

LEGISLATIVE COUNCIL

Wednesday, August 28, 1974

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

QUESTIONS

FOOD EXPORTS

The Hon. V. G. SPRINGETT: I address my question to the Acting Minister of Lands. Yesterday, on both radio and television, reference was made to the state of certain food exported from Australia that was not accepted because it did not conform to the required standard. Despite this, the same food is being sold in Australia. Will the Minister ascertain what is the Government's view on this matter and how South Australia stands in relation to it?

The Hon. T. M. CASEY: I do not know specifically to what foodstuffs the honourable member has referred. However, meat (on which I can speak) is sometimes not accepted for export not because it is unwholesome but because the carcass has been cut in such a way that the exporters will not handle it. However, that meat is still wholesome and, indeed, is acceptable for local consumption. If the honourable member will tell me the specific items to which he is referring, I will take up the matter for him.

PUBLIC BUILDINGS DEPARTMENT

The Hon. C. M. HILL: I direct my question to the Minister of Agriculture, representing the Minister of Works. Will the Minister ascertain whether the Public Buildings Department has changed its policy of building schools by private contract to one of building them by day labour or by a series of small subcontracts supervised by departmental officers? If it has changed its policy, will he ascertain when the policy was changed, and say whether he considers that such a change is of financial benefit to the department and the State generally?

The Hon. T. M. CASEY: I will refer the honourable member's question to the Minister of Works and bring down a reply.

ROAD MARKINGS

The Hon. G. J. GILFILLAN: Has the Minister of Health, representing the Minister of Transport, a reply to my recent question regarding road markings?

The Hon. D. H. L. BANFIELD: My colleague reports that the Highways Department is fully aware of the importance of ensuring that road markings are maintained so as to provide maximum visibility to the motorist. The department has a comprehensive programme for the maintenance of all road markings on roads maintained by it. Although it is realized that unusually high traffic volumes may cause premature wear and tear of road markings at isolated locations, action is taken to rectify such defects when attention is drawn to them and as soon as the department's resources permit. The Road Traffic Act provides that roads not maintained by the Highways Department shall be kept in good order, which includes line marking by the authority in which the care and control of the particular road is vested.

VINE PLANTINGS

The Hon. C. R. STORY: Has the Minister of Agriculture a reply to my question of August 20 about vine plantings?

The Hon. T. M. CASEY: The working party appointed by the Premier and chaired by the Hon. Mr. Chatterton had for its principal term of reference:

To produce recommendations for a major reconstruction of the grapegrowing industry likely to improve its economic viability and safeguard the welfare of the existing population involved in the industry.

The early term of reference related to reviewing grape prices for the 1974 vintage. From the major term of reference it can be seen that members of the working party are not expected to confine their inquiries to the irrigated areas, although they may well find that economic and social problems are more severe and more complex in the irrigated areas.

HILTON PROPERTY

Adjourned debate on motion of the Hon. A. M. Whyte:

That, in the opinion of this Council, the Ombudsman should be requested to investigate all matters in relation to the acquisition by the Highways Department of allotment 4 containing 480 square metres or thereabouts of subdivision of portion of block 24 and other land of section 49 laid out as Hilton from George Sydney Elston and Kathleen Annie Elston, his wife, and to report to Parliament upon the acquisition and the subsequent use of the above land.

(Continued from August 21. Page 586.)

The Hon. D. H. L. BANFIELD (Minister of Health): I oppose the motion. In view of what has taken place since the Hon. Mr. Whyte moved the motion, I asked him yesterday afternoon whether he was willing to withdraw the motion, but he told me that he was not willing to do that. I therefore wonder what is the honourable member's ulterior motive behind the motion. Has he been misinformed by the Elstons, is he trying to cast a slur on the Premier, or what is his motive for continuing with the motion? After the honourable member had moved his motion, the Premier made the following Ministerial statement:

Today's *Advertiser* contains a report of some proceedings in another place related to the acquisition by the Highways Department of certain land at Hilton. In the course of that report a suggestion was made and reported in the newspaper that I had some interest in Theatre 62. I have not, and have never had, any personal interest in Theatre 62. I have no interest in that theatre or, indeed, in any other business in South Australia. The only connection between me and Theatre 62 is that that theatre is one of the companies supported by State grants authorized by this Parliament, and that matter happens to be within the area of my own Ministry. That is the only connection. The report also suggests that there should be a resolution of some part of the Parliament that this matter of the fairness of compensation to the vendor should be investigated by the Ombudsman. As honourable members know, the Ombudsman is within my Ministerial area of administration. He has reported to me that, in fact, he received a complaint concerning the fairness of compensation for this property. He has investigated, he has completed his investigation, and, in his view, need neither raise the matter with the Ministry nor report the matter to Parliament. That is the position, and I believe honourable members should know it.

This statement was well reported, so honourable members opposite would know what the position was as far as the Premier was concerned. These things have already been reported on by the Ombudsman, whose report was tabled yesterday. Because the Hon. Mr. Whyte would not accede to my request to withdraw his motion, I would like to know what is his ulterior motive for continuing with it. I now refer to the facts of the case which show quite clearly that a further investigation is completely unjustified. For this reason I oppose the motion. In the report

the Ombudsman gave yesterday, he emphasized that in laying the report before Parliament at this stage his intention was simply to be informative and not influential. He said that the notes given were prepared prior to the proposal of the motion in the Legislative Council and were in the exact form in which they would appear in the case notes to be included in his annual report for 1973-74.

I wonder whether honourable members opposite were correctly informed of this matter before they were aware of this motion. If they were not informed of all the steps taken, they should have told the Elstons that their complaint should have contained all the information, including what action had been taken. It was suggested by some speakers that the Elstons did not know where to turn. However, they knew exactly where they could go; they knew they could go to the Ombudsman and they had been to him before they went to members opposite. They were also informed that, if they were not satisfied with the price they were offered for their land, they could get their own valuer. That is exactly what they did, and as a result they got a higher price. There was no argument from the Highways Department about paying the additional amount. The Elstons knew their rights very well.

The Hon. T. M. Casey: I believe the Highways Department paid the expenses of the valuer, too.

The Hon. D. H. L. BANFIELD: It always does.

The Hon. C. M. Hill: Don't you know that is common practice?

The Hon. D. H. L. BANFIELD: Of course we do, and honourable members opposite know it. That includes the Hon. Mr. Hill, who also, through his department, let property out to people after it had been acquired. This has been common practice.

The Hon. C. M. Hill: The procedure this time was not common practice.

The Hon. D. H. L. BANFIELD: Because it has been common practice I am amazed that members opposite are continuing with this motion when they know full well that the process has been observed.

The Hon. J. C. Burdett: Is telephoned advice common practice?

The Hon. D. H. L. BANFIELD: If a property is put up for sale, and if the Highways Department wishes to purchase that property, it acquires the property before it is further improved by a new purchaser who could improve the land and add greatly to the ultimate cost of the property. Of course it is common practice to purchase the land which the department knows must be used by it eventually. When it comes on the market it is common practice for the department to purchase that land.

The Hon. C. M. Hill: But in this case it was not the Highways Department. The Minister got in first.

The Hon. D. H. L. BANFIELD: Who administers the Highways Department? Surely it is in the hands of the Minister. Is the Hon. Mr. Hill trying to tell me that he did not run the Highways Department when he was the Minister? What has happened has not happened for the first time. It has happened in the time of all previous Governments when land was required for certain purposes.

The Hon. C. M. Hill: This procedure has never happened previously.

The Hon. D. H. L. BANFIELD: I was told the Elstons did not know where to go, but they knew exactly what to do. If I cannot believe that part of what I was told, how can I believe what I am being told now?

The Hon. R. C. DeGaris: Why are you so disturbed about it?

The Hon. D. H. L. BANFIELD: I am not disturbed. I am worried about those who have been sucked in by these people, those who have been unfortunate enough to be taken in by someone who did very well out of the transaction. On July 17, 1973, the Ombudsman wrote to the Commissioner of Highways. The letter states:
Re: Mr. and Mrs. G. S. Elston, 61 Stirling Road, Port Augusta.

I have received a complaint from the abovenamed with respect to the sale of their former property situated at 57-59 Rowland Road, Hilton, to your department in early 1971. I am advised that, towards the end of 1970, Mr. and Mrs. Elston placed their property on the market to be sold at auction. The auction was scheduled to take place at 12 noon on the day in question; however, I am informed that at approximately 10 a.m. the auctioneer received a telephone call which was purported to be from the Minister of Roads and Transport. It is alleged that during the course of the telephone call the auctioneer was directed not to sell the property at auction since there would be a compulsory acquisition of the land for road widening purposes. My complainants advise that prior to this date there had been no indication received from the Government that your department would require the particular property. Mr. and Mrs. Elston state that as a result of the telephone call the auction was cancelled although a number of offers had been received which eventually proved to be greatly in excess of the price received on acquisition. After the date of the auction, my complainants allege that they attempted to obtain further particulars from your department. No confirmation was received, however, until through the assistance of their local member of Parliament, Mr. Keneally, an offer was received from the Land Board nominating an acquisition figure of \$14 000. The complainants state that this approximately \$3 500 less than the price they originally paid for the land a great number of years earlier and they therefore made a counter offer. The Land Board then informed them that they should obtain an independent valuation and after this had been done, a settlement was finally negotiated at a sum of \$18 000.

It was their own valuer who suggested this amount. The report continues:

My complainants advise that at no time, however, were they informed of their rights under the Land Acquisition Act or any other Act. The result was that they consider that they were forced into a situation where they parted with the land at a price that was greatly below the value that they could have obtained on the open market. In the circumstances, I wish to advise that it is my intention to conduct an inquiry into the matter on behalf of the complainants pursuant to the provisions of section 18 (1) of the Ombudsman Act, 1972. I would, therefore, be pleased if you would provide me with a report as to the facts and circumstances of the matter as they are known to your department and also provide me with the relevant departmental dockets and documents.

On August 2, 1973, the Commissioner of Highways provided the Ombudsman with the details in relation to the acquisition of this property and again I read in full the report of the Commissioner and table it for the information of honourable members. It states:

To the Ombudsman: The attached copies of correspondence relating to this matter bear out a number of the statements made by the complainants, namely:

- (a) The property had been placed on the market to be sold at auction on July 15, 1970.
- (b) The Assistant Secretary to the Hon. the Minister did advise Tremaine and Co. Pty. Ltd., on that date that the Highways Department would commence acquisition "in the very near future". I have no knowledge of any direction to the auctioneer not to sell the property at that time.
- (c) No specific indication had been given to the owners prior to this time of requirements for road purposes, but proposals under the Metropolitan Road Widening Scheme and the M.A.T.S. Report did show that this property was affected.

The Hon. Mr. Hill knows a little about the M.A.T.S. Report because he was prepared to drop a part of it.

The Hon. M. B. Cameron: Are you going on with it?

The Hon. D. H. L. BANFIELD: We do not countermand what someone opposite did. The Elstons knew what the position was as far as the roadwork was concerned.

The Hon. M. B. Cameron: How many other properties have you acquired on that road?

The Hon. D. H. L. BANFIELD: Other properties have come on to the market and the Highways Department has acquired them at the prevailing valuation.

The Hon. C. M. Hill: And in a proper way.

The Hon. D. H. L. BANFIELD: Yes, and this was one that was acquired in the proper way. It was shown in the M.A.T.S. Report that this property was affected. The report continues:

These proposals had received considerable publicity and it appears most unlikely that the owners were completely unaware of the implications on their property.

The Hon. J. C. Burdett: That was on 2.44 metres.

The Hon. D. H. L. BANFIELD: The property was involved in the M.A.T.S. Report presented by the Hon. Mr. Hill; 2.44 m was not involved or mentioned in the M.A.T.S. Report.

The Hon. C. M. Hill: Yes it was.

The Hon. D. H. L. BANFIELD: The report continues:

(d) The Land Board commenced negotiations with the agents shortly after the above date, but the owners requested on October 5, 1970, that the board deal direct with them. The Land Board advised the owners on October 14, 1970, that the valuation of the property was \$14 700. It was suggested at that time that the owners seek the services of a qualified land valuer should they be dissatisfied with this valuation. An independent valuation of \$18 200 was supplied by Barrett and Barrett.

(e) Upon further consideration, the Land Board agreed that the valuation of \$18 200 was full but not unreasonable, and recommended acceptance of the offer of \$18 671 which included the valuation fee and auction and other expenses associated with the cancellation of the auction. Settlement on this figure was made on April 23, 1971.

Now it is 1974, three years after this incident occurred, when the honourable member gets a whisper over the back fence and decides he had better look at the matter. Why wait for three years? Has it been impossible for honourable members to bring this matter forward earlier? Of course, it has not been impossible for honourable members to do that.

The Hon. A. M. Whyte: I wanted to protect the Minister in his old age.

The Hon. D. H. L. BANFIELD: Which old Minister does the honourable member mean? The report continues:

Further to (c) above, and to the contention that the owners were not informed of their rights under the Land Acquisition Act, I advise that a notice of intention was not served on the owners. Acting on the advice of the then Solicitor-General, the department did not issue such notices in all cases. As negotiations were not conducted by my officers, I cannot verify whether the owners were informed of their rights or not. However, as the amount paid by the department agreed with the valuation of the property as supplied by their valuers, I cannot understand their claim that they were forced to sell at a price greatly below the value they could have obtained on the open market. I know of no evidence supporting such a claim.

Surely, if the Elstons were not satisfied with the assessment of the private valuer, if the Government did fail to notify them (and I do not accept that the Government did fail to notify them about all the steps that could be taken), at least the private valuers would have notified the Elstons that, if they were not satisfied with the Land Board's valuation, or if they were not satisfied with the private valuer's report, they could go to court about the matter.

The Hon. M. B. Cameron: You would leave it to the private valuer?

The Hon. D. H. L. BANFIELD: I did not say I would leave it to the private valuer: I said that the private valuer would have told the Elstons that, if they were not satisfied with the price, certain steps could be taken.

The Hon. J. C. Burdett: Did the land have to be acquired in the first place?

The Hon. D. H. L. BANFIELD: Of course.

The Hon. I. C. Burdett: Only 2.44 m was wanted.

The Hon. D. H. L. BANFIELD: The property was on the market. The Elstons put it on the market themselves, and the Government believed that this was an opportune time to acquire the property, and it took steps to do that. Obviously, the Elstons were happy with the final figure they received, because this was the figure they put to the Highways Department. The sum involved was not disputed by the Highways Department, and the department could have disputed it if it considered it was being got at. Honourable members opposite know that. Apparently in 1971 everything was rosy, but in 1974—

The Hon. J. C. Burdett: Many people do not want to go to court as they believe it might cost them money.

The Hon. D. H. L. BANFIELD: What did they do when they agreed to sell their property to the Government after accepting an increased amount? What do they want to do now? Do the Elstons want the case reopened? The Ombudsman stated that everything appeared to be satisfactory, that the Elstons—

The Hon. C. R. Story: He didn't say that.

The Hon. D. H. L. BANFIELD: This is what the Ombudsman stated:

However, stripped to its essentials, it was a negotiated settlement—

It was a negotiated settlement, attested to by the Ombudsman—

and not a compulsory acquisition and so my complainants entered voluntarily into an agreement about which they subsequently complained to me. After investigation and for the reasons outlined above, I felt constrained to find that their complaint was not justified.

Are honourable members moving a vote of no confidence in the Ombudsman?

The Hon. J. C. Burdett: Certainly not.

The Hon. D. H. L. BANFIELD: It certainly appears as though this is what honourable members are doing, because they are asking the Ombudsman to investigate a matter, but he has already done that. He has already given his findings, but honourable members—

The Hon. A. M. Whyte: He stated in his report that he did not have a chance—

The Hon. D. H. L. BANFIELD: He did not say that. What he says is, and I repeat it for honourable members, as follows:

However, stripped to its essentials, it was a negotiated settlement—

Those are not my words; this is signed by Mr. G. D. Combe, the Ombudsman, and it was not a compulsory acquisition. The Ombudsman continued:

So my complainants entered voluntarily into an agreement about which they subsequently complained to me.

The Hon. R. C. DeGaris: It was an acquisition under pressure.

The Hon. D. H. L. BANFIELD: It was not at all. If the Elstons knew that they could go to the Ombudsman, they also would have known that they could argue about the price that their valuer said was good value. They accepted the private valuer's price; they did not haggle with

the Highways Department and the department did not haggle with them. Indeed, the department paid them the price that was recommended by the private valuer. In proceeding with this motion, the Hon. Mr. Whyte is moving a vote of no confidence in the Ombudsman.

The Hon. A. M. Whyte: The simple answer to that is "No".

The Hon. D. H. L. BANFIELD: The answer may be "No", but the facts are not "No". Indeed, the facts are that members opposite are not willing to accept the Ombudsman's report, which was laid on the table of the Council yesterday. The Ombudsman said that his notes were prepared before the motion was moved, so he was not influenced because he did not know that the motion was going to be moved in the Council. Indeed, this was prepared some time (in fact, three years) after the transaction occurred.

The Hon. A. M. Whyte: The Ombudsman would not be influenced by me or the Minister, because he is a reputable man.

The Hon. D. H. L. BANFIELD: Why, if the Ombudsman is reputable, do not members opposite accept his word?

The Hon. R. C. DeGaris: Why don't you accept it?

The Hon. D. H. L. BANFIELD: The Government is accepting his word that it was a voluntary settlement.

The Hon. C. R. Story: You are not playing one part off against the other, as the Ombudsman did in his report. You are picking bits out.

The Hon. D. H. L. BANFIELD: I shall be happy to move that the Ombudsman's report be incorporated in *Hansard*, if members opposite want me to, or I am willing to read the whole thing. All the facts are summed up in the last paragraph—

The Hon. A. M. Whyte: But what about—

The Hon. D. H. L. BANFIELD: —and the Hon. Mr. Whyte knows that, very well. He has no confidence in the Ombudsman; otherwise, he would not persist with his motion.

The Hon. J. C. Burdett: The Ombudsman said that he had no jurisdiction.

The Hon. R. C. DeGaris: And we want to give him jurisdiction.

The Hon. D. H. L. BANFIELD: How would he not have have any jurisdiction if he had already investigated the matter and his report had been laid on the table of the Council? Did he do that without having any jurisdiction?

The Hon. J. C. Burdett: He said he had no jurisdiction to inquire into Ministerial actions.

The Hon. D. H. L. BANFIELD: Members opposite were asking not about that but about the acquisition of this land. That is what the motion says. Is the Hon. Mr. Whyte therefore going to amend his motion?

The Hon. T. M. Casey: That's right: is he?

The Hon. D. H. L. BANFIELD: Members opposite have already been exposed on one thing, so they need to be careful regarding what happens next time.

The Hon. C. M. Hill: I may take up the Minister on that.

The Hon. D. H. L. BANFIELD: Members opposite know full well that this motion has been debated but they want something different now. However, how can we debate something different when we do not even know what it is? The Hon. Mr. Whyte has, in effect, moved a vote of no confidence in the Ombudsman and for those reasons I oppose the motion.

The Hon. F. J. POTTER (Central No. 2): I always get worried when the Minister becomes excited.

The Hon. R. C. DeGaris: I think it is more than the Minister who is worried at this stage.

The Hon. D. H. L. Banfield: It is Opposition members who are upset: look at their red faces.

The Hon. F. J. POTTER: Having read the Ombudsman's report which was tabled in the Council yesterday, it seems to me that the Hon. Mr. Whyte's motion does not cover all the aspects of this case that worry me. Accordingly, considering that some amendment to the motion is required, I have prepared an amendment. I move:

To amend the motion by inserting after "investigate" the words "as a matter of public interest"; to strike out "and to report to Parliament upon the acquisition"; and after "land" last occurring to insert "and to report to Parliament on any matters which he considers to be of public interest".

The second amendment is purely a drafting amendment, whereas the final amendment is the real crux of the matter.

The Hon. D. H. L. Banfield: That is not what the Hon. Mr. Whyte wants.

The Hon. F. J. POTTER: The Minister has questioned the honourable member's motives, which I believe are sincere. Frankly, I think we have heard a little too much in the debate regarding the Elstons and whether they received the price they should have received or whether they were properly and justly treated. After reading the Ombudsman's report, it seems to me that this matter was not within his jurisdiction, in that in the finish it came to a matter of private treaty between the Elstons and the Government. Indeed, the Elstons received the figure that they sought and, from their point of view, the matter should probably rest. If that was all, I, for one, would not be supporting the motion. However, having read the report, I consider that there are some important matters from the public's point of view that ought to be investigated. The purpose of my amendment is to ensure that the Ombudsman is given by this Parliament the jurisdiction that he would otherwise lack and that he is asked, as a matter of public interest, to examine the various issues that arise. Briefly (because this matter has been covered so adequately by other honourable members) what are the issues of public importance that arise? We can see them emerging from the Ombudsman's report.

True, as the Ombudsman says in the preliminary section of his report, it was prepared before the motion had been moved. His purpose in laying the report on the Council table was for it to be informative and not influential. However, I think he has been influential, whether or not he wanted to be, because he has influenced me to raise some matters that I consider to be of public importance, the first of which is the method by which the proposed acquisition (of course it did not finally emerge as an acquisition at all) took place. It is a disturbing fact that on the very morning of the auction sale the auctioneers were telephoned not by the Commissioner of Highways—

The Hon. M. B. Cameron: Who didn't know.

The Hon. F. J. POTTER: —who apparently claims he did not know it was proceeding but by the Assistant Secretary to the Minister of Transport. The agents were then told that the Highways Department would soon commence acquisition proceedings. Apparently nothing emerges from this regarding whether it was intended that only 2.44 metres would be acquired, or whether the whole property would be acquired. It seems to have been thought by the Commissioner of Highways, however, that there was no reason why the sale should not have proceeded at that time. Later, in connection with a final

recommendation by the Land Board on whether the \$18 000 plus that was being sought by the Elstons should be paid, the Ombudsman reports that the Land Board's recommendation was to accept the various expenses "which, in view of the cancellation of the auction sale at the Government's request, may prove difficult to refute".

It seems obvious from that little piece of information, which comes directly as a quote from the Government file, that there was a cancellation of the auction sale at the Government's request. The Commissioner's suggestion that perhaps there was no need to stop the sale seems to be rather awry with the facts of the case. As we all know, probably the Commissioner did not know very much about this, anyway. He was not involved in it, because it came directly from the Minister's office.

The Hon. R. C. DeGaris: I wonder who instructed him.

The Hon. F. J. POTTER: I do not know, but it may have been another Minister. Parliament should hear something about these important matters. The other important thing (this appears near the end of page 4 of the Ombudsman's report) is this:

It is clear from the departmental docket that "the Government desires to assist, where possible, theatre groups such as this".

The Minister complained a few minutes ago that the Hon. Mr. Whyte had said that the Premier had an interest in this property. The Premier has denied that he had any interest, but it is here in black and white that he had some sort of interest, even if it was only an interest in promoting the arts. The docket says, "The Government desires to assist ..."

The Hon. D. H. L. Banfield: That is not the Hon. Mr. Dunstan.

The Hon. R. C. DeGaris: He is a patron.

The Hon. D. H. L. Banfield: Blame the Government; don't pick out an individual.

The Hon. F. J. POTTER: The docket says, "The Government desires to assist . . . theatre groups such as this." Where will we finish in this State if the Government, in assisting an interest or a cause or a person, uses its compulsory acquisition powers (which it has not at large but only in respect of certain of its activities) in a way that is quite illegal, as pointed out by the Hon. Mr. Burdett? Here a total property was acquired by the Highways Department, which needed only 2.4 metres of it for road widening, and here we have the Highways Department using its powers to assist a theatre group. I can imagine all kinds of causes that could be assisted: I know a few causes that I would like to see assisted, but I would not like to see them assisted by Government acquisition of private property to achieve that result. That is the grave matter of public interest that arises here. The Minister has said that the Ombudsman's report should be treated as final. The Minister has also said that the Ombudsman's statement that this was a matter in which he could not interfere should be accepted, and the matter should rest there. Near the end of his report the Ombudsman says:

I did not conceive it to be within my jurisdiction to question whatever Ministerial decisions may have been involved in this rather unorthodox acquisition. I am satisfied that there will not be a repetition of this method of acquisition.

That is really what the Ombudsman is saying. In other words, there are things here which perhaps require investigation, but it is at present outside his charter to do so.

The Hon. M. B. Cameron: Are you saying he is saying he didn't like it?

The Hon. F. J. POTTER: I do not know what he is saying, but I do not like it, and I am sure there are many honourable members who do not like it. Some very important matters in the public interest are raised here and, accordingly, to get the matter in proper perspective I have moved my amendments, which I hope will be supported by honourable members.

The Hon. M. B. CAMERON (Southern) moved:

That this debate be now adjourned.

The PRESIDENT: Is the motion seconded?

The Hon. F. J. POTTER: I rise on a point of order, Mr. President. I think my amendments should be seconded.

The Hon. C. M. HILL (Central No. 2): I second the amendments. I had not entered this debate previously because I had been waiting with some interest to hear the Minister's reply. I am very impressed by the Hon. Mr. Potter's comments. The following comments in the Ombudsman's report highlight one aspect of the case:

The Commissioner of Highways reported to me that the Assistant Secretary to the Minister (of Roads and Transport) did advise the agents on the day of the proposed auction that "the Highways Department would commence acquisition 'in the near future' ". The Commissioner had no knowledge of any direction to the auctioneer not to sell the property at that time. The actual notation of the Assistant Secretary on the file was "Rang Mr.— (Land Agents, Woodville) advised that Minister would be arranging for Highways Department to commence acquisition in the very near future. 9.15 a.m. 15/7/70."

Later, the Ombudsman said:

From my perusal of the docket, I noted that the acquisition would be out of priority at this time. It is clear, however, that negotiations for the acquisition were initiated by Ministerial direction.

The point that worries me about this case (and, if the amendments just moved are carried, I take it that the point will be further investigated) is that we have a clear case of a Minister taking action without reference to his department. The Commissioner of Highways did not know on that day that his department was going to be instructed by his Minister to initiate and carry out the acquisition. Then the question arises why the Minister took that action without the knowledge of his department. It is clear to me, at least, that the Minister took that action to give favour to someone or to some group of persons.

The Hon. R. C. DeGaris: That's a snide remark, according to the Hon. Mr. Virgo.

The Hon. C. M. HILL: The Minister might think it is a snide remark, but it is a fact.

The Hon. T. M. Casey: Can you prove that?

The Hon. R. C. DeGaris: Yes; it is in the report.

The Hon. C. M. HILL: These instructions were given by the Minister to give favour to a person or group of persons.

The Hon. D. H. L. Banfield: The Ombudsman didn't say that.

The Hon. T. M. Casey: You prove it.

The Hon. C. M. HILL: The Ministers who are interjecting will have the opportunity to deny—

The Hon. D. H. L. Banfield: I am denying it. I am saying the Ombudsman didn't say that.

The Hon. C. M. HILL: I ask the Ministers, then, why the Minister of Transport did it. Why did he instruct his staff (and I am casting no aspersions whatever on them)—

The Hon. T. M. Casey: No, you are only playing politics.

The Hon. C. M. HILL: —to stop the sale on the day? Why did he then instruct his department later to proceed with the acquisition of the property? Later in his report, the Ombudsman states:

It is clear from the departmental docket—and this, I think, was quoted by the Hon. Mr. Potter—that “the Government desires to assist, where possible, theatre groups such as this”. He is getting that from the docket. If that is not giving favour to the theatre groups in question, what is it giving them?

The Hon. D. H. L. Banfield: The land for sale is what you have to—

The Hon. C. M. HILL: No, it is not. I am arguing that there has now arisen in this State a matter of grave public interest, because it seems that now in South Australia, for the first time that I know of in its history, people are beginning to say, “If you are in the know you can obtain favours from the present Government.”

The Hon. D. H. L. Banfield: People said that in 1969. Don’t kid yourself!

The Hon. C. M. HILL: The Minister will have an opportunity—

The Hon. D. H. L. Banfield: Certain circulars were sent out and people said they came from a certain office.

The Hon. C. M. HILL: The Minister will have the opportunity to bring up in the debate any matter he wishes.

The Hon. D. H. L. Banfield: I have just brought that up.

The Hon. C. M. HILL: Let me assure the Minister, since he is pointing at me, that whenever any people I had known previously came to me and sought what I deemed to be a favour they were not granted that favour.

The Hon. D. H. L. Banfield: Oh, no!

The Hon. C. M. HILL: They certainly were not. If the Minister says they were, let him produce evidence.

The Hon. D. H. L. Banfield: You were stating what you said were facts, so you produce the evidence.

The Hon. C. M. HILL: I will quote again from the report, but this is not the Ombudsman’s comment. This came from the docket:

... “the Government desires to assist, where possible, theatre groups such as this”.

The Minister must agree that that is why the Minister of Transport took that action.

The Hon. D. H. L. Banfield: Don’t you believe in assisting the arts?

The Hon. C. M. HILL: I believe in assisting as many groups as possible through the proper processes.

The Hon. D. H. L. Banfield: It was through the proper processes.

The Hon. C. M. HILL: It was not, for the simple reason that the department did not take action to acquire. The Minister, without reference to the Highways Department, moved in and said that the Government intended to acquire the property. This group associated with the arts, this theatre group to which reference has been made, or the party or parties influential within that group, sought, I submit, and was successful in obtaining favour from the Minister at that time.

The Hon. D. H. L. Banfield: What favour?

The Hon. C. M. HILL: It is not only the Minister, because I think we know and agree that the alliance between the arts (and those interested in the arts) and the Minister of Transport is not very strong, nor has it ever been so. I submit that the Minister consulted his senior

in the Cabinet, the Premier, who is in charge of the whole area of the arts.

The Hon. D. H. L. Banfield: You don’t know what you’re talking about.

The Hon. C. M. HILL: It is the Premier’s area of administration.

The Hon. D. H. L. Banfield: You earmarked that property for acquisition by bringing in the M.A.T.S. plan.

The Hon. C. M. HILL: The Minister does not know the facts. This property was marked down for road widening purposes by the Playford Government in 1949, as was every property in metropolitan Adelaide with a frontage to a main thoroughfare. It was the most far-sighted single stroke of planning ever achieved in the history of this State. It meant that, whilst roads had to be widened in the 40-year to 50-year period after 1949, by early planning such acquisition and widening could be achieved at minimum cost to the Government and with the least possible disturbance to the individuals concerned.

The Hon. D. H. L. Banfield: And now we have taken action on that and you are complaining.

The Hon. C. M. HILL: The Minister will not get anywhere with that type of interjection. That was the first point. In the M.A.T.S. Report (and this was a portion of the M.A.T.S. Report, approved by the Government of which I was a member)—

The Hon. D. H. L. Banfield: Partly approved.

The Hon. C. M. HILL: The acquisition of land for main thoroughfares in accordance with the 1949 report is one aspect of the M.A.T.S. Report approved by the Government of which I was a member, and it is one of the aspects which the present Government is following. If that were not so, the Minister’s case put up today would be absolutely shattered. He and his Government are following the 1949 decision on widening roads.

The Hon. D. H. L. Banfield: And you are still going crook!

The Hon. C. M. HILL: I will not be side-tracked into a debate on the pros and cons of road widening. I am concerned that the high standard of politics in this State, traditional as it has been, and the high standard of Government ethics and practice in this State, traditional as that has been (and I am prepared to say that that has applied irrespective of the Government in power), has suddenly been shattered by the evidence that has emerged in this case. There is no doubt about that.

The Hon. T. M. Casey: Where is the evidence?

The Hon. C. M. HILL: We have a case here of a Government (and whether I blame the Government does not matter very much, but particularly do I blame the Premier and the Minister of Transport, as the Minister directly involved in the evidence before us and the report of the Ombudsman) setting out to help its friends.

The Hon. D. H. L. Banfield: That’s not true.

The Hon. C. M. HILL: This has set a precedent under which anyone who wants to seek favours in future believes that the first step to take is to become friendly with the Premier and the Government. That is a shocking state of affairs that has entered the political scene in this State and the history of this State. The good name of politics in South Australia and the reputation of politics at large is immediately in danger and is suffering because here we have a clear case, as the Hon. Mr. Potter says, of a grave matter of public interest where it seems that a Premier of the State, and without any doubt a Minister of the Crown, used machinery available and at their disposal not for the purpose for

which it was set up but to help a person or persons associated with the arts. There is no doubt that is what happened, and that kind of practice must stop.

I hope honourable members will support the Hon. Mr. Potter's amendments which will have this matter of grave public concern investigated further, and investigated in a manner in which the Ombudsman admits, in his report, he was unable (as was said by interjection by the Hon. Mr. Burdett) to investigate it previously. This Council wants him to make that investigation. It wants to stop this most unfortunate trend in which people in South Australia are saying that those in the know can obtain favours from the Government. That, I repeat for the third time, must be stopped.

Later:

The Hon. M. B. CAMERON (Southern): Originally, I did not intend to take part in this debate, particularly after I had heard that the Ombudsman had already made a report. However, on reading his report, I must say that I am extremely disturbed by some features of it which indicate uncertainty about matters that have arisen. The Ombudsman has clearly said that the acquisition (it turned out to be not a compulsory acquisition, but I have some doubts about that) was carried out in what was not an improper fashion. However, I trust that in future when acquisitions take place the following statement will be taken into account:

The Chairman of the Land Board subsequently made the following observation in relation to the manner of this acquisition: "In the event of similar circumstances arising on a future occasion, the board considers that the department's requirements could be achieved with full justice to the owner by deferment of negotiations until after an auction has taken place."

Clearly, that would be fair to all concerned, and it should be the case in any future acquisition. If any investigation into the matter proves that some procedures were not properly carried out, I suggest that the matter of compensation to the original owners should still be taken into account. However, that is a matter for the future. The three parts of the report that are disturbing are the parts where the Ombudsman clearly considered that he was lacking in jurisdiction. The first such part is as follows:

It emerged as a result of my examination of the departmental dockets that there were indeed some unusual features as to the time and manner of this acquisition.

That, in itself, requires clearing up by the Government, by the Ombudsman, or by whomever is appointed to take this matter further. The second disturbing part of the report is as follows:

The Commissioner had no knowledge of any direction to the auctioneer not to sell the property at that time.

That again is a very disturbing observation—that the Commissioner of Highways was unaware of actions being taken by his department by telephone calls in connection with the property. The third disturbing part of the report (and this is probably the part that is not relevant to the motion as amended) is as follows:

I did not conceive it to be within my jurisdiction to question whether Ministerial decisions may have been involved in this rather unorthodox acquisition.

That is a statement from a man of obvious integrity and independence. For him to use the term "unorthodox acquisition" is extremely disturbing, and the Government should clear it up. I am sure that every honourable member would be extremely pleased if it was found that there were, in fact, no features that could be questioned. It must be cleared up in the public mind. If the South Australian public feels there is some doubt attached to

this proposition, it will be just another blow to democratic government. People will lose faith in the system. It is in the public interest, as well as in the interest of this Council, of Parliament, and of democracy that this matter be cleared up. I do not know whether the Minister would be willing to bring the documents into this Chamber to let us see for ourselves whether there are any unusual features that require clearing up.

The Hon. D. H. L. Banfield: Are you going to do something the Ombudsman couldn't do?

The Hon. M. B. CAMERON: Clearly, the Ombudsman felt he did not have jurisdiction. What this motion now attempts is to give him jurisdiction. If it cannot be done by the Ombudsman, let us appoint a Royal Commission and have the Ombudsman as the Royal Commissioner to look into the matter in that way.

The Hon. F. J. Potter: He has the powers of a Royal Commission.

The Hon. D. H. L. Banfield: Some members don't know. That shows how ignorant they are.

The Hon. M. B. CAMERON: Clearly, he is using those powers in the case of a schoolgirl who has been dismissed. If he can be used in that capacity for a relatively minor matter of that kind, surely he should be allowed to proceed with a matter such as this. Let us give him that power and that authority to clear up this matter for the sake of the public and of the Parliament. I support the motion as amended.

The Hon. R. A. GEDDES (Northern): During this debate, in which there is suspicion and in which there is the unknown, the Minister of Health this afternoon tried to cover up for the Ministry or for the Government, saying the Opposition was making allegations against the Ombudsman. I must deny that that was ever the intention of the motion moved by the Hon. Mr. Whyte. On examining the situation described by Mr. and Mrs. Elston, the Ombudsman stated:

On looking at the information forwarded to me by the department I am satisfied that the first notice of acquisition that you received was, as you have stated, by means of a telephone communication conveyed to the auctioneer on the morning of the auction. On looking at various departmental records it would appear that the persons responsible were severely criticized for approaching you in this way and there were explicit recommendations made that this procedure not be repeated on future occasions.

Who was responsible for giving these instructions? Who was severely criticized? Was it the Minister, or was it a departmental official? The Ombudsman lays the charge that people were guilty of a practice that is not common in departmental circles, that people overstepped the mark of their authority. On whose authority would a telephone call have been made at such short notice to say that the property was required and would be taken? These are the points the Opposition would like clarified.

The Ombudsman knows much more that he is unable to spell out, because, as he says, it is not within his role at this time. This whole mess and the subsequent treatment of the property reflect no credit on the Government, especially when it lays claim to a belief in open Government, where people can see and understand what is going on. A great deal of fear has been generated in the participants by this case—a fear that the participants, by saying that the telephone call came at the last moment, would find that if they did not accept the price put up by the Highways Department compulsory acquisition would be a worse solution for them.

The Hon. D. H. L. Banfield: They got a better go. There was no fear.

The Hon. R. A. GEDDES: They probably feared (as the Hon. Mr. Burdett suggested) that if they went to court that could cost so much money that they would lose again. All these things need to be brought into the open so that we can see that such a situation does not occur again. I supported the original motion, and I also support the amendment the Hon. Mr. Potter has had the foresight to move.

The Hon. Sir ARTHUR RYMILL (Central No. 2): I rise merely to make one point that emerges from the speech of the Minister of Health this afternoon. The Minister accused the Hon. Mr. Whyte, in effect, of moving a vote of no confidence in the Ombudsman. I find this a strange accusation. The Hon. Mr. Whyte's motion is to ask the Ombudsman to investigate a matter he thinks should be investigated. Does one ask a person in whom one has no confidence to investigate a matter that one considers requires investigation? I find the Minister's suggestion totally ridiculous.

The Hon. D. H. L. Banfield: Even though the Ombudsman had already investigated and reported on it?

The Hon. M. B. Cameron: Was the Hon. Mr. Whyte aware of that?

The Hon. Sir ARTHUR RYMILL: I can only feel that the Minister's statement is made with political motives.

The Hon. A. M. WHYTE (Northern): In closing this debate, I thank honourable members for the keen interest they have shown. I feel somewhat honoured that, although I have spoken on this matter on several occasions (and it is not, as the Minister suggested, three years after it happened), this is the first time anyone has pricked up his ears. I do not know whether it was because the magical name of Dunstan was mentioned, or what sparked the interest. Whatever it was, I am pleased that I have raised the matter again and that I have at last obtained some satisfaction in so doing.

I thank honourable members who supported me so admirably and who contributed so much to the debate. The amendment moved by the Hon. Mr. Potter is well worth while, because it spells out more explicitly what I intended. I wanted the matter thoroughly investigated, and I wanted the public to know what traps they could fall into, as well as their proper rights, under the law, to be protected. If this motion is carried, if it gets the support of the Parliament, we will have revelations to the public that will no doubt help in future transactions, giving people the protection the law provides for them, provided they fully understand that law.

The Minister of Health, in his contribution in support of the Government, did a very good job, although I thought perhaps in some cases it was with tongue in cheek. He accused me of slighting the Premier and the Ombudsman, but nothing could be further from the truth. I spoke to the Premier on this matter and, as he has always been in my dealings with him, he was quite courteous. He did not shout, and I do not think he wanted the Minister to shout today in reply. However, when one is not on the winning side it is not so easy to control oneself. In speaking of the Ombudsman, we are referring to a man who has served his country with distinction in war and peace, a man recognized by the whole State as a person of integrity. I think every member of this Council was pleased when he was appointed to this most responsible position.

The Hon. R. C. DeGaris: Hear, hear!

The Hon. D. H. L. Banfield: He was appointed by this Government, and we have still got confidence in him. That was what I said this afternoon.

The Hon. M. B. Cameron: Then let him do the job.

The Hon. D. H. L. Banfield: He has given his report, and we accept it.

The Hon. M. B. Cameron: He has not given a report on the other matter.

The Hon. R. C. DeGaris: He said that he had no jurisdiction.

The Hon. D. H. L. Banfield: Why is it on the table if he didn't report?

The Hon. A. M. WHYTE: I am not one who says everything this Government has done is wrong; only about 90 per cent of it is wrong.

The Hon. D. H. L. Banfield: That is a better average than your Government.

The Hon. A. J. Shard: Now you are exaggerating.

The Hon. C. M. Hill: We want to be fair.

The PRESIDENT: Order!

The Hon. A. M. WHYTE: The Ombudsman certainly had the backing of this Council, and I think of the whole Parliament, in his appointment. The Minister was so far removed from the intent of my remarks that I cannot help but refer him again to the request I made. Of course, the Ombudsman's report was very good, and I thank him for anticipating this debate because, as he says in his report:

This report is in the printer's hands and will be available to all members in the near future.

However, because of the import in his mind of the debate, he made available this copy of that section of the report dealing with this matter. That in itself is some reason for believing that he still has an interest in this matter.

The Hon. R. C. DeGaris: Your motion was only clarified by Mr. Potter's amendments.

The Hon. A. M. WHYTE: Perhaps I sidetracked a little in referring to the Ombudsman, but he did not have the opportunity, and was never requested, to make the investigations I ask of him now. His investigations were those requested by Mr. and Mrs. Elston; they dealt entirely with how much compensation should have been paid. This was resolved and, therefore, I suppose at about the time of accepting the \$18,000, apart from the principle of the thing, the Elstons faded out of the picture, as I said previously. Why they accepted the \$18 000 is, of course, another matter. They were not aware of their full rights; there was not an Ombudsman at that time whom they could approach, but they did approach their local member of Parliament, who acted to the best of his ability and at least got an answer from the Highways Department. Previous to that, the Elstons had been sitting there believing, as they did, in the Government at that time and that they would get a very fair deal. It was not until the member for Stuart negotiated with the Highways Department that it made an offer at all. Whether or not it was the member for Stuart who then said, "You have a right of appeal" I do not know. Eventually, another offer was made, but they were not aware, for instance, that section 10 of the Land Acquisition Act spells out clearly the rights of a person whose property could be acquired. It provides:

(1) Where the authority proposes to acquire land for the purposes of an authorized undertaking, it shall serve upon each person who has an interest in the land, or such of those persons as, after diligent inquiry, become known to the authority, a notice, in the prescribed form, of intention to acquire the land.

(2) The authority shall not acquire any land for the purposes of the undertaking (by agreement or otherwise) unless the requirements of subsection (1) of this section have been satisfied.

This is the legislation, and the people who drew it up thought about acquisition and the hardships that could be imposed on people. No matter how we look at any acquisition, it is not pleasant even if necessary.

The Hon. R. C. DeGaris: What right had the Government to stop the sale; why was the sale stopped?

The Hon. A. M. WHYTE: I will come to that directly, but what I am pointing out here, with regard to the Act, is that the Elstons never had a notice of acquisition served on them. I repeat the words "a notice, in the prescribed form, of intention to acquire the land".

The Hon. M. B. Cameron: That is not a telephone call.

The Hon. A. M. WHYTE: This notice was served on a hired auctioneer.

The Hon. M. B. Cameron: By a telephone call?

The Hon. A. M. WHYTE: Yes; it was passed on to the Elstons by the auctioneer.

The Hon. M. B. Cameron: Incredible!

The Hon. A. M. WHYTE: And the Minister implied that the case should be closed and nothing more should be said about it. To my mind, nothing could be further from the truth. There are other relevant sections of the Act. I was saying that we all realize that the Government must have the right to acquire land, but to my mind acquisition is the last resort. It is one of those principles that should be adhered to as little as possible. Where negotiation is possible, the Government should take that course.

The Hon. D. H. L. Banfield: That is what happened on this occasion.

The Hon. A. M. WHYTE: Can you explain to me how it happened?

The Hon. D. H. L. Banfield: There was the report of the Ombudsman. If you did not read the report, you would not know that the Elstons got another valuer, their own private valuer.

The Hon. A. M. WHYTE: After the sale had been stopped.

The Hon. D. H. L. Banfield: He told them what he thought the value of the property was. They then negotiated with the Highways Department, which settled for the Elstons' figure.

The Hon. M. B. Cameron: Are you sure it was a private valuation?

The Hon. D. H. L. Banfield: Yes, I am sure. It was Elston's own choice of a valuator.

The Hon. A. M. WHYTE: Let me explain to the Minister what happened, because he is not fully conversant with the matter. I do not blame him for that because he was detailed to take the Government side of the debate. He did not fully understand the matter.

The Hon. D. H. L. Banfield: Thank you!

The Hon. A. M. WHYTE: The Minister is not conversant with the whole matter. When he says that a deal took place between the Highways Department and the Elstons, in the first place the member for Stuart was able to ascertain that the Highways Department would pay \$14 700, and the Elstons, quite rightly, refused that. They were then advised that they could get a private valuation, which they did. They were advised also, at the same time, that that was as far as they could go and, if they were wise, they would accept that figure, because the Government still had the right to acquire the land.

The Hon. D. H. L. Banfield: Approved by the M.A.T.S. plan.

The Hon. A. M. WHYTE: If you spoke to the Elstons, they would not hesitate to tell you—

The PRESIDENT: Order!

The Hon. D. H. L. Banfield: Why didn't you tell them, to put the record straight?

The Hon. A. M. WHYTE: I did not think—

The Hon. D. H. L. Banfield: Of course you did not.

The Hon. T. M. Casey: You are under Parliamentary privilege.

The PRESIDENT: Order!

The Hon. A. M. WHYTE: I also observe the principle that I do not make accusations against people who are not present.

The Hon. D. H. L. Banfield: You accused the Premier, and he was not present.

The Hon. A. M. WHYTE: I am pleased you have brought that up. I have not accused the Premier. If the Minister has read *Hansard* (and I may have to quote from *Hansard*) he will have seen that I made no accusations against the Premier, and I make no accusation against him now. The reference to the Premier was made in a signed letter from the Elstons to me, which I can show the Minister, who can see just what Mr. Edmund said.

The Hon. D. H. L. Banfield: You intend to introduce it into the debate?

The Hon. A. M. WHYTE: Yes.

The Hon. D. H. L. Banfield: It was a snide remark.

The Hon. A. M. WHYTE: No.

The PRESIDENT: I think we have had enough interjections. The Hon. Mr. Whyte.

The Hon. A. M. WHYTE: I refer to section 15 (6) of the Land Acquisition Act, which provides:

If, after the expiration of three months from the day on which a notice was served under subsection (5) of this section, the authority and the claimant are not agreed on the amount of compensation that should be paid, either the authority or the claimant may refer the matter to the court for determination.

This was never made known to the Elstons, either. Overall, these people did not really have any chance right from the word go. The fact that people have certain rights should be revealed to the public, as such acquisition as this cannot be tolerated. The Land Acquisition Act was never designed for this, and the more we highlight this fact the sooner we will get justice. I hope that the Council will pass the motion with the amendments moved by the Hon. Mr. Potter.

The PRESIDENT: The question is that the Hon. Mr. Potter's amendments be agreed to.

Amendments carried.

The PRESIDENT: The question now is that the motion as amended be agreed to.

Motion as amended carried.

KINGSCOTE PLANNING REGULATIONS

Adjourned debate on motion of the Hon. R. C. DeGaris: That the regulations made on March 14, 1974, under the Planning and Development Act, 1966-1973, in respect of interim development control, District Council of Kingscote, laid on the table on this Council on March 19, 1974, be disallowed.

(Continued from August 21. Page 586.)

The Hon. J. C. BURDETT (Southern): I support this motion, but not because the regulations are in themselves bad—they are not. No-one who has spoken to this motion so far has suggested they are, but the question has been asked twice already in this debate whether administration should be handed over to the local council pursuant to section 41 of the relevant Act or whether the regulations can be administered by the State Planning Office.

The mover of the motion asked the Government to show its hand in this matter. He asked whether the Government would say whether or not administration would be handed over to the relevant council. The Hon. Mr. Geddes asked this last Wednesday. No replies have been given, and it is obvious that in this matter, which involves, as it were, an oversea territory, the regulations can better be administered locally than from Adelaide. It has been reported locally from Kangaroo Island that the State Planning Office has suggested it has no further interest in administering the regulations and has no objection to their administration being handed over to the council.

The Hon. R. C. DeGaris: We do not know whether that is right, though, do we?

The Hon. I. C. BURDETT: That is so. Will the Government notify us in this Council whether that is so because, if it is so and if we are so informed, this motion need not occupy any more of our time. However, unless and until we are so informed, I must support the motion.

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

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 27. Page 668.)

The Hon. M. B. DAWKINS (Midland): I rise to speak briefly to this Bill, which has been dealt with in some detail by the Hon. Mr. Hill. I find myself unable to address myself to the Bill with any enthusiasm, because it does, as the Minister has said, increase motor registration, drivers licence and permit and testing fees. It is regrettable to me that this Bill seems to be necessary. If we had had what I consider to be proper consideration from the Commonwealth Government in relation to money for road purposes, probably this Bill would not have been necessary. The increases, detailed to some extent by the Hon. Mr. Hill, are considerable, ranging from 25 per cent in a number of instances to considerably more than that percentage.

The Bill defines caravans for the first time, and provides for a number of alterations to registration fees, which are designed to come into operation on October 1 next. As I have said, several of these increases appear to be excessive, and it is regrettable that the Government has seen fit to bring the Bill to this Council. I do not intend to deal with it in detail this afternoon, as the Hon. Mr. Hill has covered it very well. He has an amendment on file which deals with the possibility of giving further consideration to pensioners in registering trailers. This I support. I note that the Bill gives consideration to pensioners and people who are incapacitated, by altering the percentage of rebate from 15 per cent to 30 per cent. To that extent, I commend the Government. At this stage I do not intend to proceed further. I give my support somewhat reluctantly to the second reading and hope the Bill may be improved slightly in Committee.

The Hon. M. B. CAMERON (Southern): I support the Bill, like the Hon. Mr. Dawkins, somewhat reluctantly. I listened with interest to the Minister's second reading explanation, which was wide ranging. In fact, it seemed not to relate to this Council or to the Bill under consideration. It went right across the board and even got to mentioning the member for Gouger in another place. I do not know how that member came into it, unless the Minister thinks he is still a member of the Council.

The Hon. D. H. L. Banfield: He's still the member for Gouger, isn't he?

The Hon. M. B. CAMERON: Yes, but the Minister got a little mixed up in his thoughts. He spoke about being violently opposed to the policies being brought down by the Commonwealth Government on the Commonwealth Aid Roads Grant Bill. I can understand his being violently opposed to it, because it has done everything but take all the money away. The Commonwealth Government has certainly reduced the amount below that which would have been given by any other Government. There have been reductions of \$3 000 000, \$6 000 000, and \$5 000 000, in the recommendations of the Grants Commission, in the amounts to be given even to this State. The reason given for why local government was not informed about what funds were available was that the Senate had not passed this aid roads grant Bill. Thank goodness it did not, because I am sure the Minister would not have agreed with the Bill presented to the Senate by the Commonwealth Government, and I trust he has added his voice to the protests that must have been coming from all States on this matter, because under that Bill the Minister would not have had power in regard to road grants. He would have found that the Commonwealth Minister had power not only to give or refuse to give approval but also to withdraw the approval. It was an incredible piece of legislation that would have taken away all the rights of the Minister of Transport of this State, so some good has come from the opposition to it in the Senate. The second reading explanation also indicated that the Minister did not really know what allocations were being made to local government by the Commonwealth Government. In fact, several times recently, and in this speech, the Minister said that a letter was being circulated among local government authorities of which he was completely unaware. He said he had had to rely on the good offices he had with local government in this State to obtain a copy of that letter, which was being circulated by a Minister of his own political persuasion. He could not get a copy of the letter from that Minister, but had to get it from someone in local government. What an incredible situation.

I was somewhat concerned about the inaccuracy of the second reading explanation. I hope that in future the Minister will give this Council a better indication of what Government policy is, and not merely serve up on a platter the same information as was given to another place. Surely we deserve better treatment than being told in a second reading explanation, full of inaccuracies, what has been said by a Minister in another place, without any corrections being made.

The Bill provides savage increases in costs to motorists in South Australia. Clearly, this results from the lack of funds provided by the Commonwealth Government. The amount provided to South Australia represents a savage decrease from the amount recommended by the Grants Commission, and that is something for which the Commonwealth Government will answer at the next election. Indeed, I can imagine what the Minister would have said if an L.C.L. Government had made the same sort of decreases in the face of a recommendation. We would have heard about it from next Christmas until the following Christmas but, because the Commonwealth Government is a Government of the Minister's own political persuasion, we do not hear much about it at all. Instead, all we find

is that the public is to be slugged savagely by the State Government in an attempt to make up the deficiency.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

New clause 6a—"Registration fee for certain pensioners."

The Hon. C. M. HILL: I move to insert the following new clause:

6a. The following section is enacted and inserted in the principal Act immediately after section 38a:

38ab. (1) If the Registrar is satisfied by such evidence as he requires that the owner of a trailer—

(a) is in receipt of a pension paid or payable under any Act or law of the Commonwealth, and that he is, by virtue of being in receipt of such a pension, entitled to travel on any public transport in South Australia at concession fares under any Act, regulation or by-law for the time being in force;

and

(b) the trailer will during the period for which it is sought to be registered be wholly or mainly employed in the personal use of the owner, the registration fee for that trailer shall be reduced by 20 per cent of the amount prescribed by section 29 of this Act in respect of that trailer.

(2) This section shall not authorize the registration at a reduced fee of more than one trailer owned by the same owner.

(3) If the registered owner of a trailer that has been registered at a reduced fee in accordance with this section dies, or ceases to be the owner of the trailer, the registration shall, subject to this Act, continue in force for a period of one month after his death, or the cessation of his ownership, and shall, unless the balance of the registration fee, as defined in section 40 of this Act, is paid, become void upon the expiration of that period.

This new clause seeks to obtain some benefit for pensioners owning a caravan or trailer. It refers only to trailers, because caravans are defined as a type of trailer and there is therefore no need to refer specifically to them. Yesterday I pointed out that the Government had properly helped pensioners by increasing the reduction applying to the registration fees in respect of their motor cars, so that after the passing of this Bill the amount a pensioner would have to pay would be the same amount as was paid previously. I commend the Government for that consideration. However, I believe the Government is in error on this matter.

The Hon. T. M. Casey: You want the Government to go a lot further?

The Hon. C. M. HILL: No, I do not want the Government to do that at all. I should like the Minister to listen to what I say. I want the Government to consider the situation of pensioners owning a caravan or trailer. The new clause seeks to reduce the amount payable. Although I referred to other percentages in the second reading debate, after further consideration I have settled on 20 per cent.

If the new clause is passed, a pensioner will pay the same registration fee for a caravan as he was required to pay previously. I am carrying on the precedent set by the Government in other parts of the Bill, where the Government gives specific assistance to pensioners in respect of registration of motor cars. I stress that caravans are for many pensioners their sole and only means of enjoying holidays and other interests and enjoyments away from their home. I had been told of many instances where pensioners have had to give up their homes and are living in a caravan, which is being used as a home.

The Hon. D. H. L. Banfield: Do they pay rates?

The Hon. C. M. HILL: They do not pay rates; nor do they enjoy the benefits that should accrue from

paying rates because, when paying council rates, one expects some service from the local government body. However, these people pay camping fees in various caravan parks, beaches, towns and settlements throughout the land. This group of people is worthy of consideration.

The present Government has in many respects been helpful to pensioners, and I know that other Governments have, throughout our history, been helpful to these people. I fail to see how this plea could fall on deaf ears, if the Government is genuine in its efforts to assist pensioners in every possible way.

The new clause also covers the fact that these pensioners are, by definition, treated exactly the same as are those pensioners who receive benefits under other parts of the Bill. Only one trailer is subject to this benefit, just as only one motor vehicle owned by a pensioner is subject to the same sort of benefit.

The Hon. D. H. L. BANFIELD (Minister of Health): The Government has for a long time been most sympathetic to pensioners and people on lower incomes, and it has done much to assist them. I am pleased to see the interest shown in them by the Hon. Mr. Hill. He has put up a strong case for the suggested new clause. Therefore, I am willing to accept it.

The CHAIRMAN: I point out that this will be a suggested new clause.

Suggested new clause inserted.

Remaining clauses (7 to 15) and title passed.

Bill reported with an amendment. Committee's report adopted.

PUBLIC PURPOSES LOAN BILL

Adjourned debate on second reading.

(Continued from August 27. Page 670.)

The Hon. V. G. SPRINGETT (Southern): One of the things that one can never forget with finance, be it personal, family, or State finance, is the old saying that he who pays the piper calls the tune. Probably, however, the Government is the exception that proves the rule, because it is the individual citizen that pays the piper but the Government that calls the tune. With the centralist system of Government, the Government in Canberra can call the tune, but with federalism the tune can be varied by the State.

I should like briefly to refer to one or two aspects of the Bill, the first of which relates to tertiary education, which is now to be "free". The term "free" always irritates me. We say we have free education, free medicine and free health services, but there is nothing free about them at all. They may not have to be paid for at the time they are received or used, but they must be paid for either in advance or in retrospect. Some folks say that everyone has a right to receive tertiary education. I also disagree with this use of the word "right", because no-one has a right to anything in this world for which one has not worked or for which one has not made some effort in order to get it. Tertiary education is a privilege, just as we have other privileges in life, and it has to be paid for out of the taxpayers' money, an aspect that must be taken seriously.

We have seen troubles at various universities in this country. I refer, for instance, to the Monash and Macquarie universities and, not the least of all, Flinders University in our own State. Students have been sitting in at the Flinders University because they are demanding that certain rights be given to them regarding the maintenance and organization of their examinations. There is doubt whether the students should or should not be subjected to examinations. I have every sympathy for the students who want to be represented on boards and to have a say on how

and when they should be tested. However, although they should have representation, the students should not be able to dictate their wishes. So often the sit-ins by and the demands of students, and also their objections to university methods, are completely unreasonable. I was pleased to see in this afternoon's press that steps have been taken by staff members at the Flinders University to end the prolonged sit-in there. Tertiary education is not free, and in this respect we must ensure not only that the students get a fair deal but also that society gets a fair deal from the students.

I refer also to the site of the new city of Monarto, and I ask the Minister whether he will answer a couple of questions regarding this matter when he closes the debate. At the latter end of last year the Minister of Environment and Conservation addressed a meeting at Monarto which was attended by many local people. The Minister made the point that the land being acquired at Monarto could be sold to the Government and the former owner could rent the land until it was required. I should like to know how many people have taken up that offer by the Government and are renting land. Is this procedure being adopted, or is the land merely becoming an idle area?

According to the Minister's explanation of the Loan Estimates, we are told that the Commonwealth Government has been tardy and has caused considerable delay in the payment for acquired land at Monarto. This has caused a considerable drain on State funds. Apparently, although the State Government expected to have to pay out about \$1 500 000 in this respect, it actually had to pay out about \$7 600 000. Will the Minister tell the Council how long it will be before the Commonwealth Government meets its part of the cost?

I refer also to hospital and health services, with which I link the money that is being spent on drainage and sewerage. So often the latter items are a vital part of health care, because without good drainage and sewerage and a clean, wholesome water supply, hepatitis and other intestinal diseases will abound. Although we have hospitals and health services, there is one part of life to which we do not seem to be paying much attention: I refer to the care of terminally ill patients. I understand that until recent years over 90 beds were available for the care of terminally ill patients in this State. However, for one reason or another this number of beds has dropped enormously, despite there being an increased number of people who are living longer and who, in their last few years, need an increasing amount of care that they are unable to get in their own homes. I believe that the Home for Incurables is being expanded and that ultimately it will have more than 400 beds, but when will that aim be achieved? At present there are relatively few beds available for people needing terminal care; I am referring not only to cancer patients but to those suffering from other diseases, too. I shall be grateful if the Minister will reply to the matters I have raised. I am concerned that, because of the present rate of inflation, the sums allocated in this Bill will not be adequate. How much more does the Government expect to find?

The Hon. J. C. BURDETT (Southern): I support the second reading of this Bill. I support the criticisms made by the Hon. Mr. DeGaris and the Hon. Mr. Hill. With one exception, I will not repeat what has been said about specific matters, but I do not want that to be taken as an indication that I support all the provisions made in this Bill apart from those to which I will refer specifically.

The Hon. Mr. DeGaris and the Hon. Mr. Hill expressed concern, which I share, that a large part of the allocation for the South Australian Housing Trust will be made available for rental houses rather than purchase houses. In most cases the rental houses are made available by the Housing Trust at a rental that is less than an economic rental. This means that the occupants are, in effect, subsidized by other taxpayers. Of course, I acknowledge that there are real reasons why in certain situations rental houses should be made available, but care should be taken to ensure that they are made available only in appropriate circumstances.

The allocation for the Monarto Development Commission includes an allocation for the acquisition of land, and there are other provisions for the acquisition of land. In the last few days considerable concern has been expressed in this place about Government practices in connection with land acquisition, both in principle and in detail. When speaking on the Appropriation Bill last session and in the Address in Reply debate this session, I expressed dissatisfaction with the principles relating to compensation adopted in connection with compulsory acquisition of land. I suggested that compensation did not go far enough, and I repeat that now. The principles have not changed, but this matter was less important in the past, when not so much land was compulsorily acquired. However, at present, with large tracts of land in various places being acquired, the problem assumes greater importance. Genuine financial losses may be incurred by people who have their land compulsorily acquired and who do not receive adequate compensation. In ordinary cases all that they can receive is market value plus disturbance. This latter aspect of disturbance is very limited.

I will give some examples of people who suffer real financial losses in excess of compensation for market value and disturbance but who can receive no compensation for such losses. I refer first to the people at Monarto, as did the Hon. Mr. Springett. These people in the main were mixed farmers relying largely on wheat. Mixed farming was all that they knew, and many of them are not able to adapt themselves to anything else. The landowners at Monarto claim that they were told at the outset that the compensation would be sufficient to set them up on comparable wheatgrowing properties elsewhere, but this has not proved to be the case.

Because many farmers have been dispossessed at the same time, most have found it very difficult to find other wheatgrowing properties with quotas comparable to the quotas applying to the properties acquired; further, they have found it impossible to buy such properties at anything like the same price. On March 14 I suggested to the Government that it could possibly compensate these people in a way that would not cost the Government any money. I suggested that these people should be allowed to take their wheat quotas with them. I said that this would require an amendment to the relevant Act, but it would enable them to acquire properties elsewhere that did not have a wheat quota. There are many areas suitable for wheatgrowing which have not been used for that purpose in the past and which do not have a quota. My suggestion proposed a way of getting justice for these people without costing the Government any money and without upsetting the wheat quota principle. However, I have not received a reply to my question.

The second class of person who can be disadvantaged financially through compulsory acquisition and who cannot get adequate compensation is the person who has carried on a business the buildings and improvements for which

have a market value far less than what it would cost to set up a similar set of buildings elsewhere. The people who find themselves in that situation can be paid only the market value, which is not sufficient to enable them to set up the necessary buildings and equipment to carry on their business elsewhere.

The Hon. T. M. Casey: Are you suggesting that all those people who have had their Monarto properties acquired have not set up on properties elsewhere?

The Hon. J. C. BURDETT: I did not suggest that, but I suggested that very many have not done so.

The Hon. T. M. Casey: Do they want to go on the land?

The Hon. J. C. BURDETT: Many do. I have had many complaints from landowners in Monarto stating that they were told at the outset that they would be given compensation that would make it possible for them to buy comparable properties elsewhere. I have had many complaints since then that that has not been the case, that they want to buy comparable properties because they know nothing except mixed farming, including wheatgrowing, but they are unable to buy properties for that figure that are in any way comparable or that would enable them to earn anything like the same income. I have had many such complaints, and I say that seriously.

The next class of people who could be disadvantaged by compulsory acquisition and not get proper compensation are those who are conducting a developing business, people who, during the developing stage of their business, are receiving a low income. Their property is compulsorily acquired and when it is acquired all they can receive under the present principle is the market value plus disturbance. Then they have to go through the same low-income period again to develop a fresh business, and they receive no compensation therefor.

There are all kinds of example in relation to house properties. I know of one couple who purchased an old house at Monarto as a residence with a considerable area of land around it. They spent a great deal of time and money in developing the house and the grounds in the way they wanted. It was simply what they wanted, just as they required it. It was compulsorily acquired, and they could receive only the market value and disturbance. For the money received, they cannot get anywhere else a house of this kind, a large house in substantial grounds. The money they received would not go half way towards it. They received no compensation for that. I have previously made detailed submissions that I will not repeat now, suggesting that a formula should be devised to allow for full compensation in such cases.

I also refer to the practice in compulsory acquisition, including compulsory acquisition in the Monarto area, which these Estimates in part allow for. It is necessary that certain departments, for certain purposes, have powers of compulsory acquisition. In my opinion, however, it is a necessary evil and should be most carefully exercised. It should be exercised only as a last resort and only when it is essential in the public interest, not in the interest of any private person or group, even if that group is subsidized by the Government. It is essential that this power should be exercised only when it is in the public interest.

The next thing in the practical matter of the administration of compulsory acquisition is that, in my opinion, it is essential that the officers conducting the acquisition and carrying out the negotiations in the matter of compensation should exercise courtesy and co-operation with the landowners. Many of the landowners in Monarto

have told me they found it most difficult to negotiate with the Government's valuers, who were adamant that the first figure was the last, and the landowners found it most difficult to conduct any sort of intelligent, reasonable, and amicable negotiations.

On this matter, a committee was appointed this year, pursuant to the provisions of the Murray New Town (Land Acquisition) Act, to fix attributed values, a figure taken into account in determining compensation. To this committee there was appointed by the Government Mr. Tony Richardson, the General Manager of the Monarto Development Commission. I want to make it clear that I intend no criticism of Mr. Richardson, who appears to be doing an excellent job in his capacity as General Manager of the Monarto Development Commission. However, it did seem undesirable that a person with such an obvious interest and so closely associated with the Government and with Monarto, as opposed to the landowners, should be placed on the committee. This matter was raised on a television programme, *State File*, on March 18, by some representatives of the Monarto landowners. The Minister of Development and Mines also appeared on the programme and said it did not matter very much, because attributed values had no significance until notices of acquisition had been issued. In practice, this has proved to be not so; right at the outset, long before an acquisition notice has been issued, attributed values have been taken into account and used by Government valuers.

The next and quite different matter to which I refer is that I was disappointed to find in the Estimates no provision for a new primary school at Mannum. I mentioned this matter in the debate on the Appropriation Bill in the previous session, and I asked a question about it on August 29 last year. The Government had acknowledged, some years ago, the need for a new primary school at Mannum, but the answer to my question was, in effect, that the priority was not high enough. It is certainly the opinion of most of the parents and of the primary school council that the priority is extremely high and that there is a pressing need for a new primary school at Mannum. Some time ago, land was acquired for that purpose. I should like the Minister to say whether the provision of a new primary school will be further considered and perhaps placed on the Estimates next year.

I have noticed a provision for dams, locks, and so on. Some responsible people have suggested that the water storage within South Australia could be significantly increased by adding to the height of the Goolwa barrages. It has been admitted by those people that some compensation would have to be paid, because some areas would be flooded, but it has been suggested that the water storage could be substantially increased by this means, comparatively inexpensively. Will the Minister indicate whether consideration will be given to such a scheme? On page 8 of the documents, under the heading "Engineering and Water Supply", I notice a provision for Murray River disposal stations. Will the Minister state what these are and what is intended by this line?

The Hon. C. R. Story: Perhaps he will tell you now.

The Hon. J. C. BURDETT: He may. I think I know what they are and, if I am right, I am surprised that they are included under this heading. I think they are probably the suggested storage points for effluent discharged from houseboats. That is the only thing I can think of. It has been suggested that, in order to avoid pollution of the Murray River, the Government should establish disposal points for effluent from houseboats, so that the effluent can be deposited at those various points. I am surprised

that it should be under the heading of country waterworks, and not included with country sewerage. However, perhaps for administrative reasons that is where it should be. If this is not so, I should like the Minister to tell me, either now or later. If this is what it means, I ask him to give the Council some idea of the nature of these disposal points and their approximate distribution: that is to say, about how many there will be.

The Hon. C. M. Hill: This is the first time I have known the Minister to be short of words.

The Hon. J. C. BURDETT: I have no doubt he will come to that later. In most of these things I have criticized the Government, so it gives me some pleasure to conclude by congratulating the Government on one portion of the Loan Estimates.

The Hon. A. J. Shard: Goodness comes out sometimes.

The Hon. J. C. BURDETT: I thank the honourable member. I refer to page 15 of the Loan Estimates, where we find that a considerable amount of money is to be spent by way of grants to various hospitals, including Government-subsidized hospitals. It seems to me from the inquiries I have made that, having regard to the limited financial resources of the Government, there is considerable generosity in this regard; there has been a fairly generous provision for capital works in the Government-subsidized hospitals. I have spoken to the staff and board members in several hospitals. I find they did not get all they wanted but they recognize that the Government is providing for the emphasis that should be placed on this kind of work. I congratulate the Government for continuing the policy established by previous Governments in regard to Government-subsidized hospitals.

The system we have in South Australia is probably unique in the world, in that we have the Government-subsidized hospitals spread throughout a State with a fairly scattered population, so that many, though not all, people can be nursed near their own homes and people when they are sick. Also, this splendid system of Government-subsidized hospitals provides excellent co-operation in the running of the hospitals between local boards of management and the Government, in both financial and other matters. Many of these hospitals at present have considerable financial problems. I hope the Government keeps a close eye on them to see that this splendid system, which has operated well for some time in South Australia and is being well sponsored by the Government at present, is not jeopardized by financial difficulties in the individual hospitals. I support the second reading of this Bill.

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

PAY-ROLL TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 27. Page 663.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill reflects the agreement reached at a conference between the Premiers of the States, when it was agreed that pay-roll tax would rise from 4½ per cent to 5 per cent in all States. When pay-roll tax was first introduced, it ran at the rate of 2½ per cent; then it rose to 3½ per cent and 4½ per cent, and now it is to rise to 5 per cent. This is a money Bill so there is very little we can do with it. It does exactly what the second reading explanation says it does: it raises the pay-roll tax from 4½ per cent to 5 per cent. Nevertheless, I think I should comment on some matters relating to pay-roll tax. The second reading explanation states:

The effect of this increase will result in an estimated additional \$5 000 000 of revenue accruing to this State for the remainder of this financial year and an additional \$7 000 000 of revenue in a full year.

Considering that the actual receipts for pay-roll tax in 1973-74 amounted to \$54 276 000, a rise of \$5 000 000 in one year does not appear to be very much if looked at as a percentage rise. However, these figures are most conservatively drawn. The increase will be more than that. Indeed, owing to the rise in pay-roll tax and the increase in wages paid, it is possible that the increase in the 1974-75 receipts will be about 30 per cent above the \$54 000 000 collected last year. I predict that this Bill as it now stands will raise a total revenue next year of \$80 000 000, and the following year of over \$100 000 000.

Let us examine these figures. The actual receipts last year for pay roll tax were slightly over \$54 000 000. I am allowing for a 20 per cent increase in wages for a full financial year; no-one here would care to argue that point. Therefore, at the current rate of 4½ cent, taking the increase in wages alone, the total collected will be \$65 000 000—an increase of \$11 000 000 on just the ½ per cent increase alone. Of course, the ½ per cent does not operate for the full year: it goes only from September 1, possibly, and the yield will be about \$70 000 000 for the year, which will be an increase of about \$16 000 000, of which \$10 855 000 is due to the escalation of average weekly earnings, plus new firms entering the system. So the increase will be about \$16 000 000 in the coming year, and about \$5 500 000 from the actual ½ per cent.

Whilst the figure given in the second reading explanation of \$5 000 000 for the coming year is an extremely conservative figure, the actual increase in tax collected next year as pay-roll tax will be about \$16 000 000. There are one or two other matters I should like to touch on. Perhaps I could give the Council a few other figures. Looking at the monthly statements in regard to pay-roll tax collection, in June, 1974, the collection was \$5 460 000; in July the collection was \$6 900 000. If the July increase is maintained, even at the present rate of 4½ per cent, the total collection in the next financial year will be \$82 800 000. Nevertheless, I appreciate that some firms pay quarterly and not monthly. What I have done to assess this figure is to take the monthly collections over three months and multiply by four, which gives me the figure I gave earlier, but the collection in the next financial year will be \$70 000 000 for the State. I give those figures to indicate the expansion of pay-roll tax, which at the present time is \$54 000 000, and I believe that by the end of 1976 the collection will be \$100 000 000 or more.

I want to make a few other comments on pay-roll tax as it applies to this State. In 1941, when pay-roll tax was first introduced as a Commonwealth tax, the annual exemption from that tax was the sum of \$2 080. In 1957 this figure was increased to \$20 800. That figure has remained until the present time, from 1957 to 1974. The exemption is still \$20 800 in the payment of pay-roll tax. In 1957 the number of employees that one could employ for a pay-roll of \$20 800 was about 10: at present, the average weekly earnings are \$119, so the average number of employees included in the pay-roll tax exemption is 3.6. The exemption has not been altered since 1957, yet average weekly earnings in Australia have reached \$119 a week. Using the 10 employee figure applicable in 1957, the current pay-roll tax exemption should be about \$60 000 or \$70 000, to maintain parity.

I refer now to the effects of wage indexation and associated matters in respect of pay-roll tax. Wage indexation alone could have a serious impact on the collection of the tax, and I believe the Government should closely examine the matter of exemptions, especially as exemptions have not changed for almost 20 years, with a view to increasing the exemption above \$20 800. Small businesses are being caught and are having to pay pay-roll tax. Even a small delicatessen could have a pay-roll exceeding \$20 800 annually, and I do not believe it was ever intended that this tax should inflict a burden on these small people in the community.

Further, South Australia has not so far used pay-roll tax as an incentive for decentralization. This system has been introduced in Victoria to good effect, and the Government should be looking at this matter to encourage decentralization. Despite conjecture about Monarto facing many difficulties, I can state with certainty that the Government will have a hard job getting industry to move there, and the use of pay-roll tax as an incentive may assist to get industry to move there and to Spencer Gulf and the South-East, the three designated growth areas in South Australia.

I believe the system applying in Victoria is that pay-roll tax varies from one area to another. Certain areas are determined to be growth areas, and the further away from Melbourne a company moves the lower is the pay-roll tax. In some areas, no pay-roll tax applies, and this system should be examined by the Government as a means of assisting in the decentralization of industry in South Australia.

Many charitable organizations are not exempted from, pay-roll tax, one such organization being the Anti-Cancer Foundation. This organization does a splendid job in the community, yet it must pay pay-roll tax, which is a severe burden. I have referred to this situation because I believe there are several similar organizations. Although they are not voluntary organizations, their function supplements those provided by Government hospitals, and they provide a service to people in the interests of the community, yet these organizations must meet their pay-roll tax commitments. They should be looked on as charitable organizations and be exempt from pay-roll tax.

In supporting the Bill, I emphasize that the \$5 000 000 increase referred to in the second reading explanation is a conservative figure. I estimate the increase for the current financial year, even though the new rate of 5 per cent will apply for only nine months, will return at least \$16 000 000 to the Treasury, so it will be almost double the current figure by the end of the 1976 financial year.

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

NATURAL GAS PIPELINES AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 27. Page 672.)

The Hon. JESSIE COOPER (Central No. 2): This Bill is entitled "An Act to amend the Natural Gas Pipelines Authority Act, 1967". However, it would be much more honest to describe it as the "Petroleum Control Act to cover all hydro-carbon, gas, liquid or solid, carbon dioxide, hydrogen sulphide, coal, etc., or any other fuels that come out of the earth". I refer to coal because, although it is not specifically referred to in the Bill, all coal in South Australia contains sufficient hydro-carbons as impurities, or as additional value as fuel, to bring them under the definition of "petroleum" in this Bill.

The Hon. D. H. L. Banfield: How can you put coal through a pipeline?

The Hon. R. C. DeGaris: They do it in Tasmania.

The Hon. T. M. Casey: What, over 780 kilometres?

The Hon. JESSIE COOPER: What is the Minister talking about? Not only does the Bill refer to fuel and sundry other gases but it refers also to installations, storages and distribution facilities. As other honourable members have pointed out, this could be stretched to include pipelines, tanks, refineries, handling facilities and retail store outlets. In brief, it gives the Government power to take over all gas, oil and coal handling facilities. This includes oil refineries, the Birkenhead fuel storages and tanks, coal handling and bunkering facilities, the South Australian Gas Company and all petrol stations and equipment. This Bill is misnamed; it should be described as it really is: a Bill to give the Government power to nationalize all treatment works and distribution systems for all coal, oil, gas and natural fuel resources, and other gases which emanate from the earth. The only fuel-producing source not covered by the Bill is the paddock producing mallee roots.

The Hon. T. M. Casey: I thought you were going to say "hot air".

The Hon. JESSIE COOPER: We have tons in this Council, and we have heard a surfeit this afternoon. This Bill gives the Government the right to control all pipelines and to refuse their use to any but selected users. This would be an effective means of closing down any source of privately owned supply. In fact, it would be just as sensible to give the railways the right to refuse to carry anything other than Government-owned produce. This Bill seems to be forming a sinister pattern in relation to the recent Emergency Powers Bill, a pattern which honourable members must watch closely. That Bill attempted to obtain unlimited power for the Government to rule, for a limited time, without Parliament.

This Bill, following within a few weeks, attempts to give the Government power to nationalize the ownership and supply of petroleum and/or other fuels at any time. If this Bill becomes law, it will immediately kill all oil, gas and coal exploration in South Australia, if it does not immediately kill capital investment in South Australia, which would then appear to be a State willing to accept general nationalization and State control of industry.

The Bill has been introduced slyly and dishonestly. Even the attempt to use the word "petroleum" to cover everything from natural gas to carbon dioxide and hydrogen sulphide is less than honest and, I believe, intended to mislead Parliament. Given a Government determined to force its rights to the legal limit, or at least to the point where it would be too difficult for private people to challenge its actions, I believe I am reasonable in my interpretation of the powers contained in the Bill. If the use of such power and the potential action I have cited are not in the Government's mind, then it has failed to give any other logical reasons for trying to amend the Act.

There are many doubts in my mind about the general nature of the Bill and, indeed, its detail. Having listened to the speeches of other honourable members, I think they, too, have many questions that they want answered and many doubts that they want clarified. I have come to the conclusion that the only solution would be for a Select Committee to be set up to examine the whole matter. In my view, the Bill as it stands does not appear to be necessary in any degree, and it will not have my support.

The Hon. A. M. WHYTE secured the adjournment of the debate.

**HOUSING LOANS REDEMPTION FUND ACT
AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from August 27. Page 671.)

The Hon. F. J. POTTER (Central No. 2): I support the second reading of this Bill, which amends the principal Act to enable it to be consolidated and reprinted under the Acts Republication Act. The principal Act was placed on the Statute Book in 1962, and it is one of those rare Acts that has been entirely unamended since then. It was originally the idea of Sir Thomas Playford, when Premier, to set up the Housing Loans Redemption Fund, which provided insurance for those persons who received an approved Government loan. This insurance was provided to those involved at low premiums. This was possible because the term of a loan was not to exceed 40 years and a person taking out such insurance had to be not less than 25 years of age and not more than 35 years of age. I understand that the only organizations contributing to the fund are the Savings Bank of South Australia, the Stale Bank, the Superannuation Fund, the Housing Trust, the Co-operative Building Society and the Hindmarsh Building Society, which is a somewhat limited group. One is always surprised that people who take out housing loans do not take wider advantage of insurance such as this. It seems that many people are unaware of the great advantages that can accrue to them in the event of the death of a borrower during the term of a loan. Should that happen, the total balance of a loan is wiped off by insurance cover.

It is interesting to note that the fund is at present in credit. The Government could well examine the idea of transferring some of the credit balance back to the Housing Purchase Guarantee Fund, from which the original advance to set up the redemption fund was made; this is, I think, now possible. The Government ought also to examine the possibility of extending the benefits of the fund to borrowers over 35 years of age. True, the premium for a person over 35 years of age would have to be greatly increased, because the risk of death would naturally be so much greater after that age. However, this is not a compulsory form of insurance, and, if the premiums were too high and borrowers did not want to participate in the benefits of the fund, that would be a matter for them to decide. It seems to me to be ridiculous for the benefit to stop at 35 years of age when cover could be extended at higher rates. I understand that the Government intends

to examine this aspect, and I hope that it will consider introducing a further amendment later.

The Government is also taking the opportunity to make one or two minor amendments to the Act to cover part of an advance instead of the whole advance, to make one or two other administrative amendments that are necessary, to enable the benefit to be extended for a period not exceeding one month after the death of a person covered, and to make the usual amendments in the schedule changing references to Imperial currency to decimal currency. The Bill has my support.

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

STATE LOTTERIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from August 27. Page 671.)

The Hon. G. J. GILFILLAN (Northern): I support the Bill, which gives the Lotteries Commission the power to borrow money with the consent of the Treasurer. The Bill also provides for the Treasurer to guarantee such a loan. If the Lotteries Commission has any unused money which it has previously borrowed, it may invest that money, with the consent of the Treasurer. The commission must pay its net income into the Hospitals Fund, and this means that the Commission has no revenue-raising powers. I cannot see anything wrong with giving the commission power to borrow money for a specific purpose, such as purchasing premises, as the Treasurer's consent must be obtained. Because the net income of the commission must be paid into the Hospitals Fund, in what way will the interest and repayment of any loan be funded by the commission? I realize that the commission must pay rent, irrespective of where it is housed. I should like the Minister to tell me whether a portion of such money can be used to fund the repayment of a loan.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL

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

ADJOURNMENT

At 5.3 p.m. the Council adjourned until Thursday, August 29, at 2.15 p.m.