocated and the specified carry-over to the 1973-74 financial year, the South Australian figure being $13,800,000, compared to $12,000,000 previously.

Understanding was reached that the general objective, that 50 per cent of funds go to farm build-up, will be maintained. For the immediate future, States will encourage farm build-up applications to the maximum possible extent and approve all eligible cases. It was also agreed that the period of loan to farmers for farm build-up purposes could be extended for a term up to 30 years at the discretion of the State administering authority. This would mean a marked reduction in the annual interest and capital repayments by the farmer to the authority. It would also considerably assist the States in making the farm build-up section of the reconstruction scheme more effective. Additionally, rehabilitation loans for farmers obliged to leave the industry and suffering personal hardship have been increased from a maximum of $1,000 to $3,000. Those rehabilitation loans are, as the honourable member probably realizes, interest free.

The State administering authorities will be considerably advantaged by the long-range funding which this review established. This funding will enable ail States to operate the scheme on a continuing basis up to the end of the 1972-73 financial year. The new financial provisions were agreed to in the full realization that the States Grants (Rural Reconstruction) Act would need to be amended in 1972-73. Ministers agreed that there would be merit in the administering authorities conferring to discuss the overall administration of the scheme in their respective States, and in this regard a meeting will be arranged within the next two months. The objective of the meeting will be to ensure, as far as possible, maximum uniformity in the administration of the scheme throughout the Commonwealth. The new financial arrangements and conditions that have been achieved were as the result of a combined approach from State Ministers administering the scheme. This approach resulted from a meeting of State Ministers held in Melbourne on October 29, 1971.

The PRESIDENT: Order! It is 3.15 p.m. Call on the business of the day.

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

That Orders of the Day Government Business Nos. 1 to 10 and Private Business No. 11 be postponed until after the conclusion of Question Time, and that Standing Orders be so far suspended to permit Question Time to be extended to no later than 3.45 p.m.

I hope honourable members will not use all that time in asking questions.

Motion carried.

The Hon. A. F. KNEEBONE: I will now finish my reply to the Hon. Mr. Geddes's question. I am very pleased that the Commonwealth has agreed to meet these requests, and the fact that it did so completely justifies the criticism which I levelled at the scheme earlier.

HOSPITAL CHARGES

The Hon. L. R. HART: I seek leave to make a statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. L. R. HART: From time to time, because of accidents or serious illnesses, people of substantial means are placed in public wards in Government hospitals and, while they are in hospital, receive the best treatment the hospital can provide and, in addition, receive specialist treatment. I know of cases where people have received this treatment completely free of charge. Can the Chief Secretary explain why people in this situation are able to obtain free hospitalization

in Government hospitals? Also, will he say whether it is possible, in some way or another, for accounts to be rendered on the appropriate basis for any such treatment received?

The Hon. A. J. SHARD: I would not like to answer this technical question off the cuff, although I agree with the principles expounded by the honourable member. However, I assure him that I will take up the matter with the Director-General of Medical Services and let the honourable member have a written reply within the next week or so.

WATER CHARGES

The Hon. R. A. GEDDES: Will the Minister of Agriculture ascertain from the Minister of Works what concessions are made for charges for water supplied for the maintenance of ovals used for recreation and school purposes and also for swimming pools in country areas?

The Hon. T. M. CASEY: I will try to obtain the information from my colleague and see that the honourable member receives a written reply in due course.

DRIVERS LICENCES

The Hon. M. B. DAWKINS: Has the Minister of Lands a reply to a question I directed through him to the Minister of Roads and Transport on March 7 about drivers licences?

The Hon. A. F. KNEEBONE: My colleague, the Minister of Roads and Transport, informs me that it is intended that, on the first occasion when present licences expire after the commencement of the new system, drivers will be supplied with a renewal notice and suitable instructions as to the procedure for obtaining other classes either by practical test or by furnishing the Registrar of Motor Vehicles with satisfactory evidence of experience and competence. In this way it is expected that in the majority of cases the Registrar will be able to make the necessary endorsements on the new licence without having to require the applicant to undergo a practical test. The introduction of the new system is, of course, dependent on the passing of the necessary legislation by both Houses of Parliament. This answer was prepared a week ago.

CRAYFISH TAILS

The Hon. H. K. KEMP: Has the Minister of Agriculture a reply to my recent question about crayfish tails?

The Hon. T. M. CASEY: The Director of Fisheries and Fauna Conservation has informed me that officers of his department are not aware of the shipment of crayfish tails referred to in the *News* of April 4, 1972, which evidently took place from New South Wales. Inquiries made by South Australian Fisheries Department officers at the Commonwealth Department of Primary Industry in Canberra on April 5, 1972, have revealed that any shipments of crayfish tails leaving Australia for the United States of America are required to be inspected by officers of that department and a health certificate issued before the cargo can leave Australia. No such certificate was issued by the Department of Primary Industry, which is at present investigating the matter of the shipment referred to in the news item.

SITTINGS AND BUSINESS

The Hon. C. R. STORY: I seek leave to make a short statement with a view to asking a question of the Chief Secretary.

Leave granted.

The Hon. C. R. STORY: In view of the important matters that have just been laid on the table of this Council, especially in regard to various educational institutions and boards, can the Chief Secretary say whether the Government intends to prorogue Parliament in the next few days or whether it intends to recall Parliament shortly in order that some of these matters can be discussed? Can he say whether the Government intends to adhere to what the Chief Secretary said earlier, that Parliament would be prorogued and various matters would be raised in the next session? There are a number of papers that have just been laid on the table that I am sure most honourable members would be interested in and wish to discuss.

The Hon. A. J. SHARD: I am at a loss to understand the honourable member's question about papers being laid on the table. Those reports will be printed. If that was a lame way of trying to find out the Government's intention, the honourable member is trying to trick me, because we do intend to prorogue. My instruction was that Parliament would meet today and would finish its business even if it took until Saturday to do so. The present intention of the Government is to prorogue and not to resume until the second or third week in July.

RENMARK RUBBISH DISPOSAL

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

Leave granted.

The Hon. C. R. STORY: I am in receipt of a letter from the Rector of the Church of St. Augustine, Renmark, dated March 24, 1972. In common with many people in that district, he is most apprehensive about the suggestion that the Engineering and Water Supply Department should erect a sewage and rubbish disposal unit within 50ft. of the church door, in the most delightful part of the town of Renmark. The purpose of the disposal unit will be to combat pollution of the river by river craft and the idea is to connect it to the local effluent disposal scheme. Great apprehension is felt by the local residents, and particularly the parishioners. I have been attending that church for many years and I, too, feel strongly about this. Will the Minister take up this matter with his colleague the Minister of Works, who I know has collaborated with the Renmark council, to see whether an alternative site for the scheme can be found? I assure the Minister that the townspeople in the vicinity, and certainly the parishioners, are of the opinion that a more suitable site above the 1956 flood level can be found. I ask that this matter be considered urgently.

The Hon. T M. CASEY: I will draw my colleague's attention to the honourable member's question and get him to write direct to the honourable member to clear up the matter.

ICE VENDING MACHINES

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

Leave granted.

The Hon. R. A. GEDDES: There seems to be an increasing number of machines that I will call ice vending machines. Such a machine is a type of refrigerated container from which, on the insertion of a 20c coin into a slot, a person can get crushed ice in a plastic bag. There seems to be an increasing number of these machines, not only in the metropolitan area but also, more particularly, in country areas, and in country areas where in some instances there is no assured water supply or a water supply provided by the Engineering and Water Supply Department. Does the Department of Public Health supervise the production of this type of ice, to ensure that it is fit and suitable for human consumption?

The Hon. A. J. SHARD: I am not sure. I can only guess but I surmise that the answer is "Yes". However, I will ascertain the correct position and let the honourable member have a written reply.

YABBIES

The Hon. C. R. STORY: Has the Minister of Agriculture a reply to my question of March 28 about yabbies?

The Hon. T. M. CASEY: The Director of Fisheries and Fauna Conservation reports that many commercial fishermen who now hold Inland Waters Permits fish full time and make their living from the sale of these fresh-water crustaceans. About 184,200 lb. valued at $46,055 was taken by commercial fishermen in the 1970-71 financial year. It is not known what quantity was taken by amateurs, but more than 3,000 yabbie pots have been registered with the department. A big demand for yabbies has developed recently in Australia and all those caught commercially can be sold. The honourable member mentioned that Western Australia is looking at the commercialization of its fresh-water crays.

The Director further states that commercial fishermen should be able to take yabbies from their reaches allotted under Inland Waters Permits without competition from amateur fishermen, who have more than one-third of the river available as public fishing reserves. A greater length of river will become available for amateur fishermen as commercial fishermen surrender their reaches that have been traditionally fished by them for many years. These reaches will not be reallocated for commercial fishing but will become available as public fishing reserves.

Yabbies are believed to be prolific breeders. In certain parts of the Murray River system the adverse conditions, which are affecting the breeding of native fresh-water fishes, do not seem to be inimical to the breeding of yabbies. Many fishermen are hopeful that a large export industry can be established for yabbies and have asked for a research project into the species to be undertaken. Backwaters are not wholly excluded to amateur fishermen if they can obtain permission from landowners to fish in water over their private land but not included in commercial fishing reaches. Very few reaches now include backwaters. The honourable member will gather that the Director does not support the view that nothing would be lost if yabbies were made extinct.

The Hon. C. R. STORY: I seek leave to make a statement prior to asking a further question of the Minister of Agriculture.

Leave granted.

The Hon. C. R. STORY: The Minister has given a very full reply, and I did not expect that the Director would agree with me in my contention that it would not matter much if

yabbies became extinct, but I did not quite mean it that way. Will the Minister ascertain from his department the quantity of yabbies sold commercially from the area between the 212 mile mark and the 52 mile mark on the Murray River?

The Hon. T. M. CASEY: That is a tall order in anyone's language and I doubt whether it could be done. However, I will refer the question to the department in an endeavour to oblige the honourable member with that information.

COAST PROTECTION BILL

Second reading.

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

That this Bill be now read a second time.

It provides for the conservation and protection of the foreshore and beaches of this State. It is in accordance with the Government's expressed intention to give special assistance to seaside councils. There has been public concern for many years regarding the condition of many of our foreshores and beaches. The responsibility for protection and maintenance has been primarily the task of local government but councils invariably have looked to the State Government for financial assistance for carrying out works of any significance. There has been no accepted formula on which financial assistance could be given and there has been a lack of unified approach to problems associated with the coast due to the many local government authorities involved.

The Seaside Councils Committee was formed in February, 1953, to discuss common problems associated with the metropolitan coastline. In early 1960, following a period of storm damage, this committee approached the Civil Engineering Department of the University of Adelaide seeking advice on a programme of investigation of the metropolitan coastline. A five-year study sponsored by the committee and the State Government eventually began in 1966. Its findings were published in December, 1970. The University of Adelaide report known as the Beach Erosion Assessment Study is one of the most comprehensive of its kind. It stressed the need for protective and restorative works to be carried out, for continuous research, and for the necessary administrative and financial machinery to be established. The Government took immediate action. A committee known as the Foreshore and Beaches Committee was established under the chairmanship of the Director of Planning to advise the Government on any matters relating to foreshore and beaches throughout the State. The committee's first assignment was to examine the foreshore and beaches within the Metropolitan Planning Area, that is, from Port Gawler in the north to Sellick Beach in the south, and to report on appropriate uses of the coast, measures necessary for coast protection and facilities needed for use by the public.

The committee first met in January, 1971, and submitted a report in May, 1971, listing urgent protection and restoration works. The Government allocated $250,000 for these works during the current financial year. Works are in progress and a sand-source survey has been undertaken. A storm of major intensity in April, 1971, also caused substantial damage to the metropolitan coast involving the committee in more investigations and the Government in the allocation of more funds The committee was fortunate in having the University of Adelaide Beach Erosion Assessment Study as a basis for many of its investigations, but the committee quickly became aware that it was severely limited in its task due to lack of powers and technical staff.

The committee recommended that a statutory board be established with powers to undertake investigations, to carry out works and to control development detrimental to the protection and use of the coast. The committee considered that the Seaside Councils Committee should be given some form of statutory recognition so that it could advise the board regarding local government opinion on any issue. The committee also recommended that the powers and activities of any new board should apply throughout the State.

Since its inception the Foreshore and Beaches Committee has applied itself to its unusual and difficult task with considerable diligence and enthusiasm. At this stage, I wish to pay tribute to the work of the committee members and Secretary. The Bill establishes a Coast Protection Board of five members under the chairmanship of the Director of Planning. Its duties are, broadly, to protect and restore the coast, develop any part of it for enjoyment by the public, and carry out research. Coast protection districts are to be established for any part of the coast and a consultative committee will be formed for each district comprising mainly representatives of the local government

authorities concerned. The board may also appoint specialist advisory committees to advise on any particular aspect of its work. It is hoped in this way that the board will receive the best possible advice on any issue before it. There are so many diverse matters likely to come before the board that it would be impracticable to extend the membership of the board to embrace all the specialist fields involved.

Once a coast protection district is established the Bill provides that a management plan has to be prepared setting forth in general terms the measures necessary to protect the coast and secure its most appropriate use. The management plan is to be subject to public scrutiny and finally approved by the Governor. The Coast Protection Board is to have power to carry out works to implement the management plan and any emergency works arising from storm or pollution. The board will also have power to withhold approval to works which are contrary to the approved management plan or which would prejudice the protection, restoration or development of the coast. A right of appeal to the Planning Appeal Board is provided.

The financial provisions enable councils to benefit by up to 80 per cent of the cost of any engineering works, up to 50 per cent of the cost of any coast facilities for use by the public, and up to 100 per cent of the cost of any storm repairs to engineering works. If the board carries out the work, the liability of the council or councils concerned is similar but the board is given power to recoup the local government contribution.

I will now deal with the contents of the Bill in more detail. Clauses 1, 2 and 3 are formal. Clause 4 contains the definition of "coast" which means the land between high-water and low-water marks plus land 100 m inland from high-water mark and within three nautical miles seaward of low-water mark. Alternative boundaries can be declared by regulation. The definition of "coast facility" is intended to cover such matters as boat ramps, changing sheds, toilets and other facilities used by the public.

Clause 5 provides that the Act binds the Crown. Clauses 6 and 7 establish the Coast Protection Board and place it under Ministerial control. Clause 8 specifies the membership of the board. The Director of Planning is to be chairman; two other public servants, the Director of Marine and Harbors and the Director of the Tourist Bureau or their nominees, are members. Two further members are appointed by the Governor, one knowledgeable in local government, the other a specialist in coast protection. Clauses 8, 9 and 10 deal with the procedures of the board. Clauses 11 and 12 provide for a secretary to the board to be appointed and for necessary staff. Clause 13 sets out the general duties of the board. These embrace not only the protection and restoration of the coast but also ensuring that the coast is put to its most appropriate use. Clause 14 provides that a consultative committee shall be appointed wherever a coast protection district is established. Every council affected is entitled to nominate a person to the committee. Clause 15 provides for the terms and conditions of office of members of consultative committees.

Clause 16 sets out the duties of consultative committees, which are broadly to advise the board and to consider any matters relating to the coast within their coast protection district. Clause 17 enables the board to appoint advisory committees to provide expert advice on any matters relating to the coast. Clause 18 provides that the Governor may, by proclamation, constitute any part of the coast recommended by the board to be a coast protection district. All councils must be consulted by the board and a report on any representations made must be submitted to the Minister with the board's recommendation.

Clause 19 provides that a management plan shall be prepared for each coast protection district. All councils within the district must be consulted during the preparation of the plan; the plan must be placed on public exhibition and opportunity given for the submission of representations. After the board has considered the representations the plan may be declared by the Governor to be an approved management plan. Clause 20 enables the board to carry out works in accordance with an approved management plan and any emergency works.

Clause 21 gives the board powers of land acquisition. Clauses 22, 23 and 24 provide for powers of entry and temporary occupation of land for the purposes of the Act, and the payment of any compensation arising therefrom. Clause 25 provides that no work of a prescribed nature shall be carried out without the approval of the board. Such works are to be declared by regulation. Clearly the board should not be involved in having to approve works of a minor nature and care will be needed in drawing up the necessary regulations.

Clause 26 deals with the method of applying for the board's permission and specifies the grounds upon which the board may withhold its consent. Clause 27 provides a right of appeal to the Planning Appeal Board. Clauses 28, 29 and 30 establish a coast protection fund and enable the board to borrow, and provide for the keeping of accounts.

Clause 31 sets out the contribution which councils can seek from the board towards works performed by a council. The amount of grant varies. For works of a general engineering nature the grant may cover up to four-fifths of the costs incurred by a council. For the provision or repair of coast facilities the grant may cover up to one-half of the cost, and for storm repairs (which by definition do not include repairs to coast facilities) up to the whole of the cost.

Clause 32 provides that if the board carries out work in a coast protection district it may recover a contribution from the councils for the work carried out. The amount is to be determined by the board and may be up to one-fifth of the cost of general works and one-half of the cost of coast facilities. Where works are carried out in more than one council area the contribution to which the board is entitled may be apportioned between the councils in such a manner as the board may determine. Clause 33 enables any part of a coast protection district to be declared a restricted area, with access to the area prohibited or restricted.

Clause 34 provides that the board shall submit an annual report for laying before Parliament. Clause 35 enables the Minister to require the board to make inquiries pertinent to the administration of the Act. Clause 36 provides for the making of regulations under the Act.

The Hon. L. R. HART (Midland): In view of the late hour, I will dispense with much of the preamble that I had prepared on this Bill. Suffice it to say that the Bill in the main sets out to assist in the preservation and maintenance of our foreshore areas and development of the coastal areas for the enjoyment of the people. Over the years, the responsibility for the preservation, maintenance and development of the foreshore areas has fallen on councils. Although much of the work done by councils has attracted Government grants, it has, nevertheless, been a heavy financial burden on many of them.

The more a seaside area is developed, the more people who are not ratepayers are attracted to it. The problem is that ratepayers in council areas are not necessarily the people who benefit to any great extent from the developmental work carried out or who use and enjoy the facilities provided. I do not believe that any council, merely because it has foreshore facilities within its boundaries, should be saddled with financial commitments for the development, maintenance and repair costs after storms, when the enjoyment of its facilities is shared by persons other than ratepayers. This burden is often beyond the resources of a council, even with generous Government support.

The success or otherwise of this legislation will depend on the way in which it is administered. If the board to be set up under the Bill should decide to operate on an extensive scale, much finance will be required not only from the board itself but also from councils. There is no suggestion in the Bill regarding who should make the initial move for the proclamation of an area as a coast protection district. How will an area be so proclaimed? Will it be done on the initiative of the board, is it to be proclaimed by the board on the recommendation of the consultative committee, or will it be done on the recommendation of councils? Some councils may ask to have their areas proclaimed, believing that some benefit will be obtained from having their foreshores declared coast protection districts.

Certain operations are carried out along the coastline at present, and in some areas there are large-scale shellgrit deposits. Indeed, along some beaches indiscriminate mining for shellgrit is taking place. I know of one area in which considerable mining has taken place for the recovery of shellgrit for industrial purposes. Although I am not suggesting that the shellgrit should not be used for this purpose, there has been considerable over-mining of this material. There has been indiscriminate mining close to the seashore, so much so that when there is a heavy tide under windy conditions the sea could well get through into the land beyond the beach line.

There are many coastal areas with extensive shellgrit deposits. I refer, first, to Port Gawler, where considerable mining is taking place and, secondly, to Port Prime and Port Parham. Some of this material is mined under miners' rights. If an area is declared a coast protection district, I wonder whether the mining rights will still prevail or whether the legislation will override those rights. At Middle Beach, Wooltana Fertilizers collect mud from the beach flats and use it for the manufacture of fertilizer. Should this area

be declared a coast protection district, what would be the position of Wooltana Fertilizers? Would it still be allowed to continue in the industry it has developed, or would the law prevent the work from being carried out?

I do not suggest that these operations should be allowed to continue if they are spoiling the facility. However, in many cases, particularly in the gathering of mud at the beach flats at Middle Beach, it would probably improve rather than destroy the facility. I refer also to the proof range, which occupies many miles of coast land south of Port Wakefield. What would happen in this respect if this area was proclaimed? According to the Bill, the legislation is binding on the Crown. The proof range is under the aegis of the Commonwealth Government, and any proclamation made under this Bill would be binding on the Commonwealth Government as well as on the State Government.

The Salisbury corporation has for many years been carrying out reclamation work at St. Kilda. Up to date, it has reclaimed about 25 acres, mainly by the tip-and-fill method. The area reclaimed was previously mangrove swamp, which has been filled by depositing rubbish from adjoining council areas and covering the area with soil. Already, 16 acres of this area has been declared a public reserve, and the cost of developing the area was assisted by the provision of a $10,000 Government grant. At the time, this constituted about a 50 per cent subsidy. The Salisbury council has spent money in addition to the $10,000 that it was required to supply under the conditions of the grant.

The Minister might indicate whether there is a likelihood of this area being proclaimed a coast protection district. I assume there would be good reasons why it should be so declared. One may say that this is a Committee Bill so, with those few remarks, I will turn to the clauses of the Bill. Clause 4, the interpretation clause, provides:

"private land" means—*(a)* land lawfully granted or contracted to be granted for an estate of freehold by or on behalf of the Crown; or *(b)* land subject to a perpetual lease lawfully granted by or on behalf of the Crown.

There are situations where land is held under licence from the Department of Marine and Harbors. Would such land be regarded as private land? Actually, it is not private land in the true sense, but neither is perpetual lease land private land in the true sense; so what would be the situation where a council held land under licence from the Department of Marine and Harbors?

Clause 7 is the hardy annual with the Labor Party. It places the board under the control and direction of the Minister. It is another of those occasions when we have come to recognize that any board set up under a Labor Administration is placed under the control of the appropriate Minister. Clause 8 deals with the constitution of the board. It provides:

The board shall consist of five members of whom—*(a)* one shall be the Director of Planning; *(b)* one shall be the Director of Marine and Harbors or his nominee; *(c)* one shall be the Director of the South Australian Tourist Bureau, or his nominee; *(d)* one shall be a person who is, in the opinion of the Governor, qualified for membership of the board by reason of extensive knowledge of, and experience in, local government and has been appointed a member of the board by the Governor; and *(e)* one shall be a person who is, in the opinion of the Governor, qualified for membership of the board by reason of extensive knowledge of, and experience in, the technical problems of coast protection and has been appointed a member of the board by the Governor.

The clause does not state how the person in paragraph *(d)* shall be appointed, whether he should come from a panel of names submitted by the Local Government Association or perhaps, more appropriately still, whether he should be a member selected from a panel submitted by the seaside councils committee, a committee that has been engaged on coast work along the seaside. The clause does not state that he shall be a member of a council; he could be a council officer. He could be someone from the Local Government Department itself. I wonder whether this person should be stipulated and appointed from a list of names submitted by one of the two bodies I have mentioned. The matter of a quorum is dealt with in clause 9 (1), which provides:

Three members of the board shall constitute a quorum of the board, and no business shall be transacted unless a quorum is present.

It may happen that the Director of Planning, the Director of Marine and Harbors and the Director of the South Australian Government Tourist Bureau will constitute a quorum. In a situation like this, concerning foreshore problems, a person representing local government should be one of the members required to be one of the quorum. There may be occasions when such a person may not be available. In several of the Acts in New South Wales, the quorum required must include a member representing local government. Clause 14 (1) (a) provides:

The duties of the board are to protect the coast from erosion, damage, deterioration, pollution and misuse.

I am interested in the word "pollution". Recently, we have heard a lot about the effect of sewage effluent on the marine growth along our coastline. We know (and this is admitted by the Engineering and Water Supply Department) that the effect of effluent on marine growth in the gulf is considerable. It is well known that the bacteriological balance of the ocean is upset by the discharge of huge quantities of effluent into the gulf, which has an effect on marine growth and on cabbage weed. It is the growth of this cabbage weed that is tending to pollute areas along the gulf coastline. What attitude will the board take about the discharge of effluent into our gulf waters? Clause 14 (1) (c) provides:

The duties of the board are to develop any part of the coast for the purpose of aesthetic improvement, or for the purpose of rendering that part of the coast more appropriate for the use or enjoyment of those who may resort thereto.

It is a national recreation for people to flock to the coast, particularly during hot weather, and many beaches north of Adelaide are attracting huge crowds of people, especially during the holiday periods. The Salisbury council has spent a lot of money on the development of beach facilities at St. Kilda. Salisbury and its surrounds serve a population of about 150,000 people, and that number could increase to 250,000 in time, so there is a great need to develop areas along the coastline for the enjoyment of the people of the district. If St. Kilda is declared an area of coast protection, I hope the board will render all assistance possible in that regard. There are several other matters in the Bill that I could deal with now but it would be more appropriate for me to leave them to the Committee stage, when I can raise them in their proper sequence. With those few remarks, I support the second reading.

The Hon. A. F. KNEEBONE (Minister of Lands): I want to comment on one or two things referred to by the Hon. Mr. Hart. The honourable member went through the Bill meticulously and explained what various clauses did, but I wish he had read clause 19 before he asked how the Governor would proclaim a coast protection area. Clause 19 (2) provides that a proclamation shall not be made under this section except on the recommendation of the board. The honourable member also asked whether councils would be asked their feelings on this matter. Clause 19 (3) provides:

The Board shall not make a recommendation under this section until it has invited representations from the councils (if any) for the areas comprising any portion of the proposed coast protection district, and has forwarded to the Minister a report upon any representations made by any such council in respect of the proposals to constitute the coast protection district.

Mining and other activities in a coast protection area may be carried out with the board's approval. If it were necessary to declare a coast protection area at the Port Wakefield proving range (I do not know the area well, because it is difficult to enter), I think it would be declared, because the Crown is not exempted from the legislation. When we reach the long title of the Bill, I will move to strike out the words "and of adjacent islands", because they are inappropriate to the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 14 passed.

Clause 15—"Constitution of consultative committees."

The Hon. L. R. HART: This clause does not indicate the size of the consultative committee. In the Minister's second reading explanation, he said that a consultative committee, comprising mainly representatives of the local government authorities concerned, would be formed in each district. Subclause (2) provides that a council for any area comprising any portion of the coast protection district shall be entitled to nominate "a person" for appointment as a member of the committee. As local knowledge would be valuable, the committee should mainly comprise local government representatives in the area. Will the Minister comment?

The Hon. A. F. KNEEBONE (Minister of Lands): It is difficult to say who will comprise the committee. Some coast protection areas will cover more than one council, so several councils' representatives could be on the one committee. It is left elastic, so that interested people who have local knowledge will be co-opted on to the committee.

Clause passed.

Clauses 16 to 19 passed.

Clause 20—"Management plan."

The Hon. L. R. HART: Regarding subclause (3), it seems that once an area has been declared a coast protection district it is obligatory on the board to prepare a management plan. Having prepared the plans, it then presumably takes the necessary steps to put it into operation. Who decides to what extent

the plan is to be put into operation? In any such plan, not only the Government but also the local government body are concerned with the provision of finance.

The Hon. A. F. KNEEBONE: I direct the honourable member's attention to subclauses (4) to (8), which set out the whole procedure.

The Hon. L. R. HART: In putting into operation any management plan the Minister becomes involved, because he has control over the board. Such a plan could necessitate the destruction of certain natural attributes of the area. It may need, for instance, the destruction of areas of mangrove. The Minister of Conservation could be torn between two loyalties. He may have representations from the Mangrove Protection Society and he may have to decide that the development of the plan is more important than saving the mangroves. There is considerable opposition to development of certain areas of the North Arm and the areas around Torrens Island because of the mangroves there. Honourable members who toured the area recently at the invitation of the Minister of Works will recall that the Director of Harbors mentioned this problem. I hope the Minister would use considerable discretion. Most people believe that these areas should be developed even at the expense of the mangroves, of which there are many thousands of acres throughout the area. The destruction of small areas would not have very much effect on the overall situation.

The Hon. A. F. KNEEBONE: The board will draw up the management plan after consultation with the council and after inviting people to make representations on the plan, but before this happens the board may appoint such advisory committees as it considers necessary for the purpose of providing expert advice on matters pertaining to the restoration and development of the coast. This takes care of the problem.

Clause passed.

Clauses 21 to 31 passed.

Clause 32—"Contribution towards works to be performed by council."

The Hon. L. R. HART: Councils from time to time carry out work on restoring or improving their coastal areas. They will continue to do so although such areas might not be declared coast protection districts. A council which carries out this type of work without its area being declared a coast protection district would not be entitled, I presume, to any funds from the board, and any assistance it received from the Government would have to be from moneys other than those which came from the Coast Protection Fund.

The Hon. A. F. KNEEBONE: For them to get money from the fund, the area would have to be a coast protection area. Councils are not prevented from carrying out any work if they are willing to pay for it themselves, but if they want a grant they must seek the approval of the board for the carrying out of the work.

Clause passed.

Remaining clauses (33 to 37) passed.

Title.

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

To strike out "and of adjacent islands".

I have moved the amendment because the Bill applies to coastal protection and not to adjacent islands.

Amendment carried; title as amended passed.

Bill read a third time and passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's amendment.

MURRAY NEW TOWN (LAND ACQUISITION) BILL

Adjourned debate on second reading.

(Continued from April 5. Page 4578.)

The Hon. C. R. STORY (Midland): On the face of it, one could say that this Bill is a magnificent piece of window dressing. It falls into the same category as does the legislation passed regarding Aborigines in this State. It falls into the category of the Breuning report, which has been pretty nebulous, and I think it falls into the category of several other measures put forward by the Government. One might wonder, when one reads in the newspaper and when one is presented with a Bill of this magnitude, whether the Government is about to take off on an election campaign. This is the sort of window dressing we get just prior to someone trying to convince someone else that really we are going places in a very big way.

The Hon. A. F. Kneebone: Could be!

The Hon. C. R. STORY: It could be, as the Minister says. The Chief Secretary said I put it up very weakly.

The Hon. A. J. Shard: No, I said you camouflaged it.

The Hon. C. R. STORY: The Chief Secretary said I put it up very weakly, but he did rather give me the assurance that he would rather not go to an election just at the moment.

The Hon. A. J. Shard: I did not give you any such assurance.

The Hon. C. R. STORY: I believe that would be the policy of the Government at present, because many things can happen at elections which people and Gallup polls and various other things cannot always be sure about.

The Hon. A. J. Shard: I would like to bet on them at the moment.

The Hon. C. R. STORY: I am always prepared to put my money where my mouth is.

The Hon. A. J. Shard: I put it where the value is.

The Hon. C. R. STORY: In that case I would be even more sure of winning. I think everyone is sufficiently realistic to know that we cannot keep on having a conglomerate heap of buildings and industries in any one part of the country. I have been to most of the countries of Western Europe and to the United States, although I have not been to the countries behind the Iron Curtain, and the history of most of the developing nations of the western world supports what I have just said.

In his second reading explanation, the Minister chose one of the worst possible examples in using words such as those he quoted, giving a tremendously political flavour. One of the interesting things about his explanation is that we are told the Commonwealth Government of the day has not come to the party; in fact it has not been asked to come to the party. However, we see these words:

> Mr. E. G. Whitlam, Q.C., M.P., Leader of the Opposition in the Federal Parliament, addressing the Centenary Convention of the Royal Australian Institute of Architects, in May, 1971, said that he envisaged that by the year 2000 we will see at least five more Canberras fully developed, and perhaps as many more in various intermediate phases of growth.

That is nothing other than plain window-dressing for the Government's purposes. If the Government does not have some ideas about going to the people, I wonder what it is up to.

The second unfortunate thing is the mention of the city of Chicago, which is the city that we would least want to emulate; it was badly conceived and its history is riddled with problems. The only reason I can think of why Chicago has been referred to is that it, like Adelaide, produces motor cars. The Government does not give us any idea of what it will do with the 25,000 acres of land; the town could be just a commuter town. It seems to me that the Government is compulsorily acquiring 25,000 acres of land, but the whole point is that a complete freeze is being placed upon land values until 1982.

The Hon. R. C. DeGaris: We should consider the question of hardship to the people involved.

The Hon. C. R. STORY: Yes; at least under the Metropolitan Adelaide Transportation Study plan the previous Government undertook to buy people out at ruling rates and give them the opportunity of going to the Land and Valuation Court if they were not satisfied. However, under this Bill people have to get permission if they want to make any improvements whatever on their land between 1972 and 1982. In his second reading explanation the Minister said:

> It soon became clear that the considerable investigations needed for a project of this magnitude could not proceed under the cloak of secrecy necessary to prevent speculation in land.

Yet, in the *Advertiser* of March 30 we see the banner headline "South Australia's new rural city will dwarf Elizabeth" and we see a map featuring Murray Bridge and showing a circle with a radius of 20 miles around that city. Somewhere in that area 25,000 acres of land will be bought for the purpose of establishing a city. Between the time when notice was given by the Premier and the time when this Bill is proclaimed people will have full opportunity to purchase what they like and to speculate.

Let us consider the way the Playford Government did business; the Housing Trust at that time was often charged with the responsibility of buying large tracts of land to establish industrial and housing areas. Areas of land were quietly bought at ruling prices, and there was no need for all this ballyhoo. I was very pleased to hear the recent announcement that the Chrysler company would consolidate its production at Tonsley Park and provide employment for an additional 500 people; those people will be accommodated in houses that will be thousands of dollars cheaper than comparable houses anywhere else in Australia, because the land was bought at the right price. Similarly, land at Ingle Farm, Elizabeth and Salisbury was bought at the right price. The last thing one does if he intends to punch someone else's nose is to send him a telegram.

I point out that the salinity of the Murray River at Morgan is 170 parts per million, at Mannum it is 185 p.p.m., and at Murray Bridge it is 210 p.p.m. The farther south we go the worse the salinity becomes. I do not disagree with the idea of setting up satellite towns, but I believe that there are other places in this State that should be given careful consideration.

The Minister's second reading explanation states that Murray Bridge is adjacent to the main railway line to Melbourne, but it cannot be denied that raw materials from the seaboard will have to be taken over a nasty hump on their way to the satellite town. Further, we must remember that the gauge of the Adelaide-Melbourne railway line is different from the gauge of the main line from the Eastern States to Western Australia. It is possible that a standard gauge line will go to Kadina, Moonta or Wallaroo, and I believe it is important that we should look after our direct routes from Sydney and Perth to Singapore and Indonesia through the rail links we have.

We have a good port at Wallaroo, and there is no reason why Kulpara or some other place a little farther north on that coast could not have a 35 km circle drawn around it. This would decentralize and place the new town nearer to one of our greatest assets: natural gas. Why we harness ourselves completely to water rather than to other natural resources, I do not know. One of the greatest tragedies in Australia and in parts of the United States is that Governments have tried to interfere with the way in which industry and towns have developed.

One has only to consider cities like Shepparton and Mildura, where various Labor Governments have tried to establish industry, to force people to go to those areas, to see what dismal failures their efforts have been. I can think of the shoe and boot business in Mildura, glove-making and the manufacture of nylon stockings, as well as one of the biggest investments made in Victoria: the establishment by a large oversea firm of a meat works at Shepparton, in the Goulburn Valley.

Unless raw materials are close at hand it is difficult for industry, which cannot make a profit if it has to take its raw materials 50 miles to 100 miles and then return its product to the seaboard to export it. Even if the number of people estimated to live in this new town materializes, I very much doubt whether the additional amount of produce, be it secondary or primary produce, will be sold to justify such a scheme. No-one has really told us what the Government visualizes, except that it is necessary to stop Adelaide's getting any bigger because we like it as it is. I liked it much more when its population was 250,000 fewer than it is now, because then it was a nice place in which to live. On the other hand, I realize that this country must be developed. However, should anyone within that circle be asked to have his land frozen?

The Hon. A. F. Kneebone: This does not absolutely freeze it.

The Hon. C. R. STORY: No, it does not absolutely freeze it. If one can convince the authority that one can opt out, one will be all right. However, the Minister (for whom I have the highest regard) and I foundered on this same point the previous time a Labor Government was in office, when he was in charge of the Road and Railway Transport Act Amendment Bill, into which the Government's intentions were not written. The same thing is happening today.

The Government says that it cannot start to acquire land until Parliament passes this Bill. How was it that the land acquired for the Port Stanvac Oil Refinery, for Chrysler (Australia) Limited and at Ingle Farm was obtained unobtrusively at ruling market prices on a voluntary basis?

The Hon. A. F. Kneebone: What about the price people are now putting on for Hallett Cove land?

The Hon. C. R. STORY: Of course—

The Hon. A. F. Kneebone: Isn't it the same sort of set-up there?

The Hon. C. R. STORY: That is the point I am making: the moment we start to telegraph people about what we are going to do and where it is going to be done, we are asking for trouble. What is going to happen to the poor unfortunate people in the district?

The Hon. A. F. Kneebone: That is what the Bill is trying to do.

The Hon. C. R. STORY: That may be so, but I do not think that the result the Government desires will be achieved. In his second reading explanation, the Minister said that people would receive even higher than the ruling rate for their land. That is very nice for the farmers who have small parcels of land. However, for miles and miles around that area, in which the prices will be inflated above primary producing value, people will be brought into a higher taxation group in relation to land tax.

The Hon. A. F. Kneebone: They will also receive a higher price for their land.

The Hon. C. R. STORY: They will not.

The Hon. A. F. Kneebone: If they are outside the area.

The Hon. C. R. STORY: If they are outside the area they will be placed at a disadvantage, because I do not think this city will develop to the size that is visualized. If it does, people on the periphery will certainly receive a little more. However, it must not

be forgotten that sales of land along the main road from Keith to Bordertown have affected the value of land for land tax purposes. When the value of land is increased in this way, succession duties are also increased.

The Hon. A. F. Kneebone: We are trying to keep it down.

The Hon. C. R. STORY: Perhaps, but it will not be kept down.

The Hon. A. F. Kneebone: We are trying to do our best.

The Hon. C. R. STORY: I have no doubt that the Minister and his advisers have examined this matter and that this is their way of doing business. However, it is not the way a business man does business; it is the way that a Socialist Government gets on with its work.

The Hon. A. F. Kneebone: What did you do at Elizabeth?

The Hon. C. R. STORY: All honourable members and, indeed, the Minister know that the land at Elizabeth and at other places was secured before any announcements were made. What is more, if the Minister likes to compare the distance from Adelaide to Elizabeth and from Adelaide to Port Stanvac with the the distance from Adelaide to the site of the proposed new town, he will find that the land around Smithfield and closer in to Adelaide that was acquired, even in those days when the prices of primary commodities were very much higher than they are today and when £1 was worth much more than its present-day dollar equivalent, was much cheaper. It is obvious that the Government will at some time promote another town. It has made provision for this Act to expire in 1982, which would appear to be the time by which the Government would have been able to acquire all the land it required. The Government is thinking politically because, if the Australian Labor Party is returned to Government at the next Commonwealth election, Mr. Whitlam will not be found wanting in coming to the party to assist the people in getting more money to build houses—and undoubtedly they will need more money to build houses if Mr. Whitlam assumes office, because the price of things will rise.

The Hon. D. H. L. Banfield: You need not worry. Tell us what the front page of the *News* says today.

The Hon. C. R. STORY: We can probably get the same answer anywhere we like to look.

The Hon. D. H. L. Banfield: I know, and probably a better figure than that.

The Hon. C. R. STORY: I know one or two people who in the last few weeks have been out and about making predictions about what support they have, but I have some grave doubts about those predictions.

The Hon. A. F. Kneebone: The "movement" is in that direction.

The Hon. C. R. STORY: I do not think we need get involved in that.

The Hon. D. H. L. Banfield: You would make better progress.

The Hon. C. R. STORY: The freeway will be completed in 1977 to the outskirts of Murray Bridge. The reasonable proximity of the locality to Adelaide is one of the main reasons why the Government considers that at this stage of the State's development a new town at Murray Bridge can be established despite the major obstacles to be overcome. I ask only one question: who pays? There is no mention of that.

The Hon. A. F. Kneebone: Who pays for what?

The Hon. C. R. STORY: Who pays for the scheme?

The Hon. A. F. Kneebone: The same people who paid for the development at Elizabeth, I suppose.

The Hon. C. R. STORY: I do not think it will be quite like that, because this will be under a different authority altogether: it will be done under the State Planning Authority. The Government does not tell us anything here about whether it will be another West Lakes scheme or a profit-making scheme or a scheme involving heavy or light industry or whether it will be a commuter town: it merely mentions the scenic beauty and delightful climate and everything else that will fit in with it. I agree with all that—until the people get there. It is interesting that we have to go back to 1907 to read the inspiring words of Daniel Burnham, in the light of this forward-looking Government that we hear so much about. When preparing the plan of Chicago he used these historic words:

> Make no little plans; they have no magic to stir men's blood and probably will not be realized. Make big plans; aim high in hope and work, remembering that a noble, logical diagram once recorded will never die, but long after we are gone will be a living thing, asserting itself with ever-growing insistency.

That is just about what we shall get out of this whole plan, except that it will be a good seller at the next election.

The Hon. Sir ARTHUR RYMILL (Central No. 2): I believe this Bill is well-intentioned but I have genuine concern and misgivings

about a measure of this importance and novelty being introduced now in the dying hours of the session. I say "novelty" because it is novel in some of its most important clauses. It is not easy to understand. I have attempted to understand it and, with the help of Parliamentary Counsel, I have gained some understanding of it. The object of the measure—to prevent opportunists and speculators from gaining advantage from the announced intention of the Government—is laudable, but I have some misgivings about whether the Act will really achieve its purpose.

The Hon. G. J. Gilfillan: Will the Government become the speculator?

The Hon. Sir ARTHUR RYMILL: That remains to be seen. As I say, I wonder whether this Bill will achieve its object or whether it will not merely adversely affect the interests of the landholders in the area. The Bill is well-intentioned and is an attempt to do the right thing. I do not know how far honourable members have had the opportunity of studying it but, having attempted to understand it, I propose to tell honourable members what I now understand.

Two areas are involved. One is the establishment area, the larger area, and the other is the designated site within the establishment area. As I understand it, the Bill sets out, in effect, to peg the whole of the establishment area, which is defined as meaning the land that lies within the circumference of a circle having its centre at the Murray Bridge post office and a radius of 30 km, which is roughly 19 miles. That means that the pegged area is a radius of 19 miles around the Murray Bridge post office. The designated area, which is where the new town will be established, is a site of not more than 10 000 hectares within that area. It could be within any part of that area: it might be right on the eastern or western boundary of the area, or it might be somewhere in the centre or anywhere else in the area. However, I think it would almost certainly be on the Adelaide side of the area, because I do not imagine that the Government would want to become involved in building bridges over the Murray to serve a city of 100,000 people who would commute to this side of the river. I think it is an easy guess that the designated site will be on the Adelaide side of the Murray.

What does the Bill set out to do? It sets out to put a dead hand on the whole of the establishment area for the benefit of the Government and possibly the generality of the people of South Australia, but not necessarily for the benefit of landowners in the area.

The Hon. A. F. Kneebone: It's not completely a dead hand, is it?

The Hon. Sir ARTHUR RYMILL: Well, it is a moribund hand, a heavy hand. If and when the Bill is passed I think there will be a few sore and sorry people within the establishment area, and I am terribly sorry for them.

The Hon. C. R. Story: These people won't be within the establishment, either.

The Hon. Sir ARTHUR RYMILL: If the honourable member can define for me what "establishment" means, I shall be glad. The analogy is quite good, because the so-called establishment area and the people in it, if they are what is called the establishment, will be disestablished. I feel sorry for people who own land in this area, because it seems to me that whatever happens and however well-intentioned and well-drawn the Bill is, they will suffer. I believe that a genuine attempt is being made to try to protect their interests, and I only hope that it works. For instance, clause 8, which is possibly the most important clause of the Bill and which is entitled "Attribution of price for land", sets out, as I am told rather than as I understand, that any genuine increase in land values (or falls, but that is not likely to happen) not just within the establishment area but within the State generally will be translated to land that may be acquired under the provisions of the Bill. I think that honourable members should understand what this clause is all about. I have possibly done more work on the Bill than most other honourable members have had time to do. Clause 8 provides that:

> Where any sale of land the whole or any part of which is situated within the establishment area takes place on or after the twenty-ninth day of March, 1972, and the Minister is satisfied that the price paid in relation to that sale was by reason of the enactment of this Act higher or lower than the price that would have been paid for that land had this Act not been enacted, the Minister may, after consulting with the Valuer-General, attribute in relation to that sale a price that in his opinion would have been a fair price for the land had this Act not been enacted . . .

What I interpret this clause to mean is that if land increases in value the landowners within the establishment area or the designated site are entitled to the benefit of any increase, provided that the Minister is satisfied that the increase was not caused by the possibility of the town's being established. It seems that the comparative sales of established values will be taken in regard to the establishment area and

nowhere else. I said that there was a dead or moribund hand in this legislation, and I think it is unlikely that many sales will take place in the establishment area when the sword of Damocles is hanging over the property.

This surely must mean that of necessity land values in this area, because of the Act, will be depressed. So how will a landowner in the area benefit, with this Act hanging over his head, from any general increase in values of land throughout the State as a result of the rising inflation we are now encountering? As money loses value, land prices must increase to some extent, but not necessarily commensurate with the loss in value of money; but it must have some reflection of that loss in value. Thus, if inflation continues as it is doing (and there is no sign of its abating at present), in terms of new money values land prices must increase considerably. It does not mean that it will be worth more but that a greater sum will be paid for it.

I cannot find anything in the Act that will benefit a landholder in this area which has this burden on it, and I cannot see how land values in this area could rise commensurately with general increases in land values in the State; yet this seems to be the test to be applied. I am not going to vote for this Bill in this session unless the Government gives some definite undertakings. The matter is being hastened upon us. I do not think the people concerned have yet realized what this Bill will mean to their financial position. I do not know that the Bill is going to work as tendered, and I want undertakings from the Government that if the general rights of landowners in this area prove to be depressed in relation to general values of land in other areas the Government will do something about it and see that acquisition values in these areas are commensurate with values of land in other areas.

Like other members of Parliament, I get plenty of approaches from various people, but I have not had any approach from parties interested in this Bill, and I imagine this is for several reasons. First, I do not think the people affected understand it; secondly, I do not think they have had time to recover from the shock they must have suffered when they read about this in the newspaper. In particular, I think it affects people who are not an organized body. It affects holders of broad acres within a radius of 19 miles of Murray Bridge in all directions. One cannot imagine that they have any organization at this stage.

The Hon. M. B. Cameron: They cannot know who specifically is involved.

The Hon. Sir. ARTHUR RYMILL: They know whether they are in the establishment area. Everyone within the establishment area, which is within this radius of 30 km of Murray Bridge, knows whether or not he is within that radius. He does not know whether he is in the designated area, which is within that establishment area, because it has not yet been nominated. People right through the establishment area, even if they will not be within the town itself, are having taken away from them their rights of improvement in the value of the land.

The Hon. M. B. Cameron: They will be affected by the provisions.

The Hon. Sir ARTHUR RYMILL: Everyone in the establishment area will be affected. For instance, clause 5 provides that the Director of Planning and Development may refuse approval to a plan of subdivision or resubdivision of any land that lies wholly or partly within the establishment area (not the designated area) if, in the opinion of the Director, the approval of such a plan would be prejudicial to the establishment of a new town within the establishment area. That does not say within the designated area, where the town is to go. If you are anywhere within the radius of 30 km of the Murray Bridge Post Office, the Director can refuse approval to a plan for subdivision of your land if, in his opinion, the approval of the plan would be prejudicial to the establishment of a new town within the whole of the establishment area.

The Hon. M. B. Cameron: It is a huge area.

The Hon. Sir ARTHUR RYMILL: It is terribly far reaching. This Bill is just pegging the rights of any landowner without any compensation whatever within the whole of this very large area. I think the whole concept is quite an idealistic thing. It is well intentioned, but when people within the area realize what it means I think they will be extremely unhappy. If I, for instance, owned land within this area (which, fortunately, I do not) I could not sell it quickly enough and get out into some area where I would not have this bureaucracy sitting on top of me. But would I be able to sell? What is happening now? Will there be any sales in this area? I do not know, but I cannot conceive that anyone would buy land now in the area, assuming the Bill goes through, except at absolutely bargain prices. I would think already the effect of this Bill is not just to peg values in the area; I think its effect already must be to depress land

values in the area and this, in my opinion, is going to be a continuing process.

The Hon. R. C. DeGaris: What would be the position with mineral rights? Would that pose any problem regarding compensation?

The Hon. Sir ARTHUR RYMILL: I do not think it poses a problem, but on such a matter I would prefer to consult a member who has had experience as Minister of Mines. Having made those general comments (and honourable members will see that I am pretty unhappy about this Bill), I would like to pass to specific questions. Various consents of the Director of Planning and Development or the Planning Authority are required under this legislation. Clause 6 of the Bill is very restrictive. No-one can change the existing use of any land or buildings without the consent of the authority. No-one can put up new buildings without consent. I wonder whether the right of appeal existing in the Planning and Development Act applies to those decisions. It certainly does not apply in the next clause to the decision of the Minister in the case of a person wanting immediate acquisition because of hardship. Clause 7 purports to give the owner of land within the boundaries of the designated site (not within the establishment area, the greater area, but within the lesser area) the right to apply for a certificate, whatever that may be. If the Minister will not give this nebulous certificate then there is no right of appeal. In my opinion it is pretty obscure from this clause just what the certificate is.

The next subclause hints in a negative sort of way that it is some sort of certificate in relation to some sort of financial hardship. It provides that the Minister shall not grant a certificate (and it does not say a certificate for what) in respect of any land unless upon such evidence as he considers adequate he is satisfied that the owner of the land has in consequence of the proclamation under section 3 of the Act (and this is the designated site, not the establishment area) suffered or is likely to suffer financial hardship. I suppose one could use one's imagination a bit, but it does not say what the Minister grants the certificate for. Subclause (3) provides:

> Upon a certificate being granted under subsection (1) of this section the Authority shall forthwith either by agreement or compulsorily acquire the land the subject of the certificate.

Assuming the certificate is a certificate saying in the positive that the person concerned will suffer financial hardship, he is entitled to have his land compulsorily acquired, but it still applies only to land within the designated area.

To summarize, the Bill provides for an establishment area, meaning the whole of the land within the circumference of a circle having a radius of 30 km centred on the Murray Bridge post office. Secondly, the designated site is to be of not more than 10,000 ha—about 25,000 acres. Obviously, the Government will attempt to learn lessons from the establishment of Elizabeth and not only peg land in the designated site but also put the dead hand on all the land around it that is likely to gain in value because of the establishment of the new town.

At Port Stanvac the Government employed agents to offer good prices to landowners in the area concerned. They bought the area satisfactorily but they bought it from voluntary sellers at prices that those sellers were happy to take. Of course, afterwards the land surrounding the area began to increase in value. People sold land, speculators came in, and the land continued to increase in value and is still increasing in value. Very much the same thing happened at Elizabeth; the Government bought much land there, and many people made large sums in connection with the perimeter land.

This Bill is a genuine attempt to try to prevent speculators from getting in and achieving the kind of killing that speculators made in other areas. Such an attempt is laudable, but is it fair to the people genuinely holding land in the establishment area? I do not think it is fair to them, and that is why I want more time to investigate the matter and to see what the landowners themselves think about it. Alternatively, if we are to be bulldozed into passing this Bill this session, I want a definite undertaking from the Government that, if this Bill proves to affect the interests of landowners in the area, it will introduce an amending Bill that will do justice to them; and, if that amending Bill does not achieve that justice, the Government will undertake to introduce other Bills, so that we will have a running dispensation of justice to the landowners. I support the second reading of the Bill, but I am not at all happy about the haste in dealing with this matter. I want to hear what other honourable members have to say on the Bill before I pledge my vote.

The Hon. E. K. RUSSACK (Midland): I do not intend to speak at length on this Bill. In the preamble to his second reading explanation, the Minister expressed concern about the expansion of cities in the country and, more particularly, the development of

Adelaide, and the necessity to make some plans and arrangements for country areas to become towns with populations of between 100,000 and 250,000 people. To this end, the Government has introduced this Bill, clause 1 of which provides that it may be cited as the "Murray New Town (Land Acquisition) Act, 1972". It concerns an area around the township of Murray Bridge. Recently, a local newspaper displayed a diagram containing circles which, I understand, covered a radius of 19 miles. We have been told that within that radius an area of 10 000 ha (equivalent to about 25,000 acres) is to be developed as a city. I commend the Government for its interest in decentralization, which is so essential in this State. Indeed, in Australia generally much of the population is drifting to the cities.

I was indeed interested in a statement made by the Hon. Mr. Story in his speech on this Bill. He suggested that perhaps the same thing could be done in an area pinpointed by Kulpara, and he said that if an arc was taken round from Kulpara it would include the three Yorke Peninsula towns of Kadina, Wallaroo and Moonta. In his second reading explanation, the Minister said that other towns would no doubt be suitable for development in this way but that it would take time for this to eventuate. Because of the interest the Hon. Mr. Story took in this area, I support his remarks. The area to which he referred has many of the features and characteristics that would meet admirably the requirements necessary for development. The Minister, in his second reading explanation, continued as follows:

> The town must maintain its own identity and not link up eventually with the metropolitan area. Consequently, there must be a significant break of open country between the two.

This requirement would be met in the area of which I am speaking. In addition, it has many other good features such as roads, the expected building of a standard gauge railway, waterside installations at Wallaroo, where there is a good harbour, and the availability of natural gas from a comparatively near area. It has, therefore, many of the assets that would assist any development.

In his second reading explanation, the Minister referred to Elizabeth and the areas around it. In the past 16 years, Elizabeth has grown to a city of nearly 50,000 people. The projected population of the new town is between 100,000 and 250,000 people. It could reasonably be expected, therefore, that some years will elapse before those population figures are achieved. I stress that suitable decentralization could occur in other areas of the State, one of which is northern Yorke Peninsula. I stress that, knowing full well that this Bill deals specifically with the Murray Bridge area and the Murray New Town. For that reason, I support the second reading.

The Hon. M. B. CAMERON (Southern): I am interested in some parts of the Bill. I approve of regional development; it is a good concept. However, it seems to me (and I think the Hon. Sir Arthur Rymill made a valid point about the establishment area) that a large area of land will be involved that may not necessarily have any effect on the township when eventually established. It may be a long time before the actual location within the establishment area is announced. No time is specified in the Bill. Can we get some sort of guarantee that it will not be for a period of, say, five years or 10 years?

The Hon. A. F. Kneebone: I think you will be satisfied with the answers I give.

The Hon. M. B. CAMERON: While there are probably good points for the control of the establishment area, it is hard for the people who will still be on that land. They will be affected—I agree with the Hon. Sir Arthur Rymill on that. I will reserve my decision on this Bill until the Committee stage, when I shall hope to get some answers to the points I have raised.

The Hon. R. C. DeGARIS (Leader of the Opposition): Once again we have before us an important Bill in the last hours of a session, which makes it hard for honourable members to deal with it. I have no doubt that the Government's intentions in this Bill are the best. Nevertheless, it has some novel features. We must be careful that the interests of private people will not be adversely affected by the implementation of this legislation. As I say, the Government's objects in this Bill are good, but it is treading on dangerous ground. The Government's aim is to prevent speculation, which is a laudable intention. Nevertheless, there are certain aspects that concern us deeply. We had an experience not long ago of the Government deciding to acquire some 30 houses in the approach area to the new Bedford Park Hospital. I took grave exception to the way in which the Government went about acquiring those houses. In that case, the people were notified that within a period of, say, five or six years those houses would be compulsorily acquired. That immediately placed a dead hand on their value. If a person

wanted to sell, there was only one buyer on the market—the Government.

Under this Bill, the same sort of thing can happen and it will be completely unfair to the individuals involved if the passage of this Bill results in landholders being adversely affected in the value of their land. Several phrases are used in the Bill. One is "an establishment area, which is within 19 miles radius of Murray Bridge". That, of course, will not be the designated site. This point has been raised by the Hon. Sir Arthur Rymill and is, once again, a matter that can only draw questions from honourable members in this Chamber. Also, throughout the Bill there are various obscure matters. For instance, there are certain areas where there is no appeal. As I read the Bill I think it is loaded against the landholder. The Government's motives are probably excellent but, even though that may be so, we are here to see that the individual is not adversely affected. Several questions will be asked in the Committee stage.

I am only sorry that this Bill has appeared before us so late in the session. Grave injustices may be done by this legislation to individual landholders within the establishment area, which is within almost a 20-mile radius of the Murray Bridge post office.

I look forward with much pleasure to the development of an inland city. I realize that serious problems are involved in decentralization, and the Government has not told us how that will be tackled, either. This Parliament is entitled to know. It is impossible to move people to a new city that is the dream of the Government (and, I think, the dream of every honourable member in this Chamber) without maintaining a balance. The Government must have some plans of how it will get the people into the area and what they will do when they are there. That may be a much more difficult problem than merely announcing the establishment of a new town.

I wish the Government every success in this scheme, but this Council has not been told of any policy for attracting people to that area. With those few remarks, I am prepared to support the second reading, but I am extremely concerned that in this Bill the private interests of landholders in the area may be adversely affected.

The Hon. A. F. KNEEBONE (Minister of Lands): I thank honourable members for the expeditious way in which they have handled the Bill. I, too, deplore the fact that Bills of this nature are sometimes dealt with late in the session. However, I think I have answers to the questions members have just asked. The Hon. Mr. Russack referred to an area surrounding Kulpara; that was also mentioned by the Hon. Mr. Story. There are several areas within the State that are suitable for this type of development. As has been said by the Government, this is the first of what could be several towns in the future.

The Hon. Mr. Cameron spoke of decentralization, saying that he agreed with it. Efforts will be made to decentralize, and this has always been the Government's policy. The Hon. Sir Arthur Rymill said that the Bill might cause a dead hand to lie on the whole of the establishment area for a long time (the Hon. Mr. Cameron suggested 10 years), but a dead hand will not lie heavily on the establishment area. The intention is that as soon as the designated site is declared (and we would hope this will be within a period of twelve months), those parts of the establishment area that do not lie in the immediate vicinity of the boundaries of the designated site will, for practical purposes, not be affected at all. Those that lie in the immediate vicinity of the designated site will be affected only to the extent that subdivisions that may affect the establishment of the new town within the designated site will be subject to approval by the Director of Planning.

I remind the Hon. Sir Arthur Rymill and other honourable members that, already under Part VI of the Planning and Development Act, the Director has power of refusal in relation to any plan of resubdivision outside the metropolitan area. In fact, once the designated site is established, the powers of the Director in relation to plans of subdivision outside the designated site will be limited to those in its immediate vicinity. Since decisions in this area are subject to appeal to the Planning Appeal Board, it would be impossible for him to sustain an adverse decision in relation to any area that is any distance from the designated site, since it would be difficult for him to suggest that such a plan of subdivision would prejudice the establishment of the new town.

Finally, the provisions of clause 8 on attribution of prices of sales in the establishment area but outside the designated site would not have any impact on the owners of land so sold, since the purpose of this attribution of prices is merely to establish proper and fair "comparable" land prices for the purpose of fixing compensation for land intended to be acquired, that is, land within the designated site. In summary, I assure the Hon. Sir Arthur Rymill and other honourable members that it

is the Government's firm intention that people within the establishment area, but outside the designated site, will be affected as little as is humanly possible.

The Hon. Sir Arthur Rymill asked for my assurance in regard to the Bill, and I give my assurance. The Leader said he was concerned about the Bill because he considered that the effects of the Bill could seriously affect people in the district. Regarding the matters raised by the Hon. Sir Arthur Rymill, it is the Government's intention in introducing this measure that all reasonable rights will be fully and adequately protected. However, if for some reason not at present apparent those rights are prejudiced in any way in the future, appropriate steps will be taken forthwith to remove that prejudice. I commend the Bill to honourable members.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Attribution of price for land."

The Hon. Sir ARTHUR RYMILL: This is an appropriate clause on which to thank the Minister in charge of the Bill for the assurance he has given me which, to some extent, allays some of the fears I have about the Bill. The clause has been well drafted, but whenever we have novel legislation we can never be certain of the interpretation that will be put on it by individuals or courts of law. This is one of the reasons why I asked for the Minister's assurance, which satisfies me. It remains to be seen how this legislation will pan out regarding the rights of the individuals concerned, for whom members of Parliament must feel some concern. From what the Minister has said, the rights and interests of those people will be kept under close observation. However, if it appears that they will be trespassed on to any extent, I think we are likely to see amending legislation to rectify any injustice.

The Hon. M. B. CAMERON: This is also an appropriate clause on which to determine whether the Minister was right in saying that people in the establishment area will not be affected by the designated area once it is known. Would it be possible for the areas not affected to be removed from the establishment area so that they would not be affected by this clause?

The Hon. A. F. KNEEBONE (Minister of Lands): The only reason for making the establishment area so large before the designated area is known is that we do not know where it will be located. Later on, everyone will know where it will be, but the area will not be designated immediately.

The Hon. M. B. CAMERON: I understand that, but someone who might not fully understand the situation could buy a property in the area. This could have an effect on the price if the person saw in the local government office that the property would be part of the establishment area.

The Hon. A. F. KNEEBONE: I think that is covered in the answer I have given.

Clause passed.

Remaining clauses (9 to 12) and title passed.

Bill read a third time and passed.

LOTTERY AND GAMING ACT AMENDMENT BILL (T.A.B.)

Adjourned debate on second reading.

(Continued from April 5. Page 4600.)

The Hon. A. M. WHYTE (Northern): I believe that the principle behind this Bill is good. It is most necessary that we step up development of racecourses throughout the State and provide better facilities for racegoers. Over the years we have seen a continual drain on the racing potential of this State because other States provide better facilities for their patrons and better prize money for their events. The purpose of the Bill is to deduct a further 1 per cent (making a total of 15 per cent) from doubles, trebles and jackpots conducted by the Totalizator Agency Board; the additional deduction will yield a further $115,000 a year. That sum is to be kept separate and paid into a racecourse development fund; I have no objection to that. The Hospitals Fund has benefited greatly from the operations of the T.A.B. I hope the funds provided through this Bill are correctly proportioned between metropolitan racing, country racing, trotting and dog racing.

In his second reading explanation the Minister said that, for the purposes of administering each of these funds, the Racecourses Development Board will be formed into three groups. The Chairman will attend every meeting, but the other members present will be the two members who represent the racing interests for which the fund in question is maintained. Thus, the Chairman and the two members who represent horse-racing (other than trotting) will attend those meetings dealing with the administration of the Horse Racing Grounds Development Fund, and so on. The same applies to trotting and to dog-racing. That sounds very good, and I can see no hitches until I remember that the present deduction is 14 per cent.

One finds, too, that apart from the 14 per cent, fractions in betting amount to .92 per cent, and that this year they netted $285,050. Unclaimed dividends amounted to $58,907, which represented .26 per cent of the turnover. Added together, one finds that punters betting on doubles and trebles will be paying 16.18 per cent, which is considerably more.

Soon, the amount of money that the punting public must pay will induce them to make other arrangements, thereby defeating the very purpose of the Totalizator Agency Board, which was established initially to dispense with illegal bookmakers. This worked effectively. However, if we continue to impose levies on punters, they will be forced to make other arrangements, and we will see large illegal betting resources, which they have in America, where the deduction is about 20 per cent on every bet. Of course, we do not want that to happen in this State.

It seems a strange provision that unclaimed dividends and bets should go not into a trust fund but directly into the Hospitals Fund. Although that sounds all right, it is an unusual procedure, as in most other cases unclaimed dividends are kept in trust for, I think, seven years. However, I merely refer to the matter; I do not wish to debate its worthiness. The Totalizator Agency Board has done very well, having built up a large amount of revenue, which it has been able to invest in various other activities. One wonders whether some of the dividends could be used to provide additional facilities for the people who have contributed to the large sum of money that has been accumulated. The considerable sum of $5,392,000 has now been built up. It would be better to spend some of that on facilities that are so vitally needed rather than continue to impose new levies on the racing public. Those interested in dog-racing are concerned that they may not be represented.

The Hon. A. J. Shard: I discussed this matter with them this morning and they are happy.

The Hon. A. M. WHYTE: When he closes the debate, the Minister will no doubt clarify the matter to put these people's minds at rest. They were concerned that those interested in coursing might run across their track and that they might not be truly represented.

The Hon. A. J. Shard: They will be.

The Hon. A. M. WHYTE: I shall be happy to accept any explanation that will clarify this aspect.

The Hon. A. J. Shard: The South Australian Coursing Club and the dog-racing association will each have a representative.

The Hon. A. M. WHYTE: If the dog-racing association is happy, I certainly am. The remainder of the Bill is self-explanatory. The provision to make same-day payments on the T.A.B. is overdue and, therefore, I do not oppose it. Our levies have reached saturation point and we must not continue to impose further levies on the racing public because, if we do, they will make other arrangements in relation to betting. I support the second reading.

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill makes several rather interesting amendments to the principal Act. First, it provides for the establishment of funds for the development of racecourses for horse-racing, trotting, and dog-racing in this State. The money for these funds is to be drawn from double, treble, and jackpot totalizator pools where the board operates these on or off course. Under the existing Act, of all investments on the totalizator a deduction is made of 14 per cent. Under the Bill the deduction in relation to double, treble, and jackpot pools is 15 per cent. The extra 1 per cent should yield, according to the second reading explanation, about $115,000 a year. This is to be paid to the Racecourses Development Board.

The board is to consist of seven members—an independent chairman, and two members representing each racing interest. Once the board is established there will be three separate funds, based, I suppose, on the turnover of the T.A.B. on each interest. The proportion used to be about 80 to 20 with racing and trotting. With dog-racing included, it could be about 75, 18 and 7, at a guess.

The Hon. A. J. Shard: The dogs are gradually catching up.

The Hon. R. C. DeGARIS: The new racecourses Development Board is covered in new Part IVA. I direct the attention of the Chief Secretary to new section 48f (3), which provides:

(3) The board may, for the purpose of providing, erecting, improving or repairing an approved public facility on any racecourse, or for assisting in any such provision, erection, improvement or repair, with the approval of the Treasurer—

(a) make a grant of any amount to any racing club;

(b) provide subsidies to any racing club;

(c) discharge the whole or part of any liability incurred by a racing club with respect to an approved public facility;

and

(d) make loans to any racing club upon such terms and conditions as the Treasurer may approve.

It concerns me that we are setting up this board, which will have an income of about $115,000 a year, and it will make loans to clubs. I do not believe for one moment that this board, being set up to handle the allocation of funds, should have the right to engage in lending money to any race clubs. If we are not very careful we will find that the Totalizator Agency Board could become an owner of racecourses. What is the intention of this provision? Does it mean that already loans have been negotiated for certain purposes? Does it mean that loans will be made for improvements to courses on the assumption that over the years the club concerned will have a certain allocation to pay off the loan? What is the situation if the board has to foreclose in relation to a loan? What is the situation regarding interest and tax? Is the board to be exempt from Commonwealth income tax if it makes a loan? No doubt interest will be paid on that loan. What is the situation there? The provisions of this new subclause concern me very deeply.

As a Parliament, we set up the T.A.B. to provide a service to the public, and as I see this it could well end up as a massive banking interest for the whole of the racing industry. This must be approached with great caution. I cannot understand why the board should be involved in loans. Is the T.A.B going to make available to this board certain funds which it can lend? I do not know, but I should like the Chief Secretary to explain the reason for including this new subclause. I return now to the Minister's second reading explanation, in which he says:

The Bill also contains sundry amendments to the principal Act, some of which correct minor defects and anomalies in the Act, some make metric conversions and some effect various substantial alterations to the operation of the Act. In the last category comes the proposed amendment enabling the T.A.B. to make "same-day pay-outs" with respect to off-course betting, which merits some explanation at this point.

In 1969, the Hon. Sir Norman Jude introduced a private member's Bill providing for same-day pay-outs after the last race. It is interesting for one to read some of the comments that were made then. The present Chief Secretary opposed that Bill most violently and made all sorts of statement regarding the tragedy of pay-outs after the last race. The Hon. Mr. Banfield said the purpose of the Bill was to allow the T.A.B. to pay out dividends at the conclusion of racing or trotting meetings, and continued:

When T.A.B. was originally introduced much was said about starting-price bookmakers and that, because they were acting outside the law, people wanted some legal method of betting and this was a way of overcoming any obstacles that might have existed. The original Bill was not introduced with the intention of encouraging betting; it was merely introduced to make law-abiding citizens of people who opposed breaking the law.

It is interesting to see that the Hon. Mr. Banfield said that the original Bill was not introduced to encourage betting, particularly when the present Government says that, if the present Bill becomes law, there will be an increase in turnover and that the obvious benefits will flow therefrom. That is a magnificent change of attitude in three years! Perhaps the Hon. Mr. Banfield would like to tell me how he connects his views of three years ago with the Government's present views. He continued:

It is said that because the Bill was originally introduced in certain circumstances, that is not a reason for altering the Act. If circumstances change from time to time, the Act should be amended to keep up to date with those changes. However, nothing has changed since the introduction of T.A.B. Also, no great pressure is being exerted to have T.A.B. agencies paying out dividends after race meetings.

Throughout his speech on the Bill introduced by the Hon. Sir Norman Jude three years ago, the Hon. Mr. Banfield absolutely and totally opposed pay-outs after the last race. The present Chief Secretary also had a few things to say at that time; he said:

I oppose this Bill, which seeks to amend section 31m (3) of the Act. ... I oppose the Bill on three main grounds. First, when my Party was in Government and the legislation to establish the T.A.B. was sponsored and canvassed, it was clearly decided by the racing industry, the public and everybody connected with the matter (and this was one of the decisions of the Government of the day) that no dividend would be paid out on the same day that the horse or trotting meeting was conducted. This matter was debated both in this Council and in the other place, and it was decided that that should be one of the conditions on which the Bill would be accepted.

The second ground on which the present Chief Secretary opposed the Bill previously was that Parliament would be passing the buck on the matter; he said:

I believe that in all social questions Parliament should specify the bounds within which a measure shall work. This amending Bill does not say that the T.A.B. shall pay out on the day of the meeting: it merely says that the board may direct that a certain thing shall be done.

It is interesting to note that the Hon. Sir Norman Jude, at that time a progressive gentleman with modern ideas, wanted to have pay-outs after the last race on Saturdays, a move which was strenuously opposed by the present Chief Secretary and the Hon. Mr. Banfield. However, at that time they raised a matter that I considered to be valid: there is no reason why the T.A.B. should not be able to pay out after the last race on interstate meetings when races are still to be run in South Australia.

The Hon. T. M. Casey: What do you mean by that?

The Hon. R. C. DeGARIS: If the last race in Melbourne finishes at 4.30 p.m. South Australian time, and two races are still to be run here, they could commence paying out on interstate races.

The Hon. T. M. Casey: It doesn't affect trotting, dogs, or anything like that.

The Hon. R. C. DeGARIS: We do not know. Three years ago, members of the present Government flatly opposed a private member's Bill and gave all sorts of reasons for opposing it. Now, they have changed their minds. One of the points strongly raised in the debate was one not covered in this Bill. How can we deal with a situation in which the T.A.B. pays out on the last Melbourne race, which finishes at 4 p.m. South Australian time, while races are still being run here and while the dogs are racing at 7.30 p.m.? If this is done, we will have the very situation that we have all been trying to avoid: the T.A.B. office being open, taking bets, and paying out at the same time. I am yet to be convinced that, as it is at present drafted, the Bill gives adequate protection in that situation. I agree, particularly in relation to country areas, that pay-outs after the last race are desirable. However, this is not spelt out sufficiently clearly in the Bill.

The Hon. T. M. Casey: What is the difference between the country and the city?

The Hon. R. C. DeGARIS: In the country many people must travel long distances (perhaps 30 or 40 miles) on a Saturday afternoon to get to a town. Also, many people in casual employment, such as shearers, would be working in the district, and all of these people, if they held a winning ticket, would have to return on Monday to collect their winnings.

The Hon. T. M. Casey: You must remember that there are many towns in the country that have not got T.A.B.

The Hon. R. C. DeGARIS: Exactly, and people must travel many miles to get to a T.A.B. agency. The situation in the country is much more difficult than it is in the city. I raise those two points: first, the matter of loans made by the board to clubs, about which I am deeply suspicious. It is a dangerous precedent to provide that the Racecourses Development Board may lend money to racing clubs, I suppose on security. Greater control is needed in this area. Apart from that, I support the Bill.

The Hon. A. J. SHARD (Chief Secretary): I will reply to one or two points that, not unexpectedly, have been expressed forcibly. First, the Hon. Mr. Whyte asked about the constitution of the board in connection with the greyhound people. The intention is to have a representative of the national coursing association in South Australia, and there will be one representative from the following clubs: the Adelaide Greyhound Racing Club, the South Australian Greyhound Racing Club, and the Southern Greyhound Racing Club. I was talking to some people in the Adelaide Greyhound Racing Club this morning and they thought that this was a satisfactory arrangement.

I agree with what the Leader said about loans, but I think "loans" is a bad word to use. I remind honourable members that this is not the Totalizator Agency Board. All that these people will be able to take is up to $115,000 a year. That is the maximum that the Treasurer may approve, and it will be on conditions that the Treasurer may approve. Let me take, for instance, a racing club that wants to spend $50,000, $60,000 or $70,000 on its club, and that is more than it can afford. I understand the Totalizator Agency Board is doing something similar now. If the club found that that amount of money was over its quota, it would get an advance, which would be deducted from its next year's allocation of money. The Totalizator Agency Board as such has nothing to do with this board. It is a board with an independent chairman. I know who the chairman will be. He will be under the direct control of the Minister and will be guided by the Treasurer. I think that will satisfy the Leader. Clause 17 (3) provides:

> No agent, officer or servant of the board shall pay out to a person who has made a bet at an office, branch or agency of the board where off-course totalizator betting is conducted any dividend in respect of that bet before the conclusion of the race meeting at which the event on which the bet is made is determined; nor shall he pay out such dividend except in accordance with the rules of the board.

The rules of the board are to be assented to by the Chief Secretary and, if this Bill is passed, will obtain in the case of an afternoon meeting (which means the last race of a galloping meeting, as far as I am concerned). I have told people who have approached me that they will not be permitted to be in a betting shop to collect after the last race in Melbourne to reinvest on the last races in Adelaide. That can be covered by the rules and, if people want anything different from that, there will be a battle on.

The Hon. Sir Arthur Rymill: I think the clause would enable that to happen.

The Hon. A. J. SHARD: It could happen, but I think the rules cover it. It is subject to the rules.

The Hon. Sir Arthur Rymill: But we are authorizing something for the future.

The Hon. A. J. SHARD: I agree. This point could have been cleared up. This may have been drafted rather quickly, as usual. I have seen a copy of the suggested rules. It is not easy to frame them because it is not every totalizator agency that can pay out. All I can tell the honourable member is that, if the Bill is passed, that point will be watched, because I am the last person to want to see anything like the old betting shops return. Ever since the betting shops were abolished in 1946-7, when I was a member of another place, I have opposed them and their paying out on the same day as the race. I see them operating in Western Australia and hope they will never return here.

I am a democrat and, if I was not prepared to handle this Bill on behalf of Cabinet, I would have no alternative but to resign. That is true. If I did not want to do what the majority of my colleagues in Cabinet wanted me to do, I should not be in the Cabinet. When it came to the question, "How do you face up to this one?", I said, "I do not think it is nation-rocking; we should not quarrel about it because we have been happy over the years and there are no daggers in the back in our Party. I will agree, subject to the majority rule of Cabinet, to introduce the Bill and pilot it through the Council. I reserve the right to do what I want to do if I feel like doing it." That is the postion.

Bill read a second time.

In Committee.

Clauses 1 to 16 passed.

Clause 17—"Provisions as to off-course totalizator betting."

The Hon. R. C. DeGARIS (Leader of the Opposition): I am pleased that the Chief Secretary has given that undertaking on this clause. I think the Chief Secretary appreciates my feeling in raising this question. I should like to see an amendment to the clause because it leaves it wide open to interpret it to allow pay-outs while other races are going on. I am willing to accept the Chief Secretary's undertaking that this procedure can be controlled under the board's rules, if he approves.

Clause passed.

Clauses 18 to 27 passed.

Clause 28—"Enactment of Part IVA of principal Act."

The Hon. R. C. DeGARIS: I am still not completely satisfied with the Chief Secretary's second reading explanation in regard to this clause. If loans are made to a racing club or if advances are made against future moneys coming to the racing board, will interest be payable on that money and will the board be subject to income tax on the interest? Will the Racecourses Development Board be able to make loans larger than its income of $115,000 a year? If the loan situation works, the board will have $115,000 in the first year. It might say, "Racecourse A will not get anything this year, but racecourse B wants $50,000 and we will advance it."

Racecourse B will pay interest on the money and repay the loan over a period of years. We might build up this fund virtually as a banking institution. I am not so concerned that the $115,000 a year can be handled in that way, but I would be concerned if interest were charged on it, because that money belongs to the racecourses. I should be concerned if somehow the Racecourses Development Board could handle other money lent to it by the T.A.B., which can make investments under the principal Act. Through the Racecourses Development Board the T.A.B. could act as a banking organization for racecourses, trotting tracks and greyhound courses.

The Hon. A. J. SHARD (Chief Secretary): I agree with the Leader's contention. I am the last person who would agree that the Racecourses Development Board should concern itself with advancing money on loan and taking interest. This money would be advanced to complete improvements at a racecourse. If it is a grant in advance, my view is that interest would not be paid. If things go according to plan, the possible chairman of the board will be in daily contact with me. He will be instructed not to grant loans, because the chairman (with whom I have discussed many times what the

T.A.B. is doing) and I are coming to the point that possibly some action will be taken to discontinue some of the things the T.A.B. is doing. That is my view, the view of the possible chairman of the board, and the Treasurer's view. If this scheme develops wrongly, I will move to amend the Act.

The Hon. R. C. DeGARIS: It is obvious that the intention of this legislation is to allow the board to lend the money at interest to racing clubs for development. I do not think that that is the right principle. If an allocation is to be made to a club it should be made to that club, and future allocations should be taken from the $115,000. I do not like the idea of this board acting as a banker to racecourses and trotting clubs, because this would be a bad practice. The Chief Secretary said that no loan would be made; nor would interest be charged. However, that provision is in the Bill, and this is what I am gravely concerned about, because it gives the board considerable power if it can act as banker to race clubs, trotting clubs and greyhound tracks in the State.

The Hon. A. M. WHYTE: I share the same concern about this clause. I thought the money would be provided to the various clubs from the 1 per cent increase, but the board has power to lend money (not just to allocate money for improvements) on interest.

The Hon. A. J. SHARD: That point has never struck me so forcibly before tonight. It is useless at this time to think of amendments. However, the Act will not be proclaimed for some time and I do not think the board would have any money to play with for 12 months. In the meantime, we could consider this matter. If the Hon. Mr. DeGaris wishes, we could have an amendment brought down. I cannot guarantee that, because I am not aware of all the ramifications. I am willing to consider whether or not the clause should be amended, and I can take the matter no further than that.

The Hon. R. C. DeGARIS: I very much appreciate what the Chief Secretary is saying. I think he probably agrees with the viewpoint we have put forward. In my opinion it would be better to delete the words in paragraph (c) "or any payment of interest in respect of such moneys" and to strike out subsection (3) (d). If a case can be made in future to this Chamber that the board should have the right to lend money at interest or to make loans, I would go along with the fact that no interest would be charged.

The Hon. A. J. Shard: A club may not have enough to complete a job.

The Hon. R. C. DeGARIS: I appreciate that, and I do not see anything wrong with it. The Chief Secretary will also appreciate that I do not want to see this board become virtually a banker for the various clubs.

The Hon. A. I. Shard: There is a safeguard in paragraph (d): the Treasurer must approve.

The Hon. R. C. DeGARIS: I do not think that is a safeguard. The Treasurer must look after the Treasury and the fund we are discussing is to improve amenities and facilities on racecourses. I have no confidence in the Treasurer in this ridiculous situation; his interests are different from those of the board. If there is a strong reason why these things should be put back in the Bill the fund could operate without this phrase and allocations could be made. If the Chief Secretary could go so far with us, and if in future there is some reason why it should be changed, then it will receive the consideration of the Council.

The Hon. Sir ARTHUR RYMILL: I do not think the amendments suggested by the Leader of the Opposition will achieve the result he wants. If we take out "any payment of interest in respect of any loan" there is nothing in the Act to say that interest cannot be charged. I suggest the insertion of the words "interest-free" in subclause (3) (d).

The Hon. R. C. DeGARIS: Perhaps the Chief Secretary would agree to report progress while I consult the Parliamentary Counsel.

Progress reported; Committee to sit again.

Later:

The Hon. R. C. DeGARIS moved:

In new subsection 48e (3) (c) after "fund" to strike out "or in payment of interest in respect of any such loan".

Amendment carried.

The Hon. R. C. DeGARIS moved:

In new section 48f (3) (d) after "make" to insert "interest-free".

Amendment carried; clause as amended passed.

Clause 29 and title passed.

Bill read a third time and passed.

Later, the House of Assembly intimated that it had agreed to the Legislative Council's amendment.

OATS MARKETING BILL

Adjourned debate on second reading.

(Continued from April 5. Page 4602.)

The Hon. G. J. GILFILLAN (Northern): I rise to speak to this Bill. When the Hon. Sir Arthur Rymill was speaking on the Murray New Town (Land Acquisition) Bill, he said he was concerned that a Bill with such

far-reaching implications should be introduced into this Council on the last day of the session. I have the same concern regarding this Bill. Much of this legislation that we are dealing with now so hurriedly is probably not very important, but we should be given more time to consider any legislation dealing either with the rights of people or with their livelihood.

In this case the Minister would be doing a great service to the oat industry if he deferred consideration of this Bill until next session, as there would still be plenty of time for the measure to operate before the next harvest. The matter of a statutory oat marketing board has been considered for a long time, at least 18 months to my knowledge, and probably longer. Certainly in the last 18 months the attitude of those people who favour it has been clearly defined and its details have been discussed. Therefore, I find it most disturbing that we should have this Bill before us on the last day of this session.

As a document, the Bill leaves much to be desired. Neither in the Minister's second reading explanation nor in the Bill itself is any detail given of how this statutory marketing authority will benefit the grower—and it is the grower about whom I am concerned. Other people, including the consumer, who is also important, are involved in the marketing of oats. I fail to see how the added costs that will be involved, which will be considerable, can justify this type of selling unless more concrete evidence is produced of where the added return will come from, because naturally the price of oats is tied to the price of other feed grain, and the price of other feed grain is steadily falling. In fact, the barleygrowers are concerned. I have heard some of them say in this current season that they will be cutting back on their barley production because the price for feed grain is so unattractive. When we consider that it takes 1.4 bushels of oats to equal a bushel of barley in feed value, it can easily be seen that the maximum price to be obtained in competition with feed barley cannot be high. Admittedly, oats is a safer grain to feed, and in some specialized cases it is more desirable. It has certain qualities that are essential—for instance, for animals producing milk. Generally, however, the price will be in proportion to its feed value. Nowhere in the second reading explanation or in the Bill itself is there any indication of how this marketing will put more money into the pocket of the grower. The words "orderly marketing of oats in South Australia" have been used in the second reading explanation. I question the use of "orderly", because the present system can also be called "orderly", as it works efficiently. This is virtually a compulsory system. The Minister has also said:

> The Government has conferred with the United Farmers and Graziers of South Australia Incorporated, which has given an assurance of an unqualified support of the members of that organization for the setting up of an orderly marketing system for oats.

I have found that there is not unqualified support among many members of that organization. In fact, some of those people who were originally closely involved in and strongly supported the setting up of a statutory oat marketing board are becoming increasingly concerned, and desire more time to examine the matter.

The Hon. T. M. Casey: Would you indicate who they are?

The Hon. G. J. GILFILLAN: As I think it is privileged information, it would not be fair to mention the names of those people. In South Australia we have different problems in the marketing of oats in each area of the State. I understand that on the Far West Coast of Eyre Peninsula there would be a strong desire for some marketing authority for export because of geographical disability and freight costs to other parts of the State. The growers there are most concerned about the export of their product. I have here the figures of the production of oats over a number of years, from which it is obvious that only about one-tenth of the oats grown is exported; so what we are dealing with is the home consumption market.

The oats grown in the northern part of the State are grown mainly for domestic consumption and, if an export shipment has to be made up, it is most probable that it will have to be shipped from Port Adelaide, thus incurring large freight costs. In the South-East, of course, where a great percentage of the oats is grown, a different situation applies, in that the growers there are reasonably close to the Victorian border and, as Victoria has a statutory marketing authority (which I understand has some trouble), we shall see a large movement of grain from both sides of the border under section 92 of the Commonwealth Constitution.

The Hon. T. M. Casey: We have that position with wheat now.

The Hon. G. J. GILFILLAN: Yes.

The Hon. T. M. Casey: How about barley?

The Hon. G. J. GILFILLAN: I could not answer that question, but I presume it is the case with barley, too, because it is a staple feed grain which is grown on a large scale in that type of country. There are large users for feed grains in the manufacture of stock feeds reasonably close to the Victorian border. What really concerns me is the added costs that will be incurred. I should like to hear how that will be overcome and how the grower will get a greater net return. I am not opposed to any system of marketing that is successful or has the ingredients of success.

I point out that the position with wheat is entirely different, because the Australian Wheat Board was a flow-on from war-time controls and was accepted by the growers. At that time, of course, the home consumption price for wheat was only about one-third of the world price, so the domestic consumer gained considerably in cost benefit. It is also a grain of much higher value, maintained largely by international wheat agreements. It is logical that a grain that is worth about $1.40 a bushel can bear the costs of running a board, particularly when the amount of wheat grown is so very much greater. But when we come to a low-value crop, the price of which might be 50c a bushel, to deduct, say, 20c from the 50c leaves a low return indeed. Regarding some of the costs (I have had these confirmed, and they did not come from only one source) if South Australian Co-operative Bulk Handling Limited is made the receiving agent for the board (and this is not provided for in the Bill)—

The Hon. T. M. Casey: It will be: that has been indicated.

The Hon. G. J. GILFILLAN: It would be the most logical receiver. If it is, it will mean that, in many areas where only a small quantity of oats is grown, the receival points might be some distance apart, perhaps much farther apart than the receivals for wheat. Added to that, the co-operative has an agreement with the railways, where its installations are on railway land, that the grain will be carted to Port Adelaide by rail. This would be an added cost, as road transport is cheaper for carting grain. Added to that will be the cost to the grower of carting his grain from the paddock to the receival point, and that would cost 3 c a bushel or more.

The Hon. T. M. Casey: That applies to wheat and barley now, doesn't it?

The Hon. G. J. GILFILLAN: In many instances it does, although much wheat is carted direct from the paddock to the shipping terminal, which means that the grower receives the equivalent of the cartage from his property to the nearest silo for nothing. I predict that the receival points for oats in many districts will perhaps not be as numerous as the existing wheat receival points because of the small quantities of oats grown in some areas, or the grower might be forced to take his oats some distance and, in addition, to pay the rail freight. The co-operative in the South-East has been charging the grower 7.3c handling costs. It has been said that it intends making the charge 5.4c, but again that is not spelled out in the legislation.

I also believe that, if a grower in the South-East disposes of his oats other than through the co-operative's installations, he is still charged 3.5c because he has signed an agreement with the co-operative. There is another cost in a statutory authority such as this board, namely, interest on money borrowed for the first payment. The Bill is lacking in many respects, because it does not state where the money will come from. The Australian Wheat Board is in a different situation, because the Commonwealth Government guarantees a certain sum of money by agreement through the Commonwealth Bank, but the South Australian Government, although promoting this board, will not guarantee any loan finance for it in the legislation.

The Hon. T. M. Casey: What about the Barley Board?

The Hon. G. J. GILFILLAN: I will concentrate on the board we are discussing.

The Hon. T. M. Casey: How did the Barley Board get its money?

The Hon. G. J. GILFILLAN: I am not a barleygrower and I have not gone into the ramifications of the board. That board is a different type of organization, because it covers two States.

The Hon. R. A. Geddes: It also has a healthy world export market.

The Hon. G. J. GILFILLAN: Yes, but on the export market the freight on barley is much more attractive because of the smaller space required to provide the same amount of feed energy. What concerns me is that with the world prospects for feed grains, which are tending to drop in value, and with the comparison of food value between oats, barley, and wheat, how are we to assess what the first payment to a grower is likely to be? If all these costs are deducted from what would be a reasonable export price for oats compared to barley, the value of the first payment price of oats could be down to as low as 25c a bushel to the grower on the farm.

There is still the cost of running the board (and I have not tried to assess this, because it would be an unknown factor), and we also have to try to assess how much a bushel a bank would be prepared to lend for a first payment on an asset that could fall still lower in value. I should like these questions answered. As I said earlier, I am not against any form of marketing that is of benefit to the grower, but I want to see spelled out in dollars and cents where the actual benefit will come from. I think the Bill should be held up, because, although many people closely associated with the growing of oats would like to see a statutory marketing authority, they are concerned that what is being done could bring tragedy to the industry. I also think it is wrong to initiate a scheme such as this without taking a poll of those interested, because many of the traditional oatgrowers and those who grow their own oats and sell their surplus have marketed oats successfully over the years. It is common for growers to grow oats for their own stock and, if they have a good year, they have a surplus to sell. Many of them store oats against the possibility of a poor season and sell when the season breaks—usually for much more than they would have received at harvest time. The grower today has the choice of selling a cash crop at harvest time at the going price or holding, storing, and selling it at a greater profit later. If oats is to go through a statutory marketing authority, the grower who holds and sells after the break in the season will still receive the same payment as the grower who delivers straight into silos from his paddock.

The Hon. T. M. Casey: He can sell to another farmer if he wants to.

The Hon. G. J. GILFILLAN: True, but that is not a common practice. The surplus is usually sold through a third person—a stock agent in the average district or, if on a large scale, through a grain merchant. I reiterate that I am not against the setting up of a statutory authority, but I believe there is too little information in this Bill. It does not spell out the details of finance and of many other things, and I ask the Minister to hold it up until we resume in the next session, thus giving members an opportunity in the meantime of going to Victoria to study the methods there. We hear very disturbing stories about the problems of the oat authority in Victoria and, while I know that much of it might be exaggerated, I, for one, would like to investigate it personally. I think a poll of growers should be conducted before such a scheme is put into operation.

The Hon. A. M. WHYTE (Northern): I support the previous speaker, but not the legislation. There is nothing wrong with orderly marketing. We have seen it applied successfully to other grain commodities, but there does not seem to be the haste suggested by the introduction of this Bill at this time. If it is passed, we would have a statutory board formed and no redress for two years. I realize the intention of the measure. It is suggested that because importers can bargain at present with the various agents who have been handling oversea sales of oats they can negotiate the price, this is reflected on the home market, and so the price of oats is continually depressed. The statutory board, handling all the marketing of oats, would be able to bargain from a much stronger position. I do not argue with this, but one must weigh up the economics of such a scheme against its desirability.

When we talk of the marketing of oats, it is well to remember that it is a limited market. Apart from the sale for human consumption, there is very little export of oats. Because of its nutriment value gauged against its weight, the cost of exporting oats to Europe or the Middle East as a stock food makes the possibility fairly remote. Various second grade barleys and even reject wheat, all of which are available, are more nutritious than oats, and compete very strongly for the export market. This must be considered, and it is no small matter. The commodity we are dealing with has a very limited export potential. If we were to form some elaborate board to eat into the small margin of profit that exists in the sale of oats—

The Hon. T. M. Casey: What do you call an elaborate board?

The Hon. A. M. WHYTE: I did not call anything an elaborate board.

The Hon. T. M. Casey: You used the expression.

The Hon. A. M. WHYTE: I can use any expression I like. I do not think there is any restriction whatever on my expressions. I said if there is to be an elaborate board—

The Hon. T. M. Casey: You have it in the Bill: five members, three grower representatives. Do you call that an elaborate board?

The Hon. A. M. WHYTE: Is the Minister talking of the size of the board?

The Hon. T. M. Casey: I am talking of the word "elaborate", the word you used. Do you think five members is an elaborate board?

The PRESIDENT: Order!

The Hon. A. M. WHYTE: If you have an elaborate board, regardless of whether it is two members or five members, that will eat into the small margin of profit in the marketing of oats, and that is not desirable. A statutory marketing board was formed in Victoria and from all reports things are not going as well as had been hoped in the early stages. It was initially proposed that the board would handle only export sales of oats, but it was found that this did not work, and the Chairman of the Victorian board (Mr. Sheehan) is quoted as saying:

> We are quite satisfied we have got to have control of all oats and that you cannot control export unless you control the home market. Those who voted in the poll should have known they were voting for orderly marketing, whatever anyone says. For orderly marketing we must control oats domestically.

They had to make a complete change and now control the whole of the marketing of oats.

We have provision in this Bill for the marketing of oats on the home front, but one wonders, looking at various reports from Victoria about its marketing authority, whether further controls will be introduced when this legislation is passed to make things tick. We have to consider, too, that no matter what the marketing authority or our legislation says, section 92 of the Commonwealth Constitution cuts across the control of the marketing of oats.

The Hon. T. M. Casey: And all grains, for that matter; all trade between all States of the Commonwealth.

The Hon. A. M. WHYTE: Yes. Being a commodity which cannot be used for home consumption except as a stock food, oats is somewhat different from wheat and barley, which have a more ready export market. There are anomalies which have yet to be considered. It has been stated that the United Farmers and Graziers of South Australia Inc. is emphatically in favour of this legislation. I do not believe that is quite right. It is true that, as an organization, it has made certain recommendations to the Minister and it is true, too, that the Secretary (perhaps second only to the Minister himself) is a most enthusiastic promoter of this legislation. This does not mean that every member of the organization is equally satisfied. I think they would like more time to consider the ramifications of this legislation. After all, there is no necessity for this legislation to be passed before the next session of Parliament, which the Chief Secretary mentioned today. It is not necessary for it to be in operation at this time of the year, because no oats will be ready for the market until December.

The Hon. T. M. Casey: October. Let's be fair. Oats start to come in in October.

The Hon. A. M. WHYTE: We do not want to argue about trivialities such as that. There are plenty of other things we can argue about.

The Hon. T. M. Casey: Let's state the facts properly.

The PRESIDENT: Order! The Hon. Mr. Whyte. Let us have one argument at a time.

The Hon. A. M. WHYTE: Let us compromise and say November. We still have plenty of time for this legislation to be proclaimed in time for the next harvest if it is reintroduced in the next session.

The Hon. T. M. Casey: I will agree with you if the Bill is passed now.

The Hon. A. M. WHYTE: It would be foolish for the Minister to press for the Bill to be passed now. I believe that the Bill is intended to encourage oatgrowing in this State. Clause 6 (1) provides:

> Subject to this section the board shall consist of five members of whom—
>
> *(a)* two shall be persons appointed by the Governor; and
>
> *(b)* three shall be persons elected triennially by growers of oats in accordance with the regulations.

Three board members will constitute a quorum. However, I point out that the two Government appointees, one of whom will be the Chairman, are very likely to attend most of the meetings. So, the two Government appointees and only one grower representative can approve matters dealing with oat marketing. Consequently, I believe that a quorum of four members should be provided for, so that it will be necessary for two grower representatives to be present at board meetings. For many years primary producers have voluntarily worked and travelled thousands of miles to assist their industry, but today they cannot afford to do so. Consequently, I support clause 11, which deals with the reimbursement of board members. Clause 26 (3) provides:

> Subsection (2) of this section shall not apply to or in relation to oats—
>
> *(c)* sold or delivered to any person with the approval of the board;

I presume that it would be necessary to obtain the board's approval in writing and to give prior notice of the sale. I have in mind racehorse trainers who, because of residual insecticides that are sprayed on oats to keep out

weevils, prefer to purchase oats straight from the paddock. Can the Minister explain how such people will be situated as a result of clause 26? Clause 26 (5) provides:

A person shall not transport oats bought in contravention of subsection (4) of this section and in any prosecution for an offence that is such a contravention it shall lie upon the defendant to prove that the oats, in relation to which it is alleged that the contravention occurred, were not bought in contravention of that subsection.

This means that a carrier who has been engaged to take a load of oats from point A to point B and who believes that the necessary regulations have been complied with, may be guilty of an offence, whereas actually all he is doing is earning his livelihood. I believe that the onus should lie on the vendor of the oats, not the carrier. I support the Hon. Mr. Gilfillan's viewpoint that this Bill should be brought back later when the oatgrowers of this State have had a better opportunity to weigh the economic gains against the costs of administration of the legislation.

The Hon. L. R. HART (Midland): I rise to speak on this Bill without much enthusiasm but, in general, I believe in the principle of orderly marketing, provided the marketing system gives increased financial benefits to the producers. In this regard we have not been given any indication that the producers will be better off under the system provided for in this Bill. We have heard of what is happening in other States, particularly Victoria. As I understand the situation, there is not an oat marketing board as such in Victoria. I believe that Victoria has a Marketing of Grains Act, and any specific grain may be brought under that Act by regulation. I hope the Minister will correct me if I am wrong. We have also heard that the Victorian situation is not particularly favourable.

The Hon. T. M. Casey: Have you information to that effect?

The Hon. L. R. HART: Yes.

The Hon. T. M. Casey: I should like to have a look at it.

The Hon. L. R. HART: I repeat that I have information to that effect. One reads in the press from time to time that there is a possibility that the Victorian Oat Marketing Board may be voted out of existence if the Victorian growers are given the opportunity to vote.

The Hon. T. M. Casey: That is different from what I have heard in the last two weeks; I believe that the system is going very well there.

The Hon. L. R. HART: We may have been on different wave lengths. The best information I can gain is that there is not complete satisfaction in Victoria with the oat marketing arrangements there. Reference has been made to the Barley Board and to the success of the Wheat Board. However, I do not think one can relate the marketing of oats to the marketing arrangements of the Wheat Board and the Barley Board. The Barley Board in Australia, which incorporates South Australia and Victoria only, grew out of a war-time contingency in 1947. The Wheat Board was evolved in similar circumstances in 1946.

As successful as the Wheat Board has been, if we were in a situation today of considering the establishment of a wheat board, it would have no more hope of successfully getting off the ground than the oats marketing authority has of becoming a success. The situation of the Wheat Board is entirely different: it is an Australian statutory body, incorporating all States of Australia, and it is operated with a Government guarantee. When I say I do not believe the Wheat Board would have a chance of getting off the ground today if it was not already in existence, I mean that I do not think any Australian Government would ever allow itself to be placed in the position of having to guarantee a price for a particular commodity such as wheat.

This Bill has two great weaknesses, one of which is an inherent weakness, in that it is not a federally constituted board but a board in isolation. No board in isolation in this country that deals with a commodity grown in all States of the Commonwealth has ever operated successfully. The other weakness is, I believe, a built-in weakness, which is provided for in clause 26, which allows grower-to-producer sales. The Wheat Board and the Barley Board are at present experiencing difficulties in relation to marketing.

For any board to be worth while, it must bring economic improvement to an industry. This attracts more producers into the industry and it encourages greater production from those already in the industry. The inevitable result is that production controls must be imposed on that commodity. This applies to both wheat and barley, and we will find ourselves in a similar situation in relation to oats.

The success of this oat-marketing authority will, to a large extent, depend on the expansion of the export market. If one examines the export of oats over a long period of time (and for the purpose of this debate I have

taken the average of export sales as against production in this State over the last 10 years), one will find that we have exported only 10 per cent of our production. A total of 30 per cent of Australia's production has been exported. However, when one examines the figures closely, one finds that Western Australia is the largest producer of oats. That State has some advantages regarding the transport of oats to oversea markets. If one examines those markets closely, one finds that Japan takes over one-third of Australia's production. Western Australia is favourably placed for the export of oats to Japan. Between them, East Germany and West Germany take another one-third of Australia's export oats. Therefore, Western Australia is in an advantageous position in relation to the export of oats. Omitting Western Australia, South Australia's 10 per cent of production would be about the Australian average.

Recently, South Australia exported 4,000 tons of oats in one large shipment; that is a large order. Indeed, it is nearly one-third of this State's total exports in a year. From information I have gained, I realize there is not a great potential for the export of oats from Australia. Perhaps markets can be investigated, but generally large export markets are not available to us. In fact, we are experiencing difficulties with German marketing because of our methods of treating oats for weevil infestation. The Germans are not happy with our methods and it is possible they may not in future buy from us the quantity of oats that they have previously bought. Oats may be sold by growers to poultry farmers anywhere, poultry farming being a form of primary production that is named in the Bill, and one primary producer can sell to another primary producer.

Many poultry farmers, particularly those operating in a big way, mix their own feed, and they will be able to buy their oats outside of the board, less the board's charges. The smaller poultry farmer, who does not mix his own feed requirements, will continue to purchase from the food processor, who must purchase his requirements through the board. This means that the small poultry farmer will pay more for his feed than will the large producer. That being so (and I have demonstrated that it will be), it means that this legislation will act to the detriment of the small producer. The same situation will occur with pig-farming and with any other form of primary production involving the use of oats.

The Labor Government had much to say during the last election about developing co-operatives. I understand that investigations are proceeding to ascertain the best means by which farmers can form co-operatives, and in this respect I will ask the Minister a question that he may care to answer. Let us assume that a group of farmers purchases a food-processing business on a co-operative basis. Some form of business arrangement would have to be entered into, in which each farmer would have an interest. Would these farmers be permitted to have their oats processed by that mill without the board's being involved, bearing in mind that the identity of the oats would be lost in the process? I should like the Minister to answer that question. I believe the provision that allows the sale of oats by one primary producer to another is a great weakness and, if this Bill gets off the ground, the time will arrive when there will have to be a tightening up so that the legislation can operate successfully. I agree that perhaps it is necessary that the primary producer be permitted to sell to another primary producer but, on the other hand, I see it as a weakness that will eventually wreck this legislation.

The Hon. T. M. Casey: Do you think all the oats should be acquired by the board?

The Hon. L. R. HART: I do not necessarily agree that they should all be, but the very fact that one primary producer can sell to another means that so many oats will change hands in this way outside the operation of the board at a lower price that it will act against the interests of the board.

The Hon. T. M. Casey: Therefore, the board should acquire all the oats?

The Hon. L. R. HART: The Wheat Board acquires all the wheat and the Barley Board acquires all the barley, and they are in trouble today, even in those circumstances. Now the South Australian Oats Board is to be set up and it will not be permitted to acquire all the oats. It can have another selling organization operating legally outside its scope and in those circumstances I cannot see how the oat-marketing board can operate successfully. There is a great deal that I could say about this Bill but we are in the dying hours of this session of Parliament so I shall confine myself to one or two comments on the Bill, and particularly on the composition of the board. Clause 6 (1) provides:

The board shall consist of five members of whom *(a)* two shall be persons appointed by the Governor; and *(b)* three shall be persons

elected triennially by growers of oats in accordance with the regulations.

What worries me is that there is no stipulation in the Bill that the board shall have as one of its members a person experienced in the marketing of oats. If the board is to have any chance of operating successfully, it must have as one of its members a person with considerable experience of the marketing of oats. Then clause 6 (2) provides:

At an election of members of the board every person, who in the last season before the election harvested for sale oats grown on not less than twelve hectares of land, shall subject to the regulations be entitled to vote.

All it says is that a person must have harvested oats for the purpose of sale; it does not say that he has to sell them. The Minister knows as well as I do that many oatgrowers do not necessarily sell their oats immediately after harvest. I know oatgrowers who trickle their oats on to the market through the local country market on a monthly basis, and they take 12 months to sell the whole of their crop. These conditions will be subject to regulation and I assume that the grower at the point of time of the election of the members of the board will be required to have sold all of his oats to be eligible to vote; but many growers will not have sold their entire crop. Here, the amount of oats involved is about 300 bags. There may be a man who grows 2,000 or 3,000 bags of oats, as many people do, and yet he does not sell them through a marketing channel. He will not be entitled to vote at the election of members of the board. Clause 21 *(b)* provides:

The board may do all or any of the following things, namely—*(b)* borrow money to enable it to exercise any of the powers or functions conferred on it by this Act, and give security over any of its assets for repayment of money so borrowed.

This again is one of the weaknesses of the board. I do not know what its assets are on which it can borrow money and what security it can offer. That is one of the weaknesses that the Barley Board faces. The Australian Wheat Board is a Commonwealth statutory body with certain borrowing powers, but the Barley Board can borrow only against the security it can offer.

That is why the Barley Board can make only advance payments instead of being able to pay the total price for a grower's crop. This means that the oat-marketing board will be able to make a first advance only on oats marketed through it. The operator over the border who is in a position to pay cash outright for the oats that are offered to him will be able to pay a better price than the board will at that point of time. I know that if the oat pool operates successfully there will be further payments, but most producers today are interested in ready money and they will sell to the buyer who has the most to offer at a given time. That will place the board in a difficult position for providing finance for the purchase of oats, a situation similar to that that the Barley Board now faces. Clauses 25 (1) provides:

A person dissatisfied with a decision or action, or proposed decision or action, of the board may in writing request the Minister to review that decision or action, or proposed decision or action.

I question whether the Minister is the proper person to whom to appeal. He should stand by the actions of his board; it would be proper for him to do so. This provision is probably in the Barley Marketing Act; nevertheless, I do not agree with it, and the Minister probably does not, either. The next clause I want to deal with is clause 26, subclause (3) of which provides:

Subsection (2) of this section shall not apply to or in relation to oats—*(a)* retained by the grower thereof for use on the farm where they were grown.

I seek leave to conclude my remarks.

Leave granted; debate adjourned.

[Sitting suspended from 5.59 *to* 7.45 *p.m.]*

Later:

The Hon. L. R. HART: When I sought leave to continue my remarks prior to the dinner adjournment, I was about to deal with clause 26 of the Bill, paragraph (a) of subclause (3) of which provides that oats may be retained by the grower thereof for use on the farm where they are grown. They are very specific words, but what is the situation of a primary producer who owns two farms, as many do? Many operate two farms which could be miles apart. Is it possible for a grower or a farmer who grows oats on one property to use those same oats on another property which he owns but which may be miles away?

The Hon. T. M. Casey: It is one unit.

The Hon. L. R. HART: Yes, but I think, this clause needs clarification. It should provide that the oats may be retained by the grower thereof for use on any farm owned by that grower. Then it is perfectly clear what is intended.

Paragraph (d) of subclause (3) provides that oats may be sold and delivered to any primary producer for use by that primary

producer in his business of primary production. This could open up a very wide field. A grower of oats could sell to another primary producer who may wish to use his oats in a processed form. He, in turn, could go to a food processor and have the oats processed, and in the course of processing the identity of the oats could be lost. Is that primary producer then permitted to make this arrangement with the processor for the oats to be processed without some board involvement? This is another question I would like the Minister to answer.

Still referring to clause 26, now to subclause (5), it is provided that a person shall not transport oats bought in contravention of subclause (4). In any prosecution for such an offence it shall lie upon the defendant to prove that the oats in relation to which the alleged contravention occurred were not bought in contravention of subclause (4). This means that the carrier of the oats, and not the grower, could be liable for contravention of the Act merely because he is carrying oats not bought in accordance with the board's regulations. That is a very harsh clause and it is unfair to the carrier that the onus should be on him to prove that the oats were not bought in contravention of the Act.

Turning back for a moment, clause 6 deals with the appointment of the first board, and I refer particularly to the three persons who shall be elected triennially by growers of oats in accordance with the regulations. I assume that these members will be elected by a poll of the growers. We realize that in subsequent elections they will be elected by poll, but in the initial instance will this be the case?

The Hon. T. M. Casey: Yes.

The Hon. L. R. HART: The Minister indicates that that is the situation. That being so, I wish to refer to what has happened in other States in relation to polls of growers on the question of the formation of oats boards. In New South Wales the voting was very close. A 60 per cent majority was needed and a 61 per cent majority was achieved, suggesting that quite a large percentage of growers in New South Wales was opposed to the formation of a board.

The Hon. T. M. Casey: I was informed it was 85 per cent.

The Hon. L. R. HART: My figures do not correspond with those of the Minister. However, there is a clear indication that quite a sizeable percentage of the growers are still not in favour of an oat board in New South Wales.

Provision has been made at some stage in Victoria for trading between the grower and the primary producer. It has proved necessary for the board to have control over the domestic sales as well as the export marketing of oats. That being so, one wonders whether the board is operating successfully in Victoria at present. In view of this, there is the question of whether the board is being requested by the majority of growers in South Australia, and whether the growers are particularly keen on its establishment. As we are to have an election for the grower members of the board in the initial stages, this would be an ideal opportunity to have a poll of growers as to whether or not they require the board. I suggest that the Minister consider this matter, because we do not want to foist the board on the growers if they do not really favour it.

I repeat that I support the Bill with some reservations. I believe the growers, not Parliament, should decide whether they want such a scheme. The whole question of marketing oats is being carefully considered by the Commonwealth Department of Primary Industry because, if oats boards can be established in the various States, there is a possibility of a coarse grains board being established in Australia. That would be a most desirable way of achieving orderly marketing of all the coarse grains grown in this country. I support the second reading of the Bill.

Later:

Bill read a second time.

In Committee.

Clauses 1 to 34 passed.

Clause 35—"Polls on continuation of this Act."

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

In subclause (1) to strike out "the expiration of a period of two years next following".

The effect of the amendment will be that there will no longer need to be a poll of growers before the Oat Board comes into effect but, if 200 oat growers petition for a poll, a poll shall be taken, according to the regulations to be set up under the regulation-making powers, among oat growers registered under the legislation. If such a poll is taken, it will need to be carried by a majority of not less than 60 per cent. I believe that those who have supported the setting up of a poll have a tremendous protection, anyway. I am surprised that, after today's speeches outlining some of the costs that will be incurred, there has been no rebuttal of any of these figures. This suggests to me that

either a detailed exercise on the working of the Bill, particularly with regard to cost, have not been done, or if it has been done it is not available.

The Hon. T. M. CASEY (Minister of Agriculture): The Government cannot accept the amendment. I have had previous experience of amendments of this type and I do not think it would be fair to the board that it should be given only a limited opportunity of proving that it can run efficiently. This matter was discussed before the introduction of the Bill. As this matter was canvassed thoroughly throughout the State, there is no doubt in my mind that it was supported unanimously at all of the meetings that were conducted throughout the State. When one gets information of this kind one is obliged to act accordingly. It has been recommended that a poll—

The Hon. R. C. DeGaris: Are you in favour of conducting a poll?

The Hon. T. M. CASEY: It was recommended to me by one organization that there should not be a poll of growers, because it would save money if the Government appointed the five members to the board. I do not go along with that, because I think the growers should be entitled to elect their own members.

The Hon. C. R. Story: You haven't been consistent. What happened in the case of citrus?

The Hon. T. M. CASEY: I smell a rat, because I think the Hon. Mr. Story has been behind the amendment from the beginning. He canvassed along the river for another Bill of this kind and tried to use his influence to get the same provisions written into this Bill. There is ample provision in the legislation for a poll of growers to be held at the expiration of two years, and that will give the board an opportunity to prove itself. If at the end of that time a petition is signed by 300 growers, a poll can be conducted.

The Hon. C. R. STORY: I did not lose a cent for the State while I was Minister. In the set-up which the Minister has arranged and for which he has been responsible, we are writing off a considerable amount of money now, because he has agreed to guarantee an organization when it gets into trouble. There is nothing in the Bill to provide that this board will be given a Government guarantee. I have watched the progress of the Citrus Organization Committee and the Potato Board with great interest since the Minister has been responsible for them. We have gone through the trauma of writing off about $35,000 directly in a short time, and about $15,000 is in limbo.

The Hon. T. M. Casey: What has that to do with the Bill we are discussing now?

The Hon. C. R. STORY: We are discussing a matter which I believe is relevant to what the Minister is doing in exactly the same way as was done by a predecessor of his in pushing on to the primary producers of this State, without a proper poll, a measure such as I cannot find anywhere in other States, except in the hierarchy of the United Farmers and Graziers Co-operative Society of South Australia Limited. At one stage, the Minister claimed that he had approached the United Farmers and Graziers to come under a board. However, this has changed about and now that association has invited the Minister to introduce this Bill. The Minister may dispute that, but those are the facts. The Minister knows that the Oat Board in Victoria has not functioned nearly as well as it was hoped it would.

The Hon. T. M. Casey: I dispute that. You come up with present-day facts.

The Hon. C. R. STORY: The people in charge of the Oat Board, including Mr. Cooper, would be delighted to get out from under. The Victorian Oat Board will be a great success if this legislation is passed, because it will simply mean that the people who buy most of the oats for export from other States and from this State will be buying their oats mainly from the board. The 40c the grower is now getting will be reduced to about 27c. I do not want to be responsible for another writing off of between $40,000 and $50,000, as is the case under the C.O.C., which was not allowed to take a proper poll of growers to say whether or not they wanted the scheme they have. If the Minister is willing to go to this State's oatgrowers, instead of the people who purport to be their representatives, and put this matter to the test on a poll (as the amendment provides) before this legislation gets off the ground, if 200 or 300 growers object to the Bill becoming an Act, I believe that they are entitled to have a poll of growers taken. This is typical of what has happened during the term of office of two Labor Governments. The ill-conceived Bill brought in for the citrus industry came in too quickly, was amended, and has been amended since on many occasions.

The Hon. T. M. Casey: You didn't do much about it when you were the Minister. You messed it up just as much as anyone else.

The Hon. C. R. STORY: Mr. Chairman, I take only slight objection to the Minister, but I did one thing. I kept within the democratic rights of the legislation provided for me by a Government which put through a Bill that I believe was an improper piece of legislation. The Minister, without reference to the real industry, took away completely the right to elect a board.

The Hon. T. M. Casey: And, of course, I did that off my own bat, without reference to anyone else. You are quite wrong, and I will show you where you are wrong.

The Hon. C. R. STORY: You had your think tank. I am not going to fight with the Minister, but he will not win friends by bringing in legislation such as this. I have no idea why the Minister wants to do it, except to curry favour perhaps with a small group of people in the hierarchy of an organization. I do not believe the oatgrowers have been wronged by the merchants; they are getting more than the oatgrowers in Victoria, where a board exists, and I believe they would continue to get more. If the Minister perseveres with this, he will find himself bogged down with oats as he is with citrus. The co-operative has gone bankrupt. It tried to run its own pool, but the Minister is now going to take over this responsibility. I do not say that a person ought to vote freely for write-offs every time the Minister wants to bring in a Bill to control marketing.

I believe in marketing boards, but only when they regulate the whole industry. The Government is not responsible for these debts. The Minister has not yet written into this legislation what is provided in the Acts covering the Potato Board and the Citrus Board. The situation with barley has been all right up to now, because the organization has been able to manage its own affairs. Wheat is treated on a Commonwealth basis. If oat marketing can be established on a Commonwealth basis we might get away with it; otherwise the Minister will find himself in the same position with any boards he sets up unless he has complete agreement between more than three States in the Commonwealth, and he has not got it here. I would not be agreeable to passing this Bill as it is. I want to see growers of oats given an opportunity to say how they would like to sell their oats.

The Committee divided on the amendment:

Ayes (10)—The Hons. M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan (teller), L. R. Hart, F. J. Potter, E. K. Russack, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Noes (5)—The Hons. D. H. L. Banfield, T. M. Casey (teller), M. B. Cameron, A. F. Kneebone, and A. I. Shard.

Majority of 5 for the Ayes.

Amendment thus carried; clause as amended passed.

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

In subclause (1) to strike out "three" and insert "two".

This will mean that 200 growers will be required for a petition for a poll. That is fair, because 100 growers is not a sufficiently large number to justify conducting a poll. The Minister has said that it is not fair to the board for a poll to be conducted before it is operating properly. However, I consider that the main object of the Bill should be to benefit growers.

The Hon. T. M. CASEY: Honourable members here never cease to amaze me. This Bill passed in another place almost unanimously, there being only one dissentient. Many of the members who voted for the Bill in another place were oatgrowers. The Hon. Mr. Story tried to rubbish me, as Minister of Agriculture, for introducing certain things with which he did not agree, and he said that I was bombastic in the way in which I handled the citrus legislation. However, the decision was taken in relation to that legislation after much deliberation by a person whom the honourable member knows and who conducted an investigation into this State's citrus industry, and it was on those recommendations that I acted.

Honourable members cannot therefore accuse me of doing something without having taken notice of someone who knows more about the citrus industry than the Hon. Mr. Story will probably ever know. The honourable member can play politics, but I have always played it straight along the line, as I did tonight. I have evidence in dockets that growers have over the years petitioned to have an oats marketing board in South Australia. Indeed, only tonight I was talking to growers outside this Chamber who were keen to have a board set up in the State, because they consider that, if orderly marketing can be achieved, growers will have more confidence in the industry and will, therefore, grow more oats.

However, honourable members in this Chamber think that because they have the numbers they can throw out legislation left, right and centre. This measure was passed almost unanimously in another place, the only dissentient voice being that of the member for Murray, in whose district is a processor who is not really concerned about the board. That processor has been to see me and has said that, if an oats marketing board eventuates

in South Australia, he will not really be concerned about it.

The Hon. C. R. STORY: I rise on a point of order, Sir. The Minister has reflected on the member for Murray in another place. He said that a miller in Murray Bridge has sufficient influence over the honourable member to influence his vote on the Bill. I strongly protest and ask the honourable gentleman to withdraw that statement.

The Hon. T. M. CASEY: I will withdraw anything I said that was out of line. However, I did not say what the honourable member has accused me of saying. I said that the member for Murray voted against the Bill and that there is in Murray Bridge a merchant who has been to see me and who told me that, although he does not want to see a board established, he is resigned to the fact that this will probably happen and that he will agree with it, anyway.

The Hon. L. R. Hart: And he will still trade over the border?

The Hon. T. M. CASEY: Under section 92 of the Commonwealth Constitution, it does not matter whether one trades over the border in any commodity. In this Bill, I have tried to please all sections of the community. I have sent copies of the Bill to everyone interested and I have received deputations from them. We have always had amicable meetings and have gone away knowing that what we have done has been in the best interests of oatgrowers in this State. How do honourable members opposite justify the almost unanimous decision to support this measure in another place, where there are more oatgrowers than there are in this Chamber? I ask the Council not to support the amendment.

The Hon. L. R. HART: If the Minister is so confident about the acceptance of his Bill, let him return it to another place containing a provision that growers be given the opportunity to have a poll before the Bill is proclaimed. Then we will see whether another place is unanimous in its desire to accept the Bill in its original form. When the Bill is returned, I suggest that more than one member may support the Legislative Council's amendment. If the Minister is so sure that the growers in South Australia want this legislation, why is he afraid to have a poll conducted amongst the growers? If the growers are so keen about the measure, the Minister should allow it to be tested. I want to see orderly marketing of oats, but I do not wish to see it introduced against the wishes of most growers in this State.

Amendment carried; clause as amended passed.

Clause 36 and title passed.

Bill read a third time and passed.

Later:

The House of Assembly intimated that it had agreed to the Legislative Council's amendment No. 2 and had disagreed to amendment No. 1.

Consideration in Committee.

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

That the Council do not insist on its amendment No. 1.

I will not go into this matter any more fully than I did previously, except to say that it was a unanimous decision of another place. I can only repeat that, in the circumstances, the Committee should not insist on the amendment, because I believe the board should be given an opportunity to become established and carry out its functions.

The Hon. G. J. GILFILLAN: I am very disappointed at the attitude of another place, because all that was being asked was for the growers to have the right to petition for a poll. To reject the board by poll would have meant that the growers would have to obtain at least a 60 per cent vote. We talk about democracy and we heard something about it today in this Chamber, yet this Government-sponsored Bill insists on a majority of 60 per cent. The Minister has claimed unanimous support throughout the State for this legislation.

The Hon. T. M. Casey: I didn't say throughout the State.

The Hon. G. J. GILFILLAN: I will put it another way. The Minister said the unanimous support of the United Farmers and Graziers of South Australia.

The Hon. T. M. Casey: There were a few dissentients, but the majority wanted it.

The Hon. G. J. GILFILLAN: Obviously the Minister is frightened of a poll. I believe that both the Government and the people responsible for the Bill will be sorry that they did not accept my amendment, which was a democratic way of not forcing a vote on the growers but merely allowing them to petition for one.

The Hon. M. B. Dawkins: The Government is depriving them of the right to have one.

The Hon. G. J. GILFILLAN: Yes, for two years, compulsorily acquiring their oats for two years without giving them the right to petition for a poll. If the board is not successful (and indications are that it will have a difficult job), it will be obvious that no detailed

homework has been done on this issue. Nothing was said in rebuttal during the debate. If the board runs into difficulties those responsible for the attitude taken will live to rue the day and, more important to me, so will the oatgrowers.

The Hon. C. R. STORY: I join with the Hon. Mr. Gilfillan in what he has said, because what he has said is so close to the truth. I cannot understand the attitude of another place, and I do not wish to reflect on it, though obviously it has the numbers. I would have thought that this was a case where influence could have been brought to bear on members by a Minister if he desired to do so and that he would have had sympathetic ears. I do not believe that this legislation is required by the oatgrowers. It is something that has been conceived by persons who are good friends of mine.

The Hon. R. A. Geddes: It wasn't asked for.

The Hon. C. R. STORY: Never by the oatgrowers. I know the people who asked for this legislation. They are all well acquainted with the industry. It is a great pity that the Minister did not use his influence on the Minister representing him in another place to try to convince another place (where there is a majority in his Party) that it was not desirable to introduce something into primary industry without a grower poll. Every instance we have had where no poll of growers has been taken has been a complete and utter failure. If the Minister wishes to analyse that statement, he will know what I mean. It is unnecessary for me to enumerate them all, but the things we have introduced to force control on primary production without producer control have failed.

When the Minister referred earlier to the report on the Citrus Organization Committee, which was prepared by the Director of Lands (Mr. Dunsford), he knew as well as I that it was never intended that it be tabled in Parliament. It was at my instigation that the report was prepared. It was my colleague (the Leader of the Opposition) who acted for me when I was in London on behalf of the Government. He rang me and said, "What will I do?" I said, "Get Mr. Dunsford to look into the matter." When Mr. Dunsford brought down his report it was never intended that it be tabled in Parliament. It should have gone to the Minister and been considered by him.

Instead of that the Minister made it public, and I believe that in doing so he did something that was wrong, in that what was confidential to the Minister was made public. I do not want to see that happen again. Oats is not very different from citrus when you come to marketing it. I still object violently to bringing this matter under the control of a board.

Motion carried.

SOUTH AUSTRALIAN BOARD OF ADVANCED EDUCATION BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendment.

Consideration in Committee.

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

That the Legislative Council do not insist on its amendment.

The amendment would lead ultimately to excessive increase in the size of the Board of Advanced Education, so that its function would become more difficult to fulfil.

Motion carried.

CROWN PROCEEDINGS BILL

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

DAIRY INDUSTRY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 5. Page 4603.)

The Hon. H. K. KEMP (Southern): I support the Bill. When the principal Act was passed the number of people available to help dairy farmers was comparatively limited. At that time a dairy adviser had to catch a train to go to an obscure country district and, if he was lucky, he could then hire a horse and spring dray, but, more often than not, he had to ride a bicycle to visit the farmers in the district.

Of necessity, in those days some of the work associated with the principal Act had to be done by police officers. So, we should be grateful to those officers who did that work for so long. However, in today's world the country policeman is a little out of his depth in dealing with some matters associated with this legislation. As usual, the opportunity is being taken to increase the fees, but those fees do not go into general revenue: they go into the Dairy Cattle Improvement Fund. New section 28 (1) (4a) provides:

Prescribing requirements to be observed in the construction, provision and location of equipment and utensils used in connection with the carriage or storage of dairy produce in or about any dairy farm, factory, milk depot, store or creamery.

That provision is linked with the Metropolitan Milk Supply Act, through which the requirements are policed very carefully. New section 28 (la) provides that bulk milk tanks must meet the latest requirements of the Standards Association of Australia; that is clearly desirable. I believe that the Bill should be passed without amendment.

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

MINISTERIAL STATEMENT: SITTINGS AND BUSINESS

The Hon. A. J. SHARD (Chief Secretary): I ask leave to make a statement.

Leave granted.

The Hon. A. J. SHARD: This afternoon the Hon. Mr. Story asked me when Parliament would prorogue and be called together again, at which time I gave an answer that I believed to be true and correct. Unfortunately, this morning I had to leave the meeting of Executive Council early, after which further discussion took place. I now inform the Council that Cabinet decided this morning that Parliament may have to be called together again within a month. I am sorry that I may have misled the Council this afternoon.

DAIRY CATTLE IMPROVEMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 5. Page 4603.)

The Hon. M. B. DAWKINS (Midland): I rise to support this short Bill, which does exactly what the Minister, in his brief second reading explanation, said it does. It provides that the Agriculture Department will be the sole licensing authority under the Act. This may cause some inconvenience because a great deal of licensing work is done by police officers at local police stations at present. However, although some inconvenience may be caused, this is the decision of both the Government and the department.

The Bill has two other objects: first, to raise from six months to 12 months the age at which a bull must first be licensed, to which I have no objection, and, secondly, to raise the licence fee from $2 to $4. The clauses of the Bill give effect to these provisions. Although that 100 per cent increase in the licence fee (from $2 to $4) is very excessive, perhaps it is not entirely out of line with the increases in costs that we have come to expect under this Government. However, I certainly cannot raise any enthusiasm for a provision of that nature. Also, I regret the inconvenience that will probably be caused to some people who will not be able to secure their licences from their local police station. However, as the Hon. Mr. Kemp said when referring to the previous Bill that the Council was debating, there seems to be no reason why this Bill should not be passed. Other than the qualifications I have made, I believe that the Bill should now proceed through all stages. I support the Bill.

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

METROPOLITAN AREA (WOODVILLE, HENLEY AND GRANGE) DRAINAGE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from April 5. Page 4606.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This is a relatively short Bill, which is intended to overcome a difficulty that has occurred in connection with Woodville, Henley and Grange drainage. The principal Act, which was passed in 1964, provided finance for the construction and operation of works for the control of drainage floodwaters within certain quarters of the metropolitan area, namely, the Woodville and Henley and Grange council areas.

Details of those works are contained in reports of the Parliamentary Standing Committee on Public Works, and these are referred to in the principal Act. The cost of these works was to be borne equally by the councils and the Government. However, for a number of reasons the terms of the agreement have not been carried out entirely and, in some cases, other works have been substituted for those referred to in the reports and in the principal Act. Therefore, to enable the Treasurer to publish a statement that the works are completed, which statement must be certified by the Auditor-General, it is necessary to make a minor amendment to the Act. Accordingly, clause 2 slightly varies the definition of "works" for the purposes of the Act and includes work substituted for the original work. I see nothing wrong with the Bill, which I wholeheartedly support.

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

SOUTH AUSTRALIAN INSTITUTE OF TECHNOLOGY BILL

(Second reading debate adjourned on April 4. Page 4490.)

Bill read a second time.

In Committee.

Clauses 1 to 12 passed.

Clause 13—"Degrees and awards."

The Hon. Sir ARTHUR RYMILL: Mr. Chairman, I point out a spelling error in subclause (2), where the Latin word *"eundum"* should be *"eundem"* because it is a third declension, and not a second declension, word.

The CHAIRMAN: I will draw the attention of the Parliamentary Counsel to this matter. The correction will be made.

Clause passed.

Remaining clauses (14 to 21) and title passed.

Bill read a third time and passed.

NATIONAL PARKS AND WILD LIFE BILL

Adjourned debate on second reading.

(Continued from April 5. Page 4585.)

The Hon. A. M. WHYTE (Northern): I support this Bill, which is a genuine attempt to provide for the protection of wildlife, fauna and flora in all parts of the State. Part of its intention is to protect the landowners who, so far, have had the task of protecting fauna and flora throughout the State more or less on their own initiative. I shall deal with the provisions of the Bill as quickly as I can because I know several other honourable members wish to speak. The intention of the Bill is excellent. I hope that with the various amendments that have been foreshadowed it will be made into an even more workable piece of legislation than it is at present.

There has always been a gap between the conservationist in reality and the conservationist merely by name. I have often read articles by people with very little, if any, experience of the actual facts of conservation, and the economic values which must be considered. In many aspects of life today are people such as ornithologists and anthropologists who have been educated through various university channels. All of them are well-meaning people and, in many instances, they are well learned, but they miss out on the practical experience of the matters with which they are dealing. A gap exists which, in many instances, is aggravated by people talking about matters with which they are not conversant. The Bill is a genuine attempt to bring these two factions to a point where they can discuss the many aspects of conservation and bring them to a sane level so that people can understand them.

All the relevant previous Acts have been repealed. The National Parks and Wildlife Advisory Council will handle the State's fauna and flora conservation. Clause 23 provides that a person shall not hinder a warden. I suppose it is only fair that a warden (and I am not sure how such wardens have been selected), having been given authority to protect and conserve flora and fauna, should have this authority. A warden must not be sworn at; that is all right, as long as he does not swear at me.

The Hon. A. J. Shard: What would you do if he did?

The Hon. A. M. WHYTE: I am difficult to provoke.

The Hon. D. H. L. Banfield: You must have calmed down since this afternoon.

The Hon. A. M. WHYTE: It was the Minister of Agriculture who needed to calm down. Clause 36 provides that the Minister, permanent head and director shall have regard to certain matters in managing reserves. Among the many obligations that such a person will have is the duty of dealing with the destruction of dangerous weeds and the eradication and control of noxious weeds and exotic plants. This provision is necessary, because one of the problems regarding land laid aside as a reserve or a sanctuary is that noxious weeds, exotic plants and many pests (which conservationists do not want to protect) multiply. It is essential that this matter be placed under the Minister. In most of the legislation we have dealt with recently the Minister has wanted to retain similar responsibility.

Something the Minister must study carefully is the risk of total eradication of flora and fauna by fire in many of the reserves if they are allowed to build up a storage of dry matter over the years. This need not be carelessness but could be an act of the elements. It is not uncommon in the northern areas of the State to see dry thunderstorms light up miles of country in a matter of minutes.

The Hon. A. F. Kneebone: The administration will look after control of burning and the provision of fire breaks.

The Hon. A. M. WHYTE: That would be impossible. When one considers the thousands of square miles now set aside for flora and fauna conservation it would be impossible, regardless of how much money the Minister was given, to provide adequate fire protection. There would not be the manpower or resources to handle such a situation. The Minister must seriously consider the thousands of square miles now reserved for those few rare plants that grow. I know and have been through some of these reserves, but I just cannot explain what attraction they

have. I am pleased that areas are being reserved for people who want to get out of the smelly streets of the city and relax in what they call the bush. I am sure that once they get past the abattoirs they start to breathe more easily. We must provide for these people. So often city dwellers are given misguided advice and come into the bush to do certain things they are not allowed to do. This is the gap between the conservation authority and the landowner. In many areas we find that the landowner himself is a conservationist. He has erected signs prohibiting people from shooting or trespassing—

The Hon. A. F. Kneebone: And he has asked for areas to be proclaimed as sanctuaries.

The Hon. A. M. WHYTE: Yes, quite often. However, people are still misguided, sometimes by brochures. Shooters from as far away as Elizabeth have been spotlighting around my homestead in the middle of the night. They told me they had read a notice in a Shell road map which said that my locality was known for good shooting. They were astounded when I told them they had no right to shoot there, and that in fact it would have been good manners, even if I had permitted it, to ask for my permission before shooting They were all newcomers to this country and it was very hard to make them understand.

The Hon. D. H. L. Banfield: Under those circumstances, it is hard for them to understand, too.

The Hon. A. M. WHYTE: Yes, they found it difficult to comprehend that I had the right to tell them this. They did not think I had the right to expel them after they had travelled so far to go shooting. There are all sorts of misunderstandings between those who do not understand and those who are genuinely trying to do something about conserving our natural resources and making them available to the South Australian public so that we will have reserves and sanctuaries where people from the city can go without any problems. In some of the proclaimed sanctuaries city people can be shown by the owner the various attractions the Australian bush holds for them, but this all needs programming. The Bill has made an attempt (and I go only so far as to say it is an attempt) to do this. Too much power can be given to a man who, having made a study of the various aspects of wild life through books, is then an authority.

That is my understanding of the situation. There is not enough co-operation, but it is growing. More and more representatives from the country are joining the conservationists and eventually we will have co-ordination to the point where some good will result. There are amendments to the Bill which are well worthy of consideration.

As this Bill is of such consequence and such volume I do not think I should speak at any greater length. Many other honourable members will want to comment. I will pass on to the one point which emphasizes what I have said already about the consequences of having on the ground floor people who understand the necessity for conservation and the necessity to supply amenities for the people who are condemned to city living, God help them, and like to get out in the bush from time to time.

I turn now to the ninth schedule. I have prepared an amendment to this schedule, and I hope it will meet with the approval of the Council. My amendment seeks to include amongst the unprotected species the wedge-tailed eagle. He has other names, too. He is known as the eagle hawk, and his scientific name, so I understand, is *Urcetus audax.* This is the bird that has played havoc with lambs throughout the pastoral country for many years. The cattle men have no objection to the bird. He is a carrion eater and does not cause any distress in the cattle country. He has been known on occasions, so I have been told (although I have no proof of this), to kill a calf.

The sheep breeder, on the other hand, has no objection to the bird except during the time when his ewes are lambing. From my personal experience, I have no objection to the eagles on my property for 10 months of the year, but I strongly object to their being protected when there are lambs about.

The Hon. D. H. L. Banfield: They exterminate rabbits and rats, don't they?

The Hon. A. M. WHYTE: They do an excellent job.

The Hon. A. F. Kneebone: Have you looked at clause 52?

The Hon. A. M. WHYTE: I think that is the clause that says you can get a permit to do something about the bird, but a permit is a fairly unwieldy sort of thing. Because the wedge-tailed eagle is not a problem for the whole of the year, he is not wantonly shot. However, he is a very destructive creature at certain times, and it is ridiculous to say all the statements that have been made about eagles are not year-round studies because many have been taken when there is other game about. In my opinion the studies have been conducted at the wrong time of

the year, and little consideration has been given to the long distance the birds can fly. Banded birds have been destroyed 500 miles away from where they were banded only two weeks after being banded. I have seen two eagles kill a half-grown kangaroo.

Although I have much data here from people for and against the protection of wedge-tailed eagles, I shall speak from personal experience. It is not necessary for the bird to be fully protected, because people do not go around wantonly destroying eagles. It is only when lambs are small that eagles must be shifted by various methods. Although from time to time eagles are killed, the latest surveys show that the number of eagles has greatly increased. Fledgling eagles stay in their nests for up to three months, and it is during this time that the parent birds are most likely to be aggressive. At the usual nesting time of eagles the average lamb is two or three months old; consequently, the eagles do not take many lambs at that time. No account has been taken of that point when eagles' nests have been examined. Further, no account has been taken of the fact that young eagles do not nest; sometimes eagles are up to two years old before they start building nests. Often, a congregation of young eagles may kill and eat on the ground, without carrying the lamb away.

Only last year a neighbouring property owner engaged kangaroo shooters—they had licences! Soon after starting their work the kangaroo shooters had a quarrel with the man from whom they rented the freezer. As a result, they started to skin the kangaroos and market the skins. The eagles then moved in in large numbers; I saw 44 eagles in the air at one time but, if someone had rustled the trees, that number could have been doubled. When the kangaroo shooters left, my ewes began to lamb. I would have liked the conservationists to be there to see just how destructive the eagles could be. It was only through constant watching that we finished up with any lambs at all. I believe that I am as qualified to speak on the wedge-tailed eagle as anyone who played a part in bringing this Bill forward. I foreshadow an amendment providing that wedge-tailed eagles found north of 34 degrees 30 minutes south latitude be included in the ninth schedule as unprotected species. That parallel of latitude runs about 10 miles south of Cummins, about five miles south of Arthurton on Yorke Peninsula, about 10 miles north of Kapunda, and somewhere in line with Moorook. I support the Bill.

The Hon. H. K. KEMP (Southern): It is with regret that we see the need to supersede many bodies that have so ably made it possible for this Bill to be brought before us. For many years this State has been served by dedicated people, in most cases without any recompense whatever. They have done an amazingly good job and have made it possible for the Government to put before us a Bill with a schedule which encompasses pages 39 to 46 and which contains matters that have already been accomplished.

The flowers, birds and animals referred to therein have grown in and used dedicated country, which is to be brought under one authority and placed in the hands of the one Minister and his Director. I pay a tribute to these bodies for the work that has been done, and I hope that the expert knowledge that has been gained in the past will not be ploughed into the ground and forgotten. I hope, also, that the bodies which have worked so ably in the past will not be neglected and brushed aside, with all their knowledge being overridden by the new appointees to the board.

This measure is indeed an important one for South Australia, which, in the past, has had a Fauna and Flora Board, a National Parks Commission and other such bodies. I cannot go through all of them, because many have worked so strongly for many years.

Since this Bill was introduced only a few days ago, more than 60 amendments, which we as a body have been asked to pass, have been brought forward by people who are vitally interested in and dedicated to the work they have done in the past and want to do in the future.

I pay a tribute also to those people who brought to light an understanding of this matter at a meeting which, I understand, was held last night and which lasted until the early hours of this morning, at which many matters that will be raised in Committee were reconciled. There is indeed a long list of amendments, which will take honourable members a long time to consider. I hope these amendments will be accepted to enable this difficult work to be accomplished in a short time.

This legislation must be regarded as unfinished, because it is only the beginning of an idea. We are passing to one man (the Director) an awful responsibility. No matter how clever is the drafting of the Bill or how able are the Director and his staff, this legislation will have to be considered and modified as

time goes on; indeed, I am afraid much amending legislation will be introduced in years to come.

I cannot do other than commend the Bill to the Council or to thank those people who have because of their work made it possible for the legislation to be presented in its present form, and for the many large areas of the State having been devoted as recreation areas, flora and fauna reserves and game reserves. All this work must be acknowledged.

Many people, who must be limited in their outlook, are undoubtedly against the dedication of too large an area to these purposes. All honourable members would realize the difficulties that were experienced in the past because one of the remaining good areas of mallee land on Eyre Peninsula was declared a fauna and flora reserve. It was dedicated against the wishes of many people and completely against the wishes of any political Party. The person to be thanked for that reserve is the late Hon. P. H. Quirke.

I must also thank an unrecognized man in this regard, who has done much work in relation to conservation: I refer to the Hon. D. N. Brookman. Over a short time, these two men have been responsible for the setting aside for the future of many of our dedicated areas. The Hon. J. D. Corcoran must also be thanked in relation to a large area of land in the South-East. These achievements have been possible not because of political work but because of teamwork.

The Hon. A. F. Kneebone: And co-ordination.

The Hon. H. K. KEMP: I do not think the politicians have co-ordinated. Indeed, in many cases they have messed things up. I am afraid I cannot support the Hon. Mr. Whyte's foreshadowed amendment, because I have seen in Yunta a long line of wedge-tailed eagles strung along a fence. They had been viciously killed by a hunting party from Adelaide that had killed the eagles, which were feeding on some kangaroos that members of the team had previously shot.

There are in our community irresponsible people such as these, who do not achieve our real aim: to keep the wedge-tailed eagle under control. If one makes use of clause 52 and does not have to argue much with a certain person who has the responsibility in this respect, one should be able to keep these birds under control. I commend the Bill to honourable members and I hope it will pass with little delay.

The Hon. A. F. KNEEBONE (Minister of Lands): I do not intend to delay the Council by giving a lengthy reply. I appreciate the comments that honourable members have made and the support they have given to the measure. I am pleased that those who are interested in the Bill were able to come forward and, as a result of the co-operation and co-ordination of the Government, to get down to tin tacks and sort out the various amendments. Although the Government will be able to accept some of them, it will not be able to accept others. I appreciate the work that has been done, and I commend the Bill to honourable members.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

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

To strike out the definition of "protected animal" and insert the following definition:

"protected animal" means—

(a) any mammal, bird or reptile indigenous to Australia;

(b) any migratory mammal, bird or reptile that periodically migrates to, and lives in, Australia;

(c) any animal declared by regulation to be a protected animal,

but does not include animals of the species referred to in the ninth schedule to this Act, or any animals declared by regulation to be unprotected:

I express my pleasure and gratitude to the people who have assisted me greatly in making this Bill workable. The people I refer to are the Director mentioned in this Bill, Mr. Lyons, Mr. Peter Reeves, Mr. Robert Brown (a conservationist) and Mr. Laurie Delroy, who is the senior wildlife officer at present in the Department of Fisheries and Fauna Conservation. Those people and the Minister in charge of the Bill in this place and his counterpart in another place have been extremely helpful. Although it took until half-past one this morning to reach agreement on these matters before us, it was time usefully spent. Also, the Parliamentary Counsel worked long hours last night and today and has made it possible for these amendments to be placed on file. I am extremely grateful to him also.

The Hon. A. F. KNEEBONE (Minister of Lands): I appreciate the honourable member's words of commendation in regard to officers from the department being made available by the Minister of Environment and Conservation and to my own meagre assistance in reaching

some degree of agreement on the amendments. On behalf of the Government, I accept this amendment.

Amendment carried; clause as amended passed.

Clauses 6 to 9 passed.

New clause 9a.

The Hon. C. R. STORY moved to insert the following new clause:

9a. (1) The Minister may—

(a) cause research to be carried out into problems relating to the conservation of wildlife;

(b) collaborate with any other person, body or authority in the conduct of any such research;

or

(c) cause an investigation to be made into the possibility of establishing further reserves or adding to existing reserves.

(2) The Minister may make available to the public, in such manner and form as he thinks fit, the results of any research or investigation conducted under this section.

The Hon. A. F. KNEEBONE: The Government is pleased to accept this new clause.

New clause inserted.

Clauses 10 to 14 passed.

Clause 15—"Terms and conditions of office."

The Hon. C. R. STORY moved:

In subclause (4) (d) to strike out "four" and insert "three".

The Hon. A. F. KNEEBONE: The Government accepts the amendment.

Amendment carried; clause as amended passed.

Clause 16—"Quorum, etc."

The Hon. C. R. STORY moved:

In subclause (1) to strike out "Eight" and insert "Ten".

The Hon. A. F. KNEEBONE: The Government accepts this amendment.

Amendment carried; clause as amended passed.

Clauses 17 to 25 passed.

Clause 26—"Constitution of national parks by Statute."

The Hon. R. C. DeGARIS: Clause 26 (1) provides that the areas declared in the third schedule to be national parks are constituted national parks. Clause 27 (1) (a) provides that the Governor may, by proclamation, constitute as a national park any specified Crown lands that he considers to be of national significance by reason of the wildlife or natural features of those lands. I believe that the words "he considers to be of national significance by reason of the wildlife or natural features of those lands" should also be included in clause 26 (1). Would the Minister consider an amendment to include the words I have mentioned?

The Hon. A. F. KNEEBONE: Clause 26 (1) provides that areas declared in the third schedule to the Act to be national parks are constituted national parks, whereas clause 27 (1) refers to any area that may be declared a national park in the future. Therefore, it is unnecessary to include the words mentioned.

The Hon. R. C. DeGaris: That doesn't satisfy me.

The Hon. A. F. KNEEBONE: The Leader is not easily satisfied.

The Hon. R. C. DeGaris: Not in matters of conservation and national parks.

The Hon. A. F. KNEEBONE: But they have already been declared national parks, for that reason.

The Hon. R. C. DeGARIS: Yes, but I do not see why the definition should not be there. Clause 27 (3) requires a resolution of both Houses of Parliament. I am willing to let the clause go through, although I still think my point is valid.

Clause passed.

Clause 27 passed.

Clause 28—"Constitution of conservation parks by Statute."

The Hon. R. C. DeGARIS: I believe that the definition in clauses 29 and 31 should also be included in this clause.

The Hon. A. F. KNEEBONE: The explanation is the same as on clause 26. This clause constitutes as conservation parks those parks already declared, so there is no reason to repeat the reasons.

Clause passed.

Clause 29 passed.

Clause 30—"Constitution of game reserves by Statute."

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

(4) A proclamation shall not be made under paragraph (a) or *(b)* of subsection (3) of this section by virtue of which any land ceases to be, or to be included in, Katarapko Game Reserve, or Coorong Game Reserve, except in pursuance of a resolution passed by both Houses of Parliament.

(5) Notice of motion for a resolution under subsection (4) of this section must be given at least fourteen sitting days before the motion is passed."

This is an important amendment because the new subclauses will give the Katarapko game reserve, situated opposite Loxton and near Berri, in the hundred of Weigall, and the Coorong game reserve the same tenure as national parks. This is important, because at present they are split: some parts of them are

between game reserves and some are between national parks, and this is undesirable. I ask the Committee to accept the amendment.

The Hon. A. F. KNEEBONE: The Government accepts the amendment.

Amendment carried; clause as amended passed.

Clause 31—"Constitution of game reserves by proclamation."

The Hon. C. R. STORY moved:

In subclause (1) (a) after "conservation" insert "of wildlife".

Amendment carried; clause as amended passed.

Clause 32 passed.

Clause 33—"Constitution of recreation parks by proclamation."

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

In subclause (1) (a) to strike out "set apart" and insert "conserved".

This is quite an important amendment and deals particularly with the Para Wirra reserve. It will improve the Bill considerably if the amendment is accepted.

The Hon. A. F. KNEEBONE: The Government accepts the amendment.

Amendment carried; clause as amended passed.

Clauses 34 to 36 passed.

Clause 37—"Management plans."

The Hon. C. R. STORY moved:

In subclause (9) to strike out "and make public".

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

Amendment carried.

The Hon. C. R. STORY moved to insert the following new subclauses:

(10) When the Minister has adopted a plan of management he shall cause notice of that fact to be published in the *Gazette.*

(11) The Director shall, upon the application of any member of the public and payment of the prescribed fee, furnish that person with a copy of management adopted under this section.

The Hon. A. F. KNEEBONE: The Government accepts the amendment.

Amendment carried; clause as amended passed.

Clauses 38 to 40 passed.

Clause 41—"Prohibited areas."

The Hon. C. R. STORY moved:

In subclause (1) to strike out "and publish the reasons for the declaration"; and insert the following new subclause:

(1a) Any notice published under subsection (1) of this section must state the grounds upon which the declaration is made.

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

Amendments carried; clause as amended passed.

Clause 42—"Rights of prospecting and mining."

The Hon. R. C. DeGARIS: I believe the reserves of the Belair National Park, the Para Wirra National Park, the Katarapko Game Reserve and the Coorong Game Reserve have been singled out in clauses 30 to 33. They should have this protection, along with other reserves, by a resolution passed by both Houses of Parliament. Can the Minister say whether I am correct in assuming that clause 42 (5) does not apply to those reserves? If this is so, I would like to know the Minister's view on the inclusion of these reserves.

The Hon. A. F. KNEEBONE: The clause refers to the rights of prospecting and mining. There has never been provision in national parks for mining or prospecting. I am informed that there is not likely to be any prospecting or mining in the areas to which the honourable member has referred.

The Hon. R. C. DeGaris: How do you know?

The Hon. A. F. KNEEBONE: They have been there for a long time now and no effort has been made to prospect or mine within those areas. Any special mining lease in existence prohibits an area being made a national park. This has always been the case and there has never been a right to mine in a national park. As a former Minister of Mines, the honourable member would know that no national park has ever been proclaimed unless special mining leases are first cancelled.

The Hon. R. C. DeGARIS: But the Minister has given special protection. I have hit on a rather important point. The Minister is saying that we are to give special protection to all national parks.

The Hon. A. F. Kneebone: It has always been so.

The Hon. R. C. DeGARIS: Not the special protections laid down in clause 42 (5) (c), which provides that the proclamation is made in pursuance of a resolution passed by both Houses of Parliament. This provision is included as a protection. The resolution must pass both Houses of Parliament. This applies to all national parks and conservation parks except the four I have mentioned. Surely we could be consistent and apply the provisions of this clause to all national parks and conservation parks. Why exclude a certain number from these provisions? I do not understand the Minister's attitude. He has not told me why these areas should not have

exactly the same protection as exists in all others. I therefore ask the Minister to reconsider the matter.

The Hon. A. F. KNEEBONE: The Leader has not moved an amendment but, if he wishes to do so, I shall consider it.

The Hon. C. R. STORY: I believe that consideration of this clause should be postponed until the Minister and the Hon. Mr. DeGaris have conferred on the matter.

Consideration of clause 42 deferred.

Clauses 43 to 51 passed.

Clause 52—"Permits to take protected animals."

The Hon. C. R. STORY: The Fauna Conservation Act defines the area of the State where people who do not have permits are prohibited from destroying wedge-tailed eagles; that area is south of a line running across the State from Loxton to Streaky Bay. I wonder whether the aim of the Hon. Mr. Whyte in connection with wedge-tailed eagles could be brought about through this clause; possibly a pastoralist could get a permit from the Minister during the lambing season. Alternatively, the Hon. Mr. Whyte could amend the ninth schedule, as he suggested. It would probably suit conservationists if there was a permit system.

The Hon. A. M. WHYTE: I thank the honourable member for his assistance, and I have studied subclause (1) (c). In this clause we see that those responsible for the Bill have made a genuine attempt to cope with the situation, but it does not go quite far enough in connection with the wedge-tailed eagle. The Bill provides for the protection of the eagle throughout the State and, if one wants to exterminate eagles, one must apply for a permit. That sounds all right, but I point out that pastoralists do not exterminate eagles unnecessarily. However, whether or not they have a permit, pastoralists will shoot eagles that are taking lambs. It is not uncommon to see eagles taking creatures that are protected under this Bill. A congregation of young eagles can travel many miles very quickly. During the lambing season there may be no eagles around on one day, but on the following day there may be many eagles around. Then, there may be a delay before the pastoralist can get a permit to shoot them.

The Hon. A. F. KNEEBONE: The Hon. Mr. Whyte, although speaking to clause 52, has referred to an amendment to the ninth schedule. While he was speaking during the second reading debate, I interjected and asked why he did not refer to clause 52. I was really asking why pastoralists do not obtain a permit to shoot eagles that are troubling them, just the same as any persons whose animals are being molested by any other types of animal obtain permits. That is the only reason why I referred to clause 52. I will, therefore, withhold my argument until the proper time.

Clause passed.

Clause 53 passed.

Clause 54—"Animals of rare species."

The Hon. C. R. STORY moved:

To strike out subclause (3).

The Hon. A. F. KNEEBONE: The Government is willing to accept the amendment.

Amendment carried; clause as amended passed.

Clause 55—"Prohibited species."

The Hon. C. R. STORY moved:

In subclause (2) to strike out "One" and insert "Two"; and to insert the following new subclause:

(3a) A person who has in his possession or under his control an animal of a prohibited species in pursuance of a permit under this section, shall not export the animal from the State, or release the animal from his possession or control unless he is specifically authorized to do so by the permit.

Penalty: Two hundred dollars.

The Hon. A. F. KNEEBONE: The first amendment, which the Government is willing to accept, increases the penalty for a breach of the clause from $100 to $200. The Government is also willing to accept the new subclause.

Amendments carried; clause as amended passed.

Clauses 56 to 67 passed.

Clause 68—"Permits."

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

(3a) Without limiting the conditions upon which a permit relating to animals may be granted under this Act, those conditions may—

(a) provide for marking, or otherwise identifying, animals to which the permit relates;

(b) require the holder of the permit to report the escape, illness or death of any animal to which the permit relates;

and

(c) require the holder of the permit to report to the Minister the birth of any progeny to the animals to which the permit relates.

The Hon. A. F. KNEEBONE: The Government has examined this new subclause and is willing to accept it.

Amendment carried; clause as amended passed.

Clauses 69 to 72 passed.

Clause 73—"Additional penalty."

The Hon. C. R. STORY moved:

To strike out "protected" wherever occurring; and in subclause (2) *(b)* after "than" insert "a protected animal".

The Hon. A. F. KNEEBONE: The Government is willing to accept the amendments.

Amendments carried; clause as amended passed.

Clauses 74 to 78 passed.

Clause 79—"Exemption from tortious liability."

The Hon. A. F. KNEEBONE: The Government, having taken advice from its legal advisers, considers that this clause goes further than it intended. I therefore ask the Committee to vote against the clause.

Clause negatived.

Clause 80 passed.

Clause 42—"Rights of prospecting and mining"—reconsidered.

The Hon. R. C. DeGARIS: When speaking to this clause previously, I made certain mistakes. I referred to the Belair and Para Wirra National Parks which, under the Bill, will no longer be national parks but recreation parks. Most of our wet lands are game reserves, about which I have no complaint. However, we probably have enough of them to cater for our natural fauna and flora. That makes the situation somewhat different. Belair National Park and Para Wirra National Park will now be described as recreation parks and, under the Bill, will not have the same standing as national parks or conservation parks.

The Hon. A. F. KNEEBONE: Because of the difficulty in having a suitable amendment drafted, I ask that progress be reported.

Progress reported; Committee to sit again.

Later:

Clause 42—"Rights of prospecting and mining"—reconsidered.

The Hon. R. C. DeGARIS moved:

In subclause (5) to strike out "a national park or a conservation park" and insert "a national park, a conservation park, the Belair Recreation Park, the Para Wirra Recreation Park, the Katarapko Game Reserve or the Coorong Game Reserve".

Amendment carried; clause as amended passed.

First, second and third schedules passed.

Fourth schedule.

The Hon. C. R. STORY moved:

At the end of the schedule to insert "Kyeema Conservation Park, hundred Kuitpo, sections 92, 522, 688, 850 and 302" and "Hack's Lagoon Conservation Park, hundred Robertson, section 249."

Amendment carried; schedule as amended passed.

Fifth schedule.

The Hon. C. R. STORY moved:

In the description of "Bool Lagoon Game Reserve" to strike out "249".

Amendment carried; schedule as amended passed.

Sixth schedule.

The Hon. C. R. STORY: The Minister of Forests is the only one who has not come to the party in all the matters dealing with consolidating what I believe to be conservation proper. I should like an assurance from that Minister of Environment and Conservation or the Minister in charge of the Bill in this place that the Woolenook Bend game reserve, which is the original game reserve in the State, eventually will be brought under the authority of the Minister of Environment and Conservation, who will administer this legislation. It is a noticeable omission. I move:

To strike out "Kyeema Recreation Park . . . Hundred of Kuitpo, sections 92, 552, 688, 850 and 302."

Amendment carried; schedule as amended passed.

Seventh schedule.

The Hon. R. C. DeGARIS: The seventh and eight schedules are hopelessly out of date. The list of protected native plants in the seventh schedule is out of date and many more should be added to it. Also, other species should be added to the list of rare species in the eighth schedule. I have a list of the correct names for all the mammals from the platypus down to the yellow-footed rock wallaby, and most of the scientific names are no longer the correct names for these species. I have this from the most up-to-date accepted reference work, *Mammals of Australia,* by W. P. L. Ride. Rather than try myself to amend both schedules, I ask the Minister whether he will undertake to introduce an amendment in the next session to up-date and correct the seventh and eight schedules.

The Hon. A. F. KNEEBONE: It has been made clear that the protected native plants under the seventh schedule are not complete. The schedule has come direct from the Native Plants Protection Act, an Act that has never been fully utilized. It has been made clear by the Government that, in relation to this schedule, the advisory council will be asked to investigate and advise on the appropriate native plants that should be protected. It would be quite improper to accept any amendment to this schedule without the expert advice of the advisory council. The standard reference work which has been used for this schedule is

Black's *Flora of South Australia.* Although this has subsequently been added to by Eichler, once again it is desirable for a full and considered opinion on the nomenclature to be used.

The scientific names for the native birds were taken from the Royal Australian Ornithologists Union checklist, which is in the process of being updated, by Condon. The scientific names of the native animals were taken from Calaby's publication on endangered species. However, Ride's *Mammals of Australia* has in recent years increasingly become the accepted reference work. The Government has given a very firm indication that the National Parks and Wild Life Advisory Council will be asked to investigate and recommend on the appropriate reference work to be accepted in the nomenclature, as well as to recommend on the appropriate animals and birds requiring special protection.

As this is likely to be a lengthy and considered recommendation, it would be quite wrong of the Government to accept the recommendation of one person, albeit an expert in the field. Undoubtedly, this person would be consulted by the advisory council but, as in many fields of work, experts have been known to differ in their opinions. There is no reason why the implementation of this Bill would be affected by the nomenclature of these species.

The Hon. T. M. CASEY (Minister of Agriculture): I should like to answer a query raised by the Hon. Mr. Story. Woolenook Bend comes under the Woods and Forests Department, which I control as Minister of Forests. It has been in the hands of the department for several years and is part of the forestry reserve on the Murray River. The department has about 6,000 acres of forestry reserve, which includes the Woolenook Bend reserve, on the Murray River, and that reserve is divided into two parts.

One has always been a game reserve and the other is more of a conservation area, although both are recognized by the Woods and Forests Department as forestry reserves. Foresters in the department consider that Woolenook Bend is a unique area in forestry in this State. There is much regeneration of river gums in the area, and the foresters considered it so important to forestry in South Australia that they appointed a departmental officer to the river towns so that this section of the river could be looked after better than has been the case in the past.

We in the Woods and Forests Department recognize its value as a forestry reserve, but we do not intend to prevent the operations being carried on in that area. As a matter of fact, I hope to encourage the Field and Game Association in that area to co-operate fully with the department. I hope that we succeed and that we will be able to initiate talks soon.

The Hon. C. R. STORY: I accept the Minister's charitable offer that this will come to pass. Woolenook Bend consisted of a good stand of red gums near the river, and the area was used during the last war as an internment camp where Japanese prisoners were engaged in work which provided in the irrigation areas some of the best posts that have ever been produced. However, the regeneration, which is certainly taking place, is not sufficient. In fact, the area designated a game reserve is being fenced off, and it has a locked gate.

I believe that this is not the way that we do business, and that we need to create good public relations in this area. For three days of the year, there would be a "shoot" in this area, and a similar situation applies at Bool Lagoon. These areas should be made more readily available to the public. One of the greatest problems along the Murray River is inaccessibility in reaching the 150-link reserve, and I point out that this involves an arbitrary provision that applies along the whole of the river, except in relation to those areas where a few licences still exist. I ask the Minister to study this matter carefully, and I emphasize that I do not consider that the area to which I have referred needs to be protected by means of a padlocked gate. In addition, I do not think that the rest of the area concerned ought to be leased to someone else—

The Hon. T. M. Casey: It won't be; you have my assurance on that.

The Hon. C. R. STORY: —who may be grazing sheep. Cattle cannot do much harm to the regeneration in the area, but sheep can cause disastrous results. I have seen the regeneration of red river gum, the box gum and especially river pine. Anyone who takes the trouble to erect a fence and allows, say, a quarter of an acre to be regenerated is to be commended. I believe that the forester in the Upper Murray area, for whose appointment I was responsible, should be engaged in this activity rather than in advising people in regard to providing wind-break reserves around citrus orchards. We should be ensuring that our red gum areas are regenerated, and

this is not an impossible task. I can take the Minister to various areas, especially at lock 6, where trees planted in 1933 would provide a much greater quantity of timber than would an equivalent number of trees planted in South-Eastern forests. I exhort the Minister to examine carefully this matter involving the nurturing of tree regeneration in the river reserves and to consider the position of those people at Woolenook Bend who have worked terribly hard.

The Hon. T. M. Casey: I give my undertaking on that.

Schedule passed.

Eighth schedule passed.

Ninth schedule.

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

After "Little Raven *(corvus mellori)"* insert "Wedge-tailed Eagle *(Uraetus audax)* (only north of 34 degrees 30 minutes S. Lat.)".

I explained previously the area involved.

The Hon. A. F. KNEEBONE: As I indicated earlier, I do not think the amendment is necessary. Clause 52 can be applied and general permits agreed on for whatever period is necessary. The scientific evidence on the eating habits of wedge-tailed eagles is not entirely confined to research in the Canberra area. The Commonwealth Scientific and Industrial Research Organization has continued this research in the pastoral areas of Western Australia. The work there has been carried out in two areas, both semi-arid, with a very variable rainfall, but both where complaints against eagles had often been made. The first was near Rawlinna, about 250 miles east of Kalgoorlie and adjacent to the western edge of the Nullarbor Plain, with a mean annual rainfall of 7in. The second eare, near Carnarvon (about 600 miles north of Perth), has a mean annual rainfall of 8½in. The areas are about 900 miles apart. An important difference between the two areas is that the rabbit is abundant at Rawlinna, but scarce at Carnarvon.

In the preliminary report (see Ridpath, M. G., *Australian Natural History,* volume 16, pages 209-212 (1969)), it was found that "all nests have some remains of rabbit and most have nothing else". About one in 10 nests also had remains of birds or reptiles. At Carnarvon the food taken was more variable and included red kangaroos, euros (mainly joeys) and crows, with some foxes, feral cats, galahs, tawny frogmouths, reptiles and a few brown quail and diamond dove. A few lamb remains were found, but it was not possible to distinguish between the remains of dead or sickly lambs and healthy ones.

So far, C.S.I.R.O. results in the pastoral areas of Western Australia would tend to parallel those found in Canberra; that is, the wedge-tailed eagle is not as damaging as some people would have us believe, and therefore should be removed from the ninth schedule. The Hon. Mr. Kemp, who supported the Government's action in this regard, said that he had seen (as I have seen) wedge-tailed eagles strung along fences. This is possibly the result of people going out to shoot something else, not finding what they want, and shooting eagles so as to shoot off a few bullets. I do not think the amendment is necessary, and I ask the Committee to vote against it.

The Hon. M. B. DAWKINS: I support the amendment. I know from what I have been told and from what I have observed that this destruction can occur. I have no doubt of the good faith of the Minister, but destruction could occur because of the red tape involved in applying for a permit and waiting for it to be returned from some office in the city. It is quite ridiculous that anyone should have to wait for this, and in those circumstances I think the amendment is reasonable.

The Hon. C. R. STORY: I am obliged to support the amendment moved by the Hon. Mr. Whyte because this is something that has been established. I would have preferred the amendment to be in the form of a State-wide permit system under section 52, specifically including the wedge-tailed eagle. However, the honourable member did not feel disposed to do that. This has been an established custom during the year. As a member for that area, I have always had problems. The wedge-tailed eagle will come down below that parallel because it does not know that an arbitrary line has been drawn across its path. People have redress, under the Act, if they wish to apply to the Minister for a permit to destroy a certain number of birds. It would be wrong to arbitrarily throw out the whole matter.

I am grateful to the Minister for the way in which he has handled the Bill and for the Government's acceptance of this matter. The second world conference on parks and wildlife will be held in the United States this year, and one of the best investments this Government could make is to send this newly appointed officer in charge of the whole matter to this conference. If the Minister could get himself organized, he could go, too. I had the opportunity of seeing, a couple of years ago, what is

being done in the United States, and it is something we should emulate. Whether or not we will be able to provide sufficient money to do so I do not know, but certainly we can emulate it in the way that these parks are of tremendous interest to the public and are not just closed areas that breed African daisy.

The Hon. R. A. GEDDES: I support the amendment. The Stockowners Association of South Australia has been well aware of the Minister's intention in this Bill for many months and has had representations from a large number of people living in the northern areas of the State where the eagle is a problem. The association got as much information as possible from the C.S.I.R.O. and from its own observations and had a deputation to the Minister pointing out the need to control the bird at certain times of the year. There are photostat copies of the correspondence between the association and the Minister.

At Wirrabara, where I live, we have a similar problem to that explained by the Hon. Mr. Whyte, although perhaps not in the same numbers as he mentioned, at lambing time. With the forests and the Flinders Ranges immediately to the west of the town, we have ideal breeding grounds for the eagles and they come in during the lambing season and cause considerable trouble. The Minister of Lands mentioned seeing a large number of eagles with outspread wings stretched up against the fences. In most instances they are there as a result of deliberate poisoning, not from shooting. This is one form of control adopted at certain times of the year. It is done more deliberately than the destruction by shooters, who have nothing else to do.

The Hon. A. M. WHYTE: I do not believe the C.S.I.R.O. findings have been given quite a fair hearing. That organization did not claim that the facts were final. It made an explanation about young eagles which do not nest at all. Most of the observations were of nesting eagles and remains found in the nests did not add up to a great number of lambs. The lambing season does not coincide with the nesting cycle of the eagle. The eagle eats the lamb where he kills it. Eagles will have fun with the lambs at times and kill many they do not attempt to eat. In many cases young eagles which have not commenced nesting are the greatest factor in the lambing problem.

I am convinced that the permit system is not adequate to cope with the situation, especially where eagles appear in large numbers at short notice. The cumbersome method of applying for a permit is too slow to be of any great use. I firmly believe that the people who want the bird to be unprotected north of 34 degrees 30 minutes latitude do not wantonly destroy eagles, because those people are very well aware of the uses of the eagles.

The Hon. C. R. STORY: There seems to be some slight confusion in the mind of the Minister of Agriculture, because he has informed me that a person will not be able to get a permit to shoot an eagle south of 34 degrees 30 minutes latitude. However, I believe that the Minister is incorrect. I believe that the Hon. Mr. Whyte's intention is to provide that people will be able to shoot eagles north of that latitude when they desire to do so, but people must apply for a permit from the Minister if they wish to shoot eagles south of that latitude.

The Hon. A. F. KNEEBONE: My interpretation of the amendment is the same as that of the Hon. Mr. Story. The effect of the amendment is to place the wedge-tailed eagle in the unprotected class north of 34 degrees 30 minutes latitude. The eagle is then protected south of that latitude, but clause 52 provides that any type of protected bird or animal can be taken, provided a permit has been obtained. The Hon. Mr. Whyte said that obtaining a permit was a lengthy process, but I point out that the gestation period of sheep is a lengthy process, too. Surely the postal service is not so slow that a pastoralist cannot get a permit within that period. The honourable member himself has said that he wants protection for the eagle only during the lambing period in pastoral areas. So, surely the matter will be under the control of the pastoralist: he will know when he wants a permit to shoot eagles, and surely he can get one under clause 52.

The Committee divided on the amendment:

Ayes (8)—The Hons. M. B. Cameron, M. B. Dawkins, R. A. Geddes, G. J. Gilfillan, L. R. Hart, E. K. Russack, C. R. Story, and A. M. Whyte (teller).

Noes (7)—The Hons. D. H. L. Banfield, T. M. Casey, R. C. DeGaris, A. F. Kneebone (teller), F. J. Potter, Sir Arthur Rymill, and A. J. Shard.

Majority of 1 for the Ayes.

Amendment thus carried; schedule passed.

Title passed.

Bill read a third time and passed.

Later:

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 25 but had disagreed to amendment No. 26.

Consideration in Committee.

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

That the Council do not insist on its amendment No. 26.

The Hon. Mr. Whyte can achieve what he wants to achieve under provisions already in the Bill, without subjecting the wedge-tailed eagle to open slaughter. I believe that pastoralists should be permitted to shoot wedge-tailed eagles if those eagles are attacking lambs, and the Minister in another place thinks so, too. It is only necessary for a pastoralist to apply for and obtain a permit when his sheep are lambing, and he can then shoot wedge-tailed eagles. From the information I have about investigations by the Commonwealth Scientific and Industrial Research Organization, it was apparent that wedge-tailed eagles did eat lambs, because lamb bones were found in the eagles' nests. However, pastoralists have 21 weeks, the gestation period of a ewe, in which to apply for a permit to kill eagles. Other honourable members have told me that it is necessary to cover only the two-month period while ewes are lambing. I ask the Committee not to insist on the amendment, because it would expose wedge-tailed eagles to the depredations of people who are not interested in breeding sheep or conserving the wildlife of the countryside.

The Hon. A. M. WHYTE: I pay full tribute to the Minister, who is a most able debater. It is not the first time that he has twisted the intent of an amendment that I have moved. He is merely defending something that is placed before him, and he is doing it well; but I am placed in a similar position. Eagles do not work to the gestation period of ewes: in some seasons there may be no eagles on a property.

The Hon. A. F. Kneebone: Then there is no need to get a permit.

The Hon. A. M. WHYTE: That is right. Then suddenly there is an influx of eagles. A man who has done as much for conservation as anyone in South Australia is Dr. Bonnin, who has said:

There is no concern at the present time relating to the survival of the species in Australia, where numbers might be estimated in hundreds of thousands.

Because of this I cannot quite follow the opposition to my amendment. Indiscriminate shooting has been mentioned, but what does that mean?

The Hon. A. F. Kneebone: Some people even shoot as roadside notices.

The Hon. A. M. WHYTE: Nothing in my amendment in any way increases the right to shoot indiscriminately. A man has not the right to enter on a property and start shooting at kangaroos, eagles, horses or sheep. The fact of a person having to apply for a permit or that the bird is protected all the year round will make no difference to the number of eagles. My amendment will make it easier to control the situation.

The Hon. A. F. KNEEBONE: I must correct the honourable member. I know he dislikes indiscriminate shooting as much as I do, but what he is doing is protecting the indiscriminate shooter and allowing him to shoot eagles in that area, because they will not be protected there. If the Bill is left as it is and a permit is required, the pastoralist will then be able to shoot the wedge-tailed eagle that is doing the damage, and the indiscriminate shooter who shoots an eagle without a permit can be prosecuted—which is what we want. That is why I ask the Committee not to insist on this amendment.

The Hon. A. M. WHYTE: Clause 52 deals with permits. There is also a provision for the landowner to control this indiscriminate shooter, anyway.

The Hon. T. M. Casey: No. He can shoot from the road or anywhere at all. He has the right to travel on bush tracks and he has no permit to shoot.

The Hon. A. M. WHYTE: There is some confusion here about the right of a man to enter on to a property.

The Hon. T. M. Casey: There are main roads.

The Hon. A. M. WHYTE: That does not entitle a man to blaze away at everything he sees from a road.

The Hon. T. M. Casey: We are talking about shooting eagles.

The Hon. A. M. WHYTE: Yes. The fact that a man has a right to travel through a property on a road, on a public thoroughfare, does not entitle him to move away from that road and shoot eagles.

The Hon. T. M. Casey: Why not? It does, by your amendment.

The Hon. A. M. WHYTE: No; it does not entitle him to shoot anything from that road.

The Hon. A. F. Kneebone: But it is a public road.

The Hon. A. M. WHYTE: There is no connection between the right of a man to travel through a property and the right of that man to shoot indiscriminately while doing so.

The Hon. A. F. Kneebone: Is the pastoralist of a property to shoot eagles?

The Hon. T. M. Casey: What is to stop a man from getting permission from the owner of a property to shoot eagles?

The CHAIRMAN: Order! These interjections do not help. The Hon. Mr. Whyte.

The Hon. A. M. WHYTE: If a person applies for a permit to shoot kangaroos, he does not do it on a run. If the Director was to give a man a permit to shoot kangaroos whilst travelling through a run, that would be strange, and something should be done about the Act. My amendment merely makes it easier to control the habits of the eagle during the lambing season.

Motion carried.

COMMUNITY WELFARE BILL

Adjourned debate on second reading.

(Continued from April 5. Page 4593.)

The Hon. A. M. WHYTE (Northern): I support the Bill, which is one of the pieces of legislation that I hope is progressive. It co-ordinates many of the present Acts and organizations that deal with State welfare. It can be said that some of these organizations are capable of further progress, and less expense will be involved if they are co-ordinated to work as one body. It is hoped that, with some alterations, the Bill will be of considerable benefit to the community. Perhaps it is somewhat regrettable that we have to make decisions on all these clauses at this stage, with such a jumble of legislation before us. Although I have not had much time to examine the Bill, I can say that there is a feeling of misapprehension in some quarters that the initiative displayed by people in the community who voluntarily help their fellow human beings may be taken from them. I am sure that people working on a voluntary basis will not brook much instruction from paid officers. It is intended by the Bill that the greatest assistance, rather than instruction, will be given to voluntary bodies. Various amendments will be dealt with in the Committee stage. Clause 23 provides:

The Director-General may co-operate with any person or body of persons in carrying out research that is, in his opinion, of value to the Department, or generally to the welfare of the community, and may, in his discretion, make available to any person, or body of persons, the results of research undertaken under this Division.

I believe that this is an excellent provision and, by this means, we hope that the legislation will achieve its purpose. Clause 25 provides:

The Minister may establish community welfare consultative councils in such localities throughout the State as the Minister thinks fit.

Here again, I believe that an approach will be made to co-operate with various communities that have been left very much to their own devices to provide these services. This is the right approach, and I only hope it will be made in a way so that no-one is offended. I hope that those who have for years supported their fellow human beings through their voluntary efforts and monetary contributions will not be disregarded by people who, although they may have much training in welfare work, may not have had to suffer the pinch, as many people who do voluntary work have suffered it. In many cases, it is found that the best providers in the community are those who have themselves suffered some disability or problem and, having been helped themselves, are willing to assist their fellow human beings.

Part V of the Bill contains provisions relating to Aboriginal affairs. Here again, it is most necessary to involve people in an understanding of Aborigines This whole situation concerns every fair-thinking Australian. Many people have tried voluntarily to assist Aborigines, and the department has spent much money in caring for them, but the problem has so far evaded a real solution. The intention of this Bill is to co-ordinate the various bodies that have assisted. The Minister on whom this weighty legislation rests should at all times endeavour to co-operate with the many people who have made a voluntary effort and who in many cases understand the position of the Aborigines in their area far better than do many people who make statements in the newspapers, and perhaps even some of the departmental officers themselves. I hope this will become part of the general intended pattern. Clause 90 (1) provides:

Where an Aboriginal appears before a court charged with an indictable offence, and the Aboriginal is not represented by counsel and no officer of the department is present in the court, the court shall inform the Director-General who may, if he thinks it necessary, request the adjournment of the hearing to enable him to arrange legal representation. . . .

This is good, because on many occasions Aborigines have appeared in court unable to comprehend fully the charge laid against them. With this is mind, I ask the Minister to consider something that I have suggested previously in this Chamber, that perhaps trials could be held on Aboriginal reserves. That would serve a good purpose because it would give an opportunity of explaining at first hand

the function of the court to the accused, and it could lead to the point where justices of the peace could be appointed from members of reserve councils. In my opinion, there are many men on such councils capable of acting in this capacity.

I have some misgivings, too, about foster parents. I understand amendments are foreshadowed to reflect their feelings and clarify the legislation regarding them. They have always shown some concern because previously we have seen instances of parents deserting a child until he is, say, 21 years of age and then suddenly appearing on the scene and accepting the child back, just at a time when they think he is about to gain some portion of his benefactor's wealth. Foster parents often feel that they are not always viewed in a good light and any approach they make to the department is often misinterpreted to the point where the department believes they are trying to get money that will not always be spent on the child. That is an unfair assessment of the true facts about foster parents, most of whom are worthy of the responsibility they have accepted; they handle it to the best of their ability and accept the child into their home as one of their own children. In view of what other honourable members have said on this and what honourable members still to speak may say about it, perhaps this part of the Bill could be amended to their satisfaction. I support the Bill.

The Hon. A. J. SHARD (Chief Secretary): I shall be brief in reply. I do not intend to reply to the points raised by honourable members, because several amendments will be moved in Committee. However, I take this opportunity of thanking honourable members for their co-operation and general support of this Bill and for the way in which they have worked with the departmental officers in framing the amendments on file.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Objectives of the Minister and department."

The Hon. F. J. POTTER: I move to insert the following new paragraphs:

(ba) to assist voluntary agencies engaged in the provision of services designed to promote the well-being of the community;

(bb) to collaborate with other departments of Government whose activities directly affect the health or well-being of the community.

It is important that we include these two additional concepts, because an important function of the new department will be to assist wherever possible the existing voluntary agencies.

The Hon. A. J. SHARD: The Government has had an opportunity of looking at this amendment and is prepared to accept it.

Amendment carried; clause as amended passed.

Clauses 8 to 12 passed.

New clause 12a—"Community Welfare Standing Committee."

The Hon. F. J. POTTER: I move to insert the following new clause:

12a (1) The Minister shall appoint a standing committee to advise him upon any matters pertaining to the administration of this Act or the welfare of the community.

(2) The committee so appointed shall consist of a chairman and not less than six or more than ten other members.

(3) The Director-General shall provide such secretarial and other services and facilities as may be reasonably required for the purposes of the standing committee.

This new clause provides for the setting up of a community welfare standing committee, to consist of six to 10 members and to meet at least 12 times in each year and at least twice in any period of three months. This is the first of four new clauses that form Division IIA that I am seeking to have inserted. The standing committee's duty will be to report to the Minister on any matter referred to it for advice. An important aspect is that the committee may, of its own motion, refer to the Minister any suggestion or advice that should in its opinion be considered by him. Certain honourable members have put in many hours studying the suggestions that have been made by various bodies, including a lengthy conference we had with representatives from the Australian Association of Social Workers (South Australian Branch). We felt that this suggestion, which arises from suggestions made by the social workers, should be placed before the Committee, because it was considered that an independent council of people with expertise and comprehensive interests in the community should be formed to offer advice to the Government on matters of community welfare, particularly regarding policy.

Under the old legislation, there was a council known as the Social Welfare Advisory Council, which strove to do excellent work but which was regarded in some quarters as having perhaps not realized its potential role to the fullest extent. The amendment suggests that the limitations of scope that were set on the operation of the old council be removed

and that the establishment of this standing committee, with these terms of reference, would be an excellent way of dealing with the problem of examining policy on community welfare—both matters referred by the council and matters which the committee could raise on its own motion.

The amendment suggests a committee comprising not more than 12 members who would be widely representative of people involved in community welfare. For instance, it would be desirable to have on the standing committee a sociologist and possibly a social worker, a statistician, a public administrator, a health expert, someone concerned with education, and someone concerned with town planning. This would provide a wide coverage of people of a high degree of competence who would be concerned with the problems of community welfare. Community welfare problems are difficult to isolate, because many factors in our total environment and in our way of life impinge on them, and the standing committee would be of great assistance.

The committee would have a responsibility to advise the department from time to time. The Bill provides for additional committees to be appointed. The Bill also provides for the setting up of community welfare advisory committees, and this is desirable. The committees, as provided in clause 13, will have specific aspects of community welfare referred to them. The committees, which will be set up for a limited life, will comprise people with special knowledge, but will not perform functions similar to those contemplated for the overall standing committee.

The Hon. A. J. SHARD: This new clause is not acceptable to the Government. Community welfare advisory committees provide ample possibilities for advice to the Minister on matters pertaining to the administration of this Act or the welfare of the community. The emphasis on the development of community welfare is that the local community is central in the planning, and that the advice of the consultation councils in those areas will provide the Minister with adequate and realistic advice. These consultative councils will certainly raise issues of wider consequence than their local area, and the Minister is empowered by this Act to form part of an advisory committee to study the issues involved. The skill and attention a committee of this nature will give to such matters is heightened by the short-term nature of appointment. The appointment of consultative councils will initially be developed where the Community Welfare Department has staff to enable its activities to be carried out. Such a council will be established in the Adelaide central area and it will obviously comprise representatives of centralized organizations serving that area. Obviously, the council will provide the advice and be sensitive to broader welfare issues because of its location and possible membership. I ask the Committee not to accept the new clause.

New clause negatived.

Clauses 13 to 20 passed.

Clause 21—"Programmes of education and training in matters of community welfare."

The Hon. A. J. SHARD: I move:

In subclause (1) to strike out "such programmes of education and training in matters pertaining to community welfare as he thinks desirable" and insert "programmes of education and training for those who are engaged, or propose to engage, in the provision of services designed to overcome or ameliorate social disabilities or problems".

The clause as it stands may give the impression that the Director-General may institute programmes of general education throughout the community. This is not the intention; it is rather that the department be empowered to initiate and co-operate with other persons or institutions in providing opportunities for education and training for staff, both within the department and in other community welfare settings, for community aides and for any other persons who are engaged in or who seek to be engaged in working in the community welfare field. The amendment seeks to clarify the clause in that regard.

Amendment carried; clause as amended passed.

Clauses 22 and 23 passed.

Clause 24—"Community welfare centres."

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

In subclause (2) after "other" to insert "department".

The Committee has accepted the principle of co-operation with other departments, and other departments have an important part to play in community welfare.

The Hon. A. I. SHARD: The Government accepts the amendment.

Amendment carried; clause as amended passed.

Clause 25—"Consultative councils."

The Hon. L. R. HART: I am concerned about the method by which the Minister will elect consultative councils. Clause 27 provides that consultative councils shall consist of not fewer than eight or more than 12 persons appointed by the Minister and subclause (2)

of that clause provides that the members of a consultative council must be persons interested in the furtherance of community welfare within the local community. Later, the clause sets out certain persons whom the Minister is required to elect. Four persons are named out of the minimum membership number of eight or the maximum of 12, so it is the other persons whom the Minister is required to elect that I am concerned about. As they will be members of the local community, I think that there should be some local community involvement. Perhaps a public meeting of the local community could submit names from which the Minister would select his nominees.

The Hon. A. J. SHARD: If the Minister is of the opinion that, in a given part of the State, there is a need for one of these consultative committees, the department will contact the people there, and the people who will be appointed to the committee will be members of such bodies as the District and Bush Nursing Society, Mothers and Babies Health Association, Good Neighbour Council, and people who have shown an active interest in community welfare in that district.

Clause passed.

Clause 26—"Functions of the consultative council."

The Hon. F. J. POTTER: I move to insert the following new subclause:

(2) The Minister shall in each year convene a conference of all members of consultative councils established under this Act.

It seems to me that real value could be gained if the consultative councils established in the various districts were able to come together in a conference and exchange experiences in common problems. The Minister may say that these meetings would be expensive to handle once a year, and the result may be somewhat nebulous so far as the department is concerned. However, I do not know that it would be nebulous for the individuals comprising the consultative councils. I realize that the problems of one area may not be the same as those in another area. There may be a tendency for individual consultative councils to become inward looking and concerned with their own local problems, not feeling that they are participating in Statewide work. Although we may not expect tremendous results from this, the goodwill engendered as a result of such a conference and the sharing of problems and results of experiments undertaken in various areas could be of great assistance.

The Hon. A. J. SHARD: This clause is not acceptable. It is not desirable to make it mandatory for conferences of all members of consultative councils to be called each year by the Minister. There is no doubt that some conferences will be called from time to time on a regional basis but this should not be made compulsory by placing such a clause in the Bill. The cost of bringing up to 240 members of consultative councils to a central conference would be substantial, and the final results of such a conference could be doubtful. I ask the Committee to oppose the amendment.

Amendment negatived; clause passed.

Clauses 27 to 32 passed.

Clause 33—"Recovery of cost of assistance."

The Hon. L. R. HART: I should like to know to what extent this provision, which is similar to a provision in the existing Act, is used, because I believe that it could harshly affect some people. A stepfather may be required to repay money provided by way of assistance to a stepson, for whose upbringing the stepfather may never have been responsible. If in the opinion of the court the stepfather can repay the sum provided by the department, he is required to do so. In addition, I point out that the person who has received assistance could be about the same age as the person required to pay the sum provided by the department.

The Hon. A. F. KNEEBONE: It is necessary that this provision be included so that it may be used where necessary, but in the case of hardship the department would use its discretion.

Clause passed.

Clause 34—"Evidentiary provision."

The Hon. L. R. HART: The person who repays the money provided by way of assistance is virtually contributing towards the upkeep of a "near relative". I wonder whether the sum required to be repaid becomes a taxation deduction.

The Hon. A. J. SHARD: I think the clause is designed to cover the situation where a person is able to pay but does not want to pay. Wherever a hardship exists, the provision will not be invoked. The clause is designed to catch up with the shrewd person concerned in this matter and will not affect those who may suffer hardship.

Clause passed.

Clause 35 passed.

Clause 36—"Community grants scheme."

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

In subclause (3) (c) after "service" to insert ",".

I know from my discussions with departmental heads that this amendment is acceptable and, indeed, the insertion of a comma here has a significant effect on the meaning of this provision.

Amendment carried.

The Hon. F. J. POTTER: I move to insert the following new subclause:

(3a) The fund shall be administered with the object of ensuring the preservation and promotion of agencies that are not subject to control by the Government.

This is an attempt to write in, as it were, some philosophy in connection with the use of the Community Welfare Grants Fund. The Bill recognizes that non-governmental services will continue to exist, and the greatest collaboration will exist in respect of those services. It is considered, therefore, that the mere recognition of the fact that these services exist is not sufficient and that it is essential that the services provided by these non-governmental agencies of one kind or another should be permitted to continue to function in such a way that they can adequately fulfil their expected role in this whole scheme. The new subclause inserts a statement of principle concerning the way in which the fund should be used.

The Hon. A. J. SHARD: This amendment is unacceptable to the Government, as it is not in keeping with the objects of the Community Welfare Grants Scheme. This scheme is to encourage the development of welfare services throughout the community where there is a determined need of such services. These grants will go to private agencies which have demonstrated a capacity to meet these needs. The details of the type of grants to be made from the scheme are evident in the Bill.

To agree to this amendment leaves no room for rationalizing of services and would make it obligatory on the Government to preserve and promote agencies with no conditions on their accountability and no study of functions which they perform in relation to the total welfare needs of the community. Modern community welfare practice requires that the scarce resources available be applied to situations of present day need, and this amendment is more concerned with preserving organizations than meeting this aim.

Amendment negatived; clause passed.

Clauses 37 to 43 passed.

Clause 44—"Manner in which Director-General may deal with the child."

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

In subclause (1) (d) after 'hospital" first occurring to insert "receiving house".

This is really a drafting amendment, but it could be of some importance. It is necessary because of the separate definition in the Mental Health Act.

The Hon. A. J. SHARD: The Government has no objection to the amendment.

Amendment carried; clause as amended passed.

Clauses 45 to 49 passed.

Clause 50—"Purpose of subdivision."

The Hon. M. B. CAMERON: There is some concern among foster parents as to whether or not the department will be caring for foster children in complete co-operation with foster parents. I understand that in the past there has been between some foster parents and the department some conflict and lack of co-operation. Has the Government a reply to the question I asked during the second reading debate?

The Hon. A. F. KNEEBONE: We co-operate in every way with the foster parents and we desire to promote the best relationship between the foster parents and the department.

Clause passed.

Clauses 51 to 54 passed.

Clause 55—"The powers of entry."

The Hon. M. B. CAMERON: I move to insert the following new subclause:

(1a) A person shall not enter any place or premises in pursuance of this section unless notice of his intention to do so has been served personally or by post upon the foster-parent at least twenty-four hours before he does so or unless some emergency justifying his entry into the place or premises has arisen.

Some concern has been expressed by people who feel they should receive notice before a visit by the social welfare officer. I understand this matter has caused some feeling between the officers and the foster parents in many cases. I should like to know whether the Chief Secretary will accept the amendment on behalf of the Government, or at least give some indication as to whether the notification will be given to the foster parents in future.

The Hon. A. J. SHARD: This amendment is unacceptable to the Government as it places specific limitations on the care by the department of the children who are under the guardianship of the Minister. It is realized that some foster parents are concerned at the right of entry included in this clause but there are many who view the departmental officials in

the spirit of this legislation, which is that of help and understanding both for the child and foster parents. The department would need additional staff to allow the planning of the proposal in this amendment, and this increase is not viewed as productive of better welfare services. The practical difficulties of 24-hour notice for those without telephone communication would be inhibiting of service. The department is aware of the desirability of notifying foster parents prior to a visit and, as far as possible, this will be done. In a few cases, there is need for visits to occur in doubtful and emergency situations without prior notice.

Amendment negatived; clause passed.

Clauses 56 to 63 passed.

Clause 64—"Inspection of children's homes."

The Hon. A. J. SHARD: I move:

In subclause (1) after "at any" to insert "reasonable".

The clause provides that the Director-General may at any time enter and inspect any licensed children's home. It is felt that this should be made to read "at any reasonable time". This is the point raised by the Hon. Mr. Cameron, and this is in deference to the licensee and to the organization of the home. The amendment will make for better wording of the clause.

Amendment carried; clause as amended passed.

Clauses 65 to 74 passed.

Clause 75—"Restriction upon children living outside the custody of their parents."

The Hon. A. J. SHARD: I move to insert the following new paragraph:

(da) he is entitled to have the care, custody or guardianship of the child in pursuance of the order of a court of competent jurisdiction;

This amendment provides that, where certain children are living apart from their parents with another person for any period exceeding six months, or for periods aggregating six months in any period of 12 months, that person must be authorized by the Director-General to care for the child or to keep the child in his immediate custody. The clause provides for several exceptions to this authorization and it is considered that one of these exceptions should be the child placed in the legal custody of a person by order of the court.

Amendment carried; clause as amended passed.

Clauses 76 to 79 passed.

Clause 80—"Tobacco not to be sold, etc., to child under sixteen years of age."

The Hon. R. C. DeGARIS: This Bill has some new concepts but, since it brings together a series of Acts that are being repealed, there is also much old material in it. This clause is an anachronism. When a similar provision was in earlier legislation it was not policed, and I believe that this clause will not be policed in the future. As a result, the law will be brought into disrepute. I therefore oppose the clause.

The Hon. A. J. SHARD: This provision came from the Children's Protection Act. It was considered that the omission of this provision from the Bill could be regarded as a failure by the Government to take due heed of the warnings that had been issued about the dangers of smoking. I therefore ask the Committee to support the clause.

Clause passed.

Clauses 81 to 83 passed.

Clause 84—"Establishment of Aboriginal reserves."

The Hon. F. J. POTTER: I move to insert the following new subclause:

(3) A proclamation under this section by virtue of which any land ceases to be, or to form part of, an Aboriginal reserve shall not be made except in pursuance of a resolution passed by both Houses of Parliament.

My amendment relates mainly to subclause (1) (c). Concern has been expressed that a proclamation under this provision could be used to reduce in size or in potential value tracts of land that have been declared Aboriginal reserves. Such a proclamation should not be made except in pursuance of a resolution passed by both Houses of Parliament.

The Hon. A. J. SHARD: The amendment is unacceptable. From time to time there may be need for quite minor alterations to reserve boundaries. As it stands, the provision for the Governor in Council in these cases provides the optimum way of operating rather than having to bring the matter before Parliament on each occasion. I therefore ask the Committee to reject the amendment.

The Hon. R. C. DeGARIS: This kind of provision has been included in other legislation, and I cannot see any reason why it should not be included in this clause.

The Committee divided on the amendment:

Ayes (11)—The Hons. M. B. Cameron, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, G. J. Gilfillan, L. R. Hart, F. J. Potter (teller), E. K. Russack, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

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

Majority of 7 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 85—"Management of reserves, etc."

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

In subclause (3) after "Aboriginals" to insert "to near relatives of Aboriginals".

My amendment solves the problem that may be experienced in connection with a newly wed spouse who may be new to an Aboriginal reserve.

The Hon. A. J. SHARD: The Government raises no objection to the amendment.

Amendment carried; clause as amended passed.

Clauses 86 to 96 passed.

Clause 97—"Variation of amount payable under order."

The Hon. A. J. SHARD: I move:

To strike out "Division" wherever occurring and insert "Subdivision".

The references in this clause to "Division" are incorrect and should read "Subdivision". I ask the Committee to accept the amendment.

Amendment carried; clause as amended passed.

Clauses 98 to 111 passed.

Clause 112—"Provision for blood tests."

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

In subclause (13) to strike out "pathologist" and insert "analyst".

This is a drafting amendment to make this subclause consistent with the rest of the clause.

The Hon. A. J. SHARD: The Government has no objection to the amendment.

Amendment carried; clause as amended passed.

The Hon. F. J. POTTER: I move to insert the following new heading and clause:

Subdivision 2a—*Orders for payment of medical and hospital expenses in connection with lawful termination of pregnancy.*

112a. (1) Where a court of summary jurisdiction is satisfied on complaint made by or on behalf of a female person—

(a) that the complainant has been pregnant but her pregnancy has been lawfully terminated otherwise than by the birth of a child;

and

(6) that the defendant has had sexual intercourse with the complainant at such a time that the act of intercourse may have resulted in the pregnancy of the complainant,

the court may order the defendant to pay such amount as it considers reasonable for or towards the medical and hospital expenses incurred by the complainant in connection with the termination of the pregnancy.

(2) The court shall not make an order under this section if it is satisfied that at the time of the act of sexual intercourse, the complainant was a common prostitute.

This amendment deals with a matter that I know has been the cause of some comment, particularly in legal circles, since the lawful termination of pregnancies has been permitted in this State. This amendment will enable the court to order a person who has had sexual intercourse with a woman who has subsequently had her pregnancy lawfully terminated to pay such amounts as it considers reasonable for or towards the medical and hospital expenses incurred by the complainant in connection with the termination of the pregnancy.

The Hon. R. C. DeGaris: Would such a person be a potentially putative father?

The Hon. F. J. POTTER: No, but one clause enables the court to make an award against a putative father, where a child has actually been born. In these circumstances, he is liable to pay all the preliminary expenses in connection with the birth of the child as well as maintenance of the child after birth. Therefore, the legislation places considerable responsibilities on such a person; it is only repeating provisions in the Maintenance Act and the Social Welfare Act in relation to illegitimate children.

If a woman has her pregnancy lawfully terminated, no obligation is placed on the person responsible for her condition of pregnancy. This is considered to be an anomaly because in the circumstances the woman must bear all hospital and medical costs in connection with the termination of the pregnancy. The only hope she would have if she was a member of a medical benefits fund would be for her to obtain a small contribution towards those costs from the Commonwealth health benefit scheme. It is also a notorious fact, which is perhaps to be lamented, that doctors charge anything but a common fee for this type of operation.

Many members of the legal profession, with whom I have discussed the matter, and social workers consider that an anomaly exists that was not dealt with in the previous Act because the provisions concerning the lawful termination of pregnancy did not then exist. This is the first opportunity we have had to deal with this provision. The amendment deals with it in a neat way and will in no way create any injustices.

The Hon. A. J. SHARD: This clause is unacceptable. To compel a father to pay for an abortion which may be quite against his wishes and of which he may disapprove on moral or other grounds would break new ground in maintenance law and introduce an erroneous and oppressive principle into the law. If the father approves of the abortion, his agreement to pay the costs of the abortion would be obtained at the time.

The Hon. R. C. DeGARIS: I am surprised at the Chief Secretary's attitude. When the abortion legislation was before Parliament, the Chief Secretary and other members voted in favour of that legislation, but now they object to it. One of the reasons given is humorous—that this provision may be against the defendant's wishes. Such a reason could also be applied to various other clauses, including that which makes the man liable for the woman's confinement. As the law permits the termination of a pregnancy, I cannot see why medical and hospital expenses for an abortion should not be able to be awarded against the man involved.

The Hon. M. B. CAMERON: I support the new clause. Clearly the man must be responsible for the woman's expenses, and the only way he can discharge his responsibility is through the provisions of the new clause.

The Hon. A. F. Kneebone: An abortion isn't the only way to discharge his responsibility.

The Hon. M. B. CAMERON: No, but the woman who is pregnant has the right to decide. If she decides on an abortion, the person responsible for the pregnancy should be called on to pay the expenses.

The Hon. T. M. Casey: You're saying she wants abortion on demand.

The Hon. M. B. CAMERON: No. This is totally different, as abortion on demand is involved with the marital situation.

The Hon. T. M. Casey: I realize that.

New heading and new clause inserted.

Clauses 113 to 124 passed.

Clause 125—"Variation and discharge of order."

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

Tn subclause (2) to strike out "or commits adultery" and insert "for a period in excess of three months, or enters into an adulterous relationship that persists over a period in excess of three months".

I point out that the Commonwealth Matrimonial Causes Act permits a couple to resume cohabitation for three months in an attempted reconciliation, and this does not in any way jeopardize the pre-existing grounds for divorce. In many ways that Act and our legislation are similar. Therefore, I think it is sensible that we should allow the same period of three months in which a couple can resume cohabitation, without prejudice, as it were.

As the subclause now reads, a single act of adultery would be a ground for the variation or discharge of the order. In these days, where a woman has had to endure some fairly severe conduct from her husband (and the grounds are set out in clause 117) and where she has obtained an order, it seems unfair that the order could perhaps be scrubbed out because she has made just one lapse. If she has a *de facto* relationship with another man, it is fair that the order should be discharged or varied and that is what my amendment provides. Although the provision now in the subclause has been in the legislation for some time, I think that this is a good opportunity to make a change. If there is some deliberate course of conduct on her part, the court may, on the application of the husband, vary or discharge the order. This is progressive legislation, and I hope this amendment will have the support of honourable members.

The Hon. M. B. CAMERON: I agree with the Hon. Mr. Potter that it is progressive legislation, but it is not progressive enough. This clause deals entirely with the woman's part in any relationship; she is the one who bears the burden of any lapse whereas the husband can go off and do as he likes without any penalty. Subclause (2) should be struck out of the clause. An adulterous relationship will be more difficult to prove than cohabitation. Does this provision cover her visiting a man once a week or once a month? Can the Hon. Mr. Potter alter his amendment to convey the fact that a woman is actually cohabiting with a man?

The Hon. F. J. POTTER: I do not think there is very much difference, because the relationship anyway is adulterous if it is not with her lawful husband. To strike out subclause (2) would probably be going a little too far, because this provision has been in the legislation for some time. My amendment covers the position more happily as far as the law is concerned

The Hon. A. J. SHARD: The amendment is not acceptable. If a married woman commits the matrimonial offence of adultery and it is proved, she is not entitled under the provisions of Part II, Division IT, of the Bill to obtain an order for her maintenance. It seems reasonable, therefore, that, if she commits such an offence after an order in

her favour has been made, that order should be discharged on application and proof. Under Part VI, Division I, of the Bill, a woman who is left without adequate means of support for herself can take action to obtain an order for her own maintenance and for the maintenance of any children in her care on those grounds. In these circumstances, it is no defence by the husband to prove that his wife committed the matrimonial offence of adultery. He can, however, take action under the Matrimonial Causes Act and such action would preclude the wife from obtaining an order for her own maintenance in the summary court. I ask the Committee to reject the amendment.

Amendment carried; clause as amended passed.

Clauses 126 to 237 passed.

Clause 238—"Institution and conduct of proceedings."

The Hon. R. C. DeGARIS: I am concerned about this clause because there may be people who are unable to request that the Director-General act on their behalf—for instance, a three-year-old child. Can the Director-General bring proceedings where there is no request but where, in his opinion, proceedings should be taken?

The Hon. A. F. KNEEBONE: If the child cannot make the request, it would be under the control of the parent or the Minister.

Clause passed.

Clauses 239 to 249 passed.

Clause 250—"Regulations."

The Hon. F. J. POTTER moved:

In paragraphs (d), (p) and (q) to strike out "aboriginal" and insert "Aboriginal".

Amendments carried; clause as amended passed.

Clause 251 passed.

The schedule.

The Hon. F. J. POTTER: I cannot see anywhere in the Bill where the Social Welfare Act is repealed: it is not mentioned in the schedule. Can the Minister explain why this is so?

The Hon. A. J. SHARD: The Maintenance Acts and the Maintenance Act Amendment Acts mentioned in the schedule are the social welfare legislation.

Schedule passed.

Title passed.

Bill reported with amendments; Committee's report adopted.

The Hon. A. J. SHARD (Chief Secretary) moved:

That this Bill be now read a third time.

The Hon. R. C. DeGARIS (Leader of the Opposition): I should like to say how much I appreciate the work that has been done on this Bill by a relatively small committee of honourable members. This Bill, containing about 250 clauses, was introduced in the Council only last week, and a small committee headed by the Hon. Mr. Potter did considerable work on it. I should like to extend my congratulations to the committee members, particularly the Hon. Mr. Potter, on the amount of work they have done in bringing forward what I think are constructive amendments.

Bill read a third time and passed.

Later:

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 6 and 8 to 12, and had disagreed to amendments Nos. 7 and 13.

Consideration in Committee.

Amendment No. 7.

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

That the Council do not insist on its amendment No. 7.

The amendment reduces the efficiency of the Bill. It was moved by the Hon. Mr. Potter, and in view of another place having disagreed to it, the Committee may agree not to insist on its amendment.

The Hon. F. J. POTTER: The two amendments that the House of Assembly disagreed to are quite unrelated matters. This Council has in the past insisted that this matter should not be left entirely to the Government by using the proclamation method, particularly as it could be used to take away certain rights and privileges that Aboriginal people have enjoyed in relation to their land.

This Parliament must ensure that the Aborigines do not lose any of their rights. However, I am not saying that the Government would take away their rights. The Minister said earlier it was not considered that even minor alterations to boundaries would be sufficiently important to be brought before Parliament. Although it is one point of view, a small reduction in the size of a tract of land may be of grave concern for the Aboriginal people. Perhaps this matter is not as unimportant as the Minister tried to convey to the Council. When Aboriginal reserves are established, we must ensure that they are kept as inviolate as possible. Although this amendment would have assisted in that direction, it is perhaps not a sufficiently serious amendment on which to insist.

The Hon. A. F. KNEEBONE (Minister of Lands): Having been associated with this matter as Minister of Lands, I know that in recent times a reserve was established at the Yalata Mission and, because it had later to be taken away, the Government gave twice the area of land to the reserve. If this amendment is carried, that will not be possible in the future. I draw to the attention of Opposition members the fact that, when the Government tried to give a further area of land to an Aboriginal reserve, some of the members of their Party criticized the Government. Honourable members should not be concerned about the Government's reducing Aboriginal reserves, as it is more likely to enlarge them. Indeed, recently it has transferred some Aboriginal reserves and other types of land to the Aboriginal Lands Trust. This amendment would stop the Government from doing that without bringing the matter before both Houses of Parliament. I therefore ask the Council not to insist on its amendment.

The Hon. R. C. DeGARIS: I agree that, although the amendment is desirable, it would, as the Minister has pointed out, involve certain difficulties. I therefore support the motion.

Motion carried.

Amendment No. 13.

The Hon. A. J. SHARD: I move:

That the Council do not insist on its amendment No. 13.

The amendment is not acceptable. If a married woman commits the matrimonial offence of adultery and it is proved, she is not entitled under the provisions of Part VI, Division II, of the Bill to obtain an order for her own maintenance. It seems reasonable, therefore, that, if she commits such an offence after an order in her favour has been made, that order should be discharged upon application and proof. Under Part VI, Division I, of the Bill, a woman who is left without adequate means of support for herself can take action to obtain an order for her own maintenance and for the maintenance of any children in her care on those grounds. In these circumstances, it is no defence by the husband to prove that his wife has committed the matrimonial offence of adultery. He can, however, take action under the Matrimonial Causes Act, and such action would preclude the wife from obtaining an order for her own maintenance in the summary court. I cannot take the matter any further. I ask the Council not to insist on its amendment.

The Hon. F. J. POTTER: Although the Minister's explanation appears to be reasonable, I assure him that it is not as simple as it appears. Indeed, he dealt with only one aspect of the amendment: regarding a woman who may have committed adultery. He did not deal with the other aspect: the resumption of cohabitation for three months, which is allowed under the Matrimonial Causes Act. I have spoken to the Attorney-General regarding this amendment. He, too, realizes that it is not as simple as the explanation given by the Chief Secretary would indicate. I understand that the Government will consider this matter later if the Council does not now insist on its amendment, and that it will later possibly introduce an amendment to deal with this ticklish question.

This provision has been in the Act for many years, and has not kept up with the new provisions in the Matrimonial Causes Act. In the circumstances, if the Minister is willing to assure us that this matter will be looked at, I will support the motion.

The Hon. M. B. CAMERON: I am reluctant to support the motion. The idea of a woman being chased around the countryside by her husband who is trying to obtain proof of a single adulterous offence is abhorrent to me. The husband has no responsibility. I believe the latter part of the provision should be left out altogether. The women of this State will eventually demand that this sort of provision be removed.

The Hon. A. J. SHARD: I have not seen the Attorney-General but I know that, if he says he will look into the matter, he will do so. I undertake to bring the matter to his notice and to ask him to examine it thoroughly and, if necessary, to amend the provision later.

Motion carried.

WEEDS ACT REGULATIONS

Order of the Day No. 11:

The Hon. F. J. Potter to move:

That the regulations under the Weeds Act, 1956-1969, in respect of African daisy, made on January 27, 1972, and laid on the table of this Council on February 29, 1972, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

[Sitting suspended from 2.55 *to* 4.20 *a.m.]*

PROROGATION

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

That the Council at its rising adjourn until Tuesday, May 2, at 2.15 p.m.

It is not my intention to make the usual kind of speech on prorogation. It is very late now, and I will confine myself to saying that I thank all members of the Council, particularly my colleagues, for their assistance and co-operation throughout the session. To every member of the staff (and I do not exclude anyone) I express my thanks. To everyone who has assisted the Government in the business of the Council I convey my own personal thanks as well as those of my colleagues. I mention particularly the Hon. Gordon Gilfillan, to whom I say, "Good luck, *bon voyage,* happy times, and a safe return." He has earned his trip abroad and he carries with him our best wishes.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the remarks of the Chief Secretary. I, too, convey my thanks to all the staff of the Council. Everyone who works in Parliament House has been of tremendous assistance during the session. To you, Sir, for your directions from the President's Chair, and to the members of the Government, I extend my thanks for co-operation during a very busy session. I think the Council has worked extremely well and very efficiently. I have made my complaint on a couple of Bills on the amount of legislation dropped into our laps in the dying hours of the session. We could probably have done a better job on those Bills had we been given a little more time. I know this happens with most Governments, and it is unfair. However, I do not think ever before in the last week of a session have we had so many long and complex Bills to deal with in such a short time.

I pay tribute to my colleagues in this Chamber who, over the past three weeks, have worked extremely well. Although tensions have been high, every action they have taken has been sound and sensible. The Government has made more mistakes in not accepting some of our amendments than it has made for some time. I am certain every member tried to perform his or her task of reviewing the legislation before the Council in the public interest. It is difficult to fulfil this task adequately under such pressure as we have had. In those circumstances it is not easy to maintain cordiality, good feeling, and respect, but with one or two exceptions we have achieved that. This atmosphere has been maintained through a very difficult and busy session. The shopping hours legislation generated some heat but I feel that the heat generated was rather forced. I was once told a story of a delegate to the United Nations who put marginal notes alongside his speeches, scored like a musical score. One of his colleagues, on picking up a speech, found "ff" marked alongside one sentence. Underneath that ("ff" meaning "very loud"), was the note, logically, a weak argument". I think that applied to the shopping hours legislation. I have very great respect for the decisions the Council made on shopping hours. Every member here knew that our decision was the correct one. It was a courageous decision. Our difficulty was that it was easy to attack the Council on this matter and our task of explaining our position to the people was an extremely difficult one. However, I think that has been achieved.

I have great respect for the stand taken by the Midland District members, the Hon. Mr. Hart, the Hon. Mr. Dawkins, the Hon. Mr. Story, and the Hon. Mr. Russack, who had just as much to lose politically out of 9 o'clock closing as anyone else, yet when the decision was made they stuck to the principle that they knew was right. I respect them very much for their stand on that issue.

I do not want to say any more, except to mention the Hon. Frank Potter. It is unusual for me to choose one person to whom to pay a special tribute, but I pay this tribute to him. He has had a tremendous amount of work to do and he has done it extremely well over the past few weeks. Also, the Hon. Mr. Story did an excellent job on the national parks legislation.

There is more I could say, but I thank all members for their co-operation. It has been a very busy and difficult session. We have had co-operation all round, and most members have maintained the very good feeling that has always existed in this Council. I am not sure why the Government wishes to meet again on May 2. Perhaps we will find out when that date comes around.

I extend the good wishes of us all to the Hon. Gordon Gilfillan. I support the Chief Secretary's kind remarks, and wish Mr. Gilfillan an excellent and informative trip to London as our representative to the Commonwealth Parliamentary Association,

The PRESIDENT: Before putting the motion, I should like to associate myself with the remarks made generality. I thank the Chief Secretary and the Hon. Mr. DeGaris on behalf of those who have been mentioned collectively which, if I follow the Minister, includes everyone down the list, such as the Clerks at the table, *Hansard,* the catering staff, and so on,

all of whom have served members well throughout the session. I have every opportunity of knowing the diligence and the amount of work performed by the Clerks both inside the Chamber and out. I want to include in that remark Mr. Clive Mertin, the Third Clerk, and also Mrs. Davis. No-one has any idea of the amount of work she does in many ways, particularly when she has been kept late at night, as has happened in the last week or so. She is alert and very thorough in everything she does. 1 should like also to refer to a person who gives courteous service to all honourable members outside of the House: the policeman who assists honourable members to park their cars. This year there has been a change in officers.

Now, Senior Constable Tamone gives honourable members much assistance in this respect. Any honourable member who has parked his car at the front of Parliament House realizes the problems associated with getting his vehicle in and out, with traffic travelling east along North Terrace, waiting to turn left at the traffic lights. Without that assistance, which is so ably given, honourable members would not be able to enjoy the freedom of movement that they now enjoy.

It is difficult not to select people for special mention. However, I will follow the example set by previous speakers in making my remarks general. I thank everyone associated with the Council for the work they have done and for contributing to its smooth running. I, as President, have been particularly fortunate in the assistance honourable members have given to the Chair. I have appreciated this assistance because, without the co-operation of honourable members, the general good conduct and decorum of this Chamber could not be maintained.

Finally, I concur in the remarks that have been made regarding the Hon. Mr. Gilfillan, who is to represent this Parliament abroad. He has not had a very comfortable time during this last week or two, preparing to go away and having injections preparatory to his trip. We wish the Hon. Mr. Gilfillan a happy, fruitful, educational and enjoyable trip.

Motion carried.

ADJOURNMENT

At 4.43 a.m. on Friday, April 7, the Council adjourned until Tuesday. May 2, at 2.15 p.m.

Honourable members rose in their places and sang the first verse of the National Anthem.