LEGISLATIVE COUNCIL

Wednesday, October 24, 1973

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

QUESTIONS

GOOLWA BARRAGE

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister of Agriculture, representing the Minister of Works.

Leave granted.

The Hon. C. M. HILL: Earlier this month there was an unfortunate tragedy at the Goolwa barrage, when a girl aged eight years and a young man were drowned. Since then, people have asked me what is the position regarding the safety measures at Goolwa barrage and in the surrounding area under the control of the Minister's department. [therefore ask the following questions: first, what safety measures exist at the Goolwa barrage and in the area in the vicinity thereof that is directly under the Minister's control; secondly, in the Minister's opinion are these measures satisfactory; and, finally, have any changes or improvements to these measures been instigated or implemented since the fatalities to which I have referred?

The Hon. T. M. CASEY: I will refer the honourable member's questions to my colleague and bring down a reply when it is available.

PETRO-CHEMICAL PLANT

The Hon. R. A. GEDDES: I understand that in other parts of the world petro-chemical plants use diaphragm cells for the separation of caustic soda from chlorine, a method which, I understand, will be used in the proposed new petro-chemical plant at Redcliffs. Will the Chief Secretary, representing the Minister of Development and Mines, obtain a report indicating the quantity and the quality of waste material that is discharged into the air in the form of smoke, and into the sea, and on any other residues such as dumps of dry waste material that an oversea plant similar to that proposed to be established at Redcliffs produces?

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

The Hon. C. M. HILL: I seek leave to make a statement prior to asking a question of the Chief Secretary, as Leader of the Government.

Leave granted.

The Hon. C. M. HILL: A report in today's *Advertiser* mentions a date on which the Premier hopes that the industrial development at Redcliffs will commence. I am concerned about the future town planning that will be necessary in that vicinity or, alternatively, near Port Augusta, for the housing of employees who will be located in that general vicinity. My questions to the Chief Secretary are as follows: has the Government any forward planning in train to establish a township or, indeed, a city near Redcliffs; or. alternatively, has the Government instigated any town planning to expand Port Augusta so that that city may grow in accordance with a properly developed plan instead of by hotch-potch housing expansion?

The Hon. A. F. KNEEBONE: As I am sure that the honourable member would want a more comprehensive reply than I could give off the cuff, I will obtain a reply from the Premier as soon as possible.

STRIP BRANDING

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

Leave granted.

The Hon. M. B. CAMERON: The Minister has indicated publicly many times his support for strip branding of lamb and hogget carcasses for the benefit of growers, who would receive credit and value for their product, and for the benefit of consumers, who would be certain of the quality of the produce they are purchasing. Will the Minister therefore say what steps he has taken to introduce strip branding in South Australia?

The Hon. T. M. CASEY: This matter has been referred to the South Australian Meat Corporation Board. I will obtain a report for the honourable member to see exactly what is the situation.

BRANDY EXCISE

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

Leave granted.

The Hon. C. R STORY: I noted with interest in this morning's newspaper that the Treasurer of the Commonwealth. together with the Minister for Primary Industry and four or five other Ministers, is making an extensive tour of the northern areas of Asia. I am very keen to know whether any real conclusions have been reached as a result of the discussions which the Premier had, and which I understand the Minister of Agriculture had with his opposite number, regarding excise on brandy. Two weeks has passed since we heard anything about this, and if these people are to trip around the world for another period this could be most detrimental to brandy sales in this country. Will the Minister give me a full report on what has happened to date, indicating whether he sees any light which would encourage us to think any relief could be expected in the brandy differential which existed before this impost was made?

The Hon. T. M. CASEY: I cannot elaborate on what the Premier has said on this matter. It was only early last week—

The Hon. C. M. Hill: The week before.

The Hon. T. M. CASEY: The end of the week before.

The Hon. C. M. Hill: It was the beginning of the week before.

The Hon. T. M. CASEY: Ten days ago the Premier was in Canberra and I know he had discussions with the Prime Minister and the Commonwealth Treasurer on this matter. It is of concern, as the Premier said, and it concerns me, too, as Minister of Agriculture, that the brandy differential has such a tremendous effect on the industry in South Australia, which produces about 98 per cent of Australia's brandy. I am sure the honourable member will agree that I cannot predict what is in the mind of the Treasurer in Canberra.

The Hon. C. M. Hill: Not many people can.

The Hon. T. M. CASEY: I shall certainly ask the Premier whether he has any further information from Canberra. I had brief discussions with him this morning and at that time he had not received any word from Canberra. The honourable member can rest assured that, as the Government of South Australia, we will do our utmost to see that the case is adequately and properly put in the interests of the brandy industry.

MURRAY RIVER

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

Leave granted.

The Hon. M. B. CAMERON: My question concerns the Murray River. There are indications that the present flood on the river could reach almost the 1956 level but, apart from that, there is at the moment considerable excess water flowing down the river. Are growers and irrigators from the river allowed unrestricted access to river water for irrigation during this time of unrestricted flow; if not, can arrangements be made to allow access on a month-to-month basis while water outside the River Murray Waters Agreement is flowing down the river?

The Hon. A. F. KNEEBONE: I will look at the proposition put forward by the honourable member and bring down a reply as soon as possible.

STUART HIGHWAY

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

Leave granted.

The Hon. A. M. WHYTE: At present the Stuart Highway is in a most unsatisfactory condition. Of course, it is in an unsatisfactory condition for most of each year, whether or not we have heavy rain. Will the Minister ask his colleague to approach the State authorities with a view to making a further urgent appeal to the Commonwealth authorities for finance to assist in commencing the sealing of the highway as soon as possible?

The Hon. D. H. L BANFIELD: I shall be happy to refer the honourable member's question to my colleague and bring down a reply.

ROSEWORTHY AGRICULTURAL COLLEGE

The Hon. M. B. DAWKINS: Has the Minister of Agriculture a reply from the Minister of Education to my question of last week about the formal setting up of Roseworthy Agricultural College as a college of advanced education?

The Hon. T. M. CASEY: Yes; I am always happy to give prompt replies to the honourable member. My colleague hopes that the legislation for Roseworthy college will be introduced into Parliament within the next two weeks.

SOUTH-EASTERN DRAINAGE

The Hon. M. B. CAMERON: Can the Minister of Lands say how many appeals have been heard by the South-Eastern Drainage Appeal Board; how many appeals have been upheld; how many appeals have been dismissed; how many landholders have been notified of the result of their appeals and when will the remainder of the appeals be heard?

The Hon. A. F. KNEEBONE: I will endeavour to get that information for the honourable member.

TAXIS

The Hon. C. M. HILL: Has the Minister of Health a reply from the Minister of Transport to my recent question about the taxi-cab industry?

The Hon. D. H. L. BANFIELD: My colleague informs me that he is completely satisfied with the operations of the Metropolitan Taxi-Cab Board and has no intention of introducing changes in the composition of the board in the foreseeable future. Incidentally, this information was also conveyed to a deputation from the Taxi Industry Association which waited upon the Minister on October 11, 1973.

LOCUSTS

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: An article in today's *Advertiser* highlights the mammoth proportions in which locusts are hatching in New South Wales and the precautions being taken by the Agriculture Department there. Can the Minister say whether any hatchings have been reported in South Australia since we were warned by the department that there would be an infestation this year? Is our Agriculture Department prepared to go into action, as the New South Wales department apparently is?

The Hon. T. M. CASEY: The South Australian Agriculture Department is liaising very closely with its counterparts in Victoria and New South Wales. Our officers in South Australia know exactly what the situation is in the other States, so that we can ascertain whether the locusts will travel in a south-easterly or south-westerly direction. I remind the honourable member that the infested area that he referred to in New South Wales, north of Broken Hill, was heavily infested last year, when on two occasions, due to strong easterly winds, locusts from that area came into South Australia, and a good deal of spraying was done. I assure the honourable member that the matter is under constant review and there is co-operation between the three State departments. Some months ago hatchings of grasshoppers (not locusts) were reported in South Australia in the areas where they normally occur—parts of the West Coast and in the Upper North. However, reports coming to me indicate that we are not getting the hatchings of locusts anything like what is happening in New South Wales. Nevertheless. I will obtain a further report on the situation in this State and bring it down as soon as possible.

CRIMINAL LAW (SEXUAL OFFENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 17. Page 1282.)

The Hon. F. J. POTTER (Central No. 2): I support the Bill. On August 16, 1972, I spoke in the second reading debate that was then taking place on a measure that had been introduced by the Hon. Mr. Hill. The Bill now before us is an altogether different one from the 1972 Bill, but it deals with the same problem that was then before the Council. On that occasion I said that, even if it was obvious that some amendment to the law was necessary, exactly what form the amendment should take and whether it would have sufficient community support was a difficult question.

When we considered the Bill last year it was aimed at freeing from the operations of the law any homosexual acts that were done in private between consenting adults. That Bill was framed on English legislation of the day and followed the recommendations of the Wolfenden report. This Chamber amended the previous Bill, which was subsequently further amended in a minor way in another place and finally passed by the Parliament. When the previous Bill was before Parliament I was concerned, and mentioned this during the final stages of the Bill, that we did not pass it as it was originally drawn. However, we did make some progress in amending the law concerning this particularly difficult problem.

Homosexuality is a problem that is only now being recognized by the community generally as something that

is a very real problem indeed which affects many more people than it was originally thought were affected. Homosexuals in the community are employed in all walks of life. In fact, there is no professional group at all that is exempt from homosexuals. When the Bill was previously debated I made a fairly lengthy speech.

Today, I find it difficult, when the same subject is introduced within a span of 12 months, to find something to say which is different from what I put to the Chamber previously. Indeed, I believe that in some respects I could do no better than refer honourable members to the previous speech I made on the subject. I read that speech recently and felt tempted to read it again in the Chamber; but I certainly would not do that. However, I should like to reiterate three of the main points I made on the last occasion. I believe that the only real issue concerning homosexuality ought to be an issue of morals.

In spite of reading considerable literature on homosexuality, particularly since the matter first came before Parliament, I should not like to hold myself out as fully understanding all the problems associated with this subject. There are some aspects of homosexuality that I understand better now than I ever did before. To say that I completely understand everything about this would be a false claim, because some aspects of homosexuality completely baffle me. In particular, I am unable to understand why a person may have what I might call bisexual tendencies (that is, a person who is both normal and abnormal, as it were, at the same time).

On this matter my attention has been drawn recently to an examination conducted by the Australian and New Zealand College of Psychiatrists into homosexuality and law reform in this country. After a long examination of the problem, it came out with what it called a position statement. This statement, produced by the highest body of psychiatrists in Australia and New Zealand, is as follows:

> The Australian and New Zealand College of Psychiatrists strongly condemns community attitudes and laws which discriminate against homosexual behaviour between consenting adults in private.

One notes that this body emphasizes homosexual behaviour not between consenting males but between consenting adults. I therefore suggest that the Bill, which seeks to put all adults of either sex on the same basis regarding their behaviour in respect of the criminal law, is in line with the considered position statement by the Australian and New Zealand College of Psychiatrists, to which I have referred. This statement was arrived at after canvassing the opinions of psychiatrists, psychologists and other qualified people in Australia and New Zealand, and it is interesting to note that the memorandum which supported the statement on homosexuality, when it is tabulated and analysed, shows that opinions varied along a conservative to radical line.

The study was not confined solely to homosexual patients; studies were also made of homosexuals in the community who were not patients. The traditional view was that homosexuality is a neurotic disorder; the radical view was that it is a normal variant, like left-handedness, to which the Hon. Mr. Springett referred; and the middle of the road opinion (if one can use that expression) regarded homosexuality as a developmental anomaly not necessarily or commonly associated with neurotic symptoms.

The clinical memorandum went on to examine those three groups and, although I do not intend to weary the Council with some of the technicalities involved, I should like to refer to one or two interesting matters. First, the studies of homosexuals who had not sought psychiatric treatment or been in conflict with the law usually disclosed that homosexuals do not differ from heterosexuals in the incidence of neurotic symptoms or occupational maladjustment. This is an important matter that honourable members should bear in mind.

True, some homosexuals may, and do, seek psychiatric help, with the aim of trying to adapt in a better manner to life generally and to obtain a more satisfactory adjustment of their individual problems. I do not know whether psychiatric treatment can be successful in this respect. It is probably difficult in many cases to produce a marked change in a person's way of life.

However, I return to the original point I made, that is, that with the knowledge now available the only real issue in this matter is a moral one, and it should not be a matter that is subject to the criminal law, except in so far as that criminal law must deal with sexual conduct that is, in effect, an offence to public order and good conduct. The second point I made was that the law as it then existed (and, I suppose, as it can still be said to exist) is inequitable, because it punishes persons who are not really wholly responsible for their actions. The change that we made to the law on the last occasion did not affect that situation. We merely provided a defence to a charge of homosexual behaviour that could be established in a court of law: that the act was committed in private with the consent of the other adult person.

The other point I made was that the changes proposed in the Hon. Mr. Hill's Bill would provide some standards of behaviour to which the community could reasonably be expected to adhere. I reiterate that point, as it is particularly relevant to this Bill, which tackles the whole problem in a completely new way. I know that the Hon. Mr. Burdett said we cannot equate homosexuality with heterosexuality because they are two different things. However, this Bill is tackling the matter from the point of view of putting both sexes on exactly the same basis in relation to their sexual behaviour and conduct.

That is the proper way to deal with the matter, and I congratulate the architect of the Bill on approaching the matter in this way. After all, we are providing what the law governing this sort of conduct will be, and this is the way in which it should be done. Both sexes should be placed on an equal basis; the law should be drawn in such a way that any conduct by either sex which offends against public order and decency should be stopped and should carry penal sanctions. I think that, if this Bill passes (and I hope it will), even more than last time we will have established a code which the community can reasonably expect to be adhered to by all members, whether male or female. I believe this is the correct way to approach the problem.

I hope the second reading will be carried. I will raise one or two matters in Committee, but I need to research them a little more so I shall not weary the Council with those matters now. If I think they are worth pursuing, I may in Committee suggest at least one amendment for consideration, but I do not want to mention it without further research in case I have a mistaken view of the matter. I heartily support the second reading. I think this is the way in which the problem should be approached, and it is on all fours with the suggestion made by the Australian and New Zealand College of Psychiatrists.

The Hon. M. B. DAWKINS (Midland): I regret very much, as did the Hon. John Burdett the other day, having

to oppose the conclusions of my esteemed colleague, the Hon. Mr. Springett. In matters on the medical side of the situation I am simply a layman, but the honourable gentleman is extremely well qualified to express opinions. However, I wonder whether the expression of a professional opinion rather than an objective one is the only criterion we have to look at in such a matter.

While I agree with some of the comments made by the honourable gentleman, I cannot agree with his conclusions. The Hon. Mr. Springett has said that today's practising homosexuals come from all stratas of society, and that has always been the case. He has also said that some people are not afraid to admit to these practices, whereas many are afraid, and he went on to suggest, as we have had put before us previously, that about one person in 20 practises homosexual behaviour. The honourable gentleman further said that some people regarded homosexuals as being sick, others regarded them as sinful, and yet others regarded them as plain wicked folk who ought to be put away. I would hope very few people today would be in the last category.

When it comes to being sinful, I think every one of us would have to admit to that situation. I do not think we should be the slightest bit self-righteous in that way. As to sickness, I imagine some homosexuals could be put into that category, whereas with others it would be the way in which they were born, and perhaps nothing could be done about it. We would be foolish indeed if wc did not accept that some people were structured in this way and needed the sympathy and help of the public, and certainly not its condemnation.

The Hon. Mr. Springett referred to left-handedness, and the Hon. Sir Arthur Rymill, by interjection, said that he had been a victim, if indeed he was a victim. In some ways, I am also left-handed. I was always left-handed at cricket. I never was any good at it but I had a great admiration for that game and I still have it. I was probably taught to use a knife and fork in the accepted way, rather than left-handed early in my life. However, I am what is known as ambidextrous when is comes to trimming sheep, and when I have to trim a number of sheep in a day I find it very helpful to be able to change from one hand to the other. Other people who have to trim all day using only one hand get very tired indeed. It is quite beneficial to be able to change from hand to hand. I have trimmed sheep from time to lime for prominent members of this Parliament, but that is by the way. It is a long time since I sold anything to the Hon. Mr. Cameron.

The Hon. M. B. Cameron: He was a good one, though!

The Hon. M. B. DAWKINS: He was a good one, and I am glad that in those days, at least, the Hon. Mr. Cameron could judge a sheep. I mention this matter of left-handedness, which might seem beside the point, because some people are completely right-handed, some are completely left-handed, and others are in between, and it is the "in between" people about whom I am concerned.

The Hon. D. H. L. Banfield: You mean they are ambidextrous.

The Hon. M. B. DAWKINS: That may be so. I want to emphasize the point that, not only in this instance but in others they are able to be influenced one way or the other. If black was always black and white was always white, and if there were never any shades of grey or any "in-between" people, never any gullible, innocent, persuadable people, I might be able to look at this Bill in a different way, but I know there are people who can be influenced. The Hon. Mr. Springett also mentioned a portion of the Wolfenden report, and I mention it again:

> A true Biblical attitude, taking into account modern psychological understanding, would be to recognize the homosexual as a sinful person like the rest of us, and someone who is especially in need of the therapeutic help of the churches fellowship. The church should encourage the treatment of those who may be helped by treatment.

I go along with that, but, as I have said, black is not always completely black; there are shades of grey. The Hon. Mr. Springett admitted this when later in his remarks he said:

> However, I agree that there are certain circumstances in which young boys are at greater risk from homosexuals. If I finish up, as I will, by opposing this Bill, it is because there are people who can be placed in a position of being persuaded and influenced into this sort of activity. Whilst the honourable gentleman mentioned one person in 20, I think if this Bill was to pass there might well be more than that number in future practising this sort of activity. For that reason, I would find it very difficult to support the Bill.

I should like to comment also on the speech of the Hon. John Burdett. I could discuss what I said last year on this matter, but I do not intend to do that. The Hon. Mr. Burdett made it clear from the outset that he opposed the Bill. In discussing people who practise homosexuality in private, the honourable member said:

> I feel sorry for them, and I believe they should be helped and not ostracized by society. However, the persecution of the criminal law was removed last year.

Because the persecution of the criminal law was removed last year, I believe that there is no real need for this Bill. The Hon. Mr. Burdett also said that, if the door was opened wider, it could lead to bestiality and incest becoming less subject to disapproval in the community than they had been up to the present. I do not know whether the honourable member's view is correct, but I know that any widening of the law tends to lower the standards of some of the people. Clause 29 provides:

> Section 69 of the principal Act is repealed and the following section is enacted and inserted in its place:
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> 69. (1) Any person who commits buggery with an animal shall be guilty of a misdemeanor and liable to be imprisoned for a term not exceeding ten years.

In this connection, the Hon. Mr. Burdett said:

> So, mercy and charity are to be shown to the person who has homosexual inclinations and who carries out homosexual acts with consenting adults in private, but mercy and charily are not to be shown to the person who has an inclination to have intercourse with animals.

I agree that that is an anomalous and inconsistent situation, as is intended to whitewash the practice of homosexuality while providing severe punishments for people who have other inclinations. The following statement of the Hon. Mr. Burdett summarizes my own altitude:

> In summary, I applaud the principle of protecting from legal persecution persons who commit homosexual acts between consenting adults in private, because I believe in not casting them out from society but in doing everything possible to help them.

I am well aware that some people cannot be helped and probably do not want to be helped, as, in effect, the Hon. Mr. Springett said. However, there are other people "in between" who should not be given the opportunity of being influenced in the wrong direction, and I believe that they will be given more opportunity under this Bill.

I do not believe there is one thinking person in the community who is not concerned with the galloping inflation that we have at present. Further, I do not believe there should be one person in the community who is not concerned with the escalation of permissiveness that we have in society at present. If this Bill did anything to

minimize that escalation and reduce the drift of standards that we see about us today, I might be persuaded to support it; however, I cannot see that it will do anything other than the opposite to that. As the Hon. Mr. Burdett has said, the legislation passed last year provides some protection for people who have homosexual inclinations, and I do not believe that this Bill should be passed. Generally speaking, the Bill is not suitable for amending. Honourable members must say "Yes" or "No" to this Bill, and I must say "No". I oppose the Bill.

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

PREVENTION OF CRUELTY TO ANIMALS ACT AMENDMENT BILL

In Committee.

(Continued from October 17. Page 1283.)

Clause 4—"Caging of animals"—which the Hon. Sir Arthur Rymill had moved to amend as follows:

After new section 5b (2) *(b)* to strike out "or"; and in paragraph (c) after "undergoing" to insert "examination or" and to strike out "by a veterinary surgeon".

The Hon. C. W. CREEDON: I express my appreciation for the care and attention that honourable members have given to this measure. I suggest that the amendment meets the objections raised over the past two or three weeks; it provides that any restrictions on the confining of animals will be imposed by regulations. As honourable members are well aware, such regulations are subject to the scrutiny of this place. I have no reason to doubt that it is not the society's intention to interfere in any way with normal agricultural and pastoral practices. Indeed, by and large the society is satisfied that the care of animals used in the pastoral industry is satisfactory.

The CHAIRMAN: I have just learned that the Hon. Mr. Creedon has an amendment that comes before the amendments moved by the Hon. Sir Arthur Rymill. Is the Hon. Sir Arthur Rymill willing to withdraw his amendments?

The Hon. Sir ARTHUR RYMILL: I do not want to interfere with the Hon. Mr. Creedon's proposed amendment but I think that it rather ducks the question, and this is why I do not want to withdraw my amendments, which are better because they are positive. The honourable member's amendment is negative; it provides for everything to be done by regulation later.

The CHAIRMAN: The question is that the amendment be agreed to.

The Hon. M. B. DAWKINS: May I be clear that we are discussing the Hon. Sir Arthur Rymill's amendment? The Hon. Mr. Creedon was apparently under the impression that the Committee was discussing his amendment.

The CHAIRMAN: We are discussing the amendment moved by the Hon. Sir Arthur Rymill, who has not withdrawn his amendment. When the Committee reported progress last Wednesday, it was discussing clause 4, The question before the Chair is that the Hon. Sir Arthur Rymill's amendment be agreed to.

The Hon. Sir ARTHUR RYMILL: Since I moved my amendment, the Hon. Mr. Creedon has placed another amendment on file. I do not favour his amendment but, without withdrawing my amendment, I do not want to stifle discussion on the Hon. Mr. Creedon's amendment. I do not want to withdraw my amendment because it might suggest that I have some doubt about the validity of the Hon. Mr. Creedon's amendment.

The Hon. C. M. HILL: Does the Hon. Mr. Creedon accept the Hon. Sir Arthur Rymill's amendment and, if he does not, what is the basis of his objection to it?

The Hon. C. W. CREEDON: The Hon. Mr. Geddes raised two objections to new section 5b last week. After consultation and helpful guidance, we settled on my amendment. If my amendment was accepted, it would include certain provisions the Hon. Sir Arthur Rymill wishes to add rather than subtract from his amendment. I am willing to accept the provision the Hon. Sir Arthur Rymill suggests regarding the confining of horses, sheep, cattle, swine or goats for the purposes of de-horning, branding, shearing, sale or slaughter. This would mean that paragraphs *(a), (b)* and *(c)* of new subsection 5b would have to be struck out. However, the Hon. Sir Arthur Rymill's amendment adds to this new subsection.

The CHAIRMAN: So that the Committee is not confused, I point out that we are discussing the Hon. Sir Arthur Rymill's amendment. If there was any alteration, the Bill could be recommitted. The Committee should vote on the Hon. Sir Arthur Rymill's amendment.

The Hon. C. W. CREEDON: As the Hon. Sir Arthur Rymill's amendment is incompatible with mine, I oppose it.

The Hon. Sir ARTHUR RYMILL: The Hon. Mr. Creedon has taken other steps and has commented on remarks made by the Hon. Mr. Geddes last week. The Hon. Mr. Geddes is absent now because he has had to keep another engagement for a short time, but he has authorized me to say that, after considering my amendment, he prefers it to the one the Hon. Mr. Creedon has on file. That is one reason why I am proceeding with my amendment, which, I believe, does what is needed in a positive form, whereas the Hon. Mr. Creedon's amendment puts off until tomorrow what we are discussing today. I believe that this matter should be dealt with positively by my amendment.

The Hon. M. B. DAWKINS: I support the Hon. Sir Arthur Rymill's amendment, which I believe is the better one of the two and which encompasses largely what the Hon. Mr. Geddes had sought. I believe that the honourable member in charge of the Bill was confused, in that he was discussing his amendment at the time the Committee was discussing Sir Arthur Rymill's amendment.

Amendment carried.

The Hon. Sir ARTHUR RYMILL: I move to insert the following new subsection:

(3) This section shall not apply to the keeping or confining of horses, sheep, cattle, swine or goats for the purposes of de-horning, branding, shearing, sale or slaughter.

I think I have already explained my amendment sufficiently for the Committee to understand it.

The Hon. M. B. DAWKINS: If the Hon. Sir Arthur Rymill would consider inserting after "branding" the words "exhibition at agricultural shows", it would cover the point raised by the Hon. Mr. Geddes.

The Hon. Sir ARTHUR RYMILL: Perhaps we could insert ", public showing" after "sale". However, I think what the Hon. Mr. Whyte has said is correct, that clause 4 (2) *(b)* relates to any period not exceeding in the aggregate 12 hours.

The Hon. M. B. Cameron: Twelve hours is not a long time.

The Hon. Sir ARTHUR RYMILL: Under my amendment that subclause remains. On reflection, I do not believe that my amendment needs further amendment. Although it may be a short time, I believe it is satisfactory.

Amendment carried; clause as amended passed.

Clauses 5 to 13 passed.

Clause 14—"Regulations."

The Hon. C. W. CREEDON: I move:

After "regulations" first occurring to insert the following new paragraph:

(a) prescribing the minimum dimensions of cages or receptacles for the confinement of any birds or animals,

or birds or animals of a class or kind, and prescribing any circumstances or conditions under which any birds or animals, or birds or animals of a class or kind, may be exempted from being so confined.

The Hon. Sir ARTHUR RYMILL: That amendment is linked to the honourable member's other amendments, which have not been put to the Committee. I suggest that the honourable member does not pursue this amendment.

The Hon. C. W. CREEDON: I ask leave not to proceed with my amendment at this stage.

Leave granted; amendment withdrawn.

Clause passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

LICENSING ACT AMENDMENT BILL

Bill recommitted.

Clause 2—"Special licences"—reconsidered.

The Hon. R. C. DeGARIS (Leader of the Opposition): In the Committee stages of this Bill I moved an amendment that was, I think, correctly amended by a motion of the Hon. Sir Arthur Rymill. However, the Parliamentary Counsel has drafted a proposed new clause to make the matter completely clear. New clause (2f) reads as follows:

Notwithstanding any other provision of this Act, but subject to this section, a licence may be granted by the court to any body or authority administering a festival that is, in the opinion of the court, of such substantial historical, traditional or cultural significance as to warrant the grant of such a licence, authorizing it, subject to such conditions as the court thinks fit and specifies in the licence, to sell or supply liquor of any kind and in any quantities to the public during the continuance of the festival at such times over such a period not exceeding three days (which may include a Sunday) and at such places as the court thinks fit and specifies in the licence.

At the suggestion of the Parliamentary Counsel I move:

To strike out "a licence may be granted by the court to any body or authority administering a festival that is, in the opinion of the court, of such substantial historical, traditional or cultural significance as to warrant the grant of such a licence'' and insert "where the court is of the opinion that a festival or proposed festival is of substantial historical, traditional or cultural significance and that there are substantial grounds warranting the grant of a licence under this subsection, the court may grant to the body or authority responsible for the administration of the festival a licence."

In the Bill on file there is a full stop after the word "licence", which should now be a comma so that the remainder of the clause continues after the proposed amendment. This amendment makes it clear that a festival must be thought to be of substantial historical, traditional or cultural significance. At the same time, there must be substantial grounds to warrant the granting of a licence. I move the amendment accordingly.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

LAND COMMISSION BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 2, 11 and 12, and 15 and 16, had agreed to amendment No. 13 with an amendment, and had disagreed to amendments Nos. 1, 3 to 10, and 14 and to the suggested amendment.

Schedule of the Legislative Council's amendments to which the House of Assembly had disagreed:

No. 1. Page 2, lines 11 and 12 (clause 4)—Leave out all words in these lines.

No. 3. Page 3, line 1 (clause 6)—After "6" insert "(1)".

No. 4. Page 3, lines 2 to 8 (clause 6)—Leave out all words in these lines after "Governor" in line 2 and insert "(of whom one shall be appointed to be Chairman) upon the nomination of the Minister".

No. 5. Page 3 (clause 6)—After line 8 insert new subclauses (2) and (3) as follows:

"(2) Where the Minister proposes to nominate a person for appointment as a member of the Commission, he shall cause notice of the proposed nomination to be laid before both Houses of Parliament.

(3) Where either House of Parliament passes a resolution within four sitting days after the day on which notice of the proposed nomination is laid before that House disapproving the nomination of a person as a member of the Commission, then the Minister shall not nominate that person for appointment as a member of the Commission."

No. 6. Page 5, line 19 (clause 12)—After "development" insert "or".

No. 7. Page 5, line 20 (clause 12)—Leave out "or for other public purposes;''.

No. 8. Page 5, lines 32 to 37 (clause 12)—Leave out all words in these lines.

No. 9. Page 6, lines 2 and 3 (clause 12)—Leave out "notwithstanding any enactment or law to the contrary" and insert ", subject to this section,".

No. 10. Page 6, line 10 (clause 12)—Before "subdivide" insert "subject to the Planning and Development Act, 1966-1973".

No. 14. Page 6—After line 18 insert new clause 12a as follows:

"12a. *Appeal*—(1) A person who has an interest in any land that the Commission proposes to acquire under this Act may appeal against the proposed acquisition to the Land and Valuation Court.

(2) An appeal under this section may be commenced at any time after the appellant has received notice of the proposed acquisition whether or not a notice of intention to acquire the land has been served upon him pursuant to the Land Acquisition Act, 1969-1972.

(3) An appeal shall not be instituted under this section by any person after the expiration of three months from the day on which a notice of intention to acquire land is served upon him, pursuant to the Land Acquisition Act, 1969-1972.

(4) Upon the hearing of an appeal under this section, the Land and Valuation Court may declare—

(a) that the proposed acquisition of the land would be unjust or unfair to the appellant;

(b) that the land that the Commission proposes to acquire is necessary for the purpose of an industrial or commercial scheme of development that the appellant has commenced or has in contemplation and that the acquisition of the land would prejudice that scheme;

(c) that the proposed acquisition of the land would cause hardship to the appellant;

(d) that the proposed acquisition of the land is not necessary;

or

(e) that the acquisition of the land is not within the powers of the Commission under this Act.

(5) The Land and Valuation Court may make such orders as to costs on an appeal under this section as it thinks just.

(6) No notice of acquisition shall be published under the Land Acquisition Act, 1969-1972, in respect of land—

(a) in relation to which an appeal has been instituted under this section and has not been determined;

or

(b) in relation to which a declaration has been made by the Land and Valuation Court under this section.

(7) For the purpose of any time limitation prescribed by or under the Land Acquisition Act, 1969-1972, any time between the commencement and determination of an appeal under this section shall not be taken into account."

Schedule of the amendment suggested by the Legislative Council to which the House of Assembly had disagreed:

Page 9—After line 5 insert new clause 20a as follows:

"20a. Rights of person interested in land where the land is subject to proposed acquisition—

(1) for the purposes of this section, land is subject to acquisition where—

(a) any notice, letter or other document has been given or sent to a person interested in the land by or on behalf of the Minister or the Commission stating that the land will be, or may be, acquired under this Act;

(b) any statement is made in a newspaper, journal, periodical, or by radio or television, by or on behalf of the Minister or the Commission stating that the land will be, or may be, acquired under this Act;
or

(c) any other public statement or report (including a report to Parliament) is made by or on behalf of the Minister or the Commission stating that the land will be, or may be, acquired under this Act.

(2) The owner of any land subject to acquisition may give notice in writing to the Minister of his intention to sell the land.

(3) The person by whom a notice is given under subsection (2) of this section may within six months after giving that notice sell the land by public auction.

(4) A person who proposes to sell his land in pursuance of this section must give not less than seven days' notice in writing to the Minister of the date, time and place of the public auction at which the land is to be sold.

(5) A person who sells land in pursuance of this section must do so in good faith and must take all reasonable steps to obtain the best possible price for the land.

(6) Where land is sold in pursuance of this section at a lesser price than the vendor might reasonably have expected to receive, if the land had not been subject to acquisition, the vendor may apply to the Land and Valuation Court for compensation.

(7) Upon the hearing of an application under this section, the Land and Valuation Court may assess the difference between the price at which the land was sold and the price that the vendor might reasonably have expected to receive on sale of the land if it had not been subject to acquisition, and may order the Minister to pay to the applicant the amount so assessed as compensation."

Schedule of the amendment made by the House of Assembly to the Legislative Council's amendment No. 13:

Legislative Council's amendment:

No. 13, page 6 (clause 12)—After line 18 insert new subclauses (4), (5) and (6) as follows:—

"(4) The Commission shall not lease any land of less than one-fifth of a hectare in area.

(5) Where the Commission acquires land in pursuance of this Act and proposes to lease the land before it is developed for urban expansion or use, it shall offer the person from whom the land was acquired the opportunity to lease the land on fair terms.

(6) The Commission shall not acquire by compulsory process—

(a) any dwellinghouse that is occupied by the owner as his principal place of residence;

(b) any factory, workshop, warehouse, shop or other premises used for industrial or commercial purposes;
or

(c) any premises used as an office or rooms for the conduct of any business or profession."

House of Assembly's amendment thereto:

Leave out subclauses (4) and (6).

Consideration in Committee.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That the Council do not insist on its amendments Nos. 1, 3 to 10, 14 and the suggested amendment to which the House of Assembly has disagreed.

I made my position clear regarding this matter in the second reading debate and in Committee. When I attended in another State recently a conference which considered the setting up of land commissions or boards in the various States, I was amazed by the amount of agreement between the States regarding the matter, with the possible exemption of New South Wales, which perhaps wanted to make a political issue of the. matter because of a forthcoming event. With the exception of that State, all States agreed regarding the setting up of commissions or similar bodies for the purpose of administering the proposals and the finance made available by the Commonwealth Government with the aim of achieving a land bank to produce, as early as possible, serviced allotments for those people who sought them and to enable those of meagre means to obtain home sites that were being withheld from them.

The Hon. R. C. DeGaris: Did the other States introduce a Land Commission Bill?

The Hon. A. F. KNEEBONE: The other States are not in the same position as we are regarding land acquisition. Some States are able to acquire land for this purpose whereas we cannot do so, as it is not a public purpose.

The Hon. R. C. DeGaris: Will the other States be introducing such Bills?

The Hon. A. F. KNEEBONE: I believe that some are, and that others are allowing Commonwealth representation on bodies that are to be set up. Queensland, for example, will have a council rather than a commission. I understand that each State is willing to nominate a person to be represented on the Commonwealth land commission, which will be a completely advisory body.

All States have indicated their willingness to accept the conditions laid down by the Commonwealth Government. Because of the negotiations that have taken place between the Commonwealth and State Ministers, and because of the former's co-operative spirit, much agreement on the matter has been reached, except with New South Wales. Unfortunately, we do not know to what New South Wales has agreed because of the attitude of its Minister, who was not at all co-operative. However, organizations will be set up in other States for the purpose of administering the finance made available by the Commonwealth Government and seeking uniformity in the matter.

The Hon. R. C. DeGARIS (Leader of the Opposition): I am more confused than ever. The Government is confused, and so am I. First, the Chief Secretary has said that the conference of Ministers of other States and Commonwealth authorities agreed to the establishment of a land commission.

The Hon. A. F. Kneebone: Or bodies by some other name.

The Hon. R. C. DeGARIS: Or bodies by some other name—and with other powers. Those words also should be added. Knowing the position in the other States and the attitude of the other States, even Labor States such as Tasmania, I think that the Tasmanian Parliament, both Upper House and Lower House, would not have a bar of this type of legislation.

The Hon. A. F. Kneebone: That was not the attitude on Monday.

The Hon. R. C. DeGARIS: I have had discussions with people in Tasmania and I keep my ear to the ground as much as anyone else does. I do not think we would see introduced into the Parliament of Tasmania a Bill along these lines.

The Hon. T. M. Casey: That does not necessarily mean Tasmania does not agree with what we are doing.

The Hon. R. C. DeGARIS: It certainly does not indicate agreement with what we are doing; that is quite definite.

The Hon. T. M. Casey: My argument is just as valid as yours; it is merely a play on words.

The Hon. R. C. DeGARIS: If the other States were in agreement they would be introducing similar legislation.

This State of South Australia is being set up as a guinea pig Slate for trial Socialist legislation, and the powers contained in this Bill are the widest ever given to one group of people, in relation to land tenure, in the history of Australia. I make that statement believing it to be absolutely true. I know that other States will set up bodies somewhat similar, but most will be in an advisory capacity; they will not be administrative bodies as provided in the Bill before the Committee. The amendments moved by the Council have been practical and offer protection to people whose properties may be acquired. The second thing that confused me, and that always does confuse me, is that when we received the schedule from the House of Assembly giving its reason for disagreeing to the amendments made by the Legislative Council the reason given was as follows:

Because the amendments make administration of the legislation impossible.

Every honourable member in this Chamber who watched this Bill go through, who examined it, and who knew what the amendments of the Council did, must agree that that in itself is an impossible comment: the amendments made by the Council do not make the legislation impossible. What the Council did was, first, to say that there would be no interference by the Prime Minister in a commission set up to deal with land in South Australia, and I am certain that Ministers meeting in Canberra would have some pretty strong feelings on this point. Even though the Chief Secretary has said there will be State representation on a Commonwealth land commission, I doubt whether the other States would accept the nomination by the Prime Minister of a member of their advisory commission or, if the commission is to have the wide powers of this commission, I am certain the other Slates will not be in agreement regarding the Prime Minister having the power to nominate a person on that commission in consultation with the Premier, and *vice versa* with the Premier's nominations on the committee.

Secondly, the amendments set up an appeal section. Under the provisions of the Bill there is absolutely no appeal on the actual acquisition. Under the Fijian Constitution (and T have no doubt the same position prevails elsewhere) in matters of land acquisition the Government must show that the acquisition is fair, that it is just, and that the land to be acquired is the best land for the purpose in mind. This Bill contains extremely wide powers and the Council has virtually placed the Government in a position where it must stand appeal and examination by the Land and Valuation Court for anyone who might lodge an appeal against an acquisition.

If the Bill came in, we know that the Government could acquire any land in South Australia; there would be no bar to its powers of acquisition. On that acquisition there would be absolutely no appeal except that existing under the Land Acquisition Act regarding prices. What tremendously wide powers would be in the hands of the Government to intervene in some action that may be under way in the court, to acquire the land to prevent that action proceeding. That power would be in the hands of the Government to acquire land for other than the real purpose for which it was required. It is a power that should not exist in legislation.

These are the amendments made by the Council, and the Government is objecting to them. The Council has done the correct thing with this legislation. It has not prevented the establishment of a land commission but it has built in protection for the ordinary individual who could be exploited by a dominant Government. I refer once again to the speeches made in the Address in Reply debate by the Hon. Mr. Chatterton and the Hon. Mr. Creedon, in which they made a plea for the rights of the small man in the community. I made the point earlier that the small man in the community must be more concerned with the power of the Government. This is one of the powerful factors in our community and there must be protection for the individual in the extremely wide powers the Bill contains. I highlight what I believe are the limited provisions at present contained in the Land Acquisition Act.

If anyone thinks the Act as presently framed protects the landholder, he needs to look again at what could happen under the existing legislation. This was covered in an amendment to new clause 20a which I think the Government would agree, if it were to examine it, is a provision that should be in the Land Acquisition Act at present. We have seen what has happened in some acquisitions where the rights of the individual, in my opinion, were trampled upon by the Government. The individual should be protected against such action. At present there are instances in which the Government has not paid sufficient attention to the intention of the Land Acquisition Act. It must always be possible for the viewpoint of the individual to be expressed and considered.

The Government has evidently accepted the definition of the Land and Valuation Court but it objects to the appeal provision. Docs this mean that the Government accepts the concept of an appeal against acquisition but it does not favour all the appeal provisions that we have laid down? If that is the case, I would have expected alternative amendments to be made. I believe that this place should hold to its amendments. I realize that this is completely new legislation and that there are areas of negotiation. The initial legislation deserved close attention. I am well aware that unfair pressure was placed on this place to deal urgently with this Bill. However, when the Bill was returned to the other place it remained there for a week before the amendments made by this place were dealt with. I hope that this place will stick to its amendments.

The Hon. A. F. KNEEBONE: I point out to the leader that the definition of the Land and Valuation Court is included in connection with an amendment regarding entry. So, it is evident that the Leader has not studied the matter as closely as he should have. When the Tasmanian authorities sec a private development proceeding, they release land nearby at an economic price. They release serviced blocks for about $2 000 in the metropolitan area. Tasmania has been handling the matter along the lines suggested by the Commonwealth Government.

The Hon. R. C. DeGARIS: I point out that we have four pages of submissions from the other place, and honourable members here have dealt with the matter immediately. I may have overlooked a point, but I hope that in the circumstances the Chief Secretary will not hold that against me.

The Hon. G. J. GILFILLAN: I support the remarks of the Hon. Mr. DeGaris. What has happened in other States is probably not completely relevant. A detailed Bill and an agreement in principle are two different things. Because an agreement in principle has been reached, that does not mean that the legislation that will be introduced in the other States will be similar to this Bill. We should consider how this Bill will affect South Australia. As it has been amended by this place, the Bill sets up a workable commission and at the same time safeguards the rights of individuals. What the Government attempted to do in the

original Bill was cover every eventuality and enable the authorities to ride roughshod over the community without giving any right of redress; I do not believe that Parliament or the community would want that.

The legislation as amended by this place will enable the commission to function on far more favourable terms than those now enjoyed by private developers. First, the right of acquisition is written into the Bill, with safeguards. Further, the commission will have cheaper finance and it will be able to do all the things a business enterprise could do in providing cheap land for young couples. If it is found that there is something lacking in the legislation, it can be brought back to Parliament. However, once the far-reaching provisions in the original Bill are accepted, we will have excessive powers for all time. It is a fact of life that neither Governments nor departments like to see their powers pruned once they have them.

The Hon. C. R. STORY: Can the Chief Secretary say whether Mr. Uren, the Commonwealth Minister for Urban and Regional Development, expressed any view on freehold titles, as compared to leasehold titles, at the recent conference?

The Hon. A. F. KNEEBONE: The majority of the Ministers who attended the conference said that they preferred freehold titles. Mr. Uren said that the Else Mitchell committee was looking at the whole situation. He said that he was favourable to freehold tenure, provided there were certain conditions. While he could not forecast what the Else Mitchell report would say, he had a feeling that it would recommend a type of controlled freehold tenure with regard to residential sites. That is where he left, the matter. Because of that approach, the Minister's feeling was that there could be leasehold or freehold of commercial and residential sites. I consider that the Commission should have the power to freehold or leasehold land. That is the only information I can give regarding the Commonwealth Minister's view. He favoured freehold, with conditions, as a result of the points of view put forward by the various Ministers. However, in a spirit of compromise he has come from favouring leasehold to the point where he now favours freehold, provided that certain conditions apply.

The Committee divided on the motion:

Ayes (6)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Noes (13)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 7 for the Noes.

Motion thus negatived.

The Hon. A. F. KNEEBONE moved:

That the Council agree to the House of Assembly's amendment to amendment No. 13.

The Hon. R. C. DeGARIS: The amendment made by the House of Assembly strikes out two most important provisions. Subclause (4) deals with an amendment moved by the Hon. Mr: Hill, namely, that the Commission shall not lease any land of less than one-fifth of a hectare in area, which means that the title of any house or building sold by the Commission must be freehold. This fits in with the aspirations of every person in this State who desires to build on his own block of land and with the views of Ministers from every Australian State, with the exception of South Australia.

The Hon. A. F. Kneebone: I left my option open.

The Hon. R. C. DeGARIS: Perhaps I should put it this way: every Government, with the exception of South Australia, which is the only Government that has introduced legislation along these lines.

The Hon. A. F. Kneebone: We left it open in our legislation.

The Hon. R. C. DeGARIS: I realize that, and that is what worries me more than anything else. Subclause (6) provides:

The Commission shall not acquire by compulsory process—

(a) any dwellinghouse that is occupied by the owner as his principal place of residence;
(b) any factory, workshop, warehouse, shop or other premises used for industrial or commercial purposes;

or

(c) any premises used as an office or rooms for the conduct of any business or profession.

This fits in exactly with what the Premier advertised in the newspaper, namely, that the Commission wanted power to acquire broad acres. In another place the Government has said, in effect, that it does not agree with the advertisement in the newspaper, but wants the Commission to have the power to acquire anything.

The Hon. A. F. Kneebone: What if there is a land agent's office in the middle of broad acres? It couldn't be acquired.

The Hon. R. C. DeGARIS: The actual premises could not be acquired.

The Hon. A. F. Kneebone: How could you develop around, say, a broken-down office?

The Hon. R. C. DeGARIS: Many such developments have taken place. The amendment fits in exactly with what the Premier advertised he wanted in the legislation. The only provision left in the amendment is that, when the Commission acquired broad acres, the person it acquired the land from would have the first opportunity to lease it back from the Commission. Subclauses (4) and (6) are important amendments, and I do not agree with the alternative amendment made by another place.

The Committee divided on the motion:

Ayes (6)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Noes (13)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan. C. M. Hill, F. J. Potter, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 7 for the Noes.

Motion thus negatived.

The following reason for disagreement to the House of Assembly's amendment to the Legislative Council's amendment No. 13 was adopted:

Because the retention of the freehold system of land ownership and compulsory acquisition of vacant broad acres satisfies the objectives of increasing the supply of building sites at reasonable prices.

Later:

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council agreed to a conference, to be held in the Legislative Council committee room at 7.30 p.m., at which it would be represented by the Hons. J. C. Burdett, B. A. Chatterton, R. C. DeGaris, C. M. Hill, and A. F. Kneebone.

The Hon. A. F. KNEEBONE (Chief Secretary) moved:

That Standing Orders be so far suspended as to enable the conference to be held during the adjournment of the Council and that the managers report the result thereof forthwith at the next sitting of the Council.

Motion carried.

LIQUID FUEL (RATIONING) BILL

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

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

I very much regret the need to introduce this Bill. On information available yesterday the Premier indicated that emergency legislation would not be necessary as there would be sufficient fuel available for at least two weeks, with the exception of fuel oil. That statement was based on the stocks of motor spirit known to exist in the State, and the fact that two tankers had been scheduled some weeks ago to bring products to Adelaide; one in fact to back-load fuel oil from the refinery. One of those two tankers was, in fact, in the course of being loaded at Kwinana as he spoke.

Now it appears that the position may not be as secure because of the likelihood of the refusal of the Seamen's Union to handle tankers in this State. If members of that union do in fact refuse to assist in discharging tankers at Port Adelaide, then the immediate supply position of motor spirit, at least in the Adelaide metropolitan area, is in real jeopardy.

The strike of operators at the refinery is not confined to South Australia. In Victoria, where employees of the same company are also on strike, two other refineries are operating, and supplies are available to the public. There is no doubt that we in this State are in a vulnerable position, being in an isolated State with only one refinery that, under normal conditions, supplies only about two-thirds of our needs. There is no problem in any other State either with refineries, apart from Altona, or with transporting fuel. Any refusal to berth or discharge the tankers will not affect the company that operates our refinery but will have serious repercussions on the public.

The Government believes that it is essential to safeguard the interests of the citizens of the State to have this legislation passed today so that it can be proclaimed, and brought into operation immediately if this is necessary.

Clause 1 is formal, but I draw honourable member's attention, to the fact that it is to come into operation on a day to be fixed by proclamation and that it will be brought into operation only if circumstances render it necessary. Clause 2 is formal. Clause 3 sets out the definitions necessary for the purposes of the Bill. Clause 4 gives the Minister an absolute discretion to issue permits under the measure to any person. Should it be necessary to bring the measure into operation, publicity will be given to the class of persons who will be able to obtain permits.

Clause 5 gives a power to revoke permits, and I draw honourable members' attention to the wide power conferred by subclause (2). Clause 6 provides for a general authorization to sell or deliver liquid fuel to persons who are not permit holders. Based on our previous experience in an operation of this nature, it is thought that such a power would be useful. Clause 7 prohibits the sale by retail of any liquid fuel to a person who is not a permit holder and is, of course, the basis of the rationing system.

Clause 8 enjoins a permit holder to use the fuel supplied to him only for the purposes for which it was supplied and provides a substantial penalty for a breach of this provision. Clause 9 prohibits a permit holder from disposing of any fuel that has been sold to him under a permit. Clause 10 prohibits a permit holder from lending his permit to another person. Clause. 11 prohibits a person other than a permit holder, or a person affected by an authorization under clause 6, from buying motor fuel by retail.

Clause 12 enjoins a permit holder to carry the permit while he is in charge of a vehicle using fuel supplied under the permit. Clause 13 confers appropriate powers on the police to investigate and detect breaches of the Act. Clause 14 enjoins a person not to make a false or misleading statement in connection with an application for a permit. Subclause (2) provides an appropriate defence. Clauses 15 and 16 give the Minister, who is the Minister for Labour and Industry, the power to control movements of bulk fuel, and is in form and substance similar to the corresponding provisions of the measure enacted last year.

Clause 17 enables authorized persons to exercise the powers of the Minister under this Act, and clause 18 gives appropriate protection for the Minister and such authorized persons. Clause 19 provides for certain allegations in a complaint to be *prima facie* evidence of the facts alleged, and in the circumstances of a measure of this nature I suggest they are not unreasonable. Clause 20 will enable a selective application of the measure to be achieved. As was adverted to earlier, it is unlikely that the whole State will be affected by the present situation, and it is far from the Government's intention that there should be any over-regulation in this matter.

Clause 21 increases the fine for profiteering under the Prices Act if the offence is committed in relation to liquid fuel. Clause 22 provides that the consent of the Attorney-General will be necessary for a prosecution under this Act. It is the earnest hope of the Government that prosecutions will not be necessary under this Act and that the people of this State will accept this measure for what it is, an attempt to ensure that, in circumstances of emergency, essential services are disrupted as little as possible. Clause 23 provides for the forfeiture to the Crown of any liquid fuel in relation to which an offence was committed.

Clause 24 provides for summary proceedings. Clause 25 provides a regulation-making power. Clause 26 provides for the expiry of the Act on November 30, 1973. This is a usual provision in emergency legislation of this nature, and its effect is that the Act will be deemed to have been repealed on that day. The schedule sets out the form of permit. I apologize for the urgency of this Bill. However, because of the circumstances of emergency obtaining it was necessary to introduce it in this manner.

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

Later:

The Hon. R. C. DeGARIS (Leader of the Opposition): The opening words of the Chief Secretary's second reading explanation were that he regretted very much the need to introduce this Bill. Certainly, those sentiments are agreed to by every member in this place. In July of last year, a similar Bill came before the Council and at that time quite a lot of information was made available to us on existing stocks of petroleum and other fuels. However, this time that information is not available. However, it is a matter that requires quick action and, whilst the Council has not had the opportunity to examine the Bill closely, nevertheless we should pass it as quickly as possible. The Bill is almost exactly the same as that finally agreed to between the two Houses in July last year, although there are some alterations. One change is the deletion of Part II of the previous Bill

under the heading "Proclamations". Although that has been deleted, I believe the present Bill has been improved by the addition of certain other material.

The Bill gives the Government power to proclaim certain areas as it feels the need to do so. This gives an added flexibility to the legislation, to which the Council should agree. The measure is substantially the same as the agreement reached last year, when two or three amendments were introduced in this Council with which the Government did not altogether agree, but to which it finally agreed. I am pleased to see that these matters have been included in this measure. The terminating date is to be November 30, and, although there are some matters one could debate if the Bill had a longer time to run, I think it is necessary to have these powers in the short term if justice is to be done to the community in the shortage of liquid fuel that may occur because of the strike action at the refinery.

One clause which may be examined by the Council was included in the previous Bill. I refer to clause 18, to which I draw the attention of honourable members. I have checked this clause carefully and I see no reason why it should not pass in its present state. It provides:

> No proceedings of any kind shall be instituted or heard in any court in respect of any act or decision of the Minister or any person authorized by him in the exercise or purported exercise of his powers under this Act.

In the circumstances, I still believe that is probably a necessary part of the legislation. There is no other clause dealing with the right of search, and I believe in the circumstances this clause is reasonable. The main point is that the terminating date has been set as November 30. The Government has a responsibility to administer this in a way that is fair and just to all concerned. I support the Bill.

The Hon. M. B. CAMERON (Southern): I support the Bill, and I have had distributed one or two amendments. The reason is that there is a possibility, as we have already seen this legislation twice in the last 12 months, that with continuing industrial unrest it will become a regular feature of our way of life in relation to fuel. We should look carefully at any powers created in this way because, once we accept them on a part-time basis, before long they are thought to be quite all right as a permanent feature in legislation. I do not support clause 18, nor do I support clause 24, which allows offences against the Bill to be dealt with summarily. I believe that people should have the right to opt for trial by jury where they are liable to a fine of up to $1 000.

The Hon. C. M. HILL (Central No. 2): I support the Bill and I believe that, in the circumstances, honourable members have no alternative to doing that. However, I ask the Government, which the people in this State expect to.be fairly close to the union movement and those involved in industrial affairs, whether it has made every possible endeavour to use its good offices to bring about a settlement of the dispute, which will cause tremendous inconvenience to the South Australian community.

The people will want to know what the Government is doing about the matter when they hear the unfortunate news of petrol rationing in South Australia, and South Australia alone, for the second time in about 12 months. The people will want to know what they will be subjected to on this occasion and in the future. When they elect the Labor Party to Government in this State this is not the kind of thing that ,they expect to follow.

I ask the Leader of the Government in this Council whether he can give an assurance that the Government, particularly the Minister of Labour and Industry, has made every possible endeavour to seek a speedy settlement of the dispute so that the inconvenience now being caused to the people of the State will continue for the shortest possible period.

The Hon. C. R. STORY (Midland): I support what has been said by the Leader and the Hon. Mr. Hill.

The Hon. M. B. Cameron: I missed out.

The Hon. C. R. STORY: I will include the honourable member when I deal with clause 18. At present I find it difficult to understand why South Australia has been selected as a guinea pig for a Commonwealth award by the two unions that are causing all the strife at present. I have heard Labor Ministers boast that we have very good industrial relations in this State. It seems to me that we are being completely put over a barrel in this matter. It will not be the big boy who gets hurt: it will be many small people who run small businesses, and let us remember that such people have made South Australia what it is today. How much effort has been put in by the Trades and Labor Council and the Government in trying to break the bull-headed attitude of the unions involved? It will cause a tremendous amount of inconvenience if people have to go to a spot and line up; it reminds me of war time. We are experiencing this form of restriction in a land of plenty, and we are being held over a barrel. The Government has said that it is proud that it is supported by the labour movement. Surely the labour movement and the Government must realize that they cannot take the people on all the time. I strongly believe that there was not nearly enough negotiation by the Government before it introduced this Bill. I will support the Bill because I know it is the logical move, but I am concerned about how we got into the difficulty.

The Hon. A. F. KNEEBONE (Chief Secretary): I thank honourable members for the expeditious way in which they have dealt with this Bill. As I said before, the Government regrets that it has been necessary to introduce the Bill. The dispute started in another State and spread to this State. The Government is doing its utmost to bring about a settlement of the dispute. As honourable members must be well aware, the Minister of Labour and Industry has gone out of his way on every occasion when there has been a dispute to bring about a settlement. The Hon. Mr. Hill, who criticized the union for what it is doing, said yesterday that he represented all the people in his district, whether they were trade unionists or other types of people.

The Hon. C. M. Hill: I am criticizing the Government, not the union. It is the Government's job to see whether it can settle the dispute.

The Hon. A. F. KNEEBONE: The Government is doing that. When the honourable member was in Government he had as many strikes as the present Government has had.

The Hon. C. M. Hill: We did not have petrol rationing, but the present Government has had it twice in 12 months.

The Hon. A. F. KNEEBONE: It is all right on these occasions to play politics, but I can guarantee that this State can still hold up its head in regard to time lost in industrial disputes, as compared to the situation in those States which have types of Government that the honourable member would favour.

The Hon. C. M. Hill: Go out and tell the people—

The Hon. T. M: Casey: You tell them.

The Hon. C. M. Hill: We do not have to: it is your responsibility.

The Hon. A. F. KNEEBONE: I resent the accusations made against the Government on occasions like this when there is an emergency and when we are doing our utmost

to overcome it and to see that essential supplies are guaranteed. I resent statements such as that made by the Hon. Mr. Hill when he criticized the Government as though it was doing nothing to overcome industrial disputes. I can assure every honourable member that the Government is doing what it can. The dispute is now in the hands of the Trades and Labor Council; it was not in the hands of that body before. As it is an interstate dispute, it is really in the hands of the Australian Council of Trade Unions. We are doing our utmost to bring about a settlement, as we always do when there is an industrial dispute.

Bill read a second time.

In Committee.

Clauses 1 to 17 passed.

Clause 18—"Acts, etc., not actionable."

The Hon. M. B. CAMERON: I oppose the clause, which gives extremely wide powers to the Minister. It provides that no person can take any proceedings against the Minister or any other person authorized by him in the exercise or purported exercise of his powers under the Act. I realize that the Minister must be empowered to administer the Act, but I have sufficient faith in the court so that, if any action was taken in court, it would make a sensible and proper decision. I have more faith in a court than in a Minister who represents a political Party, or in his servants. Power exists to stop a driver in order to request the sighting of a permit or to restrict the delivery of fuel or the use of fuel other than that authorized by the permit. This clause, once in the Act, would be like many other provisions that have been written into legislation: it will become an accepted fact. I ask the Committee to oppose the clause.

The Hon. J. C. BURDETT: I support the clause. I would have supported what the Hon. Mr. Cameron said had there been any powers of seizure or search or to do any physical thing that could cause injury to a person, when it would be necessary to have redress to a court. But the only powers given are to grant or revoke permits and to ask questions. I cannot see any way in which a person could be injured in an actionable way so that he would not have the court's protection. It seems to me that one of the reasons for this clause is probably that, if it did not exist, someone might attempt to evade temporarily the whole Act by taking some action in the nature of an injunction or something of that kind against the persons purporting to exercise the powers under the legislation.

The Hon. A. F. KNEEBONE (Chief Secretary): The Government's view is that the clause is vital for the very reasons the Hon. Mr. Burdett has mentioned. The Government believes, the same as the honourable- member, that the Minister could be frustrated by an injunction. As the legislation will operate for only a limited period, it could be delayed beyond the time necessary to have it in operation to meet the emergency. I ask the Committee to support the clause.

Clause passed.

Clauses 19 to 23 passed.

Clause 24—"Summary proceedings."

The Hon. M. B. CAMERON: I move:

After "summarily" to insert "or, at the option of the defendant, shall be dealt with on indictment".

This would allow people the right of opting for trial by jury. As the legislation provides for fines of up to $1 000, I believe that a person should have the right to opt for trial by jury instead of by a magistrate.

The Hon. F. J. POTTER: The amendment is really inappropriate to a Bill of this kind. However, I would not wish to see anyone denied the right of trial by jury. I assure the honourable member that there are other Acts in which summary procedures are used where the penalties are as high, if not higher; for instance, for drug offences. I do not agree with the other reason advanced, namely, that one gels better justice before a jury than before a magistrate. I think that, in a Bill of this kind (which is only for a limited period), trial by jury is inappropriate.

Amendment negatived; clause passed.

Remaining clauses (25 and 26), schedule and title passed.

Bill read a third time and passed.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Read a third time and passed.

COMPANIES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It amends the Companies Act in three respects. First, it provides that the Auditors-General of the Commonwealth and of the various States and Territories of the Commonwealth are to be deemed to be registered company auditors for the purposes of the principal Act. This amendment restores the position that existed prior to the passage of the last major amendments to the Companies Act. Secondly, it provides that a company may appoint one or more firms to be auditors of the company. This amendment also arises from the previous amendments to the principal Act. Those amendments were based on a recommendation made by a committee under the chairmanship of Mr. Justice Eggleston. The committee in fact recommended that no more than one firm of auditors should be appointed. Some major companies had, however, prior to the amendments, adopted the practice of appointing two or more firms as their auditors. There does not seem to be any major evil associated with this practice and, accordingly, notwithstanding the recommendations of the Eggleston committee, the Government has decided to restore the right of a company to appoint two or more firms as its auditors. Amendments to this effect have recently been made in New South Wales. Finally, the Bill extends the new provisions relating to company investigations to industrial and provident societies.

I deal now with the provisions of the Bill. Clauses 1 and 2 are formal. Clause 3 provides that the Auditors-General of the Commonwealth and of the various States and Territories of the Commonwealth shall be deemed to be registered company auditors for the purposes of the Companies Act. Clauses 4 to 7 make the amendments necessary to allow a company to appoint two or more firms as its auditors. Clause 8 extends the investigatory provisions of the Companies Act to industrial and provident societies.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

POLICE OFFENCES ACT AMENDMENT BILL

Second reading.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

It follows upon the recent reallocation of Ministerial responsibilities. The Premier will from now on undertake Ministerial responsibility for censorship. Section 33 of the

Act prescribes offences of printing, publishing, selling or offering for sale indecent matter (which includes any printing, writing, painting, drawing, picture, statue, figure, carving, sculpture or other representation or matter of an indecent, immoral or obscene nature). Subsection (4) of section 33 provides that a prosecution for an offence against this section shall not be instituted without the written consent of the Attorney-General. The amendment changes the reference from "Attorney-General" to "Minister". This will enable the authorization to be given by the Minister who is for the time being undertaking responsibility for censorship.

The Hon. Sir ARTHUR RYMILL secured the adjournment of the debate.

URBAN LAND (PRICE CONTROL) BILL

Adjourned debate on second reading.

(Continued from October 23. Page 1355.)

The Hon. J. C. BURDETT (Southern): As with most commodities, the price of land depends on the law of supply and demand. This Bill applies to newly subdivided land as well as other land, and must have the effect of restricting supply and making the shortage of land even more acute than it is at present. Price control always has this effect to some extent and nowhere is this more true than in relation to land. The rate of increase allowed in the price of controlled land is restricted to a rate substantially less than the rate of inflation, which has been exacerbated by the policies (or lack of them) of the Commonwealth Government, so that this Bill must result in less land being put on the market.

No-one is going to accept what, in terms of value, may well be a loss. It is possible, of course, that the land commission will be able to relieve this situation partly by acquiring and disposing of land. However, very large sums will be required to have any considerable effect. While the commission will expect to receive substantial Commonwealth funds it will not have the ability, completely, or even substantially, to provide the necessary land. The point is that this Bill must in itself restrict the supply of land. The present shortage of urban land has been exacerbated by the policy of the South Australian Housing Trust in imprisoning considerable areas of land around good residential areas. I shall refer to the report of the Speechley committee established by the Premier in September, 1972. In its report, the committee states:

> Thus, in the committee's judgment, it was the underlying shortage of allotments which was found responsible for the recent price rise, and not the action of speculators.

The report also states:

> Our second objection to general and comprehensive control of prices of existing allotments is that it will tend to increase the shortage of land.

This supports what I have said. It is true that, in regard to existing land, the report does advocate the limited scheme put forward in the Bill, but I suggest that with the increasing rate of inflation these remarks also apply to the scheme contained in the Bill. The Hon. Mr. Hill yesterday gave some very convincing reasons for opposing the Bill altogether, but certainly, if it is to pass, there are some very serious defects in it which must be remedied.

The most glaring defect by far is that at the eleventh hour the Government decided to make the Bill apply to newly subdivided land. This is in direct conflict with the recommendation of the Speechley committee, which says:

> And, most important, subdividers would also be free to sell land for new subdivisions.

The change was made by the Government so late that the Minister's explanation, through inadvertence, still read in part as though the Bill did not apply to newly subdivided land. Why did the Government, at the last minute, make the Bill apply to newly subdivided land? Why did the Government act contrary to the report? Why has no explanation been given for the change? These are questions to which it is reasonable to expect a reply if the Council is to give this Bill the favourable consideration the Minister requests. I ask that a reply be given to those questions. The Hon. Mr. Hill suggested that perhaps the Premier wants this Council to reject the Bill, to the political disadvantage of this Chamber. The only reason I can think of for the eleventh hour unexplained decision of the Government to make the Bill apply to new subdivisions is to make the Bill even more unattractive to this Council so that it will be rejected.

At one sale by auction of land capable of subdivision a conscientious agent had a Ministerial statement on the subject read out before the auction so that prospective buyers would know the likely future state of the law. This included a statement that price control would not apply to newly subdivided land, but the conscientious agent's efforts have been set at nought by the unexplained action of the Government in now making the Bill apply to such land. Making the Bill apply to newly subdivided land makes impossible the task of the subdivider. No subdivider will undertake the massive expense involved if he has no real idea of the profit he will receive. A determination by a commissioner of a reasonable margin of profit (to quote the Bill) is far too vague for a businessman to work on.

The subdivider has no idea even of how the profit is to be determined. How is his overhead to be determined, particularly when associated companies are involved, as so often they are in projects of this kind? The Speechley report comments on the high cost of servicing allotments, and my information is that this cost may be very high indeed and a substantial proportion of the total cost to the subdivider of the land. If it passes, the Bill will be retrospective legislation; the control period commences from May 16, 1973. It should commence on a future date to be proclaimed. Another most serious feature of the Bill is that it does not exempt mortgagee sales; it should. First, mortgagee sales are rarely at excessive prices, in the very nature of things. Secondly, if mortgagee sales are not exempted what will the mortgagee do? He will sue the mortgagor, obtain a judgment, and issue a warrant of execution which is exempt under clause 15, so that he will achieve the same thing. I suggest that legislation that forces people to carry out things in an artificial way instead of in a direct way is undesirable. Mortgagee sales should be made exempt, as are sales under a warrant of execution.

The third point about mortgagee sales is that at present, on my instructions, many mortgagors receive lenient treatment from mortgagees, especially finance companies, banks, and mortgagees of that kind. If mortgagee sales are not to be exempt this leniency cannot be expected to continue. At present, a mortgagor could be behind in his payments but, where there is sufficient reason, he is allowed by the mortgagee to carry on. However, when the mortgagee becomes afraid that; if the debt increases and he has to sell, the sale will be subject to price control, he will not extend the same leniency. He would be afraid that the situation could drift further. That situation could be to the disadvantage of the owner, the mortgagor. Admittedly, I can conceive that if mortgagee sales are to be exempt this could be the subject of a scheme for evasion of the Act, but I believe this disadvantage is minimal and is

outweighed by the good of allowing mortgagee sales to take place in the normal course instead of in an artificial way.

The whole of Part IV, relating to the control of prices of new houses, creates grave difficulties. Surely we want more houses to be built for sale. Will a builder build a house for sale if he does not know what profit he will be allowed? He will not even know on what basis the profit will be determined. In determining the cost, what salary will be allowed to the builder for his supervision? The whole of Part IV is obnoxious because it is likely to result in fewer houses being built. The greatest difficulty arises in connection with demising. Clause 19 provides:

> A person shall not sell or demise any allotment . . . upon which a new house has been or is being erected . . .

So, the restrictions in Part IV apply to leases as well as to sales. New houses, as defined, include flats. So, if a builder builds flats and lets them, they will be subject to this price control. A particularly objectionable part of this provision is that no guidelines are laid down in regard to fixing rentals. Clause 21, which lays down such guidelines as there are, refers in paragraph (c) to "liabilities or outgoings in respect thereof prior to sale". Of course, in the case of a lease there is no sale. Clause 21 *(d)* provides:

> The expenses that the applicant may reasonably be expected to incur in connection with the sale of the land.

Again, in the case of a demise there is no sale. There are no terms of reference saying how the Commissioner will determine the rental of flats or other dwellings that are demised; this is a serious defect. The building of dwellings for letting is beneficial to the community as a whole, particularly to the little man, whom this Bill is supposed to protect. Under this Bill no-one would build a block of flats for letting because he would have no idea of the rental that he would be able to charge.

The controls need not apply to letting or demising at all. The Government may well say that, if the Bill did not apply to letting or demising at all, there would be a way of evading the legislation altogether. Instead of selling, people could grant long-term leases, but surely that would be unlikely in connection with flats. In connection with Part V, dealing with appeals, there should be an ultimate appeal to the land and valuation division of the Supreme Court. As the Hon. Mr. Hill said yesterday, enormous sums can be involved, particularly with a subdivision. It is therefore only proper that there should be an appeal beyond the tribunal. The Speechley report states:

> The period for which this control should be maintained should be left indefinite but the Government should announce that it would keep a close watch on the situation and remove the control as soon as it is satisfied that the supply of allotments is in balance with demand.

It is very apparent from that statement that the Speechley committee considered that this price control should be temporary and should last only as long the the situation required it; that is common sense. It may well be that Parliament should retain the say as to when the control should be removed. If this Bill is to pass, at the least some of its many defects must be rectified.

The Hon. B. A. CHATTERTON (Midland): The Bill we have before us is part of the Government's two-pronged attack on the problems of supply and price of urban allotments. The Land Commission has the function of increasing the supply of allotments. The purpose of this Bill is to moderate the demand. It is expected that these price control measures will have a psychological effect on the market, in particular dissuading new buyers from purchasing allotments for speculative gain.

During the second reading debate on the Land Commission Bill a great deal was said on the law of supply and demand. Nothing was said, however, on the price mechanism which is the cornerstone of that theory. This economic theory with its free competitive market is vital to private enterprise or capitalist ideology. The theory goes into great detail on the factors influencing marginal supply and marginal demand and finally comes to the conclusion that the price of a commodity is the point where these forces are at equilibrium. It is obvious that the price mechanism has failed completely to meet the needs of the community in the urban land market and, far from reaching equilibrium, we have wild fluctuation in the supply of allotments. A study of the past performance of the land market shows that this is its normal method of operation. Vast speculative booms occurred in the early 1950's, the late 1950's, the early 1960's, and now in 1973.

Of course, many honourable members acquainted with the rural sector will be well aware of the failure of the price mechanism in equating supply and demand. Wheat quotas and egg production controls are but two examples of Government intervention in the free market to modify the erratic results of supply and demand. The price of urban allotments remained fairly stable during the 1960's. This was due to the large stock of vacant allotments inherited from the boom and subsequent credit squeeze around 1960. This stock exercised a moderating influence on prices. It must be remembered that this stock of allotments was not serviced, as they were created before the Planning and Development Act. It would be extremely wasteful in the present situation to use a stock of allotments to moderate demand in the manner of the 1960's. In each of the last seven or eight years the annual creation of blocks has been well below the annual demand. Eventually the stock of vacant allotments ran down to a critical level, resulting in a sharp rise in price. In fact blocks cost 23.3 per cent more in 1972 than in 1971.

Incidentally, this 23.3 per cent rise in price put the price index for building allotments well over the index of average weekly earnings. In other words, the gains to the community in terms of moderately stable land prices, climbing at less than the inflation rate, were wiped out by the 1972 rise and the situation has deteriorated since 1972, as I will show in a moment.

Since the middle of 1972 we have had this mad spasm of subdivision activity that I spoke of in the debate on the Land Commission Bill. This activity was in response to even more sharply rising prices. The price mechanism working through supply and demand is considered an ideal by capitalist ideology. Competitive free economy is considered to satisfy the criterion of "economic efficiency". Yet any close study of the land market in operation shows the opposite to be true. No-one could consider these wild fluctuations efficient. Normally the failure of this capitalist ideal is explained in terms of monopolies, cartels or speculators. In this case we have evidence that speculation is taking place: people are trading in allotments for the purpose of gain. If we consider the period 1969 to 1972 we find that the number of land trading transactions, as a percentage of total allotment transactions, has remained surprisingly constant at 40 per cent. There have been fluctuations from year to year, but in a narrow band of 2 per cent or 3 per cent. By land trading transactions, I mean allotments that have been sold more than once, and in some cases many times. State Government stamp duty is an effective tax on land transactions, so there must be a reluctance to deal in land unless there are rewards in terms of speculative gains.

The figures for the first half of 1973 show that land trading transactions have reached about 50 per cent of the total of all transactions. This jump above the 40 per cent average is too large to be accounted for by chance and is evident that people are dealing in land for speculation. These figures also demonstrate a high level of speculative activity, and are characteristic of boom psychology. The system of price control on allotments has been introduced to remove the speculative element in demand for allotments in order to release more blocks for building. The system, in essence, aims to stop the practice of purchasing allotments for the express purpose of reselling at a profit. I spoke earlier of the 23.3 per cent price rise in 1972. Price rises since then have been even more dramatic, particularly with reference to the ability of ordinary people to purchase building blocks. The average block in the Salisbury area sold for $1 900 in 1971. In 1972 it was $2 215 and by July, 1973, the price had climbed to $3 470. August figures show the trend is continuing, as the average price was $3 526.

Mr. Brian Carey is now advertising his blocks from $3 950 and since his earlier prices balanced remarkably well with the average for Salisbury at that time, I believe that the averages for September and October, when available, will show a continuing upward trend. The example of Mr. Carey (I mention him only because he seems quite proud of his economic buccaneering) demonstrates the need for the extension of price control to new allotments, otherwise legislation will favour only the very large operators who have the resources to speculate in broad acres of undivided land. This problem has already occurred in the Salisbury area; and price movements for new allotments in Salisbury from the middle of February (about the time of the Premier's policy speech) to June, 1973, reveal a price rise of 29 per cent compared to a rise of 19 per cent for blocks being resold.

The cost of a serviced allotment in Salisbury, even if one were to buy the land at today's inflated value, would be $2 000, yet the average sale price in August for blocks was $3 526. These calculations can easily be checked against the average selling price in 1972, which was $2 215. Servicing costs have increased since then, but not enough to account for a $1 300 price jump. It is obvious from these figures that the suggestion by some honourable members that the Land Commission would not be able to produce cheaper allotments has no factual base. It also means that my reply to an interjection by the Hon. Mr. DeGaris, regarding Mr. Brian Carey's profits, was unduly conservative. I stated that the profit a block was likely to be $1 000; in fact, the profit on recent sales is $2 000 a block. What is so frightening is that permission to subdivide land at today's prices becomes equivalent to a licence to print money.

One of the most important hurdles to cross before permission is granted to subdivide is, of course, the local council. Unfortunately, in the main, councils on the fringe of the metropolitan area are inadequately equipped to deal with the great pressures put on them. When subdivisions of a hundred acres (40.47 ha) or so are able to create millionaires overnight, the rate of lobbying and pressuring becomes intense. In certain cases, such as the Munno Para council, subdividers and holders of potential urban land are well entrenched on the council itself. I do not wish to give an impression that there is corruption among Munno Para councillors, but merely to use it as an example of what was basically a rural district represented on the council by old established land-owning families that has become a rapidly developing urban area. The interests of these land-owning families are not necessarily those of the majority of residents, nor do they necessarily bear any relationship to the needs for Adelaide as a whole. As I believe this is a further justification for active Government intervention in the. land market, I support the Bill.

The Hon. F. J. POTTER secured the adjournment of the debate.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (QUEENSTOWN)

Adjourned debate on second reading.

(Continued from October 23. Page 1351.)

The Hon. C. M. HILL (Central No. 2): I see the introduction of this Bill as yet another event in a conflict between local government and the State Government on. the town planning issue. The local government area concerned in this Bill is the Port Adelaide council, and the town planning issue involved is the consent or refusal for the erection of a large shopping centre. I have considered the Bill in that context and have listened to and read the many submissions that have been brought forward for my consideration and for the consideration of other honourable members. I have also followed the history of this matter closely over a long period.

In various capacities I have enjoyed involvement with local government and firmly believe that the State Government should always respect the wishes of local government and should exercise extreme care before imposing or endeavouring to impose its power or will on the third tier of government. In the Bill before us today, the State Government is endeavouring in a roundabout way, in my view, to exercise that power. This makes me very cautious. More important, it is trying to do that by retrospective legislation. That is a principle with which I cannot agree.

Secondly, we certainly know what the Government is seeking in this issue,, as this is referred to in the Bill. We also know what the Port Adelaide council wants: for the State Government to keep out of its affairs. However, is the council acting contrary to the wishes of the local people concerned?

The barometer to this issue was the recent Port Adelaide council election which was conducted on July 7 and the result of which was described by one of the newspapers as a triumph for candidates campaigning in support of the proposed shopping centre. It seems that all seven candidates campaigning on the platform favouring the shopping centre won their contests at that election. This resulted in the defeat of two sitting aldermen and two other sitting members in ward elections. That was most certainly an overwhelming indication of what those concerned throughout the area thought about the issue.

The clarity of that result indicates to me that the cause of the Port Adelaide council in this dispute is undeniable, and I believe that cause should be respected in this place. Weighing up the whole situation, and having fully considered the representations that have been made to me, I have made up my mind on the matter, and I oppose the Bill.

The Hon. J. C. BURDETT secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL (COMMISSIONER)

Second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That this Bill he now read a second time.

The main object of this Bill, which amends the Electoral Act, 1929, as amended, is to create an office of Electoral

Commissioner to administer that Act and, by extension, to administer all other polls and referenda provided for by State law. The position of Electoral Commissioner is proposed, in constitutional terms, to be "insulated"; that is, except in certain limited circumstances he will be removable from office only on an address from Parliament.

In the Government's view, it is of paramount importance that the. occupant of the office should be able to carry out his duties with the degree of administrative independence that an arrangement of this kind provides. In addition, opportunity has been taken to make one other amendment to the principal Act. The effect of this amendment will be indicated during the explanation of the clauses of the Bill.

Clauses 1 and 2 are formal. Clause 3 makes certain consequential amendments to section 5 of the Act. The need for these amendments arises from the creation of the office of Electoral Commissioner. Clause 4 repeals section 6 of the principal Act which provided for the appointment of the Returning Officer for the State and an Assistant Returning Officer for the State, and replaces that section with eight proposed new sections, which will be dealt with *seriatim.*

Proposed section 6 provides for the appointment of an Electoral Commissioner and provides further that his terms and conditions of appointment will be fixed by the Governor. Proposed section 6a provides that the appointee shall devote his full time to the duties of his office. Proposed section 6b provides for the appointment of an acting Electoral Commissioner. Proposed section 6c gives an appropriate power of delegation to the Electoral Commissioner. This power is in standard form.

Proposed section 6d provides that, with one exception, the Electoral Commissioner may be removed from office only on an address of both Houses of Parliament. The exception to this method of removal is provided only in the case of some mental or physical incapacity on the part of the Electoral Commissioner, when the Governor may remove the Electoral Commissioner from office since, it is suggested, in cases of this nature proceedings by way of an address from Parliament seem inappropriate. Proposed section 6e provides that the Electoral Commissioner shall not be subject to the Public Service Act. However, if the appointee was previously employed under the Public Service Act his existing and accruing rights to leave will be preserved. Superannuation will also be provided under the Superannuation Act.

Proposed section 6f provides for reading of references in legislation to the Returning Officer for the State as references to the Electoral Commissioner. Proposed section 6g provides for the appointment of a Principal Returning Officer in place of the Assistant Returning Officer for the Stale at present provided for. With the abolition of the office of Returning Officer for the State the old title of Assistant Returning Officer seems inappropriate. This officer will be in a position automatically to assume the duties of the Electoral Commissioner during any temporary absence or incapacity of the Electoral Commissioner.

Clause 5 amends section 71 of the principal Act. This section was amended by the Constitution and Electoral Acts Amendment Act, and the amendment now proposed is consequential on amendments effected to other provisions of lhe principal Act by that Act. Honourable members may recall that by the Constitution and Electoral Acts Amendment Act deposits would be forfeited by all the members of a group where that group did not receive 4 per cent of the votes cast at the election. This figure is appropriate in an election where 11 candidates have to be elected, but in the event of an election for the Legislative Council following a double dissolution, when 22 candidates have to be elected, with the provision in its present form, there is a mathematical possibility that, notwithstanding that one candidate of the group was elected, all the members, including the member elected, would lose their deposits. To avoid this, this amendment proposes that the figure at which a deposit will be lost is directly related to the figure at which a group is eliminated from the count. In an 11-candidate election this figure would be about 4 per cent of the total formal votes and in a 22-member election the figure would be about 2 per cent of the total, votes. Clause 6 provides for a considerable number of quite formal amendments to the principal Act, the particulars of which are set out in the schedule to this Bill.

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

ADJOURNMENT

At 5.58 p.m. the Council adjourned until Thursday, October 25, at 2.15 p.m.