

LEGISLATIVE COUNCIL

Tuesday, September 26, 1972

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

QUESTIONS

SYSTEMS OF VOTING

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

Leave granted.

The Hon. R. C. DeGARIS: Addressing the State Council of the Amalgamated Metal Workers Union in Melbourne, Mr. Cameron, the Commonwealth member for Hindmarsh, said he favoured a proportional representation system of voting instead of the present preferential system. Mr. Cameron is reported as saying:

I don't believe I'd have the support of the Federal Australian Labor Party Caucus, but I do have support among A.L.P. conference delegates where the decision will finally be made.

Will the Chief Secretary ensure that the views of Mr. Cameron (and, evidently, of many members of the A.L.P. conference) are drawn to the attention of his Government colleagues?

The Hon. A. J. SHARD: I have known the honourable gentleman, Mr. Cameron, for many years. I give the honourable member my assurance that his views are known to every member of the A.L.P. without any assistance from me.

EGGS

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

Leave granted.

The Hon. C. R. STORY: My question concerns egg marketing. As this matter is to be discussed fairly shortly, concerning the number of producer-agent or P.A. licences in existence at present, can the Minister say how many eggs are disposed of through that source?

The Hon. T. M. CASEY: I will obtain the information for the honourable member and bring him down a reply as soon as possible.

BUSH FIRES

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

Leave granted.

The Hon. R. A. GEDDES: There is a publication called the *National Development Quarterly*, published by the Commonwealth Department of National Development, which all honourable members received recently from that source. In it there is an excellent article entitled "Don't Panic and Live". The article has been supplied by the Forestry and Timber Bureau in Canberra. The object of the article is to show people who have moved out from the metropolitan area to bush fire areas, such as in our Adelaide Hills, what to do in the case of bush fires for their own personal safety if they are in a motor car or in their home. In my opinion the article should be given the widest possible publicity for the purpose of safeguarding our citizens. Will the Minister have a look at the article and, if funds can be allocated, will he see whether it can be published in the Agriculture Department's journal or other publications circulating in the Adelaide Hills for the benefit of citizens in that locality?

The Hon. T. M. CASEY: I have not seen the article that the honourable member has referred to, but the two matters he mentioned are adequately covered by scats done by the Bush Fire Research Committee last season. Those scats told people how to protect themselves if they were in a motor car in a bush-fire area and what to do in built-up areas with many trees where there was a fire. I believe that another scat dealt with the problem of children playing with matches after they had built a little wurlie. These scats were circulated throughout Australia. We carried out this publicity in South Australia on the recommendation of the Forestry Council. I believe that the scats were very favourably received in other States. The scats, with a few minor adjustments, are to be repeated this year, and I believe that they are essential. We believe that this is one way of getting through to the general public what to do in connection with bush fires. As the honourable member has raised this matter, I shall take it up with the committee to see whether the article can be published in the committee's periodical. I shall ask the committee to consider the matters raised by the honourable member.

MEAT

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

Leave granted.

The Hon. A. M. WHYTE: A Dr. Stopher of the United States of America has developed a machine (I presume it is some type

of X-ray machine) which assesses the quality of meat, whether it be in a live animal or a carcass. I believe that some of these machines have been imported from America into Australia, possibly for Government sources. Will the Minister consider obtaining one of them for his department, for use by it to assist in the grading of livestock on the hoof and appraising carcasses?

The Hon. T. M. CASEY: This is the first occasion on which I have heard of such a machine, but that does not mean that one does not exist.

The Hon. R. C. DeGaris: I assure you that such a machine does exist: it is called a scanogram.

The Hon. T. M. CASEY: I do not doubt that it exists. All types of machine, including egg-grading machines, come from Europe and America. I shall consider the honourable member's suggestion, but I doubt whether it could be used in the field, because it would undoubtedly have to be connected to power and, therefore, it could not be operated in areas where power was not available. Nevertheless, I shall consider the honourable member's suggestion and bring down a reply.

The Hon. A. M. WHYTE: To assist the Minister, I inform him that the machine is called a scanogram, and I point out that power can be generated almost anywhere today by means of portable power plants.

NATIONAL PARKS

The Hon. R. A. GEDDES: Has the Minister of Agriculture, representing the Minister of Local Government, a reply to my question of September 12 regarding grants-in-aid to councils where the establishment of national parks by the Government results in a financial burden to councils?

The Hon. T. M. CASEY: My colleague informs me that the difficulties raised by the honourable member have been acknowledged by successive State Governments for many years. A number of Government departments and authorities are continually engaged in the acquisition of property for the expansion of national and other parks and other services, all of which benefit the community as a whole. Many council areas are involved in such acquisitions to varying degrees, so it is clear that the difficulties are by no means localized. The grant-in-aid referred to by the honourable member is made available to councils under the provisions of the Local Government Act, and the source of such grant is the Highways Fund. The Act requires that such grant be

spent only on roads. All the financial needs of local government are not necessarily reflected in road needs, and financial problems of councils are not necessarily overcome by the expenditure of additional amounts on roads. The situation is appreciated, but assistance at this stage is not possible.

BRINKWORTH AREA SCHOOL

The Hon. L. R. HART: Has the Minister of Agriculture, representing the Minister of Education, a reply to my question of September 14 regarding the Brinkworth Area School?

The Hon. T. M. CASEY: My colleague informs me that in the schools design programme for June, 1972, the tender call target for the Brinkworth Area School replacement buildings was set down as August, 1972, with an availability date of April, 1974. However, it has been necessary to defer the project temporarily because of the following:

1. The limitation placed by finance on a number of projects that may be undertaken this financial year.

2. The number of schools in which work has begun or has almost reached that stage.

3. The number of new schools required in developing areas.

The situation will be re-examined at a later date in the light of any additional funds that may become available. The need for a new school is recognized, and the department's attitude towards its replacement has not changed in any way. Documentation has been completed and, as soon as circumstances permit, a tender call will be made to enable the project to proceed.

BRUCELLOSIS

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. C. DeGARIS: On research, I find that the State Government has spent about \$220,000 of its own money in relation to the campaign for the eradication of brucellosis and tuberculosis in cattle. Will the Minister of Agriculture inform the Council whether, since he has been Minister, any funds have been made available from the Agriculture Department lines (that is, General Revenue) for the eradication of brucellosis and tuberculosis in cattle?

The Hon. T. M. CASEY: I cannot give the honourable member a specific reply. I will get a detailed report and bring it down as soon as possible.

CANCER REGISTRY

The Hon. V. G. SPRINGETT: I wish to ask a question of the Minister of Health and, before doing so, I seek leave to make a short statement.

Leave granted.

The Hon. V. G. SPRINGETT: Some months ago I raised the question of the production and use of a cancer registry in South Australia. I now draw to the attention of the Minister a publication from Norway detailing cancer incidence in Norway for the years 1955 to 1967. These figures are produced from the cancer registry started there in 1951. Bearing in mind that this publication shows that there has been an extensive change in the incidence and types and forms of cancer during those years, these are very important figures. Will the Minister give consideration to the possibility of starting and producing a cancer registry for South Australia?

The Hon. A. J. SHARD: I could say "Yes". I think that goes without saying, on my authority on this matter, but having had the question drawn to my attention, particularly the publication mentioned, I will confer with my departmental officers and bring down a considered reply as soon as possible.

FRUITGROWING INDUSTRY

The Hon. C. R. STORY: Has the Minister of Agriculture a reply to the question I asked on September 13 concerning tree pulling under the Commonwealth scheme?

The Hon. T. M. CASEY: The Government is watching carefully its interest in canneries in this State and also the interests of the fruit-growers. As the honourable member will know, the present crisis in the canning peach and pear industry has been brought about by an unforeseen reduction in profitable overseas markets rather than by a long-term surplus in production. Particularly does this apply in South Australia, where production is comparatively small in relation to the all-Australia production. Any change in the overseas situation with respect to demand in the purchasing countries or production of our competing countries could therefore substantially alter the general outlook and this change, of course, could occur. I might add that recent opinion conveyed to me is that there will be a shortage of canned fruit in the United States during the coming season, and it is hoped that some of the stocks now being held by canners will be able to be quitted on this market. That is the opinion given at the moment. Whether that will eventuate, I could not say, but the out-

look appears a little brighter than it was six months ago, or even three months ago.

The tree pull scheme has been designed after long consideration by Commonwealth and State officers and industry representatives in an endeavour to rehabilitate canning fruitgrowers who take advantage of it and assist the industry more particularly in the short term. Participation is voluntary and I do not expect the scheme to affect the general changes which may take place due to broad economic circumstances. The sum of \$4,600,000 made available by the Commonwealth, half of which is for the fresh apple and pear industry and which is mainly aimed for Tasmania, is regarded as sufficient if availed of to reduce the industry to more manageable proportions in view of the present outlook and not to reduce it to an uneconomic level on any State, district or cannery basis. I repeat that the Government will watch developments carefully.

LETTER BOMBS

The Hon. C. M. HILL: I ask the Chief Secretary, representing the Premier, whether the Government has made any contact with the postal authorities to ensure that any letter bombs coming through the General Post Office in Adelaide will be detected before delivery or distribution; if not, will the Government make such contact and advise the Parliament and the people of South Australia of the situation so that they can be assured of maximum protection from this latest and most shocking form of terrorism?

The Hon. A. J. SHARD: I should not think the Premier would have made any such contact. It should be clearly understood that the Postal Department is a Commonwealth department, and from the State point of view we very rarely contact Commonwealth departments on such matters. However, I could give an assurance that the Commonwealth Postmaster-General would have contacted every post office within Australia, setting out the difficulties. I am sure we could assure the community that that has been done. Nevertheless, I am willing to take the matter up with the Premier to see what he thinks, and I will go so far as to ask him to seek from the Deputy Director of Posts and Telegraphs in this State an assurance that all post offices have been advised to this effect.

AMATA RESERVE

The Hon. A. M. WHYTE (on notice):

1. What is the total number and the cost of all cattle purchased for the Amata Aboriginal Reserve since its inception in 1961?

2. What is the annual average number of calves branded?

3. What is the total number of cattle sold and what was the average price received?

4. What is the total number of cattle killed for rations?

5. What quantity of beef and/or mutton was purchased from neighbouring stations since 1961 and what was the cost of such purchases?

6. What number of cattle, donkeys, goats and camels are depastured on the reserve at the present time?

7. What is the total expenditure incurred to date on the Amata Reserve including salaries, wages and improvements?

The Hon. A. J. SHARD: The replies are as follows:

1. A total of 163 cattle was purchased from private sources at a cost of \$18,028. Also, 339 cattle were transferred from various southern departmental reserves to Amata but no financial entry was made.

2. An average of 135 calves was branded each year for the eight years from June, 1964, to August, 1972.

3. A total of 44 cattle has been sold and the net proceeds were \$113 a head.

4. No cattle were directly killed for rations. However, 578 cattle, at a cost of \$35,680, were killed and brought into the departmental

store where the meat was sold to the Aborigines and staff alike.

5. A quantity of 45.58 tons of beef was purchased at a total cost of \$17,922.

6. At the end of August, 892 head of cattle were depastured at Amata. It is not known how many donkeys, goats or camels are roaming in the 27,600 square miles of the reserve. These animals are not husbanded on a commercial basis and have wandered on to the reserve themselves.

Up to August 30, 1972, the total funds spent on Amata are as follows:

	\$
State Revenue Funds.....	1,596,685
Commonwealth Trust Funds	151,073
	<hr/> \$1,747,758

INDULKANA RESERVE

The Hon. A. M. WHYTE (on notice): Is it a fact that beef has been purchased at 30c a pound by the authorities at the Indulkana Reserve and sold to the Aborigines at 60c a pound?

The Hon. A. J. SHARD: It is a fact that beef is being purchased at 30c a pound into the Indulkana store and sold to the Aborigines at 60c a pound. The recent meat trading results have been as follows:

Period	Sales \$	Gross profit \$	Gross loss \$	Per cent
April 1, 1970, to September 30, 1970	2,366	404	—	17.08
October 1, 1970, to March 31, 1971	2,369	—	478	—
April 1, 1971, to September 30, 1971	5,512	326	—	5.9
October 1, 1971, to March 31, 1972	5,607	496	—	8.8

Obviously the department is only just covering costs. Bone wastage and cutting losses are high and meat spoilage is also a factor. From October, 1968, to August, 1970, meat was supplied from Amata Store at a most of \$60 a beast, from August, 1970, to early May, 1971, from Granite Downs Station at 40c a pound, and since May, 1971, from Fregon at 30c a pound.

MARKETING OF EGGS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

This measure, which amends the principal Act, the Marketing of Eggs Act, 1941, as

amended, provides for a number of quite important changes relating to the composition of the South Australian Egg Board, the qualifications of voters at elections and the general powers of the board. In addition, opportunity has been taken to effect other amendments to the principal Act, the needs for which has been demonstrated over the years. The nature of the amendments proposed suggests that the most convenient way of dealing with them would be by a consideration of the clauses of the measure in some detail.

Clauses 1 and 2 are formal. Clause 3 amends the interpretation section of the principal Act, section 2, by (a) inserting a definition of "declared organization", the need for which will be demonstrated in connection with

the explanation offered in relation to clause 7; (b) inserting a definition of "eligible candidate", the need for which will be shown in connection with the explanation of clause 7; (c) striking out the definition of "licensed collector", which will become redundant; (d) simplifying the definition of "producer" so that it accords, in terms of the number of hens necessary to qualify as a producer, with the appropriate Commonwealth Acts; previously there was no difference of one hen and that difference caused some confusion; (e) inserting a definition of "producer agent"; and (f) making provision for an "appointed day" from which day the reconstruction of the board shall take effect. Clause 4 merely empowers the Minister to fix a day as being the day on and from which the board shall be constituted in the manner provided for by this Bill.

Clause 5 substantially amends section 4 of the principal Act, which provides for the composition of the board. At present the board consists of six persons appointed by the Governor, of whom three are producers elected by producers, two are persons knowledgeable in the business of marketing eggs (of whom one must have the ability to represent the interests of retailers of eggs) and the chairman, who, in the terms of the present Act, must not be connected with the industry. The composition proposed by the present Bill will be six persons—three elected by producers and three appointed by the Governor, with both the Chairman and the Deputy Chairman appointed from those appointed by the Governor. There is, as will be seen, a change of emphasis on the background of the three non-elected members of the board, which reflects the experience of the activities of the board over the past years and also the view of the Government as to the likely future activities of the board.

Put shortly, as with all statutory boards of this nature, there is a clear need for the board to involve itself in all aspects of egg marketing, including, if necessary, entry into fields of processing eggs. It is essential for the board to involve itself in these matters if it is to operate for the benefit of producers. To a large extent, in the case of primary products the future problems of marketing assume ever-increasing importance. It is not sufficient that a good quality egg be produced: it must also be marketed in such a way as to give the best return to the producer as well as the best value to the consumer. The net result

of this approach is to raise some questions of the future position of representation by the "trade" on the board, particularly whether the competitive position of the board may, to some extent at least, be inhibited by the specific appointment of outside trade representatives. This is, of course, not to deny the valuable contribution that was, in the developmental stages of the board, made by such representatives. For these reasons then, no limitation relating to the background of the three members appointed by the Governor is now proposed.

Clause 6 again makes a change in qualifications for voters at elections for the three members who comprise half the board, in that the number of hens that must be kept in order to qualify for a vote has been increased from 250 hens to 500 hens. The number of hens that must be kept to qualify for a vote was originally fixed at one-tenth of the number of hens that must be kept to support a viable commercial enterprise. On current figures, this number is now of the order of 5,000 hens, since it seems appropriate to maintain this relationship, so the new voting qualification has been increased to one-tenth of 5,000—500. In addition, provision is made here for the nomination, by firms or partnerships that in their capacity qualify as voters, of a person to vote on their behalf. The mechanics of this nomination are dealt with by the amendments proposed by clause 7 in relation to the re-enacted section 4b.

Clause 7 also proposes the enactment of a new section 4c, which imposes two further and important qualifications for nomination as a condition for election as a member of the board. The first qualification is that the candidate or the firm of which he is the nominee markets through the board or an agent of the board at least 10 dozen eggs for each leviable hen. The reason for this is clear. In the terms of the present marketing arrangements it is quite lawful for a producer to market no eggs at all through the board or only some of his eggs: for example, all or some of his eggs could be sold in other States. It is patently absurd that such a person should be eligible for election to a board that he himself has, in his own business practices, rejected. In passing, it may be mentioned that eggs retained or disposed of for hatching are for the purposes of this provision regarded as having been marketed through the board. The second qualification is, in effect, that the proposed candidates shall

not hold an executive or administrative position in an organization declared by the Minister for the purposes of this section. An organization that may be declared is one that has amongst its objects or functions the marketing or processing of or otherwise dealing with eggs. This limitation is, I suggest, consistent with the proposal to ensure that the activities of the board are not inhibited by direct representation of "trade" interests at that level. The grounds for this proposal have been mentioned in relation to the explanation of clause 5 of this Bill.

Clause 8 provides for three-year terms for elected members, being the same period that was previously provided. However, to ensure some continuity in membership of the board, as reconstructed, it is proposed that the first members shall be elected for two, three and four-year terms to be decided by lot; thereafter, all terms will be for three years. Clause 9 is, in effect, consequential on the proposals already discussed. Clause 10 makes formal provision for the Chairman or, in his absence, the Deputy Chairman to preside at a meeting of the board. Clause 11 is a provision that will enable the board to make appropriate superannuation arrangements for its employees.

Clause 12 repeals section 18 and section 18a of the principal Act and enacts a new section 18 in their place. Former section 18 prevented the board establishing an egg floor except in certain limited circumstances. It is now proposed that the board's powers to establish an egg floor will not be so restricted but that it will be obliged to give advance warning of its intention to persons likely to be affected. At proposed new section 18 the board has also been granted a plenitude of power to carry out its functions.

Clause 13 is merely an amendment consequential on the removal of references to "licensed collectors". Clause 14 amends section 19 of the principal Act which deals with the licensing of agents of the board. The special provisions relating to persons holding a licence to export eggs from the Commonwealth have been removed, as these provisions are now redundant, and provisions providing for an appeal against a decision of the board to cancel a licence of an agent of the board have been inserted.

Clause 15 enacts a new section 20 in the principal Act in lieu of the former section 20, which provided for the licensing of "collectors of eggs". Although the form of the proposed new section 20 is new, in fact the provision gives full effect to a concept that has

developed over a number of years. Under section 23 of the Act the board has power to exempt certain producers from the obligation of delivering their eggs to the board, and the effect of this exemption has been to allow these producers to sell direct to the public. In many cases the "exemption" provided required the producer to stamp and grade his eggs with the board stamp. In the Government's view it is desirable that this situation should be regularized, and producers in this category should have their status properly recognized. An amendment proposed in relation to section 23 will give all exempted producers a period of 12 months in which to apply for producer agent licences, and it is the intention that such licences should be freely available to former exempted producers.

Clause 16 repeals and re-enacts section 21 of the Act which relates to the obligation of a producer to sell his eggs to the board. The re-enactment, which is self-explanatory, provides for amendments that are consequential on the provisions relating to producer agents. In addition, in proposed new subsection (3) the expression "merchantable quality" has been spelt out in somewhat greater detail. This clause also inserts a new and quite important provision as proposed section 21a. The board is increasingly concerned at the number of unbranded eggs that are appearing in some retail stores. On inquiry, it is alleged that these eggs were produced by persons who were not "producers" within the meaning of the Act; that is, they were obtained from persons who kept 20 or fewer hens. However there is some suggestion, to put it no higher, that many of the eggs have in fact been improperly purchased from producers. Accordingly, this provision makes it an offence for a storekeeper to have in his possession for sale unstamped eggs. This will leave untouched the right of the true "non-producer" to dispose of his eggs direct to the public.

Clause 17 amends section 23 of the principal Act which has been adverted to earlier in relation to clause 15. This section can now serve its original and quite proper purpose. Subsection (4) of this section, a general exemption provision, is proposed to be repealed, as in practice it has been found quite difficult to police. In lieu of this it is proposed that the board will grant particular exemptions to cover these cases. In place of this repealed subsection a subsection providing for a period of transition so that former exempted producers may obtain producer agent licences has been enacted.

Clause 18 makes amendments to section 24 of the Act that are consequential on the amendments already discussed. Clause 19 amends section 30 of the Act which relates to payments to producers to the end that the board will be able to make premium payments to encourage the production of eggs with desirable characteristics. Clause 20 is an attempt to deal with a perennial problem that faces those concerned with orderly marketing schemes, the problem being that of section 92 of the Constitution. Suffice it to say that within the limits laid down in *Harper v. The State of Victoria* (the most recent High Court decision in the matter) it goes as far as it can, to control this interstate traffic in eggs.

Clause 21 is an evidentiary provision which in effect throws on a defendant in proceedings the onus of proving that he is not a producer as defined. Since the facts on which a person is deemed to be a producer are peculiarly within his knowledge, this seems a reasonable burden to impose. Clause 22 amends section 34 of the principal Act that sets out the regulating-making power, and in general the heads of power sought to be inserted reflect the growing interest of the board in marketing and presentation of eggs and egg products. The other amendments to this section relate to formal matters in connection with elections under the Act and also increase the maximum fine that can be imposed under the regulations from \$100 to \$200.

Clause 23 repeals section 35 of the principal Act which in its latest amended form gave the Act life until September 30, 1973. It is in the Government's view quite unreasonable to give such an apparently limited life to a statutory board that is expected to engage in commercial and quasi-commercial transactions and dealings and such a limitation could in one sense at least inhibit its activities. Clause 24 amends the schedule to the principal Act and has the effect of slightly altering the boundaries of the electoral districts to the end that they will, as far as possible, contain a similar number of units. On the basis of existing units, the electoral districts, if the amendment is agreed to, will be comprised as follows: electoral district No. 1—131 units; electoral district No. 2—136 units; and electoral district No. 3—147 units. This compares with the old figures of 85, 163 and 166 units.

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

LAND TAX ACT AMENDMENT BILL

In Committee.

(Continued from September 21. Page 1496.)

Clause 5 passed.

Clause 6—"Postponement and remission of tax."

The Hon. R. C. DeGARIS (Leader of the Opposition): I am quite satisfied with the replies to the second reading debate given by the Chief Secretary, including the reply relating to land where a differential rate is applicable. Although I still hold to my view on clause 7, I raise no objection.

Clause passed.

Clause 7 and title passed.

Bill reported without amendment. Committee's report adopted.

STATUTES AMENDMENT (VALUATION OF LAND) BILL

In Committee.

(Continued from September 21. Page 1500.)

Clauses 17 to 20 passed.

Clause 21—"Adoption of Government assessment."

The Hon. L. R. HART: Subclause (7) empowers a council to refund excess rates paid to it, but it appears to me that the council can do this only where an incorrect assessment has been made. If a ratepayer paid his rates twice, for argument's sake, would the council be empowered to refund the extra rates?

The Hon. A. J. SHARD (Chief Secretary): If a ratepayer paid his rates twice, the council would be obliged to refund under the

general rule of Statute law.

The Hon. L. R. HART: A ratepayer at Salisbury who paid excess rates was not able to recover them. If rates are paid twice in one year, and the ratepayer immediately challenges the council, the council can refund; but if it takes, say, two years to be discovered, is the council obliged to refund the excess rates?

The Hon. A. J. SHARD: The ratepayer is entitled to receive the overpaid sum, with the exception of the provisions of the Statute of Limitation.

Clause passed.

Clause 22 passed.

Clause 23—"Power of council to make its own assessment."

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

After "amended" to insert the following:
(a) by striking out subsection (2) and inserting in lieu thereof the following subsection:

(2) Where any such assessment has been prepared—

(a) a minute of the council's approval of the assessment must be inserted in the assessment book and signed by the mayor or chairman and the clerk;

and

(b) the assessment shall be deemed to have been made at the time the minute is so signed and shall, subject to the provisions of this Act, remain binding on the area and the ratepayers until an assessment is subsequently made or adopted under this Division.

and

(b).

When the amendments to the Act were being drafted it was considered that this formal matter did not appear necessary, because section 184 (2) dealt with the time of making of the assessment, but the Local Government Association is of the opinion that its retention is the only safeguard in this Division of the Act which prevents a council from changing or altering an assessment once it is approved except by proper statutory process. I am happy for it to be retained as an amendment to section 184 in replacing present subsection (2), which would otherwise be superfluous.

Amendment carried; clause as amended passed.

Clause 24—"Land value to be entered in assessment book."

The Hon. L. R. HART: In cases where the use of land changes over a time, does the council make another entry in the assessment book, does it alter its assessment book, or does it wait until a revaluation by the Valuer-General before the alteration is made to the assessment book?

The Hon. A. J. SHARD: The alteration to the valuation is not made at that time but must wait until the new revaluation takes place in the normal course of events.

The Hon. L. R. HART: Where a council makes its own assessment in cases where land usage alters, the assessor reassesses the land, and the alteration is made in the assessment book before a complete reassessment of the district is made. It would seem that, in this case, the assessment by the Valuer-General would be made, say, once every five or seven years, and the alteration in the assessment book would not be made in that intervening period if a change in land usage occurred.

The Hon. A. J. SHARD: I may have misled the honourable member. The valuation is made for the current financial year and, before it is revalued, there is a reassessment of that piece of land.

Clause passed.

Clauses 25 to 127 passed.

New clause 127a—"Interpretation."

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

127a. Section 5 of the principal Act is amended by inserting in the definition of "annual value" after the word "shall" in paragraph (c) the passage "(where the annual value is computed on the basis of gross annual rental, but not otherwise)".

Under the definition of "annual value" in the Valuation of Land Act, the Valuer-General is empowered to determine annual value either on the basis of the gross annual rental that the land could realize if leased on certain conditions set out in the definition, or on the basis of the capital value of the land. This definition is, however, subject to certain qualifications, one of which is that an allowance is to be made for the depreciation of certain prescribed machinery, plant and equipment. This qualification should apply only where the annual value has been assessed on the basis of gross annual rental, for if capital value is taken as the basis of assessment the depreciation allowance will be reflected already in the amount adopted as capital value. The purpose of this amendment is to make it clear that the depreciation allowance applies only where gross annual rental has been adopted as the basis of assessment.

The Hon. C. R. STORY: I have no objection at all to this measure. I think it probably tidies the matter up very well.

New clause inserted.

Clauses 128 to 133 passed.

Clause 134—"Regulations."

The Hon. A. J. SHARD: The Hon. Mr. Cameron early this year made submissions to the Minister of Local Government on behalf of the South-Eastern Dairymen's Association to have milk vats exempted, by regulation under the Valuation of Land Act, from valuation for local government rating. In the honest belief that power existed under the terms of section 34 of the Valuation of Land Act to make such a regulation, the Minister advised the Hon. Mr. Cameron to the effect that it was proposed under regulations to exempt from valuation fixtures that could be removed from the land without structurally damaging the soil or premises.

Accordingly, such a regulation was proposed and drafted, but after discussions with Mr. Justice Wells of the Supreme Court (Land and Valuation Division) the Crown Solicitor expressed the opinion that the Valuation of Land Act did not provide specific powers to make such a regulation and it was consequently omitted from the regulations under the Valuation of Land Act. Because this regulation could not be included, it was proposed that at the earliest opportunity action should be taken to correct the position, and an assurance to this effect was given Mr. Cameron by the Minister in his letter of June 15, where he stated that the Local Government Act would be amended accordingly. The Hon. Mr. Cameron can rest assured that it is on account of his earlier submission to the Minister on this question of fixtures and the fact that exemption from valuation of certain fixtures was not able to be met by regulation, as was previously believed it could have been under section 34 of the Valuation of Land Act, that the amending clause 134 was included in this Bill. Since the definition of "annual value" in the Local Government Act is to be amended in this Bill to have the same meaning as "annual value" under the Valuation of Land Act, the Minister will have carried out his undertaking to Mr. Cameron to have the Local Government Act amended to allow for any farm fixtures that could be removed from the land without unduly disturbing the soil to be omitted from the valuation.

Clause passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

ENVIRONMENTAL PROTECTION COUNCIL BILL

Adjourned debate on second reading.

(Continued from September 21. Page 1497.)

The Hon. C. M. HILL (Central No. 2): When I was in Britain earlier this year, I was told that the people of London enjoyed 55 per cent more sunshine now than was the case some years ago and that the reason for this great change was the implementation of the Clean Air Acts, 1956-1968. I was also told that for the first time in 200 years fish were being caught off Westminster in the Thames, the cause of this great change being the pollution control implemented there in recent years.

This evidence of success is due to controls over the environment. When we see this evidence in such a highly industrialized area as London and in such a heavily populated part

of the world as that capital city, we must accept the fact that, with proper controls and adequate laws in this whole area of environment, changes can be brought about so that people can live in a much better state than would be the case if no action was taken, either now or in the future.

In this Bill, the Government is taking what I believe to be the first major step in environmental control in South Australia. It proposes to take this step by the formation of a council to be known as the Environmental Protection Council. When explaining the Bill, the Minister of Agriculture said:

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.

That is a very wide intention on the part of the Government. I commend it for taking a step at least to get on with the job that obviously a Government in this State must do. I have been interested to see that various other State Governments are beginning to indicate laws in this same social area, but the steps that the Government takes must be the right steps. I am sure the Government would agree with me on that. The need for the right steps to be taken can be seen by the growth of the Civil Service administration of environment in Britain.

In 1970 the Ministries of Housing, Local Government, Public Buildings, Works, and Transport were united in a single Department of Environment under a Secretary of State. This means that now for two years in Britain the seniority of the environment portfolio has been such that junior Ministers have been in charge of such Departments as Housing, Transport, and Local Government, and the senior Minister has been in charge of the environment portfolio.

I am not saying that that trend is likely to occur here but I point out that the Minister in his speech indicated that there was not much precedent for Governments to follow when they began planning measures to tackle environmental problems. Not having much precedent to follow, it may well be that in future the scope of the Department of Environment and Conservation will become so large and involved throughout the whole Public Service as to reach

the point where the work will be rated highly in the general seniority of Government departments. If that happens, it is all the more reason why in these initial stages of planning the right moves are made.

When we ask ourselves whether or not the Government is making the right move in establishing the Environmental Protection Council, we have no alternative but to go back to the guide lines that have been set down in this State by the steps taken a few years ago and the work done over these past years on this planning. I refer to the same point made, I believe, by speakers to this Bill so far, other than the Minister himself.

When the Hon. Mr. Russack led in the debate, he pointed out that in 1969 a committee on environment was set up by the Government; he also indicated the highly qualified personnel comprising that committee, and he pointed out that His Excellency the Governor in his Speech opening this session said that the Government placed great importance on environment and the report of the committee on environment. He said that the Government had been presented with that report.

The Hon. Mr. Russack went further and said that, in reply to a question in this Council in July, the Minister of Environment and Conservation, through the Minister of Agriculture, had stated that he intended to provide honourable members with copies of the report; further, the Minister stated that it was a good report, that it was being studied by Cabinet, and that honourable members could be assured that a copy would be made available to them as soon as possible.

I join with other honourable members in claiming that it is quite ridiculous for the Government to expect this Council to pass a Bill of this kind, setting up what the Government recognizes as a first step in a chain of events to implement proper controls over the environment, without honourable members knowing whether or not the committee also recognizes this Bill as a necessary first step. I do not know whether the Government is holding the Opposition in contempt.

The Hon. T. M. Casey: That is not true.

The Hon. C. M. HILL: I thought a Government member would have said—

The Hon. T. M. Casey: If I speak, I close the debate.

The Hon. C. M. HILL: The Minister is not the only Government member. The Hon. Mr. DeGaris went so far as to ask whether we could see at least one copy of the report.

The Hon. A. M. Whyte: The Government is bringing in smoke screens.

The Hon. T. M. Casey: We are not in Aboriginal country now.

The Hon. A. M. Whyte: Smog screens, then.

The Hon. C. M. HILL: Honourable members look upon the report that the Government has as the blueprint of planning on this very important matter. I have already pointed out, in connection with Great Britain, where planning can finish. So, it is ludicrous for us to continue without our being given some idea as to whether the committee recommended setting up such a council as the first step.

If the committee has said that it does not believe that that should be the first step, obviously some honourable members will seriously question whether this Bill should be accepted as a first step. However, if this Bill represents what the committee recommended, I am sure honourable members will praise the Government for basing its action on the experts' report. I therefore ask the Government to make available at least one copy of the report or, through one of its members, to say whether the committee recommends the proposals in this Bill as a first step in the long process of protecting the environment. Most South Australians now accept that there is a need for legislation on the whole question of protecting the environment.

Without having many precedents to work on, I looked into the question of the composition of the council, and I considered what has been put under the one umbrella of environment in Great Britain. In that country the Ministry of Housing is under that umbrella; in the council to be established under this Bill one of the appointees is the Director of the Department of the Premier and of Development. As housing comes within the administration of the Premier, I believe that that point is covered. In Great Britain local government comes under the umbrella of environment, but I cannot see any evidence in this Bill of local government having been considered, nor can I see any provision in the Bill whereby local government will be represented on the council.

In Great Britain public buildings and works come under the umbrella of environment. Because the Department of Development comes under the Premier's administration, I believe that that point is covered, provided that close liaison is maintained with the Public Buildings Department. There is a need for the Engineer-in-Chief to be a member of the council, because it is essential that proper disposal of domestic and industrial effluent be considered

by the council. So, I have no objection to the Engineer-in-Chief being on the council.

The next department coming under the umbrella of environment in Great Britain is transport, but I cannot see that transport is represented on the council. So, when we compare the British proposal with this Bill, we find that local government and transport have not been given much thought by this Government, whereas elsewhere they have been included under the umbrella of environment.

I realize that there are dangers in increasing the number of public servants on a council of this kind, and I realize that a proper balance ought to be kept between those who are not public servants and those who are; I do not mean to speak critically of anyone when I say that, but I believe that legislators should keep this check in mind. I know that there are dangers if we provide for too many members on councils of this kind.

The Government has proposed that the council have eight members; if local government and transport were represented on the council, its membership would be increased to 10, but I do not believe that a council of this kind would be too cumbersome if it had 10 members. I believe that it would be very fair for local government to be given a greater say than it has been given. Perhaps the Government has some means by which the transport authorities and local government can be involved in research and investigation.

The Bill provides the machinery for other departments to be brought into the council's considerations. However, to be assured of a say in the investigation and planning stage, it would really be necessary for those two bodies to have direct representation. Will the Government consider representation from these two bodies or, alternatively, has it any plans by which they may be involved at a later stage? I do not intend to move an amendment along these lines, because I do not think that this measure should be fought out in a political

way, as everyone is in agreement on environment, which is such an important matter that it should not become a political issue.

They are the only two matters to which I wish to refer. However, I hope the Government will inform the Council just what the recommendations in this expert report are. It is ludicrous for us to be considering and, indeed, passing this Bill as the first measure in environmental control in the State when the Government has up its sleeve an expert report prepared over three years by the best people any Government could have found to prepare it. The Government has the report, and it has acknowledged, through His Excellency, the committee's work and also by way of a reply to a question.

We know that the Government has more than one copy of the report, because we know that committees always lodge more than one copy of their report with the Government. If the printing of the report is delaying its distribution, we should at least have an assurance that this is the recommendation of that expert body; that is all that is required. The Government is not being fair to Parliament unless it discloses the true situation to which I have referred. I shall reserve my opinion on the Bill until I hear the Government's views on this most important aspect.

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (COMMITTEE)

(Second reading debate adjourned on September 13. Page 1266.)

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 3.46 p.m. the Council adjourned until Wednesday, September 27, at 2.15 p.m.