LEGISLATIVE COUNCIL

Thursday, August 31, 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:

Parliamentary Superannuation Act Amendment,

Police Pensions Act Amendment,

Public Purposes Loan.

QUESTIONS

SUCCESSION DUTIES

The Hon. JESSIE COOPER: I seek leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. JESSIE COOPER: Is the Government aware of the severe hardships suffered by certain people in the community as a result of the application of the Succession Duties Act Amendment Act of 1970? I refer to the granting of rebates, a matter coming under part IVB of the Act, and particularly under section 55i (d). Cases have been brought to my notice of housekeeper-daughters who have been forced to take part-time employment for as little time, indeed, as half an afternoon a week and who have thereby lost the benefit of the rebate in duty. Will the Government examine this matter with a view to alleviating the impact of duty on such people?

The Hon. A. J. SHARD: I am no expert on succession duties; I have not yet experienced any! However, I will take the honourable member's question to my colleague, the Treasurer, and get a reply as soon as possible.

SOCIOLOGICAL COMMITTEE

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

Leave granted.

The Hon. L. R. HART: Several years ago a committee known as the Sociological Committee was set up to inquire into and report on the sociological and economic effects that restrictions on the use of underground water would have in the Virginia district. The committee was under the chairmanship of Professor Brown, of the Adelaide University. I understand the committee has now completed its report and submitted it to the Government. Can the Minister say whether this report will be made available to Parliament?

The Hon. A. J. SHARD: I am unable to say at this time. However, I will take up the question with the Minister of Development and Mines, and bring back a reply as soon as possible.

ROAD TRAFFIC ACT AMENDMENT BILL (SAFETY)

Read a third time and passed.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (BOARD)

Read a third time and passed.

POLICE REGULATION ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

The Government has received a report from the Commissioner of Police in the following terms:

I have examined the organizational structure of the South Australian Police Force with particular concern for the span of control between the Commissioner and Deputy Commissioner of Police and the Superintendents commanding the various regions. The span at present is obviously too wide, causing a tendency towards a lack of co-ordination between functions whose activities are related. In addition, the proliferation of administrative detail with which the two top executive officers are immersed should be delegated to more junior officers who, in turn, have a co-ordinating function rather than an isolationist approach. The appointment of Assistant Commissioners would obviate both these problems with the creation of co-ordinating commands in operational areas, and thus permitting the Commissioner and Deputy Commissioner the opportunity for concentration on organizational and administrative planning, assisted by information and advice from the Assistants on matters related to operational spheres.

In the Government's view it is desirable that Assistant Commissioners should be so appointed and this short Bill is intended to provide for this. It is intended that two Assistant Commissioners should be appointed under the powers sought to be given under this Bill.

To consider the Bill in some detail: clause 1 is formal. Clause 2 provides for a commencing day to be fixed by proclamation; this will enable certain consequential amendments to be made to the Police Regulations. Clause 3 is the operative provision of the Bill and provides for an additional rank of Assistant

Commissioner and for appointment to that rank to be made by the Governor.

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

PUBLIC ACCOUNTS COMMITTEE BILL

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

STATUTES AMENDMENT (PUBLIC SALARIES) BILL

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

LAND TAX ACT AMENDMENT BILL

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

ENVIRONMENTAL PROTECTION COUNCIL BILL

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

STATUTES AMENDMENT (VALUATION OF LAND) BILL

Adjourned debate on second reading.

(Continued from August 30. Page 1085.)

The Hon. C. M. HILL (Central No. 2): This Bill, with 134 clauses, is a long measure and, as the Minister said yesterday, its principal purpose is to tie up all the loose ends that have become apparent since the Valuation of Land Act was passed. The Bill also has provisions related to the machinery centred around the recent establishment of the office of Valuer-General and his new department. I cannot help expressing some fears as to whether the setting up of this new Government department is not another stage in the growth of bureaucracy, which many of us have feared as we have watched the growth of the Public Service in this State. Of course, the same applies to Public Services in other States and in the Commonwealth sphere.

I remember that, when we debated creating the office of Valuer-General, I said that every endeavour should be made to keep that office and the Valuation Department in proper perspective. One of the checks that was written into the legislation at that time was that the salary of the Valuer-General was to be fixed in the relevant legislation; that was a check in that the senior officers and others involved in the new department could not become so numerous that a situation would be reached that was disproportionate to what the department ought to be. However, since then Parliament has passed a Bill increasing the salary of the Valuer-General. So, the inevitable growth is occurring, and this Bill completes the evolution of the Valuation Department into what I might call its final form.

There are two aspects of concern; the first deals with the question of the service that will be provided to the public. One reads in the Bill how councils, particularly those distant from Adelaide, will be able to have their assessments made by this central valuation authority. Once that happens, it will mean the end of the old policy of ratepayers being able to appeal against their assessments at the local council office and putting their case before an appeals committee of the council. On reading those things in the Bill, one realizes that centralism is taking over.

The Bill provides that, if a council accepts the central assessment of the Valuation Department, the only appeal that the ratepayer has is available when he first receives the notice of assessment, which is given for several rating purposes, including Engineering and Water Supply Department rates. If the ratepayer fails to appeal then, he loses his chance later when he receives a notice from the council.

When he appeals in these new circumstances he must make his appeal through the Valuation Department, and he has the right of a further appeal if he wants to carry the matter to the Land and Valuation Court. This provision takes the localized spirit of valuation and appeal away from local communities and sets it up in one central body.

The second point of concern relates to the question of cost. I know that it can be claimed that there is more efficiency when one brings together small valuation departments into one large department. Further, I know that claims have been made from time to time that, in this computerized age, efficiency can be increased and costs saved. However, I have grave doubts that, when a department of this kind is finally set up, as envisaged in the Bill, and when costings are taken subsequently, the previous aggregate costs and the aggregate costs after the change will be much different. I believe a strong case could be made out that, in the long term, it will become even more costly to everyone concerned. This is an evolution and, once the flood gates are opened on a question of this kind, it is difficult to write in the necessary checks.

Several Acts of Parliament are altered by the Bill. The first clauses set out the plans for each Act being considered; these initial clauses are the formal clauses 1 to 3. The Minister also said in his second reading

explanation that the Government intended to bring down regulations that would paint a clearer picture concerning the value of fixtures and fittings and plant that either must or must not be included with the valuation of real estate for the future assessment of rental or capital value.

The Government is making some attempt to help in an area that has raised considerable complications in the past. I appreciate that the Local Government Act Revision Committee considered this question and brought down the finding the Minister referred to in his explanation. However, it will not be easy to bring down regulations that will apply in all cases, because we all know that there are many different kinds of property and that each class of property has some fixtures and fittings within it that one might call standard fixtures.

For example, the Minister said that the kitchen sink is part and parcel of a house but, regarding larger houses, such as guest and boarding houses, and commercial properties such as shops, particularly butcher shops and bakeries, all the various fittings are different; so to try to help the situation by regulation will not be easy. The regulations will be brought down and, when they are laid on the table, I believe they should be carefully studied.

After dealing with the formal clauses to which I have referred, the Bill then makes amendments to the Land Tax Act; these amendments, I believe, are mainly of a detailed nature. They are changes which, I think, would be better debated in Committee than discussed at length in the second reading debate. However, I point out to those honourable members who are concerned mainly with land tax in rural areas that these changes need to be considered in great detail. The changes deal with assessments and land tax rating in which some exemptions are involved. They also deal with the very important aspect of a person being liable for rates if the Commissioner expects that that person will be going overseas, for example, and there are many other detailed points in clauses 4 to 11 that I think should be carefully studied and discussed at length in Committee.

Clause 12 of the Bill is a clause for which I commend the Government; it means that a ratepayer who is a taxpayer can ask the Commissioner for a detailed record of the assessments and accounts which that taxpayer receives. It is always strange to me when I see some of the notices that have been sent out with the assessment numbers on them. It is impossible, without close investigation and contact with the department, for people to know easily to which properties the assessments apply. That right is being given in the Bill.

I query clause 13, which gives the right to either a transferor or a transferee to be charged land tax in some circumstances. I am speaking from the quick notes I have made alongside the clause, about which I will raise certain matters in Committee.

Clause 14 repeals section 60 of the Act, which deals with the Commissioner's having power to distrain goods and chattels for the purposes of recovering land tax; I wholeheartedly support this amendment. The other clauses in this Part that affect the Act are formal.

The Bill amends the Local Government Act and provides that valuations made in the future by the new Valuer-General and his department shall be made in accordance with the provisions of the Land and Valuation Act and not those of the Local Government Act. Those new methods of valuation, which are lengthy, are included in this measure and will, therefore, be written into the Local Government Act.

Part IV of the Bill amends the Waterworks Act. Most of the amendments to this Act are formal, in that the Government now accepts that the definition of "land" includes land and premises. The Minister said that this is now laid down under the Acts Interpretation Act and, therefore, any references to "premises" in the Waterworks Act are deleted.

Part V amends the Sewerage Act by deleting the word "premises" wherever it occurs. I support the remaining clauses that do not concern this aspect. Part VI commences from clause III of the Bill. All the clauses amending the Water Conservation Act can be supported. The last part of the Bill is Part VII, which amends the Valuation of Land Act. That is a relatively recent Act, and there are again measures in the Bill which either delete the transitional parts of the original Act that no longer apply or tidy up the Valuation of Land Act generally.

I am sorry to see in clause 131 that the addresses of owners of properties on the new valuation roll will not be included. The Minister has given the substantial additional expense as the reason for the exclusion of addresses. This means that when a council writes to the Valuer-General's Department for an assessment it will simply receive an assessment that does not include the addresses of the ratepayers.

It seems to me that, no matter whether it involves a council or any other body such as

the Land Tax Department or the Engineering and Water Supply Department,, if the departmental officers receiving copies of the roll were to write in the addresses and generally cover that area of work, there would not be much difference in cost. Without having an intimate knowledge of the working of the computer and the costs involved, I think the Government should be certain that the policy, written into the Bill, of excluding addresses is a wise one. This seems to me to be a matter of skimping in relation to this department, as someone must do the work; perhaps the work and the cost are being placed unfairly on those departments that wish to use the information that the Valuer-General can supply.

Clause 132 also raises a query regarding the policy that the new department wishes to invoke—that on the valuation roll there will be some information which the department considers to be confidential and which it does not wish the public to see. The roll will be available for public scrutiny, a principle that I wholeheartedly support. However, I wonder what information on the valuation roll could be unfit for the public eye.

It raises in my mind the thought that information concerning people's property and the valuation thereof, and information regarding methods of assessment and comparable sales (which may be known to the department) should be something of which the person seriously affected by the assessment ought to have knowledge.

When the Government says, "We are now introducing a new system; we are going to set up a valuation roll and, in effect, it will mean that everyone's property in the whole State will be on that roll, but there is some information that the public should not see", it is not a pleasant feeling that one gets. I would like the Minister in his reply to give more reasons why the Government believes it is essential for some of this information to be kept from the public.

Clause 133 deals with the point I raised earlier in the debate regarding the matter of valuations being accepted by other bodies, and the point of there being no fresh right of appeal if a council or department adopts the new policy. I realize that a case can be made out along the lines that there is no need for a second appeal if a person appeals in the first instance. However, I return to the point regarding the councils in the far-flung areas and suggest that, when the ratepayer appeals against his assessment in those circumstances at the local council chamber, those sitting in judgment on the assessment (namely, the members of the local council) know the local conditions and circumstances and, indeed, all the relevant information that may affect the valuation which is the cause of the appeal.

That same personal knowledge of local circumstances cannot be held by those in a department in the city. Indeed, this is impossible because of the vast nature of their work in trying to cover the whole State on matters that may affect valuations in all parts of the State.

Clause 134, to which I referred earlier, deals with the matter of regulations and the effort the Government is making to clear up for all time the problems that arise in relation to fixtures and fittings being part and parcel of a property and not separate from it when the matter of valuation arises. I summarize by saying that in general terms I support the measure. I am sorry, in many respects, that the evolution and change to this one central body has taken place in the way it has done. History alone will prove, of course, the wisdom of the proposal; meanwhile, I believe that in completing this final act in the change there will be some detail, particularly regarding changes in the Land Tax Act, which should be looked at very closely in the Committee stage.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (PAROLE)

Adjourned debate on second reading.

(Continued from August 30. Page 1086.)

The Hon. V. G. SPRINGETT (Southern): This Bill, which is of tremendous importance, could give rise to considerable apprehension on the part of the public. If it becomes law, people who are unable to control their sexual instincts and therefore have been tried and found guilty, have been sentenced, and have served some of their sentence, may be released and allowed to go back into the community. At the same time, people who have been acquitted on the ground of insanity and who have been detained in custody may also be released back into the community. Up to date, such people have never come under the care and control of the Parole Board and, if they have been released from custody, that release has had to be unconditional.

It could be assumed, therefore, that there was a danger to other people if such folk were released and given their liberty. The public

must be assured that every reasonable precaution is taken to make sure that a person who is released in this manner creates no undue risk to the general public. I am interested in this Bill, because for some years I worked in a maximum security organization in Britain, and there we had many hundreds of people who came into four categories: those who were unfit to plead; those who were guilty but insane; those who were found guilty of their crime, sentenced to death, perhaps, and between the sentence being passed and carried out they were reprieved (they were called Secretary of State's patients); and, lastly, we had time servers, people who, whilst in gaol, had become insane and had been transferred to the institution to finish out their sentences (and, having done so, if they were by that time normal and sane they could be released; if not, they would be detained).

These were the four main groups: unfit to plead, guilty but insane, time servers, and Secretary of State's patients. This institution had been functioning since 1862 or 1863, and the releases envisaged in the Bill before us have taken place there since about 1903. The interesting thing was that included in these releases were people who had committed capital crimes, and, certainly up to 1960, no-one who had been released as a capital criminal had ever committed a similar crime—not one in nearly 60 years.

This speaks well, of course, for the selection and care exhibited in choosing those who could be released. They were not released in their dozens; each case was carefully vetted and investigated. Here I would say that even the most reactionary of people would be conservative and would accept a conservative view because of the need to protect the general community. In the Bill, I see coming into South Australia something of the same sort of thing as we had years ago in Broadmoor. They always went out under parole; they were released after careful consideration by the Parole Board, and they always remained under the Parole Board. They were always paroled indefinitely, and full and careful use was made of probationer officers. They could always be brought back if it was considered necessary for their own good or for the good of the community at large. I know people who were released from Broadmoor and who asked to come back because they could not stand the mad outside world. They were always taken back for their own safety and for the safety of others.

This Bill is concerned with those who are guilty of sexual offences and those who are detained at the Governor's pleasure because they have been found guilty but insane. How do we choose, and how can we be sure that a person will not again commit a ghastly crime once he has been released on parole to the outside community? No-one can say that it could always be guaranteed that this would never happen again. I do not want to be misunderstood but, as we look around this afternoon in this Chamber, can we be sure that any one of us will not, at some future date, commit some unfortunate crime? In exactly the same way, although these people have shown their hand once, that does not mean they are likely to show it again if they are chosen with care for release.

Modern drags have changed the picture considerably. In the days I was speaking of in relation to Broadmoor we did not have some of the modern drugs, but nowadays with their use we have a tremendous opportunity of giving back to some of these people their freedom and an opportunity to re-establish themselves in the community which did not exist some years ago, although one must admit at the same time that there are some folk who will never be fit for release. Obviously the choice and responsibility, which is an awful responsibility, really must remain with the Parole Board, with its expert advice, to see that only those who are really fit and, as far as can be seen, quite safe shall be released. The only people who should make that decision are not those of us who are, perhaps, emotionally involved but scientific people capable of investigating and deciding upon the release.

To me, this Bill is a halfway step, and a very valuable one. Up until now it has been a question of unconditional release on one side and further detention on the other. Now, in the middle, we have a situation where people can be released on licence. This is a great step forward in the year 1972. Clause 3 of the Bill will amend section 77a of the principal Act so that a person who is imprisoned under that section for sexual offences is not to be released unless the Governor is satisfied, on the recommendation of the Parole Board, that he is fit to be at liberty and either terminates his detention or releases him on licence. All the time we must come back to the point that the release is at the request of and under the consideration of a qualified and experienced Parole Board.

Clause 4 enacts a new section 293a, which provides that people who were admitted as

guilty but insane can be released in the same manner under the control of the Parole Board as those released under section 77a. Having confidence in the Government's wisdom in respect of the Parole Board and the experience of its members in choosing people who can be released with maximum safety to the public, I support this Bill.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (COMMITTEE)

Adjourned debate on second reading.

(Continued from August 30. Page 1089.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The Bill proposes to establish a committee that will be invested with powers to control development within the city of Adelaide. It will consist of seven members—three nominated by the City Council, three nominated by the Governor, with the Lord Mayor as Chairman. The powers of the committee are wide, one of them being the power to make planning directives not only in relation to what shall be done but also to maintain the *status quo* of any part of the city development. These are the broad principles that the Bill covers—the establishment and constitution of the committee, and its powers in making directives in relation to the development of the city of Adelaide.

The Bill is designed to provide interim control within the city of Adelaide. For some years now, in relation to the plan for the whole metropolitan area of Adelaide and elsewhere, we have heard that, until the plan is thoroughly prepared, interim control is needed. I am certain that every honourable member would support the idea of there being some interim control whilst this plan is being prepared. I do not intend to discuss planning matters generally. Broadly, I agree with the principles of the Bill. Having said that, I think many matters in the Bill deserve close scrutiny, and some matters need further explanation from the Government. As the aim of the Bill is to provide interim control, it appears to me reasonable to insist that there be some time limit. If there is not, by default that interim control may become permanent control. I see no reason why some limitation should not be imposed. Having considered whether the period should be two, three or five years for interim control, I think two years is long enough and, if the Government wishes to extend the powers of the committee further, it will be a simple matter for it to bring down an amending Bill to extend the time during which the committee has control.

The committee created by the Bill should be obliged to table an overall development plan within this specified period of two years, which should be sufficient time for such a plan to be prepared and tabled. Nevertheless, if that is not enough time, it will be a simple process for the Government to introduce another Bill to extend the time for this interim control. In any case, I should like the Government's view on this matter—why this Bill deals with interim control yet provides for no time limit on that control. New section 42g (2) (*a*) gives the committee power to—

> restrict or prohibit the performance of building work or any change in the use of any land or building within any part or parts of the defined area over a period, specified in the directive . . .

I believe that no restrictions or prohibitions under this new section should continue without review beyond a period of two years. As we can see, there is no reason for the committee to review its prohibitions or restrictions. It should be written into the Bill that such restrictions or prohibitions should not continue beyond a period of two years without some review by the committee.

New section 42g (2) (*e*) gives the committee power to stipulate standards of design and construction. I looked at that closely for some time; it was referred to by the Hon. Mr. Hill in his speech on the Bill. I think I interjected at one stage asking him for his views on this very matter. I question the use of the words "and construction". A new Building Act has been passed, and regulations under that Act are currently the subject of review by the industry and the Building Act Advisory Committee. Indeed, I have seen a massive copy of regulations brought down under the new Building Act. No doubt, they will be presented to Parliament as soon as the industry and the Building Act Advisory Committee have indicated their agreement with them. It is the wish of the Building Act Advisory Committee (and I am certain it is the Government's intention) that the new Building Act and the regulations should be as uniform as possible with similar Acts and regulations in other States. There appears to me to be some illogicality here, in that we are introducing a so-called uniform Building Act and uniform building regulations into the State, yet we permit the city of Adelaide in this interim

period, to which there is no limit, to stipulate its own standards of design and construction. It is likely that the Government does not intend to depart from uniformity, so perhaps the word "material" could be substituted for the word "construction"; but I question strongly the use of the words "stipulate standards of design and construction" in this Bill. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 3.12 p.m. the Council adjourned until Tuesday, September 12, at 2.15 p.m.