

LEGISLATIVE COUNCIL

Tuesday, September 12, 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 that the Governor's Deputy had assented to the following Bills:

Book Purchasers Protection Act Amendment,
Judges' Pensions Act Amendment,
Police Offences Act Amendment,
Road Traffic Act Amendment (Safety),
Superannuation Act Amendment.

QUESTIONS

UNEMPLOYMENT RELIEF

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

Leave granted.

The Hon. R. C. DeGARIS: I direct the question to the Chief Secretary, as Leader of the Government and representing the Treasurer. It relates to the rural unemployment relief scheme. The Council well knows that grants are made to local government authorities from money supplied by the Commonwealth Government for the employment of people in rural areas. Whilst the scheme, since its inception, has been subject to some criticism, in many parts of South Australia it has been a most important factor in maintaining families in rural areas. In some districts the unemployment problem is more intense than in others because of seasonal conditions, and this particularly applies in areas in the Northern Mallee of South Australia. Will the Government take this factor into account in any extension of the present scheme?

The Hon. A. J. SHARD: No doubt, the Government will take this factor into consideration in any further scheme. I think I should get a reply direct from the Treasurer and the Minister in charge of the rural unemployment relief scheme and bring down a report when it is available.

MURRAY NEW TOWN

The Hon. M. B. CAMERON: Has the Chief Secretary a reply to my recent question about Murray New Town?

The Hon. A. J. SHARD: The State Planning Authority has been asked to recommend a site for designation under the provisions of the Murray New Town (Land Acquisition) Act,

1972. The authority is at present carrying out extensive investigations prior to making a recommendation. As no site has yet been recommended, it would be mere conjecture to comment on the accuracy or otherwise of the advertisement.

The Hon. M. B. CAMERON: I seek leave to make a brief explanation prior to asking a further question of the Chief Secretary.

Leave granted.

The Hon. M. B. CAMERON: I thank the Chief Secretary for his brief reply. However, I do not believe it answered one part of my question: has the Government released any details of the proposed Murray New Town to any private land or estate developer? Also, will the Chief Secretary take action to ensure that information such as was contained in an advertisement, and to which I referred in my original question, is not used in advertisements in the future?

The Hon. A. J. SHARD: I can without equivocation answer "No" to the first part of the honourable member's question. The Government and its officers surely should not be suspected of dropping this sort of information. Indeed, I take strong objection if that is what the honourable member is hinting at. I will refer the other part of the honourable member's question to my colleague and bring down a reply.

MINING LEASES

The Hon. A. M. WHYTE: I understand the Chief Secretary now has a reply to a question I asked recently about mining leases south of Coober Pedy.

The Hon. A. J. SHARD: The Minister of Development and Mines approached the Minister for Supply by letter dated March 3, 1972, concerning restrictions on opal mining in the Coober Pedy area of the Woomera rocket range. On August 4, 1972, the Minister for Supply advised that this Commonwealth facility unavoidably required a large prohibited area so that testing of defence weapons and equipment could be carried out with both security and safety. In deciding the extent of the area and in controlling movements in the area, it is policy to be no more restrictive than necessary. It has not been considered necessary so far to place restrictions on the passage of motor vehicles along those sections of the Stuart Highway that run through the area. Vehicle movements are relatively few in number and, individually, vehicles are exposed to the risk of impact from missiles or rockets for only short periods of time. To the extent that miners operate in a possible danger area for

extended periods, it has been considered that the risks of personal injury to them are much greater. In the light of the change in the nature of tasks expected to be allotted to the range in the foreseeable future, a review has been made of both the boundaries of the prohibited area and the conditions under which people such as miners might be permitted to enter or to be in the area. The Minister for Supply hopes to announce a decision on these matters soon.

NATIONAL PARKS

The Hon. R. A. GEDDES: I seek leave to make a brief statement prior to directing a question to the Minister representing the Minister of Local Government.

Leave granted.

The Hon. R. A. GEDDES: With the increase in national parks and the acquisition by the Government of land for other purposes within local government areas, many councils are finding difficulty in financing their rate revenues because of this non-ratable property. I understand that a grant-in-aid was designed to assist local government with this type of non-ratable property. I believe that a review of grants-in-aid has not been made for many years. Will the Minister consider increasing grants-in-aid where the establishment of national parks by the Government proves to result in a financial burden to councils?

The Hon. T. M. CASEY: I shall refer the honourable member's question to my colleague and bring back a reply as soon as it is available.

WILLIAMSTOWN SCHOOL CROSSING

The Hon. M. B. DAWKINS: Has the Minister of Agriculture obtained from the Minister of Education a reply to my question of August 17 about the Williamstown school crossing?

The Hon. T. M. CASEY: My colleague reports:

As the honourable member is aware, the Road Traffic Act Amendment Bill, which is at present before Parliament, contains provisions for establishing new measures for financing traffic control devices, including the construction of pedestrian over-passes and under-passes, by sharing the associated costs between the Highways Department and the local councils concerned. If and when the proposed legislation is passed, I intend to ask the Commissioner of Highways to negotiate with the Barossa District Council with a view to sharing the cost of the under-pass project for the Williamstown school. The road reconstruction work mentioned by the honour-

able member is not urgent, and will be deferred until the matter of the pedestrian facilities is resolved.

SUCCESSION DUTIES

The Hon. JESSIE COOPER: Has the Chief Secretary obtained from the Treasurer a reply to my question of August 31 about succession duties?

The Hon. A. J. SHARD: My colleague reports:

Section 55i (d) of the Succession Duties Act provides a rebate of duty on an interest in a dwelling house passing to a daughter of a deceased person where "the daughter was, in the opinion of the commissioner, wholly engaged, during the period of twelve months immediately preceding the deceased person's death, in keeping house for the deceased person."

Referring particularly to the phrase "wholly engaged", the Commissioner of Succession Duties would not necessarily construe the above provision in an absolutely limited or strict manner. If a case arose where the other employment or occupation could properly be regarded as comparatively trivial or insignificant, it might well be possible to apply the benefit of the section. All the circumstances would have to be considered—for example, the nature of the employment, its regularity, its location, its demands, time occupied, continuity, etc. No rule of thumb can be laid down; each case would have to be considered on its own particular facts.

The phrase "wholly engaged" cannot be ignored or distorted in forming an opinion under the section. The phrase is a proper and reasonable one and, in practice, it would be difficult to find any other definite provision that would express what Parliament intended. This phrase occurs in a passage in the Income Tax Assessment Act, which passage may have been in mind when our provision was framed.

Beneficiaries have a right of objection to the Treasurer against an assessment in which section 55i (d) is in point. The Commissioner of Succession Duties tries to avoid putting people to the trouble of objections, unless there is no alternative, but the objection procedure is relatively quick and inexpensive, and the office welcomes the protection it gives to beneficiaries in cases of dispute or difference; the Minister has, on objection, power in law to modify an assessment if proper grounds exist for so doing.

All borderline cases should be supported by a full application setting out the facts and circumstances in complete detail; such cases will then be looked at carefully. However, it cannot be agreed that "severe hardships" result if the circumstances of one particular beneficiary enable the rebate to be properly allowed, while another beneficiary, because of the facts of her case, fails to come within the scope of the section. The concession has to be applied according to the legislation passed by Parliament which, quite rightly, has set down the qualifications required. Every concession must have its bounds and limits if it is to be understood and to work with reasonable consistency;

and it is inevitable that doubtful cases may, by a small margin, fall on one side or other of the limit set. Any attempt to modify or weaken the wording of the section would merely fix the limit somewhere else and could lead to unsatisfactory results.

LOCAL GOVERNMENT ACT

The Hon. C. M. HILL: Has the Minister of Agriculture, representing the Minister of Local Government, replies to the questions I asked on August 15 regarding the Government's plans to implement the recommendations contained in the report of the Local Government Act Revision Committee and the Government's plans in regard to the proposed boundaries commission for local government in this State?

The Hon. T. M. CASEY: My colleague reports as follows:

The redrafting of a completely new Local Government Act will be a long and difficult task. The honourable member can be assured that the Government will be giving adequate consideration to recommendations arising from the report of the Local Government Act Revision Committee in deciding the contents of any draft Bill. There appears to be some confusion in the mind of the honourable member regarding the matter of a boundaries commission. True, the Minister of Local Government has been reported as favouring an inquiry into local government boundaries, but the question of a commission or a committee has not yet been formally decided. This would not be a permanent body, but would exist only to redistribute present overall boundaries. Although no firm decisions have been taken, it is possible that any inquiry could be along the same lines as the inquiry conducted into electoral boundaries in this State.

The question of such an inquiry being held will depend to a large extent on the views of the councils themselves, and these views are currently being canvassed by officers of the Minister's department. It may well be that if there is any redistribution of boundaries after any proper inquiry, the creation of a permanent advisory committee, as suggested by the Local Government Act Revision Committee, would be advisable, but I stress that no decision has been taken as yet.

BUSH FIRES

The Hon. L. R. HART: I seek leave to make an explanation prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. L. R. HART: Some time ago the Minister appointed a working party to inquire into and report on all aspects of a proposed reorganization of South Australia's country fire services. Can the Minister report to the Council on the progress of the work of this committee, and say whether it has submitted

its report and whether any of its recommendations will be put into effect during this session of Parliament? I ask this question, because of the impending fire season and the need for a reorganization of our country fire services.

The Hon. T. M. CASEY: The working party has supplied me with its report, which is one of the best and most comprehensive reports ever to come into my hands. I have read the report several times and I have already complimented the working party on the manner in which it has reported and on the amount of time and work it has put into compiling its report. I have made certain submissions to the Government, and the Treasury is investigating the financial aspects of them. However, until I receive a reply from the Treasury I cannot state definitely what the situation will be. Important amendments to the Bush Fires Act will be introduced this session, and these will take effect in the coming fire season. I hope that we will soon be able to implement the working party's recommendations and establish an organization that will benefit the State in the long term.

The Hon. L. R. HART: I thank the Minister for his reply to my question about a working party set up to inquire into and report on the proposed reorganization of the country fire services of South Australia. When, later in the session, the Minister introduces amendments to the Bush Fires Act, will he make this report available to honourable members?

The Hon. T. M. CASEY: I am prepared to release the report to honourable members when the Government has looked at it fully, but at present I am the only one who has seen it. When I have studied it carefully, it will be discussed by the Government and, after that, I will make sure that honourable members get a copy of it.

STOCK BRANDS

The Hon. A. M. WHYTE: Has the Minister of Agriculture a reply to my recent question regarding the revision of stock brands?

The Hon. T. M. CASEY: The Director of Agriculture reports that following the receipt by him of the request of the Stockowners' Association to which the honourable member referred, a detailed plan was drawn up for a complete revision of the brands register. As it is many years since such a revision was undertaken, a considerable amount of clerical work will be involved, necessitating the employment of additional temporary staff. The plan envisages the cancellation of all horse and cattle brands on June 30, 1973, following

the six months notice required under the Brands Act, 1933-1966, and the reallocation or transfer of all brands still required after that date. Although it has not been possible yet to earmark the necessary funds to carry out this work, it may be possible to finance this operation during the current financial year. The costs involved will to some extent be offset by the transfer fees in many cases.

GOVERNMENT PRINTING OFFICE

The Hon. M. B. DAWKINS: Has the Chief Secretary a reply to the question I asked on August 22 regarding progress on the new Government Printing Office?

The Hon. A. J. SHARD: The officers of the Public Buildings Department have excelled themselves in relation to this matter. The tender was accepted for the Government Printing Office project in September, 1971. Work on site commenced in October, 1971. It is expected that completion will be achieved in July or August, 1973. The total estimated cost of the project including provisions for new equipment and the transfer of existing equipment is about \$4,500,000. The site is at the south-west corner of the junction of Marion Road and West Beach Road, Netley, with the entrance in West Beach Road. The contract will include all site works and the construction of the following buildings:

- (1) The Government printing building, part of which is two storeys.
- (2) Photo-mechanical building—two storeys.
- (3) Administration building—two storeys.
- (4) Central mapping building—two storeys.
- (5) Central canteen—one storey.

Generally, the construction will be reinforced concrete frames, ground-floor slabs on fill, suspended concrete floors above ground-floor level, concrete masonry internally, modular clay brick externally, trafficable and non-trafficable acoustic ceilings and metal deck roofing. The Government Printing Department building roof will be supported by steel cables suspended from reinforced concrete pylons.

SOCIOLOGICAL COMMITTEE

The Hon. L. R. HART: On August 31, I asked a question of the Chief Secretary regarding the report of the Sociological Committee set up to inquire into social and economic effects of restrictions on the use of effluent water in the Virginia district. Has he a reply?

The Hon. A. J. SHARD: My colleague has provided the following reply:

The Sociological Committee has to date submitted two interim reports. Arising from recommendations in the reports that there be

urgent re-examination of the use of Bolivar effluent, an investigation by the Engineering and Water Supply Department and the Department of Agriculture is proceeding. Other matters raised in the reports have been referred for consideration to the Underground Waters Advisory Committee. It is not proposed to make the reports available until its comments have been received.

HOSPITAL CONTRIBUTIONS

The Hon. C. M. HILL: I ask leave to make a statement prior to directing a question to the Minister of Health.

Leave granted.

The Hon. C. M. HILL: I have been asked by the St. Peters corporation to help with a problem concerning what is a serious matter financially to the council. It relates to advice from the Hospitals Department that the council will be required to contribute the sum of \$6,273 to the Royal Adelaide Hospital for the current financial year. Last year the contribution was \$5,682, which means an increase of approximately 10.4 per cent for the current year. The council considers this compulsory contribution an imposition on the rate-payers of St. Peters, and strongly requests that the Hospitals Act be looked into, to see whether any help can be given not only to the St. Peters council but also to other comparable local government bodies. An exemption of this amount would mean that the council would have more money to spend on local and community health and welfare matters, which it believes are more important to the people in its area. I understand the council wrote to the Minister on August 29 about this. Has the Minister as yet had time to consider this problem; if so, can any alleviation of the financial burden be expected by the council?

The Hon. A. J. SHARD: I could give a very short answer, but I do not want to do so because, as a Government, it is our policy to refer to the Treasury for a report anything dealing with financial matters. I do not want to anticipate the Treasury report. The letter is dated August 29, it has been forwarded to the Treasury for comment, but I have not yet received a reply. However, I will direct the honourable member's question to the Treasurer and bring down a report as soon as practicable.

DAIRY FARMS

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

Leave granted.

The Hon. M. B. CAMERON: The Minister is no doubt aware of the problems that have arisen as a result of the Hills zoning regulations, resulting in many dairy farms having been made either difficult to operate or uneconomic. I understand the Commonwealth Government has allocated \$25,000,000 for marginal dairy farm reconstruction, but that few applications for assistance have been received from South Australia. Clause 8 of the agreement with the Commonwealth states:

Any farm not being a marginal dairy farm may be declared a marginal dairy farm.

Obviously, a number of dairy farms within the watershed have been affected seriously by the regulations, and could be considered marginal. In fact, I understand that the number of dairy farms is dropping at the rate of between 80 and 100 a year. Will the Minister approach the Minister for Primary Industry in the Commonwealth Government to have certain areas of the Hills considered for participation in this scheme because of the problems that have arisen with many of the farm units?

The Hon. T. M. CASEY: I am willing to look at this matter, but I draw the honourable member's attention to the fact that, although the number of dairy farms has decreased, this is because they have been absorbed into larger holdings.

The Hon. M. B. CAMERON: Not in the same zone.

The Hon. T. M. CASEY: If the honourable member is referring specifically to one zone this could well be the case, but overall, whilst there has been a decrease in the number of dairy farms in South Australia, a great deal of amalgamation has been taking place. This is borne out by the production figures, as compared with those of a few years ago. However, I will look at the matter raised, to see whether it can be rectified in some way.

ENVIRONMENT COMMITTEE

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to directing a question to the Chief Secretary.

Leave granted.

The Hon. R. C. DeGARIS: I think it was in 1967 that a special committee was set up under the chairmanship of Professor Jordan to study the environment. This committee has been sitting for some time. Can the Chief Secretary say when any report will be made to the Government; secondly, will that report be tabled in Parliament?

The Hon. A. J. SHARD: I do not know offhand just what the position is. However, I

will take up the matter with the Minister of Environment and Conservation and bring down a report.

PENOLA ELECTRICITY SUPPLY

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

Leave granted.

The Hon. R. C. DeGARIS: In 1967 a Bill passed this Parliament allowing for the compulsory acquisition of certain assets of Penola Electricity Supply Proprietary Limited. The acquisition was completed on July 1, 1967. Can the Chief Secretary say how much money has been paid to Penola Electricity Supply Proprietary Limited up to the present as a result of the acquisition of its property; when will the balance of the money be paid; has any money been advanced by way of loan to Penola Electricity Supply; lastly, when does the Government consider final settlement will be made?

The Hon. A. J. SHARD: I think this is a matter that concerns the Minister of Works. I will refer the question to him and bring down a report as soon as it is available.

SHARK FISHING

The Hon. M. B. CAMERON: I seek leave to make a brief explanation prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. M. B. CAMERON: I understand the Victorian Government is considering assistance to fishermen affected by the recent ban on the sale of shark in Victoria. I understand, too, from an unconfirmed report that this is taking the form of long-term low-interest loans for equipment purchased for this specific industry. Has the Minister given further consideration to the subject of compensation for fishermen who have been involved in financial outlay prior to the season without having any knowledge of the situation that would arise? Will he take some action on compensation for the many fishermen now involved in very heavy financial commitments in this regard?

The Hon. T. M. CASEY: As regards the monetary contribution the Victorian Government is making to the fishermen in that State, from reading the paper this morning I gathered that money was available through its rural reconstruction branch. I make the specific point that it does not come under Commonwealth money.

The Hon. M. B. CAMERON: It is the State.

The Hon. T. M. CASEY: Yes. The State rural reconstruction branch that Victoria has is financed from the Victorian Treasury. The South Australian loans to producers scheme operates in much the same way. I think that the interest being paid in Victoria would not be any less than the interest paid under the loans to producers scheme in South Australia. Also, the Commonwealth has given Victoria about \$92,000 to carry out investigations. Whether some of that money is to be used for purposes other than that I cannot say at this stage. At yesterday's meeting of the Fisheries Council I said that I thought that, if the Commonwealth was to pour money into Victorian fisheries, there was no reason why South Australia should not also get some money. That, of course, is up to the Minister for Primary Industry to decide. As regards compensation, there is no end to deciding how to compensate people who suffer loss owing to circumstances beyond their control. It is no fault of ours that the fishermen are in this position today, where they are suffering hazards that are experienced in many States. However, many fishermen in South Australia are not directly affected at the moment, because most of them have a crayfishing authorization: they have the protection of being in a closed industry.

The Hon. R. C. DeGARIS: Has the Minister of Agriculture a reply to my question of August 17 about shark fishing?

The Hon. T. M. CASEY: Because of the wide-ranging habits of school shark, it is virtually impossible to state the origin of any fish. However, I believe that certain selected samples of school shark taken in South Australian waters have indicated fairly clearly on analysis that the mercurial content of the flesh of these sharks is higher in the larger specimens.

LEAF CUTTER BEE

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

Leave granted.

The Hon. C. R. STORY: Soon after the Minister took office, I asked him a question about the importation, quarantine and release of an insect known as the leaf cutter bee or solitary bee. This insect was imported because of a report from Mr. Ron Badman, a Churchill scholar who had spent much time studying alfalfa (or lucerne, as we call it) in North America. He found from research there that a much greater seed yield could be obtained by

the use of the leaf cutter bee as opposed to the normal type of bee used here. As the leaf cutter was imported in 1969, can the Minister say what stage has been reached, can he give me some up-to-date information on whether the Waite Research Institute has cleared this species for release into South Australia, or can he give me a full report on the present position?

The Hon. T. M. CASEY: I will certainly get the information the honourable member seeks and bring it down as soon as possible.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (BOARD)

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

STATUTES AMENDMENT (PUBLIC SALARIES) BILL

Second reading.

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

That this Bill be now read a second time.

It seeks to increase the salaries of the Auditor-General, the Commissioner of Police, the Chairman and Commissioners of the Public Service Board, and the Valuer-General. The characteristic common to the salaries of these officers is that they are all fixed by Statute. The Bill also seeks to increase the allowance payable to the South Australian Agent-General in England. It has been customary to ensure that the salaries payable to these officers bear a certain relationship to the salaries payable to the permanent heads of Government departments and other senior Public Service officers; these salaries were adjusted on June 26, 1972, following the settling by the Public Service Arbitrator of claim 3/72 for increased clerical/administrative salaries to operate from that date. Accordingly, this Bill seeks to adjust these "statutory salaries" so as to preserve the appropriate relativities.

I shall now deal with the Bill in detail. Clauses 1 and 2 are formal. Clause 3 is again formal. Clause 4 increases the salary of the Auditor-General from \$20,200 to \$21,300 with effect from June 26, 1972. Clause 5 is formal. Clause 6 increases the salary of the Commissioner of Police from \$18,600 to \$19,700 with effect from the day already referred to. Clause 7 is formal. Clause 8 increases the salary payable to the Chairman of the Public Service Board from \$20,200 to

\$21,300 and that of the Commissioners of that board from \$17,100 to \$18,200 in each case with effect from June 26, 1972.

Clause 9 is formal. Clause 10 increases the salary payable to the Valuer-General from \$12,350 to \$13,400, again with effect from June 26, 1972. Clause 11 is formal. Clause 12 increases the expense allowance payable to the Agent-General by £(St)550 to £(St)4,750. This will place the expense allowance afforded to the Agent-General in a satisfactory relationship with that payable to the Agents-General of the other Australian States. The salary of the Agent-General is not touched by this measure, having been adjusted in 1971.

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

LAND TAX ACT AMENDMENT BILL

Second reading.

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

I move:

That this Bill be now read a second time.

It makes a number of unconnected amendments to the Land Tax Act. The amendments are designed not to introduce any substantial innovation in the principles of the Act but rather to clear up deficiencies and to make administrative improvements. First, the Bill seeks to make a contribution to nature conservation by exempting from land tax land that is used on a non-profit basis for the purposes of conserving native fauna or flora. In the past the Government has effectuated its policy that such land should be exempt from land tax by making a nominal grant to an association which maintains land for this purpose, so that the land will receive the benefit of an exemption under section 10 (1) (e). For example, such a grant has been made to the Field Naturalists Society of South Australia. This oblique method of providing the exemption is administratively unsatisfactory, and accordingly the Bill provides a more direct exemption for land of this kind.

The Bill makes extensive amendments to section 12c of the principal Act. Under this section, land which is within an area of urban development but which is in fact being used for the purpose of primary production may receive the benefit of a declaration. Where the declaration is made, the land is assessed at a much lower rate of land tax. When the land is sold, as it almost inevitably will be, for developmental purposes, it is fair that the taxpayer who has received a price far in excess of the value that the land has as primary-producing land should make up some

at least of the differential land tax. (Differential tax is the tax that would have been payable if the land had been normally assessed at its true value, less the tax that has actually been paid.) These principles are already embodied in the existing section. However, difficulty arises under the present provision where the taxpayer sells an interest in land that cannot be specifically appropriated to any particular portion of the land. The Bill seeks to overcome this problem by providing that, where any such interest is transferred, a proportion of the differential tax shall be payable. This proportion is obtained by valuing the interest involved in the transfer and dividing that value by the value of an estate of fee simple in the land.

Finally, the Bill seeks to facilitate the remission of the metropolitan levy in cases of financial hardship. The present Act provides that the Commissioner may remit payment of this levy where he is satisfied (by evidence of a taxpayer's financial position) that it would cause hardship. It is administratively burdensome to consider the financial position of many individual taxpayers. The Bill therefore enables the Commissioner to determine classes of taxpayer who are likely to find the metropolitan levy financially burdensome. If the Commissioner is satisfied that a taxpayer is a member of any such class, the levy will be automatically remitted.

I shall now deal with the provisions of the Bill. Clauses 1 and 2 are formal. Clause 3 amends section 4 of the principal Act by adding definitions of the words "improvements" and "site improvements". These definitions are required for the purposes of subsequent amendments to section 12c. Clause 4 amends section 10 of the principal Act. An association that maintains land on a non-profit basis for the purpose of conservation is to be entitled to an exemption from land tax in respect of that land.

Clause 5 amends section 12c of the principal Act. Where the Commissioner is satisfied that declared rural land, or any part thereof, has ceased to be used for primary production, or an application is made by the taxpayer for the revocation of the declaration, such a revocation may be made. In these circumstances, and also where any part of the declared land is transferred by the taxpayer to another person (who is not a close relative of the transferor), a prescribed amount of differential tax, in respect of a period of up to five financial years, becomes payable.

Where the declaration is wholly revoked, the prescribed amount of differential tax is the whole of the tax; and, where it is only partially revoked, it is the proportion of the differential land tax that the value of that part of the declared land has in relation to the value of the whole of the declared area immediately before revocation. In the case of a transfer, the prescribed amount of tax is the whole of the differential tax where the whole of the land vests in another, and where a portion of the land is transferred it is the proportion that the value of that part bears to the value of an estate of fee simple in the whole of the declared land.

This tax is payable jointly and severally by both parties to the transaction. Improvements to the land (except site improvements) are not to be taken into account when assessing the values of interests in the land. Information may be obtained by the Commissioner from any person to determine the values, and it is an offence to refuse to give the information requested. Exemptions from payment of land tax given to certain persons under the Act are extended to cover the differential land tax. Declarations of rural land may also be revoked where the land has ceased to be within a defined rural area or where the taxpayer or taxpayers of the land at the time of the declaration have ceased to be the taxpayer or taxpayers of the land, and the land has vested in a person outside of a defined family class. All the provisions relating to the recovery of land tax apply to the recovery of differential land tax.

Clause 6 amends section 58a of the principal Act. The Commissioner is empowered to define classes of taxpayer to whom the payment of the metropolitan levy is likely to cause hardship. As long as the taxpayer remains a member of the class under which he receives the entitlement, he is entitled to the benefit of a remission. When the taxpayer ceases to be a member of this class he must notify the Commissioner. The remission is not to exceed \$2 in any financial year. Clause 7 makes drafting amendments to section 65 of the principal Act.

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

ENVIRONMENTAL PROTECTION COUNCIL BILL

Second reading.

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

That this Bill be now read a second time.

It establishes a council to be known as the "Environmental Protection Council" and is tangible evidence that the Government places great importance on the need to protect and enhance, in all areas, the present and future quality and safety of the lives of the people of this State. The problems associated with environmental protection, as now understood, are extremely wide. They include all man's activities, and the control of some of these is already the responsibility of existing departments and agencies. In such a new field, there is no generally accepted way of setting up environmental protection machinery. In the Government's view, everyone affects the environment and everyone has a responsibility for its protection. In addition to the functions of the Department of Environment and Conservation, this responsibility is spread throughout the community, and it is clear that a multitude of departments, authorities, bodies and individuals are concerned and already involved. It is proper that such existing machinery should continue to play its existing role in this most important task of preserving and enhancing the environment.

The intention of the Government with this Bill is to create a body with wide powers to investigate, advise and report on the overall condition of the environment throughout the State, the efficiency or effectiveness of measures being taken or proposed to be taken to protect the environment, the possible dangers to the environment of any proposed developments, to warn of potential environmental deterioration which it may foresee, and to recommend action to overcome or correct anything affecting the environment adversely. In the opinion of the Government, which has asked for and received advice from many individuals and organizations, it is not advisable, or even possible, to restrict the council in its considerations to only some aspects of the environment.

To do so would perpetuate the reasons which have led the world to its present state. The Government, therefore, proposes that environment be defined in its widest sense so that the council will be empowered and able to inquire into and make recommendations on everything that can, does, or may affect the quality of life of the people of South Australia in particular and of the world as a whole. It is intended that the council, to best fulfil its functions, will also be able to consult with and obtain advice from knowledgeable persons of all kinds and to co-ordinate research into environmental matters. In addition, it is intended that the council be specifically

charged with a responsibility to take into consideration in its deliberations, among other things, flora, fauna, the natural beauty of the countryside and the value of buildings and objects of architectural or historic interest. This is to ensure that we do not survive in a State in which we have clean air, pure water and unpolluted soil but in which all natural beauty has been lost.

In addition, the Bill is designed to ensure that the council can function fully and properly, and it is proposed that the council be required to examine and report on matters referred to it by the responsible Minister, to initiate inquiries of its own right into matters which it considers to warrant examination, and to furnish annual reports on its activities which shall be laid before each House of Parliament. The membership of the proposed eight-man council should contain a wide and balanced range of expertise and experience. To this end, it is intended that four senior public servants who are already responsible for much of the environmental protection of the State should be members, with four other members, one with knowledge of industry, one with knowledge of conservation and two generally qualified in any field of knowledge. In this way, it is expected that the council will be competent to consider and report on all the multifarious aspects of the environment and its protection.

In spite of such a membership, it appears clear that cases will arise where more specialized advice is necessary than the council itself can supply. Provision is therefore made for the council to delegate, with Ministerial agreement, some or all of its powers to individuals or groups which, in its opinion, are best able to supply such advice. To ensure that the Environmental Protection Council can fulfil its aims, the Bill provides that the council may have the powers of a Royal Commission as set out in the Royal Commissions Act of 1917. Such powers will assist the council in obtaining information on which it can base its recommendations and reports.

Environmental protection must take into account the need for development and the way development is to occur. Industry cannot be totally rejected because of its pollutant side effects, but a way must be found to reduce these effects to an absolute minimum consistent with economic operations. This is not to say that environmental protection will not involve the community in additional expense, because it will. A successful regime of environmental protection should, however, ensure that the

results are adequate, the costs acceptable, and the benefits manifest. The Government believes that the proposals set out in this Bill will enable all three requirements to be met efficiently, economically, and expeditiously.

Clauses 1 and 2 of the Bill are formal. Clause 3 sets out the definitions necessary for the purposes of the measure. Clause 4 at subclause (1) establishes the Environmental Protection Council, and at subclause (2) provides for it to be a body corporate. At subclause (3) the council is, subject to the provisions of that subclause, placed under the control of the Minister. Subclause (4) is of a formal evidentiary nature, and subclause (5) sets out the composition of the council, here it being provided that it will consist of four senior public servants and four persons who may not necessarily be public servants. It also provides that the Director of the Department of Environment and Conservation will be the Chairman of the council.

Subclause (6) is again a standard formal provision, and subclause (7) provides, in effect, for a four-year term of appointment for the non-public servant members. Subclause (8) provides for the appointment of deputies of the enumerated public servant members. Subclause (9) provides for the reappointment of members. Clause 5 is the usual provision in measures of this nature, and provides for the reappointment of members on the expiration of the terms of office. Clause 6 is again quite a usual provision relating to casual vacancies. Clause 7 provides for the procedure at meetings and for a quorum of five members.

Clause 8 provides for the Chairman to have a casting vote in the event of an equality of votes and for the appointment of a temporary chairman. Clause 9 validates acts of the council notwithstanding any defect in the appointment of a member, and is again a quite usual provision. Clause 10 provides for the remuneration of members. Clause 11 provides that the acceptance of office of a member of the council will not debar a person from accepting office on any other body and is in the usual form. However, this clause, in terms, debars members of either House of Parliament from accepting office on the council.

Clause 12 provides for the appointment of a secretary to the council. Clause 13 permits the council to make use of the services of the officers and employees of the descriptions set out in the clause. This use will, of course, be with the agreement of their employers or the responsible Minister. Clause 14 sets out in some detail the powers and functions of the

council. While this clause is in its terms quite self-explanatory, it should be considered in conjunction with the definition of "environment". In addition to the powers otherwise conferred by this clause, subclause (3) ensures that the council shall, in the exercise of its powers, pay regard to the preservation of the natural beauty of the countryside and of the animals, plants, buildings and geological features of the State.

Clause 15 is a clause of considerable importance, since it enables the council, in appropriate cases, to be endowed with the powers of a Royal Commission. Where a proclamation of the kind referred to in subclause (1) of this clause is made, the provisions of the Royal Commissions Act, 1917, will apply and have effect. Clause 16 confers on the council a wide power to delegate its powers and functions, but the exercise of this power is subject to the approval of the Minister. Clause 17 provides for the production by the council of annual reports and their laying before each House of Parliament. Clause 18 is a formal financial provision.

The Hon. E. K. RUSSACK secured the adjournment of the debate.

POLICE REGULATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 31. Page 1155.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of this Bill, which results from a report made to the Government by the Commissioner of Police, dealing with the organizational structure of the South Australian Police Force, and with the matter of control between the Commissioner, the Deputy Commissioner and the Superintendents commanding the various regions of the force. This matter was discussed prior to the time the present Government took office.

The Hon. A. J. Shard: It has been mooted for some years.

The Hon. R. C. DeGARIS: That is so. This matter has been examined for some years and no objections have been made to it by this Government or the previous Government. I see no reason why Assistant Commissioners should not be appointed to assist in the organization and delegation of authority regarding the operations of the Police Force. Therefore, I support the second reading.

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

STATUTES AMENDMENT (VALUATION OF LAND) BILL

Adjourned debate on second reading.

(Continued from, August 31. Page 1157.)

The Hon. L. R. HART (Midland): It is unfortunate that Statutes Amendment Bills must be introduced into Parliament for the purpose of amending several Acts simultaneously. It is comforting to know that similar sentiments have been expressed before in this Chamber and that no less a person than the present Chief Secretary said the following, on October 6, 1964, when a similar Bill was before the Council:

It is becoming a habit in this place in recent months to introduce Bills amending one, two or three Acts, and this is not a good practice.

I think this amending Bill should have been dealt with by three separate Bills. The new tax on motorists would be dealt with in one Bill, and the new provisions relating to money-lenders and the tax on shares could be dealt with by other Bills. Whether the intention of the Government is to short-circuit debate, it is not good draftsmanship to amend more than one Act in one Bill. I have spoken on that aspect on a previous occasion.

On the following day, the Hon. Sir Arthur Rymill, speaking on the same aspect, said:

... when practising as a lawyer I always found difficulty in tracing Acts that had been amended by one Act. . . I hope that when the Statute volume for the year is printed there will be suitable cross indices, so that both the Acts amended by the Bill will be referred to, and there will be no danger of people practising law missing the amendments. You, Mr. President, spoke on similar lines on the same occasion. Many clauses in the Bill merely delete the words "or premises" where they occur after the word "land". It has been suggested that those words are superfluous, because under the Acts Interpretation Act "land" includes "premises", and that it is therefore consistent with modern drafting practice to refer simply to land. Although this may be convenient for the informed person, for the ordinary person who has reason to refer to the Act on only odd occasions it can be most inconvenient. I should have thought it would be more appropriate to include the word "land" in the interpretation provisions of the appropriate legislation. Indeed, it already appears in the Water Conservation Act, one of the Acts being amended by this Bill. Therefore, why not include it in other Bills as well? This would make reference so much easier.

Clause 15 deals with alterations to valuations or assessments of tax and provides for

the recovery of tax in the case of under-payment, or the refunding of tax where over-payment has occurred. This provision is necessary, because under clause 11 a tax based on unimproved values shall be deemed to be in force whether or not the actual assessment has been made. Although the Parliamentary Counsel has the clause in much more formal language, I believe that is what he means.

A matter that has caused concern in local government circles for some years is that councils cannot make any refunds of money over-paid, whether they be rates or fees in various forms. It appears that under the present Bill a council can make a refund only where rates have been charged on an assessment which has been deemed to be duly made but which has not in fact been made. When the assessment is duly made and it proves to be lower than the assessment on which the rates were based, a refund becomes allowable, but only in those circumstances. If rates are over-paid in any other circumstances, a refund is not permitted to be made.

I have been under the impression that it was the Government's intention to act on the recommendations of the Local Government Act Revision Committee to empower councils to refund any money over-paid to them. In reply to a question asked of him by the Hon. Mr. Hill this afternoon, the Minister of Agriculture said that, where opportunities occurred, the recommendations of the Local Government Act Revision Committee would be implemented by amendments to the Local Government Act. I submit that this is an opportunity for the Government to implement some of the more important aspects of the committee's report. However, this does not appear to have been done. I therefore ask when the Government intends to act on this matter. Rates can be over-paid in various ways, and in addition a ratepayer can be in a situation of having to pay a fee pending a council decision. If that decision is in favour of the ratepayer, the council is not empowered to refund the fee.

When the Valuation of Land Bill was before Parliament last year, honourable members expressed concern at the cost to ratepayers of appeals. This concern still exists, because as yet assessments under the new system are an unknown quantity, and ratepayers may be reluctant to appeal because of the costs involved. We do not know what fee will be charged to councils for the use of the Valuer-General's assessments. Undoubtedly, a council using those assessments would be

required to pay a fee. How will that fee be based? Will it be based on the total value of the assessment of that council, or will it be a flat fee? Can the Government give some indication of the amount councils will be required to pay by way of fee for the use of Government valuations?

The impression to be gained from this could be acceptance of the new assessments when, in fact, it would not be so. However, while we retain land tax on rural land rated under the present system (and I know of no other system that could be applied), we will have anomalies and discontent among landowners. I believe a good case exists for the State Government to vacate the field of State land tax. There are many aspects of the Bill one could debate at length, but I believe that they could be dealt with more effectively in the Committee stage, so at this point I support the second reading.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (PAROLE)

Adjourned debate on second reading.

(Continued from August 31. Page 1159.)

The Hon. G. J. GILFILLAN (Northern): I support this Bill. I will speak only briefly, because I believe the subject was covered very well by the Hon. Mr. Springett, who spoke from considerable personal knowledge of the administration of prisons in the United Kingdom. I agree with him that the proposals contained in this Bill to amend the Criminal Law Consolidation Act are most desirable in that there would be more flexibility in enabling the Government to grant a parole on the recommendation of the Parole Board, and also power to impose certain conditions or repeal the parole.

I have every confidence that the Government will act responsibly in this matter and that the officers advising the Government will be most anxious to make sure that people released under these conditions will not be a danger to the general public. We know, of course, that one cannot always be sure in these matters, but then we cannot be sure of anyone in the community, given some provocation. I support the second reading.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (COMMITTEE)

Adjourned debate on second reading.

(Continued from August 31. Page 1160.)

The Hon. R. C. DeGARIS (Leader of the Opposition): In concluding my remarks, I

wish to direct the attention of the Council to some specific clauses of the Bill. When I spoke to the Bill before the adjournment I dealt with two matters in particular. One was the fact that this committee was being given the task of implementing some interim control in the city of Adelaide, which I am certain the council supports as necessary, but the Bill does not contain any termination of this interim control. I feel quite strongly that it should contain some termination date. I mentioned previously that two years should be sufficient time for the Bill to run, but I would be interested to hear the Government's viewpoint. I am not adamant about the period of two years. Perhaps three years would be acceptable, but I firmly believe that there should be some date of termination, and that if the committee requires continuing control the extension of time should be provided by further legislation.

The second point was that the committee would have power to stipulate standards of design and construction. This caused me some concern, and it is a matter that needs further consideration. In dealing with other specific clauses of the Bill, I refer to the proposed new section 42b, which deals with the establishment of the committee, the first part of which reads as follows:

42b. (1) There shall be a Committee entitled the "City of Adelaide Development Committee".

(2) The Committee shall consist of the following members:

- (a) the Lord Mayor for the time being of the Council who shall be the Chairman of the Committee *ex officio*; and
- (b) six other members appointed by the Governor of whom three shall be persons nominated by the Council.

This means that there will be six members, plus the Lord Mayor as Chairman, all to be appointed by the Governor, but three of the six shall be nominated by the council. The committee, which will be responsible for the interim control in the city of Adelaide and will have power to issue any directives, could be composed of three public servants, perhaps of the Planning Department, and three serving city councillors. There should be quite certainly at least one, possibly two, on the committee who are not directly associated with the Government or with the City Council.

I am not in any way directing any criticism at the city councillors or at Government officers, but in the composition of such a committee the influence should be spread as widely as possible. Perhaps it is the Government's

intention to appoint people from outside the Public Service or the City Council, but I draw attention to this proposed new section, and I would like to hear the Government's view on this. I do not wish to press the point any further at present. If I can be assured that people outside the scope of these two fields will be appointed to the committee, then I will accept that as a reasonable undertaking.

I have already dealt with the question raised in my mind by the proposed new section 42g (1), which states:

The committee may issue such planning directives as it considers necessary or expedient to ensure the proper development of the defined area or any part thereof.

Then subsection (2) (e) provides that the planning directives may—

stipulate standards of design and construction—

I ask the Council to note those words—to which any proposed building work within the defined area or any zone must conform.

That is probably taking the matter a little too far. Perhaps the Government would consider substituting "materials" for "construction" in that paragraph. The Government may agree with me on that; I should like its views on it. "Materials" probably fills the bill better than "construction". New subsection (4), dealing with planning directives, gives a list of things to which the committee must have regard in issuing planning directives. They include such things as:

(e) the aesthetic and sociological effects of the directive upon the development of the defined area;

(f) the health, safety and convenience of the community within that part or those parts of the defined area affected by the directive; and

(g) the economic and other advantages and disadvantages (if any) that are likely to result from the directive.

There appears to be one glaring omission from that list of things that the committee shall have regard to—the desirability of preserving buildings or other objects of architectural or historic interest. From the press reports that we have seen so far, it appears that the Environmental Protection Council Bill that the Government has introduced contains a clause of this nature. This committee being set up to exercise interim control in the city of Adelaide should possibly have regard to this factor as well. Does the Government consider such a clause desirable for this piece of legislation? New subsection (7) provides:

The council or any other person affected—

I ask honourable members to note those two words "person affected"—

by a planning directive may appeal to the Planning Appeal Board against the directive, or any provision thereof, at any time within 60 days after the publication of the directive.

One may ask about the scope of those words "any other person affected". Does it mean that the person who is directly involved in the development is the person affected, or does it mean, shall we say, that the person next door to the buildings concerned or the block of land is the person affected by any development, or does it mean that any person who uses the city and who feels he may be affected by a particular development also has the right of appeal in relation to any directive given by the committee? I seek clarification of the meaning of those words.

I come now to an interesting point on which this Council or this Parliament one day must give its decision—development in planning where right around the world third party appeals are allowed. Those are cases where people not directly affected have the right of appeal against any planning directive. This has some benefits and grave difficulties. I have not so far made up my mind how I would view such a third party appeal. Nevertheless, it is obvious that people are taking an increasing interest in environment in planning their own cities and, if some machinery is available whereby it is certain that the opinion of the third party in the community can be expressed, that will go a long way towards catering for people who are not directly affected but who want to take some part in planning and make their viewpoint known. I refer to the A.N.Z. Bank building, which the Government finally purchased in order to preserve it as an example of early architecture in South Australia. Should the public have a right of appeal in relation to the preservation of that building? We know that the committee will be powerful; it will have extensive powers. Perhaps its decisions will be made behind closed doors and the public may not be acquainted with what is happening in regard to interim planning in the city of Adelaide. The people may have no knowledge of any application coming before the committee.

As I have said, I am undecided whether or not there should be third party appeals in relation to planning directives, but I am certain that many groups in the community (the North Adelaide group and the Adelaide residents group, for example) are interested in planning and development, whose viewpoint should be considered in any decisions that are made.

Perhaps the Minister can give me some information on how wide this clause is. What do those words "any other person affected" really mean? I come now to new section 42h—"Approval for building work"—subsection (1) of which provides:

Any person who proposes to carry out building work within the defined area must submit plans and specifications of the proposed work to the committee.

This point has already been dealt with by the Hon. Mr. Hill. It has been pointed out that, in many large developments that take place, the plans and specifications of the entire building would perhaps cost anything up to \$100,000. Indeed, one figure given me by a gentleman in this Council who would have some knowledge of large-scale construction work is that in some cases in Adelaide the total plans and specifications would cost probably up to \$200,000.

If a person wishes to carry out any building work within the defined area and he must submit plans and specifications of the proposed work to the committee, it can be seen that he may be put to great expense and yet have his plans rejected. That is taking the narrow view of this clause, I admit. Whilst the present position with the Adelaide City Council is one of co-operation—in other words, as I understand it (and those who have had experience of the City Council may correct me if I am wrong), a person wishing to erect a building can go first to the City Engineer, talk about it and get some idea whether or not it will be approved subject to further plans and specifications being submitted—if we reach the stage where no plans of any proposed building work can be approved by the committee until all plans and specifications have been submitted, that may be unwarranted in relation to the approval of new buildings in the city.

I have touched on the major points of the Bill that have concerned me. I am sure this Council approves the idea of some interim control in relation to the city of Adelaide. On the other hand, I believe that we should not allow this interim control to become permanent control; every incentive should be given to the committee to present its development plan for the city of Adelaide as soon as possible. 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 . . .

In this connection the Government may say, "Two years or three years is long enough." I believe that any restriction or prohibition that the committee issues under this legislation should not continue beyond a certain period without review. For example, the committee may direct that there be a restriction or prohibition on a development; this matter could lie with the committee for three years without any review. I believe there should be a provision in the legislation forcing the committee, where it has issued a restriction or prohibition, to reconsider that restriction or prohibition within a certain period. I suggest that 12 months would be sufficient; at the end of that period

the committee would have to reconsider the restriction or prohibition. I know that the Government will consider my comments in the spirit in which they are made and that it will come back with replies. I believe that the Council should look closely at some of the matters dealt with in this Bill. I support the second reading.

The Hon. JESSIE COOPER secured the adjournment of the debate.

ADJOURNMENT

At 3.53 p.m. the Council adjourned until Wednesday, September 13, at 2.15 p.m.